

SPSO decision report



Case: 202303701, West Lothian Council
Sector: Local Government
Subject: Applications / allocations / transfers / exchanges
Decision: upheld, recommendations

Summary

C, the complainant, is a tenant of the council. They complained about the council's refusal of an application for mutual exchange with another council tenant. C found out through the other tenant that the council had told them the application was refused because of 'management concern for C'. C contacted the council to enquire about the decision and they were advised that they would receive a written response detailing their right to appeal. C heard nothing further and submitted a complaint.

In their complaint response the council apologised that C had not received a letter confirming that the application had been refused. The council said that their officers had worked within the relevant legislation and policies/procedures to refuse an exchange, on the basis that complaints had been made to the Safer Neighbourhood Team in connection with C's tenancy.

In response to our enquiries, the council provided us with their Mutual Exchange Policy, Mutual Exchange Process Map and Mutual Exchange Guidance Note. The council said that they had followed their policy and provided more detail about alleged anti-social behaviour on the part of the tenant.

We found that the council had failed to follow their policy when considering C's application. They should have carried out a home visit, sent out a letter with their decision, and given adequate reasons for the decision. The council's failure to issue their decision on time also prevented C from being able to appeal the decision. Taking all of this into account, we upheld the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for the failings identified. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.
- The council should reconsider the application. In the event that the mutual exchange is no longer an option, the council should consider whether any alternative remedy is available to C. If, after an assessment in line with their policy, the council decide to refuse the mutual exchange, their decision must clearly explain why they have taken this decision.

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

- The council's staff understand the steps that they require to follow when a mutual exchange application is received.

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.