

Scottish Parliament Region: Mid Scotland and Fife

Case 200601798: Stirling Council

Summary of Investigation

Category

Local government: Applications, allocations, transfers and exchanges

Overview

The complainant, Mr C, complained that his granddaughter (Ms A) had been disadvantaged in applying for a Council property because of errors made in the application process.

Specific complaints and conclusions

The complaints which have been investigated are that the Council:

- (a) wrongly suspended Ms A's application for housing, thereby jeopardising her chance of being allocated a house (*not upheld*); and
- (b) incorrectly awarded too many overcrowding points to Ms A (*upheld*).

Redress and recommendations

The Ombudsman recommends that the Council:

- (i) confirm to this office the steps taken to prevent repetition of the incorrect suspension of Ms A's housing application;
- (ii) confirm that work to correct the computer system error has been completed satisfactorily; and
- (iii) apologise to Ms A for the distress caused by the incorrect award of overcrowding points.

The Council have accepted the recommendations and will act on them accordingly.

Main Investigation Report

Introduction

1. Mr C first contacted the Ombudsman on 15 September 2006 to complain about the way his granddaughter (Ms A)'s housing application had been dealt with by Stirling Council (the Council). He felt that Ms A had been denied the opportunity of being housed because of errors in the way her housing situation was assessed. Mr C had complained on her behalf to the Council and had received responses to his complaints, culminating in final responses from the Council's Corporate Complaints Officer (Officer 1) on 31 August and 3 October 2006. The Council's investigation of the complaint identified errors in the system but noted that these had not led to Ms A missing out on a housing allocation.

2. The complaints from Mr C which I have investigated are that the Council:
- (a) wrongly suspended Ms A's application for housing, thereby jeopardising her chance of being allocated a house; and
 - (b) incorrectly awarded too many overcrowding points to Ms A.

Investigation

3. In order to investigate Mr C's complaints, I reviewed the correspondence between him and the Council. I referred to the Council's guide for housing applicants, which details the points system for determining the priority of an application. I asked the Council for clarification of some technical aspects of their housing allocations system on 29 November 2006 and received their response on 22 December 2006.

4. I have not included in this report every detail investigated but 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.

(a) The Council wrongly suspended Ms A's application for housing, thereby jeopardising her chance of being allocated a house; and (b) the Council incorrectly awarded too many overcrowding points to Ms A

5. Ms A first applied for housing to the Council Housing Service on 13 November 2003 and she was placed on the Council's waiting list at that time. On 11 May 2006, Ms A notified the Council that an additional adult was now residing at the property where she was temporarily housed (Property 1). This new information did not necessitate a fresh application as the adult in question

was not applying for rehousing as part of Ms A's household. In keeping with their usual policy, the Council undertook more detailed checks on Ms A's application because she was placed near the top of the 'mainstream'¹ waiting list. Ms A had been advised on 22 May 2006 that she was at the top of the waiting list for a two-bedroom property. The Council was not satisfied with the proof of residency of the additional person and, in keeping with their policy, made Ms A's application non-active on 30 June 2006 while further proof was sought. This information was judged to be necessary to establish the extent of Ms A's overcrowding.

6. While Ms A's application was non-active, a two-bedroom property (Property 2) in the area for which she was applying became vacant. The housing list was checked on 5 July 2006 with a view to making an offer to the mainstream applicant at the top of the waiting list. An allocation was not made on this occasion as the circumstances of the person at the top of the list had changed. The Council had to undertake checks to establish this, so the property was not allocated until the list was checked again a week later on 12 July 2006.

7. Ms A submitted a fresh housing application to the Council on 12 July 2006 because she had moved to privately rented accommodation (Property 3). Mr C stated that the reason for her decision to move was that the property she had hoped for had been allocated while her application was suspended. The Council stated that they did not inform Ms A that Property 2 had been allocated. Ms A's new application was made active on 28 July 2006.

8. While investigating Mr C's complaint, the Council found that Ms A's initial application had wrongly been made inactive on 30 June 2006. Ms A had already been awarded the maximum available points for overcrowding and the presence of another adult in Property 1 would not affect that total. There was, therefore, no need to seek further proof that the additional person was resident in Property 1 and no reason to suspend the application.

9. The Council acknowledged this error in their letter to Mr C of 28 July 2006 and offered a full apology. In that letter, they also noted that they had

¹ Stirling Council alternates allocations between homeless applicants and applicants from the 'mainstream' list, which comprises tenants seeking transfers and new applicants who are not homeless.

'instructed that measures be put in place to prevent any repetition of this in future'.

10. Mr C complained that this incorrect suspension of Ms A's application had meant that she missed out on being allocated Property 2 because she was at the top of the list when this property became available. For reasons that will be examined below (paragraphs 12-14), Ms A had, in fact, been given the wrong total of overcrowding points and the Council stated that the checks they undertake on an application when an allocation is being made would have revealed this. This means that Ms A would not have been at the top of the list as she had been advised and would not, therefore, have been offered the tenancy of Property 2.

11. When Ms A moved to Property 3, her overcrowding points ceased to apply and she, therefore, dropped in position on the waiting list. She was eventually rehoused on 5 February 2007.

12. The Council identified the error in Ms A's award of overcrowding points (paragraph 10 refers) in the course of investigating Mr C's complaint. She had been allocated 150 overcrowding points in her total of 250, but was only eligible for 100 overcrowding points. Fifty points are awarded for 'every person who doesn't have suitable sleeping accommodation'² and who is applying for housing. As Ms A was applying for housing along with her daughter, she was eligible for two units of overcrowding.

13. In their submission to the Ombudsman's office of 22 December 2006, the Council explained that the housing service's computer system calculates points automatically and has, on occasion, awarded points incorrectly. On this occasion, the facility to manually override the system was not used and the incorrect total persisted until it was identified during the investigation of the complaint. This error was acknowledged in a letter from Officer 1 to Mr C on 3 October 2006.

14. The effect of this miscalculation was the mistaken advice given to Ms A that she was at the top of the housing waiting list. As mentioned above in paragraph 10, it is, therefore, unlikely that Ms A would have been allocated Property 2 when it became vacant even if her application had not been

² p.5 'Apply for a home' Stirling Council 3 October 2003

incorrectly suspended. This assumes that the checks that would have been undertaken at the time of allocation would have revealed the mistake.

(a) Conclusion

15. The Council did suspend Ms A's application incorrectly. They discovered this fault before Mr C complained to the Ombudsman and apologised to Mr C for the distress and inconvenience this caused. They also stated that steps had been taken to prevent a recurrence of this error and I commend them for this. I can understand why Mr C brought this complaint to the Ombudsman. As my investigation has shown, things went wrong. However, I am satisfied that appropriate remedial action had been taken before the complaint was put to the Ombudsman and I make recommendations below to seek confirmation of this action. No further error was identified in the course of my investigation. For these reasons, I do not uphold this complaint.

(b) Conclusion

16. The Council discovered the fault in awarding overcrowding points while they were investigating Mr C's complaint. In their submission to me of 22 December 2006, they noted that work was underway to correct the fault within the computerised housing management system. Although this discovery related to an application that was not longer 'live', the effect of the error was that Ms A had more points than she should have had, and this had added to her impression that she may have been rehoused shortly. I appreciate that applicants' positions on housing allocation lists are very fluid, but errors of this sort do have an impact on the expectations of those waiting to be rehoused. I have not seen evidence that the Council apologised to Ms A for this further mistake.

17. I am, however, satisfied that Ms A did not miss out on a housing allocation that she was entitled to because the error had wrongly placed her at the top of the list. Although Mr C claims that Ms A's decision to move to Property 3 was made because of the problems with her application, I do not find the Council to be responsible for this choice or for the less advantageous waiting list position that resulted for Ms A.

18. As noted in paragraph 16, because of the errors made in processing her application, Ms A's hopes had been raised that she would be housed quickly. Ms A's confidence in the Council's system for awarding points must have been severely eroded by the errors which have occurred in her case. In the

circumstances, I uphold the complaint.

(b) Recommendations

19. The Council have given me reassurances that the underlying causes of the errors in processing Ms A's housing application are being addressed. I commend them for this action and for their rigour in identifying the errors that occurred. Nevertheless, I recommend that the Council:

- (i) confirm to the Ombudsman's office the steps taken to prevent repetition of the incorrect suspension of Ms A's housing application;
- (ii) confirm that work to correct the computer system error has been completed satisfactorily; and
- (iii) apologise to Ms A for the distress caused by the incorrect award of overcrowding points.

20. The Council have accepted the recommendations and will act on them accordingly. The Ombudsman asks that the Council notify her when the recommendations have been implemented.

Explanation of abbreviations used

Mr C	The complainant, grandfather of Ms A
Ms A	The aggrieved, an applicant for Council housing
The Council	Stirling Council
Officer 1	The Council's Corporate Complaints Officer
Property 1	The house where Ms A was resident when applying for housing to the Council
Property 2	The property which became vacant while Ms A's application was suspended
Property 3	The privately rented property Ms A moved to after her application had been suspended