

SPSO decision report



Case: 202408184, The City of Edinburgh Council
Sector: Local Government
Subject: Applications / allocations / transfers / exchanges / appeals
Decision: upheld, recommendations

Summary

C complained about the tenancy offer given to their parent (A). A is visually impaired and suffers from other physical and severe mental health difficulties. C complained that the property offered to A had suspected mould, was poorly decorated and noted safety concerns. Despite assurances that issues would be addressed, further problems emerged and repairs were delayed. A accepted the tenancy but did not move in as they did not consider it fit for habitation. A damp survey later confirmed very minor mould. The council ultimately cancelled the tenancy and charges.

C complained about the suitability of the offer. The council said that, at the time of the final inspection, the flat met the Lettable Standard. We found that the property did not meet required standards, and inspection records were insufficient, with key issues not properly documented. There was limited evidence of a detailed or careful inspection of the property against the Lettable Standard, despite the existence of an appropriate inspection template. The council's approach to decoration and repairs was also inconsistent, and some works were only addressed after the tenancy began. Therefore, we upheld this part of C's complaint.

C complained that the council failed to reasonably respond to reports about the condition of the property. We found that the council raised works in response to reports of mould and disrepair but these progressed slowly and remained incomplete 12 weeks after C had been given access to the property. We found that works were often addressed piecemeal, with the council on several occasions initially dismissing the concerns before later acknowledging that repairs were required. Although the council made efforts to respond, it did not fully acknowledge its role in delays. Additionally, it failed to follow its own process by not ensuring a formal dampness report was provided. Therefore, we upheld this part of C's complaint.

C complained about the council's handling of their complaint. We found that the council failed to clarify the nature of the complaints or the outcomes sought, despite recognising this requirement. Although the council apologised for delays in responding, the responses contained several factual inaccuracies and internal inconsistencies, particularly regarding mould and survey findings. The council also incorrectly treated a later complaint as a repeat issue, rather than addressing new concerns. Therefore, we upheld this part of C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C and A for offering a property to A which did not meet their lettable standard, for issues with communication and coordination which contributed to delays in repair, for not following the correct process when responding to C's report of new mould growth and for failings in complaint handling. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/meaningful-apologies.

What we said should change to put things right in future:

- Relevant procedures are followed in responding to reports of mould, damp or condensation.
- The council should have adequate processes in place to ensure properties are checked against their Lettable Standard before a tenancy is offered.

In relation to complaints handling, we recommended:

- Stage 2 complaints should be acknowledged and complaints clarified in line with the Model Complaints Handling Procedure for Local Authorities. Complaint responses should be accurate and based on the factual evidence available. We offer SPSO accredited Complaints Handling training. Details and registration forms for our online self-guided Good Complaints Handling course (Stage 1) and our online trainer-led Complaints Investigation Skills course (Stage 2) are available at <https://www.spsso.org.uk/training-courses>.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.