

SPSO decision report

Case: 201700318, Yorkhill Housing Association Ltd
Sector: housing associations
Subject: improvements and renovation
Decision: some upheld, recommendations

Summary

Mr C made several complaints to the housing association about the noise levels in his flat. Sound tests were carried out, which showed that the sound levels did not meet the required standards. The association agreed to carry out sound insulation to Mr C's floor and walls, if Mr C moved out of the flat during the works. Mr C was reluctant to do this, as he suffers from agoraphobia (a fear of being outside). Mr C also wanted the association to use specific materials for the works. Following some months of negotiation, the details of the works were agreed. The association agreed that Mr C could stay in the flat during part of the works, and that he would move out on a daily basis during other parts, being escorted to and from temporary accommodation by their staff each day. The association also agreed to use the specific materials that Mr C requested.

The works were undertaken over a three month period. Mr C was dissatisfied with the results, and he complained that the association did not use the agreed materials. He was also unhappy with the amount of time taken to complete the works, and was not satisfied with the work carried out in the kitchen recess, which had reduced the space available. He felt that the association had discriminated against him by requiring him to leave the flat unnecessarily and he said that his neighbour had received preferential treatment because works on their flat were carried out within a quicker timeframe, and they were not required to move out.

The association did not uphold Mr C's complaint at first, but when he provided photos and video evidence with his complaint to us, they agreed to carry out more investigations, including taking samples from Mr C's walls. They found that their usual materials had been used, instead of the different materials agreed, and they agreed to redo this work.

We took independent advice from an equalities adviser. As the association had failed to use the agreed materials, we upheld this part of Mr C's complaint. We did not consider the time taken for the works to be completed was unreasonable, as the work had to be undertaken in phases because Mr C was still living in the flat. We did not uphold this part of Mr C's complaint. We found Mr C did not object to the kitchen wall being modified as part of the work and he would have been aware that this work was planned. Therefore, we did not uphold this part of his complaint. We found that Mr C had agreed to move out while the association completed works to the floors, but they had also asked him to move out while they completed some of the works to the walls. We found that the association did not have clear records of why they asked Mr C to leave during the works to the walls, and that their overall record-keeping regarding reasonable adjustments was poor. However, on the whole we considered that the association had taken their equalities obligations into account, as they had made a number of adjustments in view of Mr C's disability. We did not uphold this aspect of Mr C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for failing to use the agreed specifications for the works. The apology should meet the standards set out in the SPSO guidelines on apology available at

<https://www.spsso.org.uk/leaflets-and-guidance>.

What we said should change to put things right in future:

- Where a customer discloses a disability, there should be a clear record of this and the reasonable adjustments agreed (including any changes to the agreement).

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.