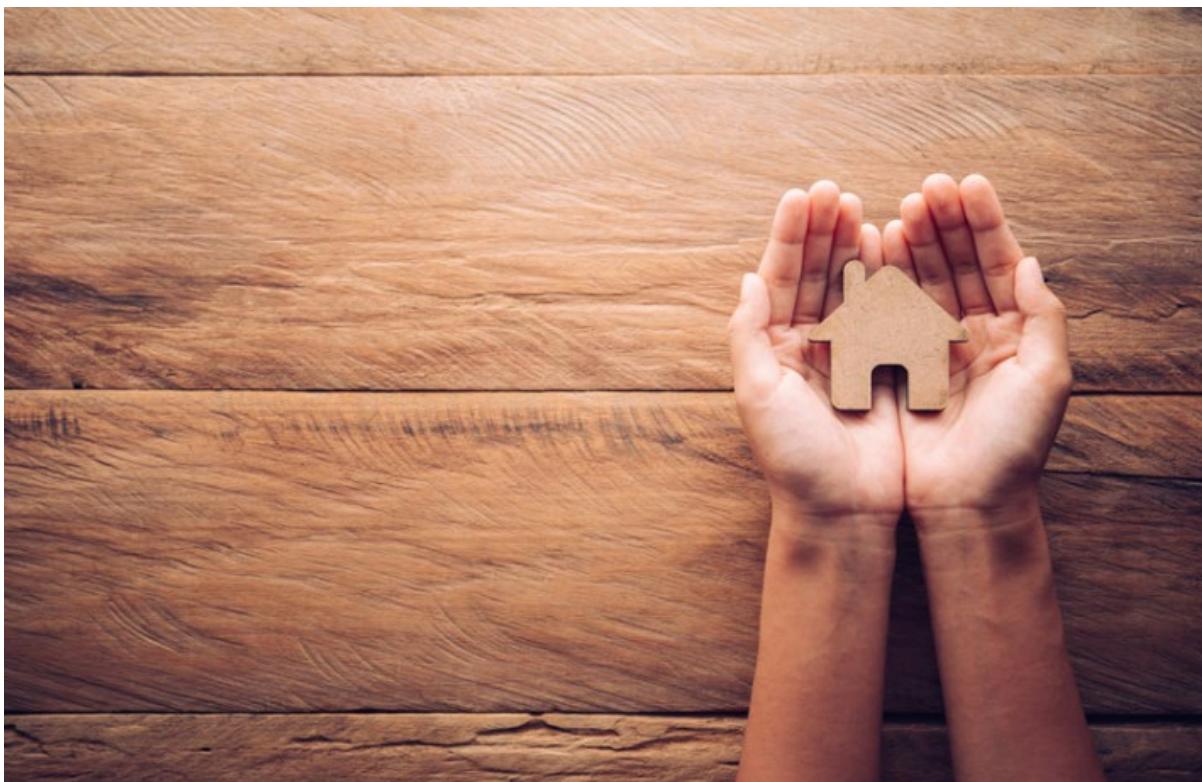


# Insight report



**Insight on data and individual cases  
July to September 2022**

**Including a regional focus on Greater London**

**Issue 12**

**Published December 2022**

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# Introduction

Our latest Insight report focuses on our complaints data for the second quarter of the year, July to September 2022, and highlights individual cases and wider learning points from our work. It is a part of our ongoing commitment to sharing the learning from the complaints received and investigated by the Ombudsman.

Complaints remain high, with 6,557 enquiries and complaints received during this period. We upheld 55% of cases which compares to 48% in the previous three months.

The issues residents have complained about shows property condition remaining the biggest category, at 41% of all complaints. That is followed by residents' concerns about their landlords handling of their complaint at 16%, and then anti-social behaviour at 13%.

Following a change in law, access to our services has been improved. The 'democratic filter' was removed at the end of this quarter so residents no longer have to contact a designated person or wait eight weeks before referring their complaint to us if they remain dissatisfied at the end of their landlord's complaint process. It will give us the ability to support residents earlier in the complaints process.

In this report, our regional focus returns to Greater London, the region where we have some of the highest complaint volumes. Alongside data for the region, we have included four case studies concerning landlords in the area where they have demonstrated good practice in dealing with complaints which we have highlighted in order to share that good practice more widely across the sector. None of the cases involve findings of maladministration.

The learning includes how swift or timely action by landlords can impact complaint outcomes positively. In one case the landlord acted within 24 hours of the resident's report of a bathroom leak to complete repairs and treated it as an emergency despite a target date of three days. In another case, a landlord took timely action to address a resident's concerns about a window vent causing a draught in their home. Despite the landlord finding no fault they explored suitable options to resolve the resident's complaint and agreed to replace the window vents with a more suitable option.

In our range of casework outcomes we also see cases where things go wrong but landlords have followed our dispute resolution principles to be fair, put things right and learn from outcomes. This was demonstrated by a landlord in an incident where a resident was stuck in a communal lift and the emergency button failed to work. The landlord showed it had learned from the incident by updating its maintenance schedule to more frequent checks and demonstrated that it had taken the incident seriously by putting in place a series of updated emergency measures. It also considered the distress caused to the resident by offering a good will gesture of £100

despite there being no evidence of fault by the landlord. There was also evidence of good record keeping by the landlord, so it was able to provide its maintenance records before and after the incident.

Last month we issued a call for evidence into record keeping. Complaint handlers within social landlords are invited to submit evidence which will help us make recommendations and share good practice that promote greater understanding of the importance of information and knowledge management. Further details can be found [here](#). The survey closes on **23 December 2022**.

Our 'Meet the Ombudsman' events, hosted by member landlords, are an important part of raising awareness and understanding of our service among residents. The events are held quarterly and offer residents the opportunity to ask questions direct, with the next one planned in Greater London.

We are keen to plan more events so any landlords interested in hosting a Meet the Ombudsman event should contact us by email [hossectordevelopment@housing-ombudsman.org.uk](mailto:hossectordevelopment@housing-ombudsman.org.uk)

We always welcome feedback on these Insight reports to hear what you find useful and any further aspects you would like to see included. Please use our [feedback survey](#). I would also encourage you to sign up to our [e-newsletter](#) in order to keep up to date with our news and service developments.

**Richard Blakeway**  
**Housing Ombudsman**

# Our work

## Our role

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

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

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

## Our members

*As at the end of March 2022*



# Insight on data

## Key data\* on complaints July to September 2022

We received 6,557 enquiries and complaints in total between July and September 2022:



This is a 9% increase in enquiries and complaints compared to the previous quarter when we received a total of 6,009 between April and June 2022.

Enquiries increased by 22% from 1,848 in the last quarter to 2,252 this quarter, and complaints by 8% from 4,161 to 4,477. When compared to the same period in the previous year we saw an increase in complaints and enquiries received from 6,546 to 6,557.

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

## Cases in our formal remit

Cases come into our formal remit when a complaint has completed the landlord's procedure and, up to the end of September this year, when either the designated persons requirements were met or eight weeks had passed.

On 1 October 2022, this 'democratic filter' was removed after a change in the law. Residents no longer have to refer their complaint to a designated person or wait eight weeks before the Ombudsman can consider their complaint.

We issue determinations (decisions) on all cases that enter our formal remit.



For the three months July to September 2022, 905 cases entered our formal remit, compared to 1,090 in the same period last year and 945 cases in the previous quarter April to June 2022.

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

## What complaints are about

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

For the complaints received from July to September 2022, property condition remains the largest category at 41% of the total number. The top three areas of complaint shown below are the same as the previous quarter with some small changes in the proportions compared to the previous quarter. Property condition has increased from 40% to 41% of the total, complaint handling stayed the same at 16% and anti-social behaviour has increased by 1% to 13%.

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



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

Landlord type	Property Condition	Complaint Handling	Anti-social Behaviour
Housing Association	39%	16%	13%
Local Authority	44%	15%	12%

The table below shows the split of the top three complaint categories by landlord size.

Landlord size	Property Condition	Complaint Handling	Anti-social Behaviour
Less than 1,000 units	40%	14%	11%
Between 1,000 and 10,000 units	38%	15%	17%
More than 10,000 units	41%	16%	12%

## Determinations issued

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

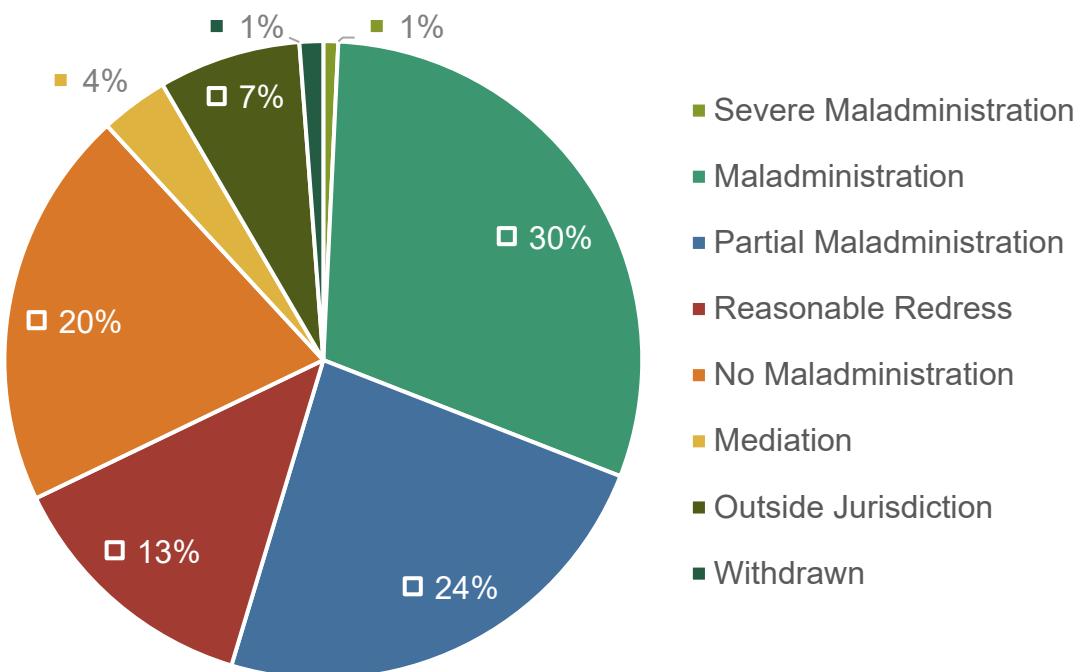
- **Maladministration** – this could be a finding of service failure, maladministration or severe maladministration, depending upon the seriousness of the failure and the impact on the resident
- **Reasonable redress** – where there is evidence of service failure or maladministration, however the landlord has identified and acknowledged this. It has taken steps, and/or made an offer of compensation, that puts things right.

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

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

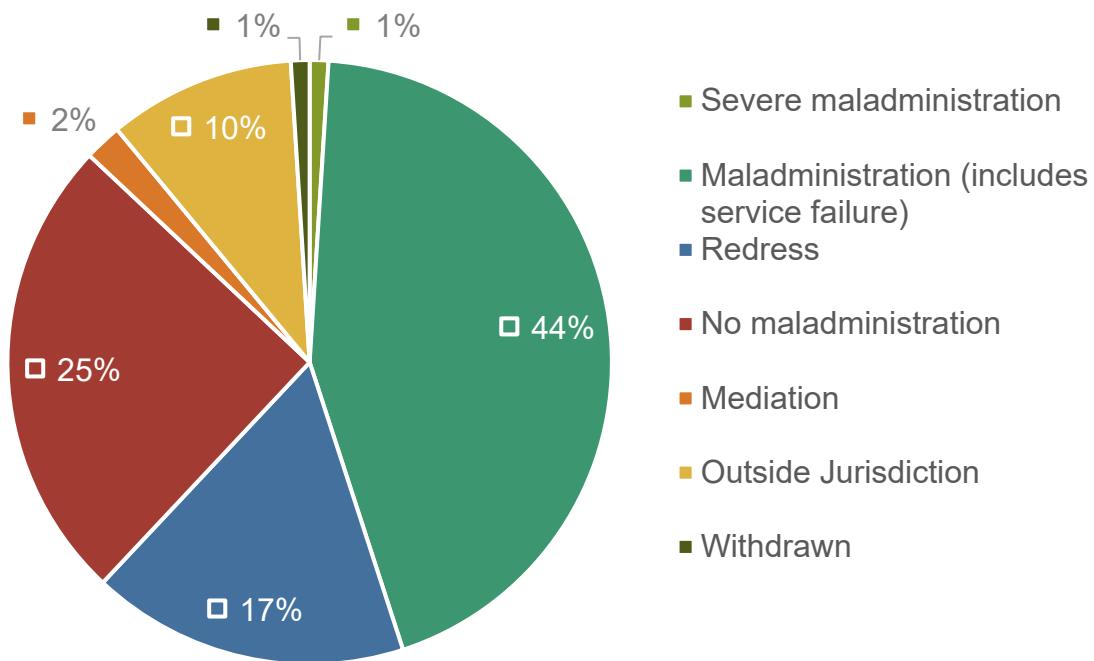
The chart below shows the split of case outcomes. We found full or partial maladministration in 55% of cases for the three-month period, July to September 2022. This compares to 48% in the previous three months and 43% in the same period last year.

### Overall outcomes of determinations July to September 2022



## Findings on determinations July to September 2022

A single determination may include multiple complaint categories and findings. The chart below shows the split of findings on determinations. We found maladministration in 45% of findings for the three-month period July to September 2022, an increase from 40% in the previous quarter. This includes findings of service failure and severe maladministration.



## Findings by top three complaint categories

Finding	Property Condition	Complaints Handling	Anti-Social Behaviour
Maladministration	46%	71%	39%
Redress	22%	16%	10%
No maladministration	23%	8%	39%
Mediation	2%	1%	2%
Outside Jurisdiction	6%	2%	9%
Withdrawn	1%	2%	1%

## Findings by type of landlord

Finding	Housing Association	Local Authority
Maladministration	43%	51%
Redress	20%	9%
No maladministration	26%	23%
Mediation	2%	2%

Outside Jurisdiction	9%	14%
Withdrawn	0%	1%

## Findings by landlord size

Finding	More than 10,000 units	Between 1,000 and 10,000 units	Less than 1,000 units
Maladministration	46%	41%	47%
Redress	18%	12%	14%
No maladministration	23%	33%	28%
Mediation	2%	2%	2%
Outside Jurisdiction	10%	12%	9%
Withdrawn	1%	0%	0%

## Orders and recommendations

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



Following a finding of maladministration, we may ask the landlord to put things right which will be reflected in an order. These may include:

- ensuring that repairs are done
- providing individual redress for residents, for example, an apology is made or compensation is paid by the landlord
- taking action to prevent reoccurrence such as requiring changes to landlords' policies and procedures to improve services for all residents.

Between July and September 2022, we issued a total of 819 orders and recommendations, made up of 572 orders and 247 recommendations.

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

Type	Orders	Recommendations
Apology	59	-
Case Review	3	4
Compensation	466	93
Policy Review	1	13

Process Change	2	13
Repairs	10	10
Staff Training	2	10
Take Specific Action (non-repair)	22	58
Other	7	46
<b>Total</b>	<b>572</b>	<b>247</b>

### Orders and recommendations for top three categories of complaint

	Property Condition	Complaints Handling	Anti-Social Behaviour
Orders	<b>232</b>	<b>188</b>	<b>52</b>
Recommendations	<b>116</b>	<b>39</b>	<b>30</b>

# Regional data 2021-22

This section provides a breakdown of our data by region. Each Insight report focuses on a different group of regions and to help make it comprehensive we will provide information for all of the preceding financial year. For this edition, the regional data is for the year 2021-22 and covers Greater London.

## What complaints are about

For the year 2021-22, the three largest categories of complaints received in each region are shown below:

	1	2	3
Greater London	35% Property Condition	21% Complaint Handling	10% Anti-social Behaviour

The top three categories are the same as our overall breakdown of complaints received for 2021-22 at:

1. Property condition – 34%
2. Complaint handling – 19%
3. Anti-social behaviour – 12%

## Where things go wrong

The table below shows findings by type of landlord in Greater London.

Finding	Housing Association	Local Authority
Maladministration	37%	43%
No maladministration	25%	23%
Outside Jurisdiction	13%	22%
Redress	22%	11%
Mediation	2%	1%
Withdrawn	1%	0%

The table below shows findings by size of landlord in Greater London.

Finding	More than 10,000 units	Between 1,000 and 10,000 units	Less than 1,000 units	Grand Total
Maladministration	39%	37%	44%	39%
No maladministration	22%	33%	23%	24%
Outside Jurisdiction	17%	17%	21%	17%
Redress	19%	12%	9%	17%
Mediation	2%	1%	3%	2%
Withdrawn	1%	0%	0%	1%

# Insight on individual complaints

The case studies featured have been selected to illustrate the lessons that can be learned in cases where the landlord has acted appropriately and we made a finding of no maladministration, or where the landlord has acknowledged its failure and provided appropriate redress.

The investigation reports on most cases included are published in the decisions section of our website. They all concern landlords based in Greater London.

## Timely action taken by landlord and suitable options explored to resolve a resident's complaint

**Case reference:** 202015681

**Landlord:** London Borough of Havering

**Categories:** Repairs – window vents

**Outcome:** No maladministration

### Case summary:

Mrs S raised a complaint with the landlord in February 2021 in relation to not having the option to close the window vents in her property which were letting in cold and draughts.

The landlord inspected the property and found the air vents were permanently open with no option to close. The landlord stated this was to comply with gas safety regulations but agreed the vents on the windows were now obsolete. However, the landlord did note that the windows had a “night vent” which allowed the window to be opened slightly to allow ventilation whilst being locked.

The landlord also explored the options of replacing the glass sealed units to make the draughty vents redundant, but they expressed a concern over potential mould issues from a lack of air flow. Mrs S declined the options as she wanted new windows.

In March 2021, Mrs S submitted her final stage complaint to the landlord. She was unhappy with its proposal to replace the glass panels in her windows, as this would mean that she would need to open windows in order to ventilate her home, which she felt would let in more draughts to her property, making her heating bills more costly. To resolve the complaint, Mrs S wanted the “correct windows” to be installed with vents which would allow her to “correctly” ventilate her home without opening the windows.

The landlord responded to confirm that it would not replace the windows as there were no faults with them and they were not due to be replaced until 2023/24 as part of its renewal programme.

However, the landlord agreed to source “more suitable” vents which would provide Mrs S the option to open and close the vents to help reduce the draughts in her property.

Mrs S brought the matter to the Ombudsman as she remained dissatisfied that the landlord would not replace the windows. She remained concerned that she and her two young children would either continue to experience draughts at her property and/or mould there.

#### **Findings and outcome:**

We found that the landlord had assessed the window vents in a timely manner and found no evidence of faults. It had demonstrated its commitment to addressing Mrs S’s concerns by seeking to resolve her reports of window draughts with new glass window units and adjustable vents.

#### **Good practice:**

The landlord did not have a duty to replace the windows as they were not faulty. It listened to the resident’s concerns, inspected the property in a timely manner and explored different suitable options to try and reach a compromise.

## **Landlord takes incident seriously, updates emergency measures and offers goodwill gesture**

#### **Case reference: 202118063**

**Landlord:** Royal Borough of Kensington and Chelsea

**Categories:** Response to lift incident

**Outcome:** No maladministration

#### **Case summary:**

Ms H lives in a one bed apartment on the 16<sup>th</sup> floor and began her tenancy in 1980.

In August 2021 Ms H took the communal lift down when it got stuck on the 14<sup>th</sup> floor.

Ms H pressed the emergency button inside the lift but it did not work. She had to rely on her mobile phone to call emergency services who attended the scene within 45 minutes. They were able to open the lift and free Ms H.

Ms H contacted the landlord later that month and complained about the emergency button failing to work.

What should have happened in this situation was that the emergency button, when working, would notify the landlord of the lift breakdown who would aim to attend within 45 minutes.

The landlord confirmed in its complaint response that the emergency button in the lift is checked on a monthly basis and was found to be working on the last check.

Between the last inspection and Ms H using the lift, a part had failed and the button stopped working.

As a result of the issue, the landlord has updated its policy to check the emergency button every three days. It is also in the process of updating its equipment so that checks are done automatically which should reduce the chances of the emergency button failing in future. It is also installing a concierge service in a nearby property with a CCTV system that would allow the concierge to monitor other blocks within the area. Finally it is piloting a system which would alert it if a lift broke down regardless of whether or not an alarm is raised or a lift breakdown reported.

Ms H reported that she no longer felt able to use the lift by herself and wanted reassurances that this situation would not happen again.

The landlord offered £50 to acknowledge the stress the situation caused Ms H. She was unhappy with the amount and wanted to progress the complaint.

The landlord apologised for the continued distress Ms H was experiencing and reiterated the new measures it had put in place. It advised that it does not normally award compensation for a lift trapping as the type of situation was beyond its control. However, as a goodwill gesture it increased the offer to £100 to recognise the distress caused to Ms H.

### **Findings and outcome:**

The matter was referred to the Ombudsman who found that the resident was released within the expected timescale set by the landlord, albeit by emergency services. The landlord had provided the maintenance records for the lift and the confirmation of the part failure. It was reasonable to conclude the landlord could not have foreseen the failure and was not at fault for the lift breakdown.

It was determined that the landlord took reasonable steps to ensure the lift was maintained and had a reasonable maintenance schedule in place and evidenced it stuck to it. The landlord has taken the incident seriously and considered the resident's concerns. It has since put further checks in place and a series of plans to update the emergency measures should this situation reoccur. While the Ombudsman did not find any maladministration in this case, it notes the landlord provided £100 to Ms H as a goodwill gesture.

### **Good practice:**

The landlord had a regular maintenance schedule in place which it stuck to. The failure of the emergency button was taken seriously and the maintenance schedule updated from monthly checks to every three days. The landlord also sought to employ many other options to ensure (as much as possible) the situation does not happen again.

It was sympathetic to the stress the situation had caused the resident and compensated her accordingly.

# Landlord accepts resident's concerns and replaces bathroom fittings despite no faults found

**Case reference:** 202009639

**Landlord:** Clarion Housing Association

**Categories:** Response to repairs required at the property.

**Outcome:** No maladministration

## **Case summary:**

Ms J moved into the property and contacted the Ombudsman the same day about repairs needing to be carried out. Her request was sent to the landlord who called Ms J to discuss her concerns.

The following month and within timescales, the landlord attended the property to review the claims of the work needed. When the landlord visited the property it was unable to find any evidence of the works Ms J said were needed, that being defects to the vents in the property, cracked plaster, leaks from the toilet, sink and taps. The landlord was unable to find any issues with any of the problems raised and advised Ms J of this.

She remained unhappy with the findings and insisted she wanted a new sink and toilet in the bathroom, a new sink in the kitchen and a new kitchen worktop. Ms J continued to raise the issues and the landlord tried to attend the property to carry out a second review but was blocked by the resident.

Instead of its contractors, the landlord accepted Ms J's 'concerns and arranged for an Area Manager to attend and inspect the requested repairs. The inspection found no leaks or other issues affecting the toilet, the bath and kitchen sink, with a slight leak to the bathroom basin that was fixed at the time. The claim of the cracks in the plaster had already been repaired and the kitchen worktop was noted to have slight scuffs but did not warrant needing replacing.

## **Findings and outcome:**

Ms J remained unhappy with the findings and escalated the complaint through the process. She requested £400 from the landlord so she could replace the sink and toilet herself. The landlord refused this request as it had found there was no fault with either item.

However, Ms J felt very strongly about the replacement of the toilet and bathroom sink and the landlord acknowledged this concern. It agreed to replace both items for Ms J which was above and beyond the actions it was required to take and showed they had taken on her concerns and 'put things right' for her.

### **Good practice:**

The landlord attended the property and carried out an inspection within the timescales stated in its policy. It found no issues with the items Ms J claimed were faulty with the exception of a small leak that was fixed the same day.

The landlord took Ms J's complaints seriously and made alternative arrangements for an Area Manager to inspect the property rather than its contractors. While it was unable to find any faults with the property it accepted Ms J's concerns and agreed to install a new bathroom sink and toilet.

## **Swift action and full consideration of resident's complaint demonstrated**

**Case reference:** 202013842

**Landlord:** London Borough of Southwark

**Categories:** Response to a leak

**Outcome:** No maladministration.

### **Case summary:**

Mr A made a complaint to the landlord relating to a containable leak in his bathroom. At the time of contacting the landlord Mr A had already employed his own plumber to carry out work on the leak. Despite the plumber attending the leak needed further work and the landlord fixed the leak within 24 hours of the resident reporting the issue.

Mr A remained dissatisfied with the handling of the issue and complained to the landlord asking questions and requesting compensation. The landlord responded at stage one apologising for any inconvenience caused, agreeing to refund the cost of the plumber and provided an insurance claim for any damages to his property.

Mr A remained dissatisfied and wanted compensation. The landlord replied at stage two to advise that it had repaired the leak within 24 hours and treated it as an emergency despite it being containable which had a target date of three days. It did not provide any compensation for the incident.

### **Findings and outcome:**

We found the landlord responded promptly to Mr A's report and completed the repair in line with its obligations. It gave detailed and reasonable responses to the resident's complaints, which demonstrated how it considered the complaint in its entirety.

### Good practice:

While the landlord did not provide any compensation for the complaint, it did show an acknowledgement of the distress it was causing Mr A by treating the leak as an emergency. It refunded all charges Mr A had paid his plumber before he had made the landlord aware of the issue and took seriously all of his concerns by providing full and thorough answers to all his questions and complaints.

## Further information

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

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

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

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

## Feedback

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

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