

**Housing Ombudsman findings**

Relevant Portfolio Holder	Councillor Joe Baker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton
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Wards Affected	N/A
Ward Councillor(s) consulted	N/A
Relevant Strategic Purpose(s)	All
Key Decision / Non-Key Decision: This is a non-key decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

**1. RECOMMENDATIONS**

**The Executive resolves that:-**

- (a) The findings, orders and recommendations from the Housing Ombudsman be noted.**
- (b) Compliance with those matters by the Council and the wider learning points be noted.**

**2. BACKGROUND**

- 2.1 The complaint considered by the Housing Ombudsman concerned the Council's response to the resident's concerns of damp, mould and a ticking noise and the Council's complaint handling.
- 2.2 The Housing Ombudsman found there was severe maladministration in the Council's response to the resident's reports of damp and mould and reports of a ticking noise.
- 2.3 The Housing Ombudsman found there was maladministration in the Council's response to the resident's request for non-damp and mould repairs.
- 2.4 The Housing Ombudsman found there was maladministration in the Council's complaint handling.

- 2.5 The matter was determined by the Housing Ombudsman on 28<sup>th</sup> May 2024. The Housing Ombudsman ordered that the Council:-
- (a) Pay the resident £3,114.95 compensation comprised of:-
    - i) £364.95 for the impact of its response to the resident's reports of damp and mould on her enjoyment of her home.
    - ii) £1,200 for the distress, inconvenience, time and trouble caused by the Council's failures in its response to the resident's reports of damp and mould.
    - iii) £400 for the distress, inconvenience, time and trouble caused by the Council's failures in its response to the resident's request for non-damp and mould related repairs.
    - iv) £1,000 for the distress, inconvenience, time and trouble caused by the Council's response to the resident's reports of a ticking noise.
    - v) £150 for the distress caused by the Council's complaint handling failures.
  - (b) Arrange for the Chief Executive to apologise for the failings in the case. The resident should be given the option to receive her apology in person, over the phone or by letter. If the resident opts for a verbal apology the Council should write to the resident to confirm the outcome of their discussion. A copy should be provided to the Ombudsman, also within 4 weeks.
  - (c) Offer to visit the resident to:-
    - i) Discuss the outcomes of the survey reports with her.
    - ii) Satisfy itself that all repairs have been carried out to an acceptable standard.
    - iii) Agree an action plan for any outstanding works, including what will be done, when and by whom.
    - iv) Discuss how it might support and work with her to reduce condensation, damp and mould.
    - v) Discuss her request for compensation for items damaged by damp and mould, including her mattress. It should review the evidence and write to the resident to set out its decision in line with its policies and procedures.  
A detailed summary of the visit, including any action plans, should be provided to the resident in writing. A copy should be provided to the Ombudsman, also within 4 weeks.
- 2.6 The Housing Ombudsman ordered that the Council carry out a senior management review of the case to identify what went wrong and what it would do differently. This should be presented to the senior leadership team and the Ombudsman within 8 weeks. It should include assessment against the spotlight reports, unless the landlord can demonstrate it has done these within the last 12 months on;-

- (a) Damp and mould
- (b) Noise complaints
- (c) Attitudes, respect and rights.
- (d) Knowledge Information Management

- 2.7 As part of the review the Council should also consider developing a policy and procedure on compensation and noise complaints.
- 2.8 Within 8 weeks of the date of the determination the Council is ordered to arrange training for relevant staff to ensure that they are equipped to respond to queries from vulnerable residents. This should include having difficult and delicate conversations with residents about matters such as mental health. The date and content of the training should be provided to the Ombudsman, also within 8 weeks.
- 2.9 Within 12 weeks of the date of the determination the Council is ordered to arrange for relevant staff involved in this case to complete the learning modules on the Ombudsman Landlord's Learning Hub for noise complaints, knowledge information management and attitudes, respect and rights. Confirmation that training has been completed should be provided to the Ombudsman, also within 12 weeks.
- 2.10 The orders and recommended actions above have been undertaken by the Council. The Housing Ombudsman closed the case on 13<sup>th</sup> November 2024.
- 2.11 Officers are currently producing Noise and Compensation Policies in line with good practice and the Housing Ombudsman's Spotlight Reports.

**3. OPERATIONAL ISSUES**

The Constitution Article 12.3 requires the Monitoring Officer to report to Executive (or Council for non-executive functions) if any decision or omission has given rise to maladministration. This report concerns actions that the Housing Ombudsman has determined were maladministration/service failings.

**4. FINANCIAL IMPLICATIONS**

- 4.1 There are no direct financial implications arising out of this report, other than the recommendation that £3,114.95 be paid to the resident.

**5. LEGAL IMPLICATIONS**

This report is required under section 5A of the Local Government and Housing Act 1989 in view of the decision by the Housing Ombudsman.

**6. OTHER IMPLICATIONS**

**Relevant Strategic Purpose**

- 6.1 The requirement for the Monitoring Officer to report findings of maladministration is relevant to all of the Council's strategic purposes.

**Climate Change Implications**

- 6.2 There are no specific climate change implications.

**Equalities and Diversity Implications**

- 6.3 There are no implications for Equalities and Diversities arising out of the this report.

**7. RISK MANAGEMENT**

- 7.1 The main risks associated with the details included in this report are the risk of the Council being found to have caused maladministration in the future.

- 7.2 The risks are being managed by compliance with the recommendations and ongoing training.

**8. APPENDICES and BACKGROUND PAPERS**

Appendix 1: Housing Ombudsman Report - 202216635