

Meeting or Decision Maker: General Purposes Committee

Date: 21 June 2023

Classification: General Release

Appendices A-D not for publication under Schedule 12A of the Local Government Act 1972 paragraph 2 – Information which is likely to reveal the identity of an individual

Title: Approval of compensation payment over £2000

Wards Affected: N/A

Fairer Westminster Strategy: Our tenants and lessees are consistently satisfied with our housing services, and the improved condition and energy efficiency of our housing stock.

Financial Summary: A compensation payment of £3,400 is required to a resident from the Housing Revenue Account

Report of: Debbie Jackson, Executive Director for Growth, Planning and Housing

1. Executive Summary

Following a complaint from a leaseholder through the Council's complaints process and to the Housing Ombudsman, a compensation payment of £3,400 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 approves the payment of compensation of £3,400 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

- 4.1 The first service request on which the case is based was made on 27 April 2018, when the resident asked CityWest Homes to attend and inspect the interior and exterior walls of the property, and the condition of the front entrance door.
- 4.2 On 16 October 2018, the resident reported water damage at ceiling level in the entrance to the flat and the adjacent hallway. The repair logs say an operative attended but could not get access to the flat above, so a trace and access appointment was needed.
- 4.3 On 28 October 2021, the resident complained to the landlord. On 1 November 2021, the resident contacted the landlord again. She said she had been complaining for the last three years but the issues were not resolved. She said the landlord's only response to a crack in the building and the water ingress had been to send a carpenter to shave the door. She said the door was no longer wind tight and she had lost a lot of heat from the property as a result. She asked the Council to carry out the works.

4.4 Investigation by the Housing Ombudsman:

The Housing Ombudsman Service concluded their investigation and issued their determination on May 18, 2023. In that determination they confirmed that there has been severe maladministration by the Council with regard to its handling of repairs. There was also maladministration in respect of our handling of the associated complaint. The Housing Ombudsman Service awarded £3,127 compensation and after being asked by the service to further review the compensation award as the repair works remained outstanding so an additional £273 was awarded. Total award of £3400 compensation is broken down as follows:

Award	Service failure
£2,227	Delays in completing the repairs
£800	Time and trouble taken pursuing this matter including distress and inconvenience
£273	For further delays regarding the outstanding repair works
£100	Handling of the complaint.

4.5 Post complaint follow-up work

A full Senior Management Team review is in progress and our findings and actions will be shared with the Housing Ombudsman Service and the Regulator to satisfy their compliance requirements.

5. 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:

*Jayson Sandiford, Housing Complaints & Service Improvement Manager
jsandiford@westminster.gov.uk*

PART B (Confidential)

(Part B) appendices are exempt by virtue of Paragraph 2 of Schedule 12A of the Local Government Act 1972: Information which is likely to reveal the identity of an individual. In addition, in all circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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