

Mae'r ymateb yma hefyd ar gael yn Gymraeg.

This response is also available in Welsh.



Response by the Public Services Ombudsman for Wales to the Welsh Government's Housing Revenue Account Manual

I am pleased to have the opportunity to respond to the Welsh Government's consultation on the Housing Revenue Account Manual.

Our role

As Public Services Ombudsman for Wales (PSOW), I investigate complaints made by members of the public who believe they have suffered hardship or injustice through maladministration or service failure on the part of a body in my jurisdiction, which essentially includes all organisations that deliver public services devolved to Wales. These include:

- local government (both county and community councils)
- the National Health Service (including GPs and dentists)
- registered social landlords (housing associations)
- the Welsh Government, together with its sponsored bodies.

I am also able to consider complaints about privately arranged or funded social care and palliative care services and, in certain specific circumstances, aspects of privately funded healthcare.

The 'own initiative' powers I have been granted under the Public Services Ombudsman (Wales) Act 2019 (PSOW Act 2019) allow me to investigate where evidence suggests there may be systemic failings, even if service users themselves are not raising complaints. The Act also establishes the Complaints Standards Authority to drive improvement in public services by supporting effective complaint handling through model procedures, training and collecting and publishing complaints data.

General Comments

I recognise that the social housing legislative and regulatory landscape is expansive and complex. As such, I welcome the introduction of a manual that brings statutory and policy instruments relating to council housing with supporting Government guidance, into one document. This will bring greater clarity and coherence for local housing authorities' officers, officials, regulators and commissioners, which in turn

should see improved services to tenants in Wales. In particular, I appreciate the inclusion of a chapter on tenant consultation and participation, as a significant proportion of the complaints I receive stem from poor communication between service providers and their users, further exacerbated by poor complaints handling.

It is important to me that we help public services learn from these complaints, to stimulate improvements on a wider scale. Since its introduction in 2019, the Complaints Standards Authority (CSA) has introduced model complaints standards to local authorities. Training with local authorities has been very positive and local authority data sharing is now in its second year. This intelligence will bring opportunities to understand the performance of the relevant local housing authorities in different ways as well as highlighting the improvements they are making. We would be happy to share the lessons we are learning from the work of the CSA.

Themes from my Casework

As it is primarily an accounting tool, much of the daily operation of the Housing Revenue Account (HRA) is outside my jurisdiction. However, some of the manual's content regarding tenants' rights and expectations of service that they should receive from a local housing authority are of relevance to my powers and the complaints we receive. We deliver for those who have suffered injustice, providing a means for public bodies to put things right. Complainants have a right to have their complaints considered thoroughly, objectively, and in a timely manner which takes account of all the relevant facts and evidence. Unfortunately, several of the complaints I have received about council housing tell me that for some tenants this is not always the case, resulting in injustice for the complainants.

Many of the housing complaints I receive relate to some common themes, including delays or failings to carry out repairs in a timely manner, unfair charging of repairs to tenants, and poor complaint handling. I wish to draw attention to three of these individual cases, to provide insights into the stories of real people behind the complaint statistics.

Wrexham County Borough Council - Case Number: 201905998 – Report issued in March 2020

Mr E was in his flat when he heard a noise and found that an exterior pane of a double-glazed unit in a fixed first floor window of his council-owned property had been damaged. Council staff secured the window as an emergency and then undertook a re-glaze repair a few days later. The Council subsequently advised him that the damage was his responsibility and a rechargeable repair cost would be added to his rent account. Mr E said he did not cause the damage or see how it happened and he should not have been charged for the cost of the repair. The Ombudsman found that there were errors in the way the Council undertook the window repair and followed its re-chargeable repair process, and that Mr E was not given a proper opportunity to consider his options before the full repair was undertaken or the recharge cost was applied. This was a service failure and an injustice to him. To settle the complaint, the Council agreed to apologise to Mr E for the failings identified, to cancel the recharge cost, and to make a payment of £50 to

Mr E for his time and trouble in bringing the complaint. The Council also agreed to undertake a review of its re-chargeable repair process to prevent similar errors.

Powys County Council - Case Number: 201804610 – Report issued in August 2019

Ms B complained that there were unacceptable delays by Powys County Council in taking action to address a damp problem in her council-owned home. She was also concerned that the Council had not refunded her redecoration costs. The Ombudsman found that there was evidence to suggest some unnecessary delays on the part of the Council's contractors in carrying out works to address the damp problem and therefore proposed a settlement to resolve the matter. The Council agreed to pay Ms B financial redress of £625 to reflect the delays which had occurred in the works being completed, the redecorating costs and damage to Ms B's possessions. It would also liaise with Ms B to agree a mutually convenient time for the remaining works to be inspected and signed off.

Vale of Glamorgan Council - Case Number: 201904829 - Report issued in January 2020

Mr X, a tenant of the Council, complained that building works undertaken as part of the Housing Improvement Programme took longer than the 3 weeks set out in the Council's tenant information pack, that the property was uninhabitable during the works and that damage was caused to the carpet and furniture by the Contractors. The Ombudsman contacted the Council as he was concerned that no formal response had been provided to Mr X's complaint about the time taken to complete the works. In settlement of the complaint, the Council agreed to provide Mr X with a formal written response to his complaint which was to include an apology for inaccurate information being provided in relation to the proposed timescales for the works, an explanation for any delay in the works being completed, details of the dates the kitchen and bathroom were unavailable for use during works and the Council's policy in respect of this.

Closing remarks

I trust that you will find my comments useful. Should you wish to discuss any of my points further, please do not hesitate to contact Tanya Nash, my acting Head of Policy (tanya.nash@ombudsman.wales).



Nick Bennett

Public Services Ombudsman for Wales

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