



COMPLAINT UPHeld BY THE HOUSING OMBUDSMAN SERVICE RELATING TO A HOUSING REPAIRS

To:

Councillor Mike Todd-Jones, Executive Councillor for Housing

Housing Scrutiny Committee

23rd September 2021

Report by:

Lynn Thomas, Head of Housing Maintenance & Assets

Tel: 01223 457831 Email: lynn.thomas@cambridge.gov.uk

Wards affected:

Not a Key Decision

1. Executive Summary

- 1.1 The Housing Ombudsman Service has upheld most elements of a complaint relating to the Council's handling of housing repairs, a request for an adaptation to the bath, reports of a rat infestation in the loft and concerns of potential asbestos in the property.
- 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 Services in respect of this case and the actions taken by the Council in response to these findings.

3. Background

- 3.1 The complainant will be anonymised for the purposes of this report and will be referred to as Mr X throughout.
- 3.2 Mr X complained about the Council's handling of:
- a) Repairs at the resident's property
 - b) The resident's request for an adaptation to the bath
 - c) The resident's reports of a rat infestation in the loft
 - d) The resident's concerns of potential asbestos in the property
- 3.3 Mr X has been a secure tenant in respect of the property since 1 June 2020, the property was empty from 4th February 2020 until Mr X took over the tenancy and work was completed to the property during the time it was empty.
- 3.4 Mr X submitted a formal stage 1 complaint on 17th June 2020, which was responded to on 3rd July 2020
- 3.5 The complaint was escalated to stage 2 on the 15th October 2020 and responded to on 5th November 2020

4. The Ombudsman's findings, orders and recommendations

- 4.1 The Housing Ombudsman noted the following in its assessment of the case in accordance with paragraph 54 of the Housing Ombudsman scheme:
- a) A service failure in respect of the Council's handling of repairs at the resident's property.
 - b) A service failure in respect of the Council's handling of the resident's request for an adaptation to the bath.
 - c) No maladministration in respect of the Council's handling of the resident's reports of a rat infestation in his loft.

d) A service failure in respect of the Council's handling of the resident's concerns of potential asbestos in his property.

4.2 The Housing Ombudsman service had made the following orders to the Council in relation to the service failure:

a) In recognition of the Council's handling of the resident's repairs and the delay in adding an over-bath shower, despite receiving the OT's recommendation several months before, the Ombudsman orders the Council to award the resident £200. This has been calculated as £100 per service failure.

b) The Council should also offer the resident an apology for its miscommunication with regards to the presence of asbestos within his property and should share the most recent asbestos report with him.

c) The Council should comply with the above orders within four weeks of receiving the Ombudsman's determination.

4.3 The Housing Ombudsman make the following recommendations to the Council

a) The Ombudsman accepts that the Council acknowledged, within its final response, that its stage 1 response was not up to standard. This was appropriate. Moving forward however, the Council should ensure that a resident's complaint is responded to in full and that the appropriate information is provided to enable them to escalate their complaint, should they wish to.

b) The Council should update the resident on how it plans to approach the rubbish accumulation outside his property, as it does not appear that this was done.

5. The Council's response

5.1 The Council has dealt with the Housing Ombudsman's order detailed in 4.2 within the stipulated time frame.

5.2 This case highlighted issues with the quality and depth of some of the stage 1 complaint and it has been discussed between the respondent and their line manager to ensure that in future, all aspects of a complaint are dealt with.

- 5.3 The Council has reviewed its processes for handling asbestos information provided to residents when they take on a new tenancy. More general asbestos information has already been included in the Tenants' Handbook. From November 2021 we are planning to provide tenants with more detailed information relevant to their properties.
- 5.4 Some of the delays in completing the repairs that were required at the property were legitimately delayed due to the restricted levels of work being carried out due to Covid-19. However, a full review of this case will be undertaken so we can review and improve processes, on both the Void (empty property) period and responsive repairs in general.

6. Implications

a) Financial Implications

A compensation award has been made to the claimant as set out in 4.2 of this report.

b) Staffing Implications

Relevant officers within Housing Services and Estates & Facilities 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.

d) Net Zero Carbon, Climate Change and Environmental Implications

The report is for information with no decisions to be made, there are no climate change related implications therefore the overall rating is 'Nil'.

e) Procurement Implications

None.

f) Community Safety Implications

None.

7. Consultation and communication considerations

None

8. Background papers

Background papers used in the preparation of this report:

Complaints Handling Procedure (Housing Services)

9. Appendices

None

10. Inspection of papers

To inspect the background papers or if you have a query on the report please contact Lynn Thomas, Head of Housing Maintenance & Assets, Tel: 01223 457831, email: lynn.thomas@cambridge.gov.uk .