

Insight report



**Insight on data and individual cases
October to December 2022**

Including a regional focus on the North of England

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Introduction

Welcome to our latest Insight report covering complaints data, individual cases and wider learning points from our work between October and December 2022.

This quarter shows that demand for our service continues to show an increase on last year's figures with a 29% increase in the volume of enquiries and complaints received compared to the same quarter in 2021.

The number of cases coming into our formal remit increased from 905 for July to September 2022 to 1,544 this quarter. The maladministration rate has also risen. We found full or partial maladministration in 55% of cases for the three-month period October to December 2022, compared to 43% in the same period last year.

Our orders and recommendations following investigations made improvements for residents on 1,263 occasions this quarter, an increase from 819 in the previous quarter July to September 2022 and represents a 54% increase.

In addition to the overall data analysis, our regional data is focused on the north of England again, covering the North West, North East and Yorkshire and the Humber. Alongside this data, we include four cases concerning landlords in those areas, drawn from the top three categories of complaints for the regions – property condition, complaint handling and anti-social behaviour.

The case studies also provide an opportunity to draw lessons of good practice found in the range of outcomes found in our decisions. There are no cases where we found maladministration.

The lessons learned for sharing strongly emphasise that strong record keeping practices are integral to effective complaint handling and landlords' overall service provision. This follows our call for evidence into record keeping and information management to support our next systemic investigation after seeing 67% of investigations upheld in 2021-22 involving poor records.

One case features a landlord responding to a complex and challenging complaint after a resident reported multiple repairs and raised concerns about rent arrears. The landlord was able to demonstrate that they had promptly responded to the residents' concerns to resolve repairs and answer the residents' arrears enquiry. They provided clear and regular communications throughout the complaint process and acted within their policies.

In another case about repairs, a landlord was able to demonstrate that they acted promptly to void works and recorded their completions. Despite the landlord finding no fault they used their discretion in an attempt to resolve the resident's complaint offering to replace carpets as a gesture of goodwill.

In both cases, the landlords shared clear evidence that they took reasonable actions to resolve the complaints and acted within their policies. We found no maladministration.

Earlier this year we published our Spotlight on noise complaints: Time to be heard report. It called for landlords to develop a strategy for handling non-statutory noise seriously, sensitively and proportionately.

This was demonstrated by a landlord in its response to a residents reports of noise nuisance. The landlord listened to the residents concerns and acted on the information during its investigation attending the resident home out of hours in an attempt to witness the alleged noise nuisance. It also attempted mediation between the neighbours, but found no evidence of the residents reports. We found the landlord took reasonable action to investigate the residents' concerns and appropriately closed the case in line with its anti-social behaviour policy.

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. We're delighted that Islington council will be hosting our next event and look forward to meeting their residents.

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.

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

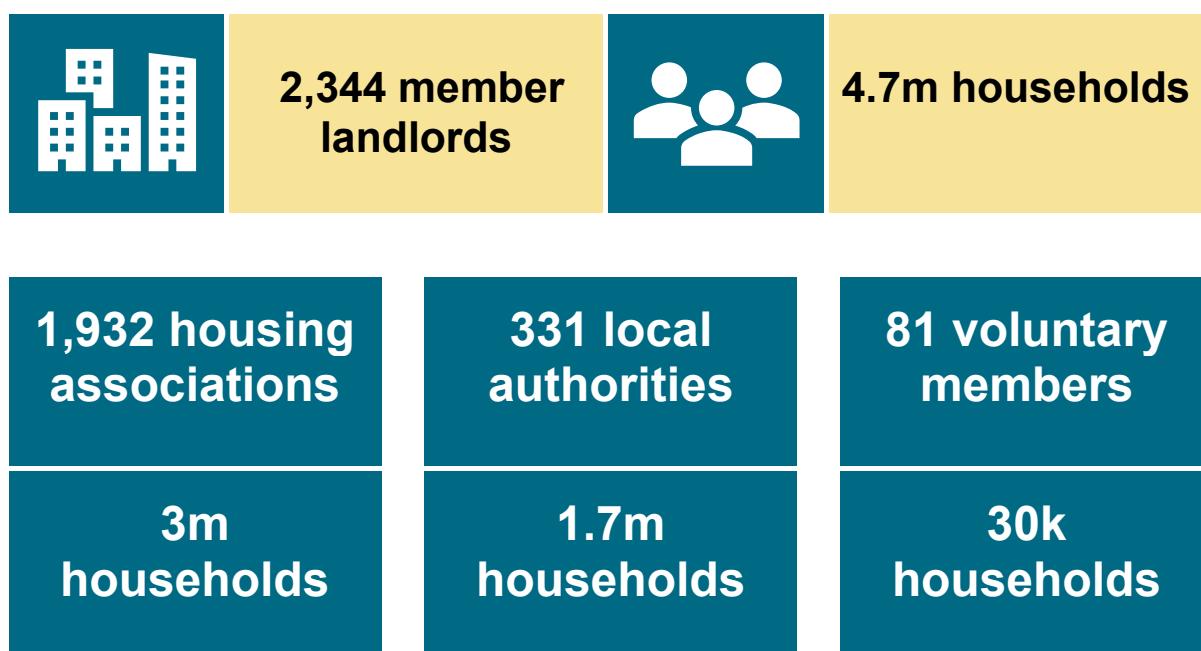
We make the final decision on disputes between residents and member landlords. Our decisions are independent, impartial and fair.

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 October to December 2022

We received 8,123 enquiries and complaints in total between October and December 2022:



This is a 24% increase in enquiries and complaints compared to the previous quarter when we received a total of 6,557 between July and September 2022.

Enquiries increased by 27% from 2,252 in the last quarter to 2,867 this quarter, and complaints by 17% from 4,477 to 5,256. When compared to the same period in the previous year we saw an increase in complaints and enquiries received from 6,300 to 8,123, representing a 29% increase.

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 October to December 2022, 1,544 cases entered our formal remit, compared to 1,021 in the same period last year and 905 cases in the previous quarter July to September 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 October to December 2022, property condition remains the largest category at 51% 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 41% to 51% of the total. Complaint handling and Anti-social behaviour both had a by 3%, of the total.

Property condition	Complaint handling	Anti-social behaviour
		
51%	13%	10%

The tables below show the split of those three complaint categories by type and size of landlord and represents the percentage of total cases received for that landlord type.

Landlord type	Property Condition	Complaint Handling	Anti-social Behaviour
Housing Association	51%	14%	10%
Local Authority	52%	13%	11%

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	47%	17%	10%
Between 1,000 and 10,000 units	47%	13%	12%
More than 10,000 units	52%	13%	10%

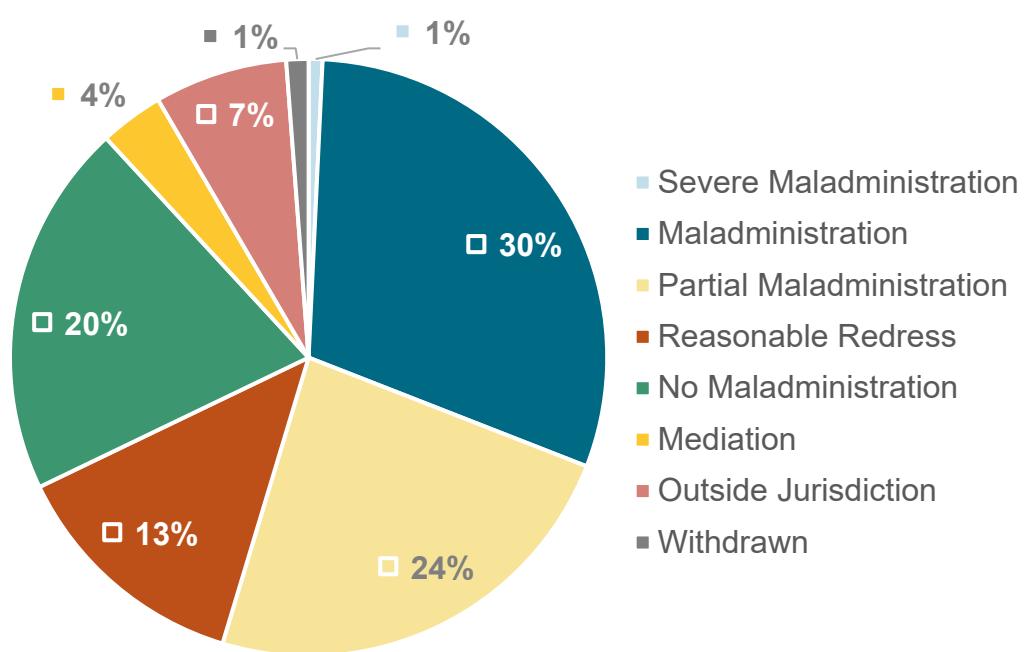
Determinations issued

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 and taken steps and/or made a compensation offer that puts things right.
- **Partial maladministration** - 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.
- **No maladministration** - 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.

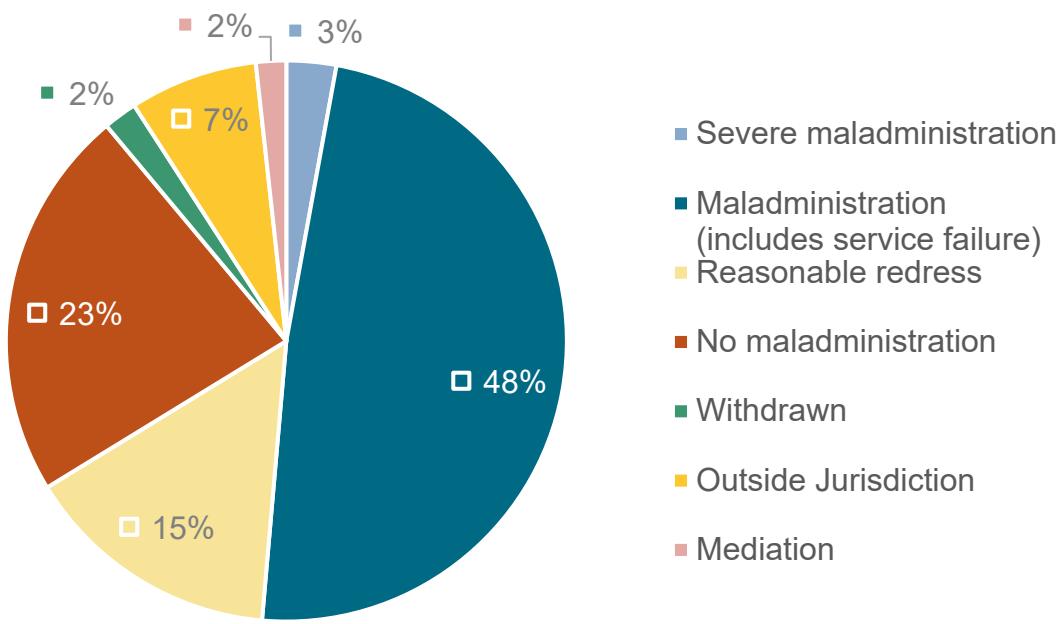
The chart below shows the split of case outcomes. We found full or partial maladministration in 55% of cases for the three-month period, October to December 2022. This is equal to the previous three months and compares to 43% in the same period last year.

Overall outcomes of determinations October to December 2022



Findings on determinations October to December 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 51% of findings for the three-month period October to December 2022, an increase from 45% in the previous quarter.



Findings by top three complaint categories

Finding	Property Condition	Complaints Handling	Anti-Social Behaviour
Maladministration	54%	70%	43%
Reasonable redress	19%	18%	4%
No maladministration	19%	9%	41%
Mediation	2%	1%	0%
Outside Jurisdiction	4%	2%	8%
Withdrawn	2%	0%	4%

Findings by type of landlord

Finding	Housing Association	Local Authority	Other
Maladministration	47%	54%	100%
Reasonable redress	17%	11%	0%
No maladministration	24%	22%	0%
Mediation	2%	0%	0%
Outside Jurisdiction	6%	10%	0%
Withdrawn	2%	2%	0%

Findings by landlord size

Finding	More than 10,000 units	Between 1,000 and 10,000 units	Less than 1,000 units
Maladministration	50%	46%	53%
Redress	17%	13%	3%
No maladministration	22%	28%	28%
Mediation	2%	1%	1%
Outside Jurisdiction	7%	8%	12%
Withdrawn	1%	3%	5%

Orders and recommendations

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



Our orders and recommendations made improvements for residents on 1,263 occasions between October and December 2022

Following a finding of maladministration, we may ask the landlord to put things right which will be reflected in an order. These may include ensuring repairs are done, providing individual redress for residents or taking action to prevent a reoccurrence e.g. change in policies and procedures.

Between October and December 2022, we issued a total of 1263 orders and recommendations, made up of 796 orders and 467 recommendations.

Type	Orders	Recommendations
Apology	55	2
Case Review	29	11
Compensation	455	86
Policy Review	13	47
Process Change	5	38
Repairs	60	34
Staff Training	18	56
Take Specific Action (non-repair)	139	123
Other	22	70
Total	796	467

Orders and recommendations for top three categories of complaint

	Property Condition	Complaints Handling	Anti-Social Behaviour
Orders	381	221	63
Recommendations	253	89	31

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 the three areas in north England of North West, North East and Yorkshire and Humber.

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
North West	Property Condition 31%	Anti-Social Behaviour 15%	Complaints Handling 15%
North East	Property Condition 38%	Complaints Handling 11%	Anti-Social Behaviour 8%
Yorkshire and Humber	Property Condition 33%	Anti-Social Behaviour 20%	Complaints Handling 15%

In all regions, the top three categories are the same as our national 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

North West

Finding	Housing Association	Local Authority
Maladministration	27%	57%
No maladministration	41%	14%
Outside Jurisdiction	18%	29%
Reasonable Redress	10%	0%

Mediation	3%	0%
Withdrawn	1%	0%

North East

Finding	Housing Association	Local Authority
Maladministration	18%	32%
No maladministration	49%	18%
Outside Jurisdiction	12%	36%
Reasonable Redress	18%	14%
Mediation	3%	0%
Withdrawn	-	-

Yorkshire and Humber

Finding	Housing Association	Local Authority
Maladministration	26%	33%
No maladministration	45%	37%
Outside Jurisdiction	13%	22%
Reasonable Redress	14%	5%
Mediation	1%	2%
Withdrawn	1%	1%

The tables below show findings by size of landlord in the North West, North East, Yorkshire and Humber.

North West

Finding	More than 10,000 units	Between 1,000 and 10,000 units	Less than 1,000 units	Grand Total
Maladministration	26%	29%	43%	27%
No maladministration	40%	46%	29%	41%
Outside Jurisdiction	18%	16%	14%	18%
Redress	11%	7%	14%	10%
Mediation	4%	0%	0%	3%
Withdrawn	1%	2%	0%	1%

North East

Finding	More than 10,000 units	Between 1,000 and 10,000 units	Less than 1,000 units	Grand Total
Maladministration	17%	40%	100%	22%
No maladministration	41%	53%	0%	42%

Outside Jurisdiction	20%	7%	0%	17%
Redress	20%	0%	0%	17%
Mediation	2%	0%	0%	2%
Withdrawn	-	-	-	-

Yorkshire and Humber

Finding	More than 10,000 units	Between 1,000 and 10,000 units	Less than 1,000 units	Grand Total
Maladministration	28%	50%	0%	29%
No maladministration	41%	33%	67%	40%
Outside Jurisdiction	18%	11%	0%	18%
Redress	11%	0%	0%	10%
Mediation	2%	0%	33%	2%
Withdrawn	0%	6%	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 the North of England.

Landlord responds to a complex and challenging complaint by correctly applying its policies

Case reference: [202008393](#)

Landlord: Rotherham Metropolitan Borough Council

Categories: Responsive repairs- general/ leaks/ damp and mould, Structural safety and Rent- amount

Outcome: No maladministration- complaint issues or handling.

Case summary:

The landlord told the resident he owed rent arrears. The resident disagreed. He said the landlord made a mistake with his account when his previous tenancy ended and he did not owe any rent arrears.

The resident reported a fault with his boiler and a fault with his guttering. The landlord replaced the boiler and repaired the guttering within one month.

Several months' later, the resident reported issues with subsidence. The landlord arranged a structural survey. The survey recommended structural works and removal of a tree. The landlord carried out the recommended work and following a further inspection carried out further work to remove the tree stump. The structural engineer recommended waiting 12 to 18 months before repairing and decorating the property to allow the ground to settle.

The resident made a further complaint about outstanding work/ issues at the property which included: underpinning, further repairs to guttering, cracks in the plaster and the temperature in the property.

The landlord provided its stage one complaint response. It explained the work that had been completed and the structural engineer's recommendations. It arranged an inspection for the other issues the resident reported. The resident was unhappy with the landlord's decision not to decorate the property for 12 to 18 months whilst the ground settled.

The resident complained about the rent arrears on his account. He said the landlord failed to provide the clarification he requested about the amount he owed. He told the landlord he made payments to the account that were not listed. The landlord asked for proof of the payments for it to trace. It provided its stage one complaint response. It gave a breakdown of the payments on the resident's rent accounts. The resident agreed to send bank statements to the landlord. The resident sent incomplete bank statements and the landlord said it did not show he had paid the full amount on his account. Therefore, the amount he owed remained the same and it did not uphold his complaint about the arrears.

The structural engineer attended to inspect the progress of the ground settling and underpinning work. The landlord gave its stage one complaint response in respect of the structural and remedial works. It did not uphold his complaint. It said it followed the structural engineer's recommendations and it agreed to carry out an inspection for remedial work.

The resident was unhappy with the inspection because he felt the proposed list of remedial work was incomplete. In particular, he felt the kitchen should be replaced. Following the inspection, the landlord wrote to the resident and explained what work it intended to carry out. It also explained why it did not intend to replace the kitchen. It encouraged the resident to allow the proposed works and book them in to be completed.

The resident raised a further complaint about the structural report, staff conduct, time taken to resolve the complaint, subsidence in the garden and a faulty boiler. The resident refused to allow any of the proposed work to be carried out. The landlord did not uphold his complaint. It referred to its previous complaint responses and correspondence about the issues the resident raised in his latest complaint.

The landlord warned the resident about his contact and behaviour under its 'unreasonable complainant behaviour' policy.

Good practice:

The landlord responded to a complex and challenging complaint by correctly applying its policies and providing consistent responses and communication.

The landlord was able to respond to the resident's complaint and the Ombudsman investigation because it kept accurate records in relation to its:

- Internal and external communication
- Inspections and reports
- Decision making
- Complaint correspondence

The landlord was also able to justifiably apply its unreasonable complaint behaviour policy because it could demonstrate its attempts to resolve and communicate with the resident at each stage of the process.

Despite the challenges, the landlord consistently told the resident what work it wanted to carry out at the property and encouraged him to agree to it. It also offered to carry out extra work, as a goodwill gesture, to progress the case.

Works completed within agreed time frames and discretion shown to resolve complaint

Case reference: 202010560

Landlord: Doncaster Metropolitan Borough Council

Categories: Condition of property and Responsive repairs

Case Summary:

In November 2019, the resident moved into the property with her children, one of whom has a disability. Prior to the resident moving in, a void inspection was conducted and works were completed.

Between May 2020 and January 2021, the resident reported several repair issues. The landlord completed the majority of work within its repair timeframes, with the exception of a period where COVID-19 was a relevant factor.

In October 2020, the resident complained she reported repairs that were not carried out. These included a broken toilet, damp, creaking floorboards and inaccessible garden. The landlord gave its stage one response. It said the property had been inspected three times in the previous six months and 16 jobs had been raised as a result. In relation to the floorboards, it said the floor coverings were the resident's responsibility but it offered her £500 towards carpeting. It listed the jobs it had scheduled for March 2021.

The resident remained unhappy and escalated her complaint. The landlord gave its final complaint response in January 2021. It did not uphold the complaint. It was

satisfied with the list of work and the proposed timeframes. It offered to do some of the work earlier than March 2021 in an attempt to resolve the complaint.

Good Practice:

The landlord's records confirmed the inspection prior to the resident moving into the property. It recorded an extensive list of works and completed all the agreed work in line with its timeframes, other than a period where COVID-19 restricted work.

It addressed all of the issues the resident raised and complained of. In addition to the agreed works, it also used its discretion to offer financial support to the resident to purchase carpets. During its complaint process, it offered to complete some of the agreed works ahead of its schedule in an attempt to resolve the resident's complaint.

Action taken to mitigate risks despite no evidence found to support a residents complaint about a staff member

Case reference: 202105984

Landlord: Leeds City Council

Categories: Staff conduct

Outcome: No maladministration in the landlord's response to the resident's reports of issues with a member of staff working at a resident's property.

Case summary:

The resident lives at the property with her family. In March 2021, the resident complained to the landlord about an incident involving an operative working on behalf of the landlord at another property. The resident said she had also reported the incident to the Police and there had been ongoing issues for approximately three weeks.

The landlord recorded the complaint about the operative and moved the operative to another property while it investigated the complaint.

The landlord did not uphold the complaint but it agreed that due to the distress the family experienced, the operative would not return to work at the neighboring property. It gave the resident a point of contact if they had any further concerns about the operative.

Following a further incident, the resident reported during the complaint process the landlord agreed the operative would not return to work at the neighbouring property.

Good practice:

The landlord communicated with the contractor and Police to investigate the complaint. It took action to reduce the risk of further incidents.

Although its investigation did not find evidence to support the resident's complaint, it did not dismiss the resident's concerns and acknowledged the impact it was having on the family.

Landlord listens to resident and acts on information provided during investigation of noise nuisance

Case reference: 201910919

Landlord: Gateshead Metropolitan Borough Council

Categories: Noise Nuisance

Outcome: No maladministration

Case summary:

The resident reported noise nuisance from a neighbour. The landlord opened an Anti Social Behaviour (ASB) investigation and investigated the resident's reports over a nine month period. It carried out noise comparison tests, contacted other residents, installed noise monitoring equipment and reviewed the resident's incident diaries. The landlord met the resident in person on several occasions and spoke to the neighbour during its investigation.

The landlord did not find any evidence of excessive noise and closed its ASB investigation. The landlord offered mediation to the resident and neighbour. It explained its decision to the resident but the resident was unhappy with the decision and complained.

The landlord did not uphold the resident's complaint. It explained the action it took in response to the reported noise nuisance and its decision to close the ASB.

Good practice:

The landlord responded to the resident's reports in line with its ASB policy. Its records demonstrated the efforts it made to evidence the complaints. It listened to the resident's concerns and acted on the information during its investigation. For example, it attended out of hours in an attempt to witness the alleged noise nuisance at times when the resident reported it was happening.

The landlord's records of its investigation and correspondence with the resident evidenced its actions and decision-making. It demonstrated the decisions were reasonable and proportionate in the circumstances.

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

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