

London Borough of Wandsworth Housing Ombudsman Complaint

Independent Review

22nd November 2024

Distribution:

[REDACTED] Executive Director of Housing & Regeneration
[REDACTED] Director of Housing Management
[REDACTED] – Assistant Director of Resident and Estate Services

Audit Team:

[REDACTED] – Audit Trainee
[REDACTED] Principal Auditor
[REDACTED] Audit Manager
[REDACTED] – Assistant Director of Audit Shared Service

1. Introduction

- 1.1 This report sets out the results of Internal Audit's independent review into a Housing Ombudsman ruling which found Wandsworth Council (the Council) at fault for maladministration in repairs reporting regarding a roof leak and complaints handling.

2. Background

- 2.1 All Saints estate, which was built by the Council in 1977, consists of a six-storey block and two rows of terraced houses, comprising a total of 38 flats and 16 houses. All Saints Co-op took over the housing management functions for residents in 1979. In total, there are 54 residential units of which 26 are leasehold properties, 5 freehold properties and 23 are tenanted properties.
- 2.2 The independent review was conducted due to the orders given within the Housing Ombudsman report following a complaint, which was issued on 22nd July 2024.
- 2.3 The complaint was based on two issues regarding a top floor property on the All-Saints estate which suffered water ingress because of a roof leak. The Housing Ombudsman determined that;
- a) In accordance with paragraph 52 of the Housing Ombudsman Scheme there has been severe maladministration in the landlord's response to the leaseholder's reports of disrepair to the roof.
 - b) In accordance with paragraph 52 of the Housing Ombudsman Scheme there has been maladministration in the landlord's handling of the leaseholder's complaint.
- 2.4 The last internal audit review carried out on All-Saints Co-op was in September 2024 and the overall opinion issued was 'Limited Assurance'. The report also included a finding related to the register of complaints and a lack of documentation provided to evidence that emergency repairs, urgent repairs and post inspections had been carried out or carried out within agreed timescales.
- 2.5 The independent review considered all orders given by the Housing Ombudsman which included the following actions;
- a) The landlord must within 12 weeks of this report carry out a review of its practices and procedure for responding to requests for both routine and cyclical repairs from a leaseholder where external managing agencies are the leaseholder's main point of contact. The review should be conducted by a team independent of the service area responsible for the failings identified by this investigation.
 - b) Within 4 weeks, the landlord must write to the leaseholder to apologise for the failings identified in the report.

- c) Within 4 weeks, the landlord must pay to the leaseholder the sum of £1200 which had been calculated in accordance with the Ombudsman's remedies guidance.
- d) Within 4 weeks, the landlord must contact the leaseholder and provide him with a comprehensive update regarding the status of its plans for the renewal of the roof.

2.6 The findings below will be followed up by the Internal Audit team within 6 months of the final Internal Audit report being issued to review and evidence that changes in practice have been embedded.

3 Scope and approach

3.1 The scope and approach of the review was drawn from the Housing Ombudsman report, which detailed 4-week and 12-week orders for the Housing and Regeneration Directorate to meet.

4 Orders and Recommendations

12-week orders

In accordance with paragraph 54.f of the Housing Ombudsman Scheme the landlord must within 12 weeks of this report carry out a review of its practices and procedure for responding to requests for both routine and cyclical repairs from a leaseholder where external managing agencies are the leaseholder's main point of contact. The review should be conducted by a team independent of the service area responsible for the failings identified by this investigation and should include as a minimum (but is not limited to):

a. Identification of all other residents/leaseholders who may have been similarly affected by the issues identified, but not necessarily engaged with its complaint procedure, for the period from December 2020 to date.

Independent Review Finding: The Internal Audit confirmed that all properties situated on the top floor of All Saints estate (6 flats and 4 houses) have been contacted by the Co-op Manager regarding water ingress experienced since December 2020 and the damage caused was documented. The Co-op is awaiting a response from one resident to gain access to their property. On 28th October, the Housing and Regeneration Directorate sent letters to all residents affected by water ingress from the roof. The letters provided an indicative timeline for roof renewal in spring 2025 and informed residents that the Council will consider compensation for any impacts on them and their properties.

b. A review of how it communicates with leaseholders and external agencies when dealing with repairs. It should ensure that it has appropriate processes in place to foster effective and timely communications so that leaseholders do not suffer detriment due to a lack of co-operation between organisations. Its procedures should ensure that parties are clear regarding each other's obligations and the identity of the person/persons who have

‘ownership’ of large cyclical repairs and can be held accountable for the actions required to complete such work in a timely manner.

Independent Review Finding: The Assistant Director of Resident and Estate Services explained that roles and responsibilities should be included within each Modular Management Agreement (MMA). While the All-Saints Co-op's MMA mentions the Council's responsibility for addressing structural repairs, it does not specify any timelines or communication protocols for reporting, raising, or processing repairs. It is acknowledged that the directorate is in the process of updating the MMA's in place for each Co-op with a target deadline of the end of 2026.

Recommendation 1: Review and document the process in place for reporting, raising, and processing repairs including but not limited to;

- Methods of communication
- Roles and responsibilities
- Escalation Process
- Timescales to address repairs

Once reviewed the document should be shared across all Co-ops as a standardised process for reporting, raising, and processing repairs.

c. A review of its procedures for ensuring that external agencies respond to complaints in accordance with its complaints policy and the Code.

Independent Review Finding: There is a Co-op complaints procedure in place created by the Council's Housing Policy & Performance Officer which was last reviewed and updated in June 2024. The procedure references the Housing Ombudsman statutory complaints handling code and this has been circulated to all the Co-op managers and is available to all staff. The complaints procedure was also included within training sessions that took place on 04/10/2024 and 11/10/2024 to ensure it was communicated to all Co-op managers.

d. Following the review the landlord should produce a report setting out the following:

i. Findings and learning from the review:

- The Assistant Director of Resident and Estate Services highlighted several lessons learned from the ruling, including the importance of strengthening the relationship and communication between the Co-ops and the Council. Additionally, the Area Housing Team needs to ensure that complaints are addressed promptly and escalated to senior management when necessary.
- The Assistant Director of Resident and Estate Services confirmed that the directorate has recently acquired a new NEC Go Mobile application, which Building Maintenance Managers will be able to use. The application will allow inspection findings to be entered into the system in real time and will alert managers when roof warranties are nearing expiration, indicating the need for inspections.

- The Council has also decided that outcomes and lessons learnt from the complaint will be a standard agenda item at the Co-op forum to remind Co-op managers of their responsibilities.
- Refresher training will be carried out with the Assistant Director of Resident and Estate Services and all the Co-op managers on an ad hoc basis.

ii. Recommendations on how it intends to prevent similar failings from occurring in the future including any training needs identified.

Independent Review Finding: The Council has taken and continues to take measures to prevent similar issues from arising in the future, including:

- Procuring and implementing the NEC Go Mobile app for real-time repair reporting.
- Sending daily complaint reports to the Assistant Director of Resident and Estate Services when deadlines are two or more days overdue, now including Co-op complaints.
- Introducing a new standing agenda item at the Co-op forum to review complaint outcomes and lessons learned.
- Maintaining an up to date complaints procedure that has been circulated to all Co-op managers.
- Providing training to all Co-op managers led by the Assistant Director of Resident and Estate Services.

iii. The number of residents/leaseholders who have experienced similar issues and the steps it proposes to take to provide redress at the earliest opportunity to those who have been similarly affected by the identified failings. This should include consideration of compensation commensurate to the level of detriment a particular resident/leaseholder has experienced if caused by a failing on the part of the landlord.

Independent Review Finding: It is acknowledged that this process is ongoing as the directorate needs to clarify the period, extent and impact of water ingress into the properties before compensation is paid. The timeliness of this review is dependent on the Co-op being given access to these affected properties.

Recommendation 2: The Deputy Area Housing Manager should continue to liaise with residents affected by the water ingress as a result of the roof leak to ensure they receive the compensation they are entitled to. Where access is not easily obtained, the Council and Co-op should document times, dates and methods used to contact the resident.

iv. The landlord should provide a copy of the final report to its governing body and member responsible for complaints, if appointed, for scrutiny. The governing body should agree how it will provide oversight of the implementation of any recommendations made following the review. The landlord should also provide a copy of the report to the Ombudsman.

Independent Review Comment: This report will be presented at Directors' Board, the Audit Committee and the Co-op forum. There is no member responsible for complaints.

During the 6-month follow up that will be carried out by Internal Audit, checks will be completed to ensure the report has been submitted to the Directors' Board, the Audit Committee and the Co-op forum and confirm the oversight of the implementation of the recommendations and that a copy of the report has been sent to the Ombudsman.

v. The landlord should also commit to revisiting the issues 6 months after the report has been finalised to check whether changes in practice have been embedded.

Independent Review Comment: Internal audit will include a follow up review in the 2025–26 audit plan. This review will assess whether all recommendations have been embedded and changes in practice have been made.

4-week orders

Within 4 weeks of the date of this report the landlord must write to the leaseholder to apologise for the failings identified in this report.

Independent Review Finding: A written apology was sent to the leaseholder on 7th August 2024 by the Area Housing Manager on behalf of the Council.

Within 4 weeks of the date of this report the landlord must pay to the leaseholder the sum of £1200 which had been calculated in accordance with the Ombudsman's remedies guidance. The sum is broken down as follows:

- a) £100 in respect of the delayed stage 1 response if not already paid.
- b) A further £100 for the time and trouble incurred by the leaseholder because of the other complaint handling failures identified above.
- c) £1000 for the impact on the leaseholder of its failures to respond appropriately to the leaseholder's reports of disrepair to the roof.

Independent Review Finding: Compensation of £1200 has been paid to the leaseholder on 19th August 2024.

Within 4 weeks of the date of this report the landlord must contact the leaseholder and provide him with a comprehensive update regarding the status of its plans for the renewal of the roof. The leaseholder may request that this information be shared with him either in writing or in person if preferred.

Independent Review Finding: The leaseholder has been contacted regarding the roof repairs. A letter was sent on 7th August 2024 which included a provisional timeframe for the programmed roof renewal scheme. The provisional dates were updated in November, and a letter will be sent to the leaseholder to inform them of the progress made up to date and provide a new provisional timeframe.

5 Independent Review Recommendations

No.	Recommendation
1	<p>Review and document the process in place for reporting, raising, and processing repairs including but not limited to;</p> <ul style="list-style-type: none">• Methods of communication• Roles and responsibilities• Escalation Process• Timescales to address repairs <p>Once reviewed the document should be shared across all Co-ops as a standardised process for reporting, raising, and processing repairs.</p>
2	<p>The Deputy Area Housing Manager should continue to liaise with residents affected by the water ingress as a result of the roof leak to ensure they receive the compensation they are entitled to. Where access is not easily obtained, the Council and Co-op should document times, dates and methods used to contact the resident.</p>