

Housing

Ombudsman Service

Housing Ombudsman Service
Quarterly report:
Complaint Handling Failure Orders
issued October to December 2021

Published – 9 February 2022

Introduction

The [Complaint Handling Code](#), part of the Housing Ombudsman Scheme, sets out clear expectations for landlords on handling housing complaints, together with the power to issue a determination of complaint handling failure – **a complaint handling failure order** – where a landlord is failing to comply with its membership obligations.

The purpose of complaint handling failure orders is to ensure that a landlord's complaint handling process is accessible, consistent and enables the timely progression of complaints for residents.

They may be issued in relation to failings in an individual case where we have taken reasonable steps to seek engagement from a landlord, but the resident remains unable to progress a complaint. They may also be issued where there is evidence of a systemic issue within a landlord's complaint handling.

We will always provide a landlord with details of the issue and provide opportunities for the landlord to put things right before a complaint handling failure order is made.

Full details on when a complaint handling failure order may be issued, what further action the Ombudsman could take in such circumstances, and the reporting of their use, including publicly, is set out in our [Guidance on determinations of complaint handling failure and orders](#).

The guidance also highlights that each quarter we will publish the total number of complaint handling failure orders issued, the names of the landlords and reasons for the orders. We will also share this information with the Regulator of Social Housing.

This quarterly report for the period October to December 2021 shows that we issued 19 complaint handling failure orders, all related to individual complaints. There were no cases of non-compliance.

Previously, we issued 27 complaint handling failure orders for the quarter July to September 2021 and 23 during April to June 2021. Of the 27 issued in July to September, 24 were complied with and there were three cases of non-compliance. These included one failure in relation to compliance with our Complaint Handling Code as well as the others on individual complaints. Of the 23 issued April to June, 17 were complied with and there were six cases of non-compliance. It also included one failure in relation to compliance with our Complaint Handling Code.

Three case studies illustrate the experiences of residents and how the complaint handling failure orders have been used to progress their complaints.

The Ombudsman uses complaint handling failure orders along with other information from cases handled to generate insight about individual landlords which may be used as the basis of discussions if there are continued concerns over a sustained period.

Code review

We have carried out a review of the Complaint Handling Code and Complaint Handling Failure Orders, a year on from being introduced, based on feedback from landlords and residents and our own analysis. The findings from the review will be published as part of a new annual review of complaints. The first review due to be published in March 2022 will set out some improvements we are making to the Code and Complaint Handling Failure Orders while retaining the same core principles.

The revised Code will apply from 1 April 2022 and will be supported by further guidance and tools published throughout 2022-23

Complaint handling failure orders issued October to December 2021

We issued 19 complaint handling failure orders during this quarter. There were no cases of non-compliance.

The order types issued to date are:

- **1: Issued due to the landlord's unreasonable delays in accepting or progressing a complaint through its process.**

Where residents experience difficulties and delays in getting a response from their landlord or in escalating a complaint to the next stage, and we are satisfied that the complaints process has stalled, we will write to the landlord advising it of the problem and set out the action it needs to take to resolve the issue. We generally provide a minimum of three opportunities for a landlord to contact the resident and progress the complaint but if a landlord fails to engage and we are satisfied that the complaints procedure has stalled we may issue a complaint handling failure order.

- **2: Issued due to unreasonable delays in providing complaint information requested by the Ombudsman.**

Landlords must provide information requested by the Ombudsman within 15 working days or an individually agreed reasonable timescale. Failure to provide evidence delays the resolution of the dispute for the resident and causes unnecessary distress and inconvenience. If the evidence is not provided within this time frame a complaint handling failure order will be issued. This includes evidence of compliance with our orders.

- **3: Issued due to complaints procedures and processes not being compliant with the Ombudsman's Complaint Handling Code.**

The Code sets out complaint handling standards for landlords and compliance with the Code is a requirement of Scheme membership. The Code aims to promote consistency and accessibility across landlords' complaints procedures. Landlords are required to meet the requirements in the Code, self-assess against it and report to their board or equivalent that their complaints policy is compliant, unless there are exceptional reasons why variance from the Code is necessary to achieve a fair outcome for a resident.

Orders complied with:

The tables below show the orders issued where the landlord complied.

Table 1: Complaints within the landlord's complaints process (our dispute support stage)

Date issued	Landlord	Case ref	Order type (see above)
14 October	My Space Housing Solutions	202108128	2
21 October	Catalyst Housing Limited	202100574	1
21 October	Hyde Housing Association Limited	202106742	1
1 November	Sheffield City Council	202109139	1
9 November	Cornwall Housing Limited	202100354	1
9 November	Sanctuary Housing Association	202111399	1
16 November	Notting Hill Genesis	202013621	1
16 November	Peabody Trust	202115284	1
26 November	Central and Cecil Housing Trust	202110451	1
26 November	Birmingham City Council	202112335	1
26 November	Camden Council	202105476	1
6 December	Croydon Council	202011528	1
17 December	Chesterfield Borough Council	202005710	1
23 December	Guildford Borough Council	202110650	1
23 December	Trident Housing Association Limited	202013105	1

Table 2: Complaints within the Ombudsman's formal investigation (our dispute resolution stage)

Date issued	Landlord	Case ref	Order type (see above)
12 October	Barking and Dagenham Council	202017534	2
14 October	Haringey Council	202100487	2
23 November	North Northamptonshire Council	202109405	2
23 November	A2Dominion Housing Group Limited	202111916	2

Case studies

The three case studies below demonstrate how and when we use complaint handling failure orders and their impact.

Case study 1: Complaint handling failure order (within the landlord's internal complaints procedure)

The resident contacted the Ombudsman for help in progressing his concerns about how the landlord was responding to his dissatisfaction with the way his reports of antisocial behaviour were being handled.

The Ombudsman made enquiries and although the landlord responded to confirm that a complaint was open about the issue, it had informed the resident that no response could be provided because the substantive case remained under investigation.

The Ombudsman clarified that the response provided did not meet the requirements of the Complaint Handling Code as it did not offer a response, nor did it make the resident aware of how to escalate the complaint if he remained dissatisfied. The Ombudsman clearly set out the resident's complaint and the terms of the Code to highlight that meeting these form part of the requirements of the Scheme.

The landlord responded to reiterate its position and provided a second copy of the original correspondence, however no further comments were provided to confirm that a formal complaint response had been provided.

In light of this, a complaint handling failure order was issued. Subsequently, a stage 1 response was provided within the timescale of the order and the resident is considering the landlord's proposed resolution.

Case study 2: Complaint handling failure order (within the landlord's internal complaints procedure)

The resident contacted the Ombudsman to raise concerns about the landlord's lack of response to his formal complaint about leaks, damp and mould due to a defective chimney and roof.

Although the landlord acknowledged the correspondence swiftly and provided confirmation that a complaint had been raised and a response would be issued and updates were provided to the resident, the formal response was not provided within the landlord's timescales.

As the resident remained without a formal response to his concerns, the Ombudsman issued two notices to the landlord requesting that a stage 1 response be provided to the resident. This was not forthcoming and therefore a complaint handling failure order was issued.

A formal response was provided to the resident by a senior manager within the timescale set by the order.

Case study 3: Complaint handling failure order (within the Ombudsman's formal remit)

The Ombudsman wrote to the landlord informing it that a resident's complaint would be investigated. We asked the landlord to provide the information we needed to carry out an investigation of its handling of the resident's housing issues and their subsequent complaint. The landlord is obligated to provide this under the terms of the Housing Ombudsman Scheme and was asked to respond within three weeks.

No response was received by the due date, so a further request was sent but the landlord did not respond to that request either. A final request was issued setting out the attempts made to get the information and that if it was not provided within five days the Ombudsman may issue a complaint handling failure order.

Although the landlord responded to say it hoped to provide the information in the same week, no response was received. The Ombudsman issued a complaint handling failure order as the landlord had failed to provide the information we had requested. This ordered the landlord to provide the information within five days. The landlord complied with the order.

Useful links

[Guidance on determinations of complaint handling failure and orders](#)

[Complaint Handling Code](#)

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