

# **Housing**

Ombudsman Service

**Housing Ombudsman Service**  
**Quarterly report:**  
**Complaint Handling Failure Orders**  
**issued July to September 2023**

**Published – November 2023**

## Contents

<b>Introduction</b> .....	3
<b>Complaint Handling Failure Orders issued July to September 2023</b> .....	4
<i>Type 1 - Unreasonable delays in accepting or progressing a complaint</i> .....	5
<i>Type 2a - Unreasonable delays in providing the Ombudsman information</i> .....	7
<i>Type 2b – Evidence of compliance not provided by the landlord</i> .....	7
<i>Type 3 - Failure to comply with membership obligations</i> .....	7
<b>Key lessons</b> .....	8
<b>Learning from multiple orders</b> .....	9
<i>Housing for Women</i> .....	9
<i>L&amp;Q</i> .....	9
<i>Southwark Council</i> .....	9
<b>Intervention work</b> .....	9

## 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 landlord's 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 Complaint Handling Failure Orders could be issued where there are repeat Type 1 and 2 CHFOs issued as individual failures can be an indicator of wider systemic issues.

Our Complaint Handling Failure Orders are also regularly used in our Special Investigation reports, as well as in 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](#).

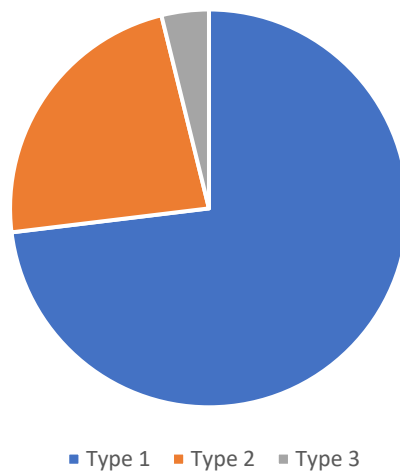
Find out more information about Complaint Handling Failure Orders, include guidance on the orders and the Code itself, [on our website](#). If you would like help or guidance on how you can comply with the Code, we're hosting monthly drop-in sessions. Please visit our events and training page to find out more.

## Complaint Handling Failure Orders issued July to September 2023

From July to September 2023, we issued 51 Complaint Handling Failure Orders, of which 14 were not complied with. This is the most CHFOs we have ever issued in one quarter but also a decrease in the number of non-compliance compared to the previous quarter, falling from 42% to 27%.

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

Thirty-eight of the orders we issued this quarter were Type 1, 12 were Type 2 and two were Type 3.



Type 1 - Unreasonable delays in accepting or progressing a complaint

Date issued	Landlord	Case ref	Complied with?
11/07/2023	A2Dominion Housing Group	202218308	Yes
11/07/2023	bpha	202222595	Yes
11/07/2023	Haringey Council	202301685	Yes
<b>12/07/2023</b>	<b>Falcon Housing Association C.I.C</b>  <i>The landlord did not respond to any contact from the Ombudsman. This case has been accepted as duly made as the Ombudsman considers that the complaints process has stalled.</i>	<b>202224190</b>	<b>No</b>
<b>13/07/2023</b>	<b>Southward Housing Co-operative</b>  <i>In response to the Order, the landlord explained it had been attempting to engage with the resident but had no response. This was not communicated to the Ombudsman, and this case has been accepted as duly made.</i>	<b>202215781</b>	<b>No</b>
13/07/2023	Swindon Borough Council	202219870	Yes
13/07/2023	Poplar HARCA	202300483	Yes
<b>17/07/2023</b>	<b>Oxford City Council</b>  <i>The landlord explained that an extension was required due to staff availability, however no update was provided by the requested date. This case has been accepted as duly made as the Ombudsman considers that the complaints process has stalled.</i>	<b>202220478</b>	<b>No</b>
20/07/2023	Orbit Group	202222184	Yes
27/07/2023	Hyde Housing Association	202105001	Yes
31/07/2023	Welwyn Hatfield Borough Council	202218237	Yes
31/07/2023	Poplar HARCA	202220069	Yes
31/07/2023	Moat Homes	202221049	Yes
<b>01/08/2023</b>	<b>Housing For Women</b>  <i>The landlord did not respond to any contact from the Ombudsman. This case has been accepted as duly made as the Ombudsman considers that the complaints process has stalled.</i>	<b>202225916</b>	<b>No</b>
03/08/2023	Southwark Council	202227222	Yes
03/08/2023	Wandle Housing Association	202231511	Yes

07/08/2023	Housing For Women	202309026	Yes
10/08/2023	The Riverside Group	202310155	Yes
17/08/2023	North Yorkshire Council	202302252	Yes
17/08/2023	L&Q	202302981	Yes
17/08/2023	Lewisham Council	202304881	Yes
17/08/2023	L&Q	202310662	Yes
<b>18/08/2023</b>	<b>Wilfrid East London Housing Co-operative</b>  <i>The landlord explained that staff availability had been limited, and requested an extension. As the response was not provided during this time, this case has been accepted as duly made as the Ombudsman considers that the complaints process has stalled.</i>	<b>202210497</b>	<b>No</b>
<b>18/08/2023</b>	<b>Poplar HARCA</b>  <i>The landlord did not respond to any contact from the Ombudsman. This case was accepted as duly made and a decision was issued on 10 October.</i>	<b>202223808</b>	<b>No</b>
18/08/2023	Southwark Council	202232897	Yes
18/08/2023	Hackney Council	202301171	Yes
18/08/2023	GreenSquareAccord	202302502	Yes
<b>18/08/2023</b>	<b>Housing For Women</b>  <i>The landlord did not respond to any contact from the Ombudsman. This case was accepted as duly made as the Ombudsman considers that the complaints process has stalled.</i>	<b>202309795</b>	<b>No</b>
22/08/2023	Windrush Alliance UK Community Interest Company	202310419	Yes
23/08/2023	Cobalt Housing	202302916	Yes
24/08/2023	Southwark Council	202232864	Yes
<b>25/08/2023</b>	<b>Warwick District Council</b>  <i>The landlord explained due to the complexity of the complaints an extension was required. As the response was not provided during this time, this case has been accepted as duly made as the Ombudsman considers that the complaints process has stalled.</i>	<b>202309354</b>	<b>No</b>
29/08/2023	L&Q	202226971	Yes
30/08/2023	Sovereign Housing Association	202203384	Yes

05/09/2023	Hexagon Housing Association	202307744	Yes
20/09/2023	Sovereign Housing Association	202311811	Yes
27/09/2023	L&Q	202305995	Yes

*Type 2a - Unreasonable delays in providing the Ombudsman information*

Date issued	Landlord	Case ref	Complied with?
<b>28/07/2023</b>	<b>Housing For Women</b> <i>Information was provided after the timescale set and the case is being prepared for investigation.</i>	<b>202121976</b>	<b>No</b>
10/08/2023	Birmingham City Council	202124049	Yes
<b>07/09/2023</b>	<b>Housing For Women</b> <i>Information was provided after the timescale set and the case is being prepared for investigation.</i>	<b>202219766</b>	<b>No</b>

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

Date issued	Landlord	Case ref	Complied with?
19/07/2023	Clarion Housing Association	202120650	Yes
26/07/2023	Swindon Borough Council	202113605	Yes
27/07/2023	Clarion Housing Association	202114544	Yes
<b>02/08/2023</b>	<b>London Borough of Barking and Dagenham</b>	<b>202115293</b>	<b>No</b>
08/08/2023	Haringey Council	202215977	Yes
15/08/2023	Metropolitan Thames Valley Housing	202211935	Yes
25/09/2023	Places for People Group	202122425	Yes
<b>27/09/2023</b>	<b>Metropolitan Thames Valley</b>	<b>202115696</b>	<b>No</b>
<b>27/09/2023</b>	<b>RHP</b>	<b>202216893</b>	<b>No</b>

*Type 3 - Failure to comply with membership obligations*

Date issued	Landlord	Case ref	Complied with?
11/9/2023	Littlehampton and Rustington Housing Society Limited	202232841	Yes

25/9/2023	Polish Retired Persons Housing Association	202306823	No
-----------	--	-----------	----

## Key lessons

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

Increasingly, we are aware that landlords are acknowledging the challenges they are having with resourcing their complaints teams and wider service provision. This was also stated in the Regulator of Social Housing's recent risk profile. However, organisations must ensure they have provisions in place to resolve any short- or longer-term shortages in staff, particularly their complaints teams.

The team has also seen an increase in extensions on complaint responses. While the Code has provisions for these, they must be honoured and it is not appropriate to continually extend complaint responses, even where a resident and the Housing Ombudsman is being kept updated. Landlords should be particularly mindful of this considering the timescale link to the Tenant Satisfaction Measures.

This past quarter the team has also seen several organisations still not informing residents of the Ombudsman during its formal complaint responses. This information should be included in both stage 1 and 2 responses and is a requirement of the current Complaint Handling Code. With the Code becoming statutory in 2024, we will have greater powers in this area for those landlords who are still not doing this signposting.

As we have written in these key lessons before, there are still some landlords who are not raising a complaint when there are wider and more formal activities underway. We have guidance about legal proceedings and pre-action protocols on our website. Organisations issuing NOSP's or letters before action prior to injunctions should not prevent a complaint being raised and responded to.

It is also critical that landlords respond effectively to complaints from residents regardless of whether or not the resident will escalate it, and the route of redress they may elect to use.

Finally, landlords should note that it is the Ombudsman's decision whether a complaint is outside of our jurisdiction or not. We often require the final response before we make these decisions, so landlords must ensure they cooperate with these cases.



## Learning from multiple orders

### *Housing for Women*

With four CHFOs not complied with, this represents the highest rate of non-compliance this quarter and by any individual landlord in a single quarter. These orders were issued due to lack of responses to the Ombudsman, despite chasing and using different channels to contact the organisation.

The Housing Ombudsman has written to the landlord and it has submitted an updated self-assessment and set out the wider work it is doing to improve complaint handling.

### *L&Q*

Although the landlord complied with four of the five CHFOs we issued in the quarter, the high number of orders given out suggest improvements need to be made. These CHFOs were mostly issued due to delays and this has formed part of the wider monitoring the Ombudsman is doing with the organisation following its special investigation report into the landlord. There are regular meetings with the landlord and it has developed an action plan for how it will improve, this will be monitored closely by the team.

### *Southwark Council*

Another landlord with three CHFOs, it has since met with the Ombudsman having recognised these issues and has developed an action to develop their approach to complaint handling as well as how they respond to both complaints and the Ombudsman more effectively.

## 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.

Since starting our work to bring landlords into compliance, we've worked with or are working with 114 landlords and that has affected 1.45m households.

This past quarter the Ombudsman has brought 28 landlords into compliance and have insight about how that engagement work has been completed with a large housing association.

A landlord's use of a 'quick fix' stage, and other additional elements within the complaints process, were of concern. In subsequent meetings, we were able to present findings from our dispute support team to show the impact of the landlord's approach, such as delays, confusion for residents and clearly conflicts of interest.

Among other concerns was around not providing escalation or referral rights. A further request was made for the landlord to explain how they monitored and recorded its 'quick fix' stage, and how many of these are moved to Stage 1.

The landlord felt its 'quick fix' stage was robust and was a local resolution module. However, we asked the landlord to remove its 'quick fix' stage, ensure its extension timescales were in line with the Code, refer to remedies within its complaints policy, review its local resolution model to ensure impartiality, review its Stage 1 process as it implied a further stage before moving to Stage 2 and review how necessary it is to involve a further manager at Stage 2 and the option of an independent resident reviewer from a pool of residents.

Because of its refusal to remove its 'quick fix' stage after multiple requests, we issued a Complaint Handling Failure Order. Following this, the landlord said it realised this localised approach was no longer working since its previous merger and confirmed that because of our intervention it was now centralising its complaints, recruiting for a Director of Customer Services, and a Head of Complaints role in place.

It also recognised our concern around conflict of interest and impartiality and developed an interim way of managing this whilst developing a centralised team who would respond at the final stage of the process.

The landlord self-referred to the Social Housing Regulator because of delays in complaint responses and are working with them as well to ensure compliance.

**Housing**  
Ombudsman Service

PO Box 152, Liverpool L33 7WQ  
t: 0300 111 3000  
[www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

Follow us on  