

Case 200502234: The City of Edinburgh Council

Summary of Investigation

Category

Local government: Housing, Repairs and maintenance of housing stock

Overview

The complainant (Ms C) raised concerns about The City of Edinburgh Council (the Council)'s response to her request for repairs to the floor coverings in her flat.

Specific complaints and conclusions

The complaints which have been investigated are that:

- (a) Ms C received conflicting advice about whether the replacement of the linoleum in her flat was her responsibility (*upheld*);
- (b) there was a lack of clarity about what sort of support would be offered to Ms C by Care Housing (*not upheld*); and
- (c) there were delays in dealing with Ms C's formal complaint to the Council (*not upheld*).

Redress and recommendations

The Ombudsman has no recommendations to make.

Main Investigation Report

Introduction

1. Ms C moved into the property which is the subject of this complaint on 2 September 1996 on the basis of a mutual exchange. The flat was carpeted when she took entry. In March 2004, she decided to remove some of the carpets for health reasons and discovered that there was linoleum underneath the carpet which was damaged. She asked The City of Edinburgh Council (the Council) to replace the linoleum and they advised her that they did not replace this type of floor covering.

2. However, the Council offered to inspect the damage, which they did on 22 April 2004. Ms C recollects verbal advice given during that inspection to the effect that the linoleum would be repaired in places and replaced elsewhere. There was no action to follow up this visit and a further inspection took place on 23 July 2004. Following this inspection, the Council restated their original view that they would not replace the linoleum as it was the responsibility of the tenant.

3. After further correspondence over this issue, Ms C complained to the Council on 19 April 2005 about the advice she had received with respect to this repair. She was not satisfied with the Council's response to her complaint and referred her complaint to the Ombudsman's office on 14 November 2005. At that time, she also expressed her concerns at the Council's response to her referral for Housing Support.

4. The complaints from Ms C which I have investigated are that:

- (a) Ms C received conflicting advice about whether the replacement of the linoleum in her flat was her responsibility;
- (b) there was a lack of clarity about what sort of support would be offered to Ms C by Care Housing; and
- (c) there were delays in dealing with Ms C's formal complaint to the Council.

Investigation

5. In order to investigate this complaint, I made initial inquiries of the Council on 17 August 2006 and a further inquiry on 28 November 2006. I received their responses on 23 August 2006 and 22 December 2006 respectively. I reviewed the Council's correspondence with Ms C and other documentation relating to her tenancy and repairs to her flat.

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

(a) Ms C received conflicting advice about whether the replacement of the linoleum in her flat was her responsibility

7. Ms C emailed the Council on 8 March 2004 to request an inspection with a view to replacing linoleum in her hall, bedrooms and living room. She received a response on the same day which explained that the Council was not normally responsible for replacing a tenant's floor coverings. However, Ms C emailed the Council on 9 March 2004 to reiterate her request, pointing out that the linoleum was fixture common to all flats in that area and again requested an inspection. The Council responded on the same day and this time advised Ms C that an inspection was now booked for 16 March 2004.

8. The Council failed to visit Ms C's flat at the agreed time and, in response to her inquiries, explained that plans had been changed. They apologised for this and promised to follow up the request. After further exchanges of emails, an inspection was finally arranged for 22 April 2004. Ms C's note of this inspection records agreement to replace some linoleum, repair other areas, and undertake further inspection of rooms with the intention to replace or repair as necessary. There is not a separate Council record of the outcome this inspection.

9. The Council did not follow up this inspection and when Ms C contacted them again to ask what progress was being made, they explained that the inspector no longer worked in that department and they were not able to track the inspection. On 13 July 2004, the Council restated their previous advice that the inspector would not have been able to authorise replacement to the linoleum, but only repairs. Ms C's response to this was that she had understood that a decision was yet to be made about whether replacement would be possible. A further visit was arranged for 23 July 2004.

10. Ms C's note of this meeting records that the inspector found the linoleum to be 'fit for purpose'. An email from the Council in response to Ms C's further inquiries after the inspection contained this clarification:

'The Housing Department do not normally fit linoleum as a fixture & fitting. I am aware that when [this area] was refurbished we fitted linoleum in the

blocks. The information I have is, this was completed due to money being made available (under a specific refurbishment budget). It was not our intention to continue to replace this floor covering. The responsibility for this is on the tenant.'

11. Ms C sought to have this decision reversed and an exchange of emails between her and the Council followed. The Council were consistent in their opinion that the replacement of the linoleum was not their responsibility, but they undertook to investigate the advice she had received at the initial inspection on 22 April 2004. The outcome of this investigation was communicated to Ms C by email on 6 December 2004. No record of an agreement to replace the linoleum was found and it was noted that the inspector who visited the flat was no longer employed in building services. The current team leader responsible for Ms C's area confirmed that he was not prepared to authorise work to patch or replace the linoleum.

12. Ms C then decided to take this matter further by raising a formal complaint with the Council, which she did on 19 April 2005 and a final response from the Housing local office on 25 August 2005 referred back to the previous correspondence over this issue. I shall address Ms C's concerns about the way the Council responded to her complaint below.

13. In their response to my initial inquiries on 23 August 2006, the Council acknowledged that the inspector's advice that he would refer the question of a possible replacement of the flooring to his manager could have set unrealistic expectations. On 22 December 2006, they further acknowledged that there were shortcomings in the way this matter had been handled. Finally, the Council undertook a visit to Ms C's flat on 9 May 2007, following which they wrote to Ms C on 16 May 2007. In this letter, they restated their position that the replacement of the linoleum was not the Council's responsibility but said that it was 'clear that there had been conflicting information given ... regarding the replacement'. They offered sincere apologies for the inconvenience caused and offered £400 in recognition of her trouble and expense. The Council also clarified that Ms C would not be liable for the replacement of any linoleum she removed if she was to give up her tenancy of the flat.

(a) Conclusion

14. Although the Council gave a consistent view in writing to Ms C about who was responsible for replacing the linoleum in her flat, there is some ambiguity

about the verbal advice given at the initial inspection on 22 April 2004. The Council have accepted that they had given Ms C conflicting advice on this issue and, therefore, I uphold this complaint. I consider that the apology and financial redress offered to Ms C by the Council is appropriate and I commend them for this action. I have no further recommendations to make.

(b) There was a lack of clarity about what sort of support would be offered to Ms C by Care Housing

15. On 11 January 2005, Ms C was assessed by the Care Housing Assessment and Advice Service (Care Housing). The purpose of this was to consider whether she should have any additional priority for a housing transfer on the grounds of her health needs, and whether any help could be offered in terms of assisting independent living. This assessment found that she was not entitled to any additional priority, but paperwork was completed for housing support to assist independent living. This support was specifically intended as limited, short term assistance with the resolution of the ongoing issues relating to the condition of Ms C's floor covering and to a neighbour dispute, and was not given any special priority.

16. In their letter to me of 23 August 2006, the Council confirmed that Care Housing did not have the capacity to provide the two hours a week of housing support that had been agreed at that time. Ms C was aware of this resource issue. Care Housing did get back in touch with her in May 2005 but they said that Ms C did not sign the paperwork necessary to begin this support and, therefore, it could not be given. However, the support offered was intended, in part, to address a situation that had arisen between Ms C and her neighbours and officers from the Housing local office did become involved in this.

(b) Conclusion

17. The Council's documentation was clear about the support that was being proposed for Ms C and they took steps to implement this support when it became available. I do not, therefore, uphold this complaint.

(c) There were delays in dealing with Ms C's formal complaint to the Council

18. Ms C complained to the Council on 19 April 2005 and her letter was acknowledged in a letter from their Customer Care Unit (the Unit) the following day. As she had not received a formal response to her complaint, Ms C wrote again to the Unit on 5 August 2005. She received a response from the Unit

dated 9 August 2005 which said that the Housing service had sent letters to Ms C about this issue, but that a final letter would be sent. Letters from the Housing local office dated 15 and 25 August 2005 confirmed the advice previously given about responsibility for floor coverings and the latter offered an apology if Ms C had not received previous communications.

19. In their letter to me of 23 August 2006, the Council also referred to a note which was delivered by hand to Ms C on 22 April 2005 asking her to get in touch if she wished to discuss the matter further.

(c) Conclusion

20. It is clear that the Council addressed the substantive issue of Ms C's complaint on a number of occasions. However, it seems likely that a lack of clarity between the Housing local office and the Customer Care Unit over this issue led to an uncertainty over whether and by whom Ms C's complaint had been addressed. In view of the considerable amount of correspondence over this matter, the lack of clarity is understandable. However, I consider that clearer communications between the office which received the complaint and the office which was dealing with Ms C's concerns may have reduced her uncertainty. I would regard it as good practice to offer a single point of contact to complainants so that it is clear whether a formally stated complaint has received a definitive response. Because the Council were generally responsive to Ms C's questions about who was responsible for her floor covering, I do not uphold this complaint. However, I highlight the need for clarity in responding to complaints and I am pleased to note the reassurances given by the Council in relation to concerns about complaints handling which have been the subject of other investigations by the Ombudsman's office.

21 November 2007

Explanation of abbreviations used

Ms C	The complainant
The Council	The City of Edinburgh Council
Care Housing	The Council's Care Housing Assessment and Advice Service
The Unit	The Council's Customer Care Unit