



# What to do if you have a complaint about council tax benefit or housing benefit

We provide a free, independent and impartial service for dealing with complaints about public services in Scotland. You may feel that an organisation provided a poor service, delivered a service badly or failed to provide a service. If this has caused you hardship or injustice, we may be able to look into your complaint. We can normally only deal with complaints if you have already gone through the complaints procedure of the organisation that provided the service.

This leaflet tells you what you can do if you think your council tax benefit or housing benefit is wrong or that your claim hasn't been handled properly. It also explains what we can and cannot do.

## Information about council tax/housing benefit claims

It's for councils to make decisions about council tax benefit and housing benefit claims. They're responsible for providing this service in their area, and run these schemes in line with government regulations. People sometimes come to us because they think that the council have made a mistake in making a decision about their claim and they want us to get it changed. **You can't, however, appeal the council's decision about these benefits through us. The next section tells you what to do if you want to appeal. We explain what we can do later in this leaflet.**

### How can I appeal against a council decision?

We can't change the decision on your council tax or housing benefit claim. If you're refused council tax benefit/housing benefit, or if you aren't happy with the council's decision on how much benefit they've granted, you can ask the council to review this. You should contact them within one month of their decision letter.

The council should then review this and send you a statement explaining their decision. If you're still unhappy with the outcome, you can appeal to an independent appeal tribunal. You must do this within a month of the date on the council's decision statement. Details of how to do this should be on that letter. If they are not, contact the council immediately for advice on the appeals process.

If you request an appeal to an independent appeal tribunal you can ask for either an oral hearing where you, or someone representing you, can attend and put your case forward, or you can request a paper hearing where no-one is required to attend. An appeal hearing takes place in front of an independent and legally qualified tribunal panel who are not employed by the council's benefits department. The panel will look at the facts of the case and come to a decision.

If you remain unhappy after the independent appeal tribunal's decision you may be able to request a further appeal to the Upper Tribunal. That is the last step in the appeal process.



SPSO freephone **0800 377 7330**

## **What should I do if I have a problem with a service?**

If you are unhappy in any other way with the service you've received, you should first report the problem to the council. They will consider your concerns and they should try to deal with them.

## **I reported the problem and am still unhappy. How do I complain?**

You should normally complain to the council if they have still not dealt with the matter after you reported it. This doesn't just mean telling staff about the problem. It means making a formal complaint telling the council that they have not sorted it out. You should approach them direct and ask for details of their complaints procedure. If you have internet access you may be able to find this on their website.

We usually expect you to have completed the council's complaints procedure before we will look at your complaint. This gives them the chance to try to put things right. If you're still unhappy after going through their complaints procedure, or if the time they're taking to look into your complaint is unreasonable, you can complain to us.

**You should normally make your complaint to us within 12 months of realising that you think the council have done something wrong.**

## **What we can look into**

We can look into how the council dealt with your complaint about a council tax benefit or housing benefit claim. We will consider whether there was something wrong in the way they handled your request or dealt with the complaint and whether this has caused you problems.

For example, we could look at a complaint about:

- delay in processing an application
- failure to provide a reasonable service
- incorrect / misleading information or advice
- staff attitude / poor communication
- poor complaints handling.

## **However you should note that we can't look at:**

- the amount of benefit awarded, your right to benefit, or the date on which your benefit is due to begin. To appeal this, see the section "How can I appeal against a council decision?" on page one.
- any decision made by the Tribunals Service.

We also can't question the council's decision on an individual benefit claim, unless there is evidence that there was something wrong in the way the decision was made. We can't make them change a decision but we may ask them to review it if we find things have gone wrong.

We cannot look at complaints that have been considered in court, or that are the subject of court proceedings.

We understand that complaints can be complicated so please call us on our freephone helpline number **0800 377 7330** if you want to discuss your complaint.

## **How we put things right**

If we find that something's gone wrong, as well as putting things right for you we want to try and stop the same thing happening to someone else.

That's why some of our decisions and reports also have recommendations. These may include recommending that the organisation apologise or change their procedures.

We may ask them to return the situation to what it would have been if they'd acted correctly in the first place. We will look carefully to see what happened and how you have been affected. We will check to make sure that the organisation carries out our recommendations.

We make some of our investigations public. We do this to share what we have learnt from complaints and to help improve how public services are delivered in Scotland. You can search our public reports online at: **[www.spsso.org.uk/our-findings](http://www.spsso.org.uk/our-findings)**

## How to complain to SPSO

- Write to us and tell us what happened. It's best to use our complaint form if possible. You can find this on our website at [www.spsso.org.uk](http://www.spsso.org.uk) where you can fill it in online or print it off to complete. Or phone our freephone helpline number on **0800 377 7330** and we will send you one.
- Tell us what went wrong, and what you would like to happen to get things put right.
- Send us copies of the main paperwork about your complaint. Please make sure you include the final response you received from the council after you complained. It also helps if you send us your original letter of complaint to them.

## Can someone else make a complaint for me?

Yes, if you give them written permission. Phone us on **0800 377 7330** and ask for a consent form. You can get help from your local Citizens Advice Bureau, where an adviser can help you fill in a complaint form or complain for you. Your Member of the Scottish Parliament (MSP), councillor, Member of Parliament (MP), or a friend or relative may also be able to help.

## More help and advice

### Citizens Advice Scotland

Citizens Advice Scotland may be able to give you further advice and guidance. You can discuss your concerns with your local Citizens Advice Bureau. To find your nearest Bureau please visit [www.cas.org.uk](http://www.cas.org.uk), or look in the phone book.

### Shelter Scotland

Shelter Scotland have plenty of advice, including a benefits calculator, on their website. Or you can call their free national helpline for advice. Make sure you say you're calling from Scotland as advice for people living here will be different from that given for England and Wales.

Telephone helpline: **0808 800 4444**

Website: [www.scotland.shelter.org.uk](http://www.scotland.shelter.org.uk)

### Law Society of Scotland

You may also wish to seek legal advice about whether there is a legal route for your concerns.

The Law Society of Scotland may be able to help you find a solicitor.

Telephone: **0131 226 7411**

Website: [www.lawscot.org.uk](http://www.lawscot.org.uk)

### Welfare Rights

Most councils provide a welfare rights service. To find the local one for you, contact your council.

We can give you this leaflet in other languages and formats (such as large print or Braille) if you ask.

## Contacting us

If you're not sure whether we can look at your complaint, please contact us. You can also call us if you're not sure whether you have gone through the complaints procedure of the organisation you are unhappy with. If appropriate, we'll guide you through that.

We're happy to talk to you. One of our complaints reviewers is always available to discuss your complaint with you.

You can contact us by phone, in writing or by visiting our office. You don't need to make an appointment.

Our address is:

**SPSO**

**Bridgeside House**

**99 McDonald Road**

**Edinburgh**

**EH7 4NS**

Our Freepost address

is:

**FREEPOST SPSO**

Opening hours:

**Monday, Wednesday, Thursday,  
Friday 9am – 5pm, Tuesday 10am – 5pm**

Freephone:

**0800 377 7330**

Website:

**[www.spsso.org.uk](http://www.spsso.org.uk)**

