

SPSO decision report



Case: 202401558, Aberdeen City Council
Sector: Local Government
Subject: Policy / administration
Decision: upheld, recommendations

Summary

C complained about the council's handling of communal repairs at a tenement in which C owned a property. Extensive work was required following a fire. The council owned the majority of properties in the building and took the lead in arranging and managing the work. During the work to repair the fire damage, extensive dry rot was identified. Work was completed around four years after the fire.

The invoice C received from the council for the dry rot works was approximately £15,000 over what C had expected to pay, based on the estimates for work given two years prior. C complained about the council's management of the repairs, including their communication.

We found that the council's communication with C during the period of works and in respect of the increasing costs was unreasonable. The council also failed to follow their own processes or act in line with their obligations under the Tenements (Scotland) Act 2004. The final invoicing included substantial costs for which C was not liable, and which should not have been included in the invoice. The council also failed to notify C of the costs of an emergency repair to the roof following a storm within a reasonable period of time, resulting in C missing the opportunity to submit an insurance claim for the costs.

Overall, we found that the council's management of communal repairs was unreasonable. Therefore, we upheld this part of C's complaint. We considered that regardless of communication issues and delays, the costs would likely have been incurred and therefore are duly payable by C. However, given the multiple failings in relation to communication and administration, we recommended that the council refund the administration fee to C.

C also complained about the council's handling of their complaint. We found that the council's complaint handling was unreasonable. The council failed to identify C's expression of dissatisfaction as a complaint, failed to respond within a reasonable timescale or provide timely updates, misinterpreted C's complaints, and made contradictory statements in the complaint response. Therefore, we upheld this part of C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for the failure to reasonably manage the communal repairs and the failure to reasonably handle C's complaint. The apology should meet the standards set out in the SPSO guidelines on apology available at [HYPERLINK "http://www.spsso.org.uk/information-leaflets"](http://www.spsso.org.uk/information-leaflets) www.spsso.org.uk/information-leaflets .
- Clarify whether the scaffold and site establishment costs were charged to C, and consider whether these funds should be reimbursed.
- The council should make a financial payment to C of £2,278, the equivalent of the 7% administration fee charged by the council for these works, in recognition of the poor standard of administration and failure to act in line with their responsibilities under the Tenements (Scotland) Act 2004 when arranging for these

repairs to be carried out.

What we said should change to put things right in future:

- The council should manage repairs carried out under the terms of the Tenements (Scotland) Act 2004 in line with their obligations. When managing repairs, the council should ensure tenants and homeowners are updated of the progress of the project regularly, particularly where the scope of the works and the costs escalate.

In relation to complaints handling, we recommended:

- Complaint handling should be in line with the Model Complaint Handling Procedures. We offer SPSO accredited Complaints Handling training. Details and registration forms for our online self-guided Good Complaints Handling course (Stage 1) and our online trainer-led Complaints Investigation Skills course (Stage 2) are available at [HYPERLINK "https://www.spsso.org.uk/training-courses"](https://www.spsso.org.uk/training-courses)
<https://www.spsso.org.uk/training-courses> .

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.