

## SPSO decision report

**Case:** 201604160, The City of Edinburgh Council  
**Sector:** local government  
**Subject:** local housing allowance and council tax benefit  
**Decision:** some upheld, recommendations

### Summary

Miss C complained that the council failed to follow their policies and procedures before raising court proceedings to recover rent arrears. She also complained that they failed to follow policies and procedures in relation to recovery of council tax arrears. Miss C has a history of depression, stress and anxiety and has had spells when she has been well enough to work, as well as periods when she has been in receipt of benefits due to ill health. She pointed out that she had always notified the council of any change in her employment.

We found that the council had followed their policies and procedures in relation to recovery of rent arrears. It appeared that the council had correctly identified her as vulnerable and had taken steps to ensure that her arrears did not get out of hand, in line with their protocol. We did not uphold this complaint.

In relation to the council tax arrears, the council had instructed sheriff officers to recover council tax arrears dating back almost 20 years. Miss C accepted that she owed council tax, but she questioned how the council could pursue her for debts dating so far back. The council advised that the Department of Work and Pensions (DWP) had not notified them when her direct deductions (deductions taken from benefit payments in order to repay debts) ceased, and that the debt had remained on hold until the council's debt recovery team recently carried out a review of all historical debts. The council accepted that there had been administrative failings in dealing with her historical debts. We considered that poor communication had led to an opportunity to share information being missed. Had there been better communication between departments, it may have been picked up sooner that she was no longer in receipt of benefits and was therefore not having direct deductions taken by DWP.

We found that although the officers involved in collecting Miss C's rent were aware of her depression and appeared to recognise her vulnerability, those pursuing her for council tax arrears failed to take her vulnerability into account. In terms of their policy, the council had discretion in relation to recovering the arrears, taking into account her vulnerability. We noted that they had certain write-off powers, but they satisfied us that these were not applicable in these particular circumstances. We upheld this complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Miss C for failing to note that she was no longer having direct deductions taken by DWP, leading to a build-up of council tax arrears dating back many years. Further apologise to Miss C for failing to identify her as vulnerable when recovering council tax arrears from her. These apologies should comply with SPSO guidelines on making an apology, available at [www.spsso.org.uk/leaflets-and-guidance](http://www.spsso.org.uk/leaflets-and-guidance).
- Review the way they treated Miss C in relation to their policies and her vulnerability, with a view to writing off some or all of the council tax arrears. They must explain their reasons for their decision in clear, jargon-free language.

What we said should change to put things right in future:

- Communication between relevant departments, particularly with regard to vulnerable tenants, should be improved.

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.