

SPSO decision report

Case: 201508205, A Housing Association
Sector: housing associations
Subject: aids and adaptations
Outcome: upheld, recommendations

Summary

Mr C complained about the housing association after they failed to carry out adjustments to improve soundproofing in his property. As Mr C has a disability which heightens his sensitivity to noise, he stated that normal living noise from his neighbour below was causing him a great deal of stress. He felt that as he was at a substantial disadvantage compared to someone without his disability, this meant the association had a duty to make reasonable adjustments under the Equality Act 2010 and suggested the installation of soundproof matting. However, the association refused his request.

On investigation, we found that the association had failed to explain their decision to refuse his request. Instead, they had made reference to a previous response they made to an unrelated request for a reasonable adjustment. They also failed to fully explain their decision in response to our enquiries. As such, we upheld this element of the complaint.

Mr C also complained that, throughout the four years of his tenancy, the association had failed to provide him with sufficient tenancy management support.

On investigation, we found that an early offer of support had been made to Mr C, but that this had not been repeated despite clear indications that Mr C was struggling to manage various aspects of his tenancy. We also found no evidence that the association had carried out a detailed assessment of Mr C's support needs to ensure that they were meeting their responsibility to provide suitable support, either internally or through external agencies. Finally, we found that the association had no policies directly relating to the provision of tenancy support, and despite making a number of enquiries on the subject, we were not clear on the extent of the support they aimed to provide to their tenants, either internally or externally, or how and when referrals to these services were triggered. For these reasons, we upheld this aspect of Mr C's complaint as well.

Recommendations

We recommended that the association:

- apologise to Mr C for the failings identified;
- reconsider Mr C's request for reasonable adjustments in the form of auxiliary aids to reduce noise disturbances in his home and provide clear explanation of a robust, evidenced decision;
- share the findings of this investigation with all staff responsible for responding to requests for reasonable adjustments;
- carry out a full assessment of Mr C's current support needs and take reasonable steps to ensure suitable support is made available going forward;
- consider implementing a policy/procedure that clearly defines: the extent of the support the association aim to provide internally; which external agencies are available to provide any additional support required; and how and when referrals to both internal and external services will be triggered; and
- provide training to relevant staff on how to identify and assess support needs.