

SPSO decision report

Case: 201507604, East Dunbartonshire Council
Sector: local government
Subject: local housing allowance and council tax benefit
Outcome: not upheld, recommendations

Summary

Mr C raised concerns about a decision by the council to reduce an award of discretionary housing payment (DHP).

Mr C complained that the council had unreasonably based their decision on the length of time he had been receiving the award, rather than on his individual circumstances. Mr C also complained that in making the decision, the council had acted unreasonably by failing to consult their policy on the prevention of homelessness.

We considered that, taking account of the relevant Department of Work and Pensions (DWP) guidance and their own DHP policies, the council had a wide discretion to reach a decision on Mr C's DHP application. We considered the council could take into account the length of time Mr C was in receipt of an award of DHP. We found no evidence that in making their decision, the council had not followed DWP guidance.

We also found no indication in Mr C's DHP application form that he would be under threat of homelessness were his application not successful, which could have prompted specific consultation on the council's homelessness policy. We did not find that Mr C was made homeless by the decision to reduce his award of DHP. However, we considered the council should ensure their relevant housing team and revenues and benefits team liaise with each other in cases where a claim for DHP is being considered and which may involve the loss of a tenancy and possible homelessness. We made a recommendation in relation to this.

Mr C sought a review of the council's decision. Mr C complained the council had acted unreasonably by allowing a manager to review a decision in which they had already taken part and by basing their decision during the review process on cash limits rather than a holistic approach required by council policy. We considered that the council officer was only restating the decision which had already been reached on Mr C's review request. We were also satisfied that the DHP fund was cash limited and considered that the council were reasonably entitled to take this into account. We did not find that the council had failed to take account of the DWP guidance and their DHP policies when reviewing Mr C's claim. We therefore did not uphold Mr C's complaint.

Recommendations

We recommended that the council:

- ensure the relevant housing and revenues and benefits teams liaise with each other in cases where a claim for discretionary housing payment is being considered and which may involve the loss of a tenancy and possible homelessness.