

Case: 201100723, Renfrewshire Council
Sector: local government
Subject: repairs and maintenance of housing stock (incl dampness and infestations)
Outcome: upheld, action taken by body to remedy, recommendations

Summary

Following the installation of a new shower in her property, Mrs C experienced water penetration through her living room ceiling which resulted in a hole in the ceiling and plaster falling on her carpet and furniture. The council's joiner refused to cover the hole as it was likely that it contained asbestos. This left her fearful of the unknown danger from asbestos and, as nobody from the council was prepared to make safe the disturbed asbestos, her son temporarily sealed the hole.

The ceiling was later removed by a team of specialist contractors, some 88 days later, which was well outside the council's stated timescales. In addition, Mrs C was unhappy that the contractor had said she had to completely clear all non-fixed items from the room beforehand. As her property only had one bedroom, she had nowhere to store her furniture and had to arrange for it be put in storage. Being 70 years old, and in poor health, she thought the council should have arranged assistance for her to do this. When she complained about the matter, she said the council breached their complaints policy by not responding to her within the time stated and failed to address the major area of her complaint.

We found that the council accepted that they should have arranged for a specialist contractor to cover the ceiling until it had been established whether the artex (a surface coating used for interior decorating) contained asbestos. They also said that they failed to make immediate arrangements for the asbestos to be removed to allow the ceiling to be replaced once the test results had been received. They acknowledged they had not responded to her complaints within their published timescales. In respect of providing Mrs C with advice and guidance in relation to possible exposure to asbestos, the council also acknowledged that they failed to do this.

The council had already identified key failings in their handling of this matter and wished to apologise most sincerely for those failings. We took into consideration that they had already apologised to Mrs C that she did not receive an acceptable level of service in relation to their handling of the repair. They also acknowledged Mrs C's concerns about exposure to asbestos and their failure to provide her with information or advice on the matter. They had offered to cover Mrs C's decorating costs and the cost of the van hire and storage of her furniture. Mrs C had refused that offer. The council confirmed that they do not have a policy on offering assistance to elderly tenants in moving or storing furniture, where this is required to undertake a repair.

We identified several areas of poor service in the council's handling of the matter and Mrs C's complaint which the council themselves had already acknowledged. We, therefore, asked if they would be prepared to make a further payment of to reflect the time and trouble taken by Mrs C in making her complaint. The council agreed to that request.

Recommendations

We recommended that the council:

- take appropriate steps to ensure where a surface covered in artex is damaged and is thought to contain asbestos that the damaged area is safely covered as a matter of urgency;
- prepare an information leaflet on possible exposure to asbestos to be handed to tenants in similar circumstances;
- look at their administrative process for repairs to ensure that steps are taken to ensure that instructions are passed immediately to specialist contractors as soon as asbestos is identified;
- conduct a thorough audit of their complaints handling procedures to ensure that all the issues raised by a complainant are addressed in their response; they respond within the timescales; they follow up on any offers made to complainants; they ensure that where officers relocate to another building correspondence is passed to them and complainants are advised of their right to come to the SPSO when they have exhausted the council's complaints procedure and the time limits for doing so;
- write to Mrs C to offer their apologies for the particularly poor customer service identified; and

- write to Mrs C to offer reimbursement for necessary expenditure and in recognition of the time and trouble to which she was put in pursuing her complaint.