

## SPSO decision report

**Case:** 201607228, Fife Council  
**Sector:** local government  
**Subject:** anti-social behaviour  
**Decision:** some upheld, recommendations

### Summary

Mr C, an advocacy and support worker, complained to us on behalf of his client (Ms A). Mr C complained that the council had unreasonably failed to respond to Ms A's complaints of anti-social behaviour. He also complained that the council failed to assess Ms A's housing application in line with their obligations.

We found that the council had responded appropriately to Ms A's complaints about anti-social behaviour, and that their responses to her complaints were in accordance with their policy. As such, we did not uphold this aspect of Mr C's complaint.

Regarding the housing application, Ms A was unhappy with the housing award that the council had given her and felt that she qualified for a different award. Mr C wrote to the council on Ms A's behalf to appeal the outcome of the award. In this letter, Mr C provided detailed evidence from Ms A which Ms A considered to be proof that she met the criteria for a different housing award. The council treated Mr C's letter as a complaint and provided a stage two complaints response. We found that the council had incorrectly treated Mr C's letter as a complaint, rather than an appeal against Ms A's housing application. Whilst Mr C had addressed his letter to the incorrect recipient at the council, we found that the council had not communicated clearly with Ms A or Mr C, which had led to confusion. We found that the council did consider a later appeal submitted by Ms A, however at this time they did not take into account the contents of Mr C's earlier letter. Given that the council had not considered all of the relevant information with respect to the appeal, we upheld Mr C's complaint about Ms A's housing application.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Ms A for failing to take into account all relevant information as part of the appeal of her housing application. The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsso.org.uk/leaflets-and-guidance](http://www.spsso.org.uk/leaflets-and-guidance).

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

- Staff should take into account relevant information when considering appeals in housing matters.

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.