

**Spotlight on:
Noise Complaints**

Time to be heard

**Ombudsman's
Summary**

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This report is about cost, both human and financial. Noise costs; it costs individuals their mental health and well-being and it costs landlords in protracted and often futile interventions, multi-agency liaison and staff morale. These costs are underestimated and may be avoidable, to some extent, by adopting the different approaches set out in this report.

Noise is a significant driver of complaints after repairs, something reinforced by the Covid-19 pandemic. We recognise that landlords are under increasing financial pressure and few of our recommendations present a significant cost to them. Rather, our recommendations could lead to savings, as well as better outcomes.

Improved outcomes are vital given the human consequences of noise nuisance. It will start with a sound, but it can easily escalate, entrench and expand into other issues. This can erode community bonds – leading to a wider, deeper sense of dissatisfaction. Listen to the powerful stories of residents' complaints in this report. Tomorrow, this could easily happen to you. In some cases, you may think you would have greater resilience, but can you be sure?

At the heart of our findings is a fundamental unfairness: most noise reports concern household noise rather than anti-social behaviour (ASB), and yet most landlords handle it under their ASB policy. So, things like movement, intermittent music or the washing machine running at night (more common given the energy crisis) are viewed through the lens of ASB. It is unfair to both the resident making the complaint and the resident being complained about for the noise to be treated as something it is not; and it is harder for the landlord to make consistent and reasonable decisions if it does not have the right framework for all types of noise reports.

This approach entrenches disputes and mismanages expectations. The unintentional offence caused by describing the noise as 'low level' because it is seen through the prism of ASB – when it is causing distress to the resident – could be avoided, as would residents completing countless diary sheets to no avail.

It is time for landlords to develop a strategy for handling non-statutory noise seriously, sensitively and proportionately. That our maladministration rate is 62% when the noise is non-statutory underscores this need.

The noise experienced by social housing tenants compared to other tenures is no different. What is different is the presence of a professional landlord – one that handles two relationships; one with the complainant and one with the complained about. This means social landlords have a unique role and opportunity.

Understandably the sector's approach has been heavily influenced by successive legislation that has responded to noise as part of ASB. The Decent Homes standard has also largely limited noise to external causes and not reflected modern living. This has contributed to the everyday experiences of residents reflected in landlords' complaints being overlooked.

Our call for evidence reinforces these concerns; 76% of landlords said they dealt with all noise reports under their ASB policy, yet the same proportion of landlords said most reports were about household noise. That most residents and landlords who responded to our call for evidence said complaints made and received are about household noise demonstrates the extent to which these issues arise, and how important it is to close the gap between experiences and practice.

How do we achieve change? The recommendations made in this report (Annex 1) are based on almost 200 formal investigations during the past year, nearly 400 responses to our call for evidence, and fieldwork with four very different social landlords and their residents. Landlords should consider the extent to which they can adopt them and what meaning this will bring for their residents.

Fundamentally, it requires some landlords to recognise noise transference is often the key issue – and address the implications of this. By doing so, landlords could stop escalating complaints into ASB and focus more on prevention. Given the age and type of some social housing the implication of insulation is significant and therefore we would encourage landlords to consider it as part of their wider work on carbon reduction. There are more immediate and practical steps landlords could take on noise transference. Foremost, the void standard could be updated to ensure that carpets are not routinely removed, but hard flooring is, when there have been reports of noise, as well as fitting anti-vibration mats under white goods. The potential for these measures to prevent complaints should not be underestimated.

Our report makes several recommendations to strengthen ASB policy and neighbourhood management strategy. A good policy helps form the foundation of a good service, and policy weaknesses can be identified by reviewing complaints.

To handle noise reports that do not meet the statutory threshold, landlords should adopt a proactive good neighbourhood management strategy, distinct to the ASB policy, with clear options for maintaining good neighbourhood relationships. This should include mediation, an approach that should work better but lacks confidence amongst residents because it can be deployed too late and under an ASB label.

Landlords also need to consider how they triage reports to ensure that the correct approach is applied – some landlords already successfully do so. This would help to strengthen communication which, as with so many complaint areas we investigate, is poor, severely criticised by many residents, and is frequently the reason for our maladministration findings. Being clear on how a noise report will be handled can only aid good communication and expectation management and will avoid the perception felt by many residents I spoke to that they kept endless diary records for no purpose or outcome.

Landlords demonstrated to us the benefits of staff presence on some estates to provide early intervention where noise is reported. Although 90% of landlords told us they had estate presence, less than half of residents who responded to us said they had witnessed it. I recognise resources are limited, but landlords should review their presence on estates and the data and information that prioritises intervention, to support an effective good neighbourhood management strategy.

In developing its good neighbourhood management strategy landlords should also engage residents, including those who have recently raised a formal complaint with the landlord, to assure themselves that it reflects the expectations of residents and will be effective.

This brings us to ASB policy. It is a policy where I see some of the greatest variance in approach by landlords, with some policies quite brief and others excessively detailed. So it may be time for a refresh. Landlords should review their existing policy for whether it is routinely complied with or whether it is inherently unworkable. There is also an almost complete absence of awareness of the community trigger amongst residents that should be addressed.

In so many ways the service failures on noise nuisance reflect the complexity of the issues, often involving several bodies, and the service pressures those bodies are experiencing. This also leads to the distinction between council landlords, within the orbit of wider statutory responsibilities, and housing associations.

In some cases, the landlord will not be the only organisation involved in responding to the resident; relationships with other agencies are variable, and it is disappointing to see the poor response landlords can receive from other agencies involved in a noise report. The police are a particular focus for frustration. Links to environmental health can also be inconsistent, especially if the landlord does not have a significant volume of homes (but even as a large landlord) in a particular area. There can also be an undue onus placed on social landlords by other agencies to act beyond their role and responsibility. This can lead to confusion for residents with only 33% of residents believing they were engaged with on their report but almost all landlords saying they routinely involve them. With service pressures across the board there is a misalignment of expectations: considering what an effective and reasonable multiagency relationship constitutes may be helpful. Another observation is where the council is a landlord as well, the resident can, although not always, be effectively signposted: can we say the same with housing associations?

Another key area is allocations. Again, there is enormous pressure here but there are some important principles that should be acknowledged if we are to reduce the occurrence of noise complaints. In my view, applications for housing should be assessed for the impact on the existing community and not just those considered to be sensitive. Where possible, when considering housing applications from households of multiple occupants, consideration should be given to previous complaints about noise. Our evidence shows that this is a particular concern in flats and consideration should be given to any mitigations that could be made.

There is also an uneven playing field between housing associations and council landlords on the information available at letting to associations that data protection concerns do not really justify. Councils should provide information from the housing register to associations to ensure they have all the information they need when allocating a property, as they often do to the housing management arm of the council.

Lastly, respect of residents' complaints is another central concern. Where the resident is not afforded respect, neither are their concerns. While I did not find

evidence of bias in the cases we investigated, the sense of residents' noise reports being dismissed because of their circumstances did cause me some concern. Often the perception of bias was led by the resident having complained before or being elderly, especially when it involved young children, and we did find maladministration in some of those cases because the landlord had not thoroughly investigated the report. On balance, I think this is a perception of bias rather than actual, but it reinforces the importance of landlords being sensitive to the tone of communications as well as consistently following their policy in all cases.

It is also surprising that noise report handlers may not listen to noise recordings submitted by residents. I appreciate the pressures on staff, but this is perplexing: can it be a robust investigation and a true understanding of the noise being reported if the recording isn't heard? Overall, having reviewed many investigations involving noise nuisance, maladministration is commonly the result of not producing action plans, undertaking risk assessments or fully investigating. Yet again poor records were evident in almost half the cases we upheld. Better communication and good records are two areas social landlords need to grip.

Our lives are changing and our built environment becoming denser. The refrain from residents that they are adhering to their tenancy and playing by the rules, in comparison to their neighbour, is not uncommon. This sense of unfairness can gnaw away at residents and while the legal and tenancy agreement definition of 'quiet enjoyment of the home' can be misinterpreted. At the apex of this report is the Decent Homes standard. This is the standard to set expectations. I welcome the government's review. Given the evidence in this report and our recommendations, I would encourage it to reflect the factors relating to noise more comprehensively. While the challenging economic outlook risks thorny issues, such as noise nuisance, that have caused detriment to residents for years being pushed to the margins, our practical and cost-effective recommendations can make a difference.

Richard Blakeway


Housing Ombudsman

Our complaints data

 **181** noise cases considered in
21-22 about **96** landlords

 **43%**

Maladministration rate
across all 181 noise
cases

 **62%**

Maladministration rate on
non-statutory noise
complaints

£10.6k

Compensation awarded in
21-22



Response to
reports about
tenant behaviour were the
**second largest category
of complaint** in 2019-21

113

orders and recommendations
on noise complaints upheld 21-22

Call For Evidence



265 Residents

87 Landlords

22 Environmental health specialists

89% of residents
dissatisfied with
landlord response
to noise
reports



76% of landlords
treated **noise** under **ASB**
policy



66% of landlords
said they had **noise**
monitoring equipment



7% of residents
said they had **noise**
monitoring fitted



85%

Landlords
said they
offered
mediation

29%

Residents
said they
were offered
mediation