

## SPSO decision report

**Case:** 201404177, The Moray Council  
**Sector:** local government  
**Subject:** rent and/or service charges  
**Outcome:** some upheld, recommendations

### Summary

Mr C complained that he had to pay a service charge while he was in temporary accommodation. He also complained that the council did not process his medical assessment form in line with their procedure, and did not communicate properly with him about an offer of housing.

The council said that the service charge was in line with their policy and is for maintaining temporary accommodation, which has a higher turnover than the main housing stock. They said that they had responded to Mr C about his medical assessment application and explained how medical points are awarded. They also apologised for not being proactive in contacting him about his offer of accommodation.

As we found that the service charge was in line with the council's policy, we did not uphold Mr C's complaint about this. The level of the charge is a discretionary decision for the council to make. However, we found that the council took longer than the four weeks specified in their policy to process his medical assessment application and did not let him know that there was a delay, so we upheld that complaint. We also found that they had failed to correctly categorise the property Mr C was offered, as empty (void) properties such as that one, which need work that will take more than 15 working days should be recorded as 'not offerable'. They had also allowed Mr C to accept the offer as 'subject to viewing' which contravened their void management procedure. In light of these findings, we also upheld Mr C's complaint about the council's communication.

### Recommendations

We recommended that the council:

- issue Mr C with an apology for failing to process his medical assessment application in line with their procedure;
- revisit their policy on processing medical assessment forms and ensure that if they are unable to meet the four week deadline that they advise applicants of the delay;
- issue Mr C with an apology for failing to process his offer of accommodation in line with their procedure; and
- revisit their procedure on void management, and remind all staff that properties requiring works of more than 15 working days should be recorded as 'not offerable' and that properties cannot be accepted 'subject to viewing'.