

# Learning from: **Severe Maladministration**



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

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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 focuses on landlord's handling of cases involving windows, which has become increasingly of concern to the Ombudsman.

Every year, it is estimated more than 4,000 children aged 15 years or younger, living in all tenures, are injured following an incident with a window<sup>1</sup>. This may not involve disrepair or design concerns but where those issues are present the risks are potentially greater. These are not the only hazards. Residents frequently refer to the impact of cold, draughty windows, or damp and mould on their health, which are hazards that landlords are required to address.

The physical and mental impact on residents of windows not being repaired is present throughout our investigations.

Yet these cases can show a lack of urgency in some landlord responses. They reveal residents living in insecure conditions, without natural light or ventilation because windows are boarded-up for years as repairs or replacements are delayed. Or landlord staff following processes that have lost sight of the person.

Is it ethical for landlords to decide that windows considered unfit today should not be scheduled for replacement for a decade – and not until 2036 in one case we investigated last month?

By focusing on the building rather than the individuals living within it, landlords risk overlooking their legal obligations.

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<sup>1</sup> The Royal Society for the Prevention of Accidents,  
<https://www.rosipa.com/rospaweb/docs/advice-services/public-health/hs1-factsheet.pdf>

At the crux of this report are stretched resources. Repairing windows can be costly. This can lead to landlords deferring immediate repairs in favour of major works at a later date. But those future works can be volatile and uncertain, leaving residents living with faulty windows for several years.

This approach is also normalising delays to key repairs and an increase in complaints about housing conditions. Ultimately, this may require a new and strengthened Decent Homes Standard.

In July, we wrote an open letter to Chief Executives which encourages all social housing providers to review their own window-related complaints proactively and to implement the following core lessons:

- conduct thorough risk assessments based on individual household circumstances, ensuring appropriate actions are recognised, responded to, and documented
- engage independent surveyors and ensure that responses to their recommendations are reasonable, clear, and consistent
- justify decisions to defer repairs or opt for limited repairs not primarily on cost but in line with legal obligations
- provide clear, comprehensive, and accessible information to residents regarding the operation of new windows

I am encouraged by the positive response to this letter and acceptance of the need to avoid complacency. The themes in this report follow much of what was outlined in the open letter. Under their existing obligations in the Landlord and Tenant Act, some landlords should be handling window repairs more effectively. However, in the context of Awaab's Law, it is even more important these potential hazards are receiving proactive and timely resolution.

While landlords will be planning for its introduction, our decisions reveal in stark terms that some landlords are not ready for Awaab's Law. Go into the individual investigation reports, and you will see a wide range of approaches to repairs.

You will see similar repairs sometimes given different definitions and a range of response times specified, or none given at all. These variable service standards are neither desirable nor sustainable.

This report is part of a series providing lessons to help the sector prepare for anticipated introduction of Awaab's Law, in whatever form it takes. Given our specific concerns about window-related complaints, we will highlight more cases in the future. 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.

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 3 landlords that speak to the key themes relating to windows. 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.

### Camden Council

In 2 separate cases (202216260 and 202213484) on the same estate, the Ombudsman made severe maladministration findings for **Camden Council** for how the landlord handled concerns about the safety of new windows.

Residents cited various concerns with the windows, such as during high winds and for child safety when the windows were open on specific settings.

The investigation also found flaws in the way the landlord communicated with residents.

The guide it provided to residents was inconsistent with some of the risk assessments undertaken prior to the fitting of the windows, especially around restrictor keys and cleaning external glass – it noted that this was a “high risk strategy” to leave the onus on residents to read and understand the guide.

This window design impacted hundreds of residents, and the Ombudsman made an order for the landlord to review its strategy for training, instruction, and use of the window key and look at how it carries out risks assessments.

The Ombudsman also ordered the landlord to apologise to the residents in these cases and pay £600 in compensation for the time and trouble in pursuing the complaint.

The landlord is currently subject to a wider investigation by the Ombudsman into its handling of complaints, as part of its powers under paragraph 49 of the Housing Ombudsman Scheme.

## Clarion

The Ombudsman found severe maladministration in how **Clarion** handled a window repair in this case (202200379), which included a child's bedroom window boarded up for 4 years.

After visiting the home to fix 2 windows, one was boarded up and therefore unable to be opened. The landlord decided no further action was required and did nothing for a further 4 years until the resident formally complained. The resident believes that the boarding meant the room grew mould due to lack of ventilation. This caused the resident's asthma to flare up and affected his son's mental health.

The resident raised concerns over those 4 years but there are no records on the system to show this. The landlord showed no urgency to fix the window, coming to inspect and take measurements 25 days after the later complaint. It was then a further 4 months before it attended an appointment to fix it and a further 5 months before the landlord undertook a follow up inspection.

The Ombudsman ordered the landlord to provide a written apology from the Chief Executive, pay £1,700 in compensation, and review its record keeping and information management practices in relation to repairs.

## Landlord learning statement

We apologise sincerely to the resident and their family in this case. The issue took too long to resolve, and our communication was not good enough. Since then, we have made improvements that would now prevent this from happening.

We now have better reporting capabilities that help us monitor and manage cases more effectively. We are also in the process of making changes to our knowledge and information management strategy, and this, along with how we handle complaints, is a key focus of our internal transformation programme - which will support us to provide residents with a consistently good service.

In this case, 202307247, the Ombudsman found severe maladministration for how **Tower Hamlets Council** handled repairs to a faulty window in which replacements were not made due to major works provisionally planned several years in the future.

There was a period of approximately 134 weeks during which inspections, works, or necessary updates were unreasonably delayed. At this time, internal communications at the landlord show they were waiting for major works programme to include this repair.

Despite the landlord initially attending an inspection in a timely manner, future inspections were not always as quick and fixes to the windows such as new handles, did not resolve the issue.

The repairs were not picked up due to a long-term sickness of a staff member and the landlord further confirmed that a “lapse in communication” with its contractors meant it was only alerted to the outstanding repairs after the resident had requested an escalation.

The resident told the landlord about the significant impact she experienced due to her health because of not being able to fully open or close her windows; her son’s vulnerabilities and being unable to sleep in his bedroom; and that the property was cold.

There was no evidence to conclude that the landlord assessed the detriment to the family, considered the vulnerability of the residents, or offered interim support.

The Ombudsman ordered the landlord to pay £3,810 in compensation, apologise to the resident in person and to instruct an independent window surveyor to confirm how it will meet its repairs obligations.



## Landlord learning statement

We fully accept the report and its findings, and we apologise to the resident for the upset caused by delays to repairs in her home and poor communication. This was during the pandemic which was an extremely challenging period.

Our team are working hard to improve and are already acting on the report's recommendations.

We have already instructed an independent surveyor to agree the repairs and how these will be carried out and are undertaking a review to identify learning and improve working practices, including how we can improve communication with our contractors.

## Key learning from these cases

When installing new windows, landlords must be sure there is a sufficient risk assessment undertaken and where that shows significant risks, they are mitigated where possible. When replacements impact hundreds of households, with varying lives and expertise, landlords should ensure the information and training provided to them is thorough but accessible.

When works to windows are due to take place, landlords need to approach this with the required urgency, and recognise that a lack of ventilation and natural light in a home could potentially cause significant physical and mental health risks. The landlord needs to consider if these are emergency repairs and handle in line with their policy or, in the future, under the requirements of Awaab's Law.

If replacement windows are not ordered by the landlord, then it must make sure inspections and repairs made to the windows are carried out within repairs timescales and resolve the issues for the resident. It needs to ensure those works are sufficient to meet its legal obligations and mitigate any hazards presenting. If the landlord opts to make temporary repairs, it must be confident at the certainty of future works and the proximity of them justifies that decision.

Effective communication with residents is also important, to explain the decision-making of the landlord and to manage expectations.

There are also key lessons about the importance of systems and information management, with staff absence not leading to important works failing to progress.

## Centre for Learning resources

**Windows key topic page** containing reports, podcasts, guidance

**Knowledge and information management e-learning** and workshops

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

## 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.

### L&Q

In 2 cases, the Ombudsman found severe maladministration for how **L&Q** handled window repairs. Neither case was included in the special report last year.

In case **202214705**, the landlord took 4 months to inspect the windows after the resident reported them as faulty.

After this inspection, the follow-on works were scheduled in for 6 months later, which was promised to be brought forward when the resident complained. However, the appointment was not moved and then the contractor missed the appointment. This happened multiple times over the next 2 months.

This, on top of numerous calls not being returned, gave the impression the landlord was not taking these concerns seriously.

The landlord also did not have any vulnerabilities on record, which meant it did not understand the full impact this was having on the resident.

In case 202229958, the landlord knew the windows needed replacing for over a decade before obtaining quotes for replacements. This was because it stated planned works were being undertaken in 2024. However, these have not yet happened.

A lack of evidence hampered the investigation of this case, but the landlord appears to have changed position during the complaint, saying it would replace the windows as soon as possible, then saying planned works would cover it.

Not conducting the required repairs to make the home safe was a failure to comply with its own policies, the resident's tenancy agreement, and its legislative obligations. Neither resident's windows were fixed at the point of determination and orders were made to resolve that.

The Ombudsman also ordered a total of £4,850 in compensation, apologised to both residents in these cases, and for reviews to take place to ensure these failings are not repeated.

In its learning from these cases, the landlord says it has rolled out its repairs change project which has led to the creation a new team to handle large but urgent repairs, a dedicated surveying team for more complex cases, and put in place more efficient ways of prioritising urgently-needed large scale works.

### **Key learning for the sector**

Proactive inspections should help a landlord have a better understanding about the impact the condition of the windows is having on residents. Landlords also need to be clear on whether plans to replace windows in the future are appropriate given repairs presenting today.

This may depend on the extent of the repairs required, the timeframe and certainty for future works, whether appropriate temporary steps can be taken and the individual circumstances of the household.

## Notting Hill Genesis

In this case, 202005633, the Ombudsman made 2 findings of severe maladministration for **Notting Hill Genesis** for its handling of damp and mould, as well as the associated complaint handling.

Part of that damp and mould failing included rotten windows, which were still not resolved at the point of determination for the resident.

There were significant delays in responding and trying to resolve the issues for the resident in this case, and there is no evidence that the landlord considered its obligations under health and safety legislation and any risks to the resident and her son.

The landlord's offers of alternative accommodation did not consider the resident's son's requirements. It is also noted that despite the landlord being aware of the resident and her son's vulnerabilities its records have not been properly updated.

The Ombudsman ordered the landlord to pay £9,201 in compensation, apologise to the resident and complete any works that were outstanding.

In its learning from this case, the landlord says it has published a new policy outlining its approach to dealing with damp and mould, which includes action to proactively identify and quickly remedy any presence of damp and mould. It has also committed hundreds of millions of pounds through its Better Together strategy to improve the quality of its homes.

### Key learning for the sector

Early interventions are key for landlord's resolving problems for residents and whilst the offer of alternative accommodation in this case was warranted, it did not take into account the needs of the resident. Whilst we know this can be hard in locations such as London, it is incumbent on the landlord to try and find an appropriate solution.

## Metropolitan Thames Valley

In case 202221342, the Housing Ombudsman found severe maladministration for **Metropolitan Thames Valley** after a window was boarded up for 500 days.

The resident provided the landlord with evidence that the window frame was coming away from the glass pane and raised concerns for the safety of her children. The landlord did not act with the urgency required.

The landlord did not communicate with the resident about her windows or monitor the identified mould growth. It suggested a replacement was needed for the windows which ultimately never came.

The boarding up of the window blocked natural light into the home and this lasted for nearly 500 days until the windows were finally replaced.

The Ombudsman ordered the landlord to pay £2,590 in compensation, apologise to the resident, and provide a 'lessons learned' review on the way it handled the complaint and repairs, to determine what action it needs to take to prevent a reoccurrence of the failings identified.

In its learning from this case, the landlord says it has recruited a team of triage specialists to ensure cases do not get lost, improving systems and processes around recording and storing data, as well as ensuring no works are removed from the programme without review from the relevant programme team – residents are also communicating with in this new process.

### Key learning for the sector

Where there are children or vulnerabilities involved in a case, landlords must react with the urgency that the case requires. A lack of ventilation and natural light into a property is unacceptable and having a boarded-up window for a significant length of time is damaging for a residents' wellbeing. Landlords should have good processes in place to track issues when they come in to make sure cases do not get lost, as well as progress being made on the issue that was reported.

## Accent Housing

The Ombudsman found severe maladministration in this case ([202230744](#)) after **Accent Housing** left a vulnerable household with 2 disabled children living in a property that was insecure for 9 months.

After the resident's window was broken, the landlord boarded it up the same day which was an appropriate immediate action to take. However, it then did not inform the resident of any further actions or timescales for additional works.

There is no evidence it considered the cold during the winter months, or the family's security and safety as victims of anti-social behaviour. This caused the family significant distress and inconvenience. It is notable the 9-month period would have been longer if the local authority had not offered the resident alternative accommodation.

The landlord also told the resident it was not responsible for the repair as under its repairs policy, glazing was a resident's responsibility, which was wrong. The Ombudsman would expect that even where this is the case, the landlord makes the repair and then charges that back to the resident.

The Ombudsman ordered the landlord to pay £1,438 in compensation, apologise to the resident, and carry out a review of its practice in relation to responding to requests for window repairs.

In its learning from this case, the landlord says it launched an independent review with oversight from an external advisor and have built an action plan on the resulting recommendations. This includes enhanced training for staff on complaints handling, repairs responsibilities and record keeping, as well as a full review of its repairs policy and tenancy agreements.

### Key learning for the sector

It is vital for landlords to consider their statutory obligations to make the home safe and in this instance the landlord did not provide a human-centric service provision, failing to undertake risk assessments and adapting its approach to take into account

the vulnerabilities of the household. It is also imperative for landlords to provide correct information about their responsibilities. It is important that landlords fully understand their obligations in this area.

## Haringey Council

In this case, 202309502, **Haringey Council** failed to resolve problems with window repair issues for over 4 years, despite there being a vulnerable young person living at the home. This case did not form part of the special report published last year.

After the resident reported all the windows were allowing a draught in, the landlord inspected but there were no actions based off the inspection, despite this being during the winter months. This lack of action carried on into the next year and even the following year once the resident made a complaint. The landlord's position was that a replacement was not needed, but there are no surveyors reports to ascertain how that position was reached.

The Ombudsman ordered the landlord to apologise to the resident, pay £1,684, and to carry out a review into the timescales associated with this case and produce an action plan stemming from that.

In its learning from this case, the landlord says it has put in place new measures to improve its repairs service and how it engages with residents. It also recently adopted a new policy to help tenants and leaseholders with vulnerabilities access services and ensure the right kind of support is provided.

## Key learning for the sector

Inspections are a key way for landlords to understand the condition of the window and what actions need to be taken. It must rely on expert voices to make decisions, especially where there is concern from the resident about the condition of their home. In this example the fact that in the stage 1 and 2 responses the landlord agreed action was needed but still did not act. This would have been incredibly frustrating for the resident.

## Lewisham Council

The Ombudsman found severe maladministration in this case 202224894 after **Lewisham Council** failed to repair a window for 4 years.

Although it undertook several surveys of the windows, there is no evidence of any action to follow those inspections, despite them finding the windows to be in a poor state of repair. Actions should have been taken to see what works could have been done whilst it waited for the cyclical works to come around.

There is also no evidence that it communicated with the resident about its decision to then not go ahead with the cyclical works, or what it would do in the meantime.

When the resident raised with the landlord the impact the windows were having on him, the landlord should have done more to see what it could do to mitigate that impact.

Throughout this case, it was concerning to see that key information could not be provided to the Ombudsman relating to the landlord's position.

The Ombudsman ordered the landlord to pay £2,195 in compensation, provide a written apology to the resident, and to assess whether other residents in the same block may have been impacted.

The landlord is now subject to further investigation by the Housing Ombudsman, who is using paragraph 49 of its Scheme to drive improvements at the landlord.

In its learning from this case, the landlord says it has made information and complaints handling improvements central to its strategic transformation programme for the housing service.

### Key learning for the sector

Good knowledge and information management is often the foundation of a positive service provision.



In this case, that was lacking and it also meant the resident and Ombudsman were unsighted on key decisions the landlord made, such as not progressing cyclical works.

Landlords should assess what it can do as interim measures when cyclical works are planned in, to ensure residents are not experiencing detriment whilst they wait for works that could be delayed or cancelled.

## Guinness Partnership

The Ombudsman made a finding of severe maladministration in this case (202303418) for how **Guinness Partnership** handled windows repairs – with a lack of replacements due to incoming cyclical works years in the future contributing to damp and mould issues at the home.

Initially the landlord sent the wrong contractors to inspect the windows which then subsequently meant no actions were taken or inspections on the windows carried out.

275 days after the reporting of the window first being in disrepair, the landlord inspected the windows following the resident raising a complaint, saying that her windows were rotten, misted, and she was having to use bleach to clean them.

This inspection identified 2 windows needing replacement, which was agreed by the landlord before the work being cancelled. The landlord said it would update the resident but had not at the time of determination.

The Ombudsman ordered the landlord to apologise, pay £1,450, and carry out various inspections and repairs works that were unresolved at the point of determination.

In its learning from this case, the landlord says it has restructured its repairs team and made significant investment in systems and processes. It now has an ongoing learning from complaints culture, which aims to ensure the services provided are appropriate, responsive, and sensitive to the needs of all residents.

## Key learning for the sector

It is good practice for landlords to consider renewing items on a cyclical basis when they are likely to be at the end of their expected lifespan. Landlords are encouraged to plan programmes of major works in advance to give residents clarity on when key components are due to be refurbished.

Where repairs are cancelled, mistakenly or not, the landlord should be proactive in arranging a new date with the resident and being mindful of the impact on their lives when doing so.

## Lambeth Council

In case 202231120, **Lambeth Council's** failure to effectively repair damaged and rotten windows led to a severe maladministration finding by the Ombudsman.

Whilst original replacements were delayed and stopped due to Covid-19, the landlord did not seek to put in place any repairs to help mitigate the risks during this time. If it had done so, it may have been able to reduce the loss of enjoyment the resident was experiencing.

Two years after the pandemic, the resident chased for an update and was told the landlord was raising an order for replacements, which was rejected. There is no evidence to suggest why.

The landlord took until the resident raised a formal complaint to take more action, and 4 years after the initial reporting of the window disrepair, they were fixed.

It is of concern that throughout this complaint, there were no records obtainable to support the position the landlord states in its final complaint response.

The Ombudsman ordered the landlord to pay £2,107 in compensation, for the Chief Executive to apologise, and assess whether any other residents in the same block are experiencing these issues.

In its learning from this case, the landlord says it has improved internal practices and record-keeping to ensure clear communication between teams and to keep residents fully informed about the status of their cases and who will be addressing them.

### Key learning for the sector

Effective records can mean that a landlord is able to monitor and track repairs where they are needed. It should not take for a resident to make multiple requests when there is such an obvious need for replacements. When a case like this happens, landlords should make sure that other residents are not impacted in a similar way, to help prevent complaints and work proactively with residents for a positive solution.

### Hammersmith and Fulham Council

In this case, [202232308](#), the Ombudsman found severe maladministration for **Hammersmith and Fulham Council** after urgent works were put off for later and undated capital works. This case did not form part of the special report published last year.

More than a decade after requests were made to repair the windows, a survey confirmed they needed replacing. Two years later, another survey found the same thing. However, the landlord conducted another survey shortly after which found no follow up works were needed and proceeded on that basis rather than the rest of the history associated with the case.

Often during this case the landlord would obtain quotes for replacements, but notes were so poor that operatives had to go out to visit to understand what was actually needing to be replaced.

The Ombudsman ordered the landlord's Chief Executive to apologise to the resident, pay £2,700 in compensation, and ensure the scheduled replacement takes place as they had not been implemented when the Ombudsman made its determination.

In its learning from this case, the landlord says it has hired expert contractors to assist with window repairs being raised by priority of need, window repairs being clearly communicated to residents, including target date for completion and windows being made safe and repaired until the replacement works start. It has also begun to review all windows and conditions in homes as part of ongoing stock condition surveys.

### Key learning for the sector

When it is clear that replacements are needed, landlords should accurately record what is required and obtain quotes on that basis, communicating with the resident throughout. Whilst capital works programmes may be the appropriate response, there may need to be flexibility when the resident's circumstances are considered and the detriment that could be caused by failing to replace in a more timely way.

### Stroud Council

The Ombudsman found severe maladministration for 2 cases involving **Stroud Council** and their failings to deliver planned major works, including windows which were poor quality installations and contained no safety catches.

In case 202223015, there was a series of cumulative failings which had a significant impact on the resident for a prolonged period. There were several unreasonable and unexplained delays and missed opportunities for the landlord to put things right following the complaint.

Windows and doors were not fitted properly due to the proximity of the scaffolding to the building, but this had not been addressed. The works had also damaged a vent on a bedroom window and the actual works themselves were to poor quality. There were also no safety catches on the windows which the resident believed breached safety regulations.

The landlord's inadequate information sharing with its contractor and its incomplete repair records led to avoidable inconvenience, distress, and time and trouble being experienced by the resident.

In case 202212740, major works caused extended and significant disruption to the resident's life, above that which was necessary to complete the required works. The resident made reasonable requests to reduce this impact, such as to be given a schedule of works, which the landlord failed to provide.

The resident made requests to be given adequate notice of appointments in line with the landlord's own policies and procedures, which the landlord failed to comply with. Although the landlord took a number of steps to address the resident's concerns and reduce the impact the works were having, it was ultimately unable to do so effectively.

There were also concerns about the debris being left in her garden, where young children often played. Nails were of particular concern and the landlord said it would work with the contractor to resolve the issue. The resident reported this issue again a month later, suggesting the landlord's efforts were ineffective.

The Ombudsman ordered the landlord to pay combined total of £3,300 in compensation to the residents, for the Chief Executive to apologise to the residents and to carry out a review of its practices in relation to knowledge and information management and planned works.

In its learning from these cases, the landlord says it has implemented new communication protocols to keep residents better informed and implemented quality assurance by regularly reviewing the communication and the work of contractors in accordance with the terms of contract to ensure work is delivered to the highest standard.

### **Key learning for the sector**

It is important that landlords learn key lessons from complaints not just at the end of a complaint but during it too. There were multiple opportunities in these cases to put things right and minimise the ongoing disruption for the residents involved, but it did not implement the changes needed and therefore the inconvenience and distress lasted longer than it needed to.

# Housing

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