



City of Westminster

General Purposes Committee Report

Meeting or Decision Maker:	General Purposes Committee
Date:	14 September 2023
Classification:	General Release Appendices A-D not for publication
Title:	Approval of compensation payment over £2000
Wards Affected:	N/A
Fairer Westminster Strategy:	Our tenants and lessees are consistently satisfied with our housing services, and the improved condition and energy efficiency of our housing stock.
Financial Summary:	A compensation payment of £5,033 is required to a resident from the Housing Revenue Account
Report of:	Sarah Warman, Strategic Director of Housing and Commercial Partnerships

1. Executive Summary

Following a complaint from a tenant through the Council's complaints process and to the Housing Ombudsman, a compensation payment of £5,033 is required to the tenant from the Housing Revenue Account. As the level of compensation awarded is in excess of £2,000 approval is required by the General-Purpose Committee.

The complaint concerns failure to undertake repairing responsibilities.

2. Recommendations

That the committee notes and approves the payment of compensation over £2,000 to comply with the Stage 2 complaint award and the Housing Ombudsman's order.

3. Reasons for Decision

Compensation payments awarded which exceed £2,000 need to come before the General-Purpose Committee in order to comply with the Council's Good Practice Guide for Effective Complaint Handling and under Part F (Section 4) of Westminster City Council's Financial Regulations.

4. Background, including Policy Context

- 4.1 The resident lives in a three-bedroom flat with her two children. The flat is owned by the Council and she has a sole secure tenancy which began on 1 June 2020. The resident moved to the property as her previous home was part of a regeneration project.
- 4.2 The resident submitted over the course of 2020-2021 a number of complaints seeking help with the matters considered by this investigation. The resident has informed the Ombudsman that the Council's handling of matters raised had a negative impact on her health and wellbeing. The Council failed to acknowledge her vulnerabilities, despite the fact that the resident disclosed to the Council that she was living with a mental health condition.
- 4.3 The Housing Ombudsman Service confirmed that determinations about liability for any impact to health would more usually be dealt with as a personal injury claim through the courts but given the general distress and inconvenience which the situation may have caused the resident they awarded further compensation and issued a determination of severe maladministration.

4.4 Investigation by the Housing Ombudsman:

The Housing Ombudsman Service concluded their investigation and issued their determination on June 15, 2023. In that determination they confirmed that there has been severe maladministration by the landlord with regard to its handling of repairs. There was also maladministration in respect of our handling of the associated complaint. The Housing Ombudsman Service awarded £5,033 compensation and this is broken down as follows:

Award	Service failure
£2,833	Delays in handling of damp and mould related repairs
£1300	Time and trouble taken pursuing this matter including distress and inconvenience
£700	Inadequate handling of the resident's vulnerabilities.
£200	Handling of the complaint.

4.5 Post complaint follow-up work

A full Senior Management Team review has been carried out, with our findings and actions shared with the Housing Ombudsman Service and the Regulator to satisfy their compliance.

5. Financial Implications

The compensation awarded will be paid from the HRA budget established for the purpose.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:

Jayson Sandiford, Housing Complaints & Service Improvement Manager
jsandiford@westminster.gov.uk

BACKGROUND PAPERS:

Appendix A Stage 1 complaint response

Appendix B Stage 2 complaint response

Appendix C Housing Ombudsman investigation report

Appendix D Housing Ombudsman determination letter