



## Cabinet

10 July 2024

Item  
8(i)

<b>Report of</b>	<b>Head of Governance and Monitoring Officer</b>	<b>Author</b>	<b>Andrew Weavers</b> ☎ 282213
<b>Title</b>	<b>Housing Ombudsman Report</b>		
<b>Wards affected</b>	Not applicable		

### 1. Executive Summary

- 1.1 This report informs Cabinet of the findings made in a recent report by the Housing Ombudsman in relation to Colchester Borough Homes.

### 2. Recommended Decision

- 2.1 To note the contents of this report and the actions taken.

### 3. Reasons for Recommended Decision

- 3.1 To inform the Cabinet of the contents of the report by the Housing Ombudsman.

### 3. Alternative Options

- 3.1 No alternative options are presented.

### 4. Supporting Information

- 4.1 The Constitution (Article 13.03 (a)) requires the Monitoring Officer to report to Cabinet (or to Full Council for non-executive functions) if a decision or omission has given rise to maladministration.
- 4.2 The Housing Ombudsman Scheme is approved by the Secretary of State. The law requires social landlords (here meaning the City Council and Colchester Borough Homes) to be members of an approved scheme. The Housing Ombudsman's role is to resolve disputes, including making awards of compensation or other remedies when appropriate, as well as to support effective landlord and tenant dispute resolution by others.

### 5. The Report

- 5.1 On 8 April 2024, the Housing Ombudsman determined a complaint submitted to it in relation to the handling of concerns by Colchester Borough Homes ("the landlord") regarding the condition of one of the Council's tenanted properties. The Housing Ombudsman also considered Colchester Borough Homes complaint handling of the residents' concerns. The conclusion of the Housing Ombudsman in respect of the complaint was as follows:

1. Maladministration by the landlord regarding its handling of the residents' reports of damp, mould and the associated repairs.

## 2. Maladministration in the landlord's complaint handling.

- 5.2 In July 2022 the resident reported that plaster was coming off the chimney breast around the fireplace their home. In July 2022 the Landlord marked the job as complete. In November 2022 the resident reported "condensation dripping" from the ceiling of her son's bedroom. The same month the resident chased the repair of the chimney. In December 2022 the landlord instructed an independent surveyor to inspect the property. The report highlighted a number of issues in the bedroom, living room and other rooms.
- 5.3 The resident contacted the Landlord chasing the outcome of the inspection as she had not heard anything. The resident made a complaint under the landlord's complaints procedure regarding the delays and lack of communication.
- 5.4 The resident contacted the landlord on 6 February 2023 to chase its complaint response. The landlord responded on the same day, apologised for the delay, and asked for an extension. It said it would issue its response by 15 February 2023. It sent its stage 1 response on 13 February 2023, and said:
- a. It had arranged an inspection of the property for 14 February 2023 to get a "clearer understanding" of the problems. Its visit would specifically look at the condition of the windows, and the insulation.
  - b. It was "clear" there was a "breakdown in communication", and it offered £100 in compensation for the inconvenience caused.
- 5.5 The resident emailed the landlord on 13 February 2023 and asked her complaint to be taken to stage 2, and said:
- a. She was unhappy there was a delay in sending its stage 1 response.
  - b. The officer who had called to book in the upcoming inspection was "patronising". They had asked her if she was ventilating and "mopping up" the excess water in the property. She felt that they were trying to blame the issue on "tenant lifestyle".
  - c. She was unhappy that it was doing another inspection, as it had already done so "multiple times".
- 5.6 The landlord sent its stage 2 complaint response on 13 March 2023, and said:
- a. It had raised works, following its visit on 15 February 2023, that would help manage the damp and condensation in the property.
  - b. The works were to be completed by 15 March 2023, and were to:
    - i. Fix "leaking hopper" on the bath that caused water to leak out when the bath was emptied.
    - ii. Clear out the chimney of debris and renew the air vent.
    - iii. Renew the extractor fans in the kitchen and bathroom.
    - iv. Add more loft insulation, including insulating the loft hatch.
  - c. It offered its "sincerest apologies" if its operative was patronising in "any way". It explained that "many elements" contribute to damp and condensation.
  - d. It made an increased offer of £400 in compensation.

- 5.7 The landlord completed the remaining repairs set out in its stage 2 complaint response in 2023. The works and dates are set out below:
- a. Installed the new extractor fans in the kitchen and bathroom on 30 March 2023.
  - b. Fixed the 'hopper' on the bath on 10 November 2023.
  - c. Cleared out the debris in Chimney and renewed the air vent on 23 November 2023. (the repair log indicates the resident cancelled an appointment to complete this repair in June 2023).
- 5.8 The resident contacted the Housing Ombudsman in November 2023 and asked us to investigate her complaint. She said that the bedroom in the property was "covered in mould", and in the winter months she had water "dripping" from the ceilings.
- 5.9 The Housing Ombudsman's reasoning for its findings were that
- (a) the landlord's record keeping around the repairs was poor, and it was at times unclear on what action it had taken or needed to take. The landlord was not proactive in booking follow up repairs and failed to adhere to the timeframes set out in its damp and mould policy. It failed to show an appropriate level of learning about its admitted failings, which meant similar mistakes continued to happen.
  - (b) The landlord failed to show learning about its admitted failings. There was an, albeit minor, delay in sending the stage 1 response, which it failed to acknowledge. It did not address all aspects the resident complained about in its responses, which caused a further inconvenience. The lack of reflection of its own actions can reasonably be concluded to have contributed to the overall poor handling of the substantive issues in the complaint.
- 5.10 The Housing Ombudsman ordered that the landlord within four weeks of the report:
- (a) apologise for the failings identified in the report
  - (b) pay the resident £950 in compensation, comprising:
    - (i) The £400 it offered for its handling of the resident's reports of damp, mould, and the associated repairs (if it has not already done so).
    - (ii) A further £400 in recognition of the distress and inconvenience caused by its handling of the resident's reports of damp, mould, and the associated repairs.
    - (iii) £150 in recognition of the inconvenience caused by its complaint handling.
  - (c) Given its silence on these matters throughout the complaint, write to the resident to outline:
    - (i) When it plans to upgrade the cavity wall insulation.
    - (ii) Its position on the bee infestation, and how it can support the resident to address it.
  - (d) Within 8 weeks, the landlord is ordered to:
    - (i) Considering the ongoing concerns about damp, mould, and water ingress, instruct an appropriately qualified, independent surveyor, to inspect the resident's property and identify any repairs needed

- (ii) Conduct a review into its handling of the resident's reports of damp, mould, and the associated repairs, and identify points of learning to reduce the risk of similar failings occurring again, with a particular focus on:
  - (aa) The impact of its failure to show learning throughout the complaint.
  - (ab) Its knowledge and information management, including record keeping.
  - (ac) Its poor communication with the resident, and internally.
- (e) Conduct training with its complaint handling staff, with a particular focus on:
  - (i) The importance of a thorough and transparent complaint investigation that seeks to show learning about admitted failings.
  - (ii) The importance of responding to all aspects of the complaint.
  - (iii) The importance of proactively communicating complaint response delays to the resident and acknowledging any delays in its complaint responses.

5.11 In response to the above, the Chief Executive of Colchester Borough Homes has advised that all actions have been completed and the Ombudsman has confirmed that the case has been closed. In addition, the case has been reported to the Colchester Borough Homes Board and will be included in the next quarterly housing update to the Governance and Audit Committee. With increased customer awareness and ongoing media campaigns by the Housing Ombudsman, it is likely that cases referred to them by Council tenants will increase. This will mean further cases opened by the Ombudsman for investigation into Colchester Borough Homes complaints. Any opportunities for continuous improvement or lessons learned will continue to be identified and implemented by Colchester Borough Homes.

## **6. Strategic Plan References**

6.1 The lessons learnt from complaints to the Housing Ombudsman link in with our Strategic Plan aims to be efficient accessible, customer focused and always looking to improve. Having an effective complaints process helps us to achieve the Strategic Plan's themes of a Wellbeing, making Colchester an even better place to live and supporting those who need help most.

## **7. Publicity Considerations**

7.1 Details of the Reports are published on the Housing Ombudsman's website.

## **8. Financial, Equality, Diversity and Human Rights, Consultation, Community Safety, Health and Safety, Risk Management and Environmental and Sustainability Implications**

8.1 No direct implications.

Background Paper:

Housing Ombudsman Report dated 8 April 2024 Complaint 202226995