

Housing

Ombudsman Service

Housing Ombudsman Service
Quarterly report:
Complaint Handling Failure Orders
issued October to December 2022

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Introduction

The Housing Ombudsman Scheme and [Complaint Handling Code](#) sets out clear expectations for landlords on handling housing complaints, together with the power to issue a determination of complaint handling failure – **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.

From October to December 2022, we issued 38 complaint handling failure orders to 27 different landlords. While less than the previous quarter (45), it is the most type 3 orders we have issued. Out of the 38 orders, there were 10 of non-compliance.

The case studies illustrate the experiences of residents and how the complaint handling failure orders have been used to progress their complaints within the landlord's complaints procedure. They include a case where an order was issued after the landlord's internal complaints processed stalled following a service charge concern and one where the landlord had not issued a formal response to a complaint.

The order types are:

- **Type 1: Issued due to the landlord's unreasonable delays in accepting or progressing a complaint through its process**

Where residents experience difficulties and delays, we will write to the landlord setting out the action it needs to take to resolve the issue. We provide the landlord with opportunities to contact the resident and progress the complaint but if it fails to engage and the procedure has stalled, we may issue a CHFO.

- **Type 2: Issued due to unreasonable delays in providing the Ombudsman information**

Landlords must provide information requested by the Ombudsman within 15 working days or an individually agreed reasonable timescale. Failure to provide evidence delays the resolution of the dispute for the resident and causes unnecessary distress and inconvenience. This includes evidence of compliance with our orders at the end of an investigation.

- **Type 3: Issued where a landlord fails to comply with its membership obligations**

We may issue a complaint handling failure order if no explanation is given for non-compliance, the explanations given are inadequate or the remedial action is not undertaken.

Complaint handling failure orders issued October to December 2022

The three tables below show the orders issued where the landlord complied.

Table 1: Complaints within the landlord's complaints process (our dispute support stage)

Date issued	Landlord	Case ref	Order type (see above)
02/10/2022	Brighter Places	202205713	1
03/10/2022	Lewisham Council	202208748	1
13/10/2022	Wandle Housing Association Limited	202201471	1
17/10/2022	Southern Housing Group Limited	202203613	1
26/10/2022	Wandle Housing Association Limited	202206590	1
28/10/2022	Lambeth Council	202209090	1
01/11/2022	Barking and Dagenham Council	202123271	1
01/11/2022	Giffard Park Housing Co-operative	202205205	1
04/11/2022	Southern Housing Group Ltd	202211864	1
09/11/2022	Bromford Housing Group Limited	202211617	1
09/11/2022	Northwards Housing	202213568	1
16/11/2022	Barking and Dagenham Council	202212454	1
18/11/2022	London & Quadrant Housing Trust	202204120	1
18/11/2022	Hyde Housing Association Limited	202213628	1
24/11/2022	Bomarsund Housing Co-operative	202105812	1
06/12/2022	Birmingham City Council	202125280	1
06/12/2022	Hyde Housing Association Limited	202205250	1
15/12/2022	Salvation Army Housing Association	202117026	1
16/12/2022	Croydon Council	202209163	1

Table 2: Complaints within the Ombudsman's formal investigation (our dispute resolution stage)

Date issued	Landlord	Case ref	Order type (see above)
14/10/2022	Trafford Housing Trust Limited	202014261	2
14/10/2022	A2Dominion Housing Group	202122336	2
18/10/2022	Magna Housing Limited	202203854	2
19/10/2022	Hyde Housing Association	202102491	2
31/10/2022	Adur District Council	202109633	2
07/11/2022	Lewisham Council	202124577	2
22/11/2022	Orbit Housing Association	202103374	2

Table 3: Complaint Handling Code compliance

Date issued	Landlord	Case ref	Order type (see above)
9 December 2022	Charnwood Borough Council	202218320	3
15 December 2022	Argyle Street Housing Co-operative Limited	202219365	3

Orders with non-compliance:**Table 4: Orders issued where the landlord did not comply within target timescales**

Date issued	Landlord	Case ref	Order type (see above)
13/10/2022	A2Dominion Housing Group	202105943	1
18/10/2022	Haringey Council	202107523	2
25/10/2022	Sandwell Metropolitan Borough Council	202014265	2
02/11/2022	Haringey Council	202121406	2
18/11/2022	Sage Housing Limited	202201359	1
22/11/2022	Longhurst Group	202200741	2
23/11/2022	Haringey Council	202100487	2
02/12/2022	Hexagon Housing Association	202210842	1
12/12/2022	Hexagon Housing Association	202125894	1
13/12/2022	Haringey Council	202221384	3

Case studies**Case Study 1: Early acceptance of a complaint due to delays in the landlord's internal complaints process (in our dispute support stage)**

The resident's concerns related to the handling of his service charge account and sinking funds; specifically, the fire safety costs and the way they were being charged. He first reported his concerns to the landlord in August 2022 and then approached the Ombudsman in October 2022 as he had not received a response.

The Service contacted the landlord to request that action be taken to progress the case and although it acknowledged the complaint, and explained that a response would be provided, this was not forthcoming.

The Ombudsman allowed the landlord a further opportunity to provide a substantive response at the start of November 2022, however as this was not provided. Due to the ongoing delays, the Ombudsman took the decision to issue a Complaint Handling Failure Order and accept the complaint for investigation as the landlord's internal complaint process had stalled.

This ensured that the residents' complaint could be referred for investigation without delay by the landlord.

Case study 2: Order leading to meeting and support (in our dispute support stage)

The resident's concerns related to redress for damaged items. The landlord was informed of the complaint in July 2022, and initially acknowledged the concerns and explained that a complaint would be raised.

The resident subsequently contacted to say that although the landlord had been in contact, she did not have a written reply to her complaint. This Service informed the landlord that it must reply within the timescales set out in the Code, unless there were exceptional circumstances which had been discussed with the resident.

The landlord responded to explain that it had agreed with the resident to provide a response once works were completed, however it was unable to give a date for the works or for the final complaint response.

As the complaint was overdue and no date had been provided, a Complaint Handling Failure Order was issued, and the landlord was ordered to send a response to the resident and this Service within the next five working days.

Once the response had been issued, the resident contacted this Service to confirm that she was happy with the landlord's position and no investigation was needed at this time. She was advised of her right to refer the case to the Ombudsman for up to 12 months after the date of the letter.

Further notes

The Ombudsman has rescinded the order issued against Catalyst Housing Limited (202100574) in the October to December 2021 quarterly report. The order has also been removed from the report

Complaint Handling Failure Orders may be issued in relation to failings in an individual case where we have taken reasonable steps to seek engagement from a landlord, but the resident remains unable to progress a complaint. They may also be issued where there is evidence of a systemic issue within a landlord's complaint handling.

We will always provide a landlord with details of the issue and provide opportunities for the landlord to put things right before a complaint handling failure order is made.

Full details on when a complaint handling failure order may be issued, what further action the Ombudsman could take in such circumstances, and the reporting of their use, including publicly, is set out in our [Guidance on determinations of complaint handling failure and orders](#).

The guidance also highlights that each quarter we will publish the total number of complaint handling failure orders issued, the names of the landlords and reasons for the orders. We will also share this information with the Regulator of Social Housing.

The Ombudsman uses complaint handling failure orders along with other information from cases handled to generate insight about landlords which may be used as the basis of discussions if there are continued concerns over a sustained period.

Useful links

[Guidance on determinations of complaint handling failure and orders \(updated March 2022\)](#)

[Complaint Handling Code \(updated March 2022\)](#)

[Guidance for governing bodies](#)

Our [Complaint Handling Code](#) page provides a guide to the changes to the Code together with a range of supporting documents including the self-assessment form.

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