

Housing Ombudsman Service

Quarterly report:

**Complaint Handling Failure Orders
issued April to June 2021**

Introduction

Changes to the Housing Ombudsman Scheme introduced last year included a new [Complaint Handling Code](#), setting out clear expectations for landlords on handling housing complaints, together with a new power to issue a determination of complaint handling failure – a **complaint handling failure order** – where a landlord is failing to comply with its membership obligations.

The purpose of complaint handling failure orders is to ensure that a landlord's complaint handling process is accessible, consistent and enables the timely progression of complaints for residents.

They 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 provides 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.

We started to formally issue complaint handling failure orders from 1 January 2021. Our first quarterly report covering January to March 2021 showed that we issued 10 complaint handling failure orders, eight complied with and two cases of non-compliance.

This is our second quarterly report for the period April to June 2021. It shows that we issued 23 complaint handling failure orders, 17 complied with and six cases of non-compliance. These included one failure in relation to compliance with our Complaint Handling Code as well as others on individual complaints.

Three case studies illustrate the experiences of residents and how the complaint handling failure orders have been used to progress their complaints.

Complaint handling failure orders issued April to June 2021

We issued 23 complaint handling failure orders during this quarter, 18 while the complaints were still within the landlord's own complaints process and four when the complaints were in our formal remit. We also issued the first complaint handling failure order in relation to a landlord not meeting the requirements within the Ombudsman's Complaint Handling Code.

In 17 cases, the landlord complied with the orders and there were six cases of non-compliance.

The order types issued to date are:

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

Where residents experience difficulties and delays in getting a response from their landlord or in escalating a complaint to the next stage, and we are satisfied that the complaints process has stalled, we will write to the landlord advising it of the problem and set out the action it needs to take to resolve the issue. We generally provide a minimum of three opportunities for a landlord to contact the resident and progress the complaint but if a landlord fails to engage and we are satisfied that the complaints procedure has stalled we may issue a complaint handling failure order.

- **2: Issued due to unreasonable delays in providing complaint information requested by the Ombudsman.**

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. If the evidence is not provided within this time frame a complaint handling failure order will be issued. The investigation will proceed on the basis that the evidence does not exist and/or that the resident's evidence is accurate and reliable in this area.

- **3: Issued due to non-compliance with the Ombudsman's Complaint Handling Code.**

The Code sets out complaint handling standards for landlords and compliance with the Code is a requirement of Scheme membership. The Code aims to promote consistency and accessibility across landlords' complaints procedures. Landlords are required to meet the requirements in the Code, self-assess against it and report to their board or equivalent that their complaints policy is compliant, unless there are exceptional reasons why variance from the Code is necessary to achieve a fair outcome for a resident.

Orders complied with:

The 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)	Compliance date
19 April	Barnet Homes	202004895	1	n/a: accepted for investigation
5 May	L&Q	292998433	1	12 May
14 May	Orbit Group Limited	202004715	1	21 May
20 May	Newlon Housing Trust	202014809	1	28 May
28 May	Barking and Dagenham Council	202017534	1	9 June
4 June	Richmond Housing Partnership Limited	202001732	1	8 June
4 June	Ealing Council	202004589	1	10 June
15 June	Polish Retired Persons Housing Association	201914331	1	n/a: accepted for investigation
16 June	A2Dominion Housing Group Limited	202007174	1	n/a: accepted for investigation
28 June	Housing for Women	202101075	1	Due by 5 July
29 June	A2Dominion Housing Group Limited	202013653	1	Due by 6 July
29 June	West Hampstead Housing Co-operative Limited	201910548	1	Due by 6 July
30 June	Paragon Asra Housing Limited	202014965	1	Due by 7 July
30 June	Lambeth Council	202014676	1	Due by 7 July

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

Date issued	Landlord	Case ref	Order type (see above)	Compliance date
27 April	Hyde Housing Association Limited	202000411	2	4 May
12 May	Golding Homes Limited	202002016	2	18 May

Table 3: Complaint Handling Code compliance

Date issued	Landlord	Case ref	Order type (see above)	Compliance date
28 May	Croydon Council	N/A	3	Due by 31 August

Orders with non-compliance:**Table 4: Six orders issued where the landlord did not comply and they are in our formal remit for investigation.**

Date issued	Landlord	Case ref	Order type	Details
13 April	Greenwich Council	202012334	1	As no response was provided to the Ombudsman or resident in reply to his request to respond to his complaint, an order was issued. The council responded with its stage 1 complaint on 23 April, two days after the compliance date. This case was accepted into our formal remit on 29 June 2021.
10 May	A2Dominion	202012131	1	Following contact from the resident, the landlord failed to escalate the complaint between 8 January and 10 May 2021 when an order was issued. The order was not complied with and the case was accepted into our formal remit. It is awaiting investigation.
16 June	Lambeth Council	201910159	1	Following numerous requests for a response to be issued to the resident's complaint, an order was issued due to no response. The order was not complied with and we decided the case should be accepted into our formal remit. It is now awaiting investigation.
20 June	Housing for Women	202102055	1	Following contact from the resident about her complaint, no response was received from the landlord, despite correspondence from the Ombudsman. Although the landlord wrote to the resident on 23 June, this was not a complaint response to the resident. Therefore we decided the case had exhausted the landlord's complaint process

				and accepted this into our formal remit. It is awaiting investigation.
16 April	Abri Group Ltd	202007294	2	The landlord unreasonably delayed in providing complaint information requested by the Ombudsman.
27 April	Abri Group Ltd	202003525	2	The landlord unreasonably delayed in providing complaint information requested by the Ombudsman.

Case studies

The three case studies below demonstrate how and when we use complaint handling failure orders and their impact.

Case study 1: Complaint handling failure order (accepted into the Ombudsman's formal remit)

Ms B contacted the Ombudsman because she was dissatisfied with the way that the landlord had processed her application for housing. Although a stage 1 complaint response had been provided to her, Ms B explained she remained dissatisfied and requested that the landlord escalate her complaint. This was refused by the landlord however no explanation was provided, nor was Ms B referred to the Ombudsman in its correspondence dated 9 October 2020.

The Ombudsman contacted the landlord on several occasions, however the landlord failed to respond until 7 May 2021 when the landlord explained that it refused to escalate the request and questioned the Ombudsman's authority to instruct it to respond to complaints.

Although the Ombudsman's jurisdiction and powers under the Scheme were explained to the landlord, it declined to respond to Ms B's complaint and so a complaint handling failure order was issued. Given that the landlord had set out its position in a stage 1 complaint, the Ombudsman took this to be the final response and accepted the complaint into its remit. The complaint is now awaiting allocation for investigation.

Case study 2: Complaint handling failure order (empowering residents)

Ms C contacted the Ombudsman because she was finding it difficult to raise a complaint about her landlord. She explained that she had tried to raise her concerns about health and safety at her home by referring to the Homes (Fitness for Human Habitation) Act 2018 in her correspondence, but her landlord refused to accept this because she was not a solicitor.

She duly instructed a solicitor to write a formal letter and in response, the landlord accepted the issue as a legal claim and defended its position however, it failed to explain its position to Ms C. She remained confused about how to proceed and asked the Ombudsman for assistance. We wrote to the landlord and asked it to clarify its position, but it failed to do so, and we issued a complaint handling failure order.

Ms C confirmed that the next day, the landlord visited her home to offer its apologies and to explain that it wanted to put things right. On further discussion with Ms C in which the Ombudsman explained her option to request that the case be accepted for investigation and a new complaint be opened for a new issue that had arisen, the resident chose to engage with her landlord to help rebuild her relationship with them. Ms C noted that she was no longer engaging with the solicitor as she believed that suitable action was being taken.

Case study 3: Complaint handling failure order (within the Ombudsman's formal remit)

Ms D raised a complaint with the Ombudsman concerning reports of water coming in the area around the patio doors. The case was accepted for formal investigation by the Ombudsman and we contacted the landlord on 8 March 2021 to provide information to assist the investigation. The Ombudsman requested that the landlord provide its response by 29 March 2021.

The landlord failed to respond by this date and so a further letter was sent requesting that the information be provided by 13 April 2021. This letter detailed that the case would be progressed for investigation if the information was not received. On 15 April, the service contacted the landlord by telephone and was informed that the assigned caseworker was made aware of the contact from the Ombudsman. By 27 April 2021, the landlord had failed to provide the Ombudsman with any of the information requested. As such, the landlord was issued a complaint handling failure order in line with paragraph 3.20 of the Code on 'duty to cooperate with the Ombudsman'.

Useful links

[Guidance on determinations of complaint handling failure and orders](#)

[Complaint Handling Code](#)