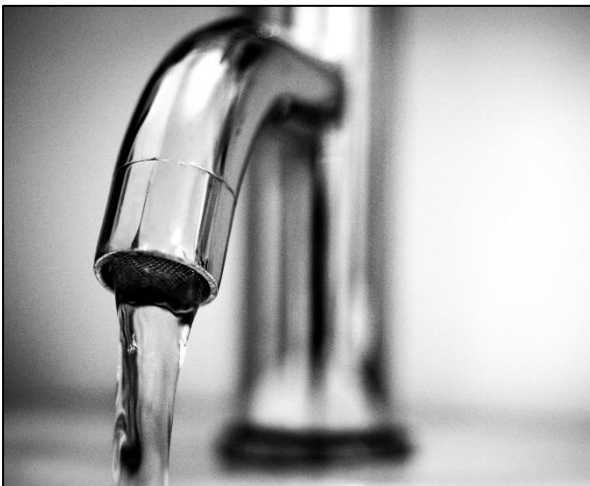


Insight report



**Insight on data, individual complaints and learning
April to September 2019**

Issue 1

Published January 2020

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Introduction



Welcome to the first in a new series of reports providing insight into our data, a selection of case studies and the key learning points.

Alongside resolving individual disputes, the Housing Ombudsman seeks to promote positive change across the sector by sharing knowledge and learning from our casework. This issue covers April to September 2019 and will be followed by a further report after the end of March 2020 for the last six months of the year. Our intention is to start producing them on a quarterly basis for 2020-21 onwards.

Key data on our complaints shows that repairs continues to be the biggest category of complaint we receive so we've included a reminder about our *Spotlight on repairs* report published last year.

We've used five case studies to illustrate the real-life experiences of residents whose complaints come into our formal remit and the decisions we make. They cover cases where we have found no fault in the way a landlord has responded to one from a group of 29 residents in supported accommodation for the elderly where we found severe maladministration.

The case studies also provide some wider lessons learned that we believe will help landlords improve their complaint handling and housing services. They highlight good practice as well as identifying where things have gone wrong and our intervention to put things right. A good procedure and well-trained staff will achieve results, but for maximum impact a positive complaints culture is essential.

Publishing this report is part of our commitment to increasing our transparency and sharing more learning from the complaints we consider, which we will be developing further during this year.

I hope you find it useful and we would welcome your feedback. Please let us know by completing [this short survey](#) or email consultations@housing-ombudsman.org.uk

Richard Blakeway
Housing Ombudsman

23 January 2020

Our work

Our role is to:

► resolve disputes involving members of the Housing Ombudsman Scheme, including making awards of compensation or other remedies when appropriate

► support effective landlord-tenant dispute resolution by others and promote positive change

Our members



2,448 landlords, 5 million households



2,057
housing
associations
3.2m
households

325 local
authorities
1.8m
households

66 voluntary
members
19,000
households

Insight on data

Key data on complaints April to September 2019

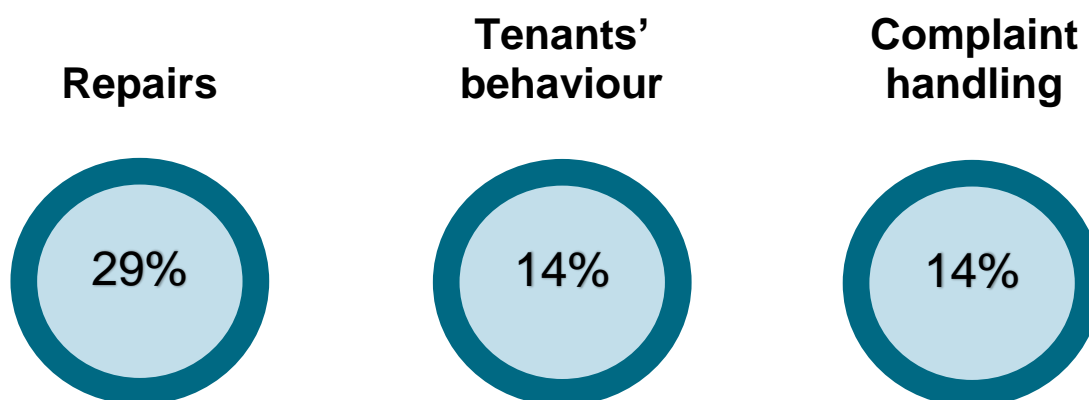
We received 7,795 enquiries and complaints in total:



For the whole of 2018-19 we received 8,671 enquiries and 7,623 complaints making a total of 16,294. An enquiry may not lead to a complaint and a complaint could be resolved by a landlord without a formal investigation by us.

What complaints are about

For the complaints received from April to September 2019, repairs was the largest category at 29% of the overall number. The top three areas of complaint over the six month period were:



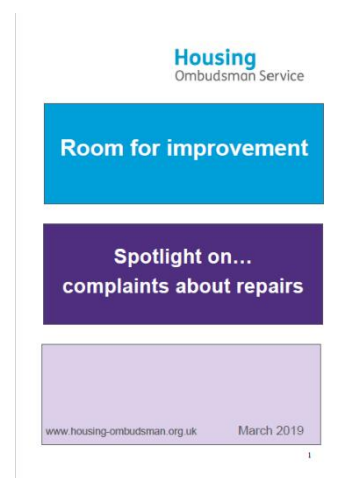
Repairs are consistently, year on year, the biggest area of complaint we deal with - both while complaints are going through a landlord's own complaint process and for those that come into our formal remit for determination. Living in a home in a poor state of repair can have a significant impact on residents so when something does go wrong, it is important to put it right as soon as possible.

Insight on data

Spotlight on repairs

In 2019 we published [*Room for improvement: Spotlight on repairs*](#). It was the first in a new series of reports to share the learning from our complaints and provide good practice for landlords to help improve their services and complaint handling.

From our casework, we identified the common causes of complaints about repairs and good practice points to help landlords avoid these pitfalls.



Cases in our formal remit

Cases come into our formal remit when a complaint has completed the landlord's procedure and either the designated persons requirements are met or eight weeks have passed. We issue determinations on all cases that enter our formal remit.



For the whole of 2018-19, 2,217 cases came into our formal remit and we made determinations on 2,214.

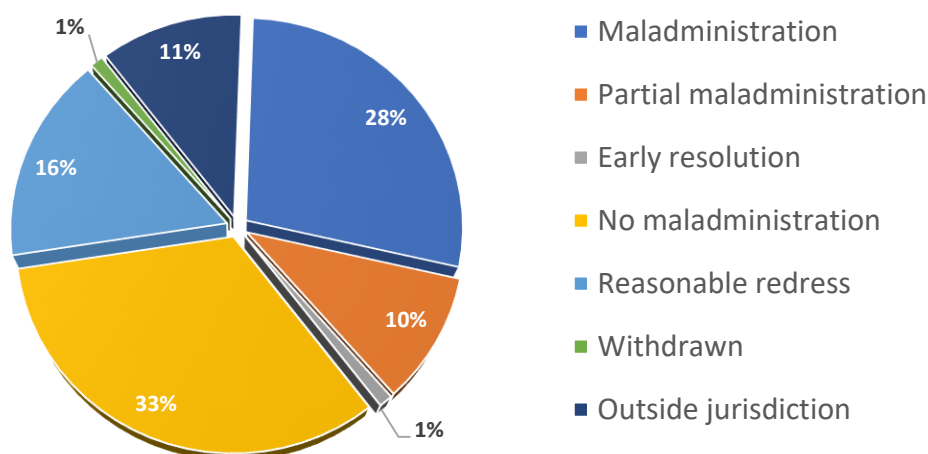
Determinations issued

For cases that enter our formal remit, we may determine that they are outside of our jurisdiction, they may be resolved through mediation (which we term early resolution) or need an investigation. Where there is evidence of maladministration we make findings ranging from service failure, for lower level failings, to severe maladministration for the most serious cases. We may also consider whether a landlord acknowledged that they had made a mistake and took steps to put things right in a manner which we feel is fair in all the circumstances – shown as reasonable redress in the chart below.

Insight on data

The outcomes for the six month period shown below are comparable to the percentage breakdowns published in recent annual reports.

Outcomes of determinations Apr to Sep 2019



Orders and recommendations



Our orders and recommendations made improvements for residents on 910 occasions between April and September 2019

This is made up of 517 orders and 393 recommendations. Following a finding of maladministration, we may ask the landlord to put things right which will be reflected in an order. These may include:

- ensuring that repairs are done
- providing individual redress for complainants, for example, an apology is made or compensation is paid by the landlord
- taking action to prevent reoccurrence such as requiring changes to landlords' policies and procedures to improve services for all residents.

Recommendations can also be used where no maladministration or service failure has been identified, but the investigation has highlighted opportunities for service improvement.

Insight on individual complaints

Case studies

Landlord delays in preventative measures against rats

Complaint category: Repairs, Staff

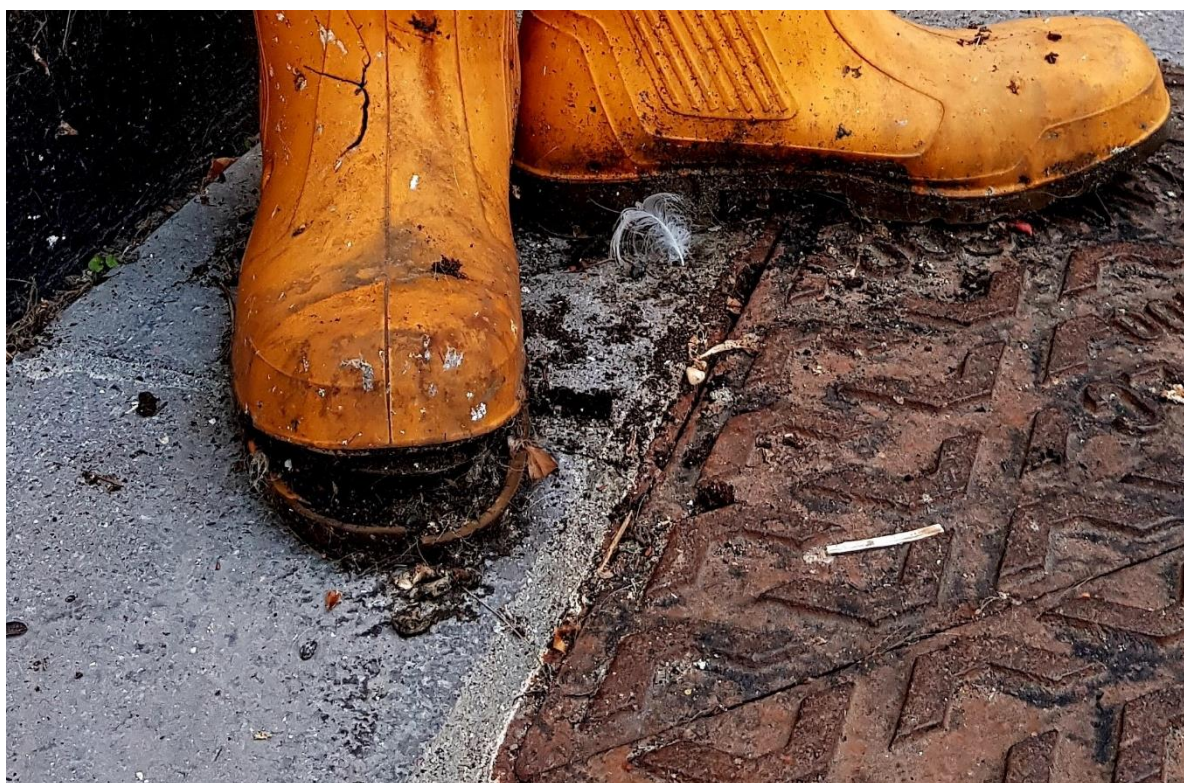
Outcome: Early resolution

Ms G, an assured tenant, complained about rats in her home. The landlord, a housing association, had undertaken repair works to cover holes and installed 'rat gates' on the drains. However, Ms G remained unhappy with the level of communication she had received from the landlord and how she could ensure that the rats did not enter the property again.

We asked the landlord to look again at the complaint. The landlord agreed that there had been delays in its preventative measures. It agreed to conduct a CCTV survey of the drains, instruct its pest control firm to consider further preventative measures and offered £250 compensation to Ms G for the communication failures.

Outcome

Ms G accepted that these actions would resolve the dispute.



Landlord acted appropriately in its handling of rent administration failures

Complaint category: Rent administration

Outcome: Reasonable redress



Mr S, a resident leaseholder, complained about the due date for his annual rent charge, the legality of the charge and delay in paying an agreed reimbursement to his account. He was unhappy with the charges, given that there were a number of outstanding maintenance issues at the property.

The landlord, a housing association, sought legal advice which confirmed that the rent charge was enforceable and compliant with the lease agreement. However, the landlord accepted that there had been delays in paying the reimbursement. Mr S had also been pursuing a number of maintenance issues since 2016. The landlord accepted that it had taken an unreasonable length of time for these to be completed. It also accepted that the roof repair had not been completed and took steps to ensure this was expedited.

In recognition of the failings the landlord agreed to waive the ground rent fee of £250 and made an offer of £200 compensation for the delays.

Outcome

We found that the landlord had taken appropriate steps to put things right by acknowledging its service failures and offering appropriate compensation. It also implemented a plan of action for future monitoring of communal areas.

No evidence of maladministration found in landlord's response to reports of damp and mould

Complaint category: Responsive repairs

Outcome: No maladministration

Ms A is the secure tenant of a three-bedroom house managed by the council's arms-length management organisation. She reported damp and mould in her home. The landlord inspected within a reasonable timescale. Its survey concluded that there were high moisture levels in the



walls and floor. It instructed a drainage contractor who identified external drainage blockages. Steps were taken to address these issues and equipment was installed in Ms A's home to monitor humidity and temperature.

Three months after reporting the problem the resident submitted a formal complaint and instructed solicitors to bring a disrepair claim. Ms A's solicitors asked that any repairs or mould clearing be deferred until its expert had inspected. A further inspection took place and a mould wash was undertaken but no further works as requested. Shortly after this request the solicitors confirmed that they were no longer acting for Ms A.

Ms A restarted her complaint about the repairs and ongoing improvements. The landlord confirmed that actions had been stalled due to the legal action. As this had been withdrawn it arranged for a specialist contractor to attend as moisture was still present in the home. It arranged to move Ms A while more invasive inspections were undertaken. Window vents and internal air bricks were found to be blocked but there was no evidence of water penetration. Remedial works were undertaken to unblock the vents and airbricks and moisture readings returned to acceptable levels.

Outcome

We found no evidence of maladministration. The landlord had undertaken appropriate inspections and investigation, instructed specialists and carried out remedial work. There was no evidence of unreasonable delay in its responses to Ms A's reports.

Landlord fails to provide evidence or follow its policy commitments in dealing with anti-social behaviour case

Complaint category: Anti-social behaviour

Outcome: Maladministration

Ms J is an assured shorthold tenant who reported problems with her neighbours, who she reported had been verbally abusive towards her. The landlord, a housing association, provided diary sheets to Ms J which she was asked to complete. The landlord also advised Ms J that the neighbour had been sent a written warning.

Within a week a further incident was reported with the neighbour allegedly deliberately damaging Ms J's garden and gardening equipment. The problems continued over a period of 11 months with Ms J reporting further incidents including deliberate noise nuisance and verbal harassment and abuse. The landlord offered to refer the neighbours to mediation but when this was refused by Ms J it closed its case stating that the incidents did not amount to anti-social behaviour.

The landlord's initial response to the reports of verbal abuse was outside its policy timescale by a number of weeks. There were no exceptional circumstances to explain this delay. There was no evidence of any investigation into the allegations of damage to Ms J's property, and no response was provided by the landlord. There was also no evidence of engagement with the neighbour about the situation at the property. The landlord did not therefore meet any of its policy commitments in relation to how it would respond to reports of anti-social behaviour. The landlord's decision that the reports did not amount to anti-social behaviour was not supported by information in its policy. None of the complaint responses explained how Ms J could escalate the complaint. This caused delays and inconvenience as she had to seek assistance to pursue the matter.

Outcome

We made a finding of maladministration. The landlord had been unable to provide evidence to support its decisions, had delayed in taking action and had failed to



adequately follow the commitments in its policy. The landlord was ordered to pay £350 compensation to Ms J for distress and time and trouble.

Severe maladministration found in group complaint from 29 residents about reduction in support services

Complaint categories: Support services

Outcome: Severe maladministration

Ms C complained on behalf of a group of residents about the housing association's decision to reduce the level of support services at their block. The complaint was from 29 residents in supported accommodation for the elderly.

Following the withdrawal of local authority financing of support the landlord withdrew the daily support visits to its residents, initially replacing these with weekly support visits. These weekly visits were later withdrawn leaving residents with an alarm service. It notified residents in writing and kept an unsigned copy of this letter on the housing file.

The residents concerned held one of two types of tenancy agreement, depending on when the tenancy commenced.

Group 1 held tenancies with terms specifying that the landlord would visit each day of the residency and would respond to any emergency alarm, and, that should supporting people funding not be available the residents would have to pay for the cost of the service.

Group 2 had tenancies that did not include these terms, but included a charge for the alarm and intensive housing management.

Outcome

We found severe maladministration for the residents in Group 1. The landlord had removed a contractual service from these residents without following an appropriate legal process.

We made a further finding of maladministration for all residents as the landlord had failed to appropriately consult residents about the changes to the service until 16



months after the change was implemented.

We ordered the landlord to pay all tenants £250 for the distress and inconvenience caused with an additional £250 for those in Group 1. We also ordered the landlord to write to all residents apologising for its failure to appropriately consult before removing services.

Insight on learning

Lessons learned

The selection of case studies featured here highlight some wider lessons for the sector. Some concern policies and processes while others are more focused on culture and behaviour. An organisation's culture must be right for the complaint handling process to resolve disputes effectively and in order to learn from the outcomes. A good procedure and well-trained staff will achieve results, but for maximum impact a positive complaints culture is essential.

Taking responsibility and keeping residents informed

In a positive complaint handling culture we would expect the landlord to take responsibility for the complaint and for resolving the issue, ensuring clear communication with the resident during the process. In several of the case studies, residents have been unhappy about the level of communication and having to pursue their complaint. Residents want to know that their complaint is being taken seriously and this will help to stop unnecessary escalation of the complaint.

Understanding the legal relationship

Landlords need to understand their legal relationship with the resident as illustrated in the group complaint from residents in supported accommodation on page 11. The landlord had a contractual obligation through the tenancy agreements about specific levels of service. It failed to consult the residents about the change as it was obliged to do.

Putting things right

We know that sometimes things do go wrong. It is important to identify what went wrong and to take any action necessary to put it right. In some instances, this will involve financial compensation or a formal apology as shown in some of the case studies. We have published [guidance for landlords on compensation policies](#) as well as sharing our own [internal policy and guidance on remedies](#).

Fulfilling policy commitments

Landlords should ensure that staff are fully aware of relevant policies, how to apply them and when to use discretion. In the anti-social behaviour case on page 10, the landlord failed to meet any of its policy commitments when responding to the resident and the information it provided on what constituted anti-social behaviour differed from its policy definition. No explanation was provided for this divergence from policy. Guidance for landlords on what we would expect to see in an [anti-social behaviour policy](#) is now available on our website.

Taking timely action

Issues with delay in carrying out actions agreed with the resident feature in a number of the case studies. Ensuring that the actions are taken to resolve the dispute is a step to improving, repairing or rebuilding the landlord and resident relationship.

Further case studies

More [case studies](#) can be seen on our website, which we will continue to update.

Feedback

We would welcome your feedback on this report. Please let us know by completing [this short survey](#) or you can email consultations@housing-ombudsman.org.uk.

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