

# Insight report



**Insight on data and individual cases  
January - March 2022**

**Including a regional focus on East Midlands, West Midlands and  
East of England**

**Issue 10**

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# Introduction

Welcome to the last of our Insight reports covering the year 2021-22 which highlights our complaints data, individual cases and wider learning points from our work between January and March 2022. This quarter we continued to see more cases coming into our formal remit for investigation, increasing to 1,013 from 934 in the previous quarter and 675 in the same quarter last year.

We found maladministration in 46% of cases during the quarter January to March 2022, and our orders and recommendations following investigations made improvements for residents on 1,250 occasions.

As well as the overall data, the regional focus for this report covers East Midlands, West Midlands and East of England. The regional data shows that property condition was the largest category of complaint in all three areas, in line with the overall data, and the highest proportion of maladministration findings for property condition complaints was in the East Midlands at 39% compared to 29% in the West Midlands and 28% in the East of England.

Together with this data are six case studies concerning landlords in these areas, drawn from the top three categories of complaints. In two cases featured we see landlord delays in responding to complaints. One resident was left for almost two months without a response to their complaint about their landlord's gas safety appointments process. In another case it took seven months for the landlord to respond to the resident about unexplained delays and missed repairs appointments. In both cases we found maladministration.

We also found maladministration in a case concerning damp and mould where the landlord blamed the resident's lifestyle and only took action when contacted by Environmental Health. This was a key finding in our [Spotlight report on damp and mould](#) where we said a change in culture was needed from reactive to proactive in order to improve the experience of residents.

Also featured is an example of reasonable redress, where landlords have followed policy and taken steps to resolve issues when things have gone wrong. The case involves a private landlord who is a voluntary member of our Scheme, and we found reasonable redress for its handling of a group complaint about repairs and improvements in a shared house. The landlord had acted reasonably in seeking feedback from residents ahead of its improvement works and, following the group's complaint, offered reasonable compensation for the disruption caused. The landlord had also referred to previous decisions we had made in reaching its decision to offer compensation.

The case studies also provide an opportunity to share learning more widely across the sector. The learning in this report highlights the importance of all landlord staff following policies and procedures and, when considering individual cases, as in the examples concerning housing need and anti-social behaviour, landlords must consider the duty they owe to their other residents and should not make decisions that appease one resident to the detriment of others. Landlords should also ensure they follow the Complaint Handling Code which is clear that complaints should be resolved at the earliest possible opportunity and a complaint response must be sent when the answer to a complaint is known, not when an outstanding action is addressed.

Our next Meet the Ombudsman event follows the publication of this report, and I am grateful to Midland Heart who will be hosting it for giving their residents an opportunity to ask questions direct. This is part of our ongoing commitment to help raise awareness and understanding of our service among residents.

We always welcome feedback on these Insight reports to hear what you find useful and any further aspects you would like to see included. Please use our **feedback survey**. I would also encourage you to **sign up to our e-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 2021*



# Insight on data

## Key data\* on complaints January to March 2022

We received 6,128 enquiries and complaints in total between January and March 2022:



This compares to a total of 6,313 enquiries and complaints in the previous quarter, October to December 2021. There was a small reduction in the number of enquiries received from 2,451 in the last quarter to 2,072 this quarter, but an increase in complaints received from 3,862 to 4,053.

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 that are not within our remit, we will always try to direct residents to appropriate advice. During January to March 2022, we directed 500 residents to other organisations, with the most frequent ones shown below:

- Local Government and Social Care Ombudsman – 28%
- The Property Ombudsman – 21%
- Citizens Advice – 18%
- Shelter 13%
- Civil Legal Advice -7%

These are the same organisations we signposted to most frequently in the previous quarter.

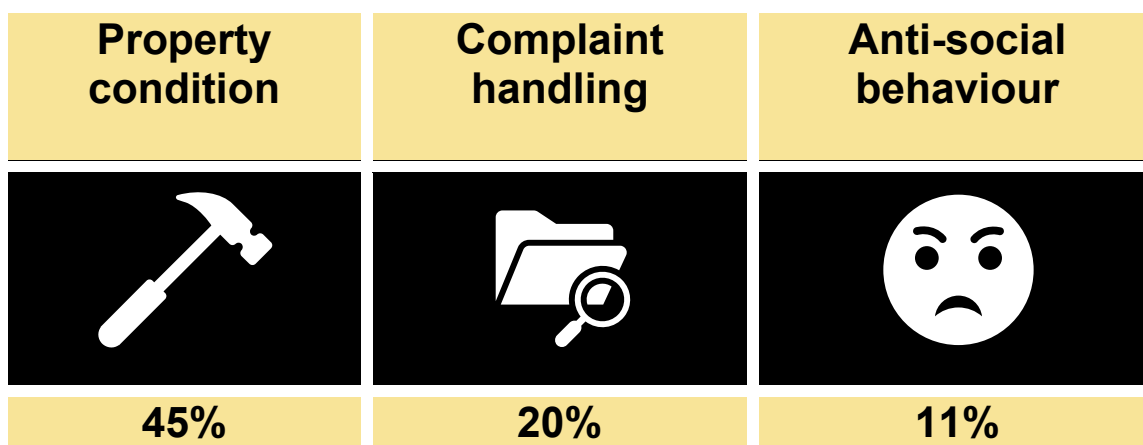
\* All data is provisional and subject to confirmation in the final end year figures to be published in the annual report.

## What complaints are about

The complaint categories we use provide insight into the types of issues residents are experiencing.

For the complaints received from January to March 2022, property condition (previously shown as repairs) remained the largest category at 45% of the total number. The top three areas of complaint shown below are the same as the previous quarter with some small changes in the proportions compared to the previous quarter. Property condition has decreased very slightly from 47% to 45% of the total and complaint handling increased from 18% to 20%. The proportion of complaints about anti-social behaviour has remained the same at 11%.

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



The table below shows the split of those three complaint categories by type of landlord and size of landlord.

Type of landlord	Property condition	Complaint handling	Anti-social behaviour
Housing associations	44%	20%	11%
Local authorities	48%	20%	11%
Size of landlord			
More than 10,000 units	46%	20%	10%
Between 1,000 and 10,000 units	42%	20%	12%
Less than 1,000 units	37%	22%	15%

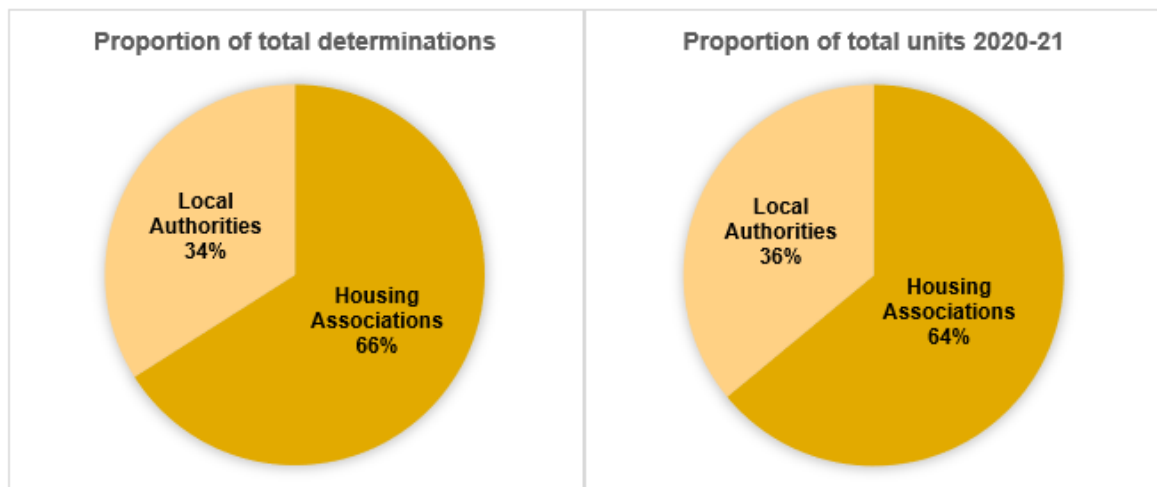
## Cases in our formal remit

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 January to March 2022, 1,013 cases entered our formal remit, an increase from 934 in the previous quarter and 675 in the same period last year. Of the cases that were within our formal remit we made determinations on 778 cases, an increase from 675 in the previous quarter and from 640 in the same quarter last year.

### Breakdown by type of landlord



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

The split of determinations by size of landlord is:

- 5% where the landlord has less than 1,000 units
- 19% where the landlord has between 1,000 and 10,000 units
- 76% where the landlord has more than 10,000 units



## 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:

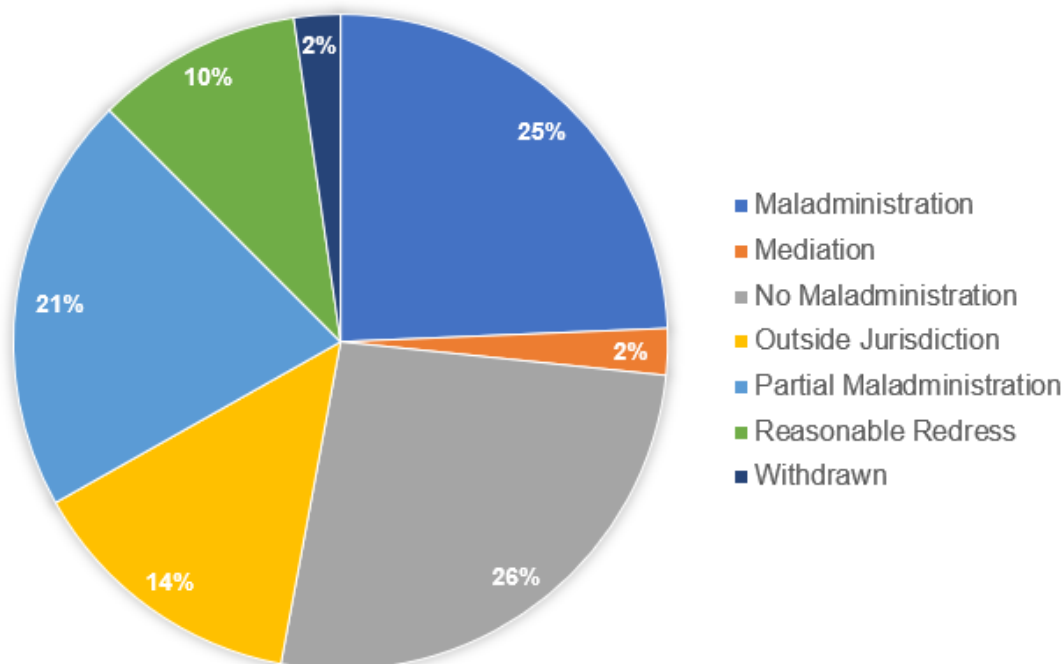
- **Maladministration** – this could be a finding of service failure, maladministration or severe maladministration, depending upon the seriousness of the failure and the impact on the resident
- **Reasonable redress** – where there is evidence of service failure or maladministration, however the landlord 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 46% of cases for the three-month period, January to March 2022. This compares to 47% in the previous three months.

### Outcomes of determinations January to March 2022



## 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 1,250 occasions between January and March 2022**

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 residents, 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 January and March 2022, we issued a total of 1,250 orders and recommendations, made up of 808 orders and 442 recommendations. This compares to 1,300 in the previous quarter.

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

Type	Orders	Recommendations
Apology	68	3
Case Review	32	12
Compensation	498	97
Other	30	88
Policy Review	11	26
Process Change	9	41
Repairs	61	32
Staff Training	15	40
Take Specific Action (non-repair)	84	103
<b>Grand Total</b>	<b>808</b>	<b>442</b>

# Regional data 2020-21

This section provides a breakdown of our data by region. Each Insight report focuses on a different group of regions and to help make it comprehensive we will provide information for the preceding financial year. For this edition, the regional data is for the year 2020-21 and covers the three areas East Midlands, East of England and West Midlands.

## What complaints are about

For the year 2020-21, the three largest categories of complaints received in each region are shown below:

	1	2	3
<b>East Midlands</b>	Property Condition 36%	Anti-social behaviour 17%	Complaints Handling 9%
<b>East of England</b>	Property Condition 34%	Anti-social behaviour 15%	Complaints Handling 9%
<b>West Midlands</b>	Property Condition 35%	Anti-social behaviour 16%	Complaints Handling 10%

The top three categories are the same as our overall breakdown of complaints received for 2020-21 at:

1. Property condition – 35%
2. Anti-social behaviour – 16%
3. Complaint handling – 9%

## Where things go wrong

For the year 2020-21, the categories of complaints where we made the most findings of maladministration in each region are:

	1	2	3
<b>East Midlands</b>	Property Condition 39%	Complaints Handling 29%	Anti-social behaviour 7%
<b>East of England</b>	Complaints Handling 35%	Property Condition 28%	Anti-social behaviour 8%
<b>West Midlands</b>	Property Condition 29%	Complaints Handling 26%	Anti-social behaviour 9%

# Insight on individual complaints

The case studies featured have been selected to illustrate the range of findings and outcomes in our work and how lessons can be drawn from those to share more widely. They concern landlords based in the East Midlands, West Midlands and East of England and reflect the biggest categories of complaint – property condition, anti-social behaviour and complaint handling.

## 1: Landlord sought advice and appropriately applied its tenancy succession policy requirement

**Complaint category: Succession**

**Outcome: No maladministration**

**Case ref: 202103381**

Ms T contacted her local authority landlord about her succession rights at the property due to her mother's ill health. The landlord confirmed that whilst Ms T was eligible for succession, if the number of bedrooms exceeded the resident's housing need, she would need to downsize. The matter was raised several times over a number of years and the landlord sought legal guidance to ensure it was providing accurate information to the resident.

Following the death of Ms T's mother, the succession of the tenancy proceeded but the landlord advised Ms T she was under-occupying the property and asked that she register a housing application to enable her to move. The landlord also advised Ms T she could ask for a review by the Housing Review Panel if she was dissatisfied, which Ms T did. Ms T provided supporting information from her GP and neighbours which was considered by the Housing Review Panel; however, the panel declined Ms T's request to remain at the property. The landlord informed Ms T of the outcome in writing and explained it could re-house her and her brother in a two-bedroom property or re-house each of them in a one-bedroom property. It provided a deadline for Ms T to advise it of her intentions.

Ms T raised a complaint about the landlord's decision that she had to downsize and cited her physical and mental health difficulties and the support network she had in place as reasons for the landlord to revisit its decision. The landlord responded to Ms T's complaint outside of the timeframe stated in its policy, for which it apologised and provided an explanation. The landlord explained that whilst Ms T was able to succeed the tenancy, its policy required that she downsize. It reminded Ms T that she had repeatedly been advised this over several years and that it had previously informed her MP how she could have the tenancy assigned to her when her mother was ill. The landlord explained that Ms T needed to register a housing application or it would seek possession of the property. The landlord advised Ms T it would rather work with her to re-house her and her brother rather than take legal action.

Ms T asked for her complaint to be escalated. In its stage two response, the landlord upheld its decision and explained whilst it appreciated Ms T's reluctance to move, there was a shortage of properties in the area, and it needed to consider the wider

housing need. The landlord explained it could re-house Ms T and her brother in a two-bedroom property within the district and that it could assist with moving, including removals, a handyman and cash assistance. Ms T remained dissatisfied and referred her complaint to the Ombudsman.

### **Findings and outcome**

The landlord explained the requirement to downsize following succession of the property multiple times over several years and its position was clear and consistent throughout. The landlord has sought to support Ms T at various points, including explaining how the tenancy could be assigned to her whilst her mother was still alive.

We found that whilst the landlord does have discretion not to follow its own policies, it also has a wider responsibility to allocate its properties according to housing need and the shortage of properties and families experiencing over-crowding issues outweighed the resident's individual circumstances. However, we found the landlord had not been as empathetic as it could have been and it could have been clearer that it had taken her needs into account.

We found there had been no maladministration with the landlord's decision and it had sought legal guidance to ensure it was applying its policy fairly.

## **2: Voluntary member provides reasonable redress in group repairs complaint**

**Complaint category: Home loss payment / disturbance payment**

**Outcome: Reasonable redress**

**Case ref: 202016926**

This is a complaint from a group of students in a house of multiple occupation (HMO) owned by a private landlord who is a voluntary member of the Housing Ombudsman Scheme. The landlord acquired the property after the residents' tenancy had started.

The landlord wrote to the residents in November 2020 to advise it was planning a loft conversion over the Christmas period which would give the residents two further rooms and a bathroom. It explained the works would take place whilst the property was likely to be vacant over the holiday period and should take 4-5 weeks. It explained most of the work would be external with a further period of 1-2 weeks work inside the property. The landlord asked for feedback from the residents and the likely dates they would be returning to their family homes. The residents explained at least two of them would likely only be leaving the property for two weeks and they were concerned about the level of noise. They asked for a further discussion with all parties.

The meeting with the landlord, the residents and the builders took place two days later during which the residents were given the builders contact details and a single point of contact. Shortly afterwards the residents reported a leak to one of the bedrooms and that the upstairs radiators were not working. The landlord arranged for the boiler to be inspected and following a conversation with the gas engineer,

informed the residents it would replace the boiler and some of the radiators. The external work for the conversion started shortly afterwards and some weeks before the residents vacated the property for Christmas. On 26 December, the landlord informed the residents work was ahead of schedule and the builders were ready to move on to works inside the property on 9 January. The landlord also confirmed the boiler had been replaced during this time and that in consideration of the inconvenience caused by the works, it was offering £150 per person in compensation.

In response the residents' representative stated there had been a lack of heating over the previous few months that the landlord had been reluctant to repair, the property had been turned into a building site, their belief the works should have been completed during the summer when the property was vacant and therefore the offer of £150 was not sufficient. The representative suggested the landlord should waive the residents' rent until the summer break. The landlord agreed to increase the compensation amount to £215 but explained it did not believe the amount suggested by the representative was reasonable. The landlord also outlined its reasons for completing the works over the winter, including that the Homebuyer's Survey had indicated issues with the roof condition which needed repairing as a priority. The landlord explained it had requested planning permission for the conversion after purchasing the property and had not been able to start sooner due to planning laws.

Two months later the residents' representative raised a formal complaint with the landlord and requested three months' rent in compensation, equating to £6,499.98. In its response, the landlord apologised for the disruption caused, reiterated its previous explanations, and again explained it believed the amount of compensation requested was unreasonable. The residents' representative escalated the complaint to stage two stating the landlord had not said what it considered to be a fair amount of compensation and it should therefore reconsider the representative's claim or propose a counteroffer. In its final response, the landlord reiterated its reasons for believing the compensation amount requested to be unreasonable and explained it believed an offer of £250 per resident, equating to £1,250 in total to be a reasonable amount.

### **Findings and outcome**

Whilst it is reasonable for a landlord to want to improve its properties, the Housing Ombudsman would expect the landlord to consider the practicalities of undertaking work whilst the property is inhabited and the impact the work could have on the residents. Therefore, it was appropriate for the landlord to share its intentions with the residents and seek their feedback, which it did. It was also reasonable for the landlord to undertake the work to the property over the Christmas period, which was the earliest opportunity that would cause the minimal impact on the residents due to them being at home for a portion of the time the works were taking place.

We found the level of redress of £250 each that was eventually offered to the residents was reasonable in the circumstances and noted that the landlord had referred to previous decisions made by the Housing Ombudsman in reaching this figure.

### 3: Landlord fails to follow and review its gas safety check process

**Complaint category: Gas inspections and safety / complaint handling**

**Outcome: Maladministration**

**Case ref: 202014399**

In 2019, Mr P made a complaint about the local authority's handling of a gas safety check which was investigated by the Ombudsman. We found service failure and recommended the landlord reviewed its gas servicing programme management process and how follow-up letters were triggered when residents had already booked appointments. We also recommended the landlord reviewed the wording of its letters. The landlord subsequently confirmed it had revised the wording of the letters and would review the process.

In November 2020, the landlord wrote to Mr P with an appointment for the annual gas safety check. As per the letter, Mr P contacted the gas contractor and rearranged the appointment to a more suitable time, in early January 2021. A month later, the landlord hand delivered a letter to Mr P warning that if the gas safety check was not accommodated it may take action to force entry which would result in a lock change and a recharge to the resident. Mr P complained to the landlord as he had already booked an appointment and referred to the Ombudsman's decision in 2019. He explained he and his family were disabled and vulnerable and the threatening letters from the landlord caused them upset and distress. The landlord did not respond, so Mr P sent another letter to the landlord a month later and again two weeks later after still not receiving a response.

The landlord issued a response almost two months after the Mr P's initial complaint. It said the annual gas safety check was mandatory and as he had failed to comply with the process by not making an appointment, it had issued a final warning letter. It said it would continue to contact the resident to carry out the annual service until he had complied.

Mr P asked the landlord to escalate his complaint stating that the landlord's assertion he had failed to comply was untrue as he had booked an alternative appointment on receipt of the original letter. Mr P again referred to the Ombudsman's findings in 2019 and noted the landlord had failed to respond to his complaint fully. Mr P did not receive a response and had to chase the landlord approximately a month after submitting his escalation request. The landlord responded the following day apologising for any upset or inconvenience caused but stated the importance of gas safety was paramount. The landlord stated it "employs a rigorous process to ensure compliance. However, should any customer fail to comply, it had no alternative but to force entry." It acknowledged the gas safety check took place without forced entry in early January 2021 and referred the resident to the Ombudsman if he remained unsatisfied.

### **Findings and outcome**

We found that despite assuring Mr P and the Ombudsman that it would review its processes, this did not appear to have happened and in any case the process had not been followed as Mr P had not been sent second and third warning letters as per the process. We also found that whilst the letters had been amended, they were confusing if residents had already booked appointments as they referred to repeated attempts to gain entry that had been refused. We found that it was understandable that Mr P found the letter upsetting when he had not refused entry to the landlord's contractors.

We also found the landlord failed to follow its complaint process, delaying in responding to Mr P's complaint and failing to investigate and fully respond to his complaint. We ordered the landlord to pay Mr P £100 for the distress and frustration caused in relation to the gas safety check letters and £175 in relation to its complaint handling failures. We also ordered the landlord to review its process for issuing letters relating to gas safety checks and conduct a review of its handling of the complaint. We also recommended the landlord undertook a further review of the wording used in the letters.

## **4: Landlord fails to take positive actions on damp and mould and blames resident's lifestyle**

**Complaint category: Responsive repairs – leaks / damp / mould**

**Outcome: Maladministration**

**Case ref: 202105422**

In June 2016, Mr J made a complaint about damp issues at his property and an issue with the extractor fan. The landlord, a housing association, advised the damp was a condensation issue and sent Mr J information about managing condensation in the home. It raised a repair for the extractor fan. In November 2016, Mr J reported mould in his bathroom. Again, the landlord sent information about condensation and also advised him to keep the heating on.

The issues continued with records showing a recommendation for the installation of an environment fan in March 2017 and a fan ceasing to work in December 2019 causing moisture and mould to appear. Inspections took place in September and November 2020 resulting in jobs being raised for mould wash, new extractor fan, redecoration, and treatment of the affected areas. In March 2021, an Environmental Health Practitioner notified the landlord of ongoing damp issues and suggested the problems were due to a building defect. Subsequently the landlord arranged for a surveyor to attend the property, who recommended a series of works including access panels made in the walls and ceiling to inspect the insulation and gain access to the external wall, removing the entire bathroom including ceiling and walls, reinsulating the walls before re-boarding, and reinstalling the bathroom, cuts made to the ceiling in the hall and bedroom to allow further insulation and inspections of the windows.



On 20 April 2021, Mr J made a complaint about the standard of the property since he had moved in, that the landlord had continually blamed his “lifestyle” when the Environmental Health inspection had demonstrated this was untrue and that the inspection holes made by the landlord had not been repaired which was allowing cold air into the property. Mr J was subsequently decanted for approximately a month whilst the remedial works took place. In its first stage response, the landlord advised it was not possible to quantify the extent to which the damp and mould had been caused by condensation or water ingress, but external investigations would be completed whilst he was decanted. It offered £150 in compensation. Mr J asked the landlord to escalate his complaint. In its second stage response, the landlord offered an additional £250 in compensation.

### **Findings and outcome**

We found the landlord had not provided any evidence to support that the mould had been caused by condensation and whilst it had attended the property several times since 2017, it only took real action when contacted by Environmental Health. We found positive action should have been taken earlier.

We ordered the landlord to pay an additional £500 in compensation and to confirm to the Ombudsman the results of the investigative works outstanding and confirm any further remedial works have been arranged. We also recommended the landlord update its repairs process to ensure all records of investigations and outcomes are clearly recorded with subsequent actions noted and that Mr J was advised of the landlord’s insurer to enable him to make a claim for damage to his belongings.

## **5: Missed appointments and unexplained delays in response to reports of repairs**

**Complaint category: Responsive repairs / complaint handling**

**Outcome: Maladministration**

**Case ref: 202002226**

Mrs A initially contacted her landlord, a housing association, to raise a repair for the radiator in her daughter’s bedroom that was leaking and had “soaked the carpet through to the floorboards”. Approximately two weeks later, she emailed the landlord outlining several issues at the property including a smell of faeces behind the radiator in her son’s room when it was turned on, a missing thermostat on the radiator in another bedroom, a smell of urine from the previous tenant’s pets in the airing cupboard, the leak from the radiator in her daughter’s bedroom, and the windowsills were crumbling with the frames being porous and letting in wind and rain. Mrs A explained the situation was affecting her mental health, her son had already moved out due to the impact on his own mental health and it was also affecting her financial circumstances. The landlord acknowledged the email as a complaint the same day.

It is evident the repairs were affected by the Covid-19 pandemic and at that point Mrs A was told she had been speaking to different members of staff about the various issues raised. Following restrictions being lifted, the landlord raised multiple

works orders for the repairs, however in most cases the records were not clear when or if these appointments were attended. Although there was ongoing contact between Mrs A and the landlord from the date she reported the issues, in September 2020, almost four months after her initial email, Mrs A had to email the landlord regarding outstanding works, various missed appointments, and an appointment where the contractor arrived with no parts, took photos, and left. Mrs A explained she felt that she was being ignored and her complaint was not being managed correctly. The landlord replied the same day; it provided an update on the repairs and acknowledged the numerous missed and cancelled appointments which it said were being addressed. In December 2020, almost seven months after Mrs A made her complaint, the landlord contacted her and offered £150 in compensation for the delays and poor service. It said it would have to look into her request for compensation for damage caused to her belongings. Mrs A asked for her complaint to be escalated, and in its stage two response the landlord said that it could not resolve her complaint and advised her to contact the Ombudsman.

### **Findings and outcome**

We found that the evidence demonstrated the landlord was not always aware of what needed doing to rectify the issues Mrs A raised and that it did not always do what it said it would do. We also found that the landlord did not investigate the reasons for the various delays and appointment cancellations, nor did it offer proportionate redress for the missed appointments. We found the landlord did not communicate effectively with Mrs A, the repairs took too long to complete, and it delayed in responding at stage one until after the repairs had been completed.

We ordered the landlord to pay Mrs A £550 in compensation. We also recommended it provided additional training to the complaint handling team and review its complaint timescales in line with our Complaint Handling Code.

## **6: Landlord demonstrates genuine willingness to help resolve anti-social behaviour complaint**

**Complaint category: Personal (e.g. harassment / discrimination)**

**Outcome: No maladministration**

**Case ref: 202005322**

Ms D began making reports of anti-social behaviour (ASB) about her neighbours in May 2020 and the landlord, a housing association, also received counter-allegations about Ms D from her neighbours. The landlord received evidence of Ms D behaving in a manner that could equate to ASB in July 2020 and subsequently issued her with a formal warning letter. Following a further incident with her neighbours, the landlord met with Ms D and her neighbours individually. The landlord subsequently provided an update to Ms D and advised that the neighbour had been sent a warning letter. The case was closed after Ms D advised the landlord that she was happy with the action it had taken.

The landlord then met with Ms D again on four further occasions to discuss her concerns about ASB. In November 2020, Ms D reported a further incident to the

landlord and to the police. The police advised the landlord they had spoken with Ms D and the neighbour and following an investigation they confirmed to the landlord that no further action would be taken. Ms D subsequently contacted the Ombudsman to complain about the landlord's handling of her reports of neighbour nuisance. We discussed Ms D's concerns with her landlord and asked it to raise a formal complaint. Ms D continued to report incidences of ASB, resulting in the landlord inviting all the residents to mediation. Ms D informed the landlord she did not want to take part in mediation, but the landlord advised Ms D her desired outcome (that the alleged perpetrators were evicted) was unlikely to happen, which was why mediation had been arranged. The evidence shows the landlord offered to move Ms D to a different property with its own front door on more than one occasion.

In its stage one response, the landlord outlined the allegations made by Ms D and the counter-allegations made by her neighbours. It noted that Ms D no longer wanted to move to a different property within the estate and would prefer to view a property in a different location. The landlord explained that it had thoroughly investigated her concerns, however the evidence demonstrated most of the ASB issues were being caused by Ms D. The landlord stated it had a duty of care to all residents and warned Ms D if her behaviour continued it would not be able to offer her alternative accommodation and it may take formal action against her for breach of tenancy.

The landlord continued to investigate allegations made by Ms D and counter-allegations made by her neighbours. Following contact from the Ombudsman to advise Ms D had informed us she remained dissatisfied, the landlord wrote to her to confirm the reasons she was dissatisfied. In its final response, the landlord stated it had responded to all Ms D's allegations of ASB but there had been no corroborative evidence. In contrast the landlord's staff had witnessed ASB committed by Ms D. The landlord advised it had followed its ASB policies and procedures, had spoken with the parties involved and had offered advice and mediation. The landlord accepted that on reflection it could have held more formal meetings with the alleged perpetrators and could have completed a risk assessment with Ms D, which whilst it may have made Ms D feel more supported it would not have materially affected the outcome of its investigation. The landlord offered Ms D £25 in recognition of the areas it felt it could have done more to support her and confirmed it would continue to support her to move to alternative accommodation.

### **Findings and outcome**

We found the landlord had responded to each of Ms D's allegations by discussing her concerns with her and speaking to the alleged perpetrator, as well as taking additional action in the form of warning letters where appropriate. We considered the landlord had acted promptly and fairly to concerns raised by all residents and that whilst Ms D felt she was being harassed by the counter-allegations; the landlord was correct in its assertion that it had a duty to investigate all allegations. We found the landlord had demonstrated a genuine willingness to help Ms D to resolve the dispute, it was clear in its explanations in its stage one and stage two letters, and it reflected on where it could have done more.

## Insight on learning

The case studies also provide an opportunity to draw lessons and share them more widely.

## Following processes

Landlords should ensure that staff and contractors are aware of and follow policies and processes that apply to them to ensure residents receive a good service and are not distressed unnecessarily. In case 3, the landlord's contractor failed to send the resident the second and third letter about his gas safety check because he had already booked an appointment for a later date. The landlord's process stipulated that these letters should be sent at set times if the gas safety check had not taken place. Crucially, the second and third letters from the contractor would have warned the resident he would continue to receive letters until the check had taken place, but he could ignore them if he had booked an appointment. The contractor's failure to send these letters caused the resident unnecessary distress when he received a final warning letter from the landlord threatening to force entry.

## A delicate balance

Whilst landlords should have clear and robust policies in place, it is important that they consider individual cases on their merits. In considering individual cases however, landlords must consider the duty they owe to their other residents and should not make decisions that appease one resident to the detriment of others. In case 1 and case 6, the landlords gave due consideration to the issues the residents raised but ultimately followed their policies. Whilst the residents were dissatisfied with the landlord's decision, we found they had applied their policies appropriately due to the impact giving the residents what they had requested would have had on their other residents.

## Ongoing repairs should not affect the complaint response

The Ombudsman's Complaint Handling Code is clear that the complaints should be resolved at the earliest possible opportunity and a complaint response must be sent when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Any outstanding issues must be tracked and actioned expeditiously, and the resident should be provided with regular updates. In cases 3 and 5, the landlord delayed responding to the complaint until matters were resolved, which contributed to an adverse finding in the landlord's complaint handling as well as how they had responded to the initial issue

## Further information

**Complaint Handling Code:** For the Complaint Handling Code plus guidance and supporting information see our [website](#).

**Complaint Handling Failure Orders:** Read the [guidance](#) on our website and our [quarterly reports](#).

**Spotlight reports:** Find our latest Spotlight report on complaints about cladding, together with previous issues on our [website](#).

**Decisions:** See the [Decisions](#) section of our website for reports on individual determinations that are now published every two weeks.

## Feedback

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

## Housing

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