

SPSO decision report



Case: 202307184, Falkirk Council
Sector: Local Government
Subject: Repairs and maintenance
Decision: some upheld, recommendations

Summary

C, a council tenant, complained that the council had failed to replace their kitchen, which was outdated and in a state of disrepair, and their windows, which were aluminium framed, did not have working vents, and as such were promoting the growth of mould. C gave up the tenancy due to concerns about the condition of the property, the potential health impact, and their frustrations with the delays. C complained that the council remedied both longstanding issues very shortly after, to allow the property to be re-let. C also complained that the council's complaints response was inaccurate.

The council had stated that C's kitchen was due to be replaced, however, that there had been a backlog due in part to the pause in all but essential works during the pandemic. They said that when C moved out the kitchen was replaced by a team whose role was to prepare tenancies to be re-let, who had a different caseload and worked to different timescales. The council stated that C's windows had been replaced as part of a broader programme of window and door replacements. They said that this had been communicated to C earlier in the year, and that the work had not been brought forward because the tenancy had been vacated.

We found that a referral had been made for a new kitchen to be installed approximately a year prior to C moving out. It was also evident that the council had engaged with C regarding the condition of the windows, and that they had instructed a contractor to survey the windows and to make minor repairs. It was communicated to C on a number of occasions that the windows were due to be replaced and a survey had been carried out in preparation. It was also apparent that C's property had been prioritised as part of the scheme. As the council had taken steps to investigate these issues and make the necessary referrals and preparations, acknowledging the impact of COVID-19 and the council's discretion with respect to planning large scale works, overall, we did not consider there to be evidence of maladministration or service failure and C's complaint was not upheld.

However, we did find evidence of a number of inaccuracies in the council's complaints responses to C and therefore did not consider the council's complaints handling to have been in line with the Model Complaints Handling Procedure. As such we upheld this part of C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for the failings identified. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsa.org.uk/meaningful-apologies.

In relation to complaints handling, we recommended:

- Complaints responses should be accurate, objective and proportionate, in line with the Model Complaints Handling Procedure.