

**Case 200500815: East Dunbartonshire Council**

**Summary of Investigation**

***Category***

Local government: Housing: Repairs and Upgrades

***Overview***

The complainant (Mr C) raised concerns about the kitchen installation and electrical upgrade to his home which were carried out by East Dunbartonshire Council (the Council). These included the process by which the Council decided on the layout of the new kitchen; compensation for damage caused to their home when the work was being carried out and for the loss of their kitchen hood due to the upgrade; and the length of time taken by the Council to carry out and complete various repairs to the house.

***Specific complaints and conclusions***

The complaints which have been investigated are that:

- (a) the kitchen installed by the Council is inadequate due to lack of adequate storage space and drawers (*not upheld*);
- (b) the Council did not take adequate action to improve the kitchen which was installed in Mr and Mrs C's home (*not upheld*);
- (c) compensation offered to Mr C for damage caused to his home and loss of their cooker hood was inadequate (*not upheld*);
- (d) no re-decoration grant was offered to Mr C after installation of new central heating system (*not upheld*); and
- (e) the time taken by the Council to carry out and complete various repairs has been unacceptably long (*not upheld*).

***Redress and recommendations***

The Ombudsman has no recommendations to make.

## **Main Investigation Report**

### **Introduction**

1. Mr C's home was identified for the Council's Kitchen Replacement Programme, central heating upgrade and for electrical re-wiring. Mr C and his wife (Mrs C) were unhappy with the design of their new kitchen, the damage caused to their home during the work, the failure to compensate them for any damage caused and the length of time it took to carry out the repairs.

2. Mr and Mrs C complained to the Council on 14 November 2004 that the kitchen design which Mr C had been shown prior to installation did not give sufficient detail and that their new kitchen was not as they expected. They complained that there was insufficient storage space. They corresponded with the Council at length about the problems and the Council offered various solutions. Further letters of complaint raised concerns about the re-wiring work and the damage which had been caused to the house. The Council referred the complainant to the Scottish Public Services Ombudsman on 2 May 2006. Mr and Mrs C had, in fact, been in correspondence with the Ombudsman's office prior to this date but the Ombudsman did not investigate this complaint until the complainants had exhausted the Council's complaints procedure.

3. The complaints from Mr C which I have investigated are that:

- (a) the kitchen installed by the Council is inadequate due to lack of adequate storage space and drawers;
- (b) the Council did not take adequate action to improve the kitchen which was installed in Mr and Mrs C's home;
- (c) compensation offered to Mr C for damage caused to his home and loss of their cooker hood was inadequate;
- (d) no re-decoration grant was offered to Mr C after installation of new central heating system; and
- (e) the time taken by the Council to carry out and complete various repairs has been unacceptably long.

### **Investigation**

4. During my investigation of this complaint, I examined correspondence between the Council and Mr C, the Council's file on this matter and the Council's standard for the installation of fitted kitchens. Mr C has also provided a DVD showing his current Kitchen. I have obtained information on fitted

kitchen unit sizes from three large retailers and have also made specific enquiries to the Council about the complaints.

5. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mr C and the Council were given an opportunity to comment on a draft of this report.

**(a) The kitchen installed by the Council is inadequate due to lack of adequate storage space and drawers; and (b) the Council did not take adequate action to improve the kitchen which was installed in Mr and Mrs C's home**

6. On 2 March 2004 a designer visited Mr C's home to discuss the new design of his kitchen with him. Mr C was shown a plan of the new kitchen and signed a form accepting the layout. The new kitchen was installed between 3 and 6 August 2004. Mr C raised concerns that the plan which he had agreed to did not show the sizes of the units and that it was not clear that there were no drawers in the kitchen.

7. Mr C told me that he on 5 August 2004 raised his concerns with the Clerk of Works about the lack of drawers in the kitchen. He also stated that he raised the issue of lack of storage approximately three weeks after the installation of the kitchen.

8. On 14 November 2004 Mrs C wrote a letter of complaint to the Council about the new kitchen which had been installed. She complained that the kitchen did not have any drawers, that the units were too small and that there was no space for refuse. She suggested that the Contractor should re-design and re-fit the kitchen.

9. On 17 December 2004 the Council's Maintenance Co-ordinator (Officer 1) responded to the complaint. He explained that, as Mr C had agreed to and signed for the kitchen design, he would not be able to replace the entire kitchen. He suggested changes which could be made to the kitchen based on Mr and Mrs C's concerns. He proposed replacing two base units with drawer units, fitting an additional wall unit and, if Mr and Mrs C were agreeable to moving their tumble drier elsewhere, installing another unit in its place.

10. Mrs C replied on 4 January 2005. She stated that she felt that only one set of drawers would fit in the kitchen because space was tight and that she

thought larger units were necessary. She rejected the additional wall unit as she thought it would look out of place. She also stated that she did not wish to move the tumble drier from the kitchen. The Council's Head of Housing and Home Support Services (Officer 2) replied to this letter and asked Mr and Mrs C to agree to replacing the unit with drawers so that the work could go ahead.

11. Mrs C wrote to the Chief Executive on 24 February 2005 and explained that she required drawers and that there were too many 300mm deep wall units which did not fit her kitchen equipment. Mrs C also wrote to Officer 2 on 1 March 2005 and rejected the option which he had suggested. She clarified that she did not want the whole kitchen replaced but just wanted the small, 300mm units replaced with larger units.

12. The Chief Executive replied to Mr C on 23 March 2005 and stated that she had asked Officer 2 to review Mr C's comments and reply to him directly. On 4 July 2005 Officer 2 visited Mr C who told him that if a new designer could visit and consider whether any modest changes could be made, then he may accept that. There was some correspondence between the Council, the SPSO and Mr C over the next few months. On 28 September 2005 Officer 2 wrote to Mr C to confirm the three options which the Council were suggesting for his kitchen:

- removal of existing base unit and 300mm unit and replacing with a five drawer pack and corner unit;
- removal of existing base unit and three 300mm units and replacing with four drawer-line base units (single drawers with a base unit underneath);  
or
- removal of existing base unit and one 300mm unit and replacing with two drawer-line base units.

Officer 2 asked Mr C to confirm whether he wished to proceed with any of these options.

13. Mr C replied to Officer 2 on 17 October 2005. He stated that the options did not address the problem of the wall units being too small. He asked Officer 2 to reconsider the options which he was making available with a view to including suitably sized units and drawers. Officer 2 replied on 20 October 2005 and stated that he would not change the options he had made available and that if he did not hear from Mr C soon, he would assume that Mr C did not wish to proceed with any of these.

14. The Council's Corporate Director (Officer 3) visited Mr and Mrs C on 15 February 2006 to discuss matters and wrote to them on 16 February 2006. Mr and Mrs C had mentioned a fourth option and Officer 3 arranged for a designer to visit and discuss this with them. He said he would confirm whether the fourth option was a possibility once he had received details and an estimate for this.

15. Officer 3 wrote again on 29 March 2006 to confirm the fourth option. He explained that the total cost of £1400 was more than the Council was prepared to pay. He stated that the Council would be prepared to pay a maximum of £1000 and that if Mr and Mrs C wished to proceed with this option, they could meet the financial shortfall themselves.

16. Mr C replied on 4 April 2006. He was not happy at being asked to pay towards option 4. Officer 3 replied on 2 May 2006 stating that the Council's position would not change and that Mr C should now decide whether or not he wished to proceed with any of the options.

17. At this stage, Mr C wrote to the SPSO to say that he was unable to resolve this complaint with the Council and asking the Ombudsman's office to investigate.

18. The Council's standard for the installation of fitted kitchens states that 'all kitchens will be designed to maximise storage for customers'. Mr C's kitchen has units on almost all of the available wall space. Mr C is aggrieved about the size of the wall units which have a depth of 300mm. The Council informed Mr C that 300mm is an industry standard for kitchen wall units. The Council have also informed me that they use the same units in all kitchens which they fit and have had no other similar complaints. I have checked the size of wall units manufactured by 3 fitted kitchen retailers and the depth of these ranged from 290mm – 335mm.

*(a) Conclusion*

19. When Mr C signed for the kitchen design, I consider this indicated that he accepted the design of the kitchen and was satisfied that it was appropriate. I deem that before signing, it was Mr C's responsibility to ensure that he adequately understood the layout of the kitchen. Mr C did not do this and I cannot attribute any fault to the Council or the designer for this fact. The

designer visited Mr C in his home and Mr C had the opportunity to clarify his understanding of the kitchen design at this stage.

20. Mr C's kitchen design includes units on almost all of the kitchen walls. Furthermore, the wall units used are not unreasonably shallow compared with the size of wall units manufactured by other fitted kitchen retailers. I am of the view that the kitchen installed fulfilled the requirements of the Council's standard for the installation of fitted kitchens.

21. The Council have offered to install drawers in the kitchen but Mr and Mrs C have not accepted this offer.

22. I conclude that the kitchen installed by the Council was adequate and that, by signing for the design, Mr C accepted that he was satisfied with the information which he was provided with. It is clear that Mr and Mrs C do not consider the kitchen provided acceptable, however, in the circumstances I do not uphold this complaint.

*(b) Conclusion*

23. Although Mr C had signed for the kitchen design, the Council offered three options whereby the storage space in the kitchen could be improved. These included additional drawers and units. The Council also gave consideration to a fourth option suggested by Mr and Mrs C. Mr C agreed to the design of the kitchen and the Council offered several solutions to increase storage and drawer space. I consider that the Council acted appropriately and I do not uphold this complaint.

**(c) Compensation offered to Mr C for damage caused to their home and loss of their cooker hood was inadequate**

*The kitchen carpet*

24. Mr and Mrs C have informed me that when the kitchen was installed, they informed the contractor that they wished to keep the carpet in the kitchen. They have informed me that all of the white goods had gliders which made it easier to move them. A strip was, however, cut from the carpet in order to remove some of the white goods.

25. The Council state that, as part of the new kitchens, they fit new kitchen vinyl flooring. They state that Mr C picked the 'Italy' style when the designer assisted on 2 March 2004. The flooring is replaced because the existing floor

covering does not normally fit after the new kitchen units are installed. On the programme of works sent to Mr C, a date was given for installation of the vinyl floor covering. The Council state that Mr C at no time indicated that he did not want the 'Italy' floor or make any reference to his carpet. It is made clear, both in a Council letter to Mr C dated 12 February 2004 and in the programme of works, that a vinyl floor would be fitted in the kitchen. Neither of these documents elicited a response from Mr and Mrs C. The Council state that it would have been Mr C's responsibility to remove the carpet from the kitchen if he wanted to keep it.

26. After the installation of the kitchen, and following Mr C's complaint to the Council about this matter, the Council offered to either lay vinyl on the kitchen floor or make a payment of £100 towards having the carpet replaced. Mr C claimed his carpet was worth £230, but accepted the offer of vinyl flooring. Mr C has provided me with a quote for the installation of a new kitchen carpet, the total of which is £226.75.

27. In a letter to Mr C dated 28 April 2005, the Contractor informed Mr C that they were not aware that they or the Council had received any information indicating that Mr C wished to keep his carpet.

#### *The cooker hood*

28. Mr and Mrs C told me they were of the understanding that a spur unit would be fitted so as they could refit their cooker hood. They stated that the Clerk of Works had told them that he would look into this problem and get back to them. However, the wall had been tiled over by the stage the Clerk of Works got back in touch, and by this time it was too late to install the spur.

29. The Council's standard for the installation of fitted kitchens states that an 'extract fan' will be provided where space permits. The Council also stated that the cooker hood would not act as an extractor fan unless it had been vented to the outside by means of a flue. They further stated that they have no objections to tenants re-fitting these cooker hoods at a later date but that they must meet the costs for this work themselves.

30. The Council informed me that, as part of kitchen specification, they do not re-fit cooker hoods which tenants may have already installed within their previous kitchen design. They state that Mr C was made aware of this during

the installation and was advised that the Council would not be fitting an electrical spur for the cooker hood.

*The carpets and vinyl flooring*

31. Mr and Mrs C also complained that other carpets throughout the house had been damaged during the central heating upgrade as the new radiators were a different size from the old ones and holes had been left in the carpet. A Council officer visited Mr and Mrs C to assess the damage done to the house.

32. Mr C has also provided me with photographs of the cuts which were made to his carpet during the installation of the new radiators. Small incisions were made in order to remove the existing radiators and to install the new ones. These are approximately five centimetres long. Furthermore two small holes of approximately 1 centimetre in diameter were left in the vinyl in the kitchen.

33. The Council explained that because the new radiators are metric and not imperial measurements, there is a minimal difference in the size of the pipe work passing through the carpet. They stated that this type of disturbance is unavoidable and occurs in many of the properties where new central heating is fitted. Furthermore, a Council Officer visited the property to assess the damage in November 2005 and found this damage to be hardly visible.

34. On 16 February 2006, Officer 3 wrote and offered Mr C an ex-gratia payment of £50 for the slight cuts made to the carpet during the installation of the radiators. The Council informed me that they would lay new vinyl flooring in the kitchen once Mr and Mrs C had agreed to the work which they wished to be carried out on the kitchen units.

*Other*

35. Following the kitchen upgrade and electrical re-wiring, the Council provided Mr and Mrs C with an allowance of £260.

*(c) Conclusion*

*The kitchen carpet*

36. Mr C's version of events is different from the Council's. There is no disputing that the carpet was damaged during the installation of the kitchen. There is no evidence that Mr C informed the Council or the contractor that he wished to keep the carpet in the kitchen.



37. I have not been able to verify whether Mr or Mrs C told the contractors that they wished to retain the kitchen carpet. They state that they did but the contractor denies this. Because I can make no finding on this and because the Council fitted a suitable alternative flooring, I do not uphold this element of the complaint.

*The cooker hood*

38. The Council and Mr C gave differing accounts of their communications about the spur and the cooker hood. For this reason I am unable to determine what happened. It is the Council's policy not to re-install cooker hoods from a previous kitchen design and I could find no evidence to verify that Mr C was told that a spur would be fitted for the installation of the cooker hood. I do not consider that the Council need to pay Mr C any compensation for the fact that no spur was installed. Mr C is free to fit a spur for the cooker hood. I, therefore, do not uphold this element of the complaint.

*The carpets and vinyl flooring*

39. The Council have explained the reason for the different size of the new radiators. I have considered the Council's and Mr C's views on the damage caused to the carpets during the central heating upgrade. The Council inspected the damage caused to the carpets and decided that it was minimal. I have also examined photos of the damage which Mr C provided and I agree with the Council view. They have also offered Mr C an ex-gratia payment of £50. The Council have informed me that they will fit new vinyl in the kitchen at the same time as they make any changes to the kitchen. Mr and Mrs C have not yet agreed to which changes they wish to make. I do not think that there are any grounds for the Council to make any further payment to Mr C. I, therefore, do not uphold this element of the complaint.

*Summary*

40. The Council have already given Mr C a redecoration grant following the kitchen upgrade and electrical re-wiring. I could find no other damage which warranted compensation from the Council. For this reason I do not uphold this complaint.

**(d) No re-decoration grant was offered to Mr C after installation of new central heating system**

41. Mr C felt that he should have been offered a re-decoration grant after the installation of the new central heating system. The Council have informed me

that it is not standard procedure to offer such a grant but that they will provide compensation if damage is caused by the installation.

42. Mr and Mrs C have complained about the small holes and cuts left in the carpets and vinyl following the installation.

*(d) Conclusion*

43. I have already found, under heading (c), that the damage to the carpets was minimal and that there were no grounds for the Council to pay any compensation to Mr and Mrs C. As they have not identified any further damage caused by the central heating upgrade, and that it is not standard procedure to offer a grant in such circumstances, I do not uphold this complaint.

**(e) The time taken by the Council to carry out and complete various repairs has been unacceptably long**

44. Mr C has pointed out a number of repairs which he believes the Council took an unreasonably long time to carry out.

*Hall and bathroom flooring*

45. Mr C first complained about damage which had been caused to the hall and bathroom flooring during the electrical re-wiring in a letter dated 30 September 2005. A repairs co-ordinator (Officer 4) visited Mr C on 3 November 2005 and was shown the flooring in the hallway and bathroom. Officer 4 agreed to replace some of the floorboards in the hallway and to plywood over the bathroom floor in line with current practice. This work was carried out on 7 November 2005.

46. Mr C complained that rather than fix the floorboards, plywood had simply been laid on top of the damaged floor and that, as a consequence, the doors would not shut and needed to be shaved.

*Earthing the property*

47. In November 2005, Mr C raised concerns about the earthing of his property following the re-wiring work that had been carried out. In a letter of 17 December 2004, Officer 1 informed Mr C that this matter was in hand with Scottish Power and confirmed that Mr C's home was safe as the new wiring was earthed through the neutral.

48. The Council have informed me that, as part of the electrical re-wiring, the contractor always ensures that there is a main earth at both the gas and water supplies to each property on the day that it is re-wired. They have stated that this was the case with Mr C's property. Consequently, the property was electrically safe and the tenant was in no danger whatsoever.

49. The Council have explained that, when carrying out the work on Mr C's property, the contractor noticed that there was no earth supplied with the mains cable and that Scottish Power are responsible for this. Accordingly, the contractor contacted Scottish Power who had been renewing main supplies to other properties in the same street. Scottish Power informed the contractor that they were only carrying out works where it was necessary. It should be noted that Scottish Power are not obliged to supply any property with an earth wire and that they do not guarantee it if they do. The Council has informed me that this is why they always install a main earth internally at the gas and water supplies when an electrical upgrade is carried out. Nonetheless, an earth spike has now been fitted in Mr C's home.

50. The electrical earth spike was fitted on 27 February 2006.

*(e) Conclusion*

51. It took the Council five weeks to remedy the problems with the bathroom floor. I do not think that this length of time is excessive. Although the earth spike was not immediately installed in the house, Mr and Mrs C's property was already earthed and was not dangerous. I, therefore, do not consider that the time taken to install the earth spike was unreasonable. For these reasons, I do not uphold this complaint.

18 July 2007

**Explanation of abbreviations used**

Mr C and Mrs C	The complainants
The Council	East Dunbartonshire Council
Officer 1	The Council's Maintenance Co-ordinator
Officer 2	The Council's Head of Housing and Home Support Services
Officer 3	The Council's Corporate Director
Officer 4	A Council Repairs Co-ordinator