

## SPSO decision report

**Case:** 201201524, Scottish Borders Housing Association Ltd  
**Sector:** housing associations  
**Subject:** complaints handling  
**Outcome:** upheld, recommendations

### Summary

Mrs C is Ms A's mental health support officer. She complained on behalf of Ms A about the association's actions after water came into Ms A's property. Mrs C said the association failed to assist Ms A, who is a vulnerable tenant, in cleaning up the damage, replacing goods and redecorating, resulting in Ms A having to live in a damp property with unrepaired walls and damp and mouldy carpets. She also complained that the association delayed in passing an insurance claim to their insurers and did not respond to Mrs C's letters of complaint, or follow their complaints procedure.

Our investigation found that the association offered to move Ms A to another property while her home dried out, in accordance with their normal procedures, but this was declined because of Ms A's mental health problems. The association provided dehumidifiers to help dry out the property and paid for the running costs. We accepted Mrs C's contention that she had to bring up the issue of the running costs with the association but there was insufficient evidence for us to say that Mrs C also had to ask for the dehumidifiers to be provided. The evidence also suggested that the association did not delay in providing these.

On the matter of replacement goods, our investigation found that the association acted appropriately by initially suggesting Ms A apply for a crisis loan to replace the damaged items. However, had the association passed her claim to their insurers within a reasonable time, this would have meant that money for replacements would have been available to Ms A much earlier.

In terms of the association helping redecorate Ms A's property, we were unable to say with certainty that no offer to redecorate was made. We accepted that it would not have been reasonable for them to redecorate Ms A's property until liability had been determined, but the delay in the association concluding their internal investigation meant that it took more than two and a half months for them to decide that they were in a position to make any offer to redecorate.

The evidence showed that the association unreasonably delayed in forwarding the claim to their insurers and failed to follow their own procedures when investigating the claim. We agreed with the remedial action that they had already taken on this, but we made a recommendation about recording such assessments, as there were none on file in this case.

Our investigation found that, given what Mrs C said in her initial letter to the association, it was reasonable that they started their claims process. However, it was clear that Mrs C's letter also contained statements of dissatisfaction about the support provided and the handling of Ms A's case. We considered that the association should have explained in writing the points being dealt with as an insurance claim and those that could be considered under their complaints procedure, then dealt with these appropriately. The evidence also showed that the association failed to respond appropriately to Mrs C's further communications on the complaint.

### Recommendations

We recommended that the association:

- provide Ms A with a written apology for unreasonably failing to assist her by failing to offer to pay for the dehumidifier running costs and for failing to ensure that replacement goods and any offer to redecorate could have been made at an earlier date;
- revise their procedure to include a requirement for staff to detail their assessment of liability and conclusions;
- provide Mrs C and Ms A with a written apology for failing to deal with this complaint properly; and
- feed back our findings to the staff involved.