

Review

Case Reference: 202210574

Southwark Council initiated an independent, external review into this case following the decision by the Housing Ombudsman. This report cannot be shared in its entirety because of the personal information contained.

We have shared below the findings, with identifiable information removed, and recommendations from the independent review:

Contributing factors to the maladministration

The main contributing factors to maladministration are centred around:

a) This was during the main Covid period:

- There were still restrictions on office and on-site working practices.
- Access to customers' homes was difficult, especially if residents were 'shielding'.
- There was substantial staff turnover across the RST teams.
- Sickness due to COVID reduced availability of staff.

b) Access issues – inability to see the issue as it arose or slightly after the 'leak' prevented the required investigation to determine the cause of the fault.

c) Sporadic nature of leaks & inconsistency of timing/related activities was not fully investigated or the 'trends' documented.

d) Professional advice suggested that there was not an obvious sign and required extensive behind fabric investigation that would require a temporary move. This was not actioned nor was there a formal documented joint discussion (RST / tenancy enforcement / repairs) on the issues emanating from the property.

- e) There were over x40 inspections undertaken by the various teams, however there was no formal documented evidence or joined up working especially with the RST (Resident Services Team).
- f) Passing of items between teams was ad-hoc, reactive and not proactive with no clarity on approach.
- g) IT systems are an issue; different teams use different systems which do not communicate with each other and therefore staff work in 'silos' – reports have to be emailed to individuals.
- h) No automated mechanisms to ensure 'follow-up' works or issues raised between teams are a) undertaken and b) completed.
- i) There is a lack of evidence to identify two key issues, that repairs were responded to and completed and that complaints were reviewed and addressed within effective timescales. Case information shows weeks, sometimes months to complete initial works, for example reconnecting lights after an LFA. Maladministration Complaint Overview

Areas for review, 'lessons learnt' and improvements going forward

TENANCY ENFORCEMENT

- a) The lack of tenancy enforcement needs to be addressed with a more robust and a seamless approach between the repairs, disrepair and LFA teams with RST.
- b) Tenancy agreements need to be checked for wording on access requirements – essentially 'reasonable notice' is not defined but an argument can be made to say 'reasonable' is dependent on the repair and should have a short timeline or 'emergency' immediate access if it causes distress to other residents, damage to property, damage to belongings and potential risk to life etc.
- c) The teams should have had a co-ordinated approach to implement the 'immediate' access, as in this case to address the 'leak' and/or to investigate potential malicious behaviour.
- d) Consideration for decanting the affected residents should have been implemented in a shorter timescale and enforced to enable in-depth investigations and to determine the true cause of the LFA's.

IT SYSTEMS

- a) There is a lack of communication with embedded IT systems between teams that has caused delays, increased complaint lead time and ineffective handling between key resources.
- b) There needs to be 'flags' between systems around any warnings that is consistent across teams.

c) IT Systems need to be utilised (centralised CRM with actions/jobs/reports of visits) to enable Southwark teams to view a complete timeline of repairs, no access history and notes for recording communication and technical inspections. In addition, a digital system should be available to residents to view repairs history, planned works and scheduled communal servicing.

COMPLAINT ACTION PLANNING & APPROACH:

- a) There needs to be visibility of complaints across all teams. A multi team approach may provide a quicker route to resolution especially on cases where the route cause is unclear or questionable.
- b) A clear focus and expense on dealing with the property elements is needed however as part of complaint resolution, staff need to take a wider view on potential causes and work to address those. Maladministration Complaint Overview
- c) Officers involved in each case need to be involved in responses to the HOS – this is to ensure all actions are logged, evidence is provided, and it enables a clearer picture of events and key learning. It is unclear if the use of qualified RICS surveyors brought any added value to resolving the complaint or their 'expert' opinions were used as part of i) forcing action and resolution ii) as part of the evidence for the HOS.

CROSS DEPARTMENTAL WORKING AND INFORMATION SHARING:

- a) There needs to be a set process for internal staff to flag any concerns and receive appropriate advice and support in dealing with any potential tenancy issues.
- b) Disrepair and other teams – require information to be shared on all systems to update staff on any ongoing actions/protocols and legacy events
- c) LFA process needs to be reviewed with relevant parties and a set of typical scenarios are to be worked through in terms of process (to include legal advice). The nature of LFA work will require immediate access into some properties – a set protocol should be agreed
- d) The RST need to be engaged from the outset on cases where missed access or delaying tactics appear to be happening.
- e) The repairs, disrepair and LFA teams appear to have made every effort to seek the true cause of 'the leak', visiting over forty times with numerous trusted contractors and seeking specialist advice. This detailed work was not fully recorded or submitted as part of evidence and therefore a robust format for customer relationship management needs to be addressed for future cases.
- f) Effective repairs and complaints management needs to be deployed to ensure they are actioned and completed within agreed set timescales.

g) It is our opinion that despite these in-depth checks over several years, a 'sense check' was needed to be held more quickly within months to review a wider potential cause of the leaks and to tackle the probability of malicious behaviour coupled with greater tenancy enforcement.

COMPLEX CASE VISIBILITY, MONITORING & INTERVENTION

- a) Complex case identification is a little unclear and needs to be formalised. Terms of reference needs to be agreed, advertised and internal staff need to know how and what can be escalated and what can be reviewed in a robust, agreed process.
- b) A complex case panel that has recently been set up that meet every 4-6 weeks and review the 'top 5' cases. We would suggest this is reviewed:
- c) To have a two-tier system – one at lead officer level with inter-departmental attendance by key staff to tackle 'difficult' cases immediately. Maladministration Complaint Overview
- d) A management level to review ongoing the top complex cases highlighted from officer level providing guidance, support and feedback for 'lessons learnt' to their teams.
- e) We would recommend expanding this from reviewing the top 5 to circa top 10 at least in-keeping with the current complaint case numbers.
- f) We recommend that these cross-departmental case meetings at all levels need to meet at least fortnightly, a lag of 4-6 weeks is too long to be effective in addressing risk, considering actions such as enforcement, potential decants and to importantly address and communicate to residents' their complaints within timescales.
- g) It would be prudent as a 'lessons learnt' to review similar determinations by the HOS that have been issued over the last 6 months where similar issues with regards to leaks have been inadequately addressed to review trends and identify reasons for failings.

PROPERTY ACTIONS

It is recommended that:

Any relet works and certifications are undertaken immediately.

A timetable is set at different times / days for the LFA / voids team to enter the property and officially record any findings and current conditions with photographs / video evidence.

If no further LFA is recorded, the flat should be offered for re-let.

Close monitoring of the property should be undertaken post re-let with the new residents to ensure no re-occurrence of previous LFA

AREAS OF GOOD PRACTICE

It is easy to concentrate on the negatives with regards to complaints, however where there are elements of 'what went well', these should also be noted and incorporated into good practice for complaint resolution going forwards:

It should be applauded the level and depth of detail the repairs, disrepair and LFA teams undertook with regard to investigating the cause of the leak. No stone was left un-turned, the external building fabric, all internal supply, waste and heating pipework was thoroughly checked with significant involvement from all trades. This work hasn't been in vain, as Southwark Council now has a robust portfolio of evidence

The level of customer engagement and 'personal' approach by the LFA team was evident in the interview that was undertaken. The teams were proactive on trying to resolve this issue and the customer focussed passion was clear to try and reach a positive conclusion. However, as a note for future issues, these interactions with customers need formally recording to evidence the extent the teams went through to try and resolve the LFA.