

**Learning from:**

**Severe**

**Maladministration**



**Taking the key lessons from our  
severe maladministration decisions**

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# Contents

Contents .....	2
Introduction .....	3
Communication .....	4
Timing .....	4
Policy and practice .....	5
Further learning for landlords .....	5
Key cases this month.....	6
Key learning from these cases .....	11
Centre for Learning resources.....	12
Other cases highlighted this month.....	12

# Introduction

Welcome to this month's 'learning from severe maladministration' publication in which we reflect the key learning from some severe maladministration cases. This report focuses on landlord's handling of temporary accommodation during works on a resident's property.

In the sector, this is termed 'decants' – which in itself is crude, dehumanising, and stigmatising language for what can be a difficult and emotional process for any person.

Throughout this report, the human cost of temporary moves is laid bare. There are cases where residents have spent months or years in temporary accommodation, sometimes bumped between different hotels, with experiences of financial hardship and difficulties coping with medical conditions. In some instances, children are not appropriately safeguarded.

You can see in every case the different ways the resident was simply not heard. It is a sombre read.

But there is also a financial cost to landlords too. We understand that temporary moves can be expensive and challenging in areas where pressures on the availability of accommodation is already acute.

Yet this report also makes it clear the significant cost of not moving a resident and in one case how an unsuitable move ultimately led to a permanent one which would have presented a greater cost to the landlord.

A robust approach to learning the lessons of these cases is vital to both protect people and resources when budgets are under extreme pressure.

Every week there will be successful temporary moves, yet every landlord should consider the consistent reasons for service failure presented in these cases.

## Communication

Once again, communication is a constant presence. The cases in this report suggest that landlords may need to rethink what effective communication looks like surrounding temporary moves.

Processing and providing temporary accommodation can be inherently complex and communication plans need to be robust to respond to that. A successful move will need to manage stress, anxiety, and uncertainty which may be experienced by the resident and their family. This is especially stark when the move goes from temporary to months or even years.

Every move will be individual, and communication must be tailored. There is an overriding message – one that was extremely clear in the recent Grenfell Tower Inquiry report but also in our **Spotlight report on attitudes, respect and rights** – that landlords need to make sure that residents are treated like people and not numbers on a spreadsheet.

In the context of temporary accommodation, this means landlords focusing on the individual circumstances which could affect the move and mean it is successful or not, especially where there are medical needs and children present. In general, landlords also need to be aware of subsistence costs and adequate storage of belongings.

For some landlords in this report, there must be focus where elemental errors occurred, such as not paying hotel bills or repair teams being unable to access a home after the resident moved out.

## Timing

In contrast, the other clear lesson identified in this report is the consequences of not providing temporary accommodation at the right time. The landlord is putting the resident, as well as their own organisation, at risk by delaying a temporary move when the conditions are hazardous. This cannot be justified.

## Policy and practice

It is important for landlords to understand why there may be a disconnect between policy and practice, including whether budgetary pressures are leading to policies not being followed.

## Further learning for landlords

This report is **part of a series providing lessons** to help the sector prepare for anticipated introduction of Awaab's Law, in whatever form it takes. In relevant cases Awaab's Law will become a key part of our framework for decision making and we will continue to share insight through our **Centre for Learning** in the months and years ahead.

We know that temporary accommodation will form a strong part of Awaab's Law and landlords should be ready for this, using the key learning in this report to drive that.

With the important role that social housing has to play in giving safe and secure housing to millions, the learning in these reports should help landlords provide effective services that protect this aspiration. This learning spans these decisions to cases where we have not upheld the complaint.

We hope you engage positively with this report and share the learning throughout your organisation. You will see throughout this, and future publications, opportunities to engage further and support through our **Centre for Learning**. These are invaluable and will help you to provide an improved service for your residents.

**Richard Blakeway**  
**Housing Ombudsman**

## Key cases this month

This month we highlight key cases from 3 landlords that relate to the key themes of temporary moves. Every month we highlight either different themes, regions, or landlords and share the learning from this as part of our commitment to help deliver better services for residents.

### Peabody

The Housing Ombudsman has made 5 findings in 5 different cases for how **Peabody** handled decants, including cases involving a care leaver and a pregnant resident.

In case, 202015707, the Ombudsman made a severe maladministration finding after the landlord failed to provide evidence that it responded appropriately to the fact that the vulnerable resident was sleeping in a communal area.

It failed to consider the resident's individual needs and explore all reasonable decant options with him, as detailed in its policy, or to raise safeguarding concerns with the relevant professionals.

The landlord failed to meet its decant policy's commitment to provide its vulnerable resident with appropriate support and clear information on his housing options. Nor did it demonstrate that it had considered his individual needs when making its decant offer. Instead, the landlord left the vulnerable resident effectively homeless whilst his property was uninhabitable and failed to act even when notified of that fact by the Ombudsman.

In case 202223934, the Ombudsman made a finding of severe maladministration after the landlord did not book the temporary accommodation in a timely manner for a pregnant resident with a history of mental health concerns.

The resident had an allergy to mould, which was the reason for the decant, and was also a care leaver with a dog. The landlord did not comply with its own decant policy by considering the resident's needs around her pregnancy at the earliest opportunity.

The resident could not return to the home until all works were finished due to giving birth at this time, and the landlord did not provide alternative decant options that would have been less distressing for her. It meant the resident did not enjoy the first few days of her new baby, due to the stress of her housing situation.

The landlord also failed to make the resident aware it was providing dinner or offer the lunch subsistence allowance whilst staying in the hotels.

In case 202305492, the Ombudsman found severe maladministration for how it handled damp and mould works, including a poorly executed decant.

After a surveyor's report recommended the resident was decanted whilst works took place, it was 75 days later the priority housing team actioned the decant form. This only happened due to the resident complaining.

Internal emails showed it would be a further 8 weeks before it could offer her a decant. This would bring the timeframe to 131 days since the temporary decant was recommended.

Whilst there is no specified timeframe to arrange a temporary decant, given the condition of the property and the fact she did not have use of her bedroom, the landlord's delay was unreasonable and inappropriate.

After a failed decant, another report showed that the repairs could take place whilst the resident stayed in situ. The landlord also had the option of offering an inconvenience payment if the resident arranged to live with family and friends for the duration of the repair or asking the resident to source a more cost-effective temporary accommodation. There is no evidence it made these offers.

In case 202221914, the Ombudsman found severe maladministration after a resident was left in a dangerous property, which included an exposed live wire, for 31 days before it offered a temporary decant.

The resident complained she was not given good enough notice when it did decant her or what accommodation she was moving into.

This caused her family distress because she could not adequately prepare her dependent children and the household's belongings.

Overall, the placement in temporary accommodation lasted 6 months, during which the repair timescales for her home were revised and increased several times. During this time, the landlord should have identified sooner whether it should have moved the family to a more suitable form of accommodation.

The temporary accommodation was also away from childcare providers, which placed extra burdens on the family.

Finally, in case 202303265, the Ombudsman found severe maladministration after a resident was decanted for 6 months whilst the landlord tried to deal with a damp and mould issue in their home.

The resident had to constantly chase for updates from the landlord, including a schedule of works and copies of the reports, but these were not provided. This was likely to be highly frustrating for the resident.

In these cases, the Housing Ombudsman ordered the landlord to pay a total of £19,250 in compensation, apologise to the residents, and make various changes to its policies. Changes include assessing if hotels are always the appropriate decant option for households and ensuring circumstances of the household are taken into account throughout the duration of the decant.

### **Landlord learning statement**

Our service fell well short of the standards these residents rightly expected from us, and well below the standards we expect of ourselves. We are very sorry.

We have acted on the orders of the Ombudsman, and we are working with residents to put things right in all of these cases.

In the past few years, we have made substantial progress in changing Peabody for the better.

We have a new specialist centralised complaints team and have revised our compensation policy.



We have training for colleagues on mental health and vulnerabilities, so we can spot where a resident may need adjustments or additional support. We continue to review how we work against best practise and the Ombudsman's Spotlight reports.

But there is still more to do. We are spending more than £1m per day on ensuring homes are safe and well maintained, and we are making a range of other improvements to our services. We are committed to long-term change, and we have the plans to keep us on track.

## Notting Hill Genesis

The Housing Ombudsman made 2 severe maladministration findings relating to decants for **Notting Hill Genesis**.

In case 202120979, the landlord failed to process the resident's transfer application despite agreeing to because of the condition of the property.

The landlord had originally rejected the application based on the scope of works. However, when it realised those works had not resolved the issues, it did not revisit the application for a move.

At the time of determination, there was still damp in the children's bedroom and the landlord was trying to reclassify the property as one bedroom. However, there was no evidence the application was being processed.

In its orders, the Ombudsman made the landlord reconsider the resident's transfer application, taking into consideration their vulnerabilities and the possible health concerns which may be affected by their current housing. The landlord was also ordered to consider temporary decanting to safeguard the family.

In case 202224187, the Ombudsman made a severe maladministration finding following failings around an emergency decant, which left the resident passed from hotel to hotel. Whilst the original decant was reasonably handled, the landlord failed to communicate with the resident and left its insurance company arranging the hotels as the decant continued.

The resident was locked out of their hotel several times due to unpaid invoices by the landlord, and on the final occasion they were unable to contact the landlord to make payment. The resident's belongings were locked in the hotel, which the hotel refused to release them without payment.

While the resident was decanted because of asbestos, some of their belongings were contaminated. This included those belonging to their son, who died many years prior to the investigation and some of the belongings contaminated were of significant sentimental value. The landlord apologised for this but did not offer a payment in recognition of the loss.

In these cases, the Housing Ombudsman ordered the landlord to pay £14,187, apologise to the residents and review aspects of its decant policy such as the transfer of a decant status from emergency to planned, or temporary, and whether a resident should have a named contact whilst in temporary accommodation.

#### **Landlord learning statement**

The presence of damp and mould in a property can pose a significant health risk, which is why it is important that all reports are dealt with urgently and necessary repairs are actioned swiftly.

Reflecting on this case, we recognise the myriad ways in which we let our resident down and fully accept the findings of the Ombudsman's report. We sincerely apologise for the impact this has had on our resident and her family, as well as the distress caused whilst awaiting a transfer to a new residence.

In the period since the Ombudsman's consideration of these complaints our disrepair team have been working to rectify the issues in the property and have compensated the resident for the inconvenience caused. The resident has also accepted a transfer and is living in a new 2-bedroom property.

More broadly, we recognise that in recent years our service has not consistently been at the level we need it to be. In March 2023, we published a new policy outlining our approach to dealing with damp and mould in our homes, which includes action to proactively identify and quickly remedy any presence of damp and mould.

We remain solidly focused on providing a better resident experience and have committed hundreds of millions of pounds through our Better Together strategy to improve the quality of Notting Hill Genesis homes between now and 2032.

Occasionally, situations arise which mean that residents have to leave their home to allow for repair work, in this case due to flooding after intense rainfall in London that summer. This can be both disruptive and stressful, and our aim is always to make the process as smooth and short as possible.

Regrettably, this was not the case for our resident and his family, who were forced to live in temporary accommodation for an extended period of time whilst extensive repairs were carried out to their home. We acknowledge there was more we could have done to find our resident a more permanent home during this period and to provide appropriate financial support. We did not meet our own, or our resident's, expectations and for that we apologise, and our Chief Executive Patrick Franco met the resident at their home to deliver that apology personally.

The Ombudsman has noted that where we got things wrong, we did respond positively to apologise directly to the resident, offer appropriate compensation, and make significant efforts to repair our relationship. Beyond that, we have learned lessons from this case, and now have a regular 'decant meeting' where we look specifically at cases where residents have been moved from their homes to allow for repairs and are left waiting longer than expected.

A recent independent review of our processes around cases like this made further recommendations which are now being implemented, including on how we communicate repair work and proposed return dates. This review has received positive feedback from the Housing Ombudsman, and we continue to work closely with them to ensure we can provide the best possible service to all who live in our homes.

## Key learning from these cases

It is vital that landlords make sure they are placing residents in the appropriate type of accommodation when undertaking a temporary move, which is both suitable for the timeframe and the individual circumstances of the household.

This should be reviewed and managed throughout the move to make sure it is still appropriate while works are ongoing.

Landlords should make sure they follow their decant process and communicate effectively with residents involved to manage expectations and provide key information such as food or travel allowances.

There should also be acknowledgement of how a temporary move can go from planned to emergency if situations change, as well as the other way around.

Landlords should also explore whether having a named contact whilst in temporary accommodation is appropriate, to make sure that the resident feels they are not being left in that accommodation and ignored.

## Centre for Learning resources

[Damp and mould e-learning](#) and workshops

[Damp and mould key topics page](#) containing reports, podcasts and case studies

[Our orders key topic page](#) – highlighting our approach to compensation

## Other cases highlighted this month

In this section we include a short sharp review of cases determined recently and include 1 or 2 main aspects to each case, with the key learning from it.

### Lambeth Council

In case [202204121](#), the Housing Ombudsman found severe maladministration in how **Lambeth Council** handled a temporary decant, which meant the resident was stuck in this accommodation for over 3 years.

The resident was originally decanted from her property for major works with little discussion or consultation. The landlord could not provide any formal information to show it explained the terms and conditions of the decant to the resident. The duration had to be identified through the decant form, which stated 6 months.

Despite this, the resident remained in temporary accommodation at the point of our determination, nearly 3 years on.

She was originally expected to live there with no floor or window coverings and had to ask for storage facilities as no account had been given to the significantly smaller size of the accommodation compared to her existing home.

The landlord placed her belongings a significant distance to her temporary home and did nothing to help overcome the issues to accessing them or offered to replace goods or compensate her for the expense, despite the delay being its responsibility.

The Ombudsman also found severe maladministration for how the landlord handled the repairs in the home, as well as the associated complaint handling.

The Housing Ombudsman ordered the landlord to pay £4,050 in compensation, apologise to the resident, and to produce a set of procedures to manage the temporary decant process to make sure residents are well informed prior to being decanted. This includes the terms and conditions of any decant, lead-in time, duration and storage, and accessibility of belongings.

These changes also included the landlord considering regular reviews of the circumstances of residents and updates to them throughout the decant.

In its response to this case, the landlord says it is auditing and reviewing its decant procedures, with plans to enhance its IT systems. These upgrades will enable it to track and monitor decant cases more effectively.

### **Key learning for the sector**

Landlords must take an empathetic and human-centric approach on every move needed. Keeping residents well informed about their temporary accommodation before it takes place, including timescales and storage of belongings.

Communicating effectively and regularly throughout the move period would significantly reduce the anxiety and stress for any resident in this position.

## Moat Homes

The Housing Ombudsman found severe maladministration in case 202110212 after **Moat Homes** failed to take reasonable steps to pursue all potential options to secure alternative accommodation and mishandle the administration of the decant.

The resident was first told that she and her son would be placed in hotel accommodation for 5 days. However, they were placed in hotel accommodation for 5 and half months before being moved again into another 3-bedroom house in the resident's preferred area as repairs were finally completed.

The hotel was of a basic standard with no food storage or preparation area, which was clearly not suitable for long term accommodation. The extended period of the decant had a detrimental effect on the resident, which was exacerbated by her son's health condition. The landlord said it was not aware of the son's health condition, but evidence provided to the Ombudsman suggests this was not the case.

The landlord failed to make some of the daily subsistence payments and the resident had to contact the landlord so that the payments were made. She had to move hotels for one night because the landlord had not booked the same room over the required period.

There were also clear communication failings by the landlord in explaining to the resident what the timeframes would be for the repairs. This uncertainty would only have created further distress across an extended period.

The Ombudsman ordered the landlord to apologise to the resident, pay £5,800 in compensation and undertake a review of its policy and processes for decanting residents to identify areas of improvement.

In its response to this case, the landlord says it has created a customer liaison officer role to keep in close contact with customers who need to temporarily leave their homes, updated its decant policy, and trained all relevant staff on these changes.

## Key learning for the sector

Landlords should have a clear and comprehensive communication plan to support a temporary move, which includes communicating timescales and providing certainty on subsistence. It should communicate any changes to the length of stay in the accommodation and the reasons for them.

These simple fixes make a significant difference to residents, reducing uncertainty, anxiety, and treating them with respect. It is paramount that landlords listen to residents throughout complaints to understand their concerns.

Landlords should also assure themselves that this is the most appropriate and suitable type of accommodation for the situation, especially where temporary becomes more elongated.

Landlords should also consider and set out clearly in policy their approach to subsistence payments.

## Wandle

In case 202206590, the Housing Ombudsman found severe maladministration after **Wandle** decanted a resident for 19 months for a repair that took 1 month to complete.

Even after the landlord considered the complaint and accepted that mistakes were made, the lack of substantive action on the repairs meant the resident was still unable to return to the main property until 7 months after the date of the final complaint response.

While some of the delay was due to the resident potentially moving into the decanted property, this should not have delayed repair works as it did.

The Ombudsman ordered the landlord to apologise to the resident, pay £1,220 in compensation, and carry out training for staff on the issues found in this case.

In its response to this case, the landlord says it has updated its lettings and allocation policy, including a full review of decant procedure, with regular monitoring.

### Key learning for the sector

Where a move is necessary due to a repair, before it occurs, landlords must schedule the repairs to take place imminently after the move to avoid delays. This will minimise the disruption to the resident.

The landlord should also make sure that the resident is not moved back to the property before works are completed, thereby experiencing the disruption the move was designed to avoid.

A key part of complaints is the learning. Whilst many landlords undertake good learning after a complaint has concluded, it is important to do so during the process, identifying actions that could reduce the impact on the resident in real time.

### Southwark Council

The Housing Ombudsman made a finding of severe maladministration for **Southwark Council** in case 202229495 for only decanting the resident nearly 3 years after a leak was first reported.

In that time, the home became uninhabitable. The resident told the landlord that 2 of his children had developed asthma, his energy bills had been higher due to the cold and damp conditions, and he had lost earnings due to having to return home during heavy rain to place buckets under the leaks. He also said that the toilet light had not been working for a year and the door now could not shut as it was swollen from water absorption.

Only when the ceiling collapsed did the landlord decant the family, but into a home full of mould. They were then subsequently rehoused into new permanent accommodation.

The Ombudsman ordered the landlord to pay £2,030 in compensation and provide a written apology to the resident.



In its response to this case, the landlord says it has set up a Repairs Improvement Board, created a new dedicated housing complaints and quality assurance team and commissioned an independent review to make sure better internal collaboration.

### Key learning for the sector

When dealing with decants, poor early decision-making will often cost landlords more in resources. When reviewing a decant request, landlords must identify the most appropriate temporary accommodation as early as possible.

This will reduce the impact and disruption on residents and avoid possible permanent rehousing.

There is also learning from the compensation offered in this case. The landlord took a narrow view on what to compensate for and the timeframe it decided on. It also decided that the leak was minor, despite the family having to move out due to the ceiling collapsing and the home being uninhabitable. Landlords should review this and look at [our guidance around 7 key tips for compensation policy](#).

### Kensington and Chelsea Council

In case 202121904, the Housing Ombudsman made a severe maladministration finding for **Kensington and Chelsea Council** after the landlord failed to decant a family until the Ombudsman ordered the landlord to do so.

The resident wanted him and his family to be decanted as they were living in a one-bedroom flat with 4 occupants and he slept on the floor in the living room. The resident also explained that he worked night shifts at a hospital and slept during the day. This meant any work carried out during the day would be highly disruptive.

The landlord did not take these circumstances into consideration and refused the request.

The Ombudsman ordered the landlord to decant the family and provide them with a plan of that decant, pay £2,100 in compensation, and provide a timetable of works to resolve the ongoing issues based on surveyor's reports conducted.

In its response to this case, the landlord says it has changed the way it approaches vulnerabilities, taking into account when factoring in decisions around decants and repairs.

### Key learning for the sector

Landlords must exercise discretion where appropriate. Whilst the circumstances in this case are not a 'vulnerability' such as physical or mental ill health, there were genuine reasons that the resident felt he should have been temporarily moved.

Landlords decant policies should have clarity on a range of circumstances and be clear on the action that should be taken when these issues arise. Training for staff to embed these policies is also key and should be regularly reviewed to make sure implementation is effective.

### Orbit Group

In case 202222627, the Housing Ombudsman found severe maladministration for **Orbit Group** for how it handled a decant and failed to consider the resident's needs or vulnerabilities, or those of her grandchildren.

When the landlord first moved the resident into hotel accommodation following her home being uninhabitable, it was told that the resident was unable to refrigerate her medication and that her health was declining.

It also told that her grandson was struggling due to his autism. It did not follow its decant policy and failed to consider the resident's needs and vulnerabilities, as well as failing to consider alternative temporary accommodation options.

The landlord extended the resident's hotel stay on an ad hoc basis for 7 or 14 nights at a time. In total, the resident stayed in hotels for 64 nights and moved between different hotels at least twice.

There were also times when repairs could not be done because the resident was decanted and therefore operatives could not gain access to the house.

There were unreasonable delays in the landlord refunding the resident's expenses too at the end of process, where the resident was nearly £500 out of pocket.

The Ombudsman ordered an apology, to pay £2,500 in compensation, and review how it can coordinate its repair and decant activities, and make sure its decant policy is applied in future cases.

In its response to this case, the landlord says it has improved the effectiveness of its service and communications, and its support for those with additional needs.

### Key learning for the sector

Landlords should review temporary move arrangements against its anticipated timescale for completing repairs and consider the suitability of the accommodation for the period that it would be needed.

The landlord should have also been organising access during this time to avoid delays in carrying out the repairs that would enable the resident to return home. It is vital for landlords to be aware of different residents' circumstances and the need for human-centric approaches to services.

## Housing

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