

Item

COMPLAINT UPHeld BY THE HOUSING OMBUDSMAN RELATING TO ASB IN A COUNCIL TENANCY



To:

Councillor Richard Johnson, Executive Councillor for Housing
Housing Scrutiny Committee 16/01/2019

Report by:

David Greening, Head of Housing Services
Tel: 01223 - 457997 Email: david.greening@cambridge.gov.uk

Wards affected:

All

Not a Key Decision

1. Executive Summary

- 1.1 The Housing Ombudsman has upheld a complaint relating to the victim of anti-social behavior (ASB) from a neighbouring tenant.
- 1.2 In these circumstances, the Head of Legal Services, as the Council's Monitoring Officer, has an obligation to report the findings to the Executive. The Executive is obliged to set out what action has already been taken in respect of the findings, what action it intends to take and the reasons for taking the action.
- 1.3 This report summarises the complaint, acknowledges that there were shortcomings in relation to working practices and sets out the action taken in response.

2. Recommendations

The Executive Councillor is recommended to:

2.1 Note the findings of the Housing Ombudsman in respect of this case and the actions taken by the Council in response to these findings.

3. Background

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3.1. The complainant will be anonymised for the purposes of this report and will be referred to as Mr A throughout.

3.2 Mr A complained about the Council's handling of his reports of ASB from his neighbour; these complaints date back to January 2015 and continued until August 2017. In October 2017 the Council transferred Mr A to another Council property.

3.3 Mr A's complaints centre around the reports of ASB not being dealt with in a timely manner, that the Council did not take into account the adverse impact these incidents were having on Mr A's health and that the Council took too long to consider his request for a transfer to another Council tenancy and, when it did respond, the offer of accommodation was not suitable for his needs.

4. The Ombudsman's findings and the Council's response

4.1 In its assessment of the case the Housing Ombudsman noted the following:

- That the Council had arranged mediation between the affected parties
- That the Council had offered appropriate advice regarding the timely submission of diary sheets cataloging incidents and to involve the Environmental Health service to assist by attending the property to witness any incidents
- The Council's response to the reports of ASB about Mr A's neighbour 'were proportionate to the information available to it at the time'
- The Council did not take appropriate steps to assess and consider Mr A's health needs
- The Council arranged a management transfer once it received supporting evidence from the police in July 2017. Prior to this there was

insufficient evidence to support action against Mr A's neighbour or a transfer for Mr A.

4.2 The Ombudsman also noted that in its final response to the complainant the Council:

- *Accepted that its first response to Mr A's complaint had been terse and that he had requested that the Council escalate his complaint but had not received a response.*
- *Found that the relationship between Mr A and his housing manager had deteriorated, which caused its response to his ASB reports to be delayed and protracted.*
- *Accepted that the complaint was not handled in accordance with its policies and that its responses were informal and lacking co-ordination and depth.*
- *Accepted that it failed to act appropriately to Mr A's reports about the impact of ASB upon his mental health as it should have arranged an assessment of his needs.*
- *Explained that it had already given Mr A £250 towards the cost of moving property and considered that adequate compensation for the service failures it identified.*

4.3 The Ombudsman concluded that there was maladministration by the Council and that:

- The Council identified that it had failed to follow its complaints policy; it had not carried out an appropriate assessment of Mr A's needs; and, Mr A had experienced delays in its response to his reports of ASB.
- The Council correctly identified that it was appropriate to award Mr A compensation but failed to do so.

4.4 The Ombudsman concluded that whilst the Council had acknowledged its shortcomings, it had failed to demonstrate that the £250 it had offered Mr A for costs associated with the move to his new property, was offered as a redress for service failures. The Council has, therefore,

been ordered to address this matter by making a compensation payment of £250 to Mr A by 21st January 2019.

5. The Council's response

- 5.1 Since the conclusion of this case the Council has introduced a new corporate complaints system to ensure that complainants receive a response in a timely manner and within the target times outlined in the Council's complaints policy.
- 5.2 This case highlighted issues with the quality and depth of some of the complaint responses. In October 2018 City Homes staff undertook training from the Local Government Ombudsman on complaint handling and Housing Services have employed additional policy and performance officers. Part of the remit for these posts is to review cases and complaints where the response to the customer has been less than satisfactory and to instigate measures to ensure that lessons are learned and acted upon. This role will be embedded within housing management and supported housing services to ensure that staff awareness around policies and procedures is enhanced.
- 5.3 The Council has reviewed its processes for handling reports of ASB and has introduced a new ASB triage system. The new system ensures that cases receive a robust examination based on risk and are allocated a lead officer accordingly. Those cases assessed as low risk will be allocated to a housing officer to manage, whilst medium and high risk cases will be dealt with by the Safer Communities service. The initial triage is handled by the ASB team within Safer Communities to ensure consistency and includes a vulnerability assessment so that issues such as impact on health, as highlighted in this case, can be properly assessed.

6. Implications

(a) Financial Implications

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The Council is required to make a compensation payment of £250 to the complainant as set out in this report.

(b) Staffing Implications

Relevant officers within Housing Services have been briefed about the outcome of the Housing Ombudsman's ruling in this case.

(c) Equality and Poverty Implications

An EqIA is not required in this case as this report is for information with no decisions to be made. However, this case has highlighted the need for the Council to be aware of the impact ASB has on the health of victims and the vulnerability assessment highlighted in 5.3 of this report aims to address this.

(d) Environmental Implications

None

(e) Procurement Implications

None.

(f) Community Safety Implications

None.

5. Consultation and communication considerations

The Council has an obligation to report adverse Ombudsman decisions through the committee process. No further communications are planned.

6. Background papers

(a) The Housing Ombudsman's final decision (21/12/2018)

The background document used in the preparation of this report was the Ombudsman Report. The report contains exempt information under paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

7. Appendices

None

8. Inspection of papers

To inspect the background papers or if you have a query on the report please contact David Greening, Head of Housing, tel: 01223 - 457997, email: david.greening@cambridge.gov.uk.