

# Insight report



**Insight on data and individual cases January to March 2023**

**Issue 14**

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# Introduction

Welcome to our latest Insight report covering complaints data, individual cases and wider learning points from our work between January and March 2023. Complaints are a mirror to your services and can often be the first warning light that a policy or procedure may not be working in practice as it should be.

This report, and subsequent editions, will help landlords in multiple areas to make improvements and deliver better services for residents.

This new look Insight report will focus on some of the key themes and cases we've seen from the past few months and provide guidance and recommendations for landlords based on those cases. It includes insights from our case handlers who support earlier resolution while the complaint is still in the landlord's procedure, bringing fresh insights on cases raised in the last few weeks.

This is accompanied by key lessons from our formal investigations. In this quarter, we've highlighted cases from the past quarter that have particularly strong learning in them, from how a landlord poorly dealt with void quality to how a landlord responded appropriately and effectively to a resident's concerns around anti-social behaviour.

The lessons strongly emphasise the need for good records and effective communication, a key finding in our recent **Spotlight report on Knowledge and Information Management**.

## Key themes include:

- Property condition
- Anti-social behaviour and noise
- Staff behaviour
- Complaint handling

On our website, you can also find the **summary data from this quarter**, which showed we received 11,205 complaints and enquiries between January and March and made 759 determinations.

We publish decisions on our website every two weeks, with a range of cases and determinations. Our casebook now has over 4,000 individual decisions that landlords should use to improve services and extend fairness across social housing.

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** to keep up to date with news and developments.

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

# Emerging themes from Dispute Support

This new section of the Insight report looks at the emerging themes we are seeing from our Dispute Support team.

The Housing Ombudsman Service does not just investigate complaints, but it also provides support to both residents and landlords throughout the complaints process. Each year this part of our service handles thousands of cases to support earlier resolution through the landlord without a formal investigation by us.

These are some of the issues our caseworkers are seeing.

## Claims

In our one year on follow up damp and mould spotlight report, we reiterated that landlords should continue to use the complaints procedure until legal proceedings have been issued. Complaints policies that exclude matters subject to legal proceedings need to be clear that that does not include the pre-action protocol.

We have guidance on Pre-Action Protocol for Housing Conditions Claims and service complaints for those needing more information.

We have also seen a number of approaches to the Housing Ombudsman that centre around insurance claims. These are usually outside of our jurisdiction, but landlords will still need to consider, even if the issue does not qualify to be recorded as a complaint, whether they have any responsibilities towards actioning the insurance claim. You can refer to our insurance guidance for more information.

## Abusive residents

A landlord approached us about a dispute it was having with a resident, in which it believed the resident had been abusive. The resident said he had lost his patience.

The landlord was told it still had to issue its final response to the resident despite the conduct, and it did so appropriately, without referring to the resident's behaviour. Had the landlord referred to the behaviour, it may have unnecessarily inflamed the situation while adding nothing to the complaint response. It can be appropriate for a landlord to set out its unacceptable behaviour policy to a resident if that behaviour is making it difficult to understand or appropriately respond to a complaint; although in this case, there was no need.

## Group complaints

Although a group of residents may submit a complaint to the landlord, there may be individual circumstances within that group that are slightly different, or issues within the complaint that don't relate to certain individuals. Therefore, while a landlord should consider what went wrong, how it affected the group and respond to the group complaint, it should also consider any individual adverse effect and provided tailored responses where appropriate.

If the case was to come to the Housing Ombudsman for investigation, we may handle it as one group complaint, but any redress would vary depending on the individual circumstances.

## Extension requests

Finally, a key trend from the past quarter has been landlords contacting the Housing Ombudsman asking for an extension to provide a complaint response, rather than contacting the resident to have that conversation. As per the Complaint Handling Code, if an extension is required then this should be agreed by both the landlord and resident.

Landlords also must not delay their complaint response to wait for the completion of a repair, as this could also be delayed or take longer than expected.

These are themes that we see in complaint handling and further detail can be found in our newly extended **Complaint Handling Failure Orders report**.

# Lessons from formal investigations

The themes and case studies featured below have been selected by our Insight team to illustrate the lessons that can be learned in a range of cases, from maladministration to reasonable redress or no maladministration.

## Property condition

Property condition is consistently the most complained-of topic. In this case ([202109734](#)), we found maladministration for how **Lewisham Council** dealt with repairs failings involving a resident who was nearly full term in her pregnancy.

Within days of moving in, the resident complained of various repairs not completed and a gas engineer found that the gas supply tap had been left on and was in a dangerous state.

The repairs took a month to complete. The landlord had not adhered to its own void lettable standard policy and its inaccurate repairs records could not be explained. It did not investigate how that had happened or try to prevent a recurrence.

### Key learning for the sector

Thorough inspections of homes must take place before a resident moves in, including ensuring the home adheres to safety regulations. Repairs records must be kept up to date and monitored to ensure jobs are completed promptly and accurately. If something goes wrong, learning debriefs must always take place.

In another case, we found reasonable redress for how **Peabody** ([201902535](#)) handled a window replacement complaint. The landlord's policy is to repair before replacing and had investigated the residents' windows to find them in good condition.

After a further complaint from the resident, it agreed to inspect the windows again, confirmed that the windows could be repaired and therefore did not require urgent replacement, but that it would replace them during the next financial year. Its position that it would repair rather than replace the windows was consistent and reasonable, supported by numerous inspection reports, and was also appropriate in accordance with its policy.

### Key learning for the sector

Clear following of a policy and keeping a resident well informed about the reasons for the decision, backed up by inspections, is a positive way of managing resident expectations and repairs.

## Further learning:

- [Property condition factsheet](#)
- [Knowledge and Information Management Spotlight report](#) (for repairs records and communication)

## Staff behaviour

After a resident complained that a member of the landlord's staff had been aggressive during a visit to his home, the landlord, **Cognatum Estates** took reasonable steps to find out what had happened.

We found no maladministration in this case ([201914352](#)) with the landlord taking statements from the member of staff and a contractor who had witnessed the incident, who both said the resident had acted inappropriately.

The resident disputed this but with no further evidence to suggest any wrongdoing, the landlord closed the case by acknowledging it would have been preferable for its staff to have walked away from the situation when it became 'heated' and apologised, but there was nothing more it could do to prove or disprove the allegations.

## Key learning for the sector

The landlord took the resident's concerns seriously and investigated the matter. When there was no further evidence, it communicated appropriately with the resident and fairly recognised it could have done better.

## Further learning:

- [Managing unacceptable behaviour policy – Guidance for landlords](#)

## Anti-social behaviour and noise

We found no maladministration for **Home Group** ([202112948](#)) after it took all reasonable and appropriate actions available and communicated effectively with the resident over her concerns.

After she reported physical and verbal attacks by neighbours, as well as damage to the property, the landlord set out all the actions it had taken. These included evidence gathering, interviews, police liaison, issuing warning notices and asking the neighbours to agree to an "Acceptable Behaviour Agreement". It also explained what more it could do if the situation did not improve.

## Key learning for the sector

ASB and noise can be an emotive topic and landlords have tools available to reduce distress. In this example, the landlord took multiple forms of action and explained clearly to the resident what would happen next should the situation not improve.

In another case ([201915833](#)), we found maladministration for **Birmingham City Council** for failing to appropriately manage the resident's expectations about the scope of its investigation or the potential outcomes.

It took reasonable actions after reports of ASB from the flat above, including an investigation by the Environmental Health team, which found no statutory noise nuisance, and follow-up offers of mediation.

However, it missed several opportunities to manage the expectations of the resident, who thought his neighbour would be evicted or that he would be rehoused.

## Key learning for the sector

Carrying out the correct actions on the ASB issue itself is important, but the communication and expectation management with residents is just as important.

### Further learning:

- [Spotlight on... noise report](#)
- [Tenants' behaviour factsheet](#)

## Complaint handling

In a case involving **Gateshead Metropolitan Borough Council** ([202126868](#)) we found maladministration after the person dealing with a complaint went on leave without any temporary cover.

This left the resident without a response or person to contact, and when the person returned from leave, the complaint was not picked up promptly.

In another case, we found maladministration for **Broadland Housing** ([202112894](#)) after it asked the resident if it wished to have the complaint handled "informally or formally". The landlord then handled the complaint informally for nearly two years, without any redress.



## Key learning for the sector

There should always be appropriate cover when a complaints team member goes on leave to ensure that a resident is not left in limbo during a potentially very distressing time. We are also clear that complaints should not be handled informally, as this only delays redress for the resident involved and does not allow for learning to take place from that complaint.

### Further learning:

- [Complaint Handling Code](#)
- [Special investigation report into Catalyst](#) (for informal complaints recommendations)
- [Complaint Handling Failure Order report 2022/23 Q4](#)
- [Responding to a complaint guidance](#)

# Housing

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