

SPSO decision report

Case: 201204319, West Dunbartonshire Council
Sector: local government
Subject: repairs and maintenance
Outcome: some upheld, recommendations

Summary

Mr C, a council tenant, complained about the repairs the council did to his home following water ingress. He was also unhappy that he was told he would have to pursue the council's contractor if he wanted to make a compensation claim stemming from those repairs, and also with the way that the council handled his complaint.

Mr C had reported water ingress before and the council had arranged repairs as part of an upcoming maintenance project. He reported water ingress again around a year later, in January 2012, and the council attended promptly to lay sheeting in his loft. The evidence indicated that they did work to the slates on his roof in February 2012. However, in July 2012 another repair was needed which identified a problem with their contractor's workmanship during the historic maintenance project. In assessing whether the council had acted reasonably, we found that they had responded reasonably to Mr C's reports and we did not uphold his first complaint. However, as the council neither acknowledged nor responded to Mr C's complaint within the relevant timescales, we upheld his second complaint.

In terms of Mr C being told to raise his compensation claim with the council's contractor, only a court can determine liability. Our role was limited to considering the council's administrative handling of the matter. The evidence indicated that the council investigated Mr C's claim and passed the relevant information to their claim handlers, whose advice was that the council were not legally liable. Although any compensation claim would still have had to be raised with their contractor, the council agreed a rent rebate and offered Mr C a discretionary payment for his inconvenience. We recognised that, as a council tenant, Mr C felt he should raise concerns with his landlord and we were critical that, on the basis of the paperwork available, there was no clear statement for tenants of the council's position regarding such claims (for example, an information leaflet). In light of the steps taken by the council, we could not say there had been maladministration in reaching their final position and we did not uphold this complaint. In the circumstances, however, we did make recommendations.

Recommendations

We recommended that the council:

- apologise to Mr C for the delay in responding to his complaint;
- work with Mr C to clarify whether their contractor remains in business and how he would go about raising a claim against them; and
- consider how they can improve ease of access for tenants in making such claims against contractors in future (for example, updating relevant leaflets, correspondence and / or paperwork).