

Learning from: **Severe Maladministration**



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

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Introduction

This report includes some of the most demanding and distressing cases we have seen.

It involves complex Anti-Social Behaviour (ASB) and demonstrates how social landlords' role goes beyond bricks and mortar, handling racism, homophobia, self-harm, suicide and domestic violence.

The impact of these issues is felt by communities as well as the individual residents, and by the landlord staff handling them.

It shows how vital the social housing sector's presence can be in the wider community managing tenancies, estates, and neighbourhoods, sometimes working alongside other organisations.

While some of the events may make this report difficult to read, we cannot shy away from the reality of these experiences without losing the lessons to support landlords to deal with it.

Neither are these events unique to social housing – they can happen in all tenures, but those residents may have more limited rights to redress through an Ombudsman.

ASB is the second highest driver of complaints to the Ombudsman but, at 62% in 2023-24, we uphold fewer findings. This indicates some good practice by landlords compared to other service areas, and ASB has certainly been an area of focus by successive governments.

However, the clear and consistent failings in this report presents an urgent need to share learning on how to effectively handle complex ASB casework.

This is often a failure by omission.

Repeatedly, landlords fail to take action in line with their policies: no risk assessment, no action plan, limited communication.

Repeatedly, landlords do not record or respond to circumstances essential to handling the complaint successfully, especially mental health and protected characteristics.

This has led to some extremely serious failures to safeguard residents, including children.

This may reflect a failure to adequately listen to the resident reporting ASB and hear their experiences. But it can also be a failure to listen and react to 3rd parties, who are often involved given the complexity of these cases.

Rightly, social landlords will often say that some other agencies are less responsive themselves to their requests, or have a reduced presence in communities, partly because of their own financial pressures. This points to the need for more effective uses of mechanisms like an ASB case review or 'community trigger'.

But these cases also demonstrate a pattern of social landlords failing to be responsive to the police and local authorities as well as failing to be proactive with reports from GPs and education facilities.

This failure in partnership between agencies needs urgent examination and could be an area that government could review.

Another concern is whether landlords are unintentionally exposing staff as well as residents to unacceptable risks through poor systems, outdated practices, and impaired internal communication.

It is vital for landlords to ensure they have the right resources and training in place to empower and support staff handling ASB. But the financial pressure across the sector presents a significant threat to investing in developing practices.

Landlords must also ensure they have robust procedures for handling distinct but sometimes related ASB issues on domestic violence, hate crime, and reasonable adjustments under the Equality Act 2010.

A victim-centred approach is a cornerstone of ASB handling and landlords need to reflect on achieving this when managing relationships with 2 residents: the victim and the alleged perpetrator. The insensitive, unempathetic communication apparent across many of these cases suggests landlords can at times lose sight of this victim-centred approach.

There are practical lessons across these cases for landlords to improve policies and procedures, from ensuring policies are clear and deliverable; managing resident expectations; triaging complaints; improving knowledge transfer; and being more proactive. The Centre for Learning also provides a wealth of information from our casework for landlords.

Finally, it is important to clarify our role as Ombudsman is not to establish if there has been ASB, or who is responsible, when we investigate but whether the landlord has followed proper procedure, good practice, and behaved reasonably.

Richard Blakeway

Housing Ombudsman

Key themes this month

Cases this month are grouped into key themes that regularly speak to our casework on ASB. Many of the cases within this report do not have linked reports, this is due to the highly distressing nature of ASB and to protect anonymity.

We have not detailed the individual remedies in each case. Often the ASB can be ongoing, and therefore remedies can focus on recovering the service failings in the individual case.

This may include:

- asking the landlord to undertake a risk assessment
- developing an action plan on the case
- engaging with 3rd parties or entering into a multiagency arrangement
- improvements to communication including potentially the assignment of a point of contact

Where there is a weakness in the policy or practice of the landlord, the Ombudsman may order a case review by senior management using paragraph 54(g) of the Housing Ombudsman Scheme, to identify areas for improvement. This may include:

- a review of weaknesses in specific areas, such as hate crime or safeguarding
- a review of collaboration with partner agencies
- a review of procedures around handling individual circumstances or vulnerabilities
- consideration of the effectiveness of referral points
- targeted staff training programmes
- effective record keeping or knowledge transfer

The Ombudsman may also order an apology from the landlord to help restore trust and confidence in the relationship, or compensation for distress or time and trouble.

The following reports also contain some distressing references, including to suicide and self-harm.

Samaritans contact details

When life is difficult, Samaritans are here – day or night, 365 days a year. You can call them for free on 116 123, email them at jo@samaritans.org, or visit www.samaritans.org to find your nearest branch.

Risk assessments

When a resident reports Anti-Social Behaviour (ASB), one of the earliest actions a landlord should take is a risk assessment. This may be to help the landlord assign the case a priority or because it is a high priority. A common service failure is not undertaking this risk assessment in line with the landlord's policy or not taking appropriate action following it.

This can have significant consequences and means the landlord is on the back foot from the start of the case being opened. Not undertaking a risk assessment after the report of anti-social behaviour can lead to numerous other failings throughout the lifetime of a case. Getting the risk assessments right is an essential foundation for responding effectively.

In case [202118413](#), Bristol City Council failed to consider a resident's Post Traumatic Stress Disorder (PTSD) or the impact the ASB was having on him. This meant that the approach lacked empathy, and no additional support was offered.

Consequently, the resident felt they had no other option but to leave his home because he did not feel safe. When the police later put safeguarding measures in place at the resident's home, the landlord did not consider whether it might be appropriate for it to offer further safeguarding measures, such as additional locks or a spy hole.

In its learning from this case, the landlord says it has reviewed its ASB policy and procedure, with particular focus on a victim centred approach, defining the key principles of ASB investigations and the importance of risk assessments.

In case **202226627**, Southwark Council did not undertake a risk assessment despite racist and transphobic threats being made to young person who had previously attempted to end their own life. Due to this lack of risk assessment, no effective signposting or support was offered.

Despite further evidence of the impact this situation was having on the family, including from the GP and education facility, a risk assessment was not conducted nor safeguarding put in place.

The landlord told the resident it had forwarded the case to its social welfare panel to consider but it never did, which caused the resident even more stress when that panel turned down his band 2 housing priority. The landlord also lost key evidence, which added to the frustration and stress caused.

Another purpose for risk assessments is to provide essential information about the circumstances surrounding a case which may play a significant role in the responding to it.

In its learning from this case, the landlord says its housing officers and managers received fresh training on Anti-Social Behaviour (ASB), and how best to support people who report it. Its ASB procedure is also under review, and the landlord will consult with a panel of residents about this.

In case **202120070**, Orbit Group were aware of reports of domestic abuse from the resident, setting out that she was so 'terrified' of her neighbours that she could not leave her house.

Despite plenty of ASB reports and police action when an assault occurred, the landlord did not undertake a risk assessment. It then, partially due to its lack of assessment, took too long to move her out of the property which led to the local authority moving her instead. Whilst in a refuge, the resident reported that there were further instances of ASB and that a neighbour was passing information onto her ex-partner.

These reports were not actioned and there was no proactive communication from the landlord at any point. The resident said she experienced emotional stress that was not helped by the lack of support she received from the landlord. She experienced this for 23 months despite vulnerabilities such as depression, anxiety, PTSD, and chronic pain.

In its learning from this case, the landlord says it has provided training for staff on the management of ASB reports and facilitating more accurate case management, as well as developing improved relationships with 3rd parties.

In case **202209592**, Clarion had no recorded vulnerabilities for the resident, despite being aware of the resident's mental health conditions. It was also aware of an attempt to end their own life as it required the involvement of the landlord's safeguarding team.

The landlord should have demonstrated it had taken steps to ensure it understood the resident's needs and respond to those needs in the way it provided its services and communication.

Due to this failing, action was not taken quickly enough to help the resident which caused them to feel ignored – despite raising further concerns including racism and death threats. The resident informed the Ombudsman that they undertook a mental health assessment due to the ongoing nature of the issue.

The resident also told the landlord that she was going to harm herself due to ongoing ASB, but still subsequent responses were still not dealt with appropriately or in a timely way.

In its learning from this case, the landlord says it has introduced a new Resident Liaison Officer role so that residents who are vulnerable, or are experiencing a complex issue in their home, have a single, dedicated point of contact. It has also introduced an ASB case closure checklist, to record what actions have been taken, to make sure every action that should have taken place has, before closing a case.

Other severe maladministration findings made because of failings on risk assessments:

- **202203494** Deptford Council
- **202127316** Peabody
- **202123984** Great Places
- **202204824** Bristol City Council
- **202118345** Ocean Housing
- **202209152** Magna Housing
- **202016302** Dudley Council
- **202215155** Lancaster City Council
- **202304771** Peabody
- **202210216** L&Q
- **202303090** Notting Hill Genesis

Learning from the risk assessment ASB category

Risk assessments form part of statutory guidance which accompanies the ASB Crime and Policing Act 2014. It says landlords should assess the risk of harm to the victim, along with any potential vulnerabilities, at the time it receives an ASB report.

Failing to undertake a risk assessment at an early stage of an ASB report instantly puts residents at a disadvantage, and many other failings often follow. If a landlords' policy makes no mention of risk assessments at all, this should be reviewed, and landlords should make sure that systems are updated to reflect any vulnerabilities within a household. Failure to correctly record individual circumstances which are relevant to the case, including mental health or protected characteristics, can result in delays in assisting vulnerable residents accessing additional services they may need.

Risk assessments should take into consideration all the circumstances a resident outlines to a landlord, and this should then guide the actions it takes.

This includes whether any support or signposting is appropriate and what safeguarding measures need to be implemented. These risk assessments should be kept up to date during an ASB report, as circumstances may change.

A resident's circumstances may mean that they are more affected by landlord's actions or inactions than others. This might be due to their particular circumstances, or as a result of a vulnerability. When considering redress for a situation, consideration of any aggravating factors (such as a resident's physical and mental health conditions) should be reflected in the level of redress for the specific impact on the resident.

Action plans

Following the risk assessment and investigation of an Anti-Social Behaviour (ASB) case, landlords' policies may involve the creation of an action plan. This is another foundation of ASB handling that when it is not initiated or implemented can undermine the landlord's response and lead to further failings. Often not implementing an action plan can lead to the case being open and poorly managed for longer. Resulting in profound frustration for the resident and them taking the significant time to chase for updates.

In case **202206589**, Watford Community Housing failed to agree an action plan with the resident, and therefore its communication was poor, and it took an unreasonable amount of time to tell the resident that it was not going to consider his reports after it closed its case.

The landlord's inaction over an extended period prolonged the negative effect of the ASB on the resident and their daughter, who were both vulnerable. It did not decide whether his reports reached its threshold for ASB for a number of months which led to unnecessary distress and inconvenience.

In its learning from this case, the landlord says it has introduced additional mediation steps at the early stages of its ASB case-handling process, a new system of record-keeping, and more touchpoints for residents throughout the process to make sure it is offering comprehensive support in areas such as mental health.

In case [202128357](#), Southwark Council's failure to implement an action plan meant it did not consider investigating the ASB or consider measures it could take to identify the alleged perpetrators and prevent future ASB from occurring.

The resident in this case reported being the victim of various forms of ASB and harassment and following reports to the police, they advised the landlord of these reports and its risk assessments. There is no evidence that the landlord contacted the resident following the reports of ASB.

The landlord's lack of an action plan meant it failed to take any effective action, and did not consider measures such as finding out if there was any CCTV present and looking through footage or considered installing CCTV or dummy cameras. It could also have provided or suggested to the resident installing a doorbell camera.

The landlord could have conducted more frequent estate inspections or visits to the area or requesting more police patrols of the local area or approached a tenants/residents' group for the estate for support. The absence of any consideration of or attempt to find out how serious the ASB was, and how to resolve it or try to make the resident feel safer in her home, was a serious failing.

In its learning from this case, the landlord says its housing officers and managers received fresh training on Anti-Social Behaviour (ASB), and how best to support people who report it. Its ASB procedure is also under review, and the landlord will consult with a panel of residents about this.

Other severe maladministration findings because of failings on action plans:

- [202105986](#) Christian Action Housing Association
- [202212956](#) Royal Borough of Kensington and Chelsea
- [202338938](#) L&Q

- **202120732** Clarion
- **201907694** Peabody
- **202206989** Wandsworth Council
- **202205445** Lambeth Council
- **202225140** Guildford Council

Learning from the action plan ASB category

Agreeing an action plan helps landlords to manage residents' expectations and keep them informed about the progress of the case. This can also reduce the stress and anxiety about the situation and provide confidence that the landlord has the matter under control.

It also allows the landlord to show the range of solutions it has available to it and can ensure it is providing a human-centric response by involving the resident to get the best outcome for them. It also supports the landlord to make clear and consistent decisions and ensure staff are aware of the approach it is taking.

Landlords should use action plans to clearly set out what it can and will do, which will also help to make sure that competent and accurate records are kept.

It is important to note that an action plan should be a 2-way agreement with the resident. Landlords should take overall responsibility for implementing it and explain what actions it will take by when but, equally, action plans may include steps the resident will need to take over a period of time. For example, keeping diary sheets for a period of X months, to help with evidence gathering. A good action plan will also summarise when the resident can next expect contact from the landlord on when the action plan will be reviewed. Some landlords will do an action plan at the start of the case and leave it, but it needs to be a working document as if the situation escalates, the actions may change over time.

Engagement with 3rd parties

Landlords will often need to respond to ASB in coordination with other agencies. This can include the police, the local authority, and social services or even its own (or appointed) managing agents. It is important that landlords can engage effectively with this range of 3rd parties when dealing with ASB.

In case **202212109**, Peabody poorly engaged with the police in what was clearly a serious and severe ASB case, which meant the distress the resident experienced was heightened, leaving her frightened for her life.

There was multiple 3rd parties involved in this case and the landlord responded poorly to recommendations or actions it needed to take. For example, instead of it handling the case as the priority it should have been, it took a month to send a police disclosure and in the early stages ignored police emails entirely.

When a multi-agency victim-centred initiative sent recommendations, it is not clear the landlord ever acted or considered them. When an independent domestic abuse advisor and the police both supported a priority move, the landlord failed to speak with the resident about this or take it forwards as it was still investigating.

After a report of an alleged incident, including the neighbour trying to enter her home with weapons, the police arrested the neighbour and requested urgent temporary accommodation for the resident. This should have once again prompted the landlord to provide the resident with a priority move, but it did not.

However, it failed to consider all evidence, including from professionals such as a clinical psychologist and a health report that showed the resident's daughter had been referred for emotional and social support.

The resident's employer also wrote a letter confirming that the resident was not coming into the office as she was afraid, and that she had seen via online calls that the resident became visibly distressed any time the doorbell went.

In its learning from this case, the landlord says it has made tackling serious ASB, hate crime and domestic violence the primary focus of its specialist Community Safety Service. It is also currently undertaking an independent review into its ASB.

In case **202308865**, Sanctuary did not deal with its own Tenant Management Company (TMC) effectively enough to handle an ASB issue that was fraught with conflicts of interest, lack of action, and responsibility passing.

The resident had been reporting ASB to the TMC for 8 months without response. The landlord set up a meeting with the TMC and found out it had been aware but taken no action. When the resident subsequently reported that the neighbour threatened her with a gun and alleged that other residents had been threatened too but were frightened to make reports, members of the TMC were reluctant to address the neighbour's behaviour out of fear of repercussion.

The landlord should have assessed whether the TMC had an appropriate action plan and the skills in place to deal with the issue. It did not and the TMC later asked for the landlord to take over the case. This is following the resident finding out the TMC had told the neighbour about her reports, which made the situation worse.

The landlord refused but said it would help drafting letters, which is not where the TMC needed help. There is no evidence that the landlord considered whether this may adversely affect or cause detriment to the residents.

In its final response letter, the landlord acknowledged that the TMC had handled the case poorly. However, there is no evidence that it accepted that it had the overall responsibility for the TMC or that it was legally obliged to the resident by way of the tenancy agreement. Eventually, the police served an injunction against the alleged perpetrator, yet the landlord still did not act.

In its learning from this case, the landlord says it has revised and updated its policies relating to neighbourhood nuisance and ASB, as well as implementing new processes to improve the way it manages and tracks the effectiveness of its services to residents.

Other severe maladministration findings because of failings working with 3rd parties:

- **202014965** PA Housing
- **202229518** Home Group
- **202204031** Lewisham Council
- **202300555** Liverpool Council

Learning from engagement with 3rd parties ASB category

A partnership arrangement works where agencies work together effectively to share information with the purpose of assessing risk so that safe interventions can be planned to reduce the risks identified.

3rd parties can be a key way for landlords to successfully tackle ASB and minimise the distress on residents. It can also be a way of determining how best to tackle the issue, with this advice helping to determine risk and what actions could be taken. While the Ombudsman understands that landlords have limited resources, a response to the police in cases of potential risk should be an absolute priority and will develop strong local partnerships on these cases.

However, landlords should not be over reliant on police action for outcomes, when it should be a partnership, and it needs to fulfil its own management responsibilities. Landlords should look at what actions they should be taking, as well as take on a range of expert opinions to inform their decision-making process.

It is also important to keep residents up to date with the landlord's partnership working and what that means for the resident. This can often help the resident to have confidence that the landlord is taking firm action and all the necessary steps to keep them safe.

Hate crime

It may be that Anti-Social Behaviour (ASB) involves a hate crime. It is important that when a resident reports a hate crime, that the landlord takes firm action and has policies that can deal with this in a robust and timely manner. This means it is also important the landlord records hate crimes appropriately and is aware what specific action it may need to take.

In case **202344160**, Peabody did not visit the resident or signpost to any support services following a report of this kind.

Over a 3-month period, the resident reported at least 9 ASB incidents, including 5 occasions where racial slurs were directed towards the resident's family.

Whilst some action was taken, the landlord failed to demonstrate early and firm action against the neighbour in question, adhere to the fortnightly contact agreement, create an action plan within timescales, update the risk assessment, or utilise any tools it had available such as warnings, acceptable behaviour contracts, or mediation. This lack of action led to an escalation of the incidents.

The resident told the landlord that the ASB meant she was unable to sleep and that she felt stressed and scared. However, there was no evidence of the landlord considering the resident for a management transfer, even after the resident's partner was assaulted.

In its learning from this case, the landlord says it has made tackling serious ASB, hate crime and domestic violence the primary focus of its specialist Community Safety Service. It is also currently undertaking an independent review into its ASB.

In case **202221694**, Notting Hill Genesis failed to deal effectively with a harassment case, failing to act following the resident reporting she had to go to the police following an assault by a neighbour.

The resident continued to report ASB for approximately 3 years and yet there was limited evidence of what action the landlord took to try and resolve matters.

There was also little evidence of effective partnership working to progress matters. The landlord's approach was unreasonable, and it caused the resident distress, time, and trouble pursuing her complaint. There is also limited evidence of partnership working to find a resolution, as well as other actions that could have made her feel safer in her home.

The landlord asked the resident to attend an ASB interview in its office in relation to allegations which, for health reasons, she said she was unable to do. In response, the landlord noted that her refusal to undertake a formal interview meant it would be hard to investigate and substantiate her claims, which was unreasonable.

In its learning from these cases, the landlord says it has put in place a new anti-social behaviour policy and works closely with a range of agencies and partners to try and resolve issues peacefully where possible or take eviction action against anti-social tenants where necessary.

In case **202105739**, Newham Council failed to take a victim-centred approach when dealing with a hate crime complaint.

The landlord also failed to consider available tools to aid its investigation into the resident's reports which had been ongoing for a prolonged period. The handling was at times insensitive and dismissive of the resident, and it acted contrary to its own ASB policy, hate crime strategy, and statutory guidance by its failure to complete risk assessments, provide timely responses to the resident, or keep her updated.

There is no evidence the landlord had regard to the resident's mobility and mental health needs and failed to assess or offer appropriate support.

Learning from hate crime ASB category

When a resident reports a hate crime, landlords must treat these reports with seriousness and sensitivity. This should involve specific recording of incidents and a specific policy and procedure. Effective policies of this kind see landlords taking early, firm, and effective action against alleged perpetrators, including those who fail to engage with any support offered.

Like in all ASB cases, landlords should take a victim-centred approach.

Landlords should recognise and consider the debilitating impact that persistent or repeated ASB can have on victims, more so over a period of time. It should also consider appropriate signposting to other services.

Wider than initial reports, landlords should monitor hate crime incidents across its homes and identify any persistent alleged perpetrators and use this information to improve the services it offers.

Complaint handling & communication

It is important that when residents report ASB, it is dealt with in the right way and that complaints are similarly accepted in the same way and not confused with its handling of the ASB process.

Effective, empathetic communication is also key throughout the case. This can be the difference between a resident having trust in the landlord to take seriously and address the issues for them or feeling helpless and anxious.

The Ombudsman made 5 findings of severe maladministration for L&Q where poor communication undermined its handling of ASB in 5 different cases (**202304048**, **202111018**, **202111700**, **202206582** and **202205105**).

Failings include in case **202205105**, where there was a lack communication with the resident about how it had progressed a complaint despite the resident reporting that a firearm had been pointed at her.

The landlord failed to put in place a contact agreement and therefore did not maintain regular contact or respond to call back requests in a timely manner. This left a resident, who was already intimidated by her neighbour, feeling alone in dealing with the matter.

In case **202111700**, the landlord failed to communicate with the resident for approximately 3 months, leaving her unaware and unclear as to whether or not her ASB case remained open.

It repeatedly made the same mistakes in terms of its delayed communication with the resident, and the Ombudsman had to intervene on several occasions. There is no evidence that it followed up on assurances or maintained weekly contact.

In its learning from these cases, the landlord has introduced new harm-centred policies and procedures to develop a much more resident-focused and effective approach to tackling anti-social behaviour, domestic abuse and hate crime. This includes the introduction of a Good Neighbourhood Management Policy.

And whilst there were many ASB failings in case **202309722**, Notting Hill Genesis also failed in progressing the complaint for resolution. The internal complaints process took the landlord 7 months, longer than it took the Ombudsman to receive and determine the case.

During the case, the landlord recognised that its communication with the resident was ‘repeatedly and persistently poor’, including not informing her that it had prematurely closed her case, disagreements during phone calls with staff, and inconsistency when communicating with the resident’s representative.

In its learning from these cases in this report, the landlord says it has put in place a new anti-social behaviour policy and works closely with a range of agencies and partners to try and resolve issues peacefully where possible or take eviction action against anti-social tenants where necessary.

Other severe maladministration findings because of failings in complaint handling and communication:

- **202310022** South Kevsteven Council
- **202230719** Orbit Group
- **202205205** Giffard Park Co-op
- **202219000** Birmingham Council

- **202223137** Leicester Council
- **202217437** Southern Housing

Learning from complaint handling & communication ASB category

Effective and proactive communication is vital in any complaint, but can be especially important during an ASB complaint, where a resident may feel anxious and distressed in their own home. Agreeing a contact arrangement or providing regular and sensitive updates can be tools to help landlords manage cases more effectively.

A landlord should also ensure that it does not confuse how it handles complaints about ASB and a complaint about its handling of the ASB, and these separate issues should be triaged accordingly.

When a resident has been through a traumatic time with ASB, it is important that the landlord responds within timescales set out in the Ombudsman's statutory

Complaint Handling Code. This not only helps landlords recover any service failures in the individual case but also deploy learning from its complaints to improve its handling of ASB overall.

Centre for Learning resources

Anti-Social Behaviour (ASB) key topics page containing reports, podcasts and case studies

Attitudes, respect, and rights e-learning and workshops

Attitudes, respect, and rights key topics page containing reports, podcasts and case studies

Housing

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