

Insight report



**Insight on data and individual cases
July to September 2020**

Issue 4

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Introduction

This latest Insight report takes us halfway through the year as the Covid-19 pandemic continues to impact our lives. In the last Insight report we had seen a significant reduction in the number of enquiries and complaints we received with a 41% reduction compared to the same period last year. Numbers had started to increase in June and this report shows that by September it was in line with levels in the previous year.

Over this quarter we have continued to engage with the sector and we updated our guidance in July, when landlords told us they were resuming a normal repairs service, dealing with the back log and taking on new routine repair requests. In addition, complaints procedures were mostly operating as normal. Complaints about repairs continue to be the biggest area of complaint we receive.

Complaints related to tenant behaviour had almost doubled in the first quarter of the year and are still at a higher level than previously. They accounted for 17% of complaints received during July to September this year compared to 14% in the same quarter last year. That's not such a big increase as the previous quarter when it jumped from 12% to 21% year to year.

Tenant behaviour features in some of the case studies in this report. We've taken a different approach in this report and shared insight on cases we receive at the earlier stage of our process – dispute support. This is when we support the resolution of complaints while they are within the landlord's complaints process and before complaints come into our formal remit.

When something goes wrong it is important that it is put right as soon as possible to avoid negative consequences, and to reduce the stress and frustration residents feel living with an issue every day. We offer an extensive dispute support service with typically around 80% of the cases we handle being closed before formal investigation. At this stage we give residents help on what information they need to pursue their complaint with their landlord and help both parties to engage when there is a breakdown in communication. It is also open to landlords who may want advice from us.

So far we have seen few cases that we would classify as a Covid-related complaint – that is, an issue has been caused by or changed because of Covid. The cases summarised in this report are based on information from residents and have not been formally investigated by us.

I would again emphasise our advice about the importance of record-keeping, effective engagement and being clear where policies have been adjusted due to the circumstances.

Next year we are looking to develop our Insight reports further. As part of this, we are inviting landlords to host an event with themselves, members of our team and their residents to provide an opportunity to discuss the report and learning from it. To register interest in this email Insightreport@housing-ombudsman.org.uk

I hope you find the report useful and would appreciate your feedback, which helps us to continue to develop them for greatest impact. Please let us know by completing this [short survey](#) or email consultations@housing-ombudsman.org.uk

I would also encourage you to [sign up to our newsletter](#) in order to keep up to date with our news and service developments.

Richard Blakeway
Housing Ombudsman

Our work

Our role

We make the final decision on disputes between residents and member landlords. Our decisions are independent, impartial and fair.

We also support effective landlord-tenant dispute resolution by others, including landlords themselves, and promote positive change in the housing sector.

Our service is free to the 4.7 million households eligible to use it.

Our members

As at the end of March 2020

	2,302 member landlords		4.7m households
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1,904 housing associations	325 local authorities	73 voluntary members
3.2m households	1.5m households	20k households

Insight on data

Key data* on complaints July to September 2020

Over the three month period, we received 3,607 enquiries and complaints in total, made up of:



This is a reduction of 10.6% when compared to the same period last year, during which we received 4,034 enquiries and complaints.

In our last Insight report, there had been a significant reduction in the number of enquiries and complaints over that quarter compared to the same quarter in the previous year, due to the impact of the first Covid-19 lockdown. In this quarter the numbers have been increasing and by September the number of enquiries and complaints received was in line with the number in September 2019, at 1,287 compared to 1,280.

An enquiry may not lead to a complaint and a complaint could be resolved by a landlord without a formal investigation by us.

Signposting

Where enquiries are about matters which are not within our remit, we will always try to direct residents to appropriate advice. During this quarter we directed 227 residents to other organisations, with the top three shown below:

- Local Government and Social Care Ombudsman – 28%
- Shelter – 21%
- Citizens Advice – 21%

The overall figures for this quarter are similar to the previous quarter with the Local Government and Social Care Ombudsman being the organisation we signpost to most. It was 29% in the last quarter, followed by Shelter at 22%.

* All data is provisional and subject to confirmation in the final end year figures to be published in the annual report.

What complaints are about

For the complaints received from July to September 2020, repairs continues to be the largest category at 34% of the total number. This is very similar to the same period last year when it was 33%.

As per April to June 2020, we received more complaints about tenant behaviour in this quarter compared to the same quarter last year – 17% compared to 14% - although not such a marked increase. In the last quarter it jumped from 12% to 21% year to year. The complaint handling category has remained the same at 6%.

The top three areas of complaint over the three-month period were:

Repairs	Tenant behaviour	Complaint handling
34%	17%	6%

Table: Categories of complaint per type/size of landlord

<i>Type of landlord</i>	<i>Repairs</i>	<i>Tenant behaviour</i>	<i>Complaints handling</i>
Housing associations	37%	16%	7%
Local authorities	35%	17%	7%
<i>Size of landlord</i>			
More than 10,000 units	37%	16%	7%
Between 1,000 and 10,000 units	34%	20%	9%
Less than 1,000 units	24%	17%	3%

Covid-19 specific data

During this quarter, we created a new sub-category for Covid-19 related issues to see where any trends may be occurring. This is used in addition to the main category and is defined as:

- Any complaint where a landlord's response to an issue or complaint was altered due to the Covid-19 situation.
- Any complaint related to the landlord's Covid-19 response and/or its provision of services during lockdown.

Between July and September we recorded 67 cases in total as having 'covid-19 related issues' as a sub-category', across the different stages of our dispute resolution process. At the end of November, this had reached 103 cases.

The cases are evenly spread among landlords with no individual landlord having a disproportionate number of cases. Similarly there is an even distribution of cases across housing associations and local authorities.

The main issues are:

- **Anti-social behaviour:** noise complaints continued to be an issue.
- **Responsive repairs:** covering routine repairs started before lockdown that still needed to be finished and the extended period of time in decanted property as repairs to tenants' property were delayed. It also includes delays to boiler replacement and associated repairs following flood.
- **Staff behaviour:** lack of PPE during an electrical test visit and being asked to go into another room while the work was carried out. A further issue was contractors being rude when information was sought about how the visit would be conducted.
- **Gas safety:** tenants shielding due to Covid-19 but the landlord continued to send gas safety inspectors.
- **Complaint handling:** landlords stating they were unable to take on a complaint or progress a complaint to the next stage due to covid-19.
- **Outside our jurisdiction:** issues relating to non-member landlords and a commercial lease.

Cases in our formal remit

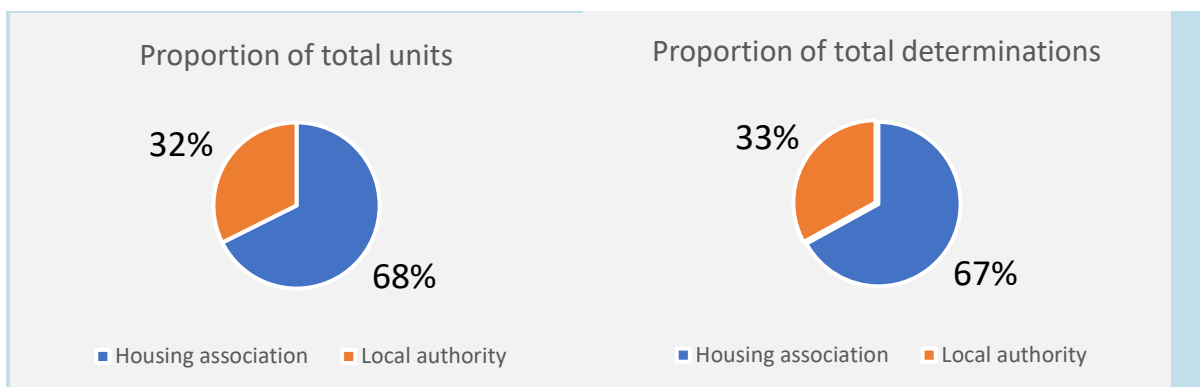
Cases come into our formal remit when a complaint has completed the landlord's procedure and either the designated persons requirements are met or eight weeks have passed. We issue determinations (decisions) on all cases that enter our formal remit.



For the three months July to September 2020, we made decisions on more cases than the number entering our formal remit, at 406 and 457. This compares to 561 entering our formal remit between July and September 2019 and 577 decisions.

Breakdown by type of landlord

The percentage of determinations split by housing associations and local authorities shows that we determine marginally more from local housing authorities relative to the number of units they hold.



Determinations issued

Cases that enter our formal remit may be resolved through mediation, where we work with complainants and landlords to try to agree negotiated solutions within a time limited procedure, or they will be investigated. Where our investigation finds evidence of failure, we will make one of the following findings:

- **Maladministration** – this could be a finding of service failure, maladministration or severe maladministration, depending upon the seriousness of the failure and the impact on the resident

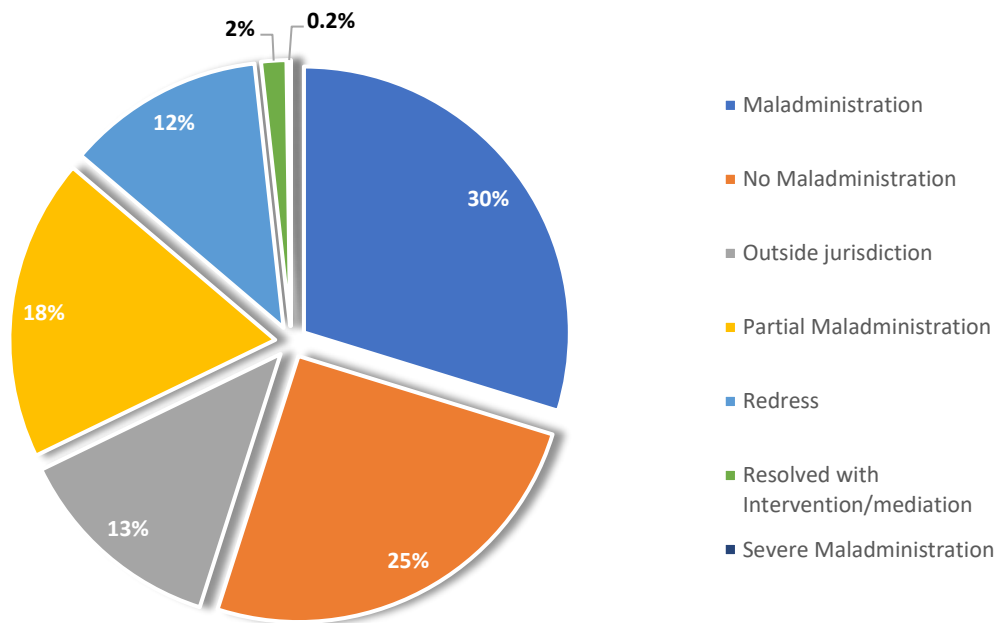
- **Reasonable redress** – where there is evidence of service failure or maladministration, however the landlord has identified and acknowledged this. It has taken steps, and/or made an offer of compensation, that puts things right.

If a number of issues are raised within one complaint, we will investigate and make a finding for each issue. This may mean that there is **partial maladministration**, where maladministration is found in relation to one or more element of the complaint, but not all.

A finding of **no maladministration** is made where the evidence demonstrates that the landlord acted fairly and in accordance with its obligations and there is no evidence of any significant failing or detriment to residents.

The chart below shows the split of determination outcomes. We found full or partial maladministration in 48% of cases for the three-month period, July to September 2020, which is the same as the first quarter of the year, April to June.

Outcomes of determinations July to September 2020



Orders and recommendations

We aim to provide fair and proportionate remedies to complaints through our orders and recommendations.



Our orders and recommendations made improvements for residents on 712 occasions between July and September 2020

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.

Between July and September 2020, we issued a total of 712 orders and recommendations, made up of 450 orders and 262 recommendations.

The breakdown by types of orders and recommendations across the quarter is shown in the table below:

Type	Orders	Recommendations
Apology	19	2
Case review	19	10
Compensation	298	59
Other	13	29
Policy review	15	44
Process change	5	27
Repairs	21	16
Staff training	26	33
Take specific action (non-repair)	34	42
Totals	450	262

Insight on individual complaints

The following cases are mostly still being handled within each landlord's procedure. They reflect how existing issues become exacerbated following the introduction of Covid-19 restrictions – whether undertaking repairs, staff shortages, problems with PPE or issues with online engagement with residents.

The Ombudsman has not formally investigated these issues and has not found fault with the landlord's handling.

Category: Service charges

The resident was informed of service charge arrears and discovered that the landlord had not been collecting her direct debit for a number of months following a restructuring. This had led to significant arrears on her account. She experienced difficulties in getting a response from the relevant team due to staff shortages as a result of the lockdown. The resident says this caused unnecessary distress and upset. The complaint is still within the landlord's process.

Category: Staff conduct

The resident, who has health issues, was unhappy that a gas engineer attending his home did not wear any PPE despite his request to do so. The engineer undertook the work and apparently advised that the resident move to another room. The resident has complained that this placed him at unnecessary risk. The complaint has completed the landlord's process.

Category: Complaint handling

The resident reported being woken once a fortnight by machinery used by the grounds maintenance contractors. Due to the pandemic the landlord offered to deal with the complaint via a Zoom meeting. The resident was unhappy with this as he would find it stressful and be unable to express himself fully. He also had recordings that he wanted the landlord to listen to and wanted to show the landlord his evidence in person. Throughout its complaints procedure the landlord made a number of offers to meet via Zoom or to postpone its response and meet in person once it was safe to do so. The complaint has been referred to the Ombudsman for consideration.

Category: Noise

The resident complained about noise nuisance from the flat above which was exacerbated by laminate flooring. Her complaint concerned the landlord's apparent authorisation of the laminate and the allocation of the flat to a family with young children whilst aware of the laminate problem. The resident explained that the impact of the situation had increased during the lockdown period as she was generally away from the property in the day, and could visit coffee shops, but now she was in the property all day and could not get away from the noise. The complaint is still within the landlord's process.

Categories: Repairs, Heating and Hot water

The resident is disabled and was shielding in compliance with government guidance. Prior to the lock down he had reported the shower in the wet room was not working. The landlord had attended on a number of occasions but the shower was still only running with cold water. Due to the problems the resident decided to isolate at a family member's home until the repair was completed. He was contacted by the landlord to advise the repairs were complete and returned to the property to apparently find that there is still no hot water anywhere in the flat and floorboards had come up as a result of the works undertaken by the landlord. The complaint is still within the landlord's process.

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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