

Housing

Ombudsman Service

Housing Ombudsman Service
Quarterly report:
Complaint Handling Failure Orders
issued April to June 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 April to June 2022 shows that we issued 22 complaint handling failure orders, 17 complied with and five cases of non-compliance. The orders, all related to individual complaints, were issued to 19 landlords. In the previous quarter, January to March, we issued 32 complaint handling failure orders, 21 complied with and 11 cases of non-compliance.

Three case studies illustrate the experiences of residents and how the complaint handling failure orders have been used to progress their complaints. They include a case within a landlord's complaint procedure where it failed to progress a resident's complaint on the basis that the resident had started legal proceedings. In another case a landlord failed to respond to repeated requests for information on a complaint within our formal remit and said it was engaging with the resident through mediation. In the last case the landlord failed to provide a response within the timescales set out in its internal complaints procedure.

The issues identified through these orders highlight the importance of the Code, which was strengthened in March 2022. Landlords have until **1 October 2022** to become compliant with the Code including the requirement to complete an annual self-assessment against the Code. The self-assessment is an important tool for landlords to assess whether their service is delivering a positive complaint handling culture for their residents.

Before issuing complaint handling failure orders, we give landlords the opportunity to put things right. Between April to June 2022 we issued 166 final chasers to landlords.

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 April to June 2022

We issued 22 complaint handling failure orders during this quarter, all types 1 and 2. In 17 cases the landlords complied and there were five 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)

Date issued	Landlord	Case ref	Order type (see above)
11/04/2022	Southwark Council	202012319	1
13/04/2022	Clarion Housing Association	202017186	1
22/04/2022	Swindon Borough Council	202119867	1
04/05/2022	Southwark Council	202112398	1
05/05/2022	Lambeth Council	202122253	1
05/05/2022	Swindon Borough Council	202125858	1
12/05/2022	Deptford Housing Co-operative Limited	202119624	1
13/05/2022	A2Dominion Housing Group	202119895	1
23/05/2022	Doncaster Metropolitan Borough Council	202125813	1
25/05/2022	Ealing Council	202117829	1
27/05/2022	Sheffield City Council	201902716	1
15/06/2022	Inquilab	202006150	1
22/06/2022	Irwell Valley Housing Association	202127995	1

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

Date issued	Landlord	Case ref	Order type (see above)
26/04/2022	Arhag Housing Association	202101604	2
04/05/2022	Birmingham City Council	202102010	2
24/05/2022	Notting Hill Genesis	202114809	2
05/06/2022	Havering Council	202110679	2

Orders with non-compliance:

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

Date issued	Landlord	Case ref	Order type (see above)
05/05/2022	London and Quadrant	202121497	1

16/05/2022	Hyde Housing Association	202103794	2
26/05/2022	Peabody Trust	202122409	1
27/05/2022	Catalyst Housing	202122623	1
15/06/2022	Deptford Housing Co-operative Limited	202015524	2

Case studies

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

Case Study 1: Landlord fails to progress the complaint, citing legal proceedings in place (within the landlord's complaint procedure)

We issued a Complaint Handling Failure Order to the landlord due to no response being provided to a resident about her concerns relating to outstanding repairs, including scaffolding. The landlord responded to the order by advising that no response could be provided as legal proceedings had been initiated by the resident.

This was reviewed, and it was noted that the claim had not been formally issued, nor did it refer to the presence of scaffolding which was a key element of the resident's complaint. As a result, we accepted the complaint for investigation without a formal response. This case is currently under assessment for evidence request in order for the investigation to be completed.

The investigation will consider the reasonableness of the landlord's decision not to provide a Stage 2 response as part of the assessment of its complaint handling.

Case study 2: Landlord fails to provide information requested as part of evidence gathering (within the Ombudsman's formal remit)

On receipt of the final response from the landlord, the resident contacted the Ombudsman to ask that the complaint be investigated. We wrote to the landlord to request information as part of evidence gathering in preparation for the investigation.

As the landlord failed to respond to the request, and subsequent reminders about its obligation to cooperate with investigations as a member of the Scheme, a Complaint Handling Failure Order was issued. The landlord subsequently contacted us to request that this be rescinded, as it was actively engaging with the resident through independent mediation services.

A discussion was held to clarify that whilst landlords can continue to engage with their resident in order to resolve any substantive issues, it is still obligated to provide information for the Ombudsman's investigation.

The investigation will consider the landlord's response to the anti-social behaviour reported and, if appropriate, the actions taken by the landlord post-final response.

Case study 3: Landlord fails to provide a response within the timescales set out in its internal complaints procedure (within the landlord's complaint procedure)

The resident contacted the Ombudsman to report that she was unhappy with the landlord's response to her reports of defective roofing, leaks and delays to remedial works. She explained that it was having a significant impact on her, and that she was concerned that the landlord had raised a complaint, but not responded.

Through our intervention, the resident received a final response to her complaint within two months of her initial complaint being made to the landlord. The resident wrote to us to thank the team for the support offered:

"They have contacted me and apologised, and offered me compensation... they have done the works, be it very late, and they are going to take down the scaffolding this week. Thank you for your kind assistance in the matter."

The complaint has been closed without the need for a formal investigation as the resident is satisfied with the action taken by the landlord in response to her concerns.

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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