

Section E: Housing benefit

E1: Advice

Change in legislation – incorrect advice to enquirer

1. Ms Clarke complained that a council misled her when she sought advice in July 1999 about her likely entitlement to housing benefit if she accepted the offer of a tenancy from her ex-partner, Mr Russell, who was the father of her child.
2. Ms Clarke said that – acting on the council’s advice – she entered into an agreement to rent her ex-partner’s home as a furnished letting, disposed of a substantial amount of her household goods, and moved in. She was then refused housing benefit on the ground that a regulation which came into force in January 1999 applied to her case and was an absolute bar to her receiving housing benefit.
3. The relevant regulation ruled out the payment of housing benefit if the claimant was responsible for a child of the landlord.

The circumstances

4. Ms Clarke had one child from a relationship with Mr Russell which had ended six years previously. She entered into a relationship with another man with whom she shared a home and received housing benefit.
5. In July 1999 the relationship with her new partner ended and Ms Clarke needed to find somewhere else for herself and her son.
6. Ms Clarke said that she had remained on amicable terms with Mr Russell. When it became apparent that she needed somewhere else to live, he suggested that she could rent his house as he was leaving the area to pursue a college course and intended to let his house while he was away.
7. Ms Clarke said that both she and Mr Russell understood that unless she

qualified for housing benefit she would be unable to accept his offer of the tenancy. The same would apply to any property she rented.

8. Before Ms Clarke made the agreement with Mr Russell, she explained the circumstances fully to the council. Ms Clarke’s mother and Mr Russell also made enquiries of the council.
9. Ms Clarke said that she was told by the council that if she had not lived with Mr Russell for over six years, there would be no problem about housing benefit. The officer who advised Ms Clarke subsequently told the Ombudsman’s investigator that she should have realised that benefit could not be paid in the circumstances and should have told Ms Clarke this.
10. All the information required to determine Ms Clarke’s housing benefit claim was with the council by 20 July 1999. On 2 August she moved into the property owned by Mr Russell. On 13 September the council told Ms Clarke she was not eligible to receive housing benefit for her new home.
11. Ms Clarke requested a review of the determination. The housing benefit review board upheld the housing benefit officer’s decision.

The Ombudsman’s view

12. The Ombudsman accepted that Ms Clarke did all that she reasonably could to satisfy herself that if she accepted the tenancy of Mr Russell’s home she would meet the conditions for entitlement to housing benefit. She had good reason to believe that, given that the only change in her circumstances was her change of address and landlord, she would continue to qualify for benefit.

13. The Ombudsman was also satisfied that, despite being expressly informed on more than one occasion about the circumstances, the council failed to tell Ms Clarke that there was an absolute bar to her entitlement to housing benefit.
14. It was not sufficient, the Ombudsman said, for the council to say it did not give Ms Clarke a guarantee that benefit would be paid. The formal determination of her claim in respect of Mr Russell's property could only have been undertaken once she met all the conditions, including occupying the property as her home. By that time, she was irrevocably committed to the tenancy and had disposed of her property.
15. Ms Clarke could not afford to pay any rent. This affected her previously good relationship with Mr Russell. Mr Russell asked Ms Clarke to vacate the property. He said that, if she did not pay the rent she owed, which by then amounted to £1,430, he would take legal action to recover the money.
16. The Ombudsman concluded that the council's maladministration caused Ms Clarke to fall into debt with no foreseeable way of repaying that debt, led to her decision to dispose of possessions which she would otherwise

have retained, and caused distress and disruption to her and her son.

Remedy

17. The Ombudsman recommended that the council should pay Ms Clarke, or directly pay Mr Russell, an amount equivalent to the housing benefit Ms Clarke would have been entitled to if the specific regulation had not excluded her from benefit. In addition, the Ombudsman recommended the payment of a further £1,000 to compensate Ms Clarke for the costs she had incurred and to recognise the distress and disruption to her and her son.
18. The Ombudsman said:

"The council should take steps to ensure that enquiries about benefit entitlement are properly recorded and checked to ensure that the correct advice has been given. The council should also ensure that all members of staff responsible for advising the public are fully informed about significant changes in legislation and are instructed to provide any such relevant information to an applicant/enquirer whether or not a claim has been made or been determined."

(Report 99/C/3199)

E2: Benefit administration

Complaint by national charity – delay in payment – refusal of backdating

1. A complaint was made on behalf of a national charity ('the Housing Association'). The charity was a registered social landlord providing accommodation and support for young, single and homeless people, the majority of whom were refugees and asylum seekers.
2. The complaint was that the council had delayed in determining the claim for housing benefit by Mr Lyons, a former resident of one of the

Association's hostels; failed to respond to the Association's enquiries; did not backdate housing benefit; and did not carry out a second stage review of the request for backdating.

Faults

3. Mr Lyons made a housing benefit claim on 19 June 1997. He asked for direct payments to be made to his landlord.
4. The Ombudsman found that there was the following maladministration in the way the council dealt with Mr Lyons' housing benefit:
 - the council delayed until February 1998 before making the payment of the housing benefit to which Mr Lyons was entitled for the period 6 August 1997 to 28 December 1997;
 - the council failed to answer the enquiries the Housing Association made in September, October and December 1997;
 - Mr Lyons made a new claim in March 1998 and asked for backdating on the grounds that he had been awaiting the outcome of the earlier application, but the council delayed for five months before deciding to refuse backdating; and
 - the council told Mr Lyons in September 1998 that it would arrange a housing benefit review board hearing but failed to arrange one until July 1999.

Injustice

5. The Ombudsman found that the maladministration caused injustice. The Housing Association was denied until February 1998 the payments it should have received between 6 August and 28 December 1997.

6. The housing benefit review board decided it could not conduct a hearing because the request for a hearing was made by the Association and, in the absence of a signed notice from Mr Lyons, the request was not valid. The request was not signed by Mr Lyons because he had moved away by that time and could not be traced. The Ombudsman considered that, if the council had dealt with the review request without delay in accordance with the law, it was probable that Mr Lyons would still have been living at the Association's hostel when confirmation was required that he wished a review board to decide his claim for backdating. The Ombudsman did not see any reason to doubt that Mr Lyons would have confirmed that this was his wish. The Ombudsman commented:

"The review board might or might not have granted backdating. No-one can now know what the decision would have been. But because of the council's delay, the opportunity was lost for the Association to present the case to the review board. The effective denial of access to a statutory right of appeal is a serious injustice."

7. Moreover, the Association was put to much avoidable time and trouble in trying to get the council to pay Mr Lyons' original claim and subsequently deal with the request for backdating.

Outcome

8. The Ombudsman recommended that the council should pay the Housing Association £600.

(Report 98/A/5364)

E3: Benefit administration

Introductory tenancy – delay in determination of benefit – rent arrears – court action

1. Ms Orwell complained that she had incurred arrears of rent and council tax because of a council's failure to determine her claim for housing and council tax benefit; and that, as a result, she received a summons in respect of her council tax arrears and was subject to possession proceedings because of the rent arrears.
2. Ms Orwell was a lone parent and worked part-time. She was a council tenant and held an introductory tenancy.

Faults

3. The Ombudsman found the following maladministration.
 - Ms Orwell made her claims in December 1998 but they were not decided until November 1999, which was a gross and unjustified delay.
 - There was unreasonable delay in deciding the further benefit claim Ms Orwell made on 1 December 1999, which was not determined until 16 March 2000.
 - The council wrongly issued a notice of seeking possession, which was not the correct notice for an introductory tenancy.
 - The council then issued the correct notice, together with a letter which threatened that Ms Orwell's name might be disclosed to the local press if she failed to keep to an agreement to clear the arrears (though the council knew that the arrears were attributable to the delay in determining her claim for benefit).
 - Over a 10-month period the council made repeated requests for information which it already possessed.

- The council failed to deal properly with the repeated enquiries and complaints from Ms Orwell and her local councillor.
- There was a lack of clarity about whether a review should or should not be held where a notice of proceedings for possession in respect of an introductory tenancy had been issued and the arrears were wholly attributable to the delay in determining a housing benefit claim.
- Ms Orwell received a summons in respect of council tax arrears before the council had assessed her entitlement for council tax benefit.

Injustice

4. The Ombudsman found that Ms Orwell was caused prolonged anxiety about the growth of her arrears of rent and council tax, despite her efforts to get the council to deal with the cause of the arrears. She was also caused acute worry by the possession notices and the summonses for council tax. She was caused further distress by the threat that her name might be disclosed in the press.

Outcome

5. The Ombudsman recommended the council to pay Ms Orwell £900.
6. The council agreed to take action to effect improvements which included:
 - a review of its working practices and procedures with a view to eliminating unnecessary delays in processing claims;

- the introduction of a computer system to record the receipt of documents associated with each case so that officers were aware of the current situation in respect of any given claim and could avoid asking the claimant to provide supporting evidence that had already been provided; and
 - a review of procedures and arrangements for managing introductory tenancies, issuing revised guidance to staff, and arranging training.
7. The council agreed that tenants did have a right to a review after a notice of proceedings for possession was issued. The council gave instructions that such a notice should not be issued where rent arrears were solely attributed to delays in the processing of housing benefit claims, and so the issue of whether reviews should be held in these circumstances should not arise.

(Report 99/A/2636)

E4: Benefit administration

Landlord – tenant in rent arrears – payment mechanism changed

1. Mr X was managing agent for a landlord. He complained that a council failed to check with him whether it was wise to transfer housing benefit payments to a tenant.
4. The tenant did not make any payment to the landlord but left the accommodation and could not be traced.

What happened

2. The tenant was entitled to housing benefit. Payments were being made directly to Mr X as managing agent for the landlord. The tenant was in arrears.
3. The tenant asked the council to make payments direct to him. The council did not consult Mr X but paid the tenant £1,200. This was for seven months of housing benefit.

Outcome

5. The council offered to pay Mr X £1,200 so that he could refund the rent owing to his client.
6. The Ombudsman agreed that this was a satisfactory way to settle the complaint.

(Local settlement 00/C/9769)

E5: Benefit administration

Delay – payment on account – recording of enquiries

1. Ms Archer complained that a council failed to process and determine her application for housing benefit within 14 days or as soon as reasonably practicable.

Delay

2. Ms Archer moved into private accommodation. It was the first time she had lived away from her parental home. She applied to the council for housing benefit. Her claim was not determined until nearly four months later.
3. The council said that Ms Archer could have contacted the housing benefit office to chase her claim and earlier action could have been taken. Ms Archer said that she and her landlord made a number of telephone calls to the council. Fortunately her landlord was very understanding and she did not receive notice to leave the property or suffer any financial loss. But the delay caused her considerable anxiety and distress.
4. The Ombudsman found that the council's contractor failed to process the claim within the requisite timescale because it failed to realise that it had all the necessary information at the time of the application.

Payment on account

5. The council did not make a payment on account 14 days after receipt of the claim and all the information required, as it should have done. This denied Ms Archer the opportunity to receive some, at least, of her entitlement to housing benefit with which to pay rent at the earliest possible time pending a final determination of the claim.

Recording of enquiries

6. The council suggested that if Ms Archer had enquired about the progress of her claim, this would have led to a speedier determination. But the Ombudsman noted that the council did not record all enquiries made. It could not therefore be certain that Ms Archer did not make such enquiries. The Ombudsman had no reason to doubt Ms Archer's statement that a number of telephone enquiries were made.

Injustice

7. Through no fault of her own, Ms Archer was placed in an extremely vulnerable position at a time when she was seeking to establish a home for herself and her child. As a private tenant her home was at risk. The fact that she had an understanding landlord could not be relied on by the council to mitigate its failings.
8. Ms Archer suffered no financial loss but she did suffer distress and anxiety.

Outcome

9. The Ombudsman recommended that the council should:
 - pay compensation of £75 to Ms Archer;
 - ensure that all enquiries about the progress of a benefit claim were properly recorded and acted upon; and
 - ensure that payments on account were made to all eligible private tenants whenever a claim could not be processed and payment made within 14 days of receipt of the claim, together with all information required and requested of the claimant.

(Report 99/C/4203)

E6: Benefit administration

Delay in assessment – court action by council

1. Ms Lane complained about the way a council dealt with her claim for council tax benefit. She made the claim on 11 September 1998.

suffer for failings in communication between departments.”

Court action

2. By 18 November, the council had still not determined the claim. That day, the council issued a summons in respect of non-payment of £388, which was the amount of council tax it said Ms Lane owed. The Ombudsman said that the action necessary to clear the debt lay entirely within the council's own control. All it had to do was to determine the benefit claim. In those circumstances, the decision to issue the summons was not taken properly and amounted to further maladministration.
3. The council determined Ms Lane's claim on 7 December. As a result, she owed the council nothing on her tax account for that year. Yet the council went ahead with the court action and obtained a liability order on 10 December. That was maladministration and a waste of the court's time.
4. The Ombudsman commented:

“It is no excuse that council tax is dealt with in one department and benefit in another. The council is a corporate body and the public should not be made to

Outcome

5. The council suggested that Ms Lane had not suffered injustice from its maladministration in issuing the summons and obtaining the order.
6. The Ombudsman was astonished by this suggestion. He commented:

“People find it frightening to receive a summons and very worrying to be the subject of a court order for a debt they do not owe and cannot pay.”
7. The Ombudsman considered that the council's maladministration had caused Ms Lane an injustice – much fear, worry, time and trouble – which had not been adequately recognised by the compensation payment the council had already made and the decision to waive the £40 court costs.
8. The Ombudsman recommended that the council should pay Ms Lane a further £150; and take effective action to ensure that it did not issue a summons or seek a liability order where the debt arose wholly or mainly from the council's own failure to determine a claim for benefit.

(Report 98/A/4300)

E7: Benefit administration

Delay in determination – payments on account – rent officer referral

1. Mr Owen complained about the way a council dealt with his claim for housing benefit.

(or as soon as reasonably practicable thereafter) of receiving the information necessary to determine it, contrary to the law.

What happened

2. Mr Owen stopped work in September 1998 because of ill health and claimed statutory sick pay. On 1 October he applied for housing benefit.
3. On 19 October Mr Owen supplied additional information for which the council had asked. But the council did not decide the claim or make any payment to Mr Owen. He complained to the Ombudsman in May 1999.
4. On 24 June 1999 the council decided to make payments on account and referred Mr Owen's rent to the rent officer. The rent officer's reply was received on 26 July but the council took no action on it until November. It paid Mr Owen arrears of benefit in December 1999. But even then, the council did not pay Mr Owen the arrears of benefit for the period between 5 October and 7 December.

- Despite the delay in determining the claim, the council failed to make payments on account for eight months.
- The council took eight months, rather than the three days required by regulations, to refer the rent to the rent officer.
- Mr Owen was not paid arrears of benefit until five months after the council had received the rent officer's advice.
- Even then the arrears of benefit were paid only for part of the relevant period.
- The council failed to deal properly with Mr Owen's complaints about the delay in determining his claim.

Outcome

6. The Ombudsman recommended that the council should pay Mr Owen £400 in recognition of the effects on him of its maladministration; and should ensure that the arrears of benefit outstanding were paid without further delay.

Faults

5. The Ombudsman's investigation revealed the following maladministration.
 - The council failed to determine Mr Owen's claim within 14 days

(Report 99/A/723)

E8: Benefit administration

Delay in determination of claim – rent arrears – repossession action taken – new tenancy

1. Mr Cunningham complained on behalf of his parents about the way a council dealt with their housing benefit claim and with the rent arrears which arose because their claim was not determined.

Benefit claim

2. The parents were joint tenants of a council property. Mr Cunningham senior was receiving housing benefit. In November 1997 he renewed his benefit claim and said that his wife was abroad for the sake of her health. The council asked for further information about Mrs Cunningham's income. Mr Cunningham provided what information he could.
3. The claim was not determined. Rent arrears built up. Mr Cunningham became seriously ill. The council was notified of this by the hospice caring for him.
4. Mrs Cunningham returned to the marital home in November 1998. She visited the housing benefit office and provided proof of her pension.

Notice of seeking possession

5. In January 1999 the council served a notice of seeking possession on Mr and Mrs Cunningham. This was despite the fact that the rent arrears were caused by the council's failure to determine the benefit claim. Before serving the notice, the neighbourhood housing office had asked the private contractor responsible for assessing benefit claims whether there was an outstanding claim. There was no evidence that this enquiry was answered. The council

made no other efforts to find out why the arrears had arisen.

6. In January 1999 Mr Cunningham senior died. In February the benefit claim for part of the relevant period was determined. The remaining period was determined in March. The rent arrears were thereby cleared.

Tenancy

7. In June 1999 the council cancelled the joint tenancy and created a sole tenancy in Mrs Cunningham's name with a new account number. But the private contractor was not told about the new tenancy and rent account. Housing benefit continued to be paid into the old joint account.
8. As a result, rent arrears accrued on the new account in Mrs Cunningham's name.
9. The council wrongly treated Mrs Cunningham's new tenancy as if it were an introductory tenancy. In August 1999 the council served a notice to terminate the introductory tenancy.

Maladministration

10. The Ombudsman found that as a consequence of maladministration the council:
 - delayed over a year in determining the benefit claim;
 - served a notice of seeking possession for rent arrears caused by the council's own delay;
 - paid benefit into the wrong tenancy account;

- treated Mrs Cunningham as if she had an introductory tenancy; and
- issued a notice to terminate the introductory tenancy.

an introductory tenancy and served with a notice to terminate that tenancy. All this caused her acute distress.

Injustice

11. For the last year of his life Mr Cunningham senior had to make repeated efforts to get the council to determine his claim. If the council had acted properly, he would have been spared much anxiety and trouble.
12. Mrs Cunningham was also caused serious injustice. At a time when she was coping with her bereavement, she was told that she had rent arrears on her new account, treated as if she had

Outcome

13. The Ombudsman recommended that the council should pay Mrs Cunningham £1,000. The Ombudsman commented:

“This complaint illustrates the deep unhappiness which can be caused by faults in the administration of housing benefit and inadequacies in the liaison between the housing benefit service and neighbourhood housing offices.”

(Report 99/A/1523-4)

E9: Benefit administration

Benefit suspended – eviction – homeless application – complaints

1. Mrs Asha complained about the way a council dealt with her housing benefit and her application for rehousing.

her financial circumstances. In January the council suspended her benefit payments and in March it cancelled the claim. But it did not notify Mrs Asha of either determination or tell her about her statutory right of appeal.

What happened

2. Mrs Asha had seven children. In 1995 she applied to the council for housing on the grounds that she was homeless. The council placed her in private rented accommodation under its home finder scheme.
3. Mrs Asha was receiving income support. She made a claim for housing and council tax benefit. Maximum benefit was awarded to cover the full rent.
4. In December 1997 two officers of the council visited Mrs Asha at home. What they saw raised questions about

5. Mrs Asha made a new claim in April 1998. The council did not determine it.
6. Meanwhile, Mrs Asha ran up rent arrears. As a result, she was evicted in June 1998. The council placed the family in a bed and breakfast hotel until August 1998 and then in two rooms in a council hostel until January 1999. The council then rehoused Mrs Asha in a four bedroom property.
7. The council continued to write to, visit and interview Mrs Asha about her

benefit claim. In November 1998 the council decided to pay her maximum housing benefit from December 1997.

Housing benefit

8. The Ombudsman was critical of the council for suspending housing benefit but failing to notify Mrs Asha or tell her that she could ask for a review. When Mrs Asha did not reply to two letters from the council, the council should have acted in accordance with provision in the regulations by informing the Department of Social Security (DSS) about its suspicions, withholding payment of housing benefit and informing Mrs Asha that it had done so. The council was also at fault for cancelling her claim in March 1998 and for failing to tell her that it had done so or to tell her of her right to ask for a review. The council was also at fault for failing for six months to determine the claim made in April 1998.
9. The Ombudsman could not be sure what the DSS would have decided if the council had, without delay, informed the Department of its suspicions. But he considered that, in the light of the council's maladministration, the benefit of any doubt should go to Mrs Asha. Accordingly, the Ombudsman found that it was likely that the Department would have decided that Mrs Asha remained entitled to income support; housing benefit would then have been paid in time to ensure that Mrs Asha was not evicted. She would not then have lost possessions in the course of the eviction, had to live in bed and breakfast accommodation or in the council's hostel, and the disruption to her children's education would not have occurred.

Homelessness

10. The Ombudsman said the council was also at fault in the way it dealt with

Mrs Asha's applications for housing on the grounds of homelessness. It made no formal decision on the application in 1995; lost track of her even though it had placed her in accommodation; wrongly suspended her housing register application; and lost her file.

Complaints

11. Mrs Asha made complaints to the council in February and April 1998. The Ombudsman found that the council dealt with neither of them in the way required by its complaints procedure.

Outcome

12. The Ombudsman said that the injustice caused to Mrs Asha and her children was serious. He recommended that the council should pay her £2,000.
13. The Ombudsman also recommended that officers should prepare for members a report explaining what measures would be put in place to ensure that:
 - benefit claims were not cancelled until the DSS had given its adjudication in cases where the council had reasonable doubts about the income of claimants receiving income support;
 - claimants were informed promptly when payments of housing benefit were suspended, withheld or cancelled;
 - investigations were regularly monitored to ensure that they were completed without unreasonable delay;
 - there was compliance with the council's code of conduct for investigating officers; and
 - complaints by claimants were dealt with in accordance with the council's complaints procedure.

(Report 98/A/2123 et al)

E10: Benefit administration

Suspension of benefit – failure to inform – recovery of overpayment – backdating – appeal

1. Mr King complained that a council failed to deal properly with the administration of his claim for housing and council tax benefit. He said he was told that he owed the council over £1,500 in overpaid housing benefit, and over £300 in overpaid council tax benefit, but he could not get his appeal about these matters heard. He was a pensioner on a low income worried about owing such a large amount of money. Mr King had some health problems and had difficulty reading and writing.
5. In April, Mr King sent the council a further claim for benefit. He said that he was not receiving income support and provided a copy of his pension book.
6. In May the council cancelled Mr King's housing and council tax benefit claim back to August 1998. He was told there was an overpayment of housing benefit of over £1,500 and an overpayment of council tax benefit of £309. The council said that it intended to recover both amounts and he could appeal against the decision. Mr King asked the council to review the decision to recover the money.

Background

2. Mr King claimed both benefits in March 1998. At the time he was receiving income support. The council, therefore, awarded him the maximum amounts of benefit.

Events in 1999

3. When it made a routine check in February 1999, the council found that Mr King had ceased to receive income support in August 1998 and was receiving an old age pension. So the council stopped paying housing benefit. But the council did not tell Mr King about this or inform him that he had a right of appeal. His housing benefit was being paid direct to his landlord, and he did not know that the payments had stopped until his landlord told him that his rent was in arrears.
4. The council sent Mr King a bill for the full amount of council tax for 1999/2000. But, separately, it sent him a notification that he was entitled to maximum council tax benefit from April 1999.
7. In May 1999, Mr King completed another claim form. He asked for his claim to be backdated. The council decided to pay council and housing tax benefit from 3 May. This was at a level lower than when he had been receiving income support. The council decided not to backdate benefit to August 1998 but Mr King was not told about the decision; nor was he told how he could appeal.
8. In June 1999 Mr King made a written complaint to the council. He asked for a decision on his request for backdating and for the invoice for the repayment of the housing benefit overpayment to be cancelled. The council did not reply. The council sent further bills for recovery of the overpayments. Mr King sent the council two further letters of complaint.
9. In August 1999 Mr King was told that his request for backdating had been refused. He appealed. The council reviewed its decision and informed him that it remained of the view that his claim should not be backdated. He was

told he could appeal to a review board. In October 1999 Mr King asked for his case to be put before a review board, but five months later this had still not been done.

10. Mr King's landlord issued him with a notice of seeking possession for rent arrears. Mr King's son paid the arrears.

Faults

11. The Ombudsman found the following maladministration by the council:

- suspending the benefit claim in February 1999 without telling Mr King and informing him of his right of appeal;
- telling him that he would get council tax benefit from April 1999 and, at about the same time, sending him a bill for the full amount of council tax;
- taking too long to tell Mr King that his request for backdating had been rejected;
- pursuing Mr King for overpaid housing benefit and council tax before his appeal had been decided;

- not replying to Mr King's complaint of June 1999; and
- not dealing promptly with Mr King's appeal to the housing benefit review board.

Injustice

12. Mr King was not in good health and the Ombudsman considered that, as a result of the council's actions, he experienced additional and avoidable anxiety, including the threatened loss of his home.

Outcome

13. The council acknowledged its errors and offered to apologise to Mr King and write off the outstanding council tax. The Ombudsman welcomed that action. He also recommended that, in addition, the council should pay Mr King £300 in recognition of his distress, time and trouble, and ensure that his appeal was heard by a review board quickly.

(Report 99/A/2393)

E11: Benefit administration

Disability premium – complaints – overpayment – review board – fraud

1. Six people complained that there were shortcomings in the way in which a council administered their housing and council tax benefit claims. Details of four of the complaints are as follows.

Ms Daisy

2. Ms Daisy said that she did not receive a review form from the council inviting her to renew her benefit claim. The council did not send a reminder. It was not the council's policy to do so. The Ombudsman said that this was contrary to the advice in the guidance manual issued by the Government because Ms Daisy's benefit included a disability premium. The guidance advised that a council should issue such claimants with a reminder or, if appropriate, make a home visit. The Ombudsman commented:

"It seems to me that the council has to have very good reason to establish as policy, procedures which run counter to government advice."

3. The Ombudsman invited the council to review this aspect of its procedures. The Ombudsman thought that the problems which Ms Daisy experienced might have been avoided if the council had issued a reminder.
4. After Ms Daisy's benefit claim had been determined, she wrote to the council to express concern about delays and the non-return of her personal documents, as well as general dissatisfaction with the way in which the council had handled her claim.
5. The Ombudsman said Ms Daisy's letter should have been treated as a complaint under the council's internal complaints procedure. The council's failure to give her the explanation she

sought, and even to acknowledge that she had made such a request, was maladministration.

6. The council sought to recover an overpayment of council tax benefit paid to Ms Daisy. It failed to set out the reasons for the overpayment as required by the relevant regulations. Ms Daisy agreed in the end that the overpayment was recoverable. But she suffered anxiety trying to understand the reasons why the overpayment had occurred.

Mr Violet

7. The council overpaid housing benefit to Mr Violet and decided that the overpayment was recoverable. The council failed to ensure that the notification of the overpayment complied with statutory requirements; it did not state the reasons and did not tell Mr Violet of his statutory right of appeal.
8. Without prior notification to Mr Violet as required by the regulations, the council recovered the outstanding overpayment from Mr Violet's rent account. This had the effect of creating rent arrears and was contrary to the advice in the guidance manual.
9. The overpayment arose through no fault of Mr Violet's. The council subsequently accepted that it should not have recovered the overpayment.

Mrs Poppy

10. In the case of Mrs Poppy there was a delay of about five months in setting a date for a review board. This should have been done within six weeks as required by the relevant regulations.

Mr Tulip

11. There was a delay of three months in responding to Mr Tulip's claim form.
12. The council notified Mr Tulip that his housing benefit had been discontinued and set out its reasons. Mr Tulip tried to discuss the letter with the council but the council resisted this because it had decided to conduct a fraud investigation. Mr Tulip was not formally told that he was being investigated for fraud until 11 months later. After a further seven months the council decided it should take no action.
13. The Ombudsman commented:

"I accept that fraud investigations necessarily involve some secrecy and are frequently complex. But they should be conducted as swiftly as possible, and it seems to me the timescale here of 18 months for an investigation was unjustifiable and unnecessary."

Outcome

14. The Ombudsman said that the investigation had revealed deep-seated shortcomings in the council's administration of housing benefit and council tax benefit.
15. The Ombudsman recommended sums ranging from £100 to £350 for the six complainants.
16. The Ombudsman welcomed the council's decision to commission external consultants to review its benefit service. He suggested that the terms of reference should address the prevention of faults identified in the investigation. The Ombudsman recommended that improvements should include staff training, the provision of written guidance for officers handling claims, and procedures for handling complaints about the quality of service and how best to improve services as a consequence of lessons learned from complaints.

(Report 98/B/2809 et al)