

Housing

Ombudsman Service

PO Box 1484
Unit D
Preston
PR2 0ET
Tel: 0300 111 3000
Fax: 020 7831 1942
info@housing-ombudsman.org.uk
www.housing-ombudsman.org.uk

10 July 2024

Dear Chief Executive,

Window-related complaints

For several months, we have been concerned about the handling of some cases involving windows, and this includes where the resident has raised concerns over health and safety.

We know this is an area where many landlords are focused and proactive. These complaints can involve a broad set of issues including design as well as disrepair. Our casework highlights how this is an area where a lack of funding and historic under investment in social housing has contributed to windows which may no longer be fit for purpose. Ultimately there needs to be a national conversation about these issues leading to a new, revised Decent Homes Standard and building the next generation of social housing.

However, our investigations also show that landlords have not always responded in a timely way, and sometimes important repairs have been deferred. In one case we investigated, the window eventually fell out into the garden below. In others, residents have had their windows boarded up for years.

Given the significant stretch being placed on the social housing sector, it remains vital for there to be a focus on fulfilling fundamental obligations that speak to the core of a decent home: safe, secure and well-maintained windows.

There are strong thematic issues in our casework, as follows:

- Individual circumstances are not always being considered when landlords respond to reports of window disrepair or fault. This means a robust risk assessment under the statutory hazards, including health and safety and potential safeguarding, may be missed.
- Responsive repairs may not be timely and in line with the landlord's own policy, or in some circumstances deferred for an unreasonable period because of planned cyclical works. As landlords seek to balance stretched resources, we are seeing the tension grow between repairs or replacement

under planned work. While we recognise cost is a consideration, too often we are seeing the landlord having insufficient regard to its obligations.

For example, in one case we investigated the landlord attempted repairs to windows in a high-rise building which were unsuccessful which meant the resident was unable to fully open or close them, but declined further works on the grounds of costs because of future planned works. Those planned works were not scheduled for up to three years, severely impacting her family. In another case, the landlord decided against repairs on similar grounds, despite no planned dates for cyclical works.

- Finally, where major works have taken place and new windows have been installed, we have investigated complaints about the safety of the new windows and information provided to residents. In one investigation we have found the information provided to residents did not sufficiently address the risks the landlord itself had identified with usage of the windows.

Our plan is to shortly publish some decisions on window-related complaints to support landlord learning. We are also engaging with regulatory bodies to share more information on window-related complaints. Where we have seen cases handled well, the landlord will have provided clear communication, considered the risks and its obligations, and made decisions in line with its policy and expert advice. This learning will also be shared through our free-to-access Centre for Learning, which almost 5,000 housing practitioners are signed-up to, and we would encourage everyone in your organisation to register.

In the meantime, I would encourage landlords to review their own complaints relating to windows to identify any actions they should be taking. There are four core lessons from our casework:

- Ensuring it undertakes a risk assessment where appropriate based on the individual circumstances of the household, and the landlord being able to demonstrate it has recognised, responded and recorded its actions.
- Ensuring appropriate expertise, including independent surveyors, are engaged and that the landlord's actions in response to recommendations are reasonable, clear and consistent.
- Ensuring decisions to defer repairs or respond with more limited repairs where major works are planned are reasonable, and are justified on the basis of the landlord's obligations under the Landlord and Tenant Act, and not primarily on the basis of cost.
- Ensuring information provided to residents on the operation of windows, especially where new windows have been installed, is clear, comprehensive and accessible.

Throughout these core themes strong knowledge and information management is essential. Depending on the nature of the disrepair reported, it is important for landlords to consider whether residents who have not complained may be experiencing similar issues and the risks this presents to the household. In our

investigations, we may order the landlord to establish whether other residents are affected under paragraph 54 of the Scheme.

I recognise that window-related repairs can be complex and will require different actions to different timescales. I also understand that sometimes residents will request windows to be replaced, and it can be reasonable for landlords to propose repairs rather than replacement outside planned works. It is also clear from previous inquests that restrictors are a significant concern, which requires debate beyond our casework.

My concern is repairs not done in line with obligations, with works sometimes delayed or deferred for years with inadequate consideration of the detriment to residents.

I have shared these concerns with representatives of housing associations and councils last month, and we would readily engage further with landlords either directly or through those bodies.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Richard Blakeway', written in a cursive style.

Richard Blakeway

Housing Ombudsman