

SPSO decision report

Case: 202302342, West Whitlawburn Housing Co-operative Ltd
Sector: Housing Associations
Subject: Applications / allocations / transfers / exchanges
Decision: not upheld, no recommendations

Summary

C complained that their housing transfer application had been unreasonably handled by the housing association. In particular, C complained that they had not been offered a transfer when suitable new build housing had become available. C explained that a restriction had been placed on their transfer application without them being informed as they had declined a property with four flights of external stairs, which their partner could not manage due to their health condition. C explained that external stairs were a problem for their partner, however, they could manage one flight of internal stairs as they could control the temperature inside the property. Despite C explaining this, the restriction had remained in place as the association's allocation policy did not distinguish between internal and external stairs. C considered this to be discriminatory.

The association confirmed that their allocation policy did not distinguish between internal and external stairs, and it remained their view that a property with stairs would not be appropriate for C's partner, noting that they would still have difficulty managing internal stairs when their health condition flared up.

We found that the association had reasonably considered C's transfer application request in line with their policy. While we explained to C that this office cannot determine whether equalities legislation has been breached in reference to their concerns of discrimination, we can consider whether an organisation has taken the relevant legislation into account. On review, we considered that the association had reasonably demonstrated having taken their legislative requirements into account, particularly at the point of reviewing their allocation policy. We did not uphold the complaint.