

Scottish Parliament Region: Highlands and Islands

Case 200503282: West Highland Housing Association Ltd

Summary of Investigation

Category

Housing: Applications; allocations; transfers

Overview

The complaint concerns the withdrawal of an offer of housing, which the complainant (Ms C) alleged was both unfair and inflexible and not in compliance with the West Highland Housing Association Ltd (the Association)'s allocations policy.

Specific complaints and conclusions

The complaints which have been investigated are that:

- (a) the offer was unfairly rescinded for reasons that did not comply with the Association's allocations policy (*upheld*); and
- (b) the Association discriminated against Ms C and treated her inflexibly (*upheld*).

Redress and recommendation

The Ombudsman is satisfied that the Association's offer of housing provided a suitable remedy to the complaint. Therefore, she has no recommendations to make.

Main Investigation Report

Introduction

1. On 25 June 2006 Ms C made a complaint to the Ombudsman about an offer of housing which had been made to her in August 2005 and then subsequently withdrawn on 5 September 2005. Ms C said that West Highland Housing Association Ltd (the Association) had been both unfair and inflexible towards her and that their decision to rescind the offer was not in accordance with their stated allocations policy.

2. The complaints from Ms C which I have investigated are that:

- (a) the offer was unfairly rescinded for reasons that did not comply with the Association's allocations policy; and
- (b) the Association discriminated against Ms C and treated her inflexibly.

Investigation

3. The investigation of this complaint involved obtaining and reading all the relevant documentation. This included all the correspondence between Ms C and the Association. I have also had sight of the Association's Housing Allocation Policy and an associated procedural document. On 28 August 2006, a written enquiry was made of the Association and their reply was received on 22 September 2006.

4. My findings and conclusions are set out below and, although I have not included in this report every detail investigated, I am satisfied that no matter of significance has been overlooked. Ms C and the Association were given an opportunity to comment on a draft of this report.

(a) The offer was unfairly rescinded for reasons that did not comply with the Association's allocations policy and (b) the Association discriminated against Ms C and treated her inflexibly

5. As mentioned above (see paragraph 3) the Association provided their response to my enquiries on 22 September 2006. At that point it was confirmed by the Association's Chief Executive that the reason for rescinding the offer (that a home visit and accompanying view had not taken place) was not a requirement stated in their housing allocation policy although it was acknowledged common

practice amongst staff. It was recognised that Ms C, who lived in the North East of England, was some significant distance away from the area where she wished to be housed, in the Western Isles and, therefore, there should have been greater flexibility for dealing with this. However, the Chief Executive admitted that as Ms C had lost the opportunity to move to an area of her choice, this would be small comfort. In the circumstances, the Chief Executive said the Association took responsibility for Ms C's unhappiness and were keen to resolve the complaint. On 12 October 2006, she wrote again saying that as the matter could have been handled better, a further offer of housing had been made to Ms C.

(a) and (b) Conclusions

6. As noted above (paragraph 5) the Association have accepted that they did not handle Ms C's application well and they have sought to remedy the injustice caused as a consequence of their actions by making her another, comparable offer of housing. The Association have also confirmed that their policies and procedures have been reviewed to reflect common practice and applicants are now clearly advised about the requirements with regard to home visits. They have pointed out that 'clearly in cases of distance there is a case for greater flexibility' and that 'more emphasis should be given to this issue along with the cost of travel'.

7. I have considered this response in the light of the evidence surrounding Ms C's case and, while I uphold the complaints, I am satisfied that the Association's offer of housing provides a suitable remedy. I commend the Association for their action on receipt of a complaint from this office.

(a) and (b) Recommendations

8. In view of the Association's recent actions, the Ombudsman has no recommendations to make on this case.

30 January 2007

Explanation of abbreviations used

Ms C

The complainant

The Association

West Highland Housing Association
Ltd