

## CABINET

25 FEBRUARY 2022

### REPORT OF THE MONITORING OFFICER

#### A.10 HOUSING OMBUDSMAN

(Report prepared by Keith Simmons)

The Constitution (Article 12.03(a)) requires the Monitoring Officer to report to Cabinet (or to Council for non-executive functions) if any decision or omission has given rise to maladministration. This report concerns omissions that the Housing Ombudsman has determined were serious maladministration.

On 14 December 2021, the Housing Ombudsman determined a complaint submitted to it in relation to the handling of repairs by the Council at one of its tenanted properties. The Housing Ombudsman also considered the Council's handling of the resident's complaint about those repairs and its record keeping about the repairs. The conclusion of the Housing Ombudsman in respect of the complaint was as follows:

1. Severe maladministration by the landlord regarding its handling of repairs to the resident's property.
2. Maladministration by the landlord regarding its handling of the resident's complaint about those repairs.
3. Service failure by the landlord regarding its record keeping about those repairs.

The property concerned is a Grade II listed building and was suffering a long-standing issue of water penetration through the roof. In part, the complaint relates to work undertaken by those contracted to undertake the repairs and that the repairs had not fully addressed the water penetration into the property. The complainant advised the Ombudsman that issues with the roof, and resultant damage inside the property, had been going on for over a year. Finding mutually convenient times for inspections to be undertaken did, again in part, add to the length of time taken by the Council to address these issues. Apologies had been issued for these matters and the sum of £100 was offered in recognition of the complainant's time and trouble in pursuing the matter. This was declined before then taking the matter to the Housing Ombudsman.

From the information provided to this Housing Ombudsman, it was apparent to the Ombudsman that the Council had attended the property on various occasions since the resident's initial repair reports. The Ombudsman did though state that the records did not provide a precise chronology regarding how it had handled the repairs and whether it had, at the time of the complaint, fully established the root cause of the issue. The records presented showed, in this specific case, considerable and unacceptable delays between investigation work being undertaken and repair works being commissioned and then the outcome of checks of the works undertaken.

In respect of the handling of the complaint, the Housing Ombudsman criticised the Service for not properly addressing the delays in the handling of the particular repairs, not acknowledging the impact the delay in the repairs was having on the tenant, a timeline to 'put the matter right' or to reference the requirements of the Council's own complaints process. The Council's subsequent and further corporate response to the complaint was also commented on although this was to suggest that the modest offer of £100 to the complainant was inadequate.

The Ombudsman ordered that an award of £2,110 be paid to complainant and this payment has been made. It also ordered a final inspection of the property with a letter to the

complainant setting out a plan of action to address the necessary works. This too has been undertaken and confirmation of this and the payment referred to has been provided to the Housing Ombudsman.

Further steps the Housing Ombudsman set out were:

- The Council should carry out a review of its findings and remedies set out in this report and draw up an action plan to improve its repairs service delivery. This review should be led by a suitably senior member of staff (Head of Service or equivalent).
- The Council should review the performance of the individual contractors used in this case and ensure that any performance related matters are raised via its contract management and monitoring processes.
- The Council should ensure that its overall contract management and monitoring of contractor performance is robust and that any lessons learned from its complaint investigations are fed back to the relevant parties.
- The Council should review its record keeping procedures in relation to repairs, taking into account the comments in this investigation report. It should ensure that it has robust record keeping arrangements in place which allow it to provide clear audit trails of all actions taken.
- The Council should share the Housing Ombudsman's Complaint Handling Code with all staff dealing with resident complaints and ensure they have had up to date training regarding best practice in responding to complaints.

In response to the above, the Corporate Director (Operations and Delivery) advises:

- The Assistant Director for Building and Public Realm has commenced a review of the repairs processes. A Senior Surveyor has been given specific responsibility for implementation of Oneserve, availability of data and for the operational level of service review. Further changes are likely as a result of the process.
- The term maintenance contractor at the initial stages of the matter has been wound up. The interregnum during the procurement of the replacement term contractor created a period of development with a number of external contractors involved in repairs. The new term maintenance contractor has been appointed and working relationships are improving. The Council's in house housing repairs team is also now established and building a reputation for prompt attendance, flexible response and customer satisfaction.
- The IT systems procured for the use of the team coupled with additional staff proposed for restructure (subject to decision and recruitment will supplement the outcome of the processes review.
- The Council has procured additional IT systems: auditor to record inspections including photographs videos and readings and Oneserve to retain and make available property data and to manage works. The auditor system is fully deployed and Oneserve is in the process of being fully applied following acquisition in December 2021.
- The Complaint Handling Code has been provided to the team leader and senior surveyors. Further training is being sourced at the time of writing.

Over at least the past ten years, this is the first report from the Housing Ombudsman to indicate there was maladministration by it in its role as a landlord.

This item is submitted for **INFORMATION ONLY**.