

**Case 200600617: Scottish Executive**

**Summary of Investigation**

***Category***

Scottish Executive and Devolved administration: failure to provide adequate information

***Overview***

The aggrieved (Mr and Mrs A) who were represented by their MSP (Mr C), were concerned that publicity for the Executive's Central Heating Programme for over 60s was inadequate, leading to unfair treatment.

***Specific complaints and conclusions***

The complaints which have been investigated are that:

- (a) there was a failure to promote and advertise properly the central heating programme for over 60s (*not upheld*);
- (b) Mr and Mrs A were unfairly treated in missing the opportunity to apply for a grant (*not upheld*); and
- (c) they were unfairly treated in being refused some compensation for the cost of installing central heating (*not upheld*).

***Redress and recommendations***

The Ombudsman makes no recommendations in this case.

## **Main Investigation Report**

### **Introduction**

1. On 24 May 2006, Mr and Mrs A's MSP (Mr C) complained to the Ombudsman on their behalf about the way in which a central heating programme run by the Scottish Executive (the Executive) was advertised. They complained that they were not aware of this programme because the publicity was inadequate.
  
2. Mr and Mrs A only discovered information about the programme after installing a new central heating system in their house in May 2005.
  
3. The complaints from Mr C which I have investigated are that:
  - (a) there was a failure to promote and advertise properly the central heating programme for over 60s;
  - (b) Mr and Mrs A were unfairly treated in missing the opportunity to apply for a grant; and
  - (c) they were unfairly treated in being refused compensation for the cost of installing central heating.

### *Background*

4. The Executive has run programmes to assist the provision of effective heating for older people since 2001. The programme relevant to this complaint was designed to offer central heating to over 60s in privately owned or rented accommodation who did not have a functioning central heating system. The programme is run on behalf of the Executive by a private contractor who assesses eligibility and supervises installation of systems for those deemed to be eligible. The same contractor is also responsible for ensuring that the programme is adequately publicised to those who may fall within the eligibility criteria.

### **Investigation**

5. In order to establish the adequacy of the publicity campaign for the programme, I have reviewed evidence provided by Mr and Mrs A, including material sent to residents in another area on 4 July 2005. A written inquiry was made of the Executive and their detailed response was received on 14 September 2006. That response included information from the contractors about the organisations they contacted to assist in the promotion of the programme, along with publicity material and details of mailings to residents in

the area where Mr and Mrs A live. In addition, I have reviewed correspondence between Mr C and the Minister responsible for the programme between December 2005 and April 2006, and correspondence between him and Mr and Mrs A.

6. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mr C and the Executive were given an opportunity to comment on a draft of this report.

**(a) There was a failure to promote and advertise properly the central heating programme for over 60s**

7. Mr and Mrs A complained that they had not seen any publicity for the central heating programme. They had not been aware of visits to their area by a promotional bus, had not received any literature about it by post, had not heard of it in local media and were not informed of its existence when visiting an area office of their local authority.

8. In their letter of 14 September 2006, the Executive provided details of visits by the promotional bus to venues in the Council area. These took place on Monday 30 September and Tuesday 1 October 2002 and were advertised in the local press. However, Mr and Mrs A had not been aware of these visits and complained that they were not held in venues near to them.

9. Mr and Mrs A provided an example of a targeted mailing to an acquaintance in another local authority area, but did not receive any similar communication themselves. Further information provided by the Executive from their contractors confirmed that there was a targeted mailing to the likely client group within Mr and Mrs A's area.

10. It is estimated that letters were sent to 88% of those likely to be eligible. The contractor used an external agency to identify households most likely to be eligible for assistance and letters were delivered between 2003 and 2005.

11. However, conflicting advice was given to Mr C concerning this mailing. He had been told in January 2006 that all households in the area had been mailed, but the advice received from the contractors in response to our inquiries confirmed that the more focussed approach described above was undertaken by them.

12. Mr and Mrs A conducted a thorough review of archived copies of the local newspaper from 2002-03 but they said that they did not find any mention of the programme. However, the contractors have stated that there was a reference in that newspaper on 24 December 2003 and in a number of other local and national newspapers in the period before Mr and Mrs A installed their new central heating system. These references were either advertisements or editorial features. The complainants checked the edition of their local newspaper dated 24 December 2003 and found no reference to the programme. On further investigation, I found that an article describing the programme and giving contact details was published in the previous week, in the edition dated 17 December 2003. Although the initial information given by the contractor was inaccurate, I am satisfied that the local newspaper did publish details of the programme.

13. Information from the contractor about their marketing of the programme indicates that the local authority in question was aware of it, had advertising literature for use in its offices and publicised the programme on its own website.

14. Additionally, evidence has been provided by the contractor of other promotional initiatives relating to this programme. These included annual updates to elected representatives on the uptake of the programme in their areas, an event for statutory agencies and voluntary groups working with older people on 15 March 2004, advice in the annual Pensioners' Guide – Scotland, and items in local and national broadcast media including a BBC news item in October 2004.

15. Mr and Mrs A drew attention to advice from the Executive that the publicity strategy for the programme had been revised, suggesting that this was evidence of deficiencies in the original approach taken. A letter from the Minister to Mr C on 2 April 2006 suggested that this revision was concerned primarily with specific interventions to increase take-up by the most vulnerable groups of likely beneficiaries and those not able to access all forms of media.

*(a) Conclusion*

16. It is clear from the evidence provided by Mr C that Mr and Mrs A had not been aware of the existence of the central heating programme. Although this is regrettable, I am satisfied from the evidence available to me that the Executive took reasonable steps to ensure that there was a thorough advertising campaign for the programme which used a variety of media and targeted the

most vulnerable groups. Although Mr C was initially advised that all households in the area had been mailed, it has now been confirmed that this was not the case. I can appreciate Mr and Mrs A's concerns that they did not receive any literature about the programme, nevertheless I am satisfied that the Executive took adequate steps to ensure the programme was well advertised. I do not, therefore, uphold this aspect of the complaint.

**(b) Mr and Mrs A were unfairly treated in missing the opportunity to apply for a grant**

17. In May 2005, when Mr and Mrs A were looking into the options for replacing their heating system, they were not aware of the existence of a programme which may have helped them. They did not, therefore, approach the provider to have their eligibility assessed and then paid for a new system from their own resources. They felt that they were unfairly treated because other people in similar circumstances had benefited from the programme.

*(b) Conclusion*

18. Although I am satisfied that the Executive took adequate steps to ensure that the programme was well advertised, it is not always possible to ensure full awareness during any publicity campaign. However, the scope and extent of this campaign were reasonable. A wide range of advertising media were employed to publicise the programme and the targeted approach adopted was intended to increase take-up by those likely to be eligible, with a particular focus on the most vulnerable groups. I do not, therefore, believe that Mr and Mrs A were treated unfairly by the Executive. In the circumstances I do not uphold this aspect of the complaint.

**(c) Mr and Mrs A were unfairly treated in being refused some compensation for the cost of installing central heating**

19. Having become aware of the central heating programme after installing their own system, Mr and Mrs A asked whether it would be possible to apply retrospectively for a grant to cover their costs. Their MSP made this request on their behalf on 21 December 2005.

20. The Minister responsible for the programme responded on 24 January 2006 saying that this could not be done because it would not be possible to establish whether the eligibility criteria would have been met. When an application was made for assistance under the programme, the contractor would undertake an initial assessment to consider these criteria. One criterion

was that the applicant had no central heating or that their existing system was broken and not reparable. In Mr and Mrs A's case, the installation of a new central heating system necessitated the removal of their old system. This meant that their old system was no longer available for inspection and it would not have been possible for the contractor to determine whether it had been beyond repair.

21. The Executive has confirmed that there are no circumstances under which grants are made retrospectively under this programme.

*(c) Conclusion*

22. It is reasonable for the Executive to refuse retrospective grants because of the impossibility of determining eligibility at the time before a new system was installed. Indeed, to make such retrospective awards may, itself, introduce an element of unfairness to the system. I do not, therefore, believe that Mr and Mrs A were treated unfairly and do not uphold this aspect of the complaint.

23 May 2007

**Explanation of abbreviations used**

Mr C	The complainant who was Mr and Mrs A's MSP
Mr and Mrs A	The Aggrieved
The Executive	The Scottish Executive