

Housing Ombudsman Service
Quarterly report:
Complaint Handling Failure Orders
issued January to March 2022

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 January to March 2022 shows that we issued 32 complaint handling failure orders, 21 complied with and 11 cases of non-compliance. They all related to individual complaints.

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

During 2021-22, our first full year of issuing complaint handling failure orders, we issued a total of 101. Landlords complied in 81 cases and there were 20 cases of non-compliance. The vast majority related to individual complaints with two on failure to comply with our Complaint Handling Code. Of the individual complaints, three quarters were issued due to landlords' unreasonable delays in accepting or progressing a complaint through their process.

The issues identified through these orders highlight the importance of the Code, which was strengthened in March 2022 to include a requirement for landlords 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. Landlords have until 1 October 2022 to become compliant.

As part of the strengthened Code, we also set out good practice on continuous learning and improvement, encouraging landlords to use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery. It states that a member of the governing body should have lead responsibility for complaints. This should help to ensure the governing body receives regular information on complaints and complaint handling performance. This includes the outcome of a landlord's self-assessment and updates on compliance with the Ombudsman's orders. In situations where a landlord has received multiple complaint handling failure orders, the Ombudsman would expect the governing body to be reviewing the situation and deciding what action can be taken to improve.

Before issuing complaint handling failure orders, we give landlords the opportunity to put things right. In 2021-22 we sent out final chasers to 116 landlords. For future quarterly reports, we are planning to publish the names of landlords where we have reached the stage of issuing a final request for information or a response.

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 January to March 2022

We issued 32 complaint handling failure orders during this quarter, all types 1 and 2. In 21 cases the landlords complied and there were 11 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)
04/01/2022	Catalyst Housing Limited	202008931	1
04/01/2022	Southwark Council	202102902	1
19/01/2022	Peabody Trust	202114368	1
19/01/2022	London & Quadrant	202108466	1
21/01/2022	Notting Hill Genesis	202113417	1
23/01/2022	Catalyst Housing Group Ltd	202113320	1
26/01/2022	Swindon Borough Council	202113605	1
26/01/2022	Ealing Council	202114284	1
26/01/2022	Islington Council	202119530	1
28/01/2022	Park Hill Housing Co-operative	202002405	1
03/02/2022	Cornwall Housing Limited	202103804	1
07/02/2022	Guildford Borough Council	202117791	1
11/02/2022	Camden Council	202115731	1
14/02/2022	Barking and Dagenham Council	202007142	1
08/03/2022	Birmingham City Council	202123521	1
09/03/2022	Lewisham Council	202002817	1
11/03/2022	Southwark Council	202012319	1
23/03/2022	Islington Council	202115831	1

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

Date issued	Landlord	Case ref	Order type (see above)
23/02/2022	Lewisham Council	202011375	2
01/03/2022	Clarion Housing Association	202009112	2
24/03/2022	Riverside Housing Association	202100273	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)
12/01/2022	Greenwich Council	202006990	1
14/01/2022	Lambeth Council	202007286	2
01/02/2022	Lambeth Council	201910159	2
01/02/2022	Lambeth Council	202006703	2

14/02/2022	Orbit	202119391	1
21/02/2022	Lambeth Council	202122973	1
24/02/2022	Greenwich Council	202115047	1
01/03/2022	Westward Housing Group Limited	202117711	2
05/03/2022	Lewisham Council	202103310	2
17/03/2022	Ekarro Housing Co-operative	202006629	1
23/03/2022	Birmingham City Council	202107497	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 (within the Ombudsman's formal remit)

The Ombudsman wrote to the landlord and requested information required to prepare the complaint for investigation, setting the standard timescale of 15 working days. The landlord responded within the timescale set and provided some but not all of the information requested.

This was followed up by the caseworker and a subsequent request for the outstanding information was made on several occasions. This included email and telephone calls to the landlord over a period of a month; these were acknowledged but no evidence was forthcoming.

A complaint handling failure order was issued and subsequently complied with.

Case study 2: Complaint handling failure order (within the Ombudsman's formal remit)

Following the Ombudsman's investigation and determination of a complaint we ordered the landlord to pay the resident compensation for the service failures we had identified.

The landlord did not provide evidence of compliance with the Ombudsman's order and we subsequently wrote to the landlord reminding it of its membership obligations in respect of compliance.

As the landlord failed to provide evidence of paying compensation to the resident the Ombudsman issued a complaint handling failure order which was subsequently complied with.

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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