

SPSO decision report

Case: 201102422, The City of Edinburgh Council
Sector: local government
Subject: applications, allocations, transfers and exchanges
Outcome: some upheld, recommendations

Summary

Mr C's late mother (Mrs A) was a council tenant before her death, and he complained to us about the way the council had handled a request for his mother's carer to move into the house shortly before his mother died. Although the request appeared to come from his mother, he told us that she had dementia and that the council did not establish if she had the capacity to make this decision when they allowed the carer to move in. He was also unhappy with the way the council handled the situation when, after his mother died, the carer was allowed to succeed to the tenancy.

As it was clear that the council knew that Mrs A had dementia, we were concerned that they accepted the request without making certain specific checks. We took the view that this meant they had failed to safeguard the interests of a vulnerable tenant and we upheld this part of the complaint. The council told us that it was impossible to say whether a further check would have changed the decision in this case. They apologised, however, that their procedure was not as robust as it could have been. They agreed to revise their procedures to provide guidance and ensure that in future there would be a home visit and further checks before a carer could move in. We found no evidence, however, that they failed to follow the correct procedure in handling the succession to the tenancy.

Recommendations

We recommended that the council:

- ensure that the interim arrangements are now in place and that the new policy and guidance is completed and in place as soon as possible.