

Housing

Ombudsman Service

Case summary:

Severe maladministration finding

Landlord: Anchor Hanover

Published: 30 November 2021

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Case reference: 202005056

Complaint category: Transfer application, improvement works

The complaint

Ms B complained about the landlord's response to her request for an internal transfer to an alternative property and reimbursement for works to the front door of her current home.

Background and summary of events

In 2016, Ms B contacted the landlord to enquire if she could move into her mother's property in order to provide care. Ms B also queried if she would be allowed to remain at the property following her mother's death. The landlord provided her with its 'right to remain' criteria and advised her "application to lodge with your mum has been approved."

In 2019, Ms B reported domestic violence and subsequently made a request to the landlord for a transfer to alternative accommodation. The landlord advised her that "it appears you have not been added to formal [landlord] records as living at [the property] with your mother." It further advised her to complete an application to be added as a "named tenant," and that once "you have been added to the tenancy you will be able to apply for an internal transfer, but this can only be once you have been named on the tenancy for one full year."

Ms B reiterated that she wished to be moved to alternative accommodation due to experiencing domestic abuse at the property, as well as suffering from a serious medical condition, providing the landlord with a supporting letter from her GP. The landlord confirmed that the resident only had "lodger status". It advised that "if a 2 bedded property was to be inherited by a single tenant, then it is considered under occupied." It indicated that it would nevertheless take her matter to its 'lettings panel' and was hopeful of a "positive result."

Ms B provided a letter in support for her appeal to the landlord's lettings panel. She expressed her dissatisfaction at the right to remain criteria excluding her from inheriting the tenancy on the basis it would be under occupied due to the second bedroom, when it had been a condition for her to become a lodger that there be a second bedroom. She was also dissatisfied that she had spent money cleaning the property and carrying out works to the front door, which she only did on the basis

she would inherit the property. Ms B further reiterated the issues she had experienced involving domestic violence and also her health conditions, which were exacerbated by remaining at the property.

The landlord's lettings panel noted the resident had requested an internal transfer based on "the reasons detailed in the attached," which included information about the domestic violence she had experienced. The landlord commented it had declined the resident's request for an internal transfer "because she is not a named tenant therefore, she is not entitled to the benefits our tenants receive." The lettings panel made a decision to allow Ms B to internally transfer to a separate flat with a priority status. Ms B told the Ombudsman that a one-bedroom property became available but she was not offered it, and the landlord verbally offered her a two-bedroom property, but subsequently rescinded the offer.

The landlord provided the Ombudsman with its 'internal safeguarding alert' which noted its concerns for Ms B's mother but it is not evident that the landlord sought any further information from the resident following this alert.

In 2020, Ms B made a formal complaint. She noted she had been awarded "top priority" status, but that "they do not have a copy in my file of the letter awarding me this status." She advised that she had experienced a further incident of domestic violence, had left the property and was now homeless, resulting in her relying on staying with friends. Ms B queried why she was not offered any properties and requested the landlord confirm in writing that she had priority status.

The landlord acknowledged her complaint and provided its stage one response. It noted that as she was not a named tenant, it would not usually be able to offer an internal transfer to an alternative property, but that in light of her circumstances, its lettings panel had made an exception. It advised she had subsequently been added to its waiting list, but that "you were not offered some vacancies which became available due to errors we made with your application." It advised this had been due to its computer system not being updated and offered "sincere apologies." As a result, it offered the resident £200 compensation for its service failure. It further apologised for any "unclear advice" about what size property she was eligible for, and confirmed she was eligible for only a one-bedroom property. It confirmed she would be offered the next one-bedroom property that became available.

Ms B replied and expressed her dissatisfaction with the landlord's response and the amount of compensation offered. She noted that a number of two-bedroom properties were currently occupied by one person and expressed dissatisfaction that she had not been offered the same. Ms B further expressed dissatisfaction that the landlord had not provided her with a timeframe for the transfer, and requested her complaint be escalated.

The landlord provided its stage two response. It reiterated its apology for its failure to apply the “transfer priority” awarded by its lettings panel. It advised that there was a number of reasons why two-bedroom properties only had one occupant, such as instances where a partner had passed away. It further advised that as a provider of social housing, it had a responsibility to maximise occupancy, and as such, would not be able to change its stage one decision.

The landlord has provided the Ombudsman with a copy of its records showing it offered the resident a suitable property in 2020. Ms B turned this property down, as she has been rehoused by the local authority.

Assessment and findings

It is evident Ms B was a “lodger” and not an existing tenant when she requested a transfer. This would not have prevented her from making an application as a new applicant; however, it is not evident that the landlord signposted her to this possibility or explained the procedure on how to make an application. The landlord initially caused confusion by stating it had no record of her living at the property, despite having previously acknowledged this in its communications. It additionally indicated that her only option was to apply to become a named tenant at her mother’s property, wait 12 months, and then make an application for an internal transfer. This advice to Ms B and the failure to consider her as a new applicant, or signpost her to the process of making a new application, had the potential to significantly delay her ability to be considered for alternative properties.

The landlord’s safeguarding policy notes that when it is made aware of a concern, it must follow its incident alert process, which involves gathering further information and seeking the wishes of the person at risk. It is evident Ms B made the landlord aware of the domestic violence she had experienced. It is not, however, evident that the landlord subsequently raised any safeguarding concerns at this time. Ms B made further reference to the domestic violence she had experienced in her lettings panel support letter. Based on the lettings panel’s summary, it is evident that the resident was initially denied her request for an internal transfer “because she is not a named tenant,” without any consideration of any safeguarding issues. It is also evident that the landlord had received the resident’s support letter. In the Ombudsman’s opinion, taking into account the circumstances of Ms B, both the landlord and the lettings panel failed to consider its safeguarding responsibilities and whether further action was needed under its safeguarding policy.

Ms B further noted that as a result of these incidents, she had now become homeless; and that due to her serious medical condition, she was required to ‘shield’ during the pandemic, which was not possible due to her living with friends. It is again evident that the landlord failed to consider its safeguarding responsibilities in relation

to either Ms B or her mother. It is also not evident that the landlord signposted her to any relevant organisations that could provide assistance given her reports that she was homeless during a pandemic.

While the landlord has provided this service with its internal safeguarding alert relating to its concerns for the resident's mother, it is not evident that the landlord sought any further information from Ms B regarding the safeguarding issues she had raised over the previous seven months. In the Ombudsman's opinion, the landlord had repeated opportunities to identify a safeguarding issue and take further action accordingly, and also failed to identify this issue as part of its investigation during both its stage one and stage two responses.

Given Ms B's continued concerns about the transfer, it was appropriate that the landlord referred the issue to its lettings panel and requested she provide further information about her situation in support of that appeal. While the lettings panel's decision refers to the policy surrounding priority one banding, its decision simply notes that it has awarded the resident "transfer priority." It is evident she considered this to be priority one, which is not subsequently disputed by the landlord; however, this lack of clarification had the potential to cause confusion for her as to what property she was eligible for and the likelihood of her being made an offer.

Throughout its communications with Ms B, the landlord advised that it is unable to offer her a two-bedroom property due to its obligation to maximise occupancy in its properties. This obligation is noted in the landlord's lettings policy and so its decision not to offer her a two-bedroom property, in the Ombudsman's opinion, was reasonable. It is not evident that in its initial communications with Ms B prior to her moving to her mother's property that the landlord made any assurances that she would inherit the property. Instead, the landlord only advised that it was possible if she satisfied the criteria of its right to remain policy, which it advised at the time required that the property would not be underoccupied. Given that the resident reported that she had been initially told she was eligible for a two-bedroom property, it was appropriate that in its stage one response the landlord apologised for any incorrect advice and clarified that it could only offer her a one-bedroom property.

It was also reasonable that, following Ms B's request that other residents be relocated to free up a one-bedroom property, the landlord addressed this request and clearly set out its position that it would be unable to do so. It was also appropriate that in its stage two response it articulated why some two-bedroom properties were occupied by a single occupant.

Following the lettings panel's decision to award Ms B a priority banding, the landlord has admitted in its stage one response that it had made "errors ... with your application" which resulted in it failing to offer two properties she should have been eligible for. While it is not possible to know if Ms B would have accepted these properties, the Ombudsman notes they were in the same development as her

mother's property, which was desired by her. In the Ombudsman's view, therefore, it was likely that the resident would have accepted one of these properties, given that they were in the development where she wanted to stay.

Additionally, as part of her formal complaint, Ms B advised that she was continuing to experience domestic violence and that as a result she had become homeless. Given that the landlord had been made aware of her circumstances, the Ombudsman would expect a landlord in such instances to signpost residents to the relevant assistance available; however, it is not evident that the landlord did this.

The landlord's accepted failure to correctly assign Ms B a priority banding following the lettings panel's decision and its subsequent failure to offer her available suitable properties led to her unduly remaining at her mother's property where she was subject to further domestic violence, before being left homeless during a global pandemic for a significant period while suffering from a serious medical condition. This, along with the landlord's initial failure to correctly advise the resident regarding its lettings policy, its failure to apply its safeguarding policy, and its failure to consider the significant detriment caused to the resident in its formal response, in the Ombudsman's opinion, amounts to severe maladministration by the landlord.

The landlord's lettings policy notes that it may award compensation where it has failed to deliver services of an acceptable standard. While the landlord offered £200 compensation in its stage one response, in the Ombudsman's opinion, this does not fully recognise the extent of the landlord's cumulative failings in this case or fairly compensate Ms B for the amount of time she was left to remain at her mother's property and subsequently spent being homeless as a result of the landlord's failures. Additionally, a further amount of compensation is appropriate to reflect the landlord's failure to apply its safeguarding policy, causing significant detriment to Ms B.

Determination

We found there was severe maladministration by the landlord in respect of the landlord's response to Ms B's request for an internal transfer to an alternative property.

We ordered the landlord to apologise and pay compensation of £3,500, comprising of £2,000 for distress and inconvenience caused by its failures relating to her priority banding and £1,500 for the distress caused by the landlord's repeated failures to apply its safeguarding policy or signpost Ms B to an appropriate organisation.

We also ordered the landlord to provide training to its housing management team, complaints handling team, and allocations team regarding its safeguarding policies.