

Scottish Parliament Region: Mid Scotland and Fife

Case 200501985: Fife Council

Introduction

1. On 20 October 2005 the Ombudsman received a complaint from a council tenant (Miss C) who complained about undue delay by Fife Council (the Council) as her landlord, in researching and resolving a problem of noisy pipes in her home.

2. Following investigation I upheld Miss C's complaint. The Ombudsman was pleased to note that the Chief Executive had written to Miss C to apologise for the Council's omissions and to offer her £1,000 in compensation (paragraphs 10 and 11).

Investigation and Findings of Fact

3. The investigation was based on information supplied by Miss C and the Council's response to my enquiries. Miss C and the Council have been given the opportunity to comment on a draft of this report.

4. Miss C first complained to the Head of Housing at the Council on 7 October 2005 and wrote again on 19 October 2005. These letters were acknowledged.

5. Miss C wrote to the Ombudsman on 19 October 2005. She stated in her letter that she had reported her problems with noise from pipes 31 times since it first arose in January 2005; through 18 visits to the local Rent Office and 13 telephone calls. Since the last of her pipes had been lagged on 4 August 2005, the noise had increased and ten weeks later she was still unable to get a full night's sleep. She suffered from chronic fatigue and the noise disturbance made her feel worse. Miss C was advised on 21 October 2005 that her complaint should be taken fully through the Council's complaints procedures.

6. Workmen attended on the morning of 26 October 2005 and replaced the copper water supply pipe with a plastic pipe. A plumber noted that the problem appeared to emanate at the external stopcock. Miss C informed me that the plastic pipe reduced the noise and that night she got her first undisturbed sleep in months. She visited the Council's local office and attempted unsuccessfully to speak with the local Housing Officer later in the afternoon of 26 October 2005

to inform her of events. A message was to be relayed to the Housing Officer by the receptionist.

7. On 1 November 2005 Miss C received a letter from the Council saying the matters she had raised would be investigated. A Housing Inspector called when she was out on 1 December 2005. She phoned the officer at his office to confirm that she no longer had a noise problem in the house. The officer was previously unaware of this. She then received a further call from a Housing Officer on 5 December 2005 who was also unaware that the matter had been rectified six weeks earlier (on 26 October 2005). The Housing Officer apologised for not meeting with her then and said she was glad the problem was solved. Despite this, Miss C received a visit from Scottish Water the next day and a further call from a Housing Officer. On 7 December 2005 she received another letter from a Team Leader who undertook to contact Miss C when she had confirmation that the repair had been successfully completed.

8. Miss C informed the Ombudsman's office on 21 January 2006 that she had heard nothing further about her formal complaint. Three and a half months had elapsed since it was submitted. In these circumstances I decided to accept the complaint for investigation, although the Council's complaints procedures had not been exhausted.

9. I made an enquiry about the complaint to the Council. On receiving the enquiry, the Council's Chief Executive's office contacted me to say that Miss C had not been advised by the Council of her right of appeal to the Chief Executive under the Council's complaints procedure, and he wished to review the circumstances.

10. On 3 March 2006 the Chief Executive wrote to senior officers criticising the Council's response to the repairs. He said that the complaint exemplified poor customer care. Miss C had had to wait an unacceptable period of ten months to have her complaint resolved, a follow up letter on 5 December 2005 had not been sent, and the complaint Miss C had made had not progressed within the timeframe set out in the Council's procedures. There had also been a lack of ownership and responsiveness. The Chief Executive accepted that the complaint was justified and considered a substantial payment of compensation should be made to Miss C for the poor service from the Council. He wrote to Miss C on 20 March 2006 apologising for the inconvenience and distress caused to her. Since the level of customer care fell below the required standard

he offered her compensation of £1,000. He undertook to discuss, with his staff, measures to avoid recurrence.

11. Miss C subsequently confirmed she had received the Chief Executive's letter and was very pleased to receive the amount offered. The Council's Head of Local Services met with Miss C on 13 April 2006 to hand over the cheque.

Conclusion

12. The Council readily accept that their response to Miss C's repair request and the way they dealt with the complaint fell below an acceptable standard. I uphold the complaint.

13. The Ombudsman commends the Council's Chief Executive for his open acceptance that the case carries important lessons for customer care and for apologising and making a payment of compensation. The Ombudsman has no further recommendations to make, but asks the Council to inform her of the outcome of the discussions with staff on how to avoid a recurrence of this situation (see paragraph 10 above).

30 May 2006

Explanation of abbreviations used

Mr C

The complainant

The Council

Fife Council