



City of Westminster

# General Purposes Committee Report

<b>Meeting or Decision Maker:</b>	General Purposes Committee
<b>Date:</b>	14 September 2023
<b>Classification:</b>	General Release  Appendices A-D not for publication
<b>Title:</b>	Approval of compensation payment over £2000
<b>Wards Affected:</b>	N/A
<b>Fairer Westminster Strategy:</b>	Our tenants and lessees are consistently satisfied with our housing services, and the improved condition and energy efficiency of our housing stock.
<b>Financial Summary:</b>	A compensation payment of £3,430 is required to a resident from the Housing Revenue Account
<b>Report of:</b>	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 £3,430 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

The complaint is about the Council's response to the resident's reports of a roof leak in July and October 2021 including the provision of temporary accommodation and the impact of the handling of the repairs on the family.

The resident is a secure tenant of the Council. The property is a 3-bedroom mid-terrace house with a flat roof. The resident lives with her 2 children, who were 17 and 21 at the time of the events.

#### 5. Investigation by the Housing Ombudsman

The Housing Ombudsman Service concluded their investigation and issued their determination on August 29, 2023.

The investigation covered how the Council managed internal repairs to the property following the leak; the accommodation provided to the family and the duration of that offer; and how the complaints were managed.

The investigation concluded that:

- The Council failed to complete the repairs within a reasonable time and to provide a timescale for the repairs
- The Council did not check that it was reasonable to expect the resident to return to live at her property before ending the temporary accommodation or take into account vulnerabilities within the family.
- Complaint responses were delayed and did not adequately address the concerns the resident had raised

#### 6. Housing Ombudsman Determination

The Housing Ombudsman Service concluded their investigation and issued their determination on 29 August 2023.

The determination was that there was severe maladministration in the Council's handling of repairs following the leaks into the property in 2021 and in handling the rehousing during the repairs.

In addition, there was maladministration in the handling of the resident's complaint.

The Housing Ombudsman has ordered the Council to pay the tenants £3,430 compensation as follows:

<b>Award</b>	<b>Service failure</b>
£2000	For the distress and inconvenience to the resident and her family caused by the delays between December 2021 to date in completing outstanding internal repairs to the property
£900	For the distress and inconvenience and discomfort to the resident and her family during the 6-week period from 13 September 2021 to 22 October 2021.
£500	For the adverse effect caused by the Council's poor handling of her complaint. This includes the £30 previously offered by the Council for the time and trouble to the resident in making the complaint.

## 7. Post complaint follow-up work

Following the determination the Council will provide the resident with a reasonable timeframe for completing all repairs outstanding from the leaks in July 2021.

The Council will also carry out the following actions:

- Review training and guidance to staff about assessing properties prior to ending decants, with the aim of ensuring the failings identified in this report are not repeated.
- Review processes for monitoring that repair work completed by repairs contractors is to an appropriate standard. The Council should also review whether it has appropriate processes in place to oversee the rectifying work that has not been completed to an adequate standard in the first instance.
- Review its processes for recording repairs, including attendance times and ongoing progress of work with the aim of ensuring the failings identified in this report are not repeated.

## 8. 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:**

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### **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