

Housing

Ombudsman Service

Housing Ombudsman Service
Quarterly report:
Complaint Handling Failure Orders
issued October to December 2023

Published – March 2024

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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 current Code was implemented in 2020 with revision in 2022 as a way of making complaint handling more structured and uniform. Although this has improved complaint handling on many levels, it did not go far enough. That is why under the Social Housing Regulation Act the Housing Ombudsman was given powers to issue a statutory Code.

Over the autumn over 2023, the Ombudsman consulted on its approach to complaint handling and monitoring compliance with the Code, and has now published its new Code. You can read more about the new Code [here](#).

As of 1 April 2024, all providers will have to adhere to the new provisions in the Code. Whilst there are minimal changes for the landlords who are already compliant, the Ombudsman is urging all landlords to be reading the new Code and make sure that when they have to submit their self-assessments, they are ready and compliant.

Many landlords will currently be reviewing their approaches to complaint handling to ensure compliance; this document provides insights into how landlords can ensure that **not only is their policy compliant with the Code, but it is consistently delivered in practice**. This will be included in the intervention work section, which sets out more detail on the work the Ombudsman has undertaken to support landlords to comply with the Code and the outcome of these activities.

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.

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](#).

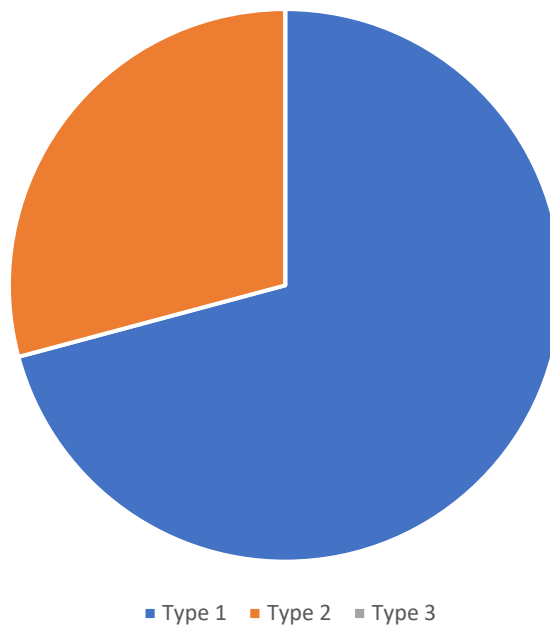
Find out more information about Complaint Handling Failure Orders, include guidance on the orders and the Code itself, [on our website](#). If you would like help or guidance on how you can comply with the Code, please visit [our Learning Hub](#) to find out more.

Complaint Handling Failure Orders issued October to December 2023

From October to December 2023, we issued 24 Complaint Handling Failure Orders, of which 10 were not complied with.

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

17 of the orders we issued this quarter were Type 1, 7 were Type 2 with none being issued for Type 3.



Type 1 - Unreasonable delays in accepting or progressing a complaint

| Date issued | Landlord | Case ref | Complied with? |
|-------------|---|-----------|----------------|
| 06/10/2023 | <p>London Borough of Ealing</p> <p><i>An Order was issued due to unreasonable delays in a stage 2 response being provided. As the order was not complied with the case was accepted for investigation. The landlord did subsequently provide a stage 2 response to the resident.</i></p> | 202231142 | No |
| 09/10/2023 | London & Quadrant Housing Trust | 202305396 | Yes |
| 17/10/2023 | Cognatum Estates Ltd | 202234803 | Yes |
| 19/10/2023 | <p>Cobalt Housing Limited</p> <p><i>An order was issued due to unreasonable delays in a complaint response being provided. The order was not complied with and the case has now been accepted for investigation.</i></p> | 202223419 | No |
| 19/10/2023 | Hyde Housing | 202312440 | Yes |
| 20/10/2023 | Hammersmith and Fulham Council | 202312722 | Yes |
| 30/10/2023 | Sheffield City Council | 202316459 | Yes |
| 31/10/2023 | East Devon District Council | 202219631 | Yes |
| 31/10/2023 | London Borough of Newham | 202317317 | Yes |
| 01/11/2023 | <p>Adullam Homes</p> <p><i>The landlord refused to accept a complaint from the resident. The landlord's decision to not accept the complaint was not in line with the code and was deemed to be unreasonable, so an Order was issued. As the landlord did not comply with this, the case was accepted for investigation.</i></p> | 202229939 | No |
| 01/11/2023 | <p>Westminster City Council</p> <p><i>An order was issued due to unreasonable delays in a stage 1 response being provided. As the order was not complied with the case was treated as having completed the landlord's complaints procedure.</i></p> | 202309206 | No |

| | | | |
|------------|---|-----------|-----|
| 03/11/2023 | Sandwell Metropolitan Borough Council <i>An order was issued due to unreasonable delays in a stage 2 response being provided. The order was not complied with by the deadline set though the landlord subsequently provided a stage 2 response to the resident.</i> | 202307606 | No |
| 30/11/2023 | West Hampstead Housing Co-Operative | 202303049 | Yes |
| 11/12/2023 | Lambeth Council <i>An order was issued due to unreasonable delays in a complaint response being provided. As the order was not complied with the case was treated as having completed the landlord's complaints procedure.</i> | 202312005 | No |
| 18/12/2023 | Luton Community Housing | 202218003 | Yes |
| 19/12/2023 | Luton Community Housing <i>An order was issued due to unreasonable delays in a stage 1 response being provided. As the order was not complied with the case was accepted for investigation.</i> | 202307830 | No |
| 22/12/2023 | London Borough of Barking and Dagenham <i>An order was issued due to unreasonable delays in a stage 1 response being provided. The order was not complied with and the landlord asked for an extension for an undefined amount of time. This was deemed to be unreasonable, and the case was accepted for investigation.</i> | 202316455 | No |

Type 2a - Unreasonable delays in providing the Ombudsman information

| Date issued | Landlord | Case ref | Complied with? |
|-------------|---------------------------------|-----------|----------------|
| 20/10/2023 | London & Quadrant Housing Trust | 202210720 | Yes |

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

| Date issued | Landlord | Case ref | Complied with? |
|-------------|---|-----------|----------------|
| 05/10/2023 | Lewisham Council <i>The landlord failed to provide evidence of compliance with our orders within a reasonable amount of time. Landlord is now engaging with us on compliance.</i> | 202008607 | No |
| 05/10/2023 | Wandle Housing Association | 202219681 | Yes |
| 10/10/2023 | Camden Council | 202216147 | Yes |
| 02/11/2023 | Hackney Council | 202213194 | Yes |
| 03/11/2023 | Metropolitan Thames Valley <i>The landlord failed to provide evidence of compliance with our orders within a reasonable amount of time.</i> | 202224230 | No |
| 17/11/2023 | Metropolitan Thames Valley <i>The landlord failed to provide evidence of compliance with our orders within a reasonable amount of time. Landlord is now engaging with us on compliance.</i> | 202222663 | No |

Key lessons

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

The Ombudsman has found multiple instances where landlords are not following the Complaint Handling Code when it comes to accepting a complaint. Landlords should ensure their complaints policy clearly sets out the reasons why a complaint won't be accepted and ensuring that this decision is communicated to residents in writing with a detailed explanation and with referral rights to the Ombudsman.

Another repeated failure is around extension of deadlines without communicating to residents effectively. This includes also giving reasons for the extension or setting and then meeting new deadlines.

Learning from multiple orders

Metropolitan Thames Valley

The landlord had 2 CHFOs not complied with this quarter, which were issued due to the landlord not providing evidence of compliance with orders made by the Ombudsman and a lack of response to the Ombudsman when following up on this.

The landlord has since met with the Ombudsman and agreed an approach to work more effectively, including the best way to use the Ombudsman's online portal for communication. It is important for landlords to contact the Ombudsman at the earliest opportunity, especially they are experiencing difficulties in complying with orders or difficulties with any communication systems.

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.

This past quarter the Ombudsman has brought 27 landlords into compliance and have insight about how that engagement work has been completed with a large housing association. This is the highest number in a single quarter.

One case in the last quarter was with a small housing association that had no previous experience of complaints being referred to the Ombudsman. Only owning 82 affordable homes, they do not have a website.

The landlord took onboard the findings and recommendations of the compliance work and amended their policy promptly.

It also set up standing agenda item for board meetings referring to complaints received, and their handling will be monitored by the directors.

Elsewhere, the Ombudsman has seen 5 less CHFOs issued to Haringey Council following its [special investigation report](#) into the landlord. This shows how the effectiveness of wider intervention, and systemic powers, can improve complaint handling.

As mentioned in the introduction, this section is where the Ombudsman will summarise its Duty to Monitor work under the new Complaint Handling Code, which comes into effect from 1 April 2024.

The Ombudsman will no longer have to wait for a complaint to come in to assess a landlord's performance against the Code, and all landlords will be required to fill in self-assessments against the Code even if they are not sending cases onto the Ombudsman.

The [Code Compliance Framework](#) (the framework) sets out how the Ombudsman will assess whether a landlord has effectively scrutinised itself, whether its complaints policy complies with the Code, and whether it complies with the Code in practice.

As the self-assessment represents a snapshot of compliance at a point in time, landlords must re-assess following any significant changes to their organisation or procedures that affect complaint handling (see section 8.3 of the Code). This is also the reason for annual submissions to the Ombudsman.

The framework also sets how the Ombudsman will engage with landlords should they be identified as non-compliant with the Code to resolve the issues presented. It also explains the learning support on offer and the powers the Ombudsman may use should landlords fail to act in response to our engagement on compliance with the Code.

For more information about the new Complaint Handling Code, please [visit our website](#).

Housing
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