

## Scottish Parliament Region: Central Scotland

### Case 200501450: South Lanarkshire Council

#### Introduction

2. On 30 September 2005 the Ombudsman received a complaint from the tenant of a multi storey council flat (referred to in this report as Mr C) that the Council had delayed inordinately after September 2004 in effecting a repair to the door entry system at the block of flats. He also complained that they failed to inform him of their complaints procedure.

3. The aspects of Mr C's complaint which were investigated were:

- (a) the delay in effecting the repair; and
- (b) the failure to inform Mr C of their complaints procedure.

4. Following investigation of both aspects I reached the following conclusions:

- (a) upheld, see paragraph 28;
- (b) upheld, see paragraph 29.

5. The Ombudsman recommends that the Council demonstrate that they have reviewed the circumstances surrounding the inordinate delay experienced in this case to avoid recurrence; and that the Chief Executive apologises to Mr C for the shortcomings identified.

#### Investigation and findings of fact

6. Mr C provided me with his correspondence with the Council. A written enquiry of the Council was made and Mr C had the opportunity to comment on the Council's response. He and the Council have had the opportunity to comment on a draft of this report.

7. Mr C has been a resident in a 14 storey block of 87 flats since May 2000. It is also relevant to record that Mr C is a member of the East Kilbride Housing Forum

which is one of eight forums set up by South Lanarkshire in their area following the commencement in September 2002 of the Housing (Scotland) Act 2001 to enable the Council as a public sector landlord to consult with individual tenants as well as registered tenants groups on matters affecting them.

8. According to Mr C the block, which had its resident caretaker removed by the Council some three years ago, has five or six residents with special needs. The block also housed a number of elderly persons. The Council have stated that although a resident caretaker was removed, a dedicated caretaker service was still provided within the block which residents have full access to during normal working hours. Outwith normal hours a standby caretaker is on duty, with contact details displayed on a notice within the foyer of the block.

9. According to the Council, the intercom system at the block was installed in 1994. In 2003, doors and screens were replaced but not the intercom system. Mr C informed me that prior to mid 2003 access to the block was by a 'Yale' type key. In September 2004 Mr C had to contact the Housing Department to report a defect which he says allowed unfettered access to be taken to the block.

10. The Council confirmed that in August and September 2004 they received reports from various residents that their handsets in their homes were not operating correctly. They said that individual repairs were carried out in each instance and, on completion of the repairs, the handsets were in working order. The Council said that the first report they had that the full system was out of action was on 15 October 2004.

11. According to Mr C when the problem he reported was not fixed, he contacted his local councillor (Councillor 1). Councillor 1 made enquiries on his behalf. On 1 November 2004 a technical officer (Officer 1) wrote to Mr C informing him that he had contacted the Council's contractor responsible for the maintenance of the door entry system (Company X) who had informed him that the parts required to restore full service were now in stock. These parts would be fitted within the following two days and Officer 1 expected the system to be fully operational no later than 5 November 2004.

12. Although the contractor attended and attempted to rectify the problem, the fault

was not rectified by 5 November 2004. Company X subsequently attributed the problem to a fault with a printed circuit board. Company X tried unsuccessfully to source a supplier in the United Kingdom and thereafter widened the search unsuccessfully to Europe. On 9 December 2004 a letter was sent by Officer 1 to all the residents. That letter set out the current position and stated that should a source for the parts not be secured, the system would require to be replaced in its entirety. Residents were informed that to avoid additional unnecessary delays the Council were simultaneously seeking quotes for the renewal of the system. Officer 1 anticipated that within the next two weeks the Council would have sourced a manufacturer who could supply the necessary parts or have exhausted all options and would instruct the entire replacement. Officer 1 apologised for the obvious inconvenience caused by the inordinate but unavoidable delay in restoring service and agreed to keep tenants updated.

13. In the following month (14 January 2005) Mr C attended the East Kilbride Housing Forum where he said the Area Services Manager (the Manager) gave him a public undertaking that he would investigate the delay in effecting the repair. When Mr C heard nothing further he wrote to the Manager on 10 February 2005 requesting immediate and decisive action through South Lanarkshire Council placing a contract for complete system renewal as a matter of priority. Mr C copied the letter to the Chair of Housing and Technical Services (Councillor 2).

14. The Manager replied the following day (11 February 2005). He explained that delays in repairs being carried out had been caused by difficulties in the Council sourcing spare parts for the control panel of the door entry system which was now obsolete. The Manager confirmed that tenders had been sought from suitable contractors for the replacement of the door entry system. On the appointment of a contractor, arrangements would be made to commence installation and residents in the tower block would be advised. The Manager apologised for the inconvenience caused.

15. Mr C also wrote to Councillor 2 on 21 February 2005 regarding his inability to raise the issue at the East Kilbride Housing Forum. That letter received a reply from the Manager on 3 March 2005. Mr C was advised that a form for individual enquiries would be introduced by the date of the next Forum on 16 March 2005 to enable enquiries to be passed to staff to ensure that each enquiry is logged and a

response provided. The Council have explained that the East Kilbride Housing Forum is organised and chaired by residents and that their officers and elected members attend at the request of the Forum. The Forum had decided that to allow business to be attended to without distraction from individual items, points such as that raised by Mr C should not be raised during meetings. The enquiry form had suggested to the Forum and accepted by them as a means of recording an enquiry raised and to facilitate a response to individuals.

16. On 10 March 2005 the Manager wrote to Mr C (with a copy to Councillor 1) stating that following the invitation to tender a contractor (Company Y) had been appointed to remove the entire system and supply and install a new 'Digital Dial' system. It was anticipated, based on Company Y's estimated timescale, that they would be on site in six weeks to commence the work. The Manager apologised again for the obvious inconvenience caused to Mr C and other residents by the inordinate delay in carrying out repairs.

17. Work did not, however, start as advised. On 9 June 2005 Company Y sent a letter to residents informing them of the timescale for commencement of works. The Housing Department confirmed to tenants, by letter of 28 June 2005, that work was due to commence on 29 June 2005. The Council said works commenced on 30 June 2005 but were delayed because of the inability of the contractor to gain access to residents' homes to fit new handsets.

18. On 24 August 2005 an officer in the Housing Department wrote to all residents confirming that the doors to the recently installed new door entry system would be operational from 26 August 2005. At the East Kilbride Housing Forum on 24 August, Mr C tried to raise the particular case as an example of how effective or efficient Council performance in effecting repairs had been. The Chairperson regarded the question as not relevant and the Manager responded, briefly, to say he considered a review was not necessary.

19. The Council said that the system was fully commissioned on 26 August 2005, although a note had been placed on the door entry panel to say that the contractor was still in the process of obtaining access to properties to fit new handsets. The Council said that the system was fully operational at the end of that day

20. On 29 August 2005, when Mr C submitted his complaint to the Council, he stated that the door entry system was still not fully operational and a handwritten note taped to the door informed people that access could be gained by using the service button on the control panel. In his letter of complaint to the Council, Mr C sought a personal response from the Chief Executive on the ability of the authority effectively to control or monitor actual delivery in the area of repairs and the provision of information to tenants to pursue a reasonable grievance. The letter was acknowledged by the Chief Executive and a reply was sent on 12 September 2005.

21. In his reply, the Chief Executive recounted the difficulties experienced in effecting a resolution of the problem. A decision had been taken not to pursue repairs as the system was programmed for replacement during planned maintenance for 2006. He stated that the Council had, in good faith, taken the advice given by their specialist contractor that the system could be repaired. He also recognised that the system recently installed required adjustment; that this adjustment required access to 20 (of the 87) flats and that the contractor was currently dealing with this.

22. The complainant was not happy with the Chief Executive's reply and submitted his complaint to the Ombudsman's office on 29 September 2005. He maintained that the door entry system was not fully operational at that time and allowed open access. He later confirmed that the system became operational on 30 September 2005, the day the complaint was received by the Ombudsman's office. In his complaint, Mr C pointed to the inordinate delay in effecting the repair; the Council's failure to review the delay; and the reluctance of the Council to provide tenants with clear information on procedures when they have grounds to feel their grievance had not been handled effectively.

23. Enquiry was made of the Council on 14 October 2005 and the Council's response of 10 November 2005 was received on 14 November 2005.

### **The Council's response**

24. In his letter of 10 November 2005 responding to the complaint, the Chief Executive stated:

'Although there is no longer a resident caretaker for this block, a caretaking service is still provided which the residents have full access to. During normal working hours there is a dedicated caretaker for (the tower block) who is based in the caretaker's office within the block. Outwith these hours, there is a standby caretaker on duty. Contact details for this officer are displayed on the notice board within the foyer and any vulnerable tenant would have access to this service.

I would advise that the fault with the door entry system related to the intercom system not the door lock. When the problem was originally reported the door lock was still operational. However, due to the inconvenience this was causing residents, representation was made by them to the Council to disengage the lock, which we subsequently did on 16 November 2004.

I would confirm that we have reviewed the reasons for the lengthy delay which occurred in this instance. In order to secure best value for both the Council and the owner-occupiers within the block, who are required to pay a share of any remedial work, we would always exhaust all possibilities of carrying out economical repairs to a door entry system before taking action to replace it. In this regard, we had been taking advice from the specialist contractor that the system could be repaired. Had it been identified at an earlier stage that the system was beyond repair, this unacceptable delay would have been avoided.

Officers have been instructed that if repairs cannot be completed within a reasonable time period a replacement system must be instructed and installed.

In relation to the information provided to you by Mr C, I would take this opportunity to clarify that the works undertaken in mid 2003 were to upgrade the foyer and included replacement of the doors and screen not the replacement of the door entry system which I am advised was installed in 1994.

The Council's complaints procedure is available in all (Council one stop shops) and more recently on the internet, however at no time was this brought

to Mr C's attention throughout our correspondence with him. On reviewing this case I accept that Mr C should have been advised specifically about the complaints procedure and I apologise for this oversight on this occasion.

I have instructed all managers to refresh awareness on our complaints procedure to ensure a situation like this is not repeated in the future.'

### **Mr C's comments on the Council's response**

25. A copy of the Council's response was sent to the complainant on 14 November 2005 to give him the opportunity to comment and he did so by letter of 5 December 2005.

26. In his comments, Mr C stated that the removal of the resident caretaker three years ago for economy reasons was criticised by residents at the time and has been detrimental to the response time to residents' reports of repairs. Additionally, he considered there had been a coincidental rise in anti-social behaviour vandalism, drinking and rough sleeping in public areas of the block. Mr C stated that he regarded the disengagement of the lock on 16 November 2004 as an irrelevance and that the real issue was inordinate delay from September 2004 to September 2005 in carrying out the repair when there were vulnerable residents in the block.

27. Mr C regarded the Chief Executive's confirmation that a review had taken place as extremely vague. He believed contract monitoring and progress chasing had been at best perfunctory, even lax, with little real effort being made to ensure that time-scales were maintained.

28. Mr C noted the Chief Executive's statement in his response that he had not been advised of the Council's complaint procedure and, given his previous contact with Councillor 2 to whom he wrote on 21 February 2005, he found it disingenuous to refer to the Council's failure to inform him as an 'oversight'. Finally, Mr C did not regard best value as having been obtained in this instance.

### **Conclusions and recommendations**

29. The delay in affecting an appropriate repair to the door entry system at the complainant's multi-storey block was in the Council's own words inordinate.

I accept that the resultant apparent unfettered access for an extended period was worrying particularly to vulnerable residents. While part of the reason for the delay is explained, the delay in implementing the contract has not been addressed. I uphold this aspect of the complaint. I share Mr C's concern that the Council's review has not been demonstrated to be thorough and the Ombudsman recommends that the Council revisit the timescales experienced in this case with a view to adopting measures which would avert a similar delay in the future.

30. I also uphold the complainant's complaint that he was not informed of the Council's complaints procedure. I recognise that the Council's establishment of the Q and A "one stop shops" should be able to provide advice to potential complainants. The Chief Executive's instruction to managers to refresh awareness of the complaints procedure (paragraph 23) should help prevent a recurrence.

31. Finally, although the complainant and other residents received apologies from the Housing Department at an earlier stage, the Ombudsman considers that a written apology should be sent to Mr C by the Chief Executive. This should address the fact that, due to the delay, Mr C required to complain to the Ombudsman and the Council's omission in informing him of their complaints procedure.

25 April 2006



**Explanation of abbreviations used**

Mr C	The complainant
Councillor 1	Mr C's local councillor
Councillor 2	Chair of Housing and Technical Services
Officer 1	A technical officer who contacted the Council's contractor
Company X	The contractor responsible for the maintenance of the door entry system
Company Y	The contractor appointed to remove door entry system and install new Digital Dial system
The Manager	Area Services Manager