

COUNCIL HOUSING REPAIRS

Guidance on Good Practice

3

**THE COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND
(THE LOCAL GOVERNMENT OMBUDSMAN)**

COUNCIL HOUSING REPAIRS

PREFACE

Council housing repairs account for a significant number of complaints received by the Local Government Ombudsmen (about eight per cent of the complaints in 1992/93).

Not all complaints are upheld, but some of the investigations undertaken by the Ombudsmen have revealed serious shortcomings which have left tenants in poor living conditions for unreasonable lengths of time, for example

- failure to effect necessary repairs for two years with the result that ceilings collapsed in three rooms of a property
- leaving tenants for five years with draughts from ill-fitting windows
- failure to deal with water penetration in a flat for two-and-a-half years
- leaving a tenant without a hot water supply for a whole year
- leaving a tenant unable to use her gas fire for three years because of a dangerous flue.

In the case of one council the Ombudsman reported in the 1990/91 annual report that the council was making little progress in tackling the underlying problem that there were chronic delays in providing a repair service to tenants. The Ombudsman's impression was that unless a tenant of that council sought assistance from the courts, the Ombudsman or a councillor, there was only a limited possibility of the council discharging the responsibility it owed as the landlord.

Not all the problems persist for such extreme periods as in the above examples, but difficulties whether for short or long periods can be serious, worrying and distressing for tenants.

Many councils run their housing repairs service efficiently and well and achieve commendable standards for their tenants. However, in other areas there is clearly scope for improvement. In the light of the investigations undertaken the Commission, following consultation with the local authority associations, offers the advice in this guidance note about measures which housing authorities can reasonably be expected to take.

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There are **ten key areas** where careful planning and appropriate action would greatly assist councils to maintain a reasonable repair service for tenants.

1. INFORMATION

Councils should provide tenants with adequate, clear and easily understood information. In particular this should include

- an explanation of the tenancy rules relating to repairs
- guidelines on repairing responsibilities, defining who is responsible for which repairs and whether some tenants (for example old age pensioners) are exempted
- information about any changes to the repairing responsibilities or temporary suspension of particular kinds of work carried out by the council
- information on who is responsible for common parts in flats
- information on how to request repairs: for example prepared postcards, free phone, at the council offices in person etc
- information which will enable tenants to keep track of the progress of a repair request, for example a job number or written acknowledgment
- information about any priorities and target times which the council has
- an indication of what kinds of repair will be dealt with as emergencies
- information about any emergency out of hours arrangements provided by the council
- information about any system the council has for re-chargeable repairs where by request it does work which is the responsibility of the tenant; with ready availability of up-to-date price lists
- making key information available as required in languages other than English
- reminding tenants that they should consider having the contents of the property covered by insurance
- provision of a tenant's handbook setting out all relevant information.

2. RECORDS

Councils should make and maintain adequate records, in particular

- there should be a system for recording repair requests whether by phone, letter or visit and a channel of communication to the officer responsible
- records of complaints should be maintained
- the repair history of each property should be maintained
- there should be records of visits to tenants and inspections and the follow up action needed
- if no action is taken on a request because work is not warranted, the reasons for that should be recorded.

3. IDENTIFICATION OF PROBLEMS

Repair problems should be accurately diagnosed

- where repair requests are received orally, tenants should be helped to identify and correctly describe the nature of the problem
- details of the defects should be accurately noted
- inspection as necessary should be undertaken by arrangement with the tenant
- where there are serious or persistent problems, the repair history record should be consulted so as to assist with diagnosis and also to avoid wasted effort through unnecessarily repeated inspections
- there should be a scheme to determine the priority of repairs according to urgency
- specialists should be called in where needed
- the advantages of a system of regular inspection of all properties should be considered.

4. ORGANISATION OF WORK

Repair work should be properly organised

- there should be a system for the allocation and supervision of work, with written guidance for staff, so that needs are identified, appropriate action is determined, responsibility is allocated, progress is regularly reviewed and action is taken where necessary to remedy delay or resolve difficulties
- there should be arrangements which define which officers, sections or departments can authorise which type of work and up to what cost figure

- the length of the communication chain between the tenant identifying the need and the worker who undertakes the repair should be as short as possible
- target times should be set for various kinds of work, performance monitored and action taken to ensure that targets are met or at least met in the majority of cases and nearly so for the remainder
- work should be coordinated so that where several trades are involved the tasks are undertaken in the correct sequence and without long delays between each
- performance standards for contractors should be clearly defined in contract specifications
- where necessary there should be arrangements for temporary re-housing to enable works to be carried out
- within programmes of planned maintenance, there should be proper arrangements for individual requests to be fitted in and tenants informed accordingly
- there should be a clearly defined and properly controlled ‘right to repair’ system, known to tenants and easy to use, under which they can make the arrangements for minor repairs and charge the cost to the council
- void properties should be inspected; prospective tenants should be told exactly what repairs are to be done and which will be done before they move in; and major work should be done before the tenant takes up occupation
- on completion of the work, sites should be left clean and tidy.

5. LIAISON

There should be good arrangements for liaison within the council

- there should be an adequate system of liaison between housing management and other sections and departments of the council and with contractors
- no one should be in any doubt about who is responsible for what, so as to avoid situations such as that described in one Ombudsman report where “officers sent each other memoranda but the tenants continued to live in real danger”
- there should be formal arrangements for liaison between the housing department and the environmental health officers. Those arrangements should ensure that prompt and adequate action is taken where environmental health officers make recommendations to the housing department in circumstances where they would have served a statutory notice, legally enforceable by the council, if a private landlord had been involved.

Further advice about liaison arrangements is included in *Guidance on Good Practice 2: Good Administrative Practice* published by the Commission in August 1993.

6. MONITORING

Suitable monitoring arrangements should be followed

- there are advantages in monitoring the incidence of repair problems on an estate, in an area or in a particular block of flats so that common problems can be identified and tackled as part of a planned programme
- there should be adequate arrangements for monitoring the progress, completion and standard of work and those should include inspection of all major work during and after completion and a percentage check of minor work
- there should be a system which can be easily used by tenants to notify the council if a job is not done or not done to a satisfactory standard, and which ensures that failures or defects are promptly rectified.

7. COMMUNICATION

Good communication should be maintained with tenants

- there should be consultation with tenants and tenants' associations about significant works affecting an area which the council is intending to carry out
- tenants should be given as much notice as possible so that where relevant they can postpone decorating work which might otherwise be abortive
- arrangements for access to do work should be planned in consultation with tenants and there should be an appointments system, not only for the convenience of tenants but in order to avoid a waste of staff time through abortive visits
- the access arrangements should accommodate any special needs, for example to make arrangements through relatives where the tenant is incapacitated and contractors should be briefed about any special difficulties
- access arrangements should include ready access to a neighbouring property owned by the council where the source of the problem (for example water penetration) lies or may lie there
- there should be notice to the tenant if a repair is delayed or cancelled; and an explanation should be given
- there should be information available to the tenant about what happens to a repair request if the contractor cannot gain access

- letters and phone calls should be answered promptly and the enquirer should be told the name of the person answering
- staff of the council, and of contractors, should carry a means of identification
- tenants should be briefed about the extent of redecoration the council will carry out following repair work
- where major works are undertaken tenants should be briefed on their full extent and implications and there should be specific liaison arrangements with the contractor, with tenants knowing who to contact about any queries or problems; and tenants should be advised whether they should take out extra insurance or check with their insurers that they are covered (for example if there is scaffolding which might affect security)
- if any dangers exist, tenants should be advised and informed about measures they can take to minimise the risks
- where improvement work is being considered, it should be made clear to tenants what the position would be about any redecoration which might be needed. The council does not normally have a legal obligation to redecorate after improvement work (as opposed to after repair work, where there is a legal obligation) though councils will want to consider whether nonetheless they wish to adopt the practice of redecorating in those circumstances (or reimbursing the cost if the tenant does the decorating). In any event the position needs to be made clear to the tenant prior to the commencement of work.

8. COMPLAINTS

Councils should have a simple well-publicised and effective complaints system.

A complaints system is as necessary in respect of housing repairs as in any other sphere, if not more so. A good system not only can help tenants but will also assist the council to identify difficulties and be able to run a good service. Advice about complaints systems is given in the Commission's *Guidance on Good Practice 1: Devising a Complaints System* published in February 1992.

9. COMPENSATION

Councils should operate suitable compensation schemes

- if works are not completed quickly or properly there should be compensation, for example through rent reduction for the relevant period
- if repairs involve major disturbance or loss of facilities for a period suitable compensation as relevant should be paid

- if council staff or other workers fail to keep an appointment compensation may well be appropriate, for example because of lost earnings for the tenant
- if faults in the council's performance are identified as a result of a complaint taken through the complaints system compensation may well be appropriate depending on the circumstances
- arrangements should be made to ensure that a property is in good repair before a tenancy commences or, if not, consideration should be given to a period of rent reduction until the position is satisfactory
- if compensation is to be set against rent arrears it should first be established that the arrears are substantive and not, for example, an apparent shortfall in the account because of delay in crediting housing benefit
- there should be clear arrangements for handling tenants' claims for damage to belongings during the course of repairs
- councils need to be satisfied that their particular compensation arrangements are within their legal powers.

10. INSTRUCTION AND TRAINING

All staff should be properly briefed and trained

- staff at all levels should have clear instructions as to their responsibilities, how they should be discharged and the procedures they should follow
- specific training should be provided where needed, for example technical training for housing assistants who deal with repairs requests
- the council should ensure that relevant staff are familiar with the legal obligations of the council as landlord. For example three of the points which sometimes cause difficulty and may need emphasis are
 - a) that the external repair obligations of the council include window breakages unless the tenant is at fault
 - b) that the council has an obligation to make good decorations after repairs which it carries out
 - c) that the repairing obligations of the council as a landlord still subsist when proposals are made for the ownership of the property to transfer (for example under the 'right to buy' legislation or if there are proposals relating to a housing association or housing action trust): the obligation only ceases on completion of the transfer of ownership.

CONCLUSION

Decent living conditions are one of the fundamental influences affecting people's lives. Good councils will want to achieve at least a satisfactory standard, or better, in the discharge of their responsibilities in respect of the properties they maintain and let to tenants. The Commission hopes that the advice in this guidance note will assist councils in that task.

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