

Insight report



Insight on data and individual cases April to June 2023

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Introduction

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

These reports help landlords in multiple areas to make improvements and deliver better services for residents.

We 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 early inspections and effective communication in pest control cases to effective handling of offensive content being posted online.

Key themes include:

- Pest control
- Gas safety
- Staff behaviour
- Tenancy warning letters

On our website, you can also find the [summary data from this quarter](#), which showed we made 1,284 determinations – a 69% increase on the previous quarter.

We publish decisions on our website every two weeks, with a range of cases and determinations. Our casebook now has over 4,250 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 section 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.

We are seeing an increasing number of instances where residents report potential urgent or emergency issues which landlords need to urgently attend and address.

Under these circumstances, our caseworkers are referring the issues to landlords immediately, asking for action prior to the complaint response being issued, given the concerns raised. Landlords should ensure they have suitable processes in place to address immediate concerns regardless of the timescale for a complaint.

We have had a landlord that has followed our advice on an urgent issue which was then attended and resolved the issue with positive feedback from the resident and their representatives.

Another rising trend our caseworkers have been seeing is council residents reporting dissatisfaction with their temporary accommodation, including the location, decency and landlord behaviour. As temporary accommodation is provided by councils in their homelessness duty, these should be referred to the **Local Government and Social Care Ombudsman**.

Where these are referred to us, we must verify the nature of the accommodation, usually by requesting a tenancy agreement to ensure we are advising residents correctly. Councils should ensure they are correctly advising residents if they are unhappy with their temporary accommodation and cooperate with any requests made by our caseworkers when considering cases referred to us.

Finally, we are also seeing landlords taking the decision to decline service charge related complaints. Whilst we recognise that the reasonableness of charges and increases may be investigated by the First Tier Tribunal, landlords should assure themselves that there are no other elements of potential service failure being reported to them before declining a complaint. The Ombudsman may still investigate communication about charges, management of rent and service charge accounts and the quality of services provided. We'll soon be publishing a casework focus on this to encourage greater learning from the cases we see.

You can find out more about our work in this area on our **service charges** page.

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.



Pest control

In a case involving **Westminster City Council** (202213969) we found maladministration in the landlord's response to how it handled infestation over a period of time. A key part of this was not considering its previous attempts to fix the issue, or the resident's vulnerability.

The resident is partially sighted and therefore more food fell on the floor than would usually be the case. Not taking this into account meant it affected her ability to assist with eradicating the infestation.

The landlord was generally responsive to reports and can evidence numerous attendances, however it is clear the actions it took did not provide a permanent solution, which meant the situation went on for just under two years.

Further to this, there was evidence that some of its repairs were not done to a satisfactory standard, but it did not show that it took any further action regarding this.

Key learning for the sector

Landlords should ensure that they have all residents' vulnerabilities kept up to date, so that when issues do arise, they can respond appropriately and know what mitigations may be needed. A risk assessment process for vulnerable residents could be considered here. Where a repairs issue needs fixing on multiple occasions, landlords should reflect on why that may be the case and look at different approaches or wider work that may be needed. Landlords should also ensure any response is empathetic and that it is clear which channel residents should use to get the problem solved.

We also found maladministration for **Wandle Housing Association** (202200819) in their handling of a mice infestation report.

Although the landlord did not cause the issue, it had a responsibility to take reasonable steps to rectify the problem and a duty of care to the resident, who said the infestation was having an adverse impact on his health.

Initially the landlord did not inspect the home to check for access points and attended 16 separate times over an 18-month period to treat the infestation. This

process can take time, but there was no evidence to suggest it got to grips with the issue quickly enough – it took 17 months to start treating the source.

When it was clear the pest infestation was impacting other households, it did not keep the resident up to date, and could have provided more information without breaching confidentiality.

Key learning for the sector

Timely inspections for pest infestations are important and work to locate their source should be a priority. Whilst there is acknowledgement this treatment can take time, landlords should communicate effectively with the resident to keep them up to date with progress and timings. Where there is the potential for other residents to be impacted, the landlord should ensure appropriate action is taken.

Gas safety

We found maladministration for **Solihull Council** (202010123) in their handling of gas safety testing, resulting in a period of 11 months where a vulnerable resident had no gas safety certificate.

The landlord was aware of difficulties gaining access to the resident's property, as well as a previous gas leak caused by the resident, and although the landlord's policy states that it will not cap off the gas supply for vulnerable residents, in this case the safety of others in the locality should have taken priority.

The landlord went to considerable and commendable lengths to demonstrate that it had explored every available alternative to legal action, it failed to carry out these actions at a sufficiently urgent pace.

Key learning for the sector

Landlords should take a pre-emptive action to prepare for such a position. Although the landlord was correct to be sensitive to residents' vulnerabilities, by failing to adhere to relevant safety regulations, they were potentially putting the lives of several its residents (including the resident himself) at risk.

We made a finding of reasonable redress for **Cross Keys Homes** (202106073) in its handling of gas safety testing. The resident was elderly, in ill-health and refused access because he was (Covid) shielding. The landlord capped the gas supply, leaving the resident without gas for 10 months.

The landlord did not appear to have checked at any stage whether the resident was vulnerable or whether he had any health conditions. By failing to do this, the landlord failed to act in accordance with its own gas safety access procedure – where

residents are vulnerable, they should be supported by the landlord's specialist interventions team.

Key learning for the sector

Landlords should ensure they have accurate and updated record of residents vulnerabilities, and should ensure they follow their own procedures.

Further learning:

- [Knowledge and Information Management Spotlight report](#)
- Our upcoming Spotlight report on Communications and Relationships will include a focus on vulnerabilities



Mutual Exchange

We found reasonable redress for how **Your Housing Group** (202121482) handled a complaint about a resident's rent arrears and mutual exchange request.

The landlord declined the request for a mutual exchange due to rent arrears. The resident complained that they were not aware of the arrears on the account until the mutual exchange was denied, and they were not responsible for the arrears as the landlord had advised them "not to worry" about them.

The landlord's records show they attempted to engage with the resident about rent arrears on multiple occasions. Despite no vulnerability flags on the system, the landlord recognised these and had been sensitive to the resident's situation, both in its communication and in trying to find a solution with appropriate partner agencies.

Although there was a service failure by the landlord because it gave the resident an incorrect arrears amount, the landlord recognised this and took steps to put matters right. It appropriately apologised and compensated the resident for the error.

Key learning for the sector

The landlord acted appropriately and in accordance with its rent collection policy by making regular contact with the resident to address her arrears at the earliest opportunity, and to explain to the resident how her arrears have accrued. The landlord's response on the point of responsibility for the arrears was explained clearly and sensitively within its complaint responses. The landlord has appropriately recognised vulnerabilities, and has been sensitive to her situation, both in its communication and in trying to find a solution with appropriate partner agencies.

In another case we made a finding of reasonable redress for **Clarion** (202016549) following a complaint that the landlord's inspection for a mutual exchange was inadequate and that a closer inspection would have revealed repair issues which would have led to the mutual exchange being rejected.

The landlord's pre mutual exchange inspection did not record alterations that had been made to the property and disrepair issues were not flagged. However, the landlord acted promptly in arranging for the kitchen to be renewed and items in the bathroom to be replaced. It also offered compensation which went some way towards putting things right for the resident.

Key learning for the sector

Landlords should ensure that they abide by their own policies and don't unintentionally leave residents in poor housing as a result of not doing so.

Further learning:

- [Moving to a new property fact sheet](#)



Staff

We found maladministration by **Places for People** (202202414) in their response to concerns raised about its attitude and approach towards the resident.

Following a visit to their property, the resident complained to the landlord about the officer's conduct, raising a number of points within their complaint

The landlord's response to the complaint did not answer certain allegations about the officer and did not consider or seek relevant information for other allegations. The landlord also made adverse comment about the resident's conduct without telling her what had been alleged about her.

It also failed to identify that her vulnerabilities were a relevant factor when assessing the reasonableness of the steps it had taken.

Key learning for the sector

The landlord acted unreasonably by failing to adopt its own policy and good practice dispute resolution and acted in a way that was procedurally unfair. The landlord's response to concerns raised about its attitude and approach towards the resident demonstrated a number of failings and missed opportunities causing avoidable distress to the resident.

Landlords should make sure there are call recordings and/or contemporaneous notes, keep residents updated as to the status and outcome of the investigation and ensure the complaints policy does not exclude complaints made about staff conduct.

We made a finding of reasonable redress for **The Guinness Partnership** (202100198) following a complaint regarding staff behaviour.

The resident's escalation of the complaint to stage two focused on the landlord's use of a camera during an external visit with its roofing contractor as the recording which left resident feeling harassed. Although we are unable to determine whether harassment took place, we are able to consider whether the landlord's actions on receipt of this report were reasonable.

In the stage two response the landlord provided a reasonable explanation for the recording – surveyors often record the outside of buildings when assessing required work.

Key learning for the sector

Although there was no evidence available to the landlord that showed misconduct and the surveyor was unable to give a comment on the subject, the landlord took on board the resident's experience, apologised to her and compensated her. This landlord's actions demonstrated that it took her report seriously.

Further learning:

- Our upcoming Spotlight report will focus on Communications and Relationships, with sections looking at attitudes and behaviours

Tenancy warning letters

In a case involving High Peak Borough Council (**202205626**) we found no maladministration after the landlord acted appropriately when it considered the resident had posted something offensive on social media and had therefore breached the tenancy agreement terms.

It was reasonable and appropriate for the landlord to send the resident advising him of this. Further, complaint responses attempted to explain why they felt this was the right thing to do in the circumstances.

The landlord did not refuse services to the resident who was able to access the landlord in the same way they had always done.

Key learning for the sector

It is not the role of the Ombudsman to determine whether the resident breached the terms of his tenancy with his post. However, the landlord acted appropriately by clearly communicating with the resident on the issue and not withholding services from him. This showed a proportionate response to the potential tenancy breach.



Drainage issues

We found maladministration in a case involving Ealing Council (**202203016**) where the landlord delayed resolving an underlying drainage issue and did not act on the contractor's recommendations to carry out a CCTV inspection or preventative works.

Prompt inspections were carried out by the landlord, but there is little evidence to show that, after the sewage ruined her home and it offered her a chance to move, it provided any further support to the resident.

It took nine months for the landlord to carry out the repairs and it failed to keep her updated during that time. More than one resident's home was affected by the drainage issue, including a neighbouring tower block.

Key learning for the sector

Prompt inspections are a good basis for a landlord to fix a repairs issue, but taking the advice of independent contractors is good practice and making repairs within the timescales set out in a repairs policy is a fundamental part of effective service delivery. The landlord must make sure it is assured that the underlying issues are dealt with too, especially when they can have an impact on other residents.

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