

SPSO decision report

Case: 201603564, East Lothian Council
Sector: local government
Subject: council failure to follow scottish government guidance
Decision: some upheld, recommendations

Summary

Mr C complained that the council's Scottish Welfare Fund team had taken an unreasonable length of time to fulfil a community care grant award for removal costs. Mr C said that, as a result, he incurred additional rent charges due to not being able to move into his new property and not receiving housing benefit for that new property until he was a resident there. He was also unhappy with delays in the council responding to his complaint and not being kept updated on the progress of his complaint.

We noted that the council processed his community care grant application well within the statutory timescales. The council uses a particular removal firm to fulfil awards and, after an award is made, informs the firm and leaves them and the applicant to liaise about the details of the removal. We found nothing in the Scottish Welfare Fund regulations or statutory guidance to suggest that this arrangement was not allowable. We also noted that the council contacted the removal firm for an update after a reasonable length of time. The firm informed the council that they had issues contacting the applicant but were able to make arrangements soon afterwards. Overall, we did not find any evidence of maladministration during the application process or in the council's method of fulfilment. Therefore, we did not uphold this aspect of Mr C's complaint.

However, we did find that the council took an unreasonable length of time to respond to Mr C's complaint. We also found that they did not keep him updated and that they missed their own timescales that they laid out to him. Although there was an apology in their response to him, we did not consider that it was adequate or that their response fully explained the reasons for the delays. Therefore, we upheld this aspect of Mr C's complaint and instructed the council to provide Mr C with a fuller explanation and an apology for the delays.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for the failings in complaints handling.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.