

# **Housing**

Ombudsman Service

**Housing Ombudsman Service**  
**Quarterly report:**  
**Complaint Handling Failure Orders**  
**issued July to September 2022**

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## Introduction

The [Complaint Handling Code](#), part of the Housing Ombudsman Scheme, sets out clear expectations for landlords on handling housing complaints, together with the 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 provide 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 2022 shows that we issued 45 complaint handling failure orders during this quarter, all types 1 and 2. This is the highest number of failure orders issued in a single quarter since they came into effect in January 2021.

In 39 cases the landlords complied and there were six cases of non-compliance. The orders, all related to individual complaints, were issued to 30 landlords. In the previous quarter, April to June 2022 we issued 22 complaint handling failure orders, 17 complied with and five cases of non-compliance.

Two case studies illustrate the experiences of residents and how the complaint handling failure orders have been used to progress their complaints within the landlord's complaints procedure. They include a case where the landlord acknowledged the resident's complaint but failed to provide a response until we issued a complaint handling failure order. The landlord complied with the order and provided its response which resolved the resident's concerns. In another case the landlord said it has responded to a resident's complaint by phone but we said it needed to provide a full written response. A failure order was issued after it failed to provide the response after being given two further opportunities in line with our escalation process.

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 2022

We issued 45 complaint handling failure orders during this quarter, all types 1 and 2. In 39 cases the landlords complied and there were six cases of non-compliance.

The order types are:

- **Type 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 progressing their complaint through the landlord's process, 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 provide the landlord with opportunities 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.

- **Type 2: Issued due to unreasonable delays in providing 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. This includes evidence of compliance with our orders at the end of an investigation. If the evidence is not provided a complaint handling failure order may be issued.

- **Type 3: Issued where a landlord fails to comply with its membership obligations.**

If we have reason to believe that a landlord is not complying with its membership obligations, we will request further information and/or an explanation. We may then require remedial action to bring the landlord into compliance with the Complaint Handling Code. We may issue a complaint handling failure order if no explanation is given for non-compliance, the explanations given are inadequate or the remedial action is not undertaken.

### **Orders complied with:**

The two tables below show the orders issued where the landlord complied.

**Table 1: Complaints within the landlord's complaints process (our dispute support stage)**

<b>Date issued</b>	<b>Landlord</b>	<b>Case ref</b>	<b>Order type (see above)</b>
12/07/2022	A2Dominion	202106214	1
13/07/2022	Barking and Dagenham Council	202127035	1
13/07/2022	Origin Housing	202128464	1
14/07/2022	Slough Borough Council	202119630	1
21/07/2022	Croydon Council	202114837	1
25/07/2022	Muir Group Housing Association	202104916	1
27/07/2022	Soho Housing Association Limited	202123144	1
27/07/2022	Lambeth Council	202203532	1
28/07/2022	Warwick District Council	202100048	1
28/07/2022	Birmingham City Council	202111174	1
01/08/2022	Seagull Housing Co-operative Limited	202116240	1
03/08/2022	Southwark Council	202113988	1
03/08/2022	Ealing Council	202127721	1
04/08/2022	Southwark Council	202115926	1
17/08/2022	London & Quadrant Housing Trust	202203699	1
17/08/2022	Swindon Borough Council	202203993	1
17/08/2022	A2Dominion	202205195	1
22/08/2022	A2Dominion	202122456	1
23/08/2022	Warrington Housing Association Limited	202115582	1
26/08/2022	Walsall Housing Group Limited	202202120	1
30/08/2022	London & Quadrant Housing Trust	202015991	1
30/08/2022	Southwark Council	202122806	1
30/08/2022	Oxford City Council	202206507	1
31/08/2022	Sheffield City Council	202123082	1
02/09/2022	Sovereign Housing Association	202117978	1
04/09/2022	London & Quadrant Housing Trust	202127566	1
08/09/2022	Mansfield District Council	202206321	1
22/09/2022	Birmingham City Council	202123799	1
30/09/2022	Lambeth Council	202209121	1
30/09/2022	Hyde Housing Association Limited	202209751	1

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

<b>Date issued</b>	<b>Landlord</b>	<b>Case ref</b>	<b>Order type (see above)</b>
11/07/2022	Notting Hill Genesis	202123236	2
03/08/2022	Wandle Housing Association Limited	202123253	2
04/08/2022	Notting Hill Genesis	201907483	2
06/09/2022	Harrow Council	202103553	2
06/09/2022	Harrow Council	202121589	2
08/09/2022	Orbit Housing Association Limited	202202744	2

12/09/2022	Birmingham City Council	202125701	2
16/09/2022	Aves Housing	202205659	2
28/09/2022	Wandle Housing Association Limited	202124143	2

### **Orders with non-compliance:**

**Table 3: Orders issued where the landlord did not comply within target timescales**

<b>Date issued</b>	<b>Landlord</b>	<b>Case ref</b>	<b>Order type (see above)</b>
18/07/2022	A2Dominon	202124026	1
22/07/2022	Haringey Council	202104986	2
04/09/2022	Sheffield City Council	202125993	1
04/09/2022	Lambeth Council	202201122	1
20/09/2022	Metropolitan Thames Valley Housing	202107752	1
20/09/2022	Manchester City Council	202206163	1

### **Case studies**

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

#### **Case Study 1: Complaint handling failure order successfully resolved the case (within the landlord's internal complaints procedure)**

The resident contacted the Ombudsman in May 2022 to report that the landlord had not provided a response to their initial enquiries and subsequent complaint about utility charges and the handling of the service charge account.

Although the resident did receive an acknowledgement to their complaint, no response was provided to the resident, who contacted us to confirm that it had not been sent and nor had they been updated with a date that the information would be provided.

Following contact from the Ombudsman, a full response was not provided until the complaint handling failure order was issued in August 2022. The landlord complied with the order and issued the stage 1 response which resolved the resident's concerns. The resident explained:

*"Thank you very much for your help with this. We are relieved to have finally received a proper and comprehensive response from the landlord. We will happily contact you again in the future if the landlord tries to ignore us again."*

## **Case study 2: Complaint handling failure order issued after written response to complaint not provided (within the landlord's internal complaints procedure)**

The Ombudsman received a complaint from a resident about the landlord's handling of repairs and his request for reasonable adjustments to be made to repairs appointments due to his disabilities. He explained that he had raised a formal complaint with the landlord but had not received a response.

We wrote to the landlord and asked it to provide a Stage 1 response to the complaint, setting the standard timescale of 10 working days. The landlord explained that it had responded by telephone and provided the respective call notes.

We explained to the landlord that a full written response was required, as well as appropriate referrals to this service. We gave the landlord two further opportunities to respond in line with our escalation process. A complaint handling failure order was then issued ordering the landlord to respond in five working days.

As a result of the delays and quality issues, we met with the landlord to remind it of our expectations in complaint handling as set out in the Code, our resources available for landlords and to understand any difficulties it was facing.

We also helped the landlord to understand what reasonable adjustments the resident needed to try and mediate a way forward. We made our own adjustments to ensure the resident was able to access our service.

## **Useful links:**

[Guidance on determinations of complaint handling failure and orders \(updated March 2022\)](#)

[Complaint Handling Code \(updated March 2022\)](#)

[Guidance for governing bodies](#)

Our [Complaint Handling Code](#) section on the website provides a guide to the changes to the Code since it was strengthened following our review together with a range of supporting documents including the self-assessment form.

**Housing**  
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