

SPSO decision report

Case: 201304223, Angus Council
Sector: local government
Subject: applications, allocations, transfers & exchanges
Outcome: some upheld, recommendations

Summary

Mrs and Ms C told us that they registered for the council's downsizing incentive scheme when it was first introduced, as they no longer needed a three bedroom house. (This was a scheme where tenants were offered a cash payment if they moved to a smaller house.) When they were offered their current property in June 2013 they expected to receive a payment and were shocked to be told that the scheme had ended. An article later appeared in the local press referring to the scheme 'continuing' because it had been a success.

Mrs and Ms C complained to the council. They said they felt penalised and discriminated against because they moved during a period when the council said the scheme was not in place. Mrs and Ms C said that had they known that it was to be continued later they could have made a more informed decision about moving house. In reply, the council said that the scheme ended on 31 March 2013 as there was no new money to keep it going. However, new funding later became available and officers decided to seek approval to introduce a new scheme. This was approved in September 2013 and the scheme came into effect on 1 October 2013. Mrs and Ms C then complained to us that the council unreasonably refused to make them a downsizing incentive payment when they moved, and did not reply to their correspondence within the published time limits for doing so.

When we investigated, the council told us that information about the scheme was available on the internet and on posters in council offices. Funding was made available for it on an annual basis, and it was suspended from 31 March 2013 because it could not be funded again at that time. We did not find any service failure or maladministration in the council's decision to suspend the scheme. This was a decision that they were entitled to make and as the scheme was suspended at the time Mrs and Ms C took up the new tenancy, the council's decision not to make an incentive award was correct.

We understood, however, why Mrs and Ms C felt so aggrieved, and we were concerned that the council did not keep them, or other tenants who had applied for the scheme, directly informed about amendments to it. We also noted an inconsistency of language on the part of the council when referring to the scheme's status. We found no evidence at all of any correspondence with Mrs and Ms C on this matter, or that it was discussed with them when they were offered their current property. We upheld the complaint about the failure to respond, and took the view that putting information on the internet, or on posters in council offices was not sufficient in this case, especially as there must have been only a very limited number of tenants involved. We, therefore, made recommendations to address this.

Recommendations

We recommended that the council:

- review their decision not to make a downsizing payment to Mrs and Ms C in view of their failure to keep them informed of the changes made to the scheme; and
- review their procedures and put in place measures to ensure that tenants are kept better informed in any future amendments to the scheme or any similar initiatives.