

SPSO decision report

Case: 201304236, The City of Edinburgh Council
Sector: local government
Subject: repairs and maintenance
Outcome: upheld, recommendations

Summary

Ms C, who is an advice worker, complained on behalf of her client (Mr A) that the council had unreasonably failed to carry out repairs to prevent water coming into Mr A's council house. Ms C said that Mr A contacted the council many times about this and the council had failed to permanently resolve the situation.

Our investigation considered the council's policy on water ingress and whether they followed it. The policy said that for top floor flats such as Mr A's they would arrange a temporary roof repair to ensure the home was wind and watertight. The council indicated that, in such cases, temporary repairs should be carried out within one day.

The evidence showed that on eight separate occasions the council were advised of water ingress problems at Mr A's property. On two of these, they arranged repairs in accordance with their policy. However, on the remaining six, the evidence suggested that no temporary repairs were completed. We acknowledged that, during that time, the council organised more permanent repairs for the roof, but this did not remove the requirement for them to carry out temporary repairs to make Mr A's home watertight. Given the number of times Mr A reported the same issues, we also found that the council failed to identify the problem and to take appropriate action earlier.

We were also concerned that in their response to Ms C's complaint the council said they were not aware of a recent problem, when their records clearly showed that this had been reported to them no fewer than seven times. We were, therefore, critical of the council's failure to investigate Ms C's complaint properly.

Recommendations

We recommended that the council:

- feed back our decision on this case to the staff involved to prevent such failings occurring in future;
- review Mr A's compensation claim in light of their acknowledgement that they had previously failed to review their repairs system properly in this case and carry out sufficient repairs to rectify the water ingress problem and advise Mr A of the outcome; and
- provide Mr A with a written apology for the failings identified.