

Housing

Ombudsman Service

Housing Ombudsman Service
Quarterly report:
Complaint Handling Failure Orders
issued April to June 2023

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Contents

Introduction	3
Complaint Handling Failure Orders issued April to June 2023	4
Type 1 - Unreasonable delays in accepting or progressing a complaint.....	5
Type 2 - Unreasonable delays in providing the Ombudsman information.....	8
Type 3 - Failure to comply with membership obligations	9
Key lessons	9
Learning from multiple orders.....	10
London Borough of Barking and Dagenham	10
Southwark Council	10
Positive actions	11
Intervention work.....	11

Introduction

The Housing Ombudsman Scheme and [Complaint Handling Code](#) set out clear expectations for landlords on handling housing complaints and includes the power to issue a Complaint Handling Failure Order.

The purpose of Complaint Handling Failure Orders is to ensure a landlord's complaint handling process is accessible, consistent and enables the timely progression of complaints. They also provide valuable insight into landlords' current complaint handling approaches by highlighting where there may be weaknesses in culture, policy, procedure or challenges relating to resource.

With the Code becoming statutory in 2024, landlords will be expected to comply with the provisions of the Code and the Ombudsman will be assessing this as part of its mandated duty to monitor. This will include reviewing not only to what extent landlords' published approach is in line with the Code, but how this is being delivered.

As part of our work to support landlords to embed a positive complaint handling culture and make improvements where there is evidence that suggests this may not be the case, we will continue to focus our attention on repeat instances of failure orders, and consider what intervention is appropriate to drive necessary change.

We will also use the intelligence from these individual cases to see where potential Type 3 CHFOS could be issued where there are repeat Type 1 and 2 CHFOS issued.

Our CHFOS are regularly cited in our Special Investigation reports, as well as in various severe maladministration decisions.

This refreshed and expanded report will provide better knowledge and information for the Member Responsible for Complaints and complaint teams.

In this report, we have also included data around our enquiries, which demonstrates the prevalence of failure to comply with the timescales for responding to complaints, as 66% of residents experienced a delay from their landlord.

If you would like to give us some feedback on this report, and how we could make it more useful, please [take this survey](#).

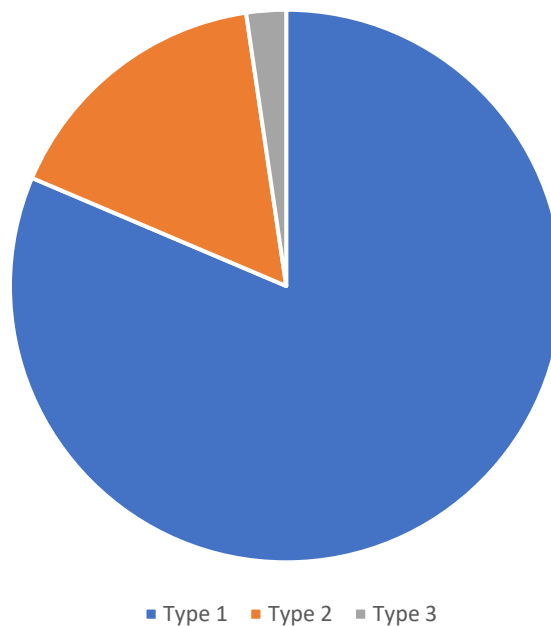
Find out more information about Complaint Handling Failure Orders, include guidance on the orders and the Code itself, on our website. If you would like help or guidance on how you can comply with the Code, we're now hosting monthly drop-in sessions. You can book onto our [October session](#).

Complaint Handling Failure Orders issued April to June 2023

From April to June 2023, we issued 43 Complaint Handling Failure Orders with 18 of those not being complied with, the most non-compliance we've ever had in one quarter.

On the back of this, the Ombudsman has written to those organisations who did not comply with more than one CHFO.

Thirty-five of the orders we issued this quarter were Type 1, seven were Type 2 and one was Type 3.



In a wider context, we received 9,505 enquiries in the quarter, with 64% of these (6,110) being enquiries escalating to dispute support due to evidence of delays by landlords.

We also sent out 4,087 notices to landlords requiring them to act in response to a resident's complaint, of which 2,937 were first notices, 755 second and 395 final notices.

We intervened on 6,110 cases, with 66% requiring escalation into our formal process to issue a CHFO. Of those where landlords were notified that action was required; 72% were resolved through a first notice, 18% at the second notice and 10% were issued a final notice.

Type 1 - Unreasonable delays in accepting or progressing a complaint

Date issued	Landlord	Case ref	Complied with?
03/04/2023	Hyde Housing	202206256	Yes
03/04/2023	North Northamptonshire Council	202220918	Yes
05/04/2023	Tower Hamlets Homes	202225270	Yes
08/04/2023	Alpha Housing Co-operative Limited <i>As the complaint had a stage 1 response and the complaint was overdue, we accepted the complaint for investigation without a stage 2 response.</i>	202120430	No
10/04/2023	Lewisham Council	202203213	Yes
10/04/2023	Southwark Council	202211107	Yes
10/04/2023	Southwark Council	202221985	Yes
10/04/2023	Southwark Council	202216583	Yes
10/04/2023	London & Quadrant Housing Trust	202220817	Yes
13/04/2023	Southwark Council <i>The landlord explained it could not comply because it could not change the time taken for a cheque to be provided. As the Order was not complied with, we accepted the complaint for investigation.</i>	202218644	No
17/04/2023	Ash-Shahada Housing Association Limited	202224114	Yes
21/04/2023	Local Space Limited	202215718	Yes
22/04/2023	Lambeth Council	202230524	Yes
22/04/2023	London & Quadrant Housing Trust	202123785	Yes
23/04/2023	Birmingham City Council	202230326	Yes
25/04/2023	London & Quadrant Housing Trust <i>As the complaint had a stage 1 response and the complaint was overdue, we accepted the complaint for investigation without a stage 2 response.</i>	202220537	No
02/05/2023	Arneway Housing Co-operative Limited	202200408	No

	<i>The landlord explained that it was not able to respond due to court action but did not provide evidence of the court form on request. As the Order was not complied with, we accepted the complaint for investigation.</i>		
16/05/2023	London Borough of Haringey <i>The landlord explained to the resident that the delay was due to information required from other teams. As the Order was not complied with, we accepted the complaint for investigation.</i>	202224615	No
17/05/2023	Reliance Social Housing C.I.C <i>The landlord did not respond to any contact from the Ombudsman. As the Order was not complied with, therefore the Ombudsman accepted the complaint for investigation.</i>	202234067	No
19/05/2023	London Borough of Haringey	202224084	Yes
21/05/2023	Orbit Group Limited	202218679	Yes
21/05/2023	Barking and Dagenham Council <i>The landlord explained it was unable to respond due to ongoing action at the property to resolve the presence of pests. The resident confirmed no response had been provided and therefore, the case was accepted for investigation.</i>	202216208	No
21/05/2023	London Borough of Haringey <i>The landlord apologised to the resident and asked to extend the response by a month. Given the delays to date, this was not considered reasonable and an Order was issued. As the Order was not complied with, we accepted the complaint for investigation.</i>	202218734	No
21/05/2023	Southwark Council <i>The landlord explained it was unable to meet the timescales for</i>	202224440	No

	<i>its response but did not provide a reason to the resident or the Ombudsman. Given the delays to date, this was not considered reasonable, and an Order was issued. As the Order was not complied with, we accepted the complaint for investigation.</i>		
24/05/2023	Alpha Housing Co-operative Limited	202126958	Yes
24/05/2023	Camden Council	202204246	Yes
31/05/2023	Barking and Dagenham Council	202227176	Yes
02/06/2023	Southwark Council <i>The landlord responded to our final notice prior to the Order stating it had no records of previous correspondence. Given other delays, this was not considered reasonable and an Order was issued. As the Order was not complied with, we accepted the complaint for investigation.</i>	202116685	No
07/06/2023	Tally-Ho Housing Co-operative	202227006	Yes
07/06/2023	GreenSquareAccord	202228028	Yes
07/06/2023	Barking and Dagenham Council	202228018	Yes
07/06/2023	Aves Housing <i>The landlord did not respond to any contact from the Ombudsman. As the Order was not complied with, the Ombudsman accepted the complaint for investigation.</i>	202228093	No
08/06/2023	PA Housing	202122394	Yes
09/06/2023	Sovereign Housing Association	202304024	Yes
19/06/2023	Ash-Shahada Housing Association <i>The landlord explained it had not provided a response as further repairs were required. Given other delays, this was not considered reasonable and an Order was issued. The Order was not complied with, so we accepted the complaint for investigation.</i>	202227232	No

Type 2 - Unreasonable delays in providing the Ombudsman information

Date issued	Landlord	Case ref	Complied with?
04/04/2023	<p>Polish Retired Persons Housing Association</p> <p><i>The landlord did not provide evidence to confirm Orders issued in the determination had been completed.</i></p>	201914331	No
21/04/2023	London Borough of Ealing	202119133	Yes
21/04/2023	<p>Barking and Dagenham Council</p> <p><i>The landlord did not provide evidence to confirm Orders issued in the determination had been completed.</i></p>	202211917	No
26/05/2023	<p>A2Dominion Housing Group</p> <p><i>The landlord did not provide evidence to confirm Orders issued in the determination had been completed.</i></p>	202107587	No
07/06/2023	<p>Havering Council</p> <p><i>The landlord explained it could not comply with the Order to review its self-assessment with the Code as it intended to complete this after changing internal structures and approach.</i></p>	202206914	No
22/06/2023	<p>Barking and Dagenham Council</p> <p><i>The landlord did not respond to requests for information to progress the case for investigation.</i></p>	202123271	No
22/06/2023	Camden Council	202126123	Outstanding - within target

Type 3 - Failure to comply with membership obligations

Date issued	Landlord	Case ref	Complied with?
17/04/2023	My Space Housing Solutions <i>The landlord has several worrying issues within its complaints handling, including a conflict of interest. It was also unclear whether the landlord was implementing a stage 0 process before a stage one complaint is issued. Since this work, a new management team is in place who is engaging with us on compliance.</i>	202226574	No

Following publication of our previous report, we identified a Complaint Handling Failure Order which the landlord had requested a review (case reference 202211864). We have now completed the review, and this Order has been rescinded as the landlord provided evidence that it had complied with our final notice. We have since updated our internal protocols for reviews.

Key lessons

Looking beyond the statistics, there are key lessons landlords can take from the orders this quarter.

Firstly, landlords must ensure they have robust processes in place to raise and respond to complaints effectively. They should identify at the earliest opportunity if an extension is required and provide clear reasons for this as well as when the response will be provided – this must be honoured.

We've also noticed that many complaints teams say they are awaiting information from other departments. We'd recommend reading our Spotlight report on Knowledge and Information Management to prevent this.

The Ombudsman's dispute support team has also noticed that some landlords are not engaging with them at all, which is extremely concerning given their obligation as a member of the Scheme. We will be taking this very seriously, as we prepare to enact our duty to monitor compliance with the Scheme as part of our work in response to the Social Housing (Regulation) Act.

Further to this, landlords should co-operate with requests from the Ombudsman for evidence and information whilst the complaint is within their internal complaints procedure, otherwise we are unable to determine whether responses for delays are reasonable or not.

Landlords should also not block requests for information because they think they know our jurisdiction, that is up to the Ombudsman to decide and can sometimes be discretionary depending on the case and context.

Learning from multiple orders

Multiple CHFOS offer an opportunity for individual landlords and the wider sector to learn.

London Borough of Barking and Dagenham

There were various cases involving this landlord, all for different themes but consistently producing poor complaint handling. In a pest control case, the landlord delayed its stage two response due to ongoing treatments and a new survey being required. When it did reply, it was two months after the date it promised.

In an aids and adaptations-related case, which will now be taken forward by the Local Government and Social Care Ombudsman, the landlord did not track or progress the aids and adaptations required and failed to extend the complaint timescales or provide updates during this time.

In the two other cases in the last quarter, the landlord did not provide evidence of compliance with orders from a decision and in another failed to provide evidence that was required to complete an investigation into damp and mould.

Lessons for the wider sector:

- Acknowledge and cooperate with the Ombudsman
- Ensure repairs and surveys are booked in good time
- Keep residents and the Ombudsman (where involved) updated

Southwark Council

The landlord's complaint handling issues were in cases that included repairs, pest control, damp and mould and fire safety.

The landlord often delayed acknowledging a stage two response and disputed timescales responding to complaints, despite evidence showing its position was incorrect. When the landlord did acknowledge delays, it did not set out the reasons for those to either the resident or Ombudsman.

There were also instances where the landlord failed to respond as requested to the resident or Ombudsman, once again with no reasons being given.

Lessons for the wider sector:

- Provide information about the reasons for delays and actions being considered to ensure resolution
- Always acknowledge delay to complaint responses
- Ensure payments ordered (by HOS or others) are issued in a timely way - consider alternative approaches if there is a delay through the standard process
- Landlords should not be referring to the designated person/MP referral – this changed in October 2022.

Positive actions

Not everything we've seen in the complaint handling space has been negative this quarter. There have been some landlords that have demonstrated they made learning from findings on individual cases, and wider insights from the Ombudsman such as this report.

- **Waltham Forest** reviewed their internal arrangements for complaint handling and are implementing training on resolution techniques following staffing changes
- **Stonewater** are using the Code Self-Assessment to support their review of complaints handling following the acquisition of Greenoak Housing
- **Livv Housing** has engaged with online training from the Ombudsman to support staff and are reviewing their compensation guidance to ensure best practice is embedded in their operational policies.

Intervention work

Before issuing a Complaint Handling Failure Orders, the Ombudsman is keen to work with landlords when an issue is raised to see if the organisation can comply with the Code before an order is needed.

In the last quarter, 24 landlords were brought into compliance using this intervention work, meaning that more formal action was not needed. This is the most we've undertaken in one quarter and shows that early engagement with us is effective for landlords.

In one case, we worked with a co-operative landlord with only 138 homes that operates using a managing agent.

We found that the landlord wasn't compliant with the Code and its self-assessment was out of date. The landlord's managing agent worked with the single Complaints Officer to update the policy and after committee meeting approval, the landlord was compliant with the Code and had self-assessed effectively.

Being a small landlord, we were aware that the Complaints Officer had time constraints due to being a one-person band and the first committee meeting was not

quorate. Due to effective engagement, these delays were managed and accepted by the Ombudsman.

One of the main reasons why the Housing Ombudsman has joined forces with the Local Government and Social Care Ombudsman to produce a joint Complaint Handling Code is to ensure consistency across the sector. This is particularly evident in local authorities, who cover a wide variety of service areas.

Sometimes these overall corporate complaints policies are not housing specific, and therefore we often encounter issues with stages and timeframes as these can differ between the two Ombudsmen.

In this case, Gateshead Metropolitan Borough Council amended its complaints policy after engagement with us to implement a two stage complaints process and decrease the time on a stage two complaint response to 20 days.

Another area we conduct a lot of engagement work is with smaller housing associations. Prestwich and Northern Housing Association showed that even if your website is not ready, it can still be accessible with complaints.

The landlord was previously non-complaint with all aspects of the Code but when informed, the Chief Executive and board were keen to engage and prioritised getting this right. They soon had a new complaints policy and took much of the wording from the Code to ensure compliance. Despite its website still being under development, the interim site makes it very clear on how their residents can complain.

Another landlord we helped in the past quarter was one with an unusual business structure, with homes scattered around the country mostly being managed by managing agents.

The Ombudsman discussed the implications of this on its complaint handling practices and changed its policies to address our concerns. It also removed barriers to complaining on its website, publishing all complaint policies directly onto it so that residents no longer had to request them via an online form.

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