

## SPSO decision report

**Case:** 201607207, East Renfrewshire Council  
**Sector:** local government  
**Subject:** repairs and maintenance  
**Decision:** not upheld, no recommendations

### Summary

A solicitors firm complained on behalf of their client (Ms A) about the management of asbestos at a property she had rented from the council, and the time taken to provide her with a decant from the property.

Ms A's former property was constructed with asbestos containing materials. The council had surveyed these materials and considered that they were of low risk. Ms A was made aware of this when she moved in to the property. Approximately one year later, Ms A said the council's contractor undertook works at the property, and she was concerned that they damaged the flooring. Ms A said she reported this to the council. Approximately three years later, Ms A contacted the council to raise concerns about the flooring at the property and the council arranged an inspection. The council did not consider that the asbestos containing materials presented any risk. However, a decision was subsequently made to decant Ms A to another property. The council said that they offered one property, however, Ms A did not wish to move there. A number of months passed before Ms A was decanted to another property.

Regarding the management of asbestos at the property, we found that the council had conducted a survey that established this was low risk and in good condition. We found that the council followed their asbestos management plan. We found no evidence that the council's contractor carried out works inappropriately, and the council had no records of being contacted at that time. When Ms A raised concerns about the property approximately three years later, we found that the council organised an inspection, and relied on the professional expertise of their officer in concluding that there was no risk from the asbestos. We found this to be reasonable and we did not uphold this aspect of the complaint.

In relation to the time taken to provide a decant, we noted the council's records indicated that one was initially offered, but Ms A did not wish to move. The council explained that there were limited properties available that were suitable. The property that Ms A was eventually moved to required works before it was ready. In these circumstances, we considered that there was no unreasonable delay by the council and we did not uphold this aspect of the complaint.