

# Housing

## Ombudsman Service

### Guidance on best practice for landlords during Covid-19

This updated guidance sets out best practice for our member landlords in how to engage with the Ombudsman during the Covid-19 pandemic along with guidance on dealing with complaints raised by residents during this time.

The guidance is based on the most common queries and concerns that landlords have raised with the Ombudsman since the Covid-19 pandemic began. The guidance has been updated in light of further information we have received from landlords in recent weeks.

The Ombudsman has engaged with a large number of landlords reflecting the breadth of its membership since mid-March. This guidance reflects the fact that almost all of those landlords, both housing associations and local authorities, indicated that they are operating complaint handling largely as normal at this time.

Most landlords have been operating interim policies and procedures in many service areas, such as repairs for example, during lockdown and they now need to plan the transition to resuming a normal service in a manner that works for them and their residents.

All Ombudsman staff continue to work remotely and the Housing Ombudsman Service is operating as normal. Customers can access the service through the normal channels i.e. by email, telephone, letter (although this part of the service is limited) and online.

### Dealing with repairs

Now that lockdown restrictions are easing, we are beginning to see plans to remobilise repairs and a return to a more normal service. The majority of landlords are making plans to deal with the backlog and to move forward with new routine repairs.

Dealing with the backlog requires proper prioritisation and categorisation. For example, first looking at dealing with void, external and communal works that can be carried out safely, then categorising internal works, for example, electrical, drainage or plumbing works that are at risk of becoming urgent. Decoration works are less of a priority.

The Ombudsman would expect landlords to continue to show regard for the most vulnerable residents when assessing whether a repair request should be carried out. We think it is important that landlords revisit risk assessments carried out for staff and received on behalf of contractors to ensure that proper procedures are in place

for different categories of resident, for example, those self-isolating or shielding, and those in supported accommodation or care settings.

As we know, a major factor is ensuring that social distancing and good hygiene is practiced and that anybody entering a resident's home cleans the area before leaving, bringing all materials away with them.

Our expectations in this area are:

- For emergency and urgent repairs, normal service standards should continue to be adhered to where possible with timeframes being met and updates and explanations provided to residents where there have been, or are likely to be, any delays.
- Make sure contractors are prepared, have completed risk assessments and are confident that their supply chains have remobilised.
- In instances where repairs cannot be undertaken or completed due to current circumstances, this should be clearly explained to the resident.
- There should be a system in place to ensure that the outstanding jobs remain open and are tracked to ensure that they can be revisited when circumstances permit.
- It is most important to keep the resident fully informed and updated on the situation.
- We also encourage landlords to continue to communicate clearly with contractors so that they are clear on what is expected in relation to carrying out repairs and how they are being protected when entering residents' homes.

Some good practice examples are:

- Increase in gas servicing and re-starting other compliance checks such as electrical, asbestos, and stock condition surveys.
- Virtual triage services for the diagnosis of more complex repairs.
- Completing repairs on a planned/batched basis.
- Non urgent repairs are not attended to where the tenant is unwell or self-isolating.

Landlords should keep abreast of the latest Government guidance for landlords and tenants which can be accessed [here](#).

### **Personal Protective Equipment (PPE)**

The Government has updated its advice to recognise that PPE may be appropriate in certain situations. Good hygiene and maintaining social distancing measures should also be adhered to, however we recognise there may be situations where this is not possible and a landlord needs to consider the use of PPE. Landlords should be clear on situations when it expects its staff or contractors to wear PPE be this in the form of gloves, face masks, coverings, shields or aprons. The government's advice on working in people's homes can be found [here](#).

We think it is important that all landlords and contractors undertake risk assessments for Covid-19. It may also be worth considering providing training and/or guidance on how to put on and use the equipment. We would also recommend having PPE policies in place for setting out the different circumstances where it will be needed and what should be worn.

Some good practice examples:

- Advice provided to residents: before the appointment, remove any valuables from where the repair will be carried out. Where possible, leave a window open in the area where the contractor will be working, keep the doorways clear and leave the doors open. When the contractor arrives, open the door and stand back. Do not shake hands or offer any drinks or refreshments.
- Wear high vis jackets with a message reminding people to adhere to social distancing.
- Hold appointments by phone, virtually or outdoors.

### Dealing with Anti-Social Behaviour (ASB)

We understand that for most landlords there has been an increase in reports of ASB particularly with the highest reports in relation to noise nuisance, fly-tipping and drug-related incidents. We note that dealing with domestic violence has been challenging during this time.

Many residents are working from home, minding children and home-schooling. Due to these competing priorities tolerance levels to noise might be lower than usual.

Landlords have seen some reports of ASB regarding lack of social distancing. Some extreme breaches by way of large parties have been reported with some repeated behaviour requiring police involvement.

We understand that the inability to bring possession proceedings at the moment has meant that landlords have had to use other ways of tackling ASB such as Community Protection Warnings leading to Community Protection Notices, injunctions and closure orders.

We think it is important for landlords to continue to apply ASB policies and procedures, and to amend or enhance these where needed to address Covid-19 specific issues.

Some good practice examples:

- Emergency kits sent directly to vulnerable victims. This has included cameras to capture evidence, window and door locks and internal alarms.
- Investing in new technologies including noise apps.
- Covid-19 specific letters to warn tenants who are disregarding social-distancing rules.
- Early intervention methods such as telephoning residents to offer guidance.

### House Moves

We understand that for most landlords general lettings have now started again. We note that there have been a number of different approaches with some landlords carrying out viewings in person while maintaining good hygiene and social distancing practices with others carrying out the entire process remotely. This has involved virtual tours of the property, electronic sign up and access to keys via a key safe. The government's advice on moving home can be found [here](#).

The Ombudsman does not recommend one approach over another in terms of conducting viewings in person or virtually. Our advice would be that whatever approach the landlord chooses to adopt, it communicates clearly with the individual concerned so that they are aware of and comfortable with how the process will work.

We understand that for a number of landlords mutual exchanges have not recommenced due to the particular steps that need to be followed in carrying out inspections. We agree that a landlord should only start these moves when it is ready to do so and has an agreed process in place which is understood by all.

Some good practice examples:

- Conducting viewings by giving access to the property while the housing officer waits outside to answer any questions.
- E-signature software to allow the signing of Tenancy Agreements.

## Resident Engagement

We believe there will be some positive impacts that come from this crisis. We are seeing the creative use of technology by landlords carrying out inspections virtually and more advanced use may continue to emerge.

There has been positive resident engagement and support, particularly for the most vulnerable residents, for example in regular resident telephone calls to tackle feelings of loneliness and isolation.

Landlords have engaged with residents on how services should be delivered and plans to remobilise in online panels, forums, Facebook and What's App groups

Some good practice examples:

- Online focus groups in relation to repairs, ASB and building safety.
- Virtual tenant panel to get tenant views and opinions.
- Virtual broadcast session allowing residents to ask questions of a landlord's executive team

## Access to the complaints procedure

Landlords should continue to provide access to their complaints procedures as we believe complaints provide valuable insight into problems that may be occurring.

Landlords should continue to exercise discretion and apply remedies appropriately, looking at each complaint on its own merits. Landlords should continue to keep residents informed of any changes or delays that may be expected.

The Ombudsman recognises that the current situation has placed some restrictions on how residents can lodge complaints with landlords due to contact centres being closed and postal services being restricted. Resources are also being diverted to other service areas in response to the current situation.

The Ombudsman would expect landlords to provide access to its complaints service via as many means as possible and to continue to accept and deal with complaints in the usual manner as best as they can.

As already noted, landlords have been required to change their approach to certain service areas such as repairs, anti-social behaviour and new lettings to reduce contact between people. Any complaints received about the revised approaches should be considered on a case by case basis. Changes to policy at this time should allow for discretion and flexibility so that issues can be considered on a case by case basis.

Our engagement with landlords has also highlighted the fact that, for some, the number of new complaints has fallen and this has provided complaint handling staff, who are working from home, the opportunity to address existing complaints.

### **Complaints about repairs**

Existing complaints about how a repair service has been delivered should still be considered as normal with any appropriate remedies being offered. If it is not possible to revisit or complete the repair in question due to current restrictions then the resident should be informed of this and the job should be placed on hold until it can be. The complaint should still be investigated as far as possible and responded to with any proposed actions to address the issues, when circumstances permit, being set out.

Landlords are still be expected to register any complaints received about the revised approach to repairs and consider each on a case by case basis.

Landlords have discretion on how to deal with complaints through their complaints procedures i.e. to close them at an earlier stage if they consider this appropriate. Such discretion should continue to be applied fairly and appropriately and on a case by case basis.

If the complaint is about a landlord's application of the revised approach, i.e. its failure to identify a repair as being 'urgent' or the timeframe in which a repair has been completed, landlords should consider the complaint carefully. Landlords are still providing a service and must consider the reasonableness of the service that has been delivered under the revised approach.

The Ombudsman would expect remedies to continue to be applied appropriately to situations where any delays are due to the actions or omissions of a landlord. The Ombudsman would not consider it necessary, or a reasonable expectation on a landlord, to offer compensation for any delays in service that are solely due to the Covid-19 restrictions over which a landlord had no control.

Landlords should continue to refer complaints to the Ombudsman when they consider the case to be closed. The usual steps of clearly labelling a final response letter and providing details of how a case can be referred to a designated person and the Ombudsman should continue to be applied.

Some good practice examples:

- Stage two complaint review meeting held virtually with the option for the resident to join the meeting.
- Interim complaint handling guidance for staff communicated to residents.
- Using photographs or videos to support a complaint investigation where a home visit cannot be carried out.

### Provision of information to the Housing Ombudsman

It is in the interests of both residents and landlords to progress investigations of complaints where this is possible. The Ombudsman recognises that current circumstances may make it difficult for landlords to provide evidence that has been requested, or that they may wish to submit voluntarily, in respect of formal investigations and reviews. Our evidence request letters have been amended to reflect the current situation. A paragraph has been inserted which reads as follows: ***'If you are unable to provide this information because of the current Covid-19 pandemic, please contact us at your earliest convenience to let us know.'***

Landlords should continue to provide the Ombudsman with information that has been requested as far as possible and within the timeframe stipulated. In instances where it is not possible to provide the requested information, landlords should notify the Ombudsman at the earliest opportunity. We will need to understand from the landlord if this is specific to a particular case or for all cases.

The Ombudsman will arrange for such cases to be placed on hold (paused) until such a time that the case can be revisited.

In such instances, the Ombudsman will notify the resident that the case has been placed on hold until further notice and explain the reasons why.

Investigations will not be paused where the landlord fails to engage with the Ombudsman.

### Orders and recommendations

The Ombudsman makes a range of orders and recommendations, from an apology to the payment of compensation, and during this period generally expects compliance within the timescales set.

The Ombudsman also acknowledges that the current situation places restrictions on the actions that landlords can reasonably be expected to take in respect of orders and recommendations, in particular relating to repairs, and that landlords have a duty to comply with the government guidelines on social distancing.

We have already made changes to the wording and timing of some recent orders and recommendations to reflect this – e.g. to carry out an inspection for non-urgent

works 'when it is feasible to do so'. The important thing is to keep the resident (and the Ombudsman) updated.

#### **Existing orders and recommendations:**

- Landlords should continue to adhere to the timeframes set for compliance with orders and recommendations where possible and update both the Ombudsman and the resident where there is likely to be a delay.
- Where it is not reasonably possible to comply with an existing order or recommendation i.e. where doing so would be at odds with Government guidance regarding the health of the resident and of the landlord's staff, the landlord should notify both the resident and the Ombudsman that the order will not be completed within the specified timeframe.
- The Ombudsman will arrange for deadlines for compliance with such orders and recommendations to be extended until such time that the situation improves. New deadlines will be agreed with the landlord and resident when circumstances permit.

#### **New orders and recommendations:**

- Any new orders and recommendations made by the Ombudsman while the situation is ongoing will demonstrate regard for what is reasonable in the light of Government guidance on the health of residents and landlord staff. Where appropriate, no deadline will be set for compliance with an order but the order will remain open until such a time that it can be safely revisited and completed. At this point, a new deadline will be agreed with the landlord and resident.
- We have included an additional paragraph in our determination letters to reflect the above which states: ***'The Ombudsman accepts that, because of the present restrictions due to the corona virus pandemic, the timing of the above actions will depend on what is reasonable in the light of Government guidance regarding the health of the resident and of the landlord's staff.'***
- The Ombudsman would expect landlords to continue to comply with orders where possible. We would expect landlords to pay compensation and to undertake urgent repairs within the agreed timescales where possible.

If you have any queries which have not been covered please contact us.

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