



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Classification:	General Release Appendices A-D not for publication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 £2,100 is required to a resident from the Housing Revenue Account
Report of:	Sarah Warman, Strategic Director 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 £2,100 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 complaint is about the Council's response to the resident's reports of damage following planned works at the property and the subsequent issues of repair to the property. The resident is a tenant and has lived at the property for more than 18 years. At the time of the complaint the resident was undergoing chemotherapy treatment for cancer.

4.2 Housing Ombudsman Investigation and Compensation

The Housing Ombudsman Service concluded their investigation and issued their determination on July 17, 2023. In that determination they confirmed that there has been severe maladministration by the Council with regard to its handling of repairs, handling of the complaint and record keeping. The Housing Ombudsman Service awarded £2,100 compensation and this is broken down as follows:

Award	Service failure
£300	For the distress and inconvenience related to the chasing and managing of the repair and complaint relating to the roof and window repair
£600	For the distress and inconvenience related to chasing and managing of the repair and complaint relating to the drain and kitchen.
£800	For the stress and inconvenience related to the lack of sensitivity in dealing with this complaint and the lack of regard to this resident's vulnerabilities.
£100	For costs associated with the total length of time the scaffolding was in situ and alarm connected and for the disruption in relation to the television aerial;
£300	For the inconvenience caused by poor record keeping

4.3 Housing Ombudsman Findings and Determination

The Housing Ombudsman found that the Council failed to apply its own policy in relation to repairs, compensation and complaint handling. There were unreasonable delays in carrying out repairs following the damage caused by contractors, and resident was treated in an unfair and unsympathetic manner, without having any regard for her vulnerabilities in both the complaint handling and during the repairs process. Poor record keeping was also found to have impacted upon the Council's ability to deal with the repairs effectively

The Housing Ombudsman's determination was as follows:

- Severe maladministration by the landlord in its response to the resident's reports of damage following planned works at the property and the subsequent issues of repair to the property.
- Service failure in the landlord's complaint handling.
- Maladministration in the landlord's record keeping

4.4 Learning from this case

The Council has extracted the following learning from this case which is being implemented. This is in addition to the orders made by the Housing Ombudsman:

- We are reminding major works contractors of the Council's expectations with regards to treating residents with dignity and respect and of the Council's expectations with regards to vulnerable residents. We are also reiterating the need to arrange to homes by pre-booked appointments and not unannounced visits.
- We are reviewing communications on major works to ensure they set reasonable expectations including
 - timescales
 - access arrangements
 - arrangements for quality control
 - how disruption will be minimised
- We are reviewing record keeping of communications with residents and contractors

4.8 Post complaint follow-up work

A full Senior Management Team review has been carried out, with a senior member of staff (director level) to apologise on the Councils behalf and hold a discussion with the resident to establish if there are any ongoing issues relating to the complaint.

The report has been shared with the contractor and arrangements made for a formal meeting to review lessons learnt from the case.

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