

Learning from: **Severe Maladministration**



**Taking the key lessons from our
severe maladministration decisions**

Published October 2024

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Introduction

Welcome to this month's 'learning from severe maladministration' publication in which we reflect the key learning from some severe maladministration cases.

This report looks at a specific area of damp and mould – timeliness. This is a topic that now dominates 50% of our casework and one coming into sharp focus given the government's intention to introduce Awaab's Law into both the social and private rented sectors.

We have grouped these decisions together to show the detriment to the resident and organisational risk to the landlord when there is a lack of timeliness around initial inspections, the commencement of works, or their completion. Some of these cases will concern all 3 of these delays.

But what is clear is that landlords are still struggling with timescales. This is despite policies often setting out a clear sequence of actions and existing obligations, under the Landlord and Tenant Act 1985 and Housing Act 2004, requiring reasonable resolution times.

Throughout these cases, landlord inspections are revealed as limited or repeated time and again before action is taken, with living conditions deteriorating during these delays. Often there can be a disconnect between the survey recommendations and the schedule of works as these repairs are being delayed. This cycle is completely inadequate in the context of Awaab's Law.

These delays can result in greater costs for the landlord. This can be both the cost of repairs, for example, as well as the cost of providing reasonable redress to a resident who has experienced greater, avoidable detriment.

This means several of the cases in this report are notable for the higher levels of compensation we have ordered. These awards can increase where living conditions are compromised, including the loss of bedrooms or mould in kitchens and bathrooms. The compensation may reflect the rent charged during the period of service failure.

This is not a rent rebate but a basis for considering the loss of enjoyment of the home. These awards are specific to the individual case – variables can include the rent level, number of rooms impacted, the timeline of events and the individual circumstances of the household, including children or health conditions. The landlord's own compensation policy may also be considered. These factors can make comparisons of cases misleading.

Landlords need to re-evaluate approaches to compensation using these cases, to embed a fair and reasonable approach within local complaints procedures, and expectation of the statutory Complaint Handling Code. It is wholly unreasonable to offer just £150 to a resident who lost both their bedrooms to mould for more than a year, as happened in one case.

The explanations of the compensation we have provided in these cases should assist landlords to make consistent payments that are clear, specific and proportionate and help to prevent cases being escalated.

Moreover, addressing the root causes of inadequate inspections and delays would also mean resources can go into services rather than redressing service failings.

Our 'learning from severe maladministration' reports form part of a series providing lessons to help the sector prepare for anticipated introduction of Awaab's Law, in whatever form it takes. In relevant cases Awaab's Law will become a key part of our framework for decision making and we will continue to share insight through our Centre for Learning in the months and years ahead.

With the important role that social housing has to play in giving safe and secure housing to millions, the learning in these reports should help landlords provide effective services that protect this aspiration. This learning spans these decisions to cases where we have not upheld the complaint. It is also important to stress that while this report focuses on our findings about damp and mould, these cases often include a wide range of other property condition issues.

We hope you engage positively with this report and share the learning throughout your organisation.

You will see throughout this, and future publications, opportunities to engage further and support through our [Centre for Learning](#). These are invaluable and will help you to provide an improved service for your residents.

Richard Blakeway

Housing Ombudsman

Key cases this month

This month we highlight key cases from 2 landlords that relate to the key themes of timeliness within damp and mould. Every month we highlight either different themes, regions, or landlords and share the learning from this as part of our commitment to help deliver better services for residents.

Peabody

The Housing Ombudsman made 2 severe maladministration determinations for **Peabody**, where we found issues ongoing for numerous years without effective action from the landlord.

In case [202231175](#), the landlord repeatedly failed to investigate the cause of damp and mould for 4 years, despite what the resident told it about the condition of the property and how it was impacting key rooms in the home. When the landlord did eventually raise repair work, it failed to complete this or to monitor a potential hazard.

It also failed to inspect or repair a leak in the home for over 2 years. Another severe maladministration finding in this case was for the landlord's record keeping. The landlord could not provide all the copies of surveys and inspection it conducted at the property as well as evidence to show the work it did. It is unclear what its surveyor found, what work was recommended and whether it completed what was recommended. The landlord did not offer a specific sum of compensation at stage 1, saying it would calculate this later, and then offered £850 for its failings over the four years.

In case 202224108, the Ombudsman found severe maladministration for how Peabody failed to deal with damp and mould for 2 years, which left the resident unable to sleep in her bedroom.

When the resident made her complaint, she explicitly stated she had a disability, was visually impaired, and had a heart condition. The landlord failed to record this accurately on its systems.

Subsequently, the landlord failed to consider the resident's circumstances, her disability, and the potential impact of damp on her health.

Records around the repairs and inspections were also poor and this has meant that it is hard to see how the landlord came to the conclusions it arrived at, including stating the mould was "minor". No assessment was made on the property and there was no inspection of the root causes. When it finally did raise works, it failed to complete them, causing further frustration. The landlord offered £500 at stage 1, increasing this to £950 in its final response.

The Ombudsman ordered apologies to be made to both residents and for the landlord to undertake many of the repairs and inspections that were outstanding in both cases.

The Ombudsman also ordered the landlord to pay the residents a total of £8,724 in compensation. This included a proportion of compensation based on the rent charged for a loss of amenity during the period of service failings, which was set at 15% of the rent in both cases, covering 50 months and 33 weeks respectively.

Landlord learning statement

We are very sorry that we didn't do a good job of dealing with these complaints.

In the past few years, we have made significant changes to how we manage damp and mould repairs and have formed specialist complaints and record handling teams who make sure that any issues are handled promptly.

We have a group that specifically monitors and manages damp and mould cases to give them the specialist focus they need, and have been doing proactive reviews, contacting thousands of residents to inspect homes and do repairs where necessary.

We understand the importance of listening to and engaging with residents and are doing so through meetings, focus groups, and our online platforms. We are using what we learn from residents to improve, as well as reviewing what we do against best practise and the ombudsman's spotlight reports.

We are committed to strengthening complaints handling, investing in local services and repairs, and are spending £1 million a day ensuring homes are safe and well maintained.

L&Q

The Ombudsman ordered £9,000 and made a finding of severe maladministration for **L&Q** (202218722) after it failed to deal with damp and mould for 4 years and was still outstanding when the determination was made. This case was investigated after last year's special report.

The lack of work meant the resident suffered significant distress, inconvenience, and damage to their home. The resident was living in very difficult conditions throughout the entirety of the complaint timeline, with wet walls, cold temperatures, and worsening mould growth.

After the resident first reported the issue, the landlord failed to inspect for another 8 months. This is despite the resident chasing both the landlord and its contractors during this time.

The landlord's communication with both the resident and its contractors was poor during this time, and the evidence indicates that it did not have adequate processes in place to ensure an inspection was carried out in a timely manner.

After the inspection took place, which recommended major works and stated that the impact on the resident would be significant, the landlord failed to act with the required urgency, delaying its response.

Further delays over the coming months and years meant that no action was taken until the resident's stage 2 complaint, but even then, it did not fully resolve the situation.

The landlord offered £300 in compensation at stage 1 and increased this to £3,290 in at stage 2. However, its award of compensation did not go far enough to recognise the impact on the resident, particularly in light of the works that remained outstanding.

The Ombudsman's award was based on 30% of the rent charged from the point the problems were reported at the start of 2019 to the time when most were completed in the summer of 2023. This was 52 months excluding the period where pandemic restrictions prevented the landlord accessing the property. The Ombudsman's award was also inclusive of the landlord's compensation.

On top of the compensation, the Ombudsman ordered the landlord to provide the resident with an apology which is made by the Chief Executive in person, review its communication with residents and contractors, and also review its repairs approach to damp and mould.

Landlord learning statement

We are very sorry that it took us too long to put things right for the resident in this case. I have personally visited the resident to apologise and provide reassurance about further work we are carrying out to prevent damp and mould in her home.

We are continuing to deliver and embed a range of improvements to our homes and services – work which pre-dates this determination – and central to this is our 15-year, £3 billion home improvement programme which includes upgrades to residents' kitchens, bathrooms, windows and roofs that will address many of the issues that can contribute to damp and mould.

When damp and mould problems are reported we take them very seriously, and we are continually improving how we prevent and tackle these issues through our Healthy Homes Project, through which we have carried out over 30,000 home visits and installed over 18,500 humidity sensors. We have introduced new damp and mould-related policies, procedures and staff training to further improve the quality and consistency of the service residents receive.

We have also overhauled our complaints handling approach in recent years, investing in additional staff, training and other resources, prioritising efficiency and good communication, and embedding learning from complaints in our process.

Key learning from these cases

Damp and mould can be a complex issue for landlords to rectify but that does not mean works can shy away from putting resource into tackling the root causes rather than the symptoms they can see.

Landlords should make sure that on every case they assess the impact that the particular issue will have on a household, and this should mean services or offers are adapted to suit. When landlords get notified of an issue with a home, they should inspect and attempt works in a prompt way and in line with policy timescales – particularly important around hazards with the incoming Awaab's Law.

But if there are delays that are unavoidable or not, having effective records and communication in these moments can ensure that residents are not left in the dark and that when the works are picked up again, there is a detailed trail to minimise disruption.

Finally, compensation for these issues when they do arise must take into account the overall disruption and time for the resident, as well as the loss of enjoyment of the home. This can be a key indicator of whether a landlord has scrutinised its performance over the course of the case and identified the amount of distress it may have caused.

Centre for Learning resources

Damp and mould e-learning and workshops

Damp and mould key topics page containing reports, podcasts, and case studies

Knowledge and information management e-learning and workshops

Knowledge and information management key topics page containing reports, podcasts, and case studies

Attitudes, respect, and rights e-learning and workshops

Attitudes, respect, and rights key topics page containing reports, podcasts and case studies

Decants key topics page containing reports, landlord expectations and case studies

Our orders key topic page – highlighting our approach to compensation

Other cases highlighted this month

In this section we include a short sharp review of cases determined recently and include 1 or 2 main aspects to each case, with the key learning from it.

London Borough of Barking and Dagenham

In case **202014048**, the resident experienced significant issues due to **Barking and Dagenham Council's** mishandling of damp and mould repairs. Despite the landlord's attempts to address the problem, the resident and family were left living in unhealthy conditions for 5 years after multiple inspections and a failure to progress works.

This situation resulted in unusable bedrooms, damage to belongings, and severe distress.

The compensation offered was inadequate given the prolonged inconvenience and health concerns, especially with children having asthma and eczema.

The landlord's failure to provide temporary accommodation exacerbated the situation.

The resident felt neglected and burdened, struggling to secure a safe living environment for their family. The overall handling reflected a lack of urgency and empathy from the landlord.

The landlord had originally offered £100 compensation and increased this by £50 on review. Given the landlord itself concluded that both bedrooms were uninhabitable, and the bathroom and hallway were also affected. Therefore, the Ombudsman based part of its compensation on 40% of the rent charged during the 65 weeks the landlord mishandled the damp and mould reports.

Overall, the Ombudsman ordered the landlord to pay over £4,000 in compensation, apologise to the resident, and review their complaint handling and repair reporting processes.

In its learning from this case, the landlord says it has reviewed its approach to damp and mould and how it acts when sometimes that does fail.

Key learning for the sector

Landlords must prioritise inspections and repairs to prevent escalation of issues such as leaks, damp and mould, which can severely impact resident well-being and property conditions.

Effective communication and accurate record-keeping are essential to ensure transparency and accountability in handling resident complaints.

Furthermore, resident communication strategies need to be in place to ensure compliance and enhancing resident satisfaction.

Places for People

In case 202321572, the Ombudsman found severe maladministration after **Places for People** failed to demonstrate it had permanently resolved mould and damp issue, 49 months after the issue was reported.

This was inappropriate and not in line with its obligations under the Housing Health and Safety Rating System (HHSRS). It often put the repairs needed in batches and left them unattended for 4 months at a time, even when ceilings were close to collapse. It took the involvement of the resident's MP before the landlord fully inspected the property.

The landlord also did not take appropriate action to treat the mould and as such minimise the risk to the household, one of which was a child who had asthma who resorted to either sleeping in her mother's bedroom or at her grandparents. Its compensation offer also failed to take vulnerabilities of the household into account.

The Ombudsman ordered the landlord to carry out the final repair works and follow up inspections, as the issues were unresolved at the point of determination.

The landlord had offered £450 compensation in its stage 2 response.

The Ombudsman ordered the landlord pay £6,800 in compensation, partly based on 20% of the rent charged over the 49 months the residents living conditions were compromised, and to apologise to the resident.

In its learning from this case, the landlord says it is investing in both people and process to make further improvements on the back of this case and has resolved all issues and complied with Ombudsman orders.

Key learning for the sector

Landlords should not rely on the intervention of third parties to conduct inspections. Instead, landlords should respond to issues as soon as they arise and whilst there may be a need to schedule works, these should only be conducted in batches if necessary and agreed with the resident.

Where there are hazards present and vulnerabilities within the household, landlords should be aware how this may change the category of repair to an emergency issue. While the specifics of Awaab's Law are yet to be set out, the consultation indicated timescales for inspections, communications and works to be completed and landlords should consider what they need to do to adapt policies now.

Southwark Council

In case 202113988, the resident suffered a collapsed lung following a persistent issue with damp and mould in his property due to a recurring leak from the apartment above. This unresolved situation, spanning at least 8 years, significantly impacted the resident's health, also exacerbating his asthma and mental health. Despite reporting the problem multiple times, the landlord's response was inadequate, failing to adhere to its own repair policy.

This led to severe maladministration, where the landlord neither repaired the leak nor communicated effectively with the resident. The resident resorted to washing in his kitchen sink and constantly cleaning mould, enduring distress, and inconvenience.

The landlord also refused to respond to the resident's complaint following the resident commencing with the pre-action protocol on housing conditions, despite the Ombudsman issuing a Complaint Handling Failure Order (CHFO) for the landlord to progress the complaint.

The Ombudsman awarded over £5,000 compensation, including 20% of the rent charged over 188-week period the landlord mismanaged the damp and mould response. It also ordered the landlord to identify, respond to, and monitor disrepair cases and recommended to produce a damp and mould policy.

In its response to the case, the landlord says it has created a housing complaints and quality assurance team, updated its disrepair process around contacting residents proactively, as well as offering more virtual and in person inspections as well as reducing the number of repairs in its system.

Key learning for the sector

This case highlights critical learning points for the social housing sector. Landlords must provide timely and effective resolution of maintenance issues, such as damp and mould, especially those exacerbating health conditions.

Landlords should adhere to their repair policies and ensure robust communication channels with residents. This case demonstrates the importance of implementing comprehensive damp and mould policies and establishing proactive monitoring systems to identify and address disrepair promptly.

Additionally, fostering a positive respectful relationship as detailed in the **Spotlight report on attitudes, respect and rights - relationship of equals**. Landlords should also progress complaints even when the pre-action protocol has commenced, reflecting **our jurisdictional guidance (PDF)**.

Metropolitan Thames Valley

In case 202214891, the Ombudsman found severe maladministration for how **Metropolitan Thames Valley** made numerous failings in dealing with damp and mould, in a complaint brought to the Ombudsman earlier this year.

When the resident first raised the issue, there is no evidence the landlord ever acted on that report or visited the property. When chasing a response to her concerns, the resident told the landlord she was asthmatic and that she was concerned the condition of the property was having an adverse effect on her health. But the landlord gave no apparent regard to this.

Following the kitchen and bathroom becoming unusable, the landlord moved the family into a hotel but failed to communicate plans about the works to the resident. It would have been appropriate for the landlord to clearly set this out as soon as possible. This would have helped the resident to prepare for the length of her stay away from the property. The decant lasted for 15 months – in which the family were moved between 2 hotel rooms for the entirety.

The landlord made numerous references to the resident being “obstructive” to the work being completed. It noted that the resident had ordered contractors to stop work. But it appears there were understandable concerns about the safe storage of her possessions during work. Having told the resident it would do so; the landlord should reasonably have ensured that her possessions had been stored safely.

The landlord also did not respond to requests from the resident for information about the inspections of her home.

In its stage 1 response the landlord offered the resident £20 compensation, and this was increased to £150 at stage 2. There was also another offer of £360. The Ombudsman ordered the landlord to pay £6,680 in compensation, which included 50% of rent charged for loss of amenity, including during the decant, provide a written apology from the Chief Executive, and review policies and procedures to ensure that it has appropriate processes, guidance and training in place around identifying and supporting residents with vulnerabilities.

In its learning from this case, the landlord says it has invested in new property experience coordinators who are assigned to cases which have been closed pending works, has started using new digital survey equipment, and reporting software to improve record keeping.

Key learning for the sector

Our previous severe maladministration report highlighted the impact of decants, or temporary moves, and why it is important that landlords take a human-centric approach to this aspect of their work.

When works are taking longer than scheduled, landlords should make sure there is clear communication with the resident and options considered for the duration. Failings in this case also relate to the original reporting of the issue, and landlords should remember to record the issues fully and correctly, taking concerns seriously and investigating them promptly.

Landlords should also be transparent with residents about the outcomes of inspections.

Longhurst Group

In case 202212607, the Ombudsman found severe maladministration for how **Longhurst Group** failed to take appropriate steps to identify necessary repair works within a reasonable timeframe.

When it did undertake repair works, many were completed to a poor standard. Even after the local authority got involved due to the lack of action, there was not a reasonable response from the landlord.

The landlord did not communicate with the resident in a reasonable and timely matter and whilst it was aware of the resident's vulnerabilities, it failed to prioritise the matter accordingly.

Repair issues remained unresolved at the point of determination, and this was worsened by the lack of any meaningful mitigation whilst repairs and investigations were carried out.

The Ombudsman ordered the landlord's Chief Executive to apologise in person to the resident and for the landlord to pay £3,960 in compensation and review this case against the Ombudsman's **Spotlight report on damp and mould**.

In its learning from this case, the landlord says it has introduced a new damp and mould policy and comprehensive training and changed how it manages and prioritises complaints.

Key learning for the sector

Landlords should make sure that when repairs take place, they are completed to the appropriate standard, and these are right first time where possible. This is vital to building trust between residents and landlords.

When landlords undertake any works, they should think about the impact that this will have on the household. This will ensure that any mitigations needed, for example a decant or temporary stay away, can be implemented to minimise the disruption for the residents involved.

Lewisham Council

The Ombudsman found severe maladministration for **Lewisham Council** (202229068) after it left a leaseholder experiencing significant unexplained delays over a period of 3 years, with the landlord's response hampered by poor records.

There was also poor communication, with the resident needing to spend significant time and trouble and an unreasonable level of involvement in pursuing a resolution. The delays and lack of proactive management of the repair caused significant inconvenience and distress to the resident over a prolonged and unreasonable period.

The Ombudsman ordered the landlord to pay £2,300 in compensation, apologise to the resident and review any missed opportunities within this case that can prevent future failings. It also ordered the landlord to assign a single point of contact for the resident and undertake a new survey.

In its learning from this case, the landlord says it has reviewed its complaints policy in line with the **Complaint Handling Code** and has commissioned an upgrade of its repairs operation control system, aiming to deliver better scheduling and smoother data handling throughout the repairs process, whether work is undertaken by contractors or its in-house repairs team.

Key learning for the sector

Landlords should ensure that during repairs they focus their attention on communications, with this playing a vital role in how the works and delays are perceived. Sometimes, delays can be unavoidable. But with effective and personal communication, the negativity around this can be mitigated somewhat.

This extends to taking a human-centric approach to resolution and finding out what a resident sees successful resolution as. Landlords should bear this in mind in their communication and complaint responses.

Waltham Forest Council

The Ombudsman made a finding of severe maladministration for how **Waltham Forest Council** (202228150) failed to complete damp and mould repair works for nearly 2 years.

The landlord failed in its management and oversight of property surveys, associated reports, appointments, and subsequent works orders. The landlord failed in its oversight of, and communications with, contractors acting on its behalf, which resulted in a great deal of time, trouble, and distress for the resident in pursuing the matter.

Many of the original issues arose due to the leak coming from a leaseholder's flat, but there is no evidence the landlord ever reached out to its wider leasehold teams or the resident themselves for support.

The Ombudsman ordered the landlord to pay the resident £2,075 in compensation, apologise to the resident and carry out any inspection works needed in order to provide the resident with a schedule of works.

In its learning from this case, the landlord says it has introduced a new process with its repairs contractor to manage and coordinate complex repairs cases more effectively, including better communications with tenants and data management.

Key learning for the sector

Landlords should attempt to communicate with leaseholders, seek legal advice or look to obtain a warrant of entry to a property if there is a leak above. Landlords should keep robust records for all repairs jobs, including those by contractors, to ensure that the quality of works is high and can be assessed. Records will play a key role in supporting landlords to meet Awaab's Law, with the consultation proposing that residents were provided with a written report on what has happened and steps to be taken. If these records cannot be found, landlords will struggle to fulfil their obligations.

Kingston upon Thames Council

The Ombudsman made a finding of severe maladministration for how **Kingston upon Thames Council** (202222650) failed to investigate the resident's report of damp and mould in a timely manner and did not properly consider the family's vulnerability, the overcrowding, or the repair history.

It took too long to arrange an independent survey and did not then action the survey's recommendations until the resident contacted the Ombudsman. At the time of the determination, the works remained outstanding.

The Ombudsman ordered the landlord to provide a written apology from the Chief Executive, pay £2,750 in compensation and publish a revised repairs policy that was previously dated 2017.

In its learning from this case, the landlord says it has set up a specialist team to deal with damp and mould issues and to manage the increased demand in this area. It is also undertaking further improvements with its new contractor.

Key learning for the sector

Having a functioning repairs policy should be a cornerstone of an effective landlord offer. This sets the expectations for both residents and landlords and gives operatives and wider landlord staff the tools they need to complete jobs successfully.

Setting expectations is going to be increasingly important with the introduction of Awaab's Law, with the consultation proposing timescales around hazards – including damp and mould – as key parts of the legislation. Landlords should be stress testing their repairs policies now ahead of any potential legal changes.

Swindon Council

The Ombudsman made a finding of severe maladministration after **Swindon Council** (202313840) left a resident with a visible waterline 3ft high in 1 room, wallpaper coming off, black mould and a "crystalized substance" on 3 walls and the skirting boards.

The landlord's records show that it felt the home was habitable, despite the resident not being able to access the lounge for over a year. It also contacted several contractors for quotes on this work but failed to follow them up until months later.

As a result of the lack of works, the resident has said she needs to store her belongings in plastic boxes, cannot have any furniture touching the wall, and cannot hang pictures. She had to dispose of her sofa and said she feels unable to buy a new one until the damp has been resolved.

The Ombudsman made an order for a full schedule of works to be provided and for these works to be completed and provide a single point of contact for the resident to work through the repairs with her.

On top of that, the Ombudsman ordered the landlord to provide an apology from the Chief Executive, pay £2,773 in compensation, including a specific payment for loss of the living room, and review the case with a particular focus on improvements around communications and damp and mould remedial works.

In its learning from this case, the landlord says it has improved its triage processes to assess vulnerabilities earlier, decants are considered at an early stage in the damp and mould process, and the landlord has reviewed its compensation policy.

Key learning for the sector

When there is a long running and complex repair needed, landlords should ensure they provide an overall case manager to the issue so that records can be kept updated and residents effectively communicated with. This will reduce the likelihood of needless delays.

When an issue is long running, landlords should consider what options they have available to them, such as temporary moves, especially when the loss of enjoyment of the home is so severe.

Bromford

In case 202125691, the resident faced significant issues with damp and mould in their property, which were reported to the landlord years prior. Despite providing photographic evidence, the landlord initially only offered advice without a visit or thorough investigation, leading to delayed responses and inadequate repairs.

This lack of urgency and ineffective communication from the landlord exacerbated the situation, contributing to the resident's distress, particularly given their health vulnerabilities. Persistent damp and mould issues worsened over the years, impacting the resident's living conditions and causing them to feel neglected.

The landlord's repairs policy also said it would attend to non-emergency repairs depending on the "availability of appropriate resources".

The Ombudsman ordered the landlord to apologise to the resident and pay over £4,000 in compensation. It must review its handling of the damp and mould issued, focusing on repair follow-ups, impact on the resident, and record-keeping.

Additionally, the landlord must conduct staff training on effective complaint handling and investigation.

In its response to the case, the landlord says it has created a dedicated damp and mould team, as well as introducing mandatory training on damp issues for all staff and piloted putting sensors in residents' homes.

Key learning for the sector

This case demonstrates that prompt and thorough investigation of maintenance issues, such as damp and mould, is crucial to prevent escalation and mitigate resident distress, particularly when health vulnerabilities are present. Staff training on complaint handling and investigation is critical to improve service delivery.

Effective communication and comprehensive record-keeping must be prioritised to ensure timely and appropriate responses. Landlords must also ensure they are clear about the timescales for all types of repairs, not only those considered urgent.

Islington Council

The Ombudsman found severe maladministration for **Islington Council** ([202122382](#)) after the resident experienced significant issues with their landlord, primarily regarding the handling of repairs and damp and mould in the property. The landlord failed to complete necessary repairs, such as addressing gaps in the windows and door, which contributed to damp and mould.

Despite repeated complaints from the resident and involvement from her MP, the landlord delayed inspections and repairs, exceeding its own policy timeframes.

This resulted in prolonged exposure to poor living conditions, causing stress and health issues for the resident and her children.

The landlord had offered £100 compensation at stage 2. The Ombudsman ordered the landlord to compensate the resident with over £5,000, including 30% based on rent charged over 130-week period for loss of amenity, excluding periods where the landlord was unable to inspect, or restrictions were in place.

It also ordered the landlord to apologise to the resident. Additionally, the landlord is required to inspect the property using an independent damp specialist and provide a written report on necessary works.

In its learning from this case, the landlord says it has worked with its capital works team to see how other residents who are similarly impacted can have their situations improved, and have made changes to its damp and mould procedure including monitoring of works and surveys, and developing smaller patch sizes.

Key learning for the sector

Landlords must adhere to policy timeframes for inspections and repairs, ensuring resident complaints are addressed swiftly to mitigate health risks and stress. Effective complaint handling processes are fundamental to maintaining resident trust and satisfaction.

Future commitments must involve independent assessments when technical issues persist, alongside timely communication and appropriate compensation.

Sovereign Network Homes

In case **202228372**, the resident suffered from persistent issues with damp and mould in her property, which her landlord failed to address adequately over a prolonged period to early 2024.

This situation resulted in significant distress and inconvenience, particularly affecting the health of the resident and her son, as the damp and mould were primarily in the bedrooms. Despite numerous reports and requests for action, the landlord's responses were inadequate, lacking urgency, and effective communication.

The landlord's failure to conduct timely building condition surveys and to provide a clear action plan further exacerbated the situation. The resident often found herself living in one room due to the severe conditions in the others.

The landlord originally offered £115 in compensation and increased this to £775 at stage 2. Several months after its final response it increased this to just over £4,000.

The Ombudsman ordered just over £5,000 compensation, to replace the offer made after the landlord's stage 2 response, which included an element based on 25% of the rent charged when the resident experienced a loss of amenity. The landlord was able to deduct any payments, excluding damages, it had made.

The landlord was also ordered to apologise to the resident for identified failings, arrange a surveyor inspection and report on the leak, assess the property's condition, provide a works schedule, and pay.

The landlord must also conduct an independent case review and share findings with the governing board and Ombudsman.

In its response to the case, the landlord says it has created a dedicated damp and mould team that listens to residents and improves future outcomes.

Key learning for the sector

This case demonstrates the critical need for timely and effective responses to reports of damp and mould. Landlords should consider temporary move arrangements against its anticipated timescale for completing repairs.

Effective communication and clear action plans are essential in managing resident concerns. It is vital for landlords to be aware of different residents' circumstances and the need for human-centric approaches to services.

Compensation should be offered that reflect the full impact on residents' wellbeing and during the formal complaints process to avoid arbitrary and late offers.

Croydon Council

In case [202227185](#), the resident experienced significant issues with their landlord regarding persistent leaks, damp, and mould in their property.

Despite numerous reports from the resident about leaks and resulting damp and mould and requests for an inspection, the landlord did not conduct a damp and mould inspection until nearly 12 months after the first reports. Throughout the landlord failed to conduct timely inspections and repairs.

This lack of care and response led to worsening conditions and considerable distress for the resident and their family, as they struggled with the impact on their living conditions, including damage to personal belongings and the inability of the resident's daughter to use her bedroom. The landlord's inadequate record-keeping and communication further exacerbated the situation, leading to delays and a lack of resolution.

The landlord did not offer compensation at stage 1, but said the resident should make an insurance claim. It offered £100 compensation at stage 2. The Ombudsman ordered the landlord to apologise and pay over £5,000 compensation.

In its response to the case, the landlord says it has set up a specialist team to look at leaks, damp and mould. It is also working with individuals to get damp and mould issues resolved, procuring specialist contractors and overhauling its policies with training introduced alongside.

Key learning for the sector

Landlords need robust and responsive maintenance procedures. Landlords must also prioritise inspections and repairs to prevent escalation of issues such as leaks, damp, and mould, which can severely impact resident well-being and property conditions.

Effective communication and accurate record-keeping are essential to ensure transparency and accountability in handling resident complaints. Furthermore, resident communication strategies need to be in place to ensure compliance and enhancing resident satisfaction.

PA Housing

In this case (202305663), the Ombudsman found severe maladministration for how **PA Housing** failed to comply with its maintenance policy as its repair service was not flexible to the needs of vulnerable tenants.

When reports were raised by the resident, it took 8 weeks for an inspection to be done and a further 12 weeks for another survey to be undertaken based on the initial recommendations. There were several further delays following inspections and works taking place, including missed appointments and no access due to the resident not being aware of the appointment.

After the landlord reported the issue was resolved, a further inspection found the mould has returned.

The resident said the damp and mould caused illness for her and her children; damaged furniture and belongings; required the replacement of 2 child mattresses, and clothing due to mould growth.

She said the repairs resulted in “a toll on our mental well-being” and added to the family’s frustration and stress. She said her 2 youngest children experienced “respiratory illnesses” along with the “worsening mental health” of her eldest child. She said the children’s vulnerabilities were “consistently ignored.”

The Ombudsman ordered the landlord to pay £4,150 in compensation, apologise to the resident and undertake a strategic review that looks at the Ombudsman’s Spotlight reports on damp and mould and knowledge and information management, as well as ensuring its complaint handling is in line with the **Complaint Handling Code**.

In it learning from this case, the landlord says its Chief Executive has personally attended the home, undertaken a full review into its contractor management, and work has been done to ensure resident expectations are managed and reasonable accommodations made for any circumstances.

Key learning for the sector

Landlords should carry out inspections in a timely and prompt fashion. It is important for the landlord and resident relationship that when these take place, residents are informed about the outcomes and consequent plans. When a resident reports health conditions in the home, landlords should examine how they adapt their offer to better meet the needs of that household and assess the urgency of the works and actions needed.

Clarion

The Ombudsman found severe maladministration for how **Clarion** (202212735) failed to identify and fix the cause of a leak for 4 years.

It did not consider the history of the leak or the household vulnerabilities in responding, and it inappropriately responded to the damage caused by advising the resident that she would need to submit insurance claims.

The landlord also failed to consider the health risk associated with prolonged damp and mould exposure and failed to take steps to minimise the risk or consider the impact on the household.

The landlord did not have records of the outcomes of previous inspections or of works done to try to fix the leak from the roof, which led to delays in the possible cause being identified and works completed. The landlord lacked an understanding as to whether the roof works had been completed and incorrectly relied on this to close the complaint.

The landlord offered £2750 as part of its stage 2 response. The Ombudsman ordered the landlord to pay £6,500 in compensation, for the Chief Executive to apologise, and review the case to see where learning can be found on referring residents to insurers, poor leak diagnosis, and ensuring there are accurate records for inspections and works.

In its learning from this case, the landlord says it has adopted a case management approach with dedicated resident liaison officers acting as a single point of contact for complex cases, as well as introducing new technology and systems.

Key learning for the sector

Whenever a resident reports an issue with their home, landlords must take into account the circumstances of that household and adapt their service accordingly. This can sometimes mean that a simple repair is far more urgent or needs to be dealt with more sensitively than otherwise.

When landlords are dealing with leaks, it must keep accurate records of the history of the issue to help it deal with the problem more effectively and reduce frustration for the resident.

Landlords should also make sure that when they are closing cases or complaints, there is follow up inspections or appointments to ensure the issues are resolved satisfactorily for the resident.

Moat Homes

The Ombudsman ordered £8,765 in compensation as **Moat Homes** (202332876) left a resident, who was undergoing cancer treatment, and her family in a home that suffered from damp and mould for over 3 years as a result of excessive delays in completing repairs, along with the landlord's consistent lack of communication and poor record keeping.

After first reporting the issue, it took the landlord 3 months to ask the contractor to inspect the home. It took a further 16 months for the contractor to undertake the inspection.

Following further inspections, it then took 15 months for the landlord to carry out any works. Throughout this time and the delays, there was no evidence that the landlord provided any support to the resident and her family.

The Ombudsman's compensation included an element based on 20% of rent paid during a 41-month period of service failure where resident's use of their home was impacted. The landlord had offered £850 in its stage 2 response earlier this year.

On top of the compensation, the Ombudsman ordered the landlord to identify all other residents that may have received a similar experience from the landlord and rectify any outstanding issues, as well as review staff training on several areas and review its record keeping practices.

In its learning from this case, the landlord says it has improved how it triages cases, undergone training with its staff and developed a new awareness raising approach with residents to ensure they spot signs early for faster resolution.

Key learning for the sector

When a resident first reports damp and mould, or a leak, landlords should inspect this within its repair's timescales and act on those recommendations in a timely way. It is important that when these inspections and surveys have taken that place that landlords record these and communicate the findings effectively with the resident concerned.

Finally, when it has recommendations from these inspections, landlords should then put in place an action plan of how it will resolve the issue. All this needs to be done within repairs timescales, with clear communication throughout to ensure the resident is kept up to date.

Where the landlord identifies failings, compensation should be proportionate to the impact.

Curo Group

The Ombudsman found severe maladministration after **Curo** (202324124) failed to undertake repairs or compensate the resident accordingly, despite acknowledging it failed the household.

The landlord showed a lack of resolution-focus and a failing in progressing repairs accordingly, a lack of mitigating works to reduce risk and improve safety, and a failure to respond reasonably to the resident's concerns around damaged personal items.

The landlord had awarded the resident £50 in compensation for complaint failures. Including the wider repair issues, the Ombudsman ordered the landlord to pay £5,650 in compensation and to apologise. The compensation included an element that was based on 45% of rent for 18 months of repair delays into 2024, which had significantly compromised the resident's living conditions.

The Ombudsman also ordered the landlord to review the case to look at its lack of resolution focus/failure to progress the repairs, its lack of mitigating works to reduce risk, its failure to respond appropriately to the resident's concerns about damaged personal items, and its inability to use its complaints process as an effective tool to resolve her concerns.

In its learning from this case, the landlord says it has created an in-house specialist team to deal with damp and mould, as well as putting in place additional surveyors and training to ensure it identifies the causes of damp and mould and rectifies any

issues quickly. It has also introduced new triage systems so that residents' needs, and specific requirements are understood and acted on.

Key learning for the sector

Landlords should use its complaints process to put things right for residents and work with them to put action plans in place to resolve the substantive issue. It is not enough for landlords to respond to complaints with what is going to happen without timescales or actions attached to it.

Sanctuary

In this case (202341075), the Ombudsman found severe maladministration for how **Sanctuary** failed to demonstrate it fulfilled its repairs obligations in respect of the penetrating damp which it has known about for nearly a year. Nor did it demonstrate due regard to its obligations under the Housing Health and Safety Rating System (HHSRS).

The landlord did not act with urgency when a survey recommended works, and only acted when the resident re-raised the issues directly with the landlord. Records show that other repairs were also made outside of the landlord's timescales.

Due to the delays, the resident was increasingly worried about her Chronic Obstructive Pulmonary Disease (COPD). This anxiety would have only increased as the landlord failed to adequately respond to further reports of damp and mould.

There were also times when the landlord said it had undertaken works, but the resident said the issues were unresolved.

The Ombudsman ordered the landlord to pay £2,965, apologise to the resident and update its records to include the household's circumstances on. The Ombudsman also referred to the **previous wider order case** it had with the landlord and the incorporating learning from this case into its recommendations for service changes.

In its learning from this case, the landlord says it has increased the size of its repairs team and rolled out training to improve services for residents.

Key learning for the sector

Landlords must understand their obligations under the law regarding hazards in the home, and this will be especially important as Awaab's Law is introduced.

Landlords should ensure that when issues are raised, follow up works are completed within timescales set out in its policy. When a resident raises concerns about the health of their household, a landlord should show that it has understood those concerns and changed its approach accordingly.

ANNEX

Due to the large number of severe maladministration decisions that relate to damp and mould, we have compiled the following annex of other cases to help drive further learning in the sector which aims to prevent future failings in this key area.

1. <u>202200958</u>	Aster Group
2. 202123271	Barking and Dagenham council
3. 202102010	Birmingham City Council
4. 202224778	Broxtowe Council
5. 202202418	Clarion
6. <u>202207945</u>	Clarion
7. <u>202226981</u>	Clarion
8. 202219634	Clarion
9. 202117416	Clarion
10. 202221210	Clarion
11. 202306431	Curo
12. 202315996	Dacorum Council
13. <u>202128445</u>	Ealing Council
14. <u>202128445</u>	Ealing Council
15. 202215328	Great Places
16. 202227672	Greenwich Council
17. 202304397	Guinness Partnership
18. 202220154	Haringey Council
19. 202317960	Haringey Council

20. 202320122	Haringey Council
21. 202228688	Hounslow Council
22. 202115831	Islington Council
23. <u>202126692</u>	L&Q
24. 202217056	L&Q
25. <u>202222555</u>	L&Q
26. 202219468	L&Q
27. <u>202320637</u>	L&Q
28. 202232200	L&Q
29. 202215944	Lambeth Council
30. 202212757	Lambeth Council
31. <u>202107857</u>	Lambeth Council
32. 202311129	Lambeth Council
33. 202207693	Leeds City Council
34. 202219593	Leeds City Council
35. 202125591	Leicester Council
36. 202224026	Lewisham Council
37. 202321345	Lewisham Council
38. 202231986	Lewisham Council
39. 202308522	Lincoln Council
40. 202222659	Longhurst Group
41. 202233457	Moat Homes
42. <u>202219798</u>	Newcastle City Council
43. <u>202234907</u>	Norwich Council
44. 202201741	Norwich Council
45. <u>202218400</u>	Norwich Council
46. 202232344	Ongo Homes
47. 202224876	Orbit Group
48. 202304553	PA Housing
49. <u>202215646</u>	Peabody
50. 202224410	Peabody
51. <u>202210856</u>	Redbridge Council
52. 202216635	Redditch Council
53. <u>202217130</u>	RHP
54. 202320577	RHP
55. 202305635	Sanctuary
56. <u>202230602</u>	Sanctuary
57. 202217940	Sanctuary
58. 202222492	Sanctuary
59. <u>202234776</u>	Settle
60. 202224071	Southampton Council

61. 202232714	Southern Housing
62. 202304187	Southern Housing
63. 202224534	Southern Housing
64. <u>202300194</u>	Southwark Council
65. <u>202104948</u>	Southway Housing Trust
66. <u>202221259</u>	Sovereign
67. <u>202303410</u>	Stoke on Trent Council
68. 202230145	Stonewater
70. 202332312	Stroud Council
71. 202310186	Tamworth Council
72. 202227472	Thurrock Council
73. <u>202209854</u>	Uttlesford Council
74. 202219019	Wandle
75. <u>202117364</u>	Westminster City Council
76. 202201384	Wigan Council

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