

Housing

Ombudsman Service

Housing Ombudsman Service
Quarterly report:
Complaint Handling Failure Orders
issued January to March 2024

Published – July 2024

Contents

Introduction	3
Complaint Handling Failure Orders issued January to March 2024	5
<i>Type 1 - Unreasonable delays in accepting or progressing a complaint</i>	6
<i>Type 2a - Unreasonable delays in providing the Ombudsman information</i>	8
<i>Type 2b – Evidence of compliance not provided by the landlord</i>	8
Key lessons	10
Learning from multiple orders	11
Intervention work	12
Support and guidance for landlords and residents	14

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 statutory Complaint Handling Code was published on 8 February 2024 and as of 1 April 2024, all providers had to adhere to the new provisions in the Code. The Ombudsman's duty to monitor compliance with the Code also came into effect on this date.

Many landlords will now be finalising their annual complaint performance and service improvement report, including the self-assessment against the Code for publication. It is vital a landlord ensures it considers whether **their policy meets the requirements of the Code, and that they can evidence how the governing body has assured compliance in practice**. This will support the landlord to build trust with residents and prevent future failures in complaint handling.

With landlords already needing to be compliant by this date, the role of the governing body to take ownership of parts of this process is vital in ensuring the above happens effectively.

The Ombudsman has urged landlords to take action to prepare for the statutory Code and published guidance and tools through its Centre for Learning to support them to do so. Through this work, we aim to embed a positive complaint handling culture across the sector so that residents can expect to receive a consistently timely and quality response to complaints, regardless of where they live and their landlord.

Where we find that the Code is not complied with, we notify the landlord and set out the actions required and reasonable timescales. We may also issue a Complaint Handling Failure Order where the landlord does not resolve the issue identified or provide suitable evidence of the action taken.

For individual residents, this ensures they receive a response to their complaint, and have the option to refer their case to the Ombudsman for fair and impartial investigation. It also means that where a landlord is not progressing compliance with orders following an investigation, it can reassure residents that action will still happen and be enforceable.

At the organisational level, they 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. As part of our work monitor compliance with the Code, we will focus our attention on repeat instances of failure orders, and consider wider evidence to support our assessment of compliance.

Our Complaint Handling Failure Orders are also regularly used in our Special Investigation reports and various severe maladministration decisions.

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, please visit [our Learning Hub](#) to find out more.

Complaint Handling Failure Orders issued January to March 2024

From January to March 2024, we issued 38 Complaint Handling Failure Orders, of which 18 were not complied with.

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

19 of the orders we issued this quarter were Type 1, 19 were Type 2 with none being issued for Type 3.



■ Type 1 ■ Type 2 ■ Type 3

Type 1 - Unreasonable delays in accepting or progressing a complaint

Date issued	Landlord	Case ref	Complied with?
15/01/2024	<p>London Borough of Newham</p> <p><i>An order was issued due to unreasonable delays in a stage 2 response being provided. As the order was not complied with the case was accepted for investigation.</i></p>	202212786	No
27/03/2024	Places for People Group	202222983	Yes
26/02/2024	<p>London Borough of Haringey</p> <p><i>An order was issued due to unreasonable delays in a stage 1 response being provided. As the order was not complied with the case was accepted for investigation. The landlord did subsequently provide a stage 1 response to the resident.</i></p>	202224687	No
30/01/2024	A2Dominion Housing Group	202226065	Yes
31/01/2024	<p>London Borough of Barking and Dagenham</p> <p><i>An order was issued due to unreasonable delays in a stage 2 response being provided. The order was not complied with by the deadline set though the landlord subsequently provided a copy of the stage 2 response to this Service.</i></p>	202228464	No
15/01/2024	Hexagon Housing Association	202230691	Yes
11/03/2024	<p>Lewisham Council</p> <p><i>An order was issued due to unreasonable delays in a stage 2 response being provided. The order was not complied with by the deadline set though the landlord subsequently provided a stage 2 response to the resident.</i></p>	202301977	No
28/03/2024	<p>London Borough of Ealing</p> <p><i>The landlord failed to respond to all the complaint points raised by the resident. Due to the delays in a full</i></p>	202306717	No

	<i>response being provided an Order was issued. As the landlord did not comply with this, the case was accepted for investigation.</i>		
202315431	Cottsway Housing Association	02/02/2024	Yes
202316232	Hexagon Housing Association	15/02/2024	Yes
202317460	Hyde Housing Association <i>An order was issued due to unreasonable delays in a stage 1 response being provided. As the order was not complied with the case was treated as having completed the landlord's complaints procedure.</i>	27/02/2024	No
202317924	London Borough of Harrow	31/01/2024	Yes
202319995	London Borough of Newham <i>An order was issued due to unreasonable delays in a stage 2 response being provided. As the order was not complied with the case was accepted for investigation.</i>	15/01/2024	No
202320799	The Industrial Dwellings Society (1885) <i>An order was issued due to unreasonable delays in a stage 2 response being provided. As the order was not complied with the case was accepted for investigation.</i>	22/02/2024	No
202323462	Sovereign Housing Association <i>An order was issued due to unreasonable delays in a stage 1 response being provided. The order was not complied with by the deadline set though the landlord subsequently provided a copy of the stage 1 response to this Service.</i>	22/02/2024	No
202326074	Salvation Army Housing Association <i>An order was issued due to unreasonable delays in a stage 1 response being provided. As the order was not complied with the case was treated as having completed the landlord's complaints procedure.</i>	05/03/2024	No
202330711	Adur District Council	29/02/2024	Yes

202330900	Hyde Housing Association Limited	27/03/2024	Yes
202338379	London & Quadrant Housing Trust (L&Q)	28/03/2024	Yes

Type 2a - Unreasonable delays in providing the Ombudsman information

Date issued	Landlord	Case ref	Complied with?
23/01/2024	Warwick District Council <i>The landlord did not provide information requested by the Ombudsman and the case proceeded to investigation without it.</i>	202112751	No
05/01/2024	Peabody Trust	202126795	Yes
15/01/2024	London & Quadrant Housing Trust (L&Q)	202203000	Yes
19/03/2024	London Borough of Croydon	202206363	Yes

Type 2b – Evidence of compliance not provided by the landlord

Date issued	Landlord	Case ref	Complied with?
15/01/2024	London Borough of Barking and Dagenham	202013480	Yes
18/01/2024	Metropolitan Thames Valley <i>The landlord failed to provide evidence of compliance by the deadlines set. The landlord has now complied with orders made and provided appropriate evidence.</i>	202110059	No
20/01/2024	Hyde Housing Association	202110949	Yes
01/02/2024	Tower Hamlets Homes	202128552	Yes
01/02/2024	Metropolitan Thames Valley <i>An order was issued due to the landlord failing to provide evidence of compliance with our orders within a reasonable amount of time. The landlord has now complied with</i>	202202456	No

	<i>the orders and provided appropriate evidence of this.</i>		
08/03/2024	L&Q <i>An order was issued due to the landlord failing to provide evidence of compliance with our orders within a reasonable amount of time. Though the landlord is engaging with us on compliance further action will be considered if full compliance is not received.</i>	202203773	No
19/03/2024	Giffard Park Housing Co-operative	202205205	Yes
27/03/2024	Soho Housing Association <i>An order was issued due to the landlord failing to provide evidence of compliance with our orders within a reasonable amount of time. We will be taking further action regarding the non-compliance.</i>	202206050	No
13/03/2024	Tower Hamlets Homes <i>An order was issued due to the landlord failing to provide evidence of compliance with our orders within a reasonable amount of time. The landlord has now complied with the orders and provided appropriate evidence of this.</i>	202206114	No
14/03/2024	Lancaster City Council	202215155	Yes
28/03/2024	Metropolitan Thames Valley <i>An order was issued due to the landlord failing to provide evidence of compliance with our orders within a reasonable amount of time. The landlord has now complied with the orders and provided appropriate evidence of this.</i>	202217569	No
25/03/2024	Tower Hamlets Homes <i>An order was issued due to the landlord failing to provide evidence of compliance with our orders within a reasonable amount of time. The landlord is engaging with us on compliance.</i>	202223834	No
17/01/2024	Tower Hamlets Homes	202225645	Yes

21/02/2024	London Borough of Hackney	202300077	Yes
12/03/2024	London Borough of Newham	202301580	Yes

Key lessons

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

We have seen several cases where landlords have failed to respond to all the complaint points raised by a resident. Landlords must set out their understanding of the complaint in their complaint correspondence and it is important they assure themselves they have a full understanding of the complaint when doing this. If a landlord is unclear on any element, it needs to clarify this with the resident.

If a resident reports that an element of their complaint has been missed, this needs to be considered carefully. Landlords need to consider whether they failed to correctly capture all the complaint points in the first instance or whether new complaints are being raised. The Complaint Handling Code provides guidance around what to do when new complaint points are introduced during a landlord's investigation, and this should be followed. Importantly, landlords must be clear with residents about how missed or additional complaint points will be responded to.

We saw an increase in the number of CHFOS issued to landlords this quarter for them failing to provide evidence of complying with our orders within the timescales set. This has highlighted the importance of landlords ensuring they have processes in place to effectively deal with any orders made by the Ombudsman, including ensuring that these are actioned in a timely manner and keeping this Service and the resident informed of any potential delays at the earliest opportunity.

As well as our orders being legally binding, when something has gone wrong a landlord's commitment to putting things right, by complying with our orders in a timely and sincere manner, can assist with rebuilding the trust in the tenant/landlord relationship.

Learning from multiple orders

Metropolitan Thames Valley

The landlord was issued with three CHFOs this quarter, all in relation to it not providing evidence of compliance with our orders. All three were recorded as non-complied with due to the deadline for responses not being met, though it is noted that compliance has now been achieved on all cases.

This was an increase on the number of CHFOs issued to the same landlord last quarter for the same failing suggesting that further improvements need to be made. The Housing Ombudsman has written to the landlord and there have been regular communications to monitor for improvement.

Tower Hamlets Homes

The landlord received the highest number of CHFOs this quarter with four being issued. These were issued due to the landlord not providing evidence of compliance with our orders. Two of these were complied with and two were not. The Ombudsman has written to the landlord and subsequently met with them to discuss improvements that they have identified.

London Borough of Newham

The landlord had two CHFOs it did not comply with this quarter, which were issued due to the landlord unreasonably delaying issuing a stage two response to its residents. It was also issued with one CHFO for not providing evidence of compliance with orders made, though it complied with this by the deadline set. This suggests that improvements are needed to how it responds to complaints and the Ombudsman in a more effective and timely way.

Hyde Group

The landlord was issued with a total of three CHFOs, two of which were complied with. It did not comply with one CHFO that was issued due to unreasonable delays in it providing a stage one response to its resident resulting in us considering that the landlord's complaints procedure had been exhausted.

A special investigation is being undertaken by the Ombudsman into the landlord and the findings of that report will be used to drive improvements.

Intervention work

Before issuing a Complaint Handling Failure Order, 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 recognition of the Code 2022 being under consultation, we have focussed our interventions on ensuring access to complaints procedures and awareness of the Ombudsman – a vital part of both Codes.

This past quarter the Ombudsman has brought 10 landlords into compliance, covering over 250,000 households. Interventions included:

- working with a local authority to ensure its online complaints page was easily located by residents, via both the search function and online signposting
- engaging with a large housing association to improve access to the complaints process for residents in assisted living facilities by using posters as residents were less likely to engage with online information and signposting
- informing a medium-sized organisation that final responses must not ask residents to wait eight weeks before contacting the Ombudsman for advice. The landlord responded promptly to change its template documents and put in place assurance checks to ensure staff were fully embedding the updated approach

- engaging with a local authority to reduce its stage one complaint handling times from 20 working days to 10 working days from acknowledgement, in advance of the statutory Code.

Moving forwards, we will share more detail of the work we have undertaken to intervene where there is evidence the Code has not been complied with. We will share the findings and outcomes of our assessments and the key lessons that landlords can learn from our work.

The Ombudsman also ensures that when it is undertaking systemic work, that investigations and findings are linked.

In this report, we are highlighting the work we have done with Peabody. We undertook extended intervention work to ensure Peabody complied with our quality assurance recommendation in their special investigation report.

Specifically, the need to ensure complaints are not incorrectly treated as ‘service recovery’, and that staff are exercising their discretion and ‘common sense’ appropriately.

The initial versions of the quality assurance document submitted placed the onus on the resident to specify how they wanted their matter to be treated. Peabody said its approach was to “empower” the resident to decide how they want the matter treated. It was also reluctant to introduce timescales as to how long a matter can be treated as service recovery.

We met with them and provided feedback on the various iterations of their proposed quality assurance models, none of which addressed the issue highlighted in the report.

The quality assurance policy now specifies trends with individual staff members will be monitored to establish whether there are any concerns regarding service recovery application, which will be addressed through performance management.

Since this work, we have recorded no Complaint Handling Failure Orders for Peabody.

For more information about the new Complaint Handling Code, please [visit our website](#).

Support and guidance for landlords and residents

Following consultation in autumn 2023, the Ombudsman issued the first statutory Complaint Handling Code on 8 February 2024. This applied from 1 April 2024 and the Ombudsman's new duty to monitor compliance also came into effect.

To support landlords to comply with the Code, we widened our offering through both our Centre for Learning and recruiting a dedicated team to offer guidance and advice.

We ran 5 webinars to raise awareness of the Code requirements, tailoring each to different landlord types within our membership. In total, over 650 individuals attended the sessions from 320 landlords. Since running the webinars, these have been re-watched over 550 times.

We also met with our Resident Panel to ensure we captured feedback from them about how we can best support landlords to keep residents informed about complaints. Using this insight, we have:

- [updated our Code video](#)
- [refreshed our resident-focused frequently asked questions](#)

Themes and trends from these enquiries and webinars have been used to inform our work to support landlords. This includes:

- [refining our frequently asked questions](#)
- [guidance on self-assessments](#)

- [guidance on submissions](#)
- [running 6 webinars](#), focussing on key aspects of the Code; and
- publishing a free [e-learning module](#) for the Complaint Handling Code.

For our previous webinars and future events, please visit our [Centre for Learning](#).

Housing
Ombudsman Service

PO Box 152, Liverpool L33 7WQ
t: 0300 111 3000
www.housing-ombudsman.org.uk

Follow us on  