



General Purposes Committee Report

City of Westminster

Meeting or Decision Maker:	General Purposes Committee
Date:	22 February 2022
Classification:	General Release Appendix A and B - Not for Publication
Title:	Approval of compensation Payment following a Housing Ombudsman Investigation
Wards Affected:	N/A
City for All Summary	Contributes to our commitment to Vibrant Communities (Improving efficiency in Repairs & Major Works)
Financial Summary:	A compensation payment of £3,790 is required to the leaseholder from the Housing Revenue Account
Report of:	Debbie Jackson: Executive Director for Growth, Planning and Housing

1. Executive Summary

- 1.1 Following a complaint from a leaseholder through the Council's complaints process and to the Housing Ombudsman, a compensation payment of £3,790 is required to the leaseholder from the Housing Revenue Account. As the level of compensation awarded is in excess of £2,000 approval a report is required to come to the General-Purpose Committee.
- 1.2 The complaint concerns failure to undertake repairing responsibilities, poor complaint handling and compensation for the associated impact of the failures on the complainant.

2. Recommendations

- 2.1 That the Committee note the payment of the compensation made to comply with the Housing Ombudsman's order.

3. Reasons for Decision

- 3.1 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 leaseholder submitted a complaint to CityWest Homes on 16 June 2018 covering the following issues:

- Three leaks in the property over a prolonged period
- A blocked kitchen drain
- Damage to the windows
- Poor complaint handling
- Request for compensation.

- 4.2 The complainant did not receive a response and escalated the complaint to a Ward Councillor, but this was also not responded to. A further complaint was registered and investigated at Stage 1 when and the resident was offered compensation of £1250 for delays in repairing the windows.

- 4.3 The complaint was escalated to Stage 2 and a number of further failures were identified. Compensation was awarded at Stage 2 for all of the failures found, taking into account the date of the initial submission of the complaint of 16 June 2018 as follows:

Award	Service failure
£1,250	Delays to window repairs (awarded at Stage 1)
£250	Delays to leak repairs first reported in September 2017
£50	Replacement of keys lost by contractors
£50	Incorrect advice given regarding escalation of the complaint to the Local Government and Social Care Ombudsman

£50	Incorrect advice given regarding what would be considered by insurers and what was covered under the compensation policy.
£50	Failure to advise that investigations are time bound and the reasons for this
£565	Time and trouble in pursuing complaint from first submission in June 2018 to October 2020 (based on £250 per annum pro-rata)
£1,125	Distress and inconvenience for same period (based on £500 per annum pro-rata)
£100	Failure to address all elements of complaint at Stage 1
£100	Failure to escalate the complaint to Stage 2 as requested
£100	Failure to provide escalation details in our responses on 24 May 2019 and 11 June 2019
£100	Delayed Stage 2 response

4.4 Investigation by the Housing Ombudsman:

The Housing Ombudsman reviewed the case and agreed that the Stage 2 complaint investigation had addressed all of the concerns and identified the failures. It also acknowledged that the correct level of redress and compensation had been awarded at Stage 2, in line with the Housing Ombudsman's code.

The Housing Ombudsman recommended in its report of September 2021:

If not already done so, that the landlord renew its offer to the resident of the £3790 compensation previously offered, comprising:

- i. £1250 compensation offered in June 2019 for delayed window repairs.
- ii. £50 offered at Stage 2 for the replacement keys.
- iii. £250 offered at Stage 2 for the delayed repair of Leak 1.
- iv. £2240 offered at Stage 2 for the failures in its complaint handling.

4.5 Post complaint follow-up work

The stage 2 review of the complaint, identified failures in the complaints handling process and staff were taken through a training and development programme. This included:

- Complaints Handling workshops delivered by the Housing Ombudsman service
- Redress and compensation workshop delivered by the Housing Ombudsman service

In addition to the above training, staff were provided with guidance on what we consider through the complaints and compensation policy and what elements are better investigated and handled as Insurance claims.

The offer of compensation made at Stage 2 of the complaints process, while in keeping with the Housing Ombudsman's guidelines for compensation, exceeded the limit possible without notifying the Committee and the Housing Complaints team have now been briefed on the approval process for compensation payments exceeding £2000.

5. Financial Implications

The compensation awarded will be paid from the HRA budget established for the purpose.

6. Legal Implications

The Housing Ombudsman recommended the Local Authority renew its offer of £3790 compensation previously offered. The report sets out the action taken following the recommendations of the Housing Ombudsman.

If you have any queries about this Report or wish to inspect any of the Background Papers please contact:

Nadia Ali, Housing Complaints Manager nali@westminster.gov.uk

APPENDICES:

Appendix A - Stage 2 response dated 8 October 2020 (Confidential)

Appendix B - Housing Ombudsman report and determination issued on 13 September 2021(Confidential)

BACKGROUND PAPERS:

Stage 1 response dated 11 March 2019

Stage 1 follow on response dated 24 May 2019

Stage 1 follow on response dated 11 June 2019