

SPSO decision report

Case: 201103721, Falkirk Council
Sector: local government
Subject: repairs and maintenance
Outcome: some upheld, recommendations

Summary

Mr C moved into a property as part of a house swap. He said that it was not habitable because of damp, condensation and mould, and that this affected the his and his family's health. He told us that the council delayed in sorting out the problems and in responding to his complaints, and did not decant (temporarily move) them into another property. Mr C also complained that when he sent an insurance claim to the council for items damaged by damp and mould, the council and/or their insurers did not take full account of his evidence when they assessed the damage. He eventually moved his family to a privately rented property.

Our investigation found that, although no solution was found while the family were in the property, the council did not delay in trying to address the problems, so we did not uphold that complaint. We did uphold the complaint about decanting. The council told us that they considered moving the family, but decided it was not necessary because the type of work needed did not require this. They could not, however, show us evidence to support their decision.

Although we cannot look at the amount of an insurance award, we can look at the decision-making process that led to it. After a considerable amount of discussion with the council, in which both we and they took legal advice, they provided us with evidence about that process in relation to Mr C's claim. Having reviewed this, we took the view that the insurers had given the council all the relevant information. We did, however, find some failings and delays in responding to Mr C's complaints.

Recommendations

We recommended that the council:

- consider reviewing and adapting the documentation on requests for major repairs to allow for discussions and/or consideration of decanting to be recorded; and
- issue a written apology for the failings identified during our investigation.