SPSO decision report

SPSO Scottish Public Services Ombudsman

Case:	**201704002, Aberdeen City Council**
Sector:	local government
Subject:	repairs and maintenance
Decision:	upheld, recommendations

Summary

Mr C complained on behalf of an elderly relative (Mrs A) that the council unreasonably charged her for a replacement front door after she left her council tenancy, and about the council's response to his complaint.

Mrs A changed the front door for one of her own preference several years ago. Upon leaving the tenancy, the council did a premises check. A year after leaving the tenancy, Mrs A was sent an invoice for a replacement front door stating that the door was damaged. Mr C queried this on Mrs A's behalf, stating that this was the first time they had been informed of any damage. Mrs A received a final demand for payment from a debt recovery agency working at the council's request.

We found that the council had no evidence of the inspection carried out before Mrs A left her tenancy, to show that they noticed and recorded the door as needing replaced, and informed Mrs A of this. Since Mrs A was a council tenant for over 30 years, and because of her age and state of health, the responsibility should have been on the council to remind Mrs A, at the time of the inspection, of her obligation to replace the door. There was no evidence that the council did this, or that they gave Mrs A the chance to replace the door before they charged her. The council could also have used their discretion not to charge Mrs A for the door, given her age and health. The council did not properly explain their discretion to Mr C, and gave him and us contradictory and conflicting information about it. The council said that they considered their discretion in Mrs A's case, but provided no evidence of this. Therefore, we upheld Mr C's complaint.

In relation to complaints handling, we found that a council officer did not make notes of phone calls with Mr C, and was unable to recall what was said when we asked. It was not clear which process the council used to deal with Mr C's complaint. In addition, we found that the council did not respond to key points of Mr C's complaint, and did not respond at all to his final email. Therefore, we upheld Mr C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Cancel the invoice to Mrs A for the door and instruct the debt recovery agency to take no further action.
- Apologise to Mrs A for unreasonably charging her for a replacement front door. The apology should meet the standards set out in the SPSO guidelines on apology available at https://www.spso.org.uk/leaflets-and-guidance.
- Apologise to Mr C for the unreasonable handling of his complaint. The apology should meet the standards set out in the SPSO guidelines on apology available at https://www.spso.org.uk/leaflets-and-guidance.
- Acknowledge that they had the power/discretion to consider waiving the charge.

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

- Housing staff should make a note of phone calls querying invoices, and retain evidence that they told the

caller to contact the repair team with details of the dispute, so that the issues can be investigated.

- Housing staff should make a record of their consideration of such cases, including requests for discretion to be applied, and the rationale for the conclusion(s) reached.
- Housing staff should advise tenants, or their representatives, how to ask for the application of discretion for elderly and infirm people, advise what evidence is needed to support any such claim, and explain how their request will be considered.

In relation to complaints handling, we recommended:

- Housing staff should advise tenants, or their representatives, under which procedure their dissatisfaction is being handled.
- Housing staff should respond to all key points of a complaint.
- Housing staff should not ignore emails, but should provide an appropriate response.

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.