

SPSO decision report

Case: 201301200, Lanarkshire Housing Association Ltd
Sector: housing associations
Subject: improvements and renovation
Outcome: upheld, no recommendations

Summary

Mr C, who is an MSP, complained on behalf of two housing association residents (Ms A and Mr B). The residents were unhappy that, having been told that it would not be possible to have gas central heating installed, the association had not consulted them on what they preferred instead.

Our investigation found that, due to technical and legal concerns, the association could not fit gas central heating as they had originally planned. Most of the tenants who had responded to a survey at the start of the consultation process had preferred this option. When the technical and legal issues came to light, and it was clear that gas central heating could not be installed, the system was re-designed for a wet electric system. Tenants were invited to a meeting before work on the upgrading programme began and the association considered this to be part of the consultation process. However, some tenants were unhappy as they felt that the decision had already been made and they had no opportunity to put forward their concerns or have their views considered.

We took the view that, given the very limited alternatives available when the problems came to light, the association's decision to replace the intended gas system with an electric system was reasonable. However, we were critical that they did not consult with tenants before inviting them to the meeting. We were aware that their policy on consultation with tenants promoted and encouraged consultation, but gave the association the power to make the final decisions in any cases with a financial and/or technical element. We also took on board that at the meeting the association made members of their staff available to discuss the tenants' concerns, as well as staff from the heating system designers and contractors. However, the tenants' only options at this stage were either to accept the proposed wet electric system or remain with the existing inefficient storage heater system. Several tenants, including Ms A and Mr B, in fact chose not to allow access to install the new system. We were also critical of the association's apparent assumption that because only a minority of the tenants invited to the meeting attended, those who did not attend either had no concerns about the new proposal or implicitly approved of it.

In replying at the second stage of the association's complaints process, the chief executive had written a comprehensive letter explaining the problems and the reason for the decisions taken. He acknowledged that communication could have been better in the early stages and partially upheld the tenants' complaint. The association told us that they had learned from the complaint and would in future ensure that proposed options were viable before putting these to tenants. The association also said that they would review their practice for the future. In view of the technical circumstances the association faced, and their assurance that they had learned from these events, although we upheld the complaint we made no recommendations.