Housing Ombudsman Service

Spotlight on: Noise Complaints

Time to be heard

October 2022

Contents

Ombudsman's summary

This report is about cost, both human and financial. Noise costs; it costs individuals their mental health and well-being and it costs landlords in protracted and often futile interventions, multi-agency liaison and staff morale. These costs are underestimated and may be avoidable, to some extent, by adopting the different approaches set out in this report.

Noise is a significant driver of complaints after repairs, something reinforced by the Covid-19 pandemic. We recognise that landlords are under increasing financial pressure and few of our recommendations present a significant cost to them. Rather, our recommendations could lead to savings, as well as better outcomes.

Improved outcomes are vital given the human consequences of noise nuisance. It will start with a sound, but it can easily escalate, entrench and expand into other issues. This can erode community bonds – leading to a wider, deeper sense of dissatisfaction. Listen to the powerful stories of residents' complaints in this report. Tomorrow, this could easily happen to you. In some cases, you may think you would have greater resilience, but can you be sure?

At the heart of our findings is a fundamental unfairness: most noise reports concern household noise rather than anti-social behaviour (ASB), and yet most landlords handle it under their ASB policy. So, things like movement, intermittent music or the washing machine running at night (more common given the energy crisis) are viewed through the lens of ASB. It is unfair to both the resident making the complaint and the resident being complained about for the noise to be treated as something it is not; and it is harder for the landlord to make consistent and reasonable decisions if it does not have the right framework for all types of noise reports.

This approach entrenches disputes and mismanages expectations. The unintentional offence caused by describing the noise as 'low level' because it is seen through the prism of ASB – when it is causing distress to the resident – could be avoided, as would residents completing countless diary sheets to no avail.

It is time for landlords to develop a strategy for handling non-statutory noise seriously, sensitively and proportionately. That our maladministration rate is 62% when the noise is non-statutory underscores this need.

The noise experienced by social housing tenants compared to other tenures is no different. What is different is the presence of a professional landlord – one that handles two relationships; one with the complainant and one with the complained about. This means social landlords have a unique role and opportunity.

Understandably the sector's approach has been heavily influenced by successive legislation that has responded to noise as part of ASB. The Decent Homes standard has also largely limited noise to external causes and not reflected modern living. This has contributed to the everyday experiences of residents reflected in landlords' complaints being overlooked.

Our call for evidence reinforces these concerns; 76% of landlords said they dealt with all noise reports under their ASB policy, yet the same proportion of landlords said most reports were about household noise. That most residents and landlords who responded to our call for evidence said complaints made and received are about household noise demonstrates the extent to which these issues arise, and how important it is to close the gap between experiences and practice.

How do we achieve change? The recommendations made in this report (Annex 1) are based on almost 200 formal investigations during the past year, nearly 400 responses to our call for evidence, and fieldwork with four very different social landlords and their residents. Landlords should consider the extent to which they can adopt them and what meaning this will bring for their residents.

Fundamentally, it requires some landlords to recognise noise transference is often the key issue – and address the implications of this. By doing so, landlords could stop escalating complaints into ASB and focus more on prevention. Given the age and type of some social housing the implication of insulation is significant and therefore we would encourage landlords to consider it as part of their wider work on carbon reduction. There are more immediate and practical steps landlords could take on noise transference. Foremost, the void standard could be updated to ensure that carpets are not routinely removed, but hard flooring is, when there have been reports of noise, as well as fitting anti-vibration mats under white goods. The potential for these measures to prevent complaints should not be underestimated.

Our report makes several recommendations to strengthen ASB policy and neighbourhood management strategy. A good policy helps form the foundation of a good service, and policy weaknesses can be identified by reviewing complaints.

To handle noise reports that do not meet the statutory threshold, landlords should adopt a proactive good neighbourhood management strategy, distinct to the ASB policy, with clear options for maintaining good neighbourhood relationships. This should include mediation, an approach that should work better but lacks confidence amongst residents because it can be deployed too late and under an ASB label.

Landlords also need to consider how they triage reports to ensure that the correct approach is applied – some landlords already successfully do so. This would help to strengthen communication which, as with so many complaint areas we investigate, is poor, severely criticised by many residents, and is frequently the reason for our maladministration findings. Being clear on how a noise report will be handled can only aid good communication and expectation management and will avoid the perception felt by many residents I spoke to that they kept endless diary records for no purpose or outcome.

Landlords demonstrated to us the benefits of staff presence on some estates to provide early intervention where noise is reported. Although 90% of landlords told us they had estate presence, less than half of residents who responded to us said they had witnessed it. I recognise resources are limited, but landlords should review their presence on estates and the data and information that prioritises intervention, to support an effective good neighbourhood management strategy.

In developing its good neighbourhood management strategy landlords should also engage residents, including those who have recently raised a formal complaint with the landlord, to assure themselves that it reflects the expectations of residents and will be effective.

This brings us to ASB policy. It is a policy where I see some of the greatest variance in approach by landlords, with some policies quite brief and others excessively detailed. So it may be time for a refresh. Landlords should review their existing policy for whether it is routinely complied with or whether it is inherently unworkable. There is also an almost complete absence of awareness of the community trigger amongst residents that should be addressed.

In so many ways the service failures on noise nuisance reflect the complexity of the issues, often involving several bodies, and the service pressures those bodies are experiencing. This also leads to the distinction between council landlords, within the orbit of wider statutory responsibilities, and housing associations.

In some cases, the landlord will not be the only organisation involved in responding to the resident; relationships with other agencies are variable, and it is disappointing to see the poor response landlords can receive from other agencies involved in a noise report. The police are a particular focus for frustration. Links to environmental health can also be inconsistent, especially if the landlord does not have a significant volume of homes (but even as a large landlord) in a particular area. There can also be an undue onus placed on social landlords by other agencies to act beyond their role and responsibility. This can lead to confusion for residents with only 33% of residents believing they were engaged with on their report but almost all landlords saying they routinely involve them. With service pressures across the board there is a misalignment of expectations: considering what an effective and reasonable multiagency relationship constitutes may be helpful. Another observation is where the council is a landlord as well, the resident can, although not always, be effectively signposted: can we say the same with housing associations?

Another key area is allocations. Again, there is enormous pressure here but there are some important principles that should be acknowledged if we are to reduce the occurrence of noise complaints. In my view, applications for housing should be assessed for the impact on the existing community and not just those considered to be sensitive. Where possible, when considering housing applications from households of multiple occupants, consideration should be given to previous complaints about noise. Our evidence shows that this is a particular concern in flats and consideration should be given to any mitigations that could be made.

There is also an uneven playing field between housing associations and council landlords on the information available at letting to associations that data protection concerns do not really justify. Councils should provide information from the housing register to associations to ensure they have all the information they need when allocating a property, as they often do to the housing management arm of the council.

Lastly, respect of residents' complaints is another central concern. Where the resident is not afforded respect, neither are their concerns. While I did not find

evidence of bias in the cases we investigated, the sense of residents' noise reports being dismissed because of their circumstances did cause me some concern. Often the perception of bias was led by the resident having complained before or being elderly, especially when it involved young children, and we did find maladministration in some of those cases because the landlord had not thoroughly investigated the report. On balance, I think this is a perception of bias rather than actual, but it reinforces the importance of landlords being sensitive to the tone of communications as well as consistently following their policy in all cases.

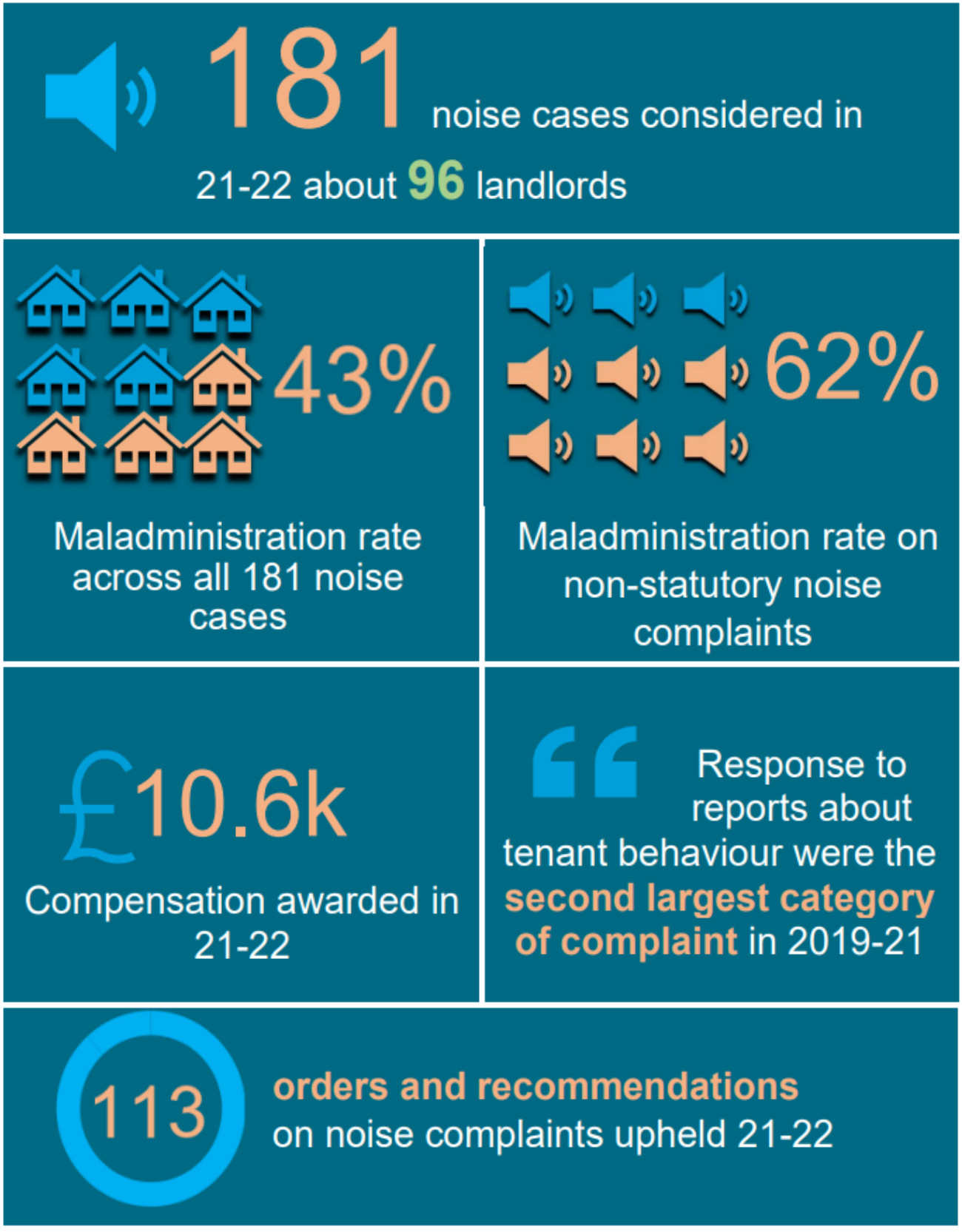
It is also surprising that noise report handlers may not listen to noise recordings submitted by residents. I appreciate the pressures on staff, but this is perplexing: can it be a robust investigation and a true understanding of the noise being reported if the recording isn't heard? Overall, having reviewed many investigations involving noise nuisance, maladministration is commonly the result of not producing action plans, undertaking risk assessments or fully investigating. Yet again poor records were evident in almost half the cases we upheld. Better communication and good records are two areas social landlords need to grip.

Our lives are changing and our built environment becoming denser. The refrain from residents that they are adhering to their tenancy and playing by the rules, in comparison to their neighbour, is not uncommon. This sense of unfairness can gnaw away at residents and while the legal and tenancy agreement definition of 'quiet enjoyment of the home' can be misinterpreted. At the apex of this report is the Decent Homes standard. This is the standard to set expectations. I welcome the government's review. Given the evidence in this report and our recommendations, I would encourage it to reflect the factors relating to noise more comprehensively. While the challenging economic outlook risks thorny issues, such as noise nuisance, that have caused detriment to residents for years being pushed to the margins, our practical and cost-effective recommendations can make a difference.

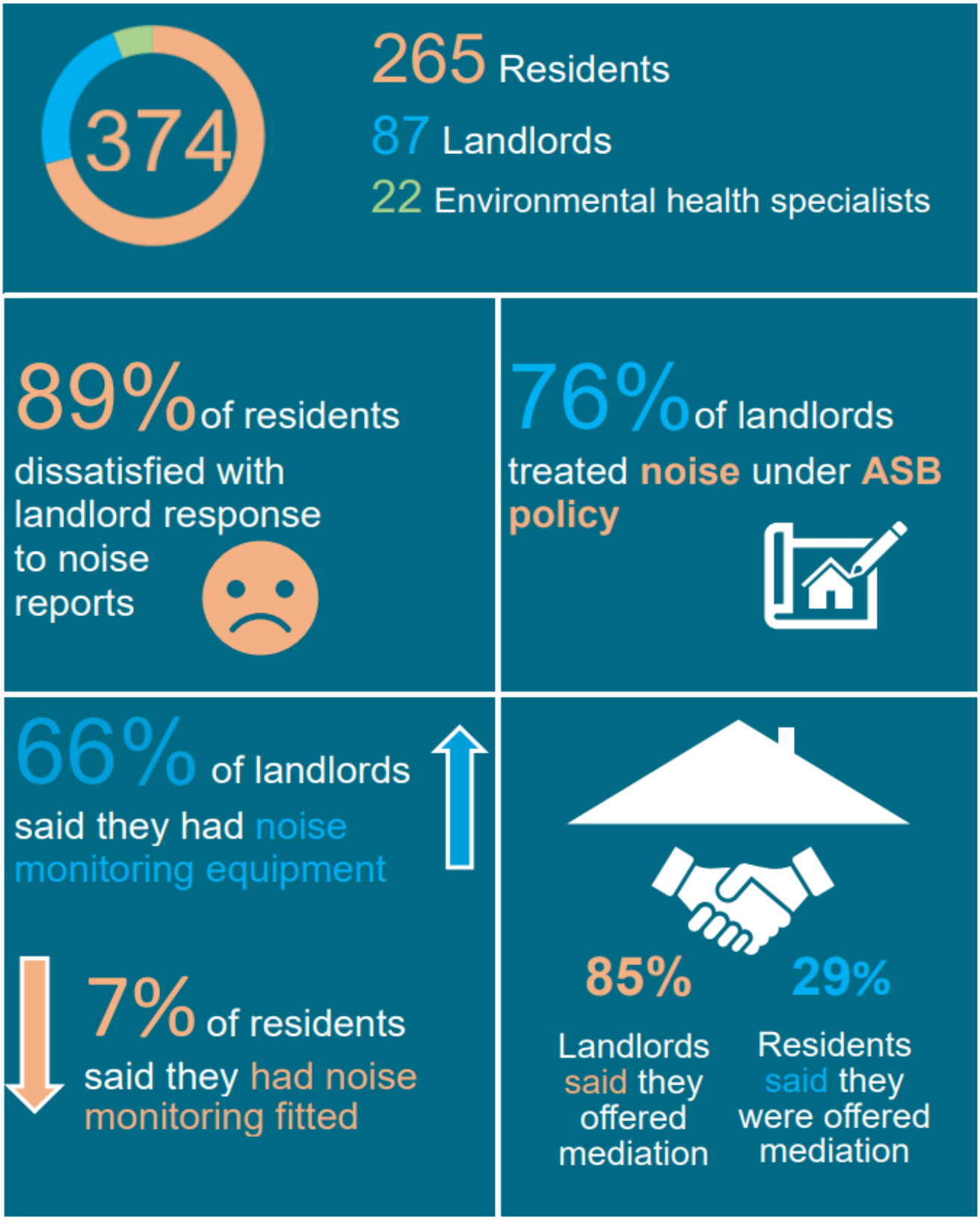
Richard Blakeway

Housing Ombudsman

Our complaints data



Call For Evidence



Background and methodology

Noise nuisance has been an issue within domestic environments since records began – the Roman poet Juvenal wrote nearly 2000 years ago about the inability to sleep because of the noise of the produce carts that were only allowed into the city at night. As a nuisance, it has been subject to numerous policy interventions and legislative bills that have tried to keep pace with the progress of human civilisation and the everchanging sources of noise. Consequently, there is no one set of rules for what constitutes a noise nuisance, and the handling of noise nuisance reports can involve multiple parties with varying jurisdictions and powers, depending on the nature of the nuisance. For further details of the legislation, jurisdictions, powers and standards that noise handling operates under, see Annex 3.

The national and local lockdowns throughout 2020 and 2021 created a situation where people were in their homes during the day when previously, they would have been out and about going about their daily lives. This led to an increase in reports about noise nuisance at a time when landlord services had to alter practices – reducing their repairs service and local presence.

We knew from our caseload before the pandemic that the handling of noise reports about neighbours was something often complained of by residents. Complaints about the service response to reports about tenant behaviour are the second largest category of complaint, after responsive repairs, that we dealt with, both within landlords' complaints procedure and at formal investigation in the financial years 2019-20 and 2020-21. We handled 848 cases in three years and found maladministration in 41% of those cases, awarding £141.5k of compensation that ranged in value from £20 to £1,800.

In addition to reviewing the cases we determined[1] between 1 April 2021 and 31 March 2022, we conducted a call for evidence that ran between 13 April 2022 and 13 May 2022, asking for assistance from residents, landlords and sector professionals to inform our understanding.

We also approached four landlords who ranged in size, type and geographical location for their individual assistance with our investigation by providing us with interview opportunities with their front-line staff and their residents who have made noise reports. We would like to thank the staff and residents of Southway Housing Association, Thirteen Group, Sandwell Council and Clarion Group for their assistance with this investigation – their contributions and insight have had a significant impact on our understanding of the handling of noise reports. We also received insight from a number of other landlords and representative bodies into how they handle noise reports.

[1] For details of our jurisdiction, please see Annex 4.

Key data from our casework

Between 1 April 2021 and 31 March 2022, we determined 181 cases with a noise complaint on the case across 96 landlords. Of those 181 cases, we found maladministration[2] in 78 cases.

Table of landlords who had three or more cases where noise was part of the complaint

Landlord	Mal per 10,000 homes	% Mal	All noise cases	Cases with mal
Newlon Housing Trust	2.72	67	3	2
Tower Hamlets Council	1.72	67	3	2
Paragon Asra Housing Limited	1.41	100	3	3
Waltham Forest Council	1.03	33	3	1
Optivo	0.92	57	7	4
Notting Hill Genesis	0.89	100	5	5
Peabody Trust	0.77	44	9	4
One Housing Group	0.77	33	3	1
Newham Council	0.65	33	3	1
Islington Council	0.55	67	3	2
London & Quadrant Housing Trust	0.5	80	5	4
Orbit Group Limited	0.45	50	4	2
Southwark Council	0.37	67	3	2
Leeds City Council	0.35	50	4	2
Bristol City Council	0.35	33	3	1
Clarion Housing Association Limited	0.27	23	13	3
Sanctuary Housing Association	0.25	33	6	2
The Guinness Partnership Limited	0	0	3	0
Westminster City Council	0	0	3	0

There were 193 findings relating to noise contained within those cases, 52 of which we found maladministration in how they were handled. 21 had reasonable redress – where the landlord agreed with the resident that the service provision was inadequate and provided appropriate remedies within the landlord's complaint process.

Table of landlords who had three or more findings on noise complaints

Landlord	Mal per 10,000 homes	% Mal	All noise findings	Mal finding
Newlon Housing Trust	2.72	67	3	2
Tower Hamlets Council	1.72	67	3	2
Waltham Forest Council	1.03	33	3	1

[2] The term 'maladministration' covers service failure, maladministration and severe maladministration.

Paragon Asra Housing Limited	0.94	50	4	2
Optivo	0.92	50	8	4
Notting Hill Genesis	0.71	80	5	4
Newham Council	0.65	33	3	1
Peabody Trust	0.57	33	9	3
Leeds City Council	0.35	33	6	2
Islington Council	0.28	33	3	1
Clarion Housing Association Limited	0.27	20	15	3
London & Quadrant Housing Trust	0.25	33	6	2
Orbit Group Limited	0.23	25	4	1
Bristol City Council	0.00	0	3	0
London Borough of Redbridge	0.00	0	3	0
Sanctuary Housing Association	0.00	0	7	0
One Housing Group	0.00	0	3	0
Southwark Council	0.00	0	3	0
The Guinness Partnership Limited	0.00	0	3	0
Westminster City Council	0.00	0	3	0

The most common type of noise reported that the Ombudsman found had been mishandled was household noise – 32 of the 52 maladministration findings concerned how the landlord had responded to an issue with household noise. We defined household noise as everyday noise such as the closing of doors, children noise and people talking and walking about in their homes.

Household noise	32
Music	8
Pets	4
DIY	2
Parties	2
Plumbing	2
External noise	2

We made 86 orders and 27 recommendations on the noise complaints we found maladministration on:

	Orders	**Recommendations**
Compensation	51	0
Take Specific Action (non-repair)	14	10
Case Review	6	1
Apology	5	0
Staff Training	4	7
Other	3	3
Repairs	2	0
Process Change	1	3
Policy Review	0	3

Table of landlords who had two or more findings on complaints handling

Landlord	Mal per 10,000 homes	% Mal	All complaint handling findings	Mal findings
Elim Housing Association Limited	11.45	50	2	1
Newlon Housing Trust	2.72	100	2	2
Tower Hamlets Council	1.72	100	2	2
Wandle Housing Association Limited	1.43	50	2	1
Islington Council	0.55	100	2	2
London & Quadrant Housing Trust	0.50	100	4	4
Orbit Group Limited	0.45	100	2	2
Southwark Council	0.37	100	2	2
Notting Hill Genesis	0.36	50	4	2
Bristol City Council	0.35	50	2	1
Optivo	0.23	50	2	1
Peabody Trust	0.19	25	4	1
Clarion Housing Association Limited	0.18	33	6	2
Sanctuary Housing Association	0.12	50	2	1
Westminster City Council	0.00	0	2	0

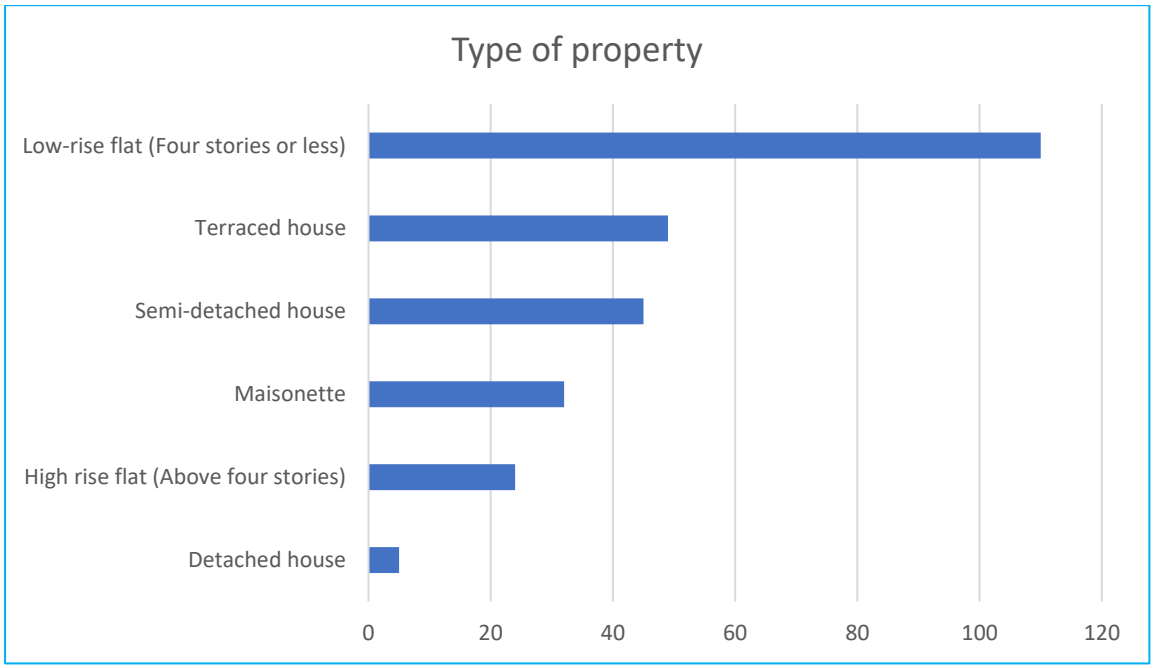
We made 56 orders and 20 recommendations on the complaints handling findings we found maladministration on:

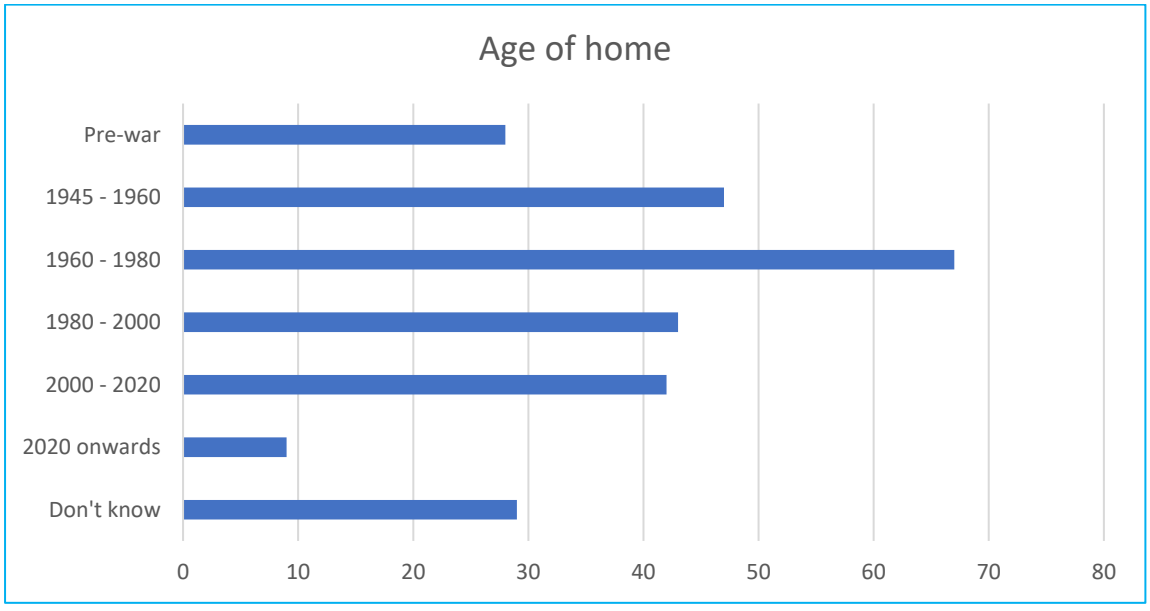
	Orders	Recommendations
Compensation	44	0
Apology	5	0
Staff Training	3	4
Case Review	2	1
Policy Review	2	7
Take Specific Action (non-repair)	0	5
Process Change	0	1
Other	0	2

Key data from our call for evidence

Our call for evidence was open for four weeks from mid-April 2022, and we received 374 responses. This comprised of 265 from residents, 87 from landlords and 22 from environmental health (EH) specialists.

We found 42% of the residents who responded live in low-rise flats (four stories or less) and 25% of the residents who responded reporting the age of their property as being 40 to 60 years old.





Type of noise report

206 of the resident respondents had reported at least one noise issue to their landlord. As with our casework, the majority of those reports were about household

noise – 120 of 330 reports of noise (residents often reported more than one type of noise issue). The majority of landlords (66 of 87 respondents) confirmed that most noise reports made to them are about household noise.

Interestingly, only six of the 22 EH specialists felt that the most common noise reported was household noise – this may be reflective of that fact that EH specialists are only likely to become aware of a noise report once it has breached the statutory noise nuisance threshold.

Equipment used

There was disparity in response between residents and landlords as to what equipment landlords asked residents to use.

Noise app and diary sheets

- Only 70 (34%) of the 206 residents who had made a noise report told us that they had been asked to use the Noise app (a digital application available for smartphones and tablets) and 132 (64%) told us that they had been asked to use diary sheets.
- However, 47 (54%) of the landlords reported that they used the Noise app and nearly all (80, 92%) told us they asked residents to complete diary sheets.
- On average, residents scored the Noise app 4.2 out of 10 for ease of usage and diary sheets 5.2 out of 10.

Landlords reported that the biggest issue with the Noise app was that residents needed to have the appropriate technology and skills to use it, but the best aspect of it was the high quality of evidence it could gather. However, EH specialists stated that the biggest issue with the Noise app was the inconsistent quality of the evidence it gathered. This is possibly a reflection of the difference in the eventual purpose of the evidence gathered – landlords collected the evidence for potential breaches of tenancy and/or actions under their ASB policies whereas EH specialists will be working to prove that the noise has breached statutory noise nuisance levels. Landlords reported that the biggest issue with diary sheets was residents were often reluctant or refused to complete them.

Noise monitoring equipment

- Only 15 (7%) of the resident respondents had had noise monitoring equipment fitted, while 57 (66%) of the landlords that responded confirmed that they used noise monitoring equipment, albeit not in every case.
- Of those 57 landlords, 16 did not have access to their own noise monitoring equipment and 12 of those signposted residents to the environmental health teams.
- As might be expected EH specialists used noise monitoring equipment more frequently with only two of the 22 respondents stating that they did not use it.
- On average, residents scored noise monitoring equipment 4.4 out of 10, with 12 of the 15 residents who had had noise monitoring equipment installed rating it at 6 out of 10 or less.

Similar to the Noise app, the biggest issue landlords had with noise monitoring equipment was the difficulty of operating it and the best aspect was the objective evidence it could gather. For EH specialists, the objectivity of the evidence was also the biggest positive, but they cited the administration required as their biggest reservation about using the equipment.

Use of third parties and alternatives to legal action

Environmental Health

- Only 33% (69 of 206) of resident respondents who had made a noise report said that the environmental health team were contacted – either by the landlord or them – with 54 residents saying they did not know if the environmental health team had been contacted.
- 90% (78) of landlord respondents said that they involved third parties in a noise report when it wasn't ASB but only nine of the 22 EH specialists agreed with that statement.

When discussing liaison with the environmental health teams, landlords cited a delay in getting responses or in getting hold of the required noise monitoring equipment and that the team would often only get involved if the noise was statutory in nature.

Mediation

- Where the noise reported involved a neighbour, 29% of resident respondents said that they were offered mediation by the landlord, with only 15 of those 51 residents taking the offer up and participating in mediation.
- None of those 15 residents found mediation useful, with all of them scoring it 5 or less out of 10.
- By contrast, 85% (74) of landlords said that they did offer mediation, but they did acknowledge that the biggest issue with mediation was the resident's reluctance or refusal to participate in the process.

ASB Community Trigger

- Only 24% (41 of 173 who responded to this question) of residents knew about the community trigger (formally known as the ASB case review) and only 66% (57) of the landlords who responded to the survey actively advertise the process to their residents.
- Only nine EH specialists confirmed that they had seen the community trigger advertised to residents.
- Of the 41 residents who were aware of the community trigger, 21 of them had used it for their noise report.
- Of those landlords who did not advertise the community trigger (30), only nine of them confirmed that their residents had used it.
- Conversely, of the landlords who advertised it (57), 29 of them confirmed that their residents had used it.

Satisfaction with the report's handling

- Only 26% of residents who had reported noise (54 of 206 respondents) felt that the landlord kept them updated during their noise complaint.
- 89% of the residents who had reported noise said that they were subsequently dissatisfied with the landlord's response to their reports and of those 179 dissatisfied residents, 72 (40%) went on to make a complaint about the handling of their noise report.
- Of those 72 residents, 25 subsequently brought their complaint to the Ombudsman once the landlord's complaint procedure had been exhausted.

Policies and preventative work

- Of the 87 landlords who responded, 66 (76%) of them handle every noise report under their ASB policy.
- Of the 21 landlords who did not do that, 15 of them had a separate, specific, policy on noise reports.
- Only 48 (55%) of the 87 landlords confirmed that they had consulted residents when designing their policies, whereas 89% (77) of landlords said that they used learning from complaints to develop their approach to noise reports.
- 90% (78) of landlord respondents said that they had a local presence on their estates, such as Housing Officers, Patch Officers or Neighbourhood Officers.
- However, only 42% (110) of resident respondents said that there was a local presence on their estate, with 49 respondents saying they did not know if there was a local presence on their estate or not.

Insight from our casework

ASB policies

In all cases we assessed, the landlords concerned had ASB policies in place, although they varied considerably in breadth, approach and timescales.

In just under half the cases where we found maladministration (including service failure) or reasonable redress in how the landlord handled the noise reports, landlords had failed to comply with their own ASB policies. This varied from not invoking them when the policy states they should do so, to correctly identifying ASB as per their policy definition and starting the process, but then failing to follow through with actions such as risk assessments, action plans or acceptable behaviour contracts.

This lack of adherence to their policy meant landlords were unable to demonstrate that they had thoroughly investigated the noise report and responded reasonably to the resident when we investigated their complaint.

In case study 1[3] where a resident reported a group of residents sitting on a communal bench under his window making excessive noise, the landlord failed to identify the matter as ASB and thus took insufficient action. We found other instances where landlords were too zealous with the interpretation or implementation of their ASB policy. In case study 2, the lack of confidence by the housing officers dealing with the matter meant they advised the resident of the most extreme possible outcome at the start of the process. They did not consider mediation, acceptable behaviour contracts or any other option available to them in their policy. This had the direct effect of mismanaging the resident's expectations, which understandably caused her to question why no progress had been made in the eviction. It was also not fair, reasonable or proportionate for the neighbour to have been given a precautionary notice after seemingly only having had one meeting with the landlord about the noise issue the previous month.

Respect

When we examined landlord communication within our casework, we looked at the quantity and quality of it, and the content and tone, including internal correspondence that the resident would not have seen. Although we did not find any evidence that gave us concerns about outright discrimination or bias, we did find themes in relation to disrespectful comments, tone and approach. In some cases, this caused the resident to perceive that they had been discriminated against. We particularly saw a disrespectful approach in cases where the resident had previously complained. This led the resident to raise a formal complaint because they considered the landlord had been dismissive of their reports of noise.

In case study 3, the landlord stated that they were 'disappointed' that the resident was making noise complaints again. Although the landlord may have been disappointed that a property transfer had seemingly not resolved the matter for her, it

[3] Case studies can be found in Annex 2.

was inappropriate for them to express this view to her, particularly in the form of a response to a new noise complaint in a way that left it ambiguous as to whether they were disappointed *for* her or disappointed *in* her. Given that the landlord failed to act on her noise report for three months, and then took a further six months to respond to her service complaint, this lends credence to the latter inference.

In case study 4, the landlord reached a conclusion about the resident's reports without investigating them. Consequently, their conclusion and associated inaction cannot reasonably be called evidence-based, fair or impartial. The landlord was influenced by events surrounding the resident's previous tenancy, to the point where it conflated those issues with his current situation. It is unclear whether the resident had sight of the landlord's internal communications about him prior to bringing his complaint to the Ombudsman, or whether the landlord has considered the impact on the resident on reading these views about him.

Other issues we saw that may give rise to perceptions and allegations of bias were failing to acknowledge or respond to correspondence, delay, and the allocation for the handling of the complaint.

In case study 5, the landlord acknowledged, and apologised for, the resident feeling she had been discriminated against, but did not take any steps to remedy the situation that had led to her feeling that way by reassigning the complaint to a member of staff who had not been involved. If that had not been possible, that should have been explained to the resident, along with details of how they would provide oversight of the complaint's handling. By acknowledging her concern but then failing to take steps to address it, this left the landlord potentially vulnerable to further allegations of bias and discrimination, as well as the resident continuing to feel she was being discriminated against.

Managing expectations

We saw a theme in our casework with landlords not managing expectations at an early stage around what the likely outcome of a resident's noise report would be – both in failing to challenge unreasonable expectations and in creating unrealistic expectations. This was particularly prevalent when communicating about what enforcement action might, or might not, be taken.

Initially in case study 6, the landlord acted promptly and in line with its policy and procedures by issuing a noise abatement notice and warning. However, there then appeared to be confusion and subsequent delay about professional witnesses, including whether the police could fulfil that role, without any action taken to clarify. The Housing Caution served to the neighbour made no distinction around statutory noise; it referenced noise nuisance. There was a possible breach of the Section 80 notice, which it does not appear the landlord considered.

Enforcement action can be a slow process and it is not disputed the landlord was gathering evidence with the view of taking the matter to court. However, landlords must also demonstrate they have tried all other reasonable courses of action to resolve the matter before bringing the matter to court. It is entirely understandable that, when the noise nuisance continued after the notice and warning had been

served and there was seemingly no escalation to the next stage of the process, that the resident felt the landlord had "backtracked". It would have been advisable to have made the timescales and the processes that the landlord had to follow clear to the resident at the start of the process, rather than some seven months later when the matter was already highly emotive and contentious.

We also found instances that suggested staff may lack confidence in informing residents that no further action is likely to be taken. This may be due to a lack of knowledge, skills or training in a particular area, and/or a general sense of unease in delivering difficult messages.

In case study 7, the landlord clearly told the resident on six separate occasions that it would be issuing proceedings against the neighbour. It was entirely reasonable for her to have been of the belief they were doing so, especially as they told her to continue submitting reports and evidence for the court, albeit it was delayed due to the constrictions of the pandemic.

It was not appropriate however, for the landlord to state it was unable to issue possession proceedings as that was not the precise legal position; it could have served a Notice Seeking Possession. It was also not acceptable for the landlord to suggest that the resident and her ongoing complaints were to blame for the landlord having mismanaged her expectations. Even if the landlord had felt under pressure and an obligation to tell the resident what it suspected she wanted to hear, its assessment of proportionality should have been carried out at the beginning but there is no evidence to suggest it did so until nine months after her initial noise report.

Although the resident appears to have welcomed the decision to issue proceedings, there is no indication that she was expecting or demanding this from the landlord. Therefore, it is unfair for the landlord to assert it felt "compelled" to tell her this was its intended course of action.

Timeliness and communication

Even if the landlords' handling of the ASB matter itself was appropriate and in line with their policy, we found that landlords often undermined themselves by failing to adhere to their timescales for responses and failed to communicate key updates and/or make any contact with the resident at all (case study 8).

Records

In just under half of the noise complaints where we found maladministration or reasonable redress, the quality of records kept by the landlord was an issue. This ranged from an absence of records to poor quality in what was available. We saw examples where landlords had mislaid documents provided to them by residents, such as diary sheets, and where landlords had failed to open or record cases on their databases, even where they were corresponding with the resident about the noise or ASB report. We also found instances where property inspections had been carried out but there were no written records or associated reports available.

Landlords did not consistently ensure they recorded any known vulnerabilities of their residents, yet some of these landlords have ASB policies which state they take a “victim-centred” approach.

Records of telephone conversations were particularly absent, making it difficult for landlords to keep track of conversations held and causing both landlords and residents to have to rely on their recall of a particular conversation and the actions discussed.

Flooring

It was evident from our casework that flooring, specifically the installation of hardwood or laminate flooring, was problematic, particularly in cases where the flooring installation occurred in the flat above. Firstly the, perceived or otherwise, increase in noise because of a lack of carpet or underlay; and secondly a failure on the part of landlords to acknowledge this as a potential contributing factor to the noise complaint, even when it was explicitly brought to their attention (case study 9). In case study 10, by focusing solely on whether the threshold of statutory noise had been met, the comparatively simple solution of laying rugs on the laminate flooring was ignored. This highlights the need for landlords to adopt a broader, pragmatic and holistic approach to noise complaints and not be beholden to statutory noise when considering whether they can, or should, act. Although a lack of statutory noise levels does limit landlords’ options, particularly tenancy enforcement action, it does not absolve them of the requirement to explore other suitable resolutions.

Landlords could usually demonstrate that the issue of hard flooring was contained in their policies and tenancy agreements; either that it was not allowed or that it could only be installed with permission and/or with certain conditions, such as high-quality underlay. However, a theme running through our casework was residents installing hard flooring without the landlord’s knowledge or consent and an absence of checks by the landlord, if they had granted permission, whether the stipulated conditions had been complied with. Case study 11 not only illustrated this, but also the other, wider, theme of families being housed in flats above other residents. Over a quarter of the noise complaints where we found maladministration or reasonable redress were from a resident of a flat where the noise was coming from an upstairs flat with a family living in it. This poses the question as to whether, if there are options without homes underneath available, families should not be offered properties in higher floors. In case study 12, the landlord’s policy was silent on whether the removal of carpets by tenants was allowed and although the landlord took some steps to investigate the reported removal of the carpet from the flat upstairs, it appears that no checks were carried out to verify the neighbour’s assertion that the carpets were still in place, and instead it concentrated its answer to the noise report on the comment about the absence of sound proofing.

We did find some examples of good practice where, alerted to the issue, the landlord was responsive and carried out property inspections as part of their investigation. In those instances, where the installation had occurred without permission, they ensured remedial action was taken. However, we also saw cases where the landlord’s approach was to incorrectly treat the flooring issue as an ASB case and a

neighbour dispute – failing to understand the core issue, resulting in a course of action that was misguided and unnecessary which usually resulted in even more frustration for the resident raising the complaint. In case study 13, the landlord initially seemed to be responsive to the resident's concern about the hardwood flooring upstairs, which wasn't permitted under its flooring policy, and informed the resident and the neighbour of the potential enforcement action they would be taking. However, despite the tenancy breach being raised, the landlord did not follow this up with an inspection of the property to check whether the agreement had been fulfilled.

Washing machines

It was a theme in our casebook that landlords did not sufficiently consider that the use of washing machines at unsociable hours could constitute ASB under their policies. Landlords were too quick to determine washing machine noise as being daily living noise and therefore, outside of their control (case study 14). In case study 15, despite being aware that the washing machine noise was an ongoing concern for the resident and that he did not want to use the Noise app, the landlord did not look at other options, such as visiting his property to witness the noise or installing the noise monitoring equipment.

Engagement work

Handling the noise report

Landlord policies in practice

Three of the landlords we worked with used their ASB policies to handle noise reports, with the other describing a noise strategy. All the landlords described an assessment process that made an early assessment of the noise report and whether it was statutory noise or ASB that would result in formal action under breach of tenancy. Lower-level noise reports that did not meet that threshold were then usually dealt with by the local housing officer, rather than by the dedicated ASB team and/or the EH team at the local council. Risk matrices were used to assess both the severity of the noise reported, but also the impact on the resident. Previous reports of noise were also considered within this assessment.

One landlord had recently brought their triage team into their customer contact centre. The triage team aimed to address low level neighbour disputes and noise issues within a week of the contact from the resident. There were no targets or time limits as to how long they spent on the initial call from the resident. They reported that this often meant that they were sometimes on the telephone for over an hour, issues were talked through and resolved during that call, with the resident content with the action proposed by the landlord and/or prepared to go and speak to the neighbour themselves to resolve the issue. The landlord acknowledged that this did mean that they had call backlogs and they also had abandoned calls but felt that it was important to spend the time listening at first contact to reach the best resolutions as quickly as possible.

All the landlords we spoke with conducted feedback surveys and quality assurance processes on their completed noise investigations.

Equipment used

All of the landlords involved in our work used the Noise app as their primary method of gathering evidence of the noise nuisance with diary sheets only being used if the resident was unable to use the technology, though one landlord had a stock of electronic tablets to give their older residents to ensure that they were still able to use the technology. We had heard anecdotally of some landlords ceasing their use of the app because the volume of reports they were receiving was unmanageable, but the landlords we spoke with described authorisation processes and filtering systems that they had put in place, some of which appeared to be built into the app's infrastructure, that meant they only received reports from residents who had already contacted them to report the noise nuisance and only a limited number of submissions a day, thus ensuring that their inboxes were not overwhelmed by submissions that were not relevant to live noise investigations.

Most of the residents we spoke to described using the Noise app as instructed by their landlord and broadly, they found it easy to use though it was flagged that it could be irritating to have to start up the app in the early hours of the morning when

woken by the noise and by the time the app was started, the noise had stopped. Another resident described their frustration at only recording for a short time when the issue with the noise was not only the duration but also the persistence of it.

One of the landlords described using their triage team to listen to the Noise app records and providing a summary of what was on the recording to the allocated housing officer. However, it became clear during our subsequent conversation that this way of handling created the situation where the true level of impact of the noise could not be adequately assessed by the case handler – a description of 'very loud music' will not do justice to music so loud that the home is shaking. This meant that the case was closed and re-opened repeatedly. After the neighbour's relative was spoken to and assurances were given that the neighbour would be told to turn it down, no tenancy action was taken despite there being repeated reports of high levels of music, probably to the level of statutory noise nuisance. The reporting resident continued to report noise nuisance for over a period of 12 months before the situation escalated further to criminal behaviour and serious damage to the landlord's property. The landlord acknowledged that the inconsistency in the handling, and how perceptions of noise can differ, had had a significant impact on the steps taken to manage this case.

Record keeping

The quantity and quality of the records about a case were acknowledged as an issue that could sometimes hamper a noise investigation. Examples included the noise report being linked to the person it concerned, not necessarily the property it concerned, meaning that if the issue was more about the property e.g. the nature of the flooring in the flat above, that continuity of intelligence about the situation was lost once the upstairs neighbour moved out, leaving the resident with the possibility that they would have to raise exactly the same issues again if the flooring situation had not been rectified before the new tenant moved in. We did see examples of this in our casework. Landlords also described different record keeping systems between the various departments, meaning that there was no continuity of knowledge across the organisation.

Working with other agencies

It was acknowledged by both landlords and residents that the change from the council being the one place a social housing resident could take their issues to had complicated matters and there was no longer clarity on which agency a resident should approach with their issue. We also heard that where council housing had been transferred to the ownership of a housing association, the resident's expectations of what the housing association was able to do was based on their experience of being a council housing resident and was often unrealistic. Housing association staff also told us that occasionally councils would forget that they no longer had authority over how the housing formerly owned by them was run and would try and tell housing associations what to do. Residents from across the country told us that the responses from their local councillors to their issues was often an issue with a lack of interest and a refusal to meet with them to discuss the problem.

During our discussions it became clear that having a good relationship with the relevant council (and where the council is also the landlord, having good internal relationships) was vital to address issues of statutory noise nuisance. Landlords described a postcode lottery resulting from the very different budgets and equipment available to different councils for dealing with noise nuisance with some local councils not having any noise monitoring equipment and/or there being an extensive delay in that being provided with little or no communication.

All of the landlords we spoke with had used other agencies in their cases where appropriate. As well as the expected liaison with the EH teams on statutory noise nuisance, landlords cited ASB Help, the police for criminal behaviour, mental health teams and social services where there were safeguarding issues in the case. Where multiple landlords were involved in the situation, they liaised with their counterparts. Landlords, however, described it sometimes being difficult to become involved in multiagency forums early enough. Landlords also acknowledged that the current delays in the court systems were causing issues.

Issues with staff turnover within policing and/or other agencies were also cited as requiring constant work to ensure everyone was clear on their respective jurisdictions and powers. This observation was supported by one resident we spoke to who had reported noise from a neighbouring property only to find out that the local Police Community Support Officer had incorrectly advised the neighbour that they were allowed to make as much noise as they liked until 11pm at night and, because the noise was therefore not recognised as being ASB because of the ‘sociable’ hours it was occurring at, her issues were not transferred to that team to handle.

Conversely, some landlords described excellent relationships with their local council, and with the police, which meant that cross-discipline proactive planning for events that might give rise to noise complaints, such as religious celebrations, could happen.

Respect

During our conversations it became clear that staff were sometimes uncomfortable handling noise reports and having difficult conversations to manage expectations. There was a broader discussion of the recent reports of public-facing staff experiencing more animosity and confrontation in their everyday engagement with their customers following the pandemic, but also that staff had, as a result of a lack of face-to-face contact during the pandemic, possibly lost confidence in their ability to negotiate their way through tense situations. It was also speculated that individual experiences during the pandemic might have led to a loss of tolerance, both on the part of residents towards their neighbours, but also of landlord staff towards residents perceived as becoming unreasonable, obsessive, or having ulterior motives, and who were reporting ‘trivial’ issues or refusing to accept reasonable solutions. One resident told us that they had been called paranoid, a serial complainer and someone who wouldn’t let it go. Another resident described being offered a transfer move which, despite that being the type of property they wanted to live in in the future, they had refused because they did not want to transfer ‘just yet’.

Landlords also reported that residents were often unwilling to speak to agency staff and while there was broad agreement that handling ASB issues required specialist and skilled staff, residents were clear with us that they preferred face to face contact with their local point of contact for their noise report and landlords also confirmed that residents engaged well with their local housing/patch officers and preferred that relationship to a faceless specialist.

However, several of the landlords described having issues with the low-level cases handled by the housing officers on top of their other work – if the individual did not particularly like doing ASB work, that was sometimes left to last and rent collection and voids always took precedence. One landlord handles rent arrears using a different team to the housing team and this would appear to ensure that there is a firewall between conversations about whether a resident is in arrears with conversations about whether they are having problems with their neighbours.

The issue of corporate memory and succession planning was also mentioned with new staff sometimes not knowing the history of the case and that leading to a loss of confidence from the resident, potentially damaging relationships.

Modern living

One of the main drivers for conducting this Spotlight investigation was the rapid change in how people used their homes because of the pandemic, with everyone staying in their homes during the lockdowns and those who could do so moving to home working – a way of working that did not automatically revert once the lockdowns were over. This increase in home working means not only that people are in their homes to hear their neighbours, but that they are often concentrating and are more easily disturbed by everyday household noise. Even without this major change in living patterns, some of the noise reports that we discussed with landlords were created by realities of modern living and a lack of external storage for residents – for example, heavy prams or bicycles having to be ‘bumped’ up the stairs to be stored in the flat.

Flooring

Mirroring our casework, the subject of flooring, particularly hard flooring in upstairs flats, came up in our professional discussions. During our conversations, it became clear that a lot of landlords do, as standard practice, take up the carpets at the end of a tenancy and let the property to the new tenant with bare floorboards. It was acknowledged that this often means that tenants leave the floorboards bare as putting new carpet down can be a significant expense. The reason given in conversation was that the carpet was removed as the landlord did not wish to be liable for replacing it when it became damaged. However, in professional discussions other landlords have described asking tenants to sign a liability waiver for the furnishings left behind and we are aware that the carpets are not removed in mutual exchanges. Conversely, one of the landlords we spoke to has now started fitting new carpets to their properties as standard in the hope it will help their new tenants feel more like it is their home.

We also discussed what clauses there are in tenancy agreements around hardwood or laminate flooring. Some tenancy agreements have no clauses in them around hard flooring, some require a tenant to ask for permission before putting it down and that permission is given on condition that appropriate insulation is fitted.

Good neighbourhood management

Allocations

A theme that came up in our conversations with landlords was the different levels of information available to the local council about prospective tenants, compared to what was then shared with the housing association. Landlords gave us examples of situations where someone had been allocated a property where it became immediately apparent after they moved in that it was not the right property for them and their needs, and their local community was impacted by that allocation.

A landlord gave the example of an extremely vulnerable resident being placed in a new build, general needs bungalow, where the community was predominately elderly women. The landlord was not provided with the full details of the needs of the resident. After they moved in, concerns about their behaviour were reported, which was having a serious impact on the surrounding residents. The landlord discussed the issues with the resident's support agencies, but they did not want the resident to be moved. The landlord tried to manage the situation and provide reassurance to the surrounding community. It modified the property with sound proofing and padding. After six months, and ongoing reports from the surrounding community of unacceptable behaviour, the landlord had to end the tenancy and evicted the resident. The inspection of the property once the resident had left revealed significant damage had been caused, including huge holes in internal walls. The impact this allocation had on the surrounding community was significant, as was the impact on the landlord's resources to fix the damage and make the property habitable again.

This example demonstrates the importance of full disclosure at application stage, to ensure that the most suitable property is allocated.

The impact of allocations on the local community was one that we have explored in a number of professional conversations and there is a general recognition that sometimes the focus is on getting a void property allocated, rather than on whether that allocation is the right one or will it create longer term problems. One of the residents we spoke to explained that there had been long-term issues with the neighbours living above and yet, when the neighbours finally moved out, there was no consideration at all to the history of noise reports when letting the flat again, meaning it started all over again. One of the landlords we spoke with has a lot of age-friendly and supported housing – they have a staff panel for their properties who check the care plans and existing arrangements for the person who is making the application and they have the power to veto applications if they feel that the person would be disruptive to the existing community.

Building community relations

A number of the landlords we spoke to shared excellent examples of clear, non-patronising and informative guidance to new tenants, that had been co-designed with residents. They included hints and tips on how to manage relations, such as letting your neighbour know beforehand that you were holding a birthday party and the noise should be over by 10pm because that's when you would be asking everyone to leave. Other common guidance leaflets included targeted seasonal leaflets about barbeques, mopeds and religious festivals. Landlords also described really good and innovative community building events that helped to bridge cultural differences, including 'High-Rise champions' to rebuild community relationships after the lockdowns had left people not knowing who their neighbours were.

A landlord gave an example of strong inter-neighbourhood work to address a lack of understanding of cultural differences. Their residents were reporting issues with a group of people gathering and having barbeques and playing football every evening. Housing officers attended the events and ascertained that the community was celebrating the Africa Cup of Nations football tournament. They arranged for the local tenant association to become involved in the celebrations and organised a West African themed dinner, dance and drumming night. The chair of the local tenant association was invited to do the ceremonial kick off for the final game.

One landlord cited an unexpected benefit to building community relationships from the change in their practices required by the pandemic. Previously, when moving new residents into new build estates, the exchange of paperwork, keys etc, had occurred inside the new home. However, with the need for social distancing, the landlord had moved to conducting all the paperwork and handing over the keys outside the property. As a consequence, neighbours who were all moving in on the same day became aware of each other, met each other and started to form those community relationships from the very first day and the feedback from the community has been overwhelmingly positive. Consequently, the landlord has taken the decision to continue doing the handovers outside when moving in multiple neighbours.

Landlords also gave us examples of tenancy agreements that were explicit in warning that causing persistent nuisance to neighbours might lead to a breach of tenancy and possible eviction. Conversely though, the issue of the phrase 'quiet enjoyment' in tenancies was also highlighted, with landlords acknowledging that common reading of that phrase had led their residents to believe that this meant that common household noise would be a reason to terminate their neighbour's tenancy.

If not ASB, then what?

During our conversations, it became clear that noise issues rarely manifested on their own and were often accompanied by other issues such as littering and criminal damage. It is therefore understandable that the default position has been to handle all noise reports through the ASB policies. However, the consequence of that appears to be that issues which were more about the relationship between neighbours, and where reporting a noise nuisance was being used as a method to progress the grievance, sometimes maliciously, were sometimes not gripped and

recognised for what they were. We were also given examples where the noise report was being made for ulterior motives, e.g. because the person wanted to move.

Use of mediation

Landlords' use of mediation was varied but all agreed that it was a useful tool to help neighbours reach an understanding where the noise issue was one of everyday household noise. All of the landlords we worked with reported that residents were often reluctant to engage in mediation as it put them in the same room as the person they had an issue with and then, if it did not work, it might escalate tensions between them and their neighbour. One landlord made the very valid observation that because it is done under the label of an option within an ASB policy, that might contribute to a resident's perception that it will be unsuccessful as ASB is rarely of the nature whereby mediation is appropriate, whereas mediation as a tool for good neighbourhood management is more palatable. Another landlord raised the internal concerns they had with accessing a mediation service, and that they didn't yet have the option to offer this to their customers but could see the benefit this would give in residents maintaining relationships and putting the expectation back on the resident in communicating their concerns.

The residents we spoke to had had mediation offered to them, and some of them had participated in mediation. One resident stated that they were only offered mediation when the situation had progressed too far for it to be appropriate. Another stated that the mediation had been successful the first time the issues had been reported, but when they reoccurred, the neighbour avoided doing mediation again and instead changed the time at which they created the noise but continued creating it.

Neighbourhood presence and visibility

During our engagement on this report, we were informed of a number of initiatives such as neighbourhood walkabouts and estate wardens, particularly for ASB 'hotspots'. The residents we spoke to who lived in those 'hotspots' were highly complementary about the initiatives, agreeing that it had significantly reduced the ASB in their area and they felt safer in their homes. However, it was also recognised that tackling criminal behaviour can and should be handled by the police and the existence of wardens on certain estates had led to issues with getting the police to attend when a crime was reported. It was also recognised that these schemes are very resource-intensive and cannot be rolled out everywhere.

Making a complaint

A number of the residents we spoke to described noise issues and situations that had been going on for some time, sometimes years. And yet, none of them had made a complaint about how the noise report was being handled, despite often expressing their dissatisfaction with what was (not) occurring. Residents told us that they had not raised a complaint about the situation because they were of the understanding that the situation was not within the landlord's control – for example, one had been told that the court delays were the reason that the noise from an adjacent property could not be stopped.

Conclusions and recommendations

Getting the framework right

The approach of landlords is informed by the policies and legislative framework within which they operate. The legislation, produced by successive governments over several decades, has placed a strong emphasis on the treatment of noise as anti-social behaviour when not to statutory noise nuisance levels or not experienced because of inadequate sound insulation. This has resulted in noise reports to social landlords often being viewed through this narrow prism, which can lead to escalation rather than early resolution. It can also result in unduly high expectations when futile exercises in evidence gathering are pursued despite there being no realistic prospect of action under ASB legislation or through breach of tenancy. Three quarters of landlords who responded to our call for evidence did not have a policy, and therefore a developed approach, to handling noise reports outside ASB and a clear majority of investigations upheld by the Ombudsman involved noise that was never anti-social in nature.

The review of the Decent Homes standard is an opportunity to consider noise in a modern context. The standard focuses on external noise and particularly in relation to vehicles or factories. It uses the definition of noise as a hazard within the Housing Health and Safety Rating System (HHSRS) as its benchmark, but this is limited in scope and does not fully reflect the reality of noise nuisance within a home which, although not to a level whereby it is officially a hazard, still makes that home a non-decent place to live.

The Ombudsman believes residents and landlords would benefit from noise nuisance being reconsidered as part of the Decent Homes review, with the standard more clearly reflecting the concerns being raised by residents. This would offer clear guidance to landlords and support the development of their approach.

Recommendation 1*	**The Decent Homes standard should be revised to fully reflect the causes that can result in residents experiencing noise nuisance. By focusing exclusively on external noise, and primarily noise from vehicles or factories, it does not reflect modern living for most residents.**

*** Our recommendations are grouped by theme and not in numerical order.**

Prevention is better than cure

Throughout our casebook we saw examples of noise reports where the cause of the noise was potentially preventable. This was also a common theme in our engagement work with both landlords and residents giving us examples of where noise was occurring through circumstances that could have been handled differently. Although the Ombudsman accepts that landlords are not responsible for soundproofing homes above the standards applicable at the time of building, it needs to be recognised that actions taken to prevent and/or mitigate for the typical sources of noise nuisance will, in the long run, be more cost-efficient than handling the

subsequent noise nuisance report. Ultimately, and importantly, will provide a better quality of service to its residents.

Allocations

A particular insight we got from our engagement activities was that housing associations sometimes struggle to get all the information they feel they need from the local authority when allocating a property. Examples ranged from not being given information that an individual had had ASB reports made against them before to not being made aware of significant mental health issues that manifested in very distressing behaviours for the other members of the neighbourhood. Conversely, local authority landlords described directly accessing the housing register, as well as internal databases and being able to make a fully informed decision. We were told that the provisions of the General Data Protection Regulation (GDPR) were often cited as reasons that information could not be shared, but that is a misinterpretation of the principles surrounding data sharing – sharing information with housing associations to inform allocations is a lawful basis for processing data and is therefore GDPR compliant.

Recommendation 16	**Local authorities should ensure that information shared relating to an applicant's suitability for a vacant home is substantial enough to support any requirements relating to sensitive lettings. Sharing information with housing associations to inform allocations is a lawful basis for processing data. If it is not possible to provide direct access to a housing register to facilitate this, an appropriate download of relevant data should be provided to housing associations.**

We were particularly struck by the good practice example given of the staff panel who had the power to veto applications if they did not feel that the person was a good fit for the existing community. While the Ombudsman acknowledges the importance of filling void properties quickly and the reality of housing availability, more can be done to ensure that the allocation of properties is the best fit for the pre-existing community and for the new resident.

Recommendation 12	**All applications for housing should be assessed for the impact on the existing community and not just those considered to be sensitive.**

One particular theme that came up surrounding allocations that caused tensions was the placing of families in flats above other homes. There is a reality that families are busy and there is more movement in a family home compared to a home that does not have children or multiple occupants present and therefore there is a greater possibility of noise transference through the floor into the home below. The Ombudsman accepts that housing availability may limit options, and therefore additional suitability considerations should be made, especially where previous reports of noise have been made.

Recommendation 13	**When considering housing applications from families or households with multiple occupants, consideration should be given to the suitability of allocating properties above ground floor, where previous reports of noise nuisance (whether upheld or not) have been made and whether any mitigations can be made to the home.**

Starting a new tenancy

Our investigation found that there were some common practices that had the potential to create noise nuisance, as well as some simple steps that could be taken to mitigate the potential for noise nuisance to happen during the tenancy. Several landlords told us that it was routine practice for them to take up the carpets left behind by the previous tenant, even if they were in relatively good condition, because of the potential that they would be considered liable for repairing or replacing them if they became damaged and/or worn out. However, other landlords confirmed that, providing that the carpet was in relatively good condition, they asked new tenants if they wanted to keep the carpets and, if so, to sign a liability waiver. The landlords also confirmed that they cleaned them as part of their standard procedure. Some landlords now fit carpet as standard in the void period. It is noted that carpets are not routinely removed in mutual exchanges. Given that carpets also provide a degree of thermal insulation as well as noise insulation, and incoming tenants sometimes do not have the ready funds to provide their own carpeting immediately, removing carpets that are in good condition does not seem reasonable or fair in all the circumstances.

Recommendation 3a	**Landlords should update their void standard to ensure that:** • **carpets are not removed unless they are in a poor state of repair** • **hard flooring is removed when there have been reports of noise linked to the property** **If landlords assess the condition of the carpets as good, they should ask the prospective tenant if they wish to keep them and if so, to sign a liability waiver.**

A further consequence of the removal of the existing carpets is that it allows for the potential for a new tenant to choose to put down hard flooring, or leave the floorboards bare, rather than put carpeting down. Our casebook was dominated by noise nuisance caused by hard flooring where either there was no restriction on putting down hard flooring in the tenancy, or where permission had to be sought, but the procedures around that were not routinely followed. We also saw numerous cases where rugs were provided as part of the solution to the noise nuisance caused by bare floorboards or hard flooring.

Recommendation 14	**New tenancy agreements for flats with other homes below should include clauses that hard flooring is not permitted.**

Recommendation 22	**For existing tenancy agreements where hard flooring is only permitted with permission and/or with conditions (such as appropriate underlay or that permission will be rescinded if a noise report is made), if a noise report is made, those clauses should be inspected against and enforced.**
Recommendation 23	**For existing tenancies where carpets were removed and/or hard flooring is present, the landlord should signpost residents where appropriate to funding for carpets and rugs.**

During our professional discussions, we were told of initiatives landlords have taken to insulate the walls between flats while they are empty, particularly those flats built in the 1980s when the regulations did not require the walls between properties to be particularly thick and they were consistently handling reports of normal household noise transference. Given that landlords will have net zero programmes for thermal insulation, ensuring that that insulation also provides noise insulation and does not make noise transference worse, will be particularly important.

Recommendation 2	**Landlords should consider their net zero plans for insulation to ensure that the thermal insulation activity planned will also provide noise insulation and will not make any existing noise transference issues worse.**
Recommendation 3b	**Landlords should update their void standard to ensure properties have adequate insulation from transference noise.**

Another common source of noise nuisance reports was the use of washing machines, particularly during the sleeping hours of the resident below. We saw instances where the use of washing machines outside normal daylight hours was recognised as being anti-social in nature, however, for people who work shifts, they may be asleep during daylight hours and therefore the use of a washing machine during daylight hours might be disruptive to their sleep. Washing machines will continue to be required in modern living, but landlords can take simple steps such as putting down anti-vibration mats in the space for the washing machine before a new tenancy starts. This, together with our recommendations on carpeting and flooring, should be reflected in landlords' void policy.

Recommendation 3c	**Landlords should update their void standard to ensure anti-vibration mats are fitted into the washing machine space as standard.**

Another good practice that we were given examples of by a number of landlords was some simple information leaflets to new residents that explained the common trigger points for neighbour disagreements, including noise nuisance. Landlords reported that these leaflets were often successful in helping people understand the impact of their potential actions on their neighbours and the simple steps they could take to

mitigate for that, such as letting neighbours know that there was going to be a party and what time it would be finishing.

Recommendation 21	**Landlords should provide information leaflets on 'how to be a good neighbour' as standard with the new tenancy induction pack, especially on estates where there have been ASB issues previously or where sensitive lettings policies are in place.**

Good neighbourhood management

During our engagement, we were told about a number of initiatives that landlords took to promote good neighbourhood relationships, both between their residents and between the residents and their staff. These including organising cultural events with information sharing to increase community understanding and staff regularly, and visibly, walking around estates. We were also told about initiatives landlords have taken to tackle particular 'hotspots' for ASB reports, such as a dedicated ASB officer or wardens for the area. However, these initiatives were often reactive, rather than forming part of a proactive strategy. Landlords also told us that they would like to do more mediation between residents on noise nuisance issues that did not pass the statutory noise or ASB threshold and felt that often, because mediation was only offered through their existing ASB policy, it was poorly received as an option as there was a perception that agreeing to it implied it was accepted that their behaviour was anti-social.

Recommendation 4	**Landlords should have a proactive good neighbourhood management policy, distinct to the ASB policy, with a clear suite of options for maintaining good neighbourhood relationships and a matrix for assessing which option is the most appropriate. These options should include mediation, information sharing and community building events and, where appropriate, dedicated staffing. This will ensure that low level issues of neighbour friction are dealt with at the appropriate levels and not inappropriately handled as potential ASB.** **Landlords should engage residents in the development of the good neighbourhood management policy, including residents who have recently raised a formal complaint with the landlord, to assure themselves that it reflects the expectations of residents and will be effective.**
Recommendation 8	**Landlords have demonstrated the benefits of staff being present on some estates to provide early intervention where noise is reported. However, these resources are often limited and targeted at hotspots. Landlords should review its presence on estates and the data and information that prioritises intervention, to support an effective good neighbourhood strategy.**

Handling a noise report

The Ombudsman recognises that preventative action will only resolve some issues before they escalate to a report of noise. During our investigation, we also found issues with how noise reports are handled, once made.

Triage

The majority of landlords who answered the call for evidence, and the ones we spoke to during our engagement work, use their ASB policy to handle noise reports. As previously stated, there is a perception amongst landlords that this may be one of the reasons that the uptake of mediation is poor. There is also the perception that managing a noise report under the ASB 'label' may unduly raise expectations as to likely outcomes. As previously stated, the Ombudsman considers that there needs to be two distinct policies – one for good neighbourhood management and one for issues that meet the ASB threshold. This provides clarity to the resident early in the process about what the possible outcomes of their report are and allows for issues to be dealt with within the existing strategies for promoting good neighbour relations. This will also empower housing officers who handle these reports to recognise the work as being part of their core role.

The triage process that most landlords used meant that 'non-ASB' noise reports were often passed back to housing officers to handle on top of their existing caseload and were perceived as additional work, rather than part of the day job. This sometimes meant that the pressures on their caseload, as well as any personal preferences, impacted the timeliness of the handling of that report. We also saw examples of a perception of a conflict of interest being created because the same person who was chasing a resident for rent arrears was also the person handling their noise complaint and a concern that the resident might get a different service on their noise report than they might do otherwise. One landlord we spoke to has a separate rents collection team to their housing team to avoid such a perception and create a firewall between the point of tension around rent arrears and their housing servicing requests.

Recommendation 5	**Landlords should have a triage methodology for identifying whether a noise report should be handled under the ASB policy or the good neighbourhood management policy. This should include a recognition that the time the noise occurred has a bearing on whether the noise is anti-social in nature.** **Landlords should provide training on this triage methodology, including regular refresher training and whenever there is staff change.**
Recommendation 6	**Landlords should give consideration to separating the role responsible for collecting rent from the role handling noise reports to avoid any perception of a conflict of interest and a concern that the resident might get a different service on their noise report than they might do otherwise if they are in arrears.**

Recommendation 7	**Landlords should review the job descriptions of public-facing roles to ensure that the handling of reports under the good neighbour management policy is recognised as part of their housing service provision duties.**
Recommendation 25	**Residents must be clearly told if their noise report is being handled within the good neighbourhood management policy or is considered to be ASB.**

We saw numerous examples of very detailed ASB policies that contained a variety of options for handling reports and clear timescales for handling. However, it was a consistent theme in our casebook that the range of options available to a landlord within the policy were not considered on the individual case and the timescales were often missed. It is of paramount importance that these policies are implemented correctly and systematically followed though to conclusion. A failure to do so creates unnecessary delay, confusion, erodes the resident and landlord relationship, and often results in formal complaints.

Recommendation 9	**ASB policy timescales should be realistic and achievable. Adherence to timescales should form part of governance reporting.**
Recommendation 10	**Where options for action are included in an ASB policy, there should be clearly set out thresholds when they will be considered and/or when they might be considered inappropriate.**
Recommendation 11	**ASB policies should be realistic and practicable. Landlords should review their existing policy for whether it is routinely complied with or whether it is inherently unworkable, particularly regarding the frequency of updates to residents, the number of stages and the likely outcomes.** **Landlords should engage residents in the review of the ASB policy, including residents who have recently raised a formal complaint with the landlord, to assure themselves that it reflects the expectations of residents and will be effective.**

Equipment

It's important to acknowledge that there are other digital options available on the market for investigating noise reports, but the majority of landlords reported to us that they used the Noise app as their main source of evidence when investigating noise reports. However, some landlords reported that they were moving away from using the application as the volume of reports was overwhelming their resources. Other landlords gave us details of how they had put measures in place to control the volumes of reports, including only allowing people who had already made a noise report to submit a recording or limiting the number of submissions a person could make in the day.

Landlords who did not own their own noise monitoring equipment also reported to us that there was a distinct postcode lottery with the availability, and timely provision, of noise monitoring equipment from the local authority.

A common barrier to effectiveness that emerged in the call for evidence, for both the Noise app and noise monitoring equipment, was the ability of the resident to use it. Digital poverty was also considered a barrier during our engagement work, and we further discussed accessibility and inclusion in relation to whether diary sheets were usable by residents who had learning or sight disabilities or lacked the writing skills to complete them.

Recommendation 24	**Landlords should assure themselves that it is clear to residents when and how to report noise nuisance to them, with a full range of accessible and inclusive options available for residents to report noise.**

Record keeping

During our conversations with landlords, it became clear that previous noise reports are usually aligned to the person being reported, and not the property it concerned. Given that we regularly saw that the noise nuisance was being caused by the set-up of that home, rather than because of any unreasonable behaviour on the part of the neighbour, we consider that noise reports ought to be aligned to both the person being reported and the address being reported.

Recommendation 17	**Databases should align noise reports to both the person the report has been made against and the address the report has been made against. Where the investigation of the report concludes that it is the nature of the address, rather than the person occupying it, that is the reason the noise is occurring, this should be captured on the databases to ensure that the noise report is aligned to the causation.**

A common issue within our casework was a complete absence of any evidence that the various options articulated in the ASB policy were considered when handling the noise report and we often found maladministration as a result. If either the good neighbourhood management policy or the ASB policy states that certain options will be considered, then it is vital that if that option was considered, but its use was decided against, that that consideration and decision is recorded on the case file. If that information is absent, this disenfranchises future case handlers from knowing the full history and creates the potential for contradictory handling and mismanaged expectations. It also means that, should the handling of the noise report be complained about, the complaint handler will be unable to adequately address the complaint.

We also handled complaints where the evidence a resident submitted to the landlord was subsequently lost, with months' worth of diary sheets going missing. This, quite

understandably, was immensely frustrating to the resident concerned and usually led to a complete breakdown of trust between the resident and the landlord.

Recommendation 18	**Landlords should consider their current approach to retaining the evidence of noise that a resident submits and satisfy themselves it is sufficiently accurate and robust to ensure that they cannot lose the evidence provided. Due regard should be given to the requirements of GDPR for the retention and processing of data.**
Recommendation 27	**If a policy stipulates that certain options must be considered when responding to a noise report, it is essential for the landlord to demonstrate consideration of that option and this must be documented, even if the decision is not to use that option to enable the landlord to answer any subsequent complaint. The decision should be clearly communicated to the complainant including the reasons why.**

Use of third parties

We were told of numerous examples of excellent cross-agency working to manage neighbourhoods where complex and dynamic issues had arisen, but we were also told about situations where the resources available to assist the landlord with the issues reported were dictated by a postcode lottery. We were also told of situations where intra-agency relationships sometimes hindered addressing a noise report, with debates about whether it belonged with a council's ASB team or their environmental health teams preventing the issue from being addressed. As acknowledged in our professional conversations, the landscape for a resident to report their noise report is a complicated one and there is no one entry point anymore. It therefore becomes ever more vital that the channels, both within an agency and between agencies, are efficient and effective to ensure that a noise report is addressed with the appropriate resourcing, from the appropriate agencies.

Recommendation 15	**Landlords will often need to work with other agencies, including the police and environmental health, when responding to noise reports, however the strength of those relationships are inconsistent. Landlords should consider the service level agreements they have in place with different bodies and their effectiveness, and whether roles and responsibilities are clear.**

Respect

Where the resident is not afforded respect, neither are their concerns. We heard from individual residents that they had felt that their motives for raising a noise report were questioned by their landlord and/or that comments were made that it was their expectations that were at issue, not the noise that they were reporting. We also saw examples where the noise report was poorly handled and accompanied by comments expressing dismay that the resident was raising a noise report, which

were understandably interpreted to be a judgement on the resident themselves. We also saw examples of internal communication that did pass judgement on a resident and their motives, but we did also hear from some residents who made it clear that their motives for continuing to report noise was to ensure that they were moved. However, having the ultimate desire to move home does not automatically mean that the noise itself is fabricated and landlords have an obligation to investigate a noise report impartially and to a fair and balanced conclusion, regardless of the perceived motivation for making the report. The advent of the Access to Information Scheme for housing associations means that internal communication will be accessible to residents, and it is vital that landlords make it clear to staff that professional courtesy to its residents extends to internal and inter-agency communication about them. This is not only to prevent offence, complaints, and allegations of bias, but because as these case studies show, there is a direct link between that commentary and how the resident and their report are treated.

Recommendation 19	**Landlords should ensure the tone of communication does not result in perceptions of bias against, or being dismissive of, the resident reporting noise.**
Recommendation 20	**Landlords should begin preparing for the Access to Information Scheme and communicate this to staff emphasising the need for professional courtesy and respect for residents in internal and external communication.**

During our engagement work with landlords during the research period for this report, anecdotal evidence from landlords was that after the difficulties in providing customer service during the pandemic, such as dealing with an increase in complaints and dissatisfied customers, staff are reluctant to deliver what may be seen as bad news to residents and are equally reluctant to deal with, and may even be fearful of, any associated heightened responses. Landlords should be aware of this emotional impact and look for ways to support their staff and ensure staff have an outlet in which to express their concerns.

We also saw instances where the report handler was put at a disadvantage in handling the report, either because there was a lack of succession planning and/or record keeping, or because the evidence that was passed to them to consider had been processed and summarised by someone else, to the detriment of the handler being able to assess the true impact of the noise nuisance.

Recommendation 28	**Noise recordings submitted by residents should always be listened to by the case handler to ensure robust investigations that are informed by a true understanding of the noise being reported.**
Recommendation 29	**Landlords should review the current provision of staff training, supervision, guidance and support and whether this is conducive to ensuring high standard of customer care. Particular consideration should be given to how confident and equipped staff feel in having difficult**

	conversations, including managing expectations and delivering unwelcome news.
Recommendation 30	**Line managers should be aware of an individual's caseload and the significant decisions taken in those cases and, wherever possible, handover meetings should be conducted where the ownership of a noise report is transferred.**

Timeliness and communication

Not all of our cases had residents inferring bias and/or discrimination from a lack of communication and delay, but everyone was frustrated by it. This was particularly the case where the landlord had been quick to respond and communicate at the start of the process, but then appeared to stop responding or providing updates. Our call for evidence and engagement work with residents demonstrated the need for ongoing, consistent communication, particularly where timescales are set out in the landlord's policy. By setting an expectation and then failing to deliver, residents are understandably going to raise this as an issue and feel they are not being treated fairly.

Some delays in responses are inevitable, particularly during the height of pandemic and the associated corporate pressures. Overall, we found that landlords were receptive to acknowledging delay and poor communication in their complaint responses, with many explaining to the resident what had been the cause or contributing factor. However, there was a distinct lack of proactive 'holding letters' or notifications to the resident that there would be a delay. Even where a delay cannot be anticipated, once a landlord is aware it is going to be unable to meet a deadline for a response it has given to the resident, it is good practice to make the resident aware as soon as possible and advise them of the revised date.

Recommendation 26	**If landlords are aware there is going to be a delay in addressing a noise report and the timescales provided to the resident will not be met, explain this at the earliest available opportunity and provide revised timescales.**

Complaint handling

During our engagement work, residents told us that they had been dissatisfied with the handling of the noise report, in particular the time it was taking to resolve the underlying reasons for the noise, and yet, none of them had had a complaint recorded. Our Complaint Handling Code defines a complaint as:

'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.'

Knowing the answer to the complaint – for example that the courts are experiencing delays and therefore the order to injunct or evict for example, cannot be obtained – does not eliminate the fact that the resident is dissatisfied with the actions taken by their landlord to help them with the noise they are experiencing. A complaint is an

opportunity to evaluate the methodology being used to handle a service request and ensure it is still the right course of action and allows a landlord to identify other interim actions it could take if there is an unreasonable delay outside of its control in obtaining the eventual solution. We were struck by how little information was given to residents who reported noise on what their options were if they were dissatisfied with the solutions proposed, whether that was information about the Community Trigger for reports of ASB, or the complaints system if they did not agree with the landlord's proposals for action on their complaint.

Recommendation 31	**Landlords should ensure that information is provided as standard to residents who make noise reports about their right to make a complaint if they are dissatisfied with the landlord's proposal for handling the situation or the actions taken by the landlord to address the situation.**

We did not see this happen with any regularity within our casebook, but in the one case that we did see, there was significant detriment caused to the resident's relationship with the landlord because their complaint was allocated to the member of staff who had handled the noise report. Wherever possible, this should not happen – it is difficult to assert with any confidence that the complaint would be handled impartially, and it places the member of staff concerned in a compromised position.

Recommendation 32	**The member of staff who has been handling the noise report that is being complained about should never be allocated the complaint to investigate.**

Annex 1 – Recommendations summary

Decent Homes

1	The Decent Homes standard should be revised to fully reflect the causes that can result in residents experiencing noise nuisance. By focusing exclusively on external noise, and primarily noise from vehicles or factories, it does not reflect modern living for most residents.

Net zero

2	Landlords should consider their net zero plans for insulation to ensure that the thermal insulation activity planned will also provide noise insulation and will not make any existing noise transference issues worse.

Void standard

3	Landlords should update their void standard to ensure that: • carpets are not removed unless they are in a poor state of repair • hard flooring is removed when there have been reports of noise linked to the property • properties have adequate insulation from transference noise and; • anti-vibration mats are fitted into the washing machine space as standard. If landlords assess the condition of the carpets as good, they should ask the prospective tenant if they wish to keep them and if so, to sign a liability waiver.

Good neighbourhood management policy

4	Landlords should have a proactive good neighbourhood management policy, distinct to the ASB policy, with a clear suite of options for maintaining good neighbourhood relationships and a matrix for assessing which option is the most appropriate. These options should include mediation, information sharing and community building events and, where appropriate, dedicated staffing. This will ensure that low level issues of neighbour friction are dealt with at the appropriate levels and not inappropriately handled as potential ASB. Landlords should engage residents in the development of the good neighbourhood management policy, including residents who have recently raised a formal complaint with the landlord, to assure themselves that it reflects the expectations of residents and will be effective.
5	Landlords should have a triage methodology for identifying whether a noise report should be handled under the ASB policy or the good neighbourhood management policy. This should include a recognition that the time the noise occurred has a bearing on whether the noise is anti-social in nature. Landlords should provide training on this triage methodology, including regular refresher training and whenever there is staff change.
6	Landlords should give consideration to separating the role responsible for collecting rent from the role handling noise reports to avoid any perception

	of a conflict of interest and a concern that the resident might get a different service on their noise report than they might do otherwise if they are in arrears.
7	Landlords should review the job descriptions of public-facing roles to ensure that the handling of reports under the good neighbourhood management policy is recognised as part of their housing service provision duties.
8	Landlords have demonstrated the benefits of staff being present on some estates to provide early intervention where noise is reported. However, these resources are often limited and targeted at hotspots. Landlords should review its presence on estates and the data and information that prioritises intervention, to support an effective good neighbourhood strategy.

ASB policy

9	ASB policy timescales should be realistic and achievable. Adherence to timescales should form part of governance reporting.
10	Where options for action are included in an ASB policy, there should be clearly set out thresholds when they will be considered and/or when they might be considered inappropriate.
11	ASB policies should be realistic and practicable. Landlords should review their existing policy for whether it is routinely complied with or whether it is inherently unworkable, particularly in regard to the frequency of updates to residents, the number of stages and the likely outcomes. Landlords should engage residents in the review of the ASB policy, including residents who have recently raised a formal complaint with the landlord, to assure themselves that it reflects the expectations of residents and will be effective.

Allocations policy

12	All applications for housing should be assessed for the impact on the existing community and not just those considered to be sensitive.
13	When considering housing applications from families or households with multiple occupants, consideration should be given to the suitability of allocating properties above ground floor, where previous reports of noise nuisance (whether upheld or not) have been made and whether any mitigations can be made to the home.
14	New tenancy agreements for flats above ground floor should include clauses that hard flooring is not permitted.

Multi-agency relationships

15	Landlords will often need to work with other agencies, including the police and environmental health, when responding to noise reports, however the strength of those relationships are inconsistent. Landlords should consider the service level agreements they have in place with different bodies and their effectiveness, and whether roles and responsibilities are clear.

Data, record keeping and information sharing

16	Local authorities should ensure that information shared relating to an applicant's suitability for a vacant home is substantial enough to support any requirements relating to sensitive lettings. Sharing information with housing

	associations to inform allocations is a lawful basis for processing data. If it is not possible to provide direct access to a housing register to facilitate this, an appropriate download of relevant data should be provided to housing associations.
17	Databases should align noise reports to both the person the report has been made against and the address the report has been made against. Where the investigation of the report concludes that it is the nature of the address, rather than the person occupying it, that is the reason the noise is occurring, this should be captured on the databases to ensure that the noise report is aligned to the causation.
18	Landlords should consider their current approach to retaining the evidence of noise that a resident submits and satisfy themselves it is sufficiently accurate and robust to ensure that they cannot lose the evidence provided. Due regard should be given to the requirements of GDPR for the retention and processing of data.

Respect

19	Landlords should ensure the tone of communication does not result in perceptions of bias against, or being dismissive of, the resident reporting noise.
20	Landlords should begin preparing for the Access to Information Scheme and communicate this to staff in emphasising the need for professional courtesy and respect for residents in internal and external communication.

Starting the tenancy

21	Landlords should provide information leaflets on ‘how to be a good neighbour’ as standard with the new tenancy induction pack, especially on estates where there have been ASB issues previously or where sensitive lettings policies are in place.

Existing tenancies

22	For existing tenancy agreements where hard flooring is only permitted with permission and/or with conditions (such as appropriate underlay or that permission will be rescinded if a noise report is made), if a noise report is made, those clauses should be inspected against and enforced.
23	For existing tenancies where carpets were removed and/or hard flooring is present, the landlord should signpost residents where appropriate to funding for carpets and rugs.

Handling a noise report

24	Landlords should assure themselves that it is clear to residents when and how to report noise nuisance to them, with a full range of accessible and inclusive options available for residents to report noise.
25	Residents must be clearly told if their noise report is being handled within the good neighbourhood management policy or is considered to be ASB.
26	If landlords are aware there is going to be a delay in addressing a noise report and the timescales provided to the resident will not be met, explain this at the earliest available opportunity and provide revised timescales.
27	If a policy stipulates that certain options must be considered when responding to a noise report, it is essential for the landlord to demonstrate consideration

	of that option and this must be documented, even if the decision is not to use that option to enable the landlord to answer any subsequent complaint. The decision should be clearly communicated to the complainant including the reasons why.
28	Noise recordings submitted by residents should always be listened to by the case handler to ensure robust investigations that are informed by a true understanding of the noise being reported.
29	Landlords should review the current provision of staff training, supervision, guidance and support and whether this is conducive to ensuring high standard of customer care. Particular consideration should be given to how confident and equipped staff feel in having difficult conversations, including managing expectations and delivering unwelcome news.
30	Line managers should be aware of an individual's caseload and the significant decisions taken in those cases and, wherever possible, handover meetings should be conducted where the ownership of a noise report is transferred.
31	Landlords should ensure that information is provided as standard to residents who make noise reports about their right to make a complaint if they are dissatisfied with the landlord's proposal for handling the situation or the actions taken by the landlord to address the situation.
32	The member of staff who has been handling the noise report that is being complained about should never be allocated the complaint to investigate.

Annex 2 – Case studies

ASB policies

Case study 1

Mr P reported ASB to his landlord on 16 February 2021. The complaint was about a group of residents sitting on a bench in the communal living area directly below Mr P's window, making excessive noise. This met the criteria for ASB under the landlord's policy. Under the policy, the landlord stated it took a "victim-centred" approach and would undertake an action plan with the alleged victim of the ASB.

The landlord responded to say that there were no breaches of tenancy, but they would put up a sign asking residents to keep the noise to a minimum in communal areas. The noise continued and Mr P continued to make noise reports, which the landlord did not respond to. When Mr P brought the matter to the Ombudsman, the landlord stated it had treated the matter as a housing management issue and not as ASB as the residents in question were making noise in the daytime only, a distinction that was not in the policy.

The landlord did later accept there was a noise problem that needed to be managed.

Outcome

We found there was a service failure in the landlord's handling of Mr P's ASB report. Specifically, the landlord treated Mr P's report as a housing management issue, not ASB, but did not advise Mr P of this. The landlord's decision not to treat the matter as ASB resulted in lost opportunities to speak to Mr P and the alleged perpetrators, visit the site and take noise measurements and meant they did not devise a risk assessment or construct an action plan to resolve Mr P's concerns. The landlord was ordered to pay Mr P £100 in recognition of any distress and inconvenience caused by its errors in the handling of his ASB report.

Case study 2

Mrs Y first made noise reports about her neighbour in December 2019 and February 2020. The landlord spoke with the neighbour and the matter seemed resolved, until Mrs Y had cause to make further noise reports in October 2020. The landlord responded to Mrs Y to say it had visited the neighbour and would be serving notice on them "next week".

Mrs Y continued to make noise reports. Internal correspondence shows the landlord served the neighbour with a 'precautionary notice' in November. The landlord contacted Mrs Y on 3 November and informed her again they would be serving notice on the neighbour "this week", but explained it was a long process and they would be unable to legally evict until early 2021.

Mrs Y formally complained to the landlord in January 2021 and expressed concern that no progress seemed to have been made since her initial report of December

2019. In its response, the landlord stated to Mrs Y that the neighbour was aware that any further disruption could result in the loss of tenancy.

Mrs Y escalated her formal complaint. Internal correspondence shows the officers investigating the noise and ASB reports were unfamiliar with the ASB policy, and the relevant recording system, and did not feel confident or equipped in dealing with the case. In its final complaint response, the landlord acknowledged that the staff's lack of knowledge and understanding of the policy had been a factor in how Mrs Y's noise reports had been managed and consequently, it had arranged to run ASB training and refresher courses for employees by the end of April 2021.

Outcome

We found there was service failure in regard to the landlord's handling of Mrs Y's ASB complaint and ordered the landlord to pay her £200 for the miscommunication and poor handling of her ASB reports. We also ordered the landlord to provide evidence of the ASB training provided to its staff.

Respect

Case study 3

Miss T had been living in her flat since January 2019. Prior to that, she had lived in another of the landlord's properties and had been granted a property transfer after she had made a noise complaint.

In March 2019, Miss T made a noise report to her landlord about radio noise at night. In the landlord's response, they stated they were "disappointed" that Miss T was making noise complaints again, and that some noise would always be inevitable as it was a communal building.

The landlord did not take steps to investigate the noise until May. The landlord referred the matter to the local authority in June, who found no evidence of statutory noise.

Miss T made a service complaint to the landlord in July 2019, and the landlord issued its stage 1 response in January 2020 – a delay of six months.

Outcome

We determined there was service failure in both the handling of Miss T's noise report and her formal complaint. We ordered the landlord to pay Miss T £200 for failing to investigate her noise complaint on receipt in March 2019, and £100 for the handling of her complaint. We also recommended the landlord to contact Miss T and see whether there was any additional support it could offer her.

Case study 4

Mr F raised a noise report with his landlord in January 2019 and continued to make monthly noise reports from April 2019 to 2020. Mr F also had an open complaint with the landlord regarding repairs.

In its internal records, the landlord documented that it “suspected the noise reports were not genuine” and that Mr F was seeking a management transfer. The basis for this opinion appears to be that Mr F had moved from a previous address because a similar situation.

Although the landlord acknowledged most of Mr F’s noise reports and agreed that a recording he provided from March 2020 was of loud music into the early hours of the morning, no victim assessment or action plan was completed, contrary to the landlord’s policy. There was also no evidence of the landlord considering Mr F’s health and potential vulnerability. The landlord did not visit the property to investigate the noise, did not speak with the alleged perpetrator about the concerns, and there was no mention of any sound monitoring equipment being installed.

Outcome

We found there was a service failure by the landlord in respect of its handling of Mr F’s reports of ASB. Specifically, the landlord failed to consider Mr F’s evidence, make attempts to gather evidence and take actions, if required, under its ASB policy. We ordered the landlord to pay Mr F £150 in recognition of the distress and inconvenience caused to him by this service failure. We also ordered the landlord to make contact with Mr F and determine whether the ASB is ongoing and if so, we further ordered the landlord to carry out an investigation in line with its ASB policy.

Case study 5

Ms G made reports to her landlord about noise concerns in November 2019. She made further reports in February and the landlord arranged for a surveyor to visit the property in March. Ms G requested a copy of the inspection report on 1 April and chased this on 14 April.

Ms G was unhappy with the response to her noise complaint and delay in responding and made a formal complaint on 19 April, which the landlord acknowledged on 21 April and advised her of the member of staff assigned to her complaint. Ms G contacted the landlord on 22 April to express her view that the assigned member of staff should not deal with her complaint as she had failed to respond to her email of 1 April. She also stated she had asked this member of staff on ‘multiple occasions’ for details of how to complain, but never received a response. Ms G stated she felt the member of staff was biased from the ongoing interaction on her case. Ms G told the landlord she felt she was being discriminated against as her concerns were” not being taken seriously” and there were delays in responding to her.

The landlord responded to Ms G by stating it was not its intention to make any tenant feel discriminated against in any way and apologised if its actions had this effect. However, there was no mention of Ms G’s complaint being reassigned to a different member of staff.

Outcome

We found there was service failure in both the landlord's handling of Ms G's noise reports, as well as the handling of her formal complaint. The landlord was ordered to pay Ms G £50 in recognition of the distress and inconvenience caused by its communication with her, £50 for the delay in responding to her formal complaint, and a further £50 in recognition of the landlord's failure to address Ms G's concerns about the member of staff investigating her complaint.

Case study 6

Mr W first reported noise nuisance from his neighbour, which met the landlord's ASB definition, to his landlord in July 2020 and he was provided with diary sheets to complete and a noise nuisance pack. The police were also involved in the matter from the outset.

Mr W made further reports of noise disturbance. The landlord completed an action plan and risk assessment and in September 2020, the neighbour was issued a Section 80 Abatement Notice under the provisions of the Environmental Protection Act 1990, in addition to a Housing Caution. Mr W made further noise complaints in November, also involving the police, and the landlord wrote to the neighbour to remind them of the notice and caution.

In December 2020, the landlord contacted Mr W to state that in order to take further action, the noise would need to be witnessed by a professional witness or noise monitoring equipment, and there was a 8-12 week waiting list for the latter. Mr W made a formal complaint that same day and stressed that the police had witnessed the noise and would be able to confirm it as professional witnesses. The landlord was of the view the police would not be able to act as professional witnesses as they would not be able to comment on whether the statutory noise threshold had been met. The landlord did not discuss this with the police.

Mr W complained that the noise complaints he had made after the notice and caution had served were "being swept under the carpet". Mr W's noise reports continued and in January 2021, the landlord wrote to the neighbour advising it was considering seeking application for a Premises Closure Order in relation to loud music and regular visitors to the property causing noise.

Mr W continued to make noise reports and formally complained to the landlord. The landlord acknowledged the behaviour had not stopped despite the warning and notice served, but said it needed to continue to gather evidence in order to take the neighbour to court.

Noise recording equipment was installed in February 2021 and provided evidence of noise nuisance. In its complaints correspondence with Mr W in March and April 2021, the landlord told Mr W the recordings from the noise monitoring equipment had shown further breaches to the Section 80 notice and these were being added to the case and that they had to be proportionate in their approach.

Mr W brought his complaint to the Ombudsman and asserted, "[The landlord has] consistently backtracked on literally everything that they said they were going to do."

Outcome

We found there was maladministration in respect of the landlord's handling of Mr W's noise complaints and the handling of his formal complaint. We ordered the landlord to pay Mr W a total of £450 – £350 for the time, trouble, frustration, lost opportunity and mismanaged expectations experienced due to the failure in the handling of the reports of noise nuisance and ASB, and £100 for the frustration and upset caused by the failure in the complaint handling. We also ordered the landlord to carry out a review of the evidence already collected, and action already taken and devise an action plan, in line with its ASB policy, and share this action plan with Mr W.

Case study 7

Miss H complained to her landlord about noise in February 2020. The landlord spoke with the neighbour about the concerns. After the noise reports continued, the landlord completed an acceptable behaviour contract with the neighbour.

In March 2020 following further noise reports, the landlord informed Miss H it intended to issue possession proceedings against the neighbour but was stymied at present due to lockdown regulations. After Miss H made further noise reports, the landlord reiterated its position and said it had informed the neighbour it would be taking legal action.

Miss H's noise reports continued through to July and the landlord asked her to continue to keep submitting the reports 'for court.' Miss H chased the landlord in September as she felt the landlord was not following through with its intention. The next day, the landlord replied and informed Miss H it would be "starting the legal process." Miss H requested an update in October and was told the delays were due to the pandemic because it could not instigate legal proceedings.

Miss H formally complained to the landlord in November and referenced the fact that possession proceedings had been going ahead since October and that hearings had continued during the pandemic. In its response to her formal complaint, the landlord said it had reviewed the case, considered proportionality, and had concluded it would not be issuing proceedings. It added its housing officer had felt "compelled" to tell Miss H it would be issuing proceedings due to her ongoing complaints. Miss H escalated her complaint and the landlord apologised for its service failings, including the complaint response, and offered her £350 in compensation.

Outcome

We found the landlord had offered reasonable redress in its compensation payment. However, we also recommended the landlord puts in place a plan for increased peer and managerial supervision, carry out proportionality assessments at the start of the ASB process, review the ASB policy and ensure it reflected that the impact of the noise varies depending on the time of day, and for staff to obtain legal advice to ensure they provide residents with the correct information.

Case study 8

Miss H reported ASB concerns to her landlord in November 2020. The landlord agreed an action plan with Miss H, liaised with the police, issued warning letters to the neighbour and asked Miss H to document the noise in diary sheets and through the Noise app. However, it did not open an ASB case for three months after Miss H reported it in November. The landlord also failed to acknowledge additional evidence Miss H submitted in December.

Outcome

We found there was maladministration in respect of the landlord's handling of Miss H's noise reports and ordered the landlord to make a payment of £200 to Miss H regarding its delay in creating an ASB case and its poor communication.

Flooring

Case study 9

Mr C lives in a ground floor flat and was concerned by the amount of noise transference coming from the flat above him. He could hear creaking floorboards and daily living noises, which he feels was amplified by the fact they had laminate flooring. Mr C works nights, and so the noise in the daytime was particularly troublesome for him.

Having tried to resolve the issue informally with his upstairs neighbours, Mr C reported the issue to the landlord in November 2019. The landlord opened an ASB case, issued Mr C with the Noise app, visited Mr C's property to witness the noise, and wrote to the neighbour.

In December, the landlord concluded the noise was daily living noise and closed the ASB case. Frustratingly for Mr C, he had stated as much from the outset and had never indicated his issue was with the neighbours or their 'behaviour', but with the laminate flooring.

Mr C continued to make noise reports from March 2020 onwards, and the landlord reiterated its position about daily living noise in response. Their suggestions to Mr C included earplugs and changing his shift pattern at work. Mr C's position remained that the issue was to do with the laminate flooring.

It took until October 2020, 11 months later, and Mr C going through the formal complaints procedure, for the landlord to inspect the upstairs property, acknowledge that the laminate flooring should not have been fitted without their consent, and to write to the leaseholders of the property to request the issues be resolved by way of laying rugs, installing carpet with acoustic underlay, or soundproofing.

Outcome

We found service failure regarding the landlord's delay in contacting the leaseholder to resolve the issue of the carpets, and also a failure to sufficiently manage Mr C's expectations. The landlord was ordered to pay Mr C £150 in compensation.

Case study 10

Miss R reported her noise concerns about her downstairs neighbour to the landlord on 27 March 2020. Miss R stated her belief that the issue was caused by the neighbour having laminate flooring installed, and she was very specific about stating the noise disturbance started on the day the neighbour's laminate flooring had been installed.

Miss R suggested that some of the noises she could hear were boiler-related. A gas engineer visited to inspect and did not identify any faults with the boiler or excessive noise. Environmental Health also visited and said there was no evidence of statutory noise.

Miss R continued reporting noise and reiterated her view about the laminate flooring. Miss R went through the landlord's complaint procedure and brought the matter to the Ombudsman. In June 2021, 15 months after Miss R's initial noise report, the landlord finally advised the neighbour to lay down rugs on the laminate flooring to help minimise the noise.

Outcome

We found there was maladministration with the landlord's response to Miss R's reports of noise disturbance. We ordered the landlord pay Miss R £200 and to contact Miss R to discuss any ongoing concerns about noise disturbance.

Case Study 11

Miss Y complained to her landlord about an increase in noise since her upstairs neighbour had installed laminate flooring. Miss Y queried a tenancy breach, as the tenancy agreement stated no such installation was permitted. Rather than investigate this issue, the landlord attributed the complaint to a difference in 'lifestyle' between the two neighbours, even though Miss Y had been very clear that she accepted the noise from her neighbours above was daily household noise and that her neighbours "*were leading a normal family life",* and clearly stated her complaint was not about them and their alleged lifestyle differences.

Outcome

We found maladministration in the landlord's response to Miss Y's noise reports because the landlord failed to carry out an adequate investigation into her concerns and failed to respond to the points she had raised about permission for alterations to the flooring and obligations under the lease. We ordered the landlord to pay Miss Y £200 in compensation and to arrange an inspection of Miss Y's property to assess the level of noise disturbance from the property above, and an inspection of the neighbour's property to physically assess the suitability of the flooring.

Case study 12

Mrs V complained to her landlord about noise disturbance in her flat after her upstairs neighbour reportedly removed their carpet and replaced it with laminate flooring. Mrs V also argued that the sound insulation in the properties was poor.

The neighbour informed the landlord they had not removed the carpet, and the landlord closed the matter as a daily living noise complaint.

Mrs V remained dissatisfied and logged a formal complaint. In the landlord's complaints correspondence, it cited *Baxter v Camden (1999)* and there being no obligation on landlords to sound-insulate their properties above the standards required at the time of construction.

When the upstairs flat became vacant, it was found to be uncarpeted and that there were some floorboards identified as being in need of repair.

Outcome

We found service failure in the handling of Mrs V's noise reports and ordered the landlord to pay her £75 compensation for these failings, and a further £50 for failings in its handling of her formal complaint.

Case study 13

Miss Q first complained to her landlord about noise disturbance from her upstairs neighbour in April 2020. Miss Q made subsequent reports in May, June and July and again in November that year. In her June report, she raised the issue of the neighbour having hardwood flooring. On 20 July, the landlord informed Miss Q they had raised a tenancy breach with the neighbour regarding the hardwood flooring. In August, the neighbour agreed to fit carpet. In September, the resident informed the landlord the carpet had not yet been fitted and the noise disturbance was ongoing. The landlord wrote to the neighbour but did not inspect or visit the property. It took until November 2020 for the carpet to start to be fitted.

Outcome

We determined there was a service failure in the landlord's handling of Miss Q's noise complaints. We ordered the landlord to pay Miss Q £150 in recognition of the distress and inconvenience caused.

Case study 14

Mrs N complained to her landlord and environmental health in August 2020 about noise from the upstairs flat. This included noise from a washing machine, which Mrs N said was happening at night. The landlord opened an ASB case. The landlord had a comprehensive ASB policy, which included undertaking a risk assessment, action plan, mediation referral, and logging all concerns on a specific reports and incidents log. None of these actions were carried out. The ASB case was closed on the basis the noise was from daily living. There was no evidence to show the landlord had raised the issue of the washing machine with the neighbour before closing the ASB case.

Outcome

We found there was maladministration in the landlord's handling of Mrs N's noise complaint. The landlord was ordered to pay Mrs N £200 for the distress and inconvenience caused, and a further £200 for her time and trouble. We also ordered

the landlord to review its record-keeping so there is a full and accessible audit trail of reports of ASB and the actions and decisions taken in response.

Case study 15

Mr R complained to his landlord in June 2020 about excessive washing machine noise coming from his neighbour's property in the evening, up to 11pm. The landlord asked Mr R to document the noise on diary sheets and use the Noise app to record the sounds. Mr R did not use the app or the diary sheets as he did not want to stay up at night to record and document the noise. Mr R also expressed concerns about the app and his data security and requested the landlord install sound monitoring equipment. The landlord responded to say that if they were to install their own equipment, Mr R would still need to manually operate it, and this may involve staying up to capture the noise. Mr R continued to assert he wanted the sound monitoring equipment installed, but this was not done.

Outcome

We made a finding of service failure in respect of Mr R's noise complaint. We ordered the landlord to pay Mr R £100 in recognition of the distress and inconvenience caused, and for the landlord to write to Mr R within four weeks to explain its position on installing the sound monitoring equipment in Mr R's property.

Annex 3 – Legislation and standards

Environmental noise

For an issue to be considered a statutory nuisance under the Environmental Protection Act 1990, it must either:

- unreasonably and substantially interfere with the use or enjoyment of a home or other premises or;
- injure health or be likely to injure health

Councils can investigate complaints of statutory nuisance to tackle noise produced at any time of day or night.

Councils can also issue warning notices in response to complaints about noise above permitted levels from 11pm to 7am, even if that noise does not meet the threshold to be considered a statutory nuisance. The permitted levels are:

- 34 dBA (decibels adjusted) if the underlying level of noise is 24 dBA or less
- 10 dBA above the underlying level of noise if this is more than 24 dBA

The Environmental Noise (England) Regulations 2006 (as amended) transpose the Environmental Noise Directive into domestic law for England. However, these Regulations apply to environmental noise, mainly from transport. They do not apply to noise created by neighbours, noise created in the work place or noise created by inside means of transport, such as lifts. They also do not apply to noise created by the military in their areas.

In March 2010, the government published its Noise Policy Statement for England with an accompanying Noise Exposure Hierarchy with the aim of:

Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- *avoid significant adverse impacts on health and quality of life;*
- *mitigate and minimise adverse impacts on health and quality of life; and*
- *where possible, contribute to the improvement of health and quality of life*

Noise exposure hierarchy

Response	Examples of outcomes	Increasing effect level	Action
	No Observed Effect Level		
Not present	No Effect	No Observed Effect	No specific measures required
	No Observed Adverse Effect Level		
Present and not intrusive	Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life.	No Observed Adverse Effect	No specific measures required
	Lowest Observed Adverse Effect Level		
Present and intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
	Significant Observed Adverse Effect Level		
Present and disruptive	The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid
Present and very disruptive	Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.	Unacceptable Adverse Effect	Prevent

Building Regulations Part E

Part E of the Building Regulations came into force in the UK in 2003. It prescribes acoustic insulation levels for new and converted residential buildings and sets decibel levels (dBA) for airborne and impact noise.

	Purpose-built residential buildings		Converted residential buildings	
	Walls	Floors and stairs	Walls	Floors and stairs
Airborne	45	45	43	43
Impact	-	62	-	64

These standards do not apply to any home built, or converted, before 2003 and there is case law that landlords are under no obligation to soundproof homes to a standard above the one that was in force at the time of its construction[4].

Housing Health and Safety Rating System

The Housing Health and Safety Rating System (HHSRS), was introduced in 2005, replacing the Housing Fitness Standard. The purpose of the guidance was to help landlords risk assess the condition of housing from the perspective of avoiding or, at the very least, minimising potential hazards. It recognises noise as a psychological hazard – threats to mental or physical health from exposure to noise caused by a lack of sufficient sound insulation. It does not, however, cover unreasonable noisy behaviour of neighbours – domestic or commercial.

Decent Homes Standard

The Decent Homes Standard was updated in 2006 to take account of the HHSRS. According to the Standard, for a home to be considered 'decent' it must

- Meet the current statutory minimum standard for housing
- Be in a reasonable state of repair
- Have reasonably modern facilities and services, and
- Provide a reasonable degree of thermal comfort.

A home will fail the Decent Homes Standard for having reasonably modern facilities and services if there are three or more of the following lacking:

- a reasonably modern kitchen (20 years old or less);
- a kitchen with adequate space and layout;
- a reasonably modern bathroom (30 years old or less);
- an appropriately located bathroom and WC;
- **adequate insulation against external noise (where external noise is a problem);** and
- adequate size and layout of common areas for blocks of flats

[4] Southwark London Borough Council v Mills/Tanner; Baxter v Camden London Borough Council: HL 21 Oct 1999

The Government's Social Housing White Paper identified that the Decent Homes Standard is not fully effective and does not "reflect present day concerns".

Anti-social behaviour

If the noise nuisance reported is not statutory in nature, and the issue is not caused by inadequate sound insulation, it may, nevertheless be anti-social in nature and there are options for addressing the issue through the Anti-social Behaviour, Crime and Policing Act 2014, including court action.

The ASB Case Review, more commonly known as the Community Trigger, gives victims of persistent anti-social behaviour the ability to demand a formal case review in order to determine whether there is further action that can be taken.

The Community Remedy gives victims a say in the out-of-court punishment of perpetrators of anti-social behaviour when a community resolution, conditional caution or youth conditional caution is chosen as the most appropriate response.

Neighbourhood and Community Standard

The Neighbourhood and Community Standard is one of the four consumer standards set by the Regulator of Social Housing. It sets three required outcomes for registered providers of social housing to:

1. Keep the neighbourhood and communal areas clean and safe
2. Co-operate with relevant partners to promote wellbeing in the local area
3. Work in partnership with other agencies to prevent and tackle ASB in the local area

It specifically requires registered providers to have a published ASB policy and that they must be able to demonstrate that:

- tenants are made aware of their responsibilities and rights
- there is strong leadership, commitment and accountability on preventing and tackling ASB
- there is a strong focus exists on preventative measures tailored towards the needs of tenants and their families
- prompt, appropriate and decisive action is taken to deal with ASB before it escalates
- all tenants and residents can easily report ASB and are kept informed about the status of their case and;
- they provide support to victims and witnesses.

Tenancy agreements

There are also options within tenancy agreements, depending on how the tenancy agreement is worded, to take action against neighbours causing noise nuisance. There is, however, a common misconception that the phrase 'quiet enjoyment' that is

common usage in tenancies refers to noise. Case law dating back to 1888[5], and reinforced in subsequent noise nuisance cases[6], makes it clear that 'quiet enjoyment' means 'without interruption' – e.g., that the tenant should be allowed to live there without constant interference and/or unnecessary visits from their landlord[7].

Examples of undue interference might be where a landlord:

1. constantly visits the property without prior notice, unless there is an emergency, such as a gas leak
2. interferes with the property or utilities (e.g., gas, electricity, water) supply in some way,
3. physically threatens or otherwise harasses the tenant, either verbally or in writing, with the aim of forcing or coercing a tenant out.

Nor are landlords liable for the nuisance caused by other tenants/leaseholders, even if they know that it is happening and take no steps to prevent. The landlord is only directly liable if it participates directly in creating the noise[8] or it can be shown that is has effectively authorised it by letting the property to that person.

[5] Jenkins v Jackson: ChD 1888

[6] Malzy v Eichholz: CA 1916; Southwark London Borough Council v Mills/Tanner; Baxter v Camden London Borough Council: HL 21 Oct 1999

[7] McCall v Abelesz: EWCA 1975

[8] Sampson v Hodson-Pressinger: CA 1981

Annex 4 – Our jurisdiction

We can consider complaints from the following people[9]

- A person who has a lease, tenancy, licence to occupy, service agreement or other arrangement to occupy premises owned or managed by a landlord who is a member of the Housing Ombudsman Scheme
- An ex-occupier if they had a legal relationship with the member at the time that the matter complained of arose
- A representative or person who has authority to make a complaint on behalf of any of the people listed above

This means that, as well as considering complaints from tenants, we can also accept complaints from leaseholders and shared owners. The only category of homeowners who are not eligible to bring a complaint to the Housing Ombudsman about a member landlord are those who own the freehold of their home.

However, we cannot consider complaints where:

- The landlord/managing agent is not a member of the scheme
- The complainant does not have a landlord/tenant relationship, leaseholders and shared owners, with a member landlord/managing agent
- The landlord complaints procedure has not been exhausted
- They concern matters that are, or have been, the subject of legal proceedings and where the complainant has or had the opportunity to raise the subject matter of the complaint as part of those proceedings
- That involve the level of service charges or costs associated with major works
- They fall within the jurisdiction of another Ombudsman, regulator or complaint handling body.

[9] Para. 25 of the Housing Ombudsman Scheme lists the people who can make a complaint to the Ombudsman.

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