

Case 200603376: Glasgow City Council

Summary of Investigation

Category

Local government: Finance; Housing benefit and council tax

Overview

The complainant, Mr C, raised a number of concerns about the way in which Glasgow City Council (the Council) dealt with Mr A's application for Housing and Council Tax Benefit.

Specific complaints and conclusions

The complaints which have been investigated are that:

- (a) Mr A's claim for Housing and Council Tax Benefit made in January 2006 was not processed until July 2006 (*upheld*);
- (b) payment was not received until 2 August 2006 (*partially upheld*);
- (c) the Council wrongly denied that they were aware that Mr A was suffering distress as a consequence of their delay (*upheld*); and
- (d) a change of circumstances reported to the Council in August 2006 was not processed until November 2006 (*not upheld*).

Redress and recommendations

The Ombudsman recommends that the Council consider favourably any reasonable claim for out of pocket expenses that Mr A may make and apologise to him for their failure to recognise his distress and for their delay in determining his claim.

The Council have accepted the recommendations and acted on them accordingly

Main Investigation Report

Introduction

1. On 29 January 2007, Mr C, who works as a solicitor in a law centre, complained on behalf of his client, Mr A, about the way in which Glasgow City Council (the Council) dealt with his application for Housing and Council Tax Benefit. He said that Mr A submitted his claim in about January 2006 but that, despite his own involvement from May 2006, it was not until July 2006 that he was advised that the claim had been processed. Payment was not received until 2 August 2006 so that, in the meantime, Mr A had suffered stress and inconvenience. However, Mr C said, the Council claimed to be unaware of this. Later, in August 2006 when a change of circumstances was reported by Mr A, it was alleged that the Council again delayed in dealing with the matter and it was not until November 2006 that his claim was processed.

2. The complaints from Mr C which I have investigated are that:

- (a) Mr A's claim for Housing and Council Tax Benefit made in January 2006 was not processed until July 2006;
- (b) payment was not received until 2 August 2006;
- (c) the Council wrongly denied that they were aware that Mr A was suffering distress as a consequence of their delay; and
- (d) a change of circumstances reported to the Council in August 2006 was not processed until November 2006.

Investigation

3. The investigation of this complaint involved obtaining and reading all the relevant documentation, including correspondence between Mr C and the Council. A formal enquiry was made of the Council on 17 May 2007 and their response was received on 27 June 2007.

4. While I have not included in this report every detail investigated, I am satisfied that no matter of significance has been overlooked. Mr C and the Council were given an opportunity to comment on a draft of this report.

Legislation

5. Under the terms of the Housing and Council Tax Benefit Regulations (the Regulations), where the claim has been made in the proper manner and the claimant has provided information reasonably required by the local authority, the general rule is that the claim must be determined within 14 days or 'as soon

as reasonably practicable thereafter'. Where claims have been properly submitted, and the information reasonably required by the local authority provided, and the claim has not been determined within this timeframe the authority should make interim payments pending determination of the claim.

(a) Mr A's claim for Housing and Council Tax Benefit made in January 2006 was not processed until July 2006

6. As mentioned above (see paragraph 3), the Council provided their response to our enquiries on 27 June 2007, which detailed the contacts between Mr A, Mr C and themselves. Amongst other things, the Council expressed the view that Mr A's claim had been complex owing to a number of changes in his personal circumstances over the course of a few months. They said this had inevitably caused delays in processing his claim, owing to the fact that the Council had to liaise with a number of external agencies in order to confirm the position. However, they acknowledged that the length of time taken to process Mr A's claim was too long (that is, from 14 February 2006 when Mr A provided all the relevant information to determine his claim until payment was authorised on 12 July 2006). They confirmed that this was well outside their target of 36 days and not in line with the Regulations.

7. The Council advised that they had, therefore, undertaken an internal review identifying areas where a more proactive approach on their part would have led to an improved service for Mr A and they confirmed the changes that had been introduced in autumn 2006 as a consequence. The Council also made the point that, although at the time of Mr A's claim they were replacing their processing system, this should not have affected Mr A's claim adversely as it did. The hardship he experienced should have been identified and an emergency payment should have been made in line with the Regulations. The Council expressed their regret for the situation.

(a) Conclusion

8. The Council agreed that there was delay in the way that they handled Mr A's claim. This was a service failure and should not have happened. I, therefore, uphold the complaint but I am satisfied that the apology given and the remedial action since taken provides a suitable remedy to this aspect of the complaint.

(b) Payment was not received until 2 August 2006

9. In their formal response (see paragraph 3), the Council said that a payment authorisation was issued on 12 July 2006 and that a BACS (a Banks Automated Clearing System) transfer was made into his account on 21 July 2006. The Council expressed regret that this had taken longer than usual and said that this was probably as a consequence of their new processing system but, with the passage of time, they could not provide any further detail. However, they could not say why it was that the payment then took until 2 August 2006 to reach Mr A. They suggested that Mr A may wish to pursue this with his bank.

(b) Conclusion

10. The Council agreed that there was a delay until 21 July 2006 (although not until 2 August 2006) when the payment due to Mr A was made into his account. They expressed a view as to the reason for this. Notwithstanding the reason, this was a service failure and I partially uphold the complaint.

(b) Recommendation

11. Given the likely explanation, and that the new system has now been fully implemented, the Ombudsman is satisfied that the problem which occurred has been addressed, however, she recommends that a formal apology be made to Mr A in relation to this aspect of the complaint.

(c) The Council wrongly denied that they were aware that Mr A was suffering distress as a consequence of their delay

12. The Council said that Mr A first informed them that he was experiencing difficulty on 14 February 2006. They then received a letter from Mr C (on 25 May 2006) outlining his urgent needs and expressing concern at the delay so far. The Council's formal response confirmed that this was, therefore, a clear expression of dissatisfaction which should have been entered into their formal complaints process and dealt with accordingly. This did not happen. A further letter from Mr C (dated 4 September 2006) was also acknowledged not to have been treated properly and the Council expressed their regret that Mr A had not received the level of customer care that he should have received. They said that, following the review which then took place (see paragraph 7), a new process was initiated to deal with Housing and Council Tax Benefit complaints. A Customer Liaison Unit with staff skilled in customer care now deals with all such correspondence.

(c) Conclusion

13. I agree that the Council did not deal well with Mr A's, and then Mr C's, correspondence and that they failed initially to recognise the distress the protracted nature of this matter caused him. This is maladministration and I uphold the complaint. However, since initiating this investigation, Mr C has said that Mr A should be compensated and reimbursed his out of pocket expenses. It is for the courts to assess and award compensation and not for this office and, therefore, the matter of compensation has not been pursued. However, with regard to any out of pocket expenses Mr A may have, I suggest that if he has not made a claim to the Council, he do so now.

(c) Recommendations

14. The Ombudsman recommends that the Council consider favourably any reasonable claim for out of pocket expenses that Mr A may make and apologise to him for their failure to recognise his distress. Otherwise, she is satisfied with the action already taken by the Council in relation to this matter (see paragraph 12).

(d) A change of circumstances reported to the Council in August 2006 was not processed until November 2006

15. The Council advised that, when Mr A reported his change of circumstances on 18 August 2006, he was issued with a letter advising that he needed to complete an application for Housing and Council Tax Benefit (which they enclosed) and send proof of income for the previous two months. Mr A returned some information and a further letter was sent to him on 8 September 2006 acknowledging his change of circumstances but saying that proof of income was still required. On 19 September 2006 Mr A returned the changes in circumstances form and also advised that his income had changed from Income Support to Incapacity Benefit. Unfortunately, he did not provide sufficient proof to allow the Council to process his claim until 3 November 2006, when his claim was processed the same day.

(d) Conclusion

16. While it is clear that in August 2006 Mr A reported a change of circumstances to the Council, it is also clear that all the relevant information to allow the Council to reassess his claim was not provided until 3 November 2006. This being so, I cannot conclude that there was a delay in the way the Council handled this matter. I do not uphold the complaint.

17. The Council have accepted the recommendations and have acted on them accordingly. The Ombudsman asks that the Council notify her when the recommendations have been implemented.

19 December 2007

Explanation of abbreviations used

Mr C	The complainant
Mr A	The aggrieved
The Council	Glasgow City Council
The Regulations	Council Tax Benefit Regulations