

Housing Ombudsman Service

Quarterly report:

**Complaint Handling Failure Orders
issued July to September 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.

This quarterly report for the period July to September 2021 shows that we issued 27 complaint handling failure orders, 24 complied with and three cases of non-compliance. These included one failure in relation to compliance with our Complaint Handling Code as well as the others on individual complaints.

It follows two previous reports since we started to formally issue complaint handling failure orders from 1 January 2021. The first showed that we issued 10 for the quarter January to March 2021, eight complied with and two cases of non-compliance, and then 23 during April to June 2021. Of those 17 were complied with and there were six cases of non-compliance. It also included one failure in relation to compliance with our Complaint Handling Code.

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

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

Complaint handling failure orders issued July to September 2021

We issued 27 complaint handling failure orders during this quarter, including one in relation to a landlord not meeting the requirements within the Ombudsman's Complaint Handling Code.

In 24 cases, the landlord complied with the orders and there were three 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. This includes evidence of compliance with our orders.

- **3: Issued due to complaints procedures and processes not being compliant 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)
1 July	Lambeth Council	202101126	2
1 July	Wandle Housing Association	202104720	1
7 July	Spitalfields Housing Association	202008492	1
12 July	London & Quadrant	202013982	1
5 August	Catalyst Housing	202103784	1
14 August	Hyde	202016737	1
16 August	London & Quadrant	202104141	1
16 August	Stonewater	202105629	1
17 August	Sheffield City Council	202105961	1
19 August	Housing For Women	202013675	1
19 August	Redditch Borough Council	202010900	1
20 August	Hammersmith and Fulham Council	202105987	1
24 August	Wandle Housing Association	202015753	2
27 August	Northwards Housing	202011545	1
15 September	Southway Housing Trust	202106192	1

Under the Scheme, the Ombudsman may decide the landlord's complaints procedure has been exhausted if, in the Ombudsman's opinion, there has been repeated failures in the handling of the complaint. The second part of the table below shows the complaints which were issued a complaint handling failure order and were immediately accepted for investigation.

Date issued	Landlord	Case ref	Order type (see above)
20 July	Sovereign Living Limited	202101792	1
5 August	Cornwall Council	202104789	1
26 August	Chisel Limited	202102759	1
27 August	Wandle Housing Association	202009248	2
10 September	Cornwall Council	202101272	1
23 September	Catalyst Housing Limited	202100761	1

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

Date issued	Landlord	Case ref	Order type (see above)
22 July	Hammersmith and Fulham Council	202012991	2
4 August	Haringey Council	202100116	2

Table 3: Complaint Handling Code compliance

Date issued	Landlord	Case ref	Order type (see above)
20 July	Camden Council	202010569	3

Orders with non-compliance:

Table 4: Orders issued where the landlord did not comply within target timescales and they are in our formal remit for investigation.

Date issued	Landlord	Case ref	Order type (see above)
16 July	Catalyst Housing Limited	202103096	1
21 September	Lambeth Council	201705292	2
24 September	Catalyst Housing Limited	201905657	1

* This table was updated on 19 November 2021 as the complaint handling failure order originally shown as being issued to Evolve Housing + Support was withdrawn. The landlord has submitted information that was sent to us, but we did not receive due to a technical issue, showing that it paid the compensation to the resident. This confirms compliance with the order on our determination.

Case studies

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

Case study 1: Complaint handling failure order (resolved through compliance)

Ms C contacted the Ombudsman because she was unhappy with the landlord's handling of property improvements and its initial response to her.

After the complaint handling failure order was issued, Ms C received a final response that she was satisfied with. In her feedback on whether she felt the complaint handling failure order had helped, she said:

"Most definitely! I cannot emphasise this enough!

I would definitely recommend [the Ombudsman] to anyone in a dispute with a higher authority who was being ignored and the complaints procedure not adhered to.

Without the Ombudsman, I would have had no resolution and would need to take legal action would have added to the stress."

As Ms C was satisfied with the outcome of her complaint and accepted the compensation offered to her, the case was closed. However, she still has the right to request that the Ombudsman investigate her complaint for up to 12 months after the date of the landlord's final response, even though she has accepted an offer of compensation.

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

Ms Y contacted the Ombudsman to complain about the landlord's response to her reports about the significant cold in the upper floors of the property, outstanding works and the impact this had on her and her family.

Although the landlord had issued a first response and agreed to escalate the complaint, she was unhappy because the final response had not been provided when the landlord promised, and she had not been given any reasons why there was a delay.

The Ombudsman contacted the landlord on several occasions, including by email and by telephone, however no response was provided to the resident or the Ombudsman until after the complaint handling failure was ordered.

Although a final response was provided within the timescale set out in the order, Ms Y has requested that the Ombudsman formally investigate the complaint.

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

Following an investigation by the Ombudsman an order of compensation was made to the resident. The date for compliance with the order passed and further requests for evidence of compliance failed.

Under the Scheme, landlords are obliged to provide evidence of compliance with an Ombudsman's order. As the landlord had failed to provide us with this evidence within the time frame set out in the report a complaint handling failure order was issued. The order was not complied with and the issue has been escalated within the landlord.

Case study 4: Landlord engagement (following a complaint handling failure order)

After a complaint handling failure order was issued to a landlord due to a delay in a complaint being progressed, the landlord contacted the Ombudsman to request a period of targeted liaison with the service.

The Ombudsman's Dispute Support team provided regular landlord reports, met with senior staff to review progress and through this work, the landlord has successfully reviewed its complaints policy, implemented a new acceptable behaviours process and put in place new protocols for handling contact from the Ombudsman.

Since the liaison work, the landlord has received no complaint handling failure orders and 13 cases have been successfully resolved in the landlord's internal complaints procedure without the need for formal investigation.

Useful links

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

[Complaint Handling Code](#)

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