

Report

on an investigation into
complaint no 11 021 734 against
City of York Council

11 February 2013

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The Local Government Act 1974, section 30(3) generally requires me to report without naming or identifying the complainant or other individuals. The names used in this report are therefore not the real names.

Key to names used

Mrs Hazel	The complainant
Mrs Cedar	The complainant's sister-in-law
Officer Spruce	Technical Officer, the Agency
Officer Pine	Housing Needs, Advice and Support Worker, the Agency
Officer Hawthorn	Manager, the Agency
Officer Jasmine	Technical Officer, CYC
Officer Ash	Housing Adaptations Manager CYC
Officer Maple	Sub-Regional Loans Officer CYC

Report summary

Private housing improvement

Mrs Cedar complained on behalf of her sister-in-law Mrs Hazel, that the Council tricked Mrs Hazel into signing off work for a home appreciation loan when the agreed work was not completed in accordance with the schedule and Mrs Hazel was not satisfied with the work done. She says the council also took an excessively long time to respond to Mrs Cedar's complaint about the matter.

The Ombudsman finds that the Council and the Agency acting on its behalf in providing technical assistance with the Home Appreciation Loan service:

- included solid insulation in the schedule of work when Mrs Hazel's loft was already adequately insulated;
- misled Mrs Hazel into believing the solid insulation was a requirement of the loan;
- changed the insulation material to traditional roll type material without consulting Mrs Hazel and then did not fit the insulation material as it was not needed;
- failed to keep adequate records of the changes to the tiles, the cost of the new tiles and the exact cost reduction resulting from the change;
- failed to ensure the sign off meeting was pre-arranged at a time convenient to Mrs Hazel and with Mrs Cedar present
- failed to ensure a thorough inspection of the work was carried out and a proper record of that inspection as kept, which should have highlighted the problems with the loft insulation;
- failed to deal with Mrs Hazel's complaint in a more timely manner and failed to seek information from the Agency officers at an earlier stage.

This amounts to maladministration which has caused Mrs Hazel a significant degree of distress and anxiety. She feels she paid more for roof works than was necessary and she did not get the improved insulation she had been promised. Given the lack of records she is uncertain as to whether the bill was reduced by a sufficient amount and whether she has been overcharged. She no longer trusts anyone to carry out work in her house and will not answer the door to anyone she does not know.

Finding

Maladministration causing injustice, remedy agreed.

Agreed remedy

The Council has agreed to pay Mrs Hazel £2000 compensation for the cost of the insulation which was not installed, in addition to the distress, anxiety and time and trouble this matter has caused her.

Introduction

1. Mrs Cedar complained on behalf of her sister in law Mrs Hazel, that the Council tricked Mrs Hazel into signing off work for a home appreciation loan when the agreed work was not completed in accordance with the schedule and Mrs Hazel was not satisfied with the work done. She says the council also took an excessively long time to respond to Mrs Cedar's complaint about the matter.
2. My investigator has:
 - a. considered the complaint and the documents provided by Mrs Cedar;
 - b. visited Mrs Hazel at her home;
 - c. made enquiries of the Council;
 - d. considered the comments and documents the Council provided;
 - e. visited the Council on three occasions to look at the files, to interview three officers from the Council and three from the Agency

Legal and administrative background

3. My powers are defined by the Local Government Act 1974 as amended by the Local Government and Public Involvement in Health Act 2007.
4. I investigate complaints of fault where someone says it has caused them injustice. If I find fault but no injustice, I will not ask a council to provide a remedy. If I find both fault and injustice, I may ask for a remedy.
5. I have the power to decide whether to start, continue or discontinue an investigation into any complaint.

Home appreciation loan (HAL)

6. A home appreciation loan is an equity release loan offered by the Council to assist vulnerable homeowners bring their homes up to health and safety or decent home standards. It is available to home owners who are either 60 or over, disabled or have a child under 16 living with them and are in receipt of a qualifying benefit such as income support or pension credit.
7. The loan is registered at the Land Registry as a charge against the property and only has to be paid back when the property is sold. But the amount of the loan to be paid back is calculated as a percentage of the property so if house prices increase then the amount to be paid back increases as well. The increase is capped at 7%. The minimum loan available is £2,000 and the maximum £30,000. The loan is administered by Sheffield City Council on behalf of City of York Council. The conditions say that payment of the loan will be made direct to the

contractors on completion of the work, after receipt of a satisfactory invoice and a satisfactory final inspection.

The Agency

8. The Agency was an organisation contracted by the Council to provide technical support applications for home loans and grants including the home appreciation loan. It closed on 31 March 2011 due to withdrawal of government funding.

Building regulations requirements for insulation

9. Approved document L1B (effective from 1 October 2010) provides a table showing the targets for insulation when undertaking roof works. It states that loft insulation should be topped up to a depth of at least 250mm of mineral or cellulose fibre, laid between and across ceiling joists.

Investigation

10. Mrs Hazel lives in her own property. She is over 60 and in receipt of income support. She has learning difficulties and struggles to understand paperwork. She always asks her sister-in-law (Mrs Cedar) to help her with forms and anything requiring a signature. She had previously received assistance from the Council to carry out grant-aided works in her property. Prior to these events the most recent project in 2007 involved replacing her kitchen and the old soffits and fascias. It had not gone to plan and Mrs Hazel had pursued complaints about the contractors involved. It left her feeling very wary of using the Council's services again.
11. In 2005 Company W had insulated her loft. She has a certificate dated 11 April 2005 saying that 27 square metres of roof space was insulated to a thickness of 270 mm with seven rolls of Superglass contract roll insulation. She also has cavity wall insulation.
12. In 2009 Mrs Hazel noticed some loose tiles on her roof. It was not leaking but she was concerned that it might get worse. She first obtained two quotations herself for re-roofing works, one for £5,290 and the other for £5287.50, both inclusive of VAT. In December 2009 she contacted the Council to enquire if any assistance was available. It directed her to the Agency. Officer Spruce, a Technical Officer who worked for the the Agency visited her on 6 December 2009 and said she may be eligible for a Home Appreciation Loan for roof works. His note says:

"Joint visit was required with [Officer Pine, the Housing Needs, Advice and Support Worker] to explain loan when client has advocacy".
13. Officer Spruce, Officer Pine and their manager Officer Hawthorn all said at interview that they were aware either from current or past dealings with Mrs Hazel that she required help with paperwork and preferred either her sister-in-law Mrs

Cedar or her sister to be present at meetings. Apart from a brief note at the beginning of the file this was not formally noted.

Schedule of work

14. Officer Spruce and Officer Pine visited on 12 January 2010. Mrs Cedar was present. Mrs Hazel signed an authorisation from allowing the Agency to act as agents for her to administer and process the grant. The form says she is aware she is not obliged to use the Agency and could process any application herself. Officer Pine says she explained the purpose of the loan and how it would work, while Officer Spruce carried out an inspection in order to draw up a schedule.
15. Mrs Cedar says she showed them the quotations Mrs Hazel had already obtained and that Officer Spruce said the Council would not let her have the loan unless she had solid insulation which would save energy and heat. Officer Spruce, at interview, had no recollection of either the quotations or the conversation.
16. Officer Spruce sent out a detailed schedule to Mrs Hazel on 11 February 2010. The Schedule included:
 - a. submit a building regulation notice to the Council;
 - b. supply and install rigid sheet insulation fixed between the timber rafters. Any timbers used to support insulation must be treated. Guidance must be sought via Building Control Officer from York City Council as to the depth of insulation required;
 - c. supply and install new plain concrete tiles similar to existing or as close as possible such as 'Marley Plain Concrete Tile' or 'Sandtoft Plain Concrete Tile'. Sandtoft Plain Tile was then specified. Beneath this it said tile colour must be agreed with client and a sample provided to the client's agent before works commence.

Quotations

17. Mrs Hazel signed and returned the form to say she agreed with the proposed work. The Agency sent out the schedule to three contractors on 1 April 2010. Two contractors replied, returning quotations of £7,706.16 plus VAT and £8,108 plus VAT. The cheapest quotation included £959.29 for the solid insulation and £2688.19 for the roof tiles. The more expensive quotation included £648 for the insulation and £2135 for the tiles.
18. Officer Spruce sent both to Mrs Hazel in May 2010. Mrs Cedar said that when they received the quotations she contacted Officer Spruce to ask why they were so much more expensive than the ones she had obtained. She says he told her that it was because of the solid insulation. It was time-consuming and expensive to fit. Mrs Cedar says she checked this with a friend who was a builder and he confirmed it was more expensive. Mrs Cedar says Mrs Hazel only agreed to go ahead with the more expensive Council scheme because she felt solid insulation

would be an improvement on what she had already. Otherwise she would have arranged for the work to be done privately at a cheaper cost.

19. At interview Officer Spruce said he would expect quotations obtained by the Agency/the Council to be more expensive because they conformed to building regulations and health and safety standards in terms of scaffolding and insulation.
20. Officer Spruce said at interview that he included solid insulation in the schedule because that was a requirement of building control. Officer Jasmine, a Technical Officer for the Council, said at interview that solid insulation was a requirement of building control due to a green initiative. Officer Ash, the Housing Adaptations Manager, at interview said building control did not require solid insulation under a green initiative or otherwise. There is no evidence that building control had any knowledge of the proposed work at this stage.
21. Mrs Hazel agreed to go ahead with the cheapest quotation and signed to say she agreed with the figures including the fact that they were exclusive of VAT. Although Mrs Cedar says that neither of them realised the quotations were exclusive of VAT, so the total proposed cost at that point including VAT was £9054.77 and £9526.90.

Loan application

22. Officer Maple (the sub-regional loans officer) who worked for a number of authorities including City of York Council, then became involved to assist Mrs Hazel in completing the financial paperwork for the loan. He had several meetings at Mrs Hazel's house and said at interview that he recalled Mrs Cedar being there on most occasions. A loan of £10,500 was agreed and registered as a charge on Mrs Hazel's property. This was completed on 4 February 2011 and notification sent to Mrs Hazel and the chosen contractor.

Start of work

23. The Council's records say Officer Spruce chased the contractor for a start date on 22 February 2011. Mrs Cedar says the scaffolding went up on 26 February 2011 and the contractors started on 8 March 2011. She said tiles were delivered on 10 March, insulation and batons on 11 March 2011. Mrs Hazel says they worked hard for the first week but struggled to fill their time on the second week maybe working for around three to four hours on the Monday and Tuesday, just two hours in the morning on Wednesday and they had finished by early afternoon on Thursday 17 March. On Saturday 19 March they returned to put the lead on the roof but after that they had gone. The scaffolding was still there but there were no ladders and no contractors present. She said three rolls of unopened insulation material were left in her loft.

Changes to schedule

24. Mrs Hazel says that Officer Spruce came to the door one day during the work with a photograph of some roof tiles and asked her if she wanted to save some money if she used these instead of the tiles on the schedule. They were the same as a neighbour's tile. Mrs Hazel orally agreed to the change.
25. The Council's records state that on 16 March 2011 Officer Spruce agreed on site with one of the contractors to swap the style of tile and omit the rigid insulation in favour of rockwool (traditional roll insulation) which should result in a saving of approximately £800. Mrs Hazel and Mrs Cedar both say they had no knowledge of the change to the insulation and would not have agreed to it had they been asked as that was the main reason they agreed to go ahead with the Council's scheme.
26. Officer Spruce said at interview the change to the insulation took place because building control relaxed its requirements for solid insulation. He said he would have spoken to building control but could not recall doing so. There is no record of such a conversation. In respect of the tiles he said he was trying to save money by using a larger tile. He did not know which tiles he used in the end or how much they cost. Officer Pine said she knew the tiles had been changed and believed there had been a problem sourcing the specified ones. She knew nothing about the change to the insulation.

Sign off

27. All parties agree the work was signed off on 23 March 2011 by Officer Spruce and Officer Jasmine. Officer Jasmine had been working with Officer Spruce since January 2011 as the Agency was due to close at the end of March 2011 due to the withdrawal of government funding. She was there to ensure a smooth handover of cases.
28. Mrs Hazel looks after her young granddaughter who has special needs. Every weekday she leaves the house at around 3 pm, travels across the city to pick her up from school arriving home around 4.15 pm. When she gets home she has a strict routine and her granddaughter requires a lot of attention.

Documentary evidence

29. There are two documents completed in Officer Jasmine's handwriting and signed by Mrs Hazel on 23 March 2011. One is entitled 'Interim/Final Certificate of Completion' and states:

"An inspection of the appropriate work was carried out on 23 March 2011... All works covered by this certificate have been completed to the satisfaction of the Council."

30. Under the Heading 'Additions/Deletions', N/A has been written. Officer Jasmine and Officer Ash also signed it on 23 March 2011.
31. The second document is a contractor's report form asking a series of questions about how satisfied Mrs Hazel was with the work done. The answers are all very complimentary and in the box for further comment it says:

'Good product advice, Money saving by Tech Officer'.
32. In answer to the question as to how she heard about the service it says 'Word of mouth'. One of the options was 'You've dealt with us before' but this was unticked.

Mrs Hazel's account of events

33. Mrs Hazel says that on 23 March 2011 she left as normal to pick up her granddaughter. Her son was in the house. She says Officer Spruce rang at 3 pm and left a message on her answer-phone saying he would call at 3.30 pm. She did not get this before she left. At 3.30 pm Officer Spruce and Officer Jasmine knocked on the door. Her son said Mrs Hazel was out. Officer Spruce and Officer Jasmine waited outside in the car until Mrs Hazel returned home at 4.15 pm.
34. She says they knocked on the door before she had even got her coat off and were very insistent to come in. She was pre-occupied with her granddaughter who was getting upset because her routine had been disturbed. She says Officer Jasmine asked her some questions and Mrs Hazel queried whether or not it was the sign off. Officer Jasmine said that it was not the sign off but just a questionnaire about how the workmen had done. Officer Spruce said that Officer Pine and Officer Maple would have to come at a later date to do the sign off. Officer Jasmine said there were two copies of the questionnaire, one for the Council and one for the contractor. She urged Mrs Hazel to sign it so she could attend to her granddaughter and they could go. She says they left at 4.30 pm and that no-one went up into the loft or onto the roof.
35. Mrs Hazel says she would not have signed the form without Mrs Cedar being present if she had known it was the sign off inspection.

Officer Jasmine's account of events

36. She had not visited Mrs Hazel before the sign off visit. She said they arrived at Mrs Hazel's house about 2.30 pm and they had been in the area carrying out other visits but she couldn't say where. She said she wouldn't normally visit unannounced but given the impending closure of the service there was some pressure to get things signed off. The contractors were still on site clearing up and the scaffolding was still up. Officer Spruce went up the contractor's ladder and inspected the roof. He spoke to the contractors and took about 10 to 15 minutes.

37. Then they waited in the car for Mrs Hazel to come back and did the sign off. Mrs Hazel was happy with the contractors. She had no idea Mrs Hazel was not happy to sign off the work without Mrs Cedar being there. If she had known this she wouldn't have done it. She knew she was a vulnerable person. Officer Jasmine said she went through all the questions with Mrs Hazel to make sure she understood everything. The questionnaire took about 10 minutes. Mrs Hazel was there with her granddaughter and no-one else. She said she gave her the option of leaving the form with her and letting her take her time over completion.
38. Officer Jasmine also said Officer Spruce went up in the loft and checked the insulation and that he had regular contact with the building control department. She later said she didn't see Officer Spruce go up in the loft but he said he had done so.

Officer Spruce's account of events

39. Officer Spruce said his normal practice was to sign off jobs with Officer Pine or Officer Jasmine. They would always make a pre-arranged appointment. He would do that by telephone. He would not go if there was no answer. He could not remember the arrangements in this case or whether he waited outside. He would not turn up unannounced. He could not recall any conversations with Mrs Hazel about what she was signing. He agreed that the form should have detailed the changes to the tiles and the insulation.
40. He remembered looking at the roof when it was all finished. He remembered there had been complaints from an elderly neighbour. He asked the contractor to leave the scaffolding up so he could check the roof. He said in terms of the loft he did check it as he had a set of surveyor's ladders. He said he couldn't remember if any rolls of insulation were in the loft but that would be quite common. When asked who was present he said Officer Pine or Officer Jasmine and Mrs Hazel but he didn't know if Mrs Cedar was there. He was happy that the insulation had been installed properly. He said building control had to go back and do a second visit to issue a certificate.

Invoice

41. The contractors sent an invoice to the Council on 23 March 2011. It included a £900 reduction for 'Cost saving for change of specified tile and change in insulation specification', leaving a final bill of £8,167.43.

Complaint

42. Mrs Cedar then contacted the Council to find out when the final inspection was to be done and discovered that the work had been signed off and the money paid to the contractors. She obtained the certificate of completion and the final invoice and noticed the discrepancies with regard to the insulation. She then made several complaints and had a meeting with Officer Jasmine in April 2011. Mrs

Cedar says that during this meeting Officer Jasmine admitted she had not made clear to Mrs Hazel that she was signing off the work. Officer Jasmine denies this.

43. Officer Ash sent a response to the stage one complaint on 12 May 2011. She said Mrs Hazel had given the Agency authorisation to act on her behalf including the administration of work to her home and that Officer Spruce had agreed to the changes to the tiles and insulation on her behalf on 16 March 2011. She agreed it would be good practice to show the changes on the certificate of completion. She said that there was no written note on file to say that all correspondence should go to Mrs Cedar. In respect of the sign off she said she had spoken to Officer Jasmine and Officer Hawthorn and was unable to conclude that Mrs Hazel had been put under pressure to sign.
44. Mrs Cedar then visited her MP who escalated her complaint to stage two. The Council responded to Mrs Hazel on 3 June 2011 and upheld the stage one decision. Mrs Cedar then escalated the complaint to stage three during a telephone conversation with the complaints manager in July 2011, who said she would try and reply by the end of August. Mrs Cedar chased up the matter in January 2012 and the Council discovered that her complaint had been archived by mistake.
45. It finally sent a stage three response on 10 February 2012. It upheld the stage two decision. It agreed that the change should have been recorded but considered they were only changes to the materials used, were not significant and resulted in a cost reduction for Mrs Hazel. Given Mrs Hazel's dissatisfaction with the works it offered to carry out a further visit to assess the work done.
46. Mrs Cedar then complained to the Ombudsman on behalf of Mrs Hazel in March 2012. She submitted photographs of Mrs Hazel's loft which showed three unopened rolls of yellow insulation material. They also showed some pink insulation already laid in the loft which was covered in debris and brick dust. During the course of the investigation I asked the Council to inspect the loft to see if the insulation had been installed as agreed. This took place on 8 June 2012.

Loft inspection June 2012

47. At interview Officer Ash said two officers had visited and taken eight photographs. They concluded that about 60% of the loft insulation was completed but the area covered by boarding and personal items was not. She said she was happy to ask the contractors why it was not completed and to ensure that it was now completed but Mrs Hazel would have to clear her belongings from the loft space. She then sent me the photographs which I sent to Mrs Cedar.
48. Mrs Cedar replied saying that the photographs appeared to show that the three rolls of yellow insulation had been moved and one roll opened. She also said a bag filled with insulation that had been fastened to the hatch by Company W in 2005, had been moved and the insulation removed.

49. During interviews with the officers involved both Officer Pine and Officer Hawthorn said the Council had not informed them of the complaint until the Ombudsman became involved. Given the time that had elapsed they did not have access to all the records or emails as the Agency had closed at the end of March 2011.
50. In August 2011 the Council sent me a copy of a building notice submitted by the contractors to building control on 14 March 2011. It also said no completion certificate had been issued and no building control officer had visited the site.

Conclusions

Insulation

51. Mrs Hazel's loft had already been insulated in 2005 with traditional rolled insulation material to beyond the thickness required by the building regulations in force in 2010. Mrs Hazel only agreed to go ahead with the proposed scheme at a higher cost than she had intended because the schedule included solid insulation, which would have been an improvement.
52. However I do not consider that the inclusion of solid insulation was necessary. The reasons given by Officer Spruce and Officer Jasmine for its inclusion are without foundation. The insulation in Mrs Hazel's loft already met the building regulations and was not damaged, because the roof was not leaking. The building regulations did not require the insulation to be upgraded to a solid type as part of a green initiative, or for any other reason. Neither is there any evidence that the building control department was aware of the proposals at that stage, or was involved in the drawing up of the schedule, or gave any advice to Officer Spruce.
53. I also do not believe Mrs Hazel was given the option to go ahead with the work without the insulation. She was misled by Officer Spruce into believing that solid insulation was a requirement of the loan. This inflated the cost of the work by over £1000 once VAT was taken into account.

Changes

54. I have concluded that the Council did not inform Mrs Hazel of the proposed change to the type of insulation material to be fitted, once the work had started, and did not obtain her authorisation to go ahead with the change. She recalls the change to tiles being discussed but not the insulation. If it had been suggested I am satisfied she would have objected, given that it was a key factor in going ahead with the work. I do not agree that the authorisation she signed in January 2010 gave Officer Spruce authority to go ahead with this change without obtaining Mrs Hazel's consent, because it was her property and she was ultimately responsible for the contract.

55. I also do not agree with the Council's view that this was only a minor change to materials and was of benefit to her because it saved her money. It was a major change to the original schedule. As her loft was already adequately insulated, the entire cost of the insulation should have been taken off the final bill because no more traditional insulation was needed.
56. The Council said in June 2012 that some insulation had been laid, but not completely. I consider this was likely to be the insulation laid in 2005 as it is covered in brick dust and debris from the re-roofing works and is a different colour to the rolls left in the loft during the work. Mrs Hazel was never asked to move any belongings, nor whether insulation should be laid where the loft had been boarded. I consider it is likely the rolls of insulation were simply left in the loft because it was apparent no further insulation was required. I have not made a finding as to who moved the rolls of insulation and opened one.
57. While I accept Mrs Hazel agreed to the change to the tiles to be used on the roof, I consider that the type of tiles used should have been recorded and the exact cost saving identified. It is impossible to tell, from the figure of £900 given on the final invoice, how much of this was due to the change in insulation and how much to the tiles. I am also concerned that this change was agreed after the work was started, with no reason given beyond saving money. This begs the question why these tiles were not included in the original specification.

Sign off

58. I have considered the three different versions of the events on 23 March 2011. It is agreed the officers turned up unannounced. While this may have been reasonable in some circumstances, all the officers from the Agency say they would not turn up if they knew someone was not there. Given that Officer Spruce left a message on Mrs Hazel's answer-phone, he knew she was not there and I consider he should have made another attempt to arrange a convenient time for her. I have concluded that the officers could see that Mrs Hazel's attention was diverted due to the presence of her granddaughter, which made it even harder for her to be clear about what was happening. The officers should have been sensitive to this, and returned on another occasion.
59. I also find that Officer Spruce knew that Mrs Hazel preferred a relative to be present when paperwork was involved and he should have ensured this was arranged for the sign-off meeting.
60. Officer Jasmine says she offered to leave the form with Mrs Hazel and return at a later date and was not aware of any problems with the meeting. I accept that is her recollection. But regardless of whether the Officers were aware of it, Mrs Hazel did not know she was signing off the work as satisfactory. If she had known this was the purpose of the meeting, she would have insisted that Mrs Cedar was present. She believed she was signing off a questionnaire about the contractor's

conduct, with one copy for the Council and another for the contractor. Given that she signed two pieces of paper, her version of events on this point is credible.

61. The combination of the unannounced visit, the acknowledgement that the sign-off needed to be completed before the Agency closed, and the lack of assistance from a family member has persuaded me to put more weight to Mrs Hazel's version of events.
62. I also consider the content of the questionnaire was heavily directed by Officer Spruce who clearly completed the form and asked for Mrs Hazel's signature. I find it odd that Mrs Hazel would have chosen the 'word of mouth' option for how she found out about the service when she had used it before on several occasions and that was one of the options given.
63. I have also concluded that it is likely no inspection of either the roof or the loft took place on 23 March 2011. Both Mrs Cedar and Mrs Hazel say the contractors left the site on Saturday 19 March 2011 and the scaffolding was still in place but there were no ladders. I find Officer Jasmine's recollection that the contractors were still there on 23 March 2011 unpersuasive, as they sent the final invoice to the Council that day and the work had only been scheduled to last two weeks. It is possible that Officer Spruce went up on the roof on 23 March 2011 but he would have had to do so using his own ladders. He said he did check the roof when it was finished but did not know when. Neither Mrs Hazel nor Mrs Hazel's son saw him do it on 23 March 2011.
64. I am even less persuaded that Officer Spruce inspected the loft on 23 March 2011. Given the officers' insistence on completing the sign-off that day, and the difficult situation Mrs Hazel was in with her granddaughter, I find it unlikely that Officer Spruce brought his ladders into the house and went up into the loft. If he had done so why did he not comment on the unopened rolls of insulation or the 'uncompleted' insulation?
65. I would also criticise the Council for not detailing the changes to the tiles and insulation on the Final Completion Form. This added to the lack of clarity and transparency about the cost savings to Mrs Hazel.

Complaint

66. I consider the Council delayed in responding to Mrs Hazel's complaint, particularly at stage three and did not obtain all the information it could have, particularly from the Agency officers.

Summary

67. For the reasons given above I consider the Council (and the Agency):
- a. should not have included solid insulation in the original schedule, or should at least have given Mrs Hazel the option to consider the schedule of work without solid insulation;
 - b. should have discussed its change of mind over the need for solid insulation with Mrs Hazel and Mrs Cedar. It would then have realised that no further traditional insulation was necessary and refunded the whole cost to her or obtained an amended quotation for the roof works only;
 - c. should have kept clear records of the changes to the tiles, the cost of the new tiles and the exact cost reduction resulting from the change;
 - d. should have ensured the sign off meeting was pre-arranged at a convenient time to Mrs Hazel, with Mrs Cedar present, and the meeting should not have gone ahead in the circumstances it did;
 - e. should have ensured Officer Spruce carried out a thorough inspection of the work and made a proper record of that inspection, which should have highlighted the problems with the loft insulation;
 - f. should have dealt with Mrs Hazel's complaint in a more timely manner and sought information from the Agency officers at an earlier stage.

Injustice

68. Mrs Hazel is a vulnerable person who has been caused a significant degree of distress and anxiety by these events. She feels she has paid more for roof works than was necessary and she did not get the improved insulation she had been promised. Given the lack of record she is uncertain as to whether the bill was reduced by a sufficient amount and whether she has been overcharged. She no longer trusts anyone to carry out work in her house and will not answer the door to anyone she does not know.

Finding

69. Maladministration causing injustice, remedy agreed

Remedy

70. The Council has agreed to pay Mrs Hazel £2000 compensation for the cost of the insulation which was not installed, in addition to the distress, anxiety and time and trouble this matter has caused her.

71. The Council's own officers are now providing the technical support to people applying for home appreciation loans. The Council is reviewing its procedures to ensure the service is improved to prevent a similar situation recurring in the future.



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11 February 2013