

SPSO decision report

Case: 201305362, Falkirk Council
Sector: local government
Subject: local housing allowance and council tax benefit
Outcome: upheld, recommendations

Summary

Mr C complained to us about the council's handling of an application for local housing allowance (LHA) from the tenants of his flat. As landlord, Mr C became concerned when his tenants were late with their rent payment. He requested the council pay the LHA directly to him, and submitted appropriate evidence. They assured him he would receive the appropriate payment when they had processed his application. Two months later the council processed the tenants' claim for LHA, along with Mr C's claim for direct payments and found that the tenants were already receiving payments for a previous tenancy. Mr C, therefore, only received a payment for two weeks' rent, as that was the amount of LHA outstanding at the time of processing.

The council admitted that there were delays in processing the LHA claim. However, they said that they could not make further payments as the tenants had received appropriate LHA payments and they could not raise further payments for the account.

We confirmed that the council delayed in processing both claims. We found that this led them to provide Mr C with inaccurate information, and to continue payments to the tenants even when Mr C had provided sufficient evidence of rent arrears. We concluded that, as the council were responsible for these failures, they should pay Mr C the equivalent of the LHA payments made after his application for direct payments.

Recommendations

We recommended that the council:

- pay Mr C the equivalent of his tenants' rent for the relevant period;
- apologise to Mr C for the delays in handling his tenants' LHA application, for providing him with misleading information, and for the time and effort involved in this complaint; and
- put arrangements in place to ensure that landlords are appropriately informed of any delays in processing and the possible impact this may have on their tenants' LHA claim.