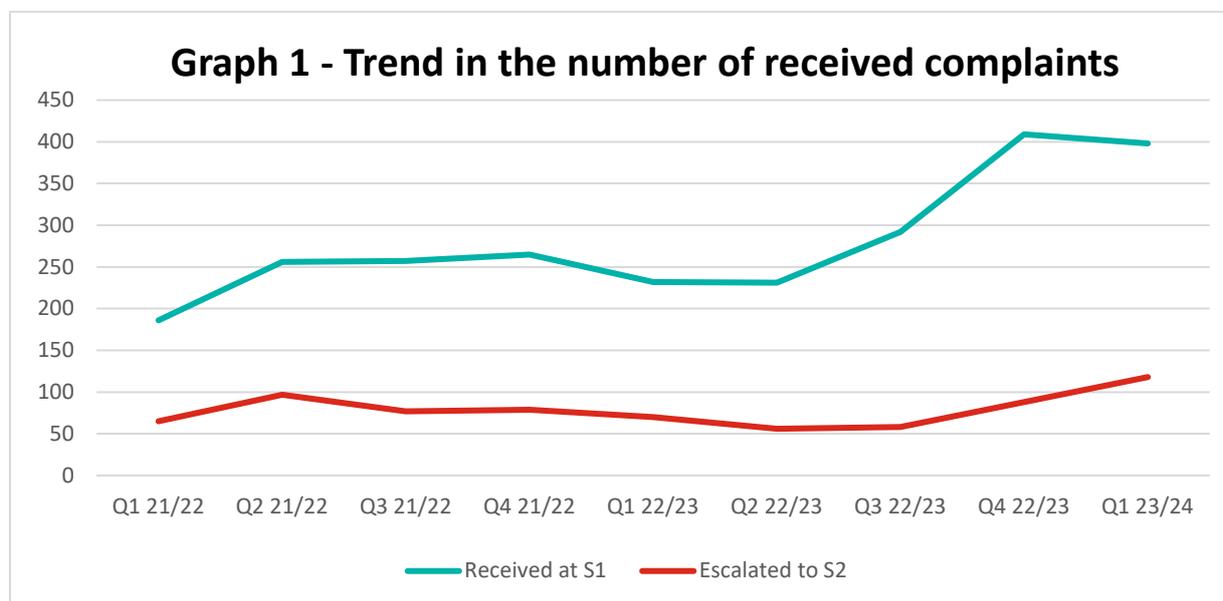
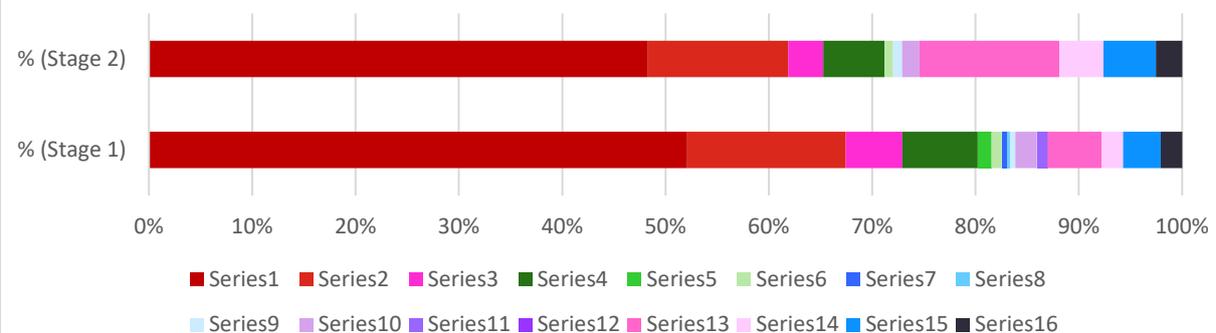


Complaints report for Quarter 1 (01 April 2023 - 30 June 2023)



Quarter	Received at S1	Escalated to S2	Proportion of escalated complaints	Target
Q1 21/22	186	65	34.9%	10%
Q2 21/22	256	97	37.9%	10%
Q3 21/22	257	77	30.0%	10%
Q4 21/22	265	79	29.8%	10%
Q1 22/23	232	70	30.2%	10%
Q2 22/23	231	56	24.2%	10%
Q3 22/23	292	58	19.9%	25%
Q4 22/23	409	88	21.5%	25%
Q1 23/24	398	118	29.6%	25%

Graph 1 and the accompanying table shows Stage 1 and 2 complaints received covering the period 01 April 2023 to 30 June 2023. Comparison with the previous quarter a year ago Q1 22/23 shows an increase of 166 Stage 1 complaints and an increase of 62 Stage 2 complaints. It also shows a decrease of 11 Stage 1 and increase of 30 Stage 2 complaints when compared to the last quarter (Q4 2022/23), which is a considerable increase to be monitored.

Graph 2 - Total Received Broke Down by Dept

By quarter

	Total Received by Dept	Stage 1	Stage 2	% (Stage 1)	% (Stage 2)
1	Responsive Repairs	204	57	51.3%	48.3%
2	Planned Works, M & E	55	16	13.8%	13.6%
3	Leasehold Services	21	4	5.3%	3.4%
4	Neighbourhood - London	28	7	7.0%	5.9%
5	Neighbourhood - Hertford	5	0	1.3%	0.0%
6	Voids & Lettings - London	4	1	1.0%	0.8%
7	Voids & Lettings - Hertford	2	0	0.5%	0.0%
8	Income - Hertford	1	0	0.3%	0.0%
9	Income - London	2	1	0.5%	0.8%
10	Intermediate Rent	8	2	2.0%	1.7%
11	Older Persons	4	0	1.0%	0.0%
12	Supported Housing	0	0	0.0%	0.0%
13	SW9	20	16	5.0%	13.6%
14	Central Complaints	8	5	2.0%	4.2%
15	Development	14	6	3.5%	5.1%
16	Contact Centre	13	0	3.3%	0.0%
17	Estates Services	8	3	2.0%	2.5%
18	Miscellaneous	1	0	0.3%	0.0%
	Total	398	118	100.0%	

A departmental breakdown of complaints received in the quarter is set out in graph 2 together with the accompanying table. Because of the nature of the work, they are involved in Asset Management accounts for 65% of the total complaints received at Stage 1. Asset Management is made up of Responsive repairs (50.3%) and Planned Works, M&E (14.8%) as shown in table above.



Responsive Repairs had 200 at Stage 1, 5 more than Q4 (2022/23), followed by 59 Stage 1 from Planned Works and M&E, which is a decrease of 9 from Q4 (2022/23).

In this quarter there were 11,274 repairs raised for all responsive repair contractors. This is an decrease of 1,096 additional repairs raised compared to the last quarter.

The repairs workforce is MCP our primary repairs contractor, plus our small new framework contractors, Close Brothers and R Benson (Roof repairs only).

There were 174 stage 1 complaints in the quarter for these responsive repair contractors 13 more than last quarter with less repairs raised, meaning that approximately 1.5% of repairs lead to a complaint being logged. Below are tables which provide a full breakdown of the jobs raised for each contractor.

Stage 1

COMPLAINTS VS JOBS RAISED	<u>MCP</u>		
	Complaints	Jobs raised	%
April	45	3477	1.29%
May	49	3455	1.42%
June	58	3685	1.57%

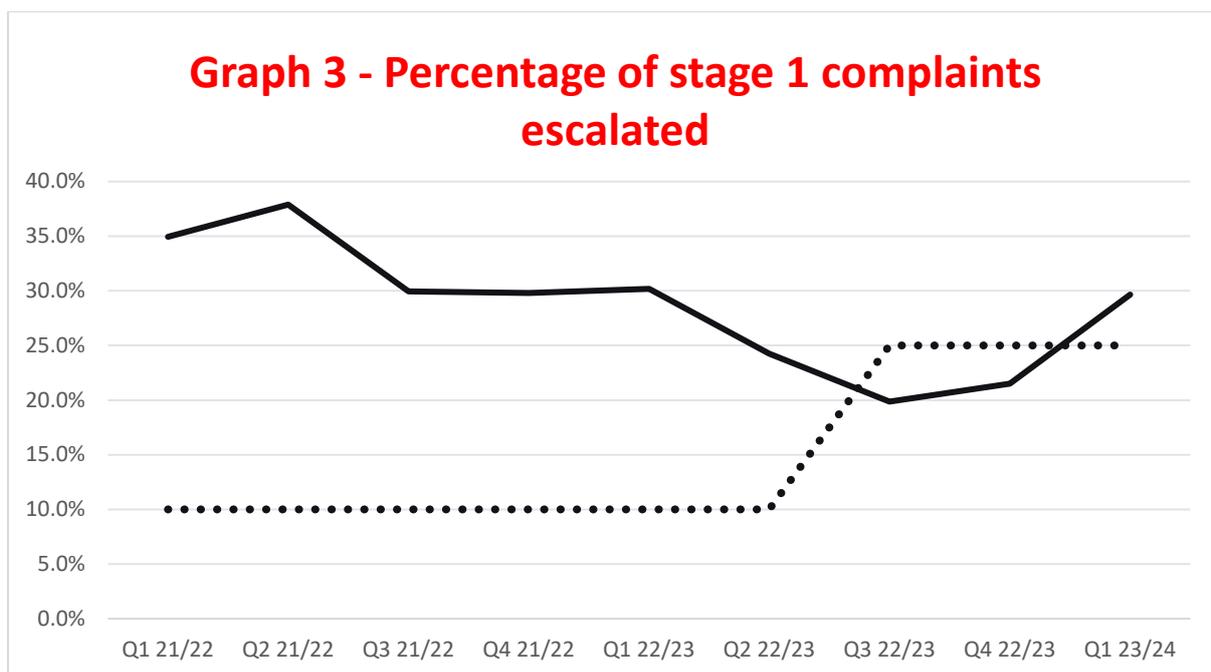
COMPLAINTS VS JOBS RAISED	<u>R Benson</u>		
	Complaints	Jobs raised	%
April	3	106	2.83%
May	1	68	1.47%
June	2	53	3.77%

COMPLAINTS VS JOBS RAISED	<u>Close Brothers</u>		
	Complaints	Jobs raised	%
April	4	114	3.5%
May	1	41	2.4%
June	6	52	11.5%

COMPLAINTS VS JOBS RAISED	<u>Top Coat (TCL)</u>		
	Complaints	Jobs raised	%
April	1	43	2.3%
May	1	46	2.2%
June	3	38	7.9%

COMPLAINTS VS JOBS RAISED	<u>Combined</u>		
	Complaints	Jobs raised	%
April	53	3778	1.40%
May	52	3642	1.43%
June	69	3854	1.79%
Quarter 1 Total	174	11274	1.5%

Complaints that escalated from Stage 1 to Stage 2



A total number of 398 Stage 1 complaints were received in Q1 2023/24, 11 less than Q4 2022/23 (409). There were 118 Stage 2 complaints logged, which was 30 more than Q4 2022/23 (88), as referred above this is a considerable increase quarter on quarter and needs to be closely monitored.

Performance - complaints responded to on time

Performance decreased by 1% to 89% for Stage 1 Q1 2023/24. The continued decrease in Stage 1 performance can be attributed to a high level of stage 1 complaints being received and resolved in the quarter.

In our last report we advised *“given the increase in complaints being received, there has also been increased learning and focus on trying to resolve the complaint as early as possible into the complaints process. Additional feedback and coaching have been provided to assist those completing a complaint investigation (at Stage 1) so they understand the importance of explaining/detailing their findings and resolution. More emphasis has also been placed on ensuring compensation is awarded in line with our compensation policy and the rationale behind compensation awards is shared with residents. Generally, with greater feedback, residents have been more satisfied with the responses they have been receiving, leading to less escalations to Stage 2” (more on this below).*

This is still something we are working on and are having monthly and quarterly regular complaint meetings with teams to discuss issues and improvements.

Stage 2 decreased by 4% to 95%.

472 out of 513 combined Stage 1 and Stage 2 complaints (92%) were issued on time, meaning the overall target of 95% was not achieved.

Overall, 24 out of 33 SW9 combined stage 1 and 2 complaints (73%) were issued on time, which has had a direct impact on achieving our overall 95% target rate.

Responsive repairs resolved 189 out of their 195 complaints on time showing 96%, which was an increase of 5% on last quarter (Q4 2022/23). This is compared to Planned Works, Compliance and M & E who resolved 51 out of 67 of complaints on time with 76% being on time. which is a 18% decrease on the last quarter (Q4 2022/23).

Out of the 365 Stage 1 complaints closed in Q1 we determined the outcomes as below:

Month	Upheld	Not Upheld	Partially Upheld
April	67	45	16
May*	73	41	19
June**	74	41	18
Totals	<u>281</u>	<u>87</u>	<u>53</u>

*One complaint in May was outside of jurisdiction

** One complaint in June was outside of jurisdiction

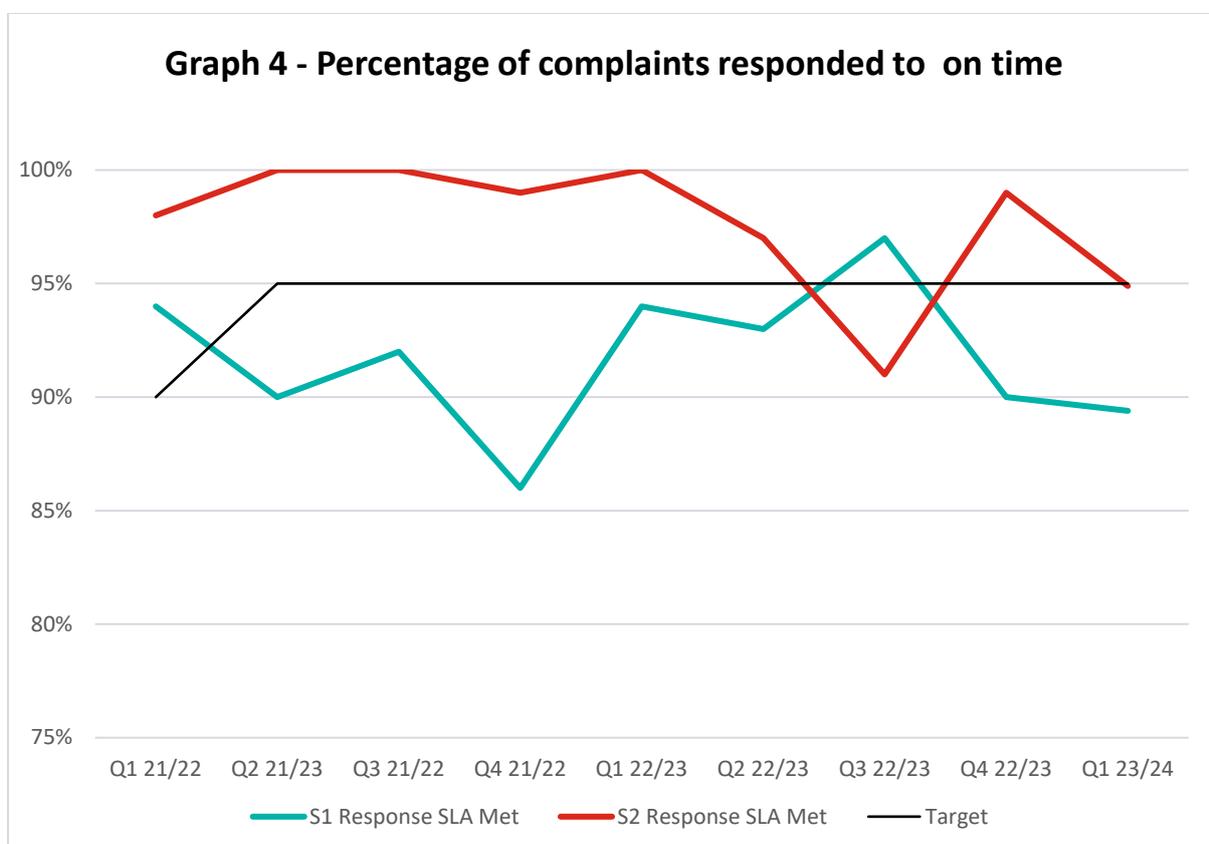
We upheld 79% of our Stage 1 complaints (including upheld and partially upheld. The level of complaints upheld is broadly in line with Ombudsman outcomes, and important to note.

Out of the 81 Stage 2 complaints closed in Q1 we determined the outcomes as below:

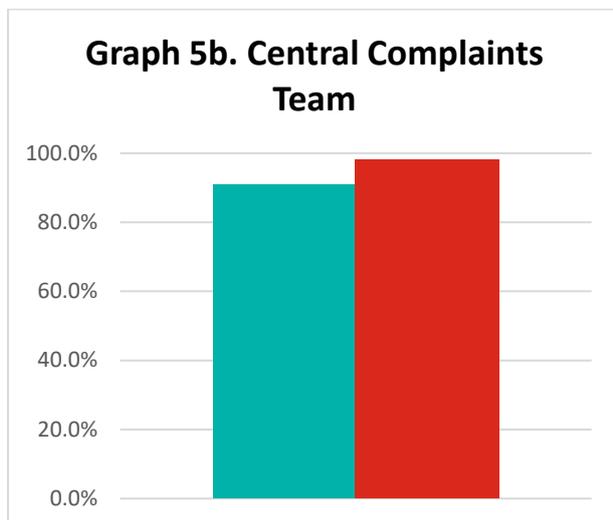
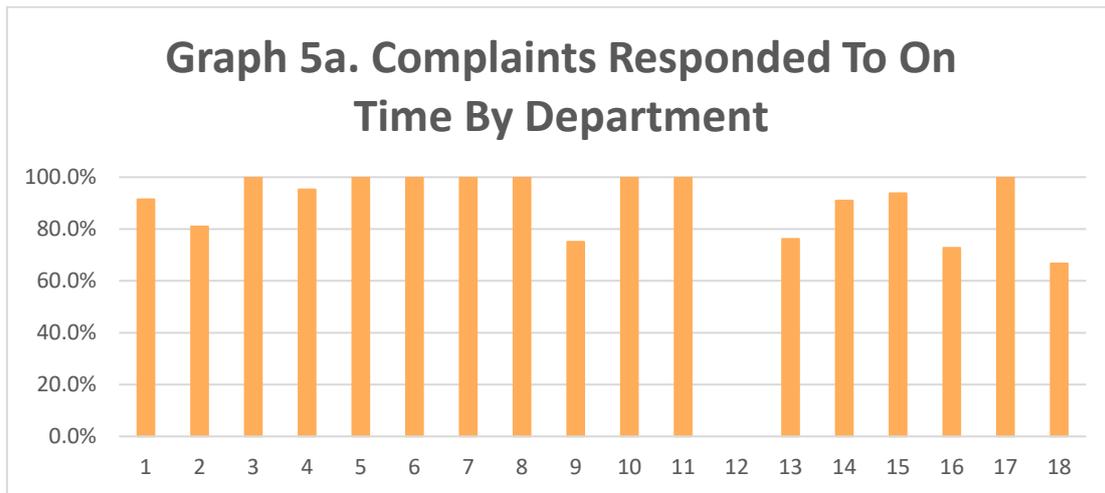
Month	Upheld	Not Upheld	Partially Upheld
April	10	12	8
May	31	7	6
June	24	6	8
Totals	<u>65</u>	<u>25</u>	<u>22</u>

We upheld 77% of our Stage 2 complaints (including upheld and partially upheld), and again in line with the outcomes being see at the Ombudsman Service.

Quarter	S1 Response SLA Met	S2 Response SLA Met	Target
Q1 21/22	94%	98%	90.00%
Q2 21/23	90%	100%	95.00%
Q3 21/22	92%	100%	95.00%
Q4 21/22	86%	99%	95.00%
Q1 22/23	94%	100%	95.00%
Q2 22/23	93%	97%	95.00%
Q3 22/23	97%	91%	95.00%
Q4 22/23	90%	99%	95.00%
Q1 23/24	91%	95%	95.00%



	Stage 1			Stage 2		
Total Resolved by Dept	No. on Time	Closed	% On Time	No. on Time	No. Closed	% On Time
1 Responsive Repairs	182	199	91.5%	0	0	N/A
2 Planned Works, M & E	51	63	81.0%	0	0	N/A
3 Leasehold Services	21	21	100.0%	0	0	N/A
4 Neighbourhood - London	20	21	95.2%	0	0	N/A
5 Neighbourhood - Hertford	3	3	100.0%	0	0	N/A
6 Voids & Lettings - London	4	4	100.0%	0	0	N/A
7 Voids & Lettings - Hertford	2	2	100.0%	0	0	N/A
8 Income - Hertford	1	1	100.0%	0	0	N/A
9 Income - London	3	4	75.0%	0	0	N/A
10 Intermediate Rent	5	5	100.0%	0	0	N/A
11 Older Persons	3	3	100.0%	0	0	N/A
12 Supported Housing	0	0	N/A	0	0	N/A
13 SW9	16	21	76.2%	8	12	66.7%
14 Central Complaints	10	11	90.9%	103	105	98.1%
15 Development	15	16	93.8%	0	0	N/A
16 Contact Centre	8	11	72.7%	0	0	N/A
17 Estates Services	8	8	100.0%	0	0	N/A
18 Miscellaneous	2	3	66.7%	0	0	N/A
Total	354	396	89.4%	111	117	94.9%



Please note that SW9 complete their own Stage 2 complaint responses and all Network Homes are completed by the Central Complaints Team.

Compensation.

Stage 1

Compensation can be awarded where, following an investigation, it is identified that our actions or lack of action had a significantly adverse effect on the resident. At Stage 1 £44,804 shown in graph 6 (below) with a comparison to previous quarters. This is an increase of £15,04 on the last quarter (Q4 2022/23). This continued increase is due to the increase of stage 1 complaints received and resolved, and the Ombudsman highlighting compensation, we would prefer to get it right and not have to sward compensation, but where there isa failure we are ensuring the compensation policy is applied fairly and reasonably.

Once again delay was the highest payment with £17,125 compensation paid out. Distress was £11,215 This is shown in graph 7 along with the rest of the breakdown of categories in the table overleaf.

Stage 2

We are now reporting on Stage 2 compensation, whilst in the whole this can be seen as addition to all Stage 1 compensation awarded, in some respects it will be new compensation (as none was awarded at Stage 1). Currently we have no way of cross referencing this but gives a good indication of where we are. As the quarters go on there will be more comparable data at Stage 2 same as with Stage 1.

Compensation was awarded at Stage 2 at a total cost of £40,840.20 this was an increase of £14,162.20 on Q4 2022/23 shown in graph 7 along with the table. Stage 2 follow suit as per Stage 1 with Delay and Distress taking up most of the total amount.

Compensation is something that is currently under scrutiny, with the Ombudsman awarding more compensation than ever. We are waiting on an update from the Ombudsman in respect of their own spotlight on Compensation, so we can review and update our Compensation Policy Document to align with their rationale on awarding compensation.

It does feel however, that although overall the level of compensation is continuing to increase quarter on quarter, year on year we are still falling short of the Ombudsman's expectations. It should be noted that I would expect this to continue to increase unless we see a significant drop in complaints being received/logged in the first instance.

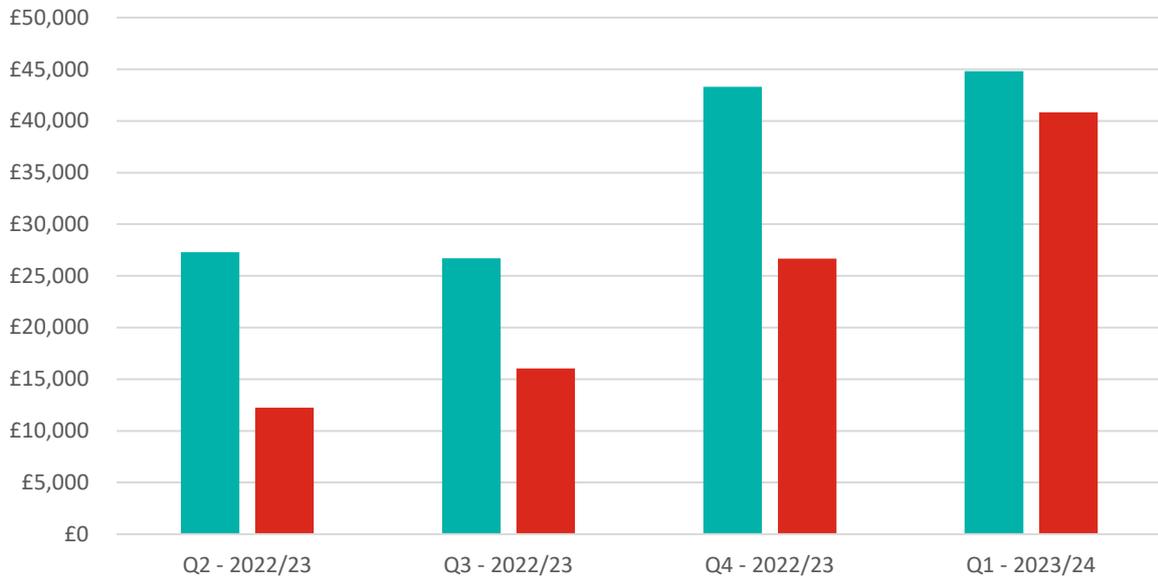
Regaining costs from contractors

Each month our repairs team track the amount awarded in complaints and request this money back from our contractors. In this quarter (01 April – 30 June 2023) we are claiming back £44,496.23 worth of compensation so far. Full breakdown below. This figure accounts for both complaints and non-complaints related compensation recharged to a contractor.

<u>MCP</u>	<u>Alternative contractors</u>
April 2023 - £11,650.00	April 2023 - £6,433.00
May 2023 - £13,427.23	May 2023 - £1,395.00
June 2023 – £19,419	June 2023 – £4,771
Total for Q1 – ££44,496.23	Total for Q1 – £12,559

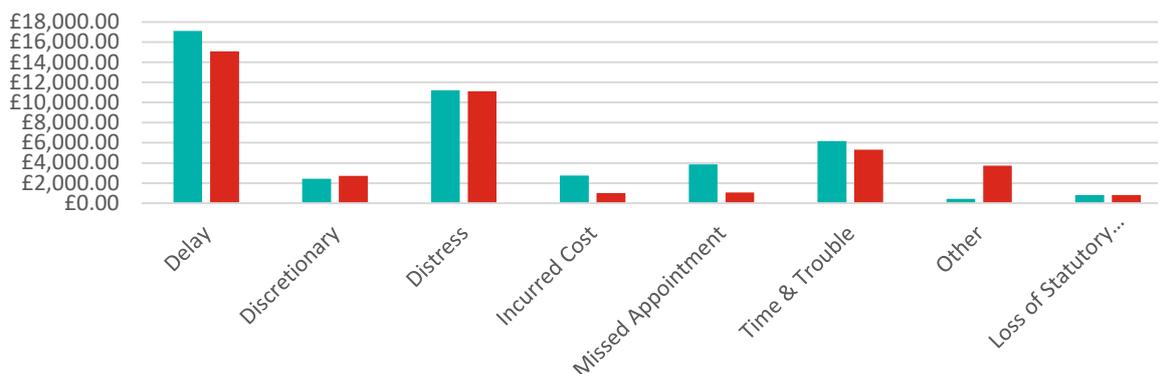
<u>Alternative Contractors</u>	
TCL	£1,606
Close Brothers	£2,987
R Bensons	£5,724
Go Direct	£821
JOS	0
Plentific	£85
Wates	£1,376
M&E	0
Other	0
Total for Q1	£12,559

**Graph 6 - Quarterly Compensation Comparison
(Stage 1 & Stage 2)**



	Stage 1	Stage 2
Q2 - 2022/23	£27,301	£12,252
Q3 - 2022/23	£26,711	£16,044
Q4 - 2022/23	£43,300	£26,678
Q1 - 2023/24	£44,804	£40,840

**Graph 7 - Quarterly Compensation Comparison
(Stage 1 & Stage 2) by Type**



	<i>April</i>	<i>May</i>	<i>June</i>	Total
Award	Stage 1			
Delay	£5,015.00	£4,770.00	£7,340.00	£17,125.00
Discretionary	£986.50	£420.00	£1,034.00	£2,440.50
Distress	£4,205.00	£3,365.00	£3,645.00	£11,215.00
Incurred Cost	£12.99	£2,414.00	£329.00	£2,755.99
Missed Appointment	£1,110.00	£1,220.00	£1,530.00	£3,860.00
Time & Trouble	£1,922.50	£2,216.00	£2,031.00	£6,169.50
Other	£380.00	£58.48	£0.00	£438.48
Loss of Statutory Service	£480.00	£80.00	£240.00	£800.00
Total	£14,111.99	£14,543.48	£16,149.00	£44,804.47

	<i>April</i>	<i>May</i>	<i>June</i>	Total
Award	Stage 2			
Delay	£2,336.00	£7,785.00	£4,955.00	£15,076.00
Discretionary	£715.00	£1,305.00	£686.00	£2,706.00
Distress	£1,630.00	£5,195.00	£4,300.00	£11,125.00
Incurred Cost	£0.00	£571.55	£427.00	£998.55
Missed Appointment	£240.00	£400.00	£420.00	£1,060.00
Time & Trouble	£1,175.00	£1,863.00	£2,279.00	£5,317.00
Other	£0.00	£985.00	£2,758.00	£3,743.00
Loss of Statutory Service	£100.00	£579.65	£135.00	£814.65
	£6,196.00	£18,684.20	£15,960.00	£40,840.20

Award	Total S1 & S2
Delay	£32,201.00
Discretionary	£5,146.50
Distress	£22,340.00
Incurred Cost	£3,754.54
Missed Appointment	£4,920.00
Time & Trouble	£11,486.50
Other	£4,181.48
Loss of Statutory Service	£1,614.65
Total	£85,644.67

In closing on compensation and looking forward we will be looking at completing adhoc/retrospective reviews on compensation payments over £500. This will help ensure learning and consistency on how and when compensation should be awarded. (This is dependent on resource being available).

MP and Cllr Enquiries

54 MP and Councillor enquiries were received in this quarter (Q1 2023/24), 14 less than as in Q4 2022/23. 43 out of 53 (due for response within the quarter) were closed on time which is 81% which was an increase of 15%.

This is an improvement from Q4 (2022/23) but the reason for the enquiry responses being issued late was mainly due to the delayed responses from the teams involved, and something we are working on resolving by engaging with the teams earlier into the process and helping where necessary.

	Total Received Broke Down by Dept	Enquiries Received	% (Enquiries)	No. on Time	No. Closed	% On Time
1	Central Complaints Team	6	11.1%	4	4	100.0%
2	Construction & Regeneration	0	0.0%	0	0	N/A
3	Energy Project	3	5.6%	4	4	100.0%
4	Estates Services	1	1.9%	0	1	0.0%
5	Fire Safety	0	0.0%	0	0	N/A
6	Income - London	1	1.9%	1	1	100.0%
7	Income - Hertford	1	1.9%	1	1	100.0%
8	Leasehold Services	2	3.7%	3	3	100.0%
9	Neighbourhood - Hertford	6	11.1%	3	5	60.0%
10	Neighbourhood - London	13	24.1%	11	14	78.6%
11	Older Persons	0	0.0%	0	0	N/A
12	Planned Works, M & E	3	5.6%	1	2	50.0%
13	Resident Engagement	0	0.0%	0	0	N/A
14	Responsive Repairs	17	31.5%	13	15	86.7%
15	Voids & Lettings & Handy Person - London	1	1.9%	2	3	66.7%
16	SW9	0	0.0%	0	0	0.0%
17	Building Safety	0	0.0%	0	0	0.0%
18	Data Protection	0	0.0%	0	0	0.0%
19	Intermediate Rent	0	0.0%	0	0	0.0%
20	Legal Services/Disrepair	0	0.0%	0	0	0.0%
21	Development - Resales	0	0.0%	0	0	0.0%
22	Sustainability	0	0.0%	0	0	0.0%
	Total	54	61.1%	43	53	81.1%

Received	54
Closed	53
Number on time	81.1%

Housing Ombudsman activity and Decisions

10 formal investigation requests, 5 informal information requests and 12 formal determinations were received in Q1 2023/2024.

Out of the 12 determinations received in the quarter some had multiple determinations, there were 20 decisions in total. These were made up of:

- 2 reasonable redress
- 6 service failure
- 12 maladministration

Below is a breakdown of the 12 determinations in question.

Ombudsman Determination 1 - Reasonable Redress

The complaint was about our reported handling of the resident's transfer request. The outstanding issues reported were the resident wanted to be rehoused.

The Ombudsman found reasonable redress as in the stage two complaint response, we offered clarity on the tenancy situation. As we explained that the current live tenancy would be changed if they signed a new tenancy that would be completed later in the year where they would have been offered a lifetime tenancy. Nonetheless, they still held a valid tenancy which could be terminated by a month's notice if they took up new tenancy. It is also noted that the resident continued to reside in the property after their original tenancy agreement expired. In the circumstances, whilst the stage one response did not completely address the concerns, the stage two response provided greater clarity. Thus, we considered the matter fairly and put things right as was appropriate in the circumstances of this case.

Ombudsman Determination 2 - Maladministration and Maladministration

This complaint was about permission to lay concrete and erect a shed in their garden to house gym equipment. After they had built it, a neighbour complained about the size of the structure, and we subsequently asked them to remove it.

We failed to give specific instruction on the maximum size they were permitted to build.

Maladministration Complaint Handling

We informed the resident that *"our decision regarding the removal of the structure will not change, irrespective of any subsequent finding by the Ombudsman. The Ombudsman can determine whether any decision or action was arrived at in the appropriate manner. They do not have the authority to instruct us to overturn a decision we have duly made."* They said this comment is inaccurate and concerning as it displays a misunderstanding of the Ombudsman's role and powers. Such comments could potentially dissuade residents from exercising their right to refer complaints to the Ombudsman, which would be unfair and misleading.

When acknowledging a stage 1 complaint we also said *"the decision is... that the structure needs to be removed, a complaint will not change this. The complaint is to determine if the correct action has been taken by us in regard to the permissions and the original emails you had attached."*

This was deemed inappropriate and not in line with the code of conduct of the housing ombudsman service, as well as us awarding a “good will payment” of £500 with no explanation of what it was for.

For these failures they determined we award £250 compensation.

Maladministration permission of structure and subsequent removal

We instructed the resident to completely remove the outbuilding. On 16 August 2022, we informed the resident that it does “...not consider that there is any basis for us to reimburse you for the cost of the structure or to compensate you for the distress you say you have experienced.” In the Ombudsman’s opinion, our position did not take ownership of the poor customer service it provided and the detrimental impact this had on the resident. It is not appropriate for the resident to suffer all the financial loss when errors had been made by both parties.

They determined we pay the £500 already awarded and an additional £100 for the service failures identified with our handling of the residents request to build an outbuilding in the back garden.

Ombudsman determination 3 - maladministration

This complaint was about our handling of reports of damp and mould in the property. The outstanding issues reported were:

They reported damp and mould to us over a 2-year period, but some delays in remedial works were inevitable due to the Covid-19 pandemic, however they were unhappy with the overall time taken by us to treat the problem. They added further unhappy that some follow-on works remained outstanding, including kitchen retiling and radiator replacement. Delays in attending to the problem was unhappy that we had not compensated for the flooring or offered a rent rebate while they could not live in the property.

The Ombudsman determined the maladministration is regarding our failure to award any money towards the damaged flooring, and that we failed to follow their own guidance on insurance and damaged items. They said our offer of compensation made no reference to the resident’s claim for damage to their flooring. The Ombudsman’s own ‘Guidance on complaints involving insurance issues sets out that where a claim for damage is made, a landlord should initially at least consider whether there is any evidence that it has been at fault for any claimed damage to a complainant’s property / belongings and not refer complainant’s straight to an insurer.

In this case due to the significant delays in resolving the leak, it would have been reasonable for the landlord to have requested proof for the cost of his flooring. It could have then considered his compensation request under ‘exceptional circumstances’, in line with its compensation policy. Instead, we told the resident to make a claim through their own home and contents insurance or our insurers. Given our failings in resolving the damp and mould, this advice was inappropriate as a first step.

We were ordered to pay the resident £225 compensation (this is in addition to the £1,574 that has previously been credited to the resident's rent account), comprised of:

- £150 in recognition of the damage to his flooring.
- £75 for distress and inconvenience for not adequately addressing the resident's requests for compensation.

Ombudsman Determination 4 – Maladministration and service failure

This complaint is about our handling of noise nuisance. The resident has explained that the outstanding issues were, despite complaining previously and receiving an Ombudsman determination, the noise nuisance continued.

This started when the resident provided us with an ASB incident log on 4 August 2021. They reported that threats had been made by their neighbour's adult daughter towards her own daughter on 28 July 2021.

The determination focusses on reports of ASB (threats of violence) in early August 2021. Resident told to ring the police if they felt threatened. The resident had to chase us 8 times before we responded to the claims of ASB. It took three months before a plan of action was put in place, well outside of timeframes set out in our ASB policy. Ombudsman considers there was a significant failing to as we did not follow our own policy/processes.

Whilst we did interview the 3rd party involved, it was not until late October 2021 around three months after the first reports. It was considered that we failed to assess and identify any potential vulnerabilities that the resident may have had, nor did we offer the resident any support.

They ordered we pay the resident £850 compensation which is comprised of:

- £750 which reflects the time, trouble, inconvenience and distress the resident has experienced in this case.
- £100 to reflect its failings in the handling of the resident's associated complaint.

Ombudsman Determination 5 - Maladministration and Maladministration

This complaint relates to issues with noise from the flat above, specifically a dog barking and that we have offered little/no assistance in resolving this. They wanted either the dog removed or to be rehomed.

The Ombudsman determined that there were two counts of Maladministration. One with regard to its handling of the resident's reports of noise nuisance, and the second in respect of our handling of the resident's complaint regarding the noise nuisance.

In the stage 1 response, a history going back to 2017 was explored so it was clear that this resident had been having issues with the noise from above for a considerable amount of time. We explained that in by far the majority of cases, we had responded appropriately, but ultimately there was little we could do.

The resident was asked to complete diary sheets, but the times the resident is complaining about the noise would not constitute ASB and would be viewed as everyday noise. We attended and knocked at the neighbour's but there was no noise from the dog when we were there. We explained we had sent letters to the resident asking them to be mindful and recommended resident download the noise app.

The resident escalated their complaint based saying he had been completing diary sheets for a long time, we hadn't taken appropriate action, the resident had another dog now and explained the impact this is having on his. He also declined to use the noise app.

We responded at stage 2 effectively reiterating our stance. We explained that we had insufficient evidence to take action and hadn't received any further diary sheets. We did say that we felt that as we were aware this was an unauthorised dog potentially more action could have been taken earlier but we felt this would not have affected the outcome.

The Ombudsman focussed on events between September 2021 and February 2022. They commented that the resident had reported noise to us on 24 September and 5 October 2021. They have said that from February 2022 we did follow policy, but there is nothing to suggest we did this when the resident originally reported concerns in September/October which is why there is a maladministration on this point. They also noted that if we knew the dog was unauthorised more positive action could have been taken earlier.

In respect of the complaint Handling aspect, the Ombudsman feels we failed to log a complaint when reasonably expected, and the delay to log a complaint some two months later and only upon instruction to do so or face a Complaint Handling failure order being issued from the Ombudsman constituted Maladministration.

Ombudsman Determination 6 - Maladministration and Maladministration

This complaint was about how we dealt with reports of noise nuisance from July 2018 the complaint was a neighbour creating "white noise" banging on pipes, playing loud music, walking around flat early hours of the morning and how we managed reports that the neighbour's floorboards were creaking, making noise. In July 2019 we told resident we were going to look at floorboards with a view to seeing whether they could be repaired. But the work was carried out in early December 2022. Finally, it was how we handled the complaint.

On the first point, up to April 2019 the Ombudsman report considers that we dealt with the noise nuisance reports appropriately. From April 2019 however, they have criticised us for not having a record of acting on diary sheets, not engaging with resident in terms of trying to manage expectations with a view to getting them to accept that normal day to day sounds is part of living in close proximity.

On the second point, factors that contributed to the delay included: Covid situation, difficulties with neighbour, flooring contractor we used delayed matters. Neighbour refused to allow work to be undertaken until the floorboards of the flat above was also inspected. In addition, we ended up having to decant neighbour to a hotel when the work was eventually done.

On the complaint handling they were critical of us refusing initially to accept a stage 1 complaint, not being clear as to whether his complaint was upheld, the level of compensation offered and not including details in the response of lessons learned.

The Ombudsman has ordered us to pay £800 in compensation, the £800 is not in addition to the £400 we already offered at stage 2. So, they increased our figure by £400.

Ombudsman Determination 7 - Maladministration

This complaint was about Fire Safety issues raised regarding residents front door. There was a delay in replacing the residents door closer (which was still outstanding at time of determination) due to the door being scheduled to be replaced as part of fire safety works.

The resident was not particularly cooperative in refusing entry and then arranged a survey herself of the front door.

The Ombudsman have said we should have considered taking further steps to gain access (enforcing tenancy/taken legal action) during this time and subsequently have given us a maladministration for this failure to take action to get the repair completed. This is due to the potential seriousness of the failure to not install a door closure over such a long timeframe 18 plus months.

We were ordered to pay the resident £100 compensation for our delay in attempting to arrange the required safety works.

Ombudsman Determination 8 – Service failure and service failure

The background to this complaint was various interior leaks to the property from the property above and damage to a personal item in the property due to the required repairs, as well as Several repairs required to the property, including faulty window handles; dripping hot water from the property above to an exterior window; and broken extractor fans.

We awarded £1,563 in compensation broken down into two awards one part was awarded at high impact, and the later at medium. The Ombudsman said If we had not downgraded the severity of the impact of the issues on the resident, from high to medium, the total amount offered would have been higher. They said it would have been more reasonable for us to have considered that the further delays to completing the works meant an increase of the distress and inconvenience to the family. Thus, we should at least have maintained the rate of compensation calculation. Due to changing the impact of our compensation award this is the reason for the service failures. The Ombudsman increased the award to a total of £1,900.

Ombudsman Determination 9 – Maladministration

The background to the complaint is that a Fire Risk Assessment determined there was a fire risk from a large pile up of combustible items within the ground floor balcony area of the residents flat. It was recommended they were removed. We issued a TORT notice letter to the resident, and while some of the items were removed, the balcony was not fully cleared so further notices had to be sent. All the items had not been moved by the date provided in the notices, so Neighbourhood attended with our cleaners Pinnacle to remove all items. Once this happened the resident complained about the process noting she had queried the notice, and felt the items should not have been removed, and she was left out of pocket for the items.

The Ombudsman agreed that *“given the landlord identified a fire hazard at the resident’s property, according to the appropriate policies, it was reasonable for it to take proportionate action. The appropriate policies recommend the removal of fire hazards, therefore it was reasonable that the landlord asked the resident to address this”*.

However, they state *“it was unreasonable for the landlord to remove the items itself. While landlords can dispose of resident’s goods under the Torts (Interference with Goods) Act 1977, this is applicable where objects have been abandoned on private land or property, of which the landlord has become an ‘involuntary bailee”*”.

At the time the time the complaint was raised we had already removed the items, so the action had already taken place, from reading this the Ombudsman agree that the items did cause a health and safety fire risk, but they determine we were wrong in the policies we used noting communal areas, and noted we do have powers to remove resident’s goods under the Torts (Interference with Goods) Act 1977, but it was not correct to do so in this instance.

They ordered we pay the resident £400 as a remedy to the distress and inconvenience caused. This was inclusive of the £100 we already awarded at stage 2.

Ombudsman Determination 10 – Service failure, maladministration, maladministration

The background to this complaint relates to:

- Reports of pigeons nesting in alcoves above the flat and defecating on the patio where resident reported was causing them health issues, and means they lost the enjoyment of their balcony in the summer.
- Handling of the resident’s concerns about water quality and requests for information relating to water test results. Water company attended on 2 July 2020 and 7 July 2020, taking water samples from the mains supply, showing level of copper in water.
- Complaint handling.

We received below determinations:

Service failure for handling of reports of pigeons getting into the structure of the building.

Maladministration in our handling of the resident’s concerns about water quality and requests for information relating to water test results.

Maladministration in our complaints handling

With the pigeons and water tests the Ombudsman referenced the Housing Health and Safety Rating System (HHSRS) and our obligation to remedy any category one hazard. They have stated that we have failed to implement our own pest control policy, where we stated we could not control pigeons flying over the property or stop residents across the street from feeding the birds as it did not breach tenancy agreements, but we should have acted.

With the reports of water testing from the water company, we carried out multiple tests on the hygiene of the water testing, but not on the pipe work which had traces of copper, this is where they are focussing their attention from what I could understand, along with a refusal to provide the reports to the resident, who didn’t trust the water hygiene and was buying bottled water to drink.

With the complaint handling, there is an element of a refusal to raise a new complaint stating it was included in the complaint already and for the Ombudsman to determine, this was regarding not providing a report, they state we failed to give it our full complaint investigation.

They ordered we pay the resident £570 in compensation as below:

- £70 to acknowledge the distress caused to the resident, when we failed to reprioritise planned bird proofing works, once it became aware of the impact on the resident and their vulnerabilities.
- £250 to acknowledge the distress caused to the resident by our handling of concerns about water quality, and in recognition of the resident's time and trouble.
- £50 in recognition of the resident's financial loss in purchasing bottled water, between the 24 July 2021 and 26 August 2021. This is the period between the resident was notifying us they were buying bottled water.
- £200 in recognition of failures in complaint handling.

Ombudsman determination 11 – Service failure and Service Failure

This complaint is about the resident property their property being cold and having poor heat retention. The resident had already had a complaint investigated by the Ombudsman a few years prior for same issues. But this complaint focussed on our actions between February 2021 when a thermal imaging report was conducted, and February 2022 when we completed recommendations of report, but resident has advised that the works did not work, along with our refusal to raise a new complaint stating it was the same issue and had already been to the Ombudsman.

The Ombudsman has found two counts of Service Failure for our response to the resident's reports of cold temperatures within the property and the associated complaint handling that followed.

Cold/heat retention within the property

The suggestion is that we should have consulted with a cavity wall specialist, as there was a dispute then going on to confirm that we had confirmed with resident and Ombudsman that the building was of solid brick construction so therefore unable to cavity insulate. They state that we should have considered replacing the communal door following the 2021 survey (it was replaced following 2017 survey). They also indicate that the remedial works agreed and completed took too long.

Complaint Handling

We initially did not log a new complaint as it was a continuation of the existing problem that had been through or complaint process already and reviewed by Ombudsman. (This is in line with our Complaints Policy). We were told to log as a new complaint by the Ombudsman. A complaint was subsequently logged, as a stage 1 and 2 combined complaint.

Because we did a combined complaint (to allow the resident to go to Ombudsman quicker - they made it clear this was her intention) a Service failure was determined as they believe we missed a stage to try and resolve the complaint.

- They ordered we pay the resident £100 in recognition of its service failure concerning its response to the resident's reports of cold temperatures within the property.

- Pay the resident an additional £50 in recognition for the distress and inconvenience caused by the landlord's complaint handling failure.
- Commission an energy efficiency survey and act accordingly, thereafter, based on the outcome and recommendations

Ombudsman Determination 12 – Reasonable Redress

This complaint related to delayed repairs to the resident's windows, basement and delays to us dealing with condensation at the property caused by the damaged windows. We awarded a total of £800 which was made up of payments for the delays in multiple repairs at the property.

The Ombudsman felt this reasonable, but the resident is suggesting that mould is present at the property, and they asked us to contact resident to find out if this is still the case.

They added we acted fairly by acknowledging the delays and our poor communication with the resident. We sought to put matters right by apologising to the resident, completing works, and offering £800 compensation in recognition of the inconvenience caused to the resident. This amount is in line with the Ombudsman's remedies guidance which states that amounts in this range are considered proportionate in instances of maladministration which had a significant impact on the resident. In the Ombudsman's opinion, the landlord's offer of £800 compensation is considered proportionate in recognition of the impact on the resident because of the delays and poor communication. For this reason, we had offered sufficient redress to the resident.

Lessons Learnt

Housing Ombudsman Determinations

We recently held a session to discuss 6 determinations from the ombudsman to discuss and review if any processes or policies could be changed two main things come out of this. We expect to hold a session of such nature at least every other quarter – to focus on matters flagged by the Ombudsman, and updating our Policies, processes and actions in line with said feedback.

We had a lot of ASB complaints regarding noise come back with maladministration or service failures, most notably was our handling of these cases, what was proposed is we look to create a noise nuisance panel who would be independent from the investigations and determine the best way forward or actions to take, much like a management transfer panel. This will allow a consistent approach and help us make meaningful decisions in an effort to resolve a well-known, but hard to resolve issue.

We are also working on a new policy for alternations to properties, to ensure when contacted by residents there is a clear policy and process whereby, we can make a decision, and the resident are informed at first contact what information we require from them to make a decision.

Neighbourhood

They continue to mention the importance of logging all customer contact with residents as 'activities' on our system, which ensures records are up to date.

For fire risk assessments, they are in the process of drafting a final letter before we consider clearing items in communal areas, rather than currently our zero-tolerance policy whereby items are removed immediately and disposed.

With ASB officers know to ensure they give continuous feedback while a case is open to the resident, and if an ASB case is closed and a report of nuisance is received again regarding the same perpetrator, then we should reopen and where necessary escalate from our previous action.

Complaints

There had been several opportunities missed to clarify a complaint point, which meant a potential delay in resolving any missed concerns. However, now when acknowledging a complaint, we are also flagging what we consider the complaint points to be and asking the resident to comeback to us if we have missed anything they would like us to consider.

Secondly, if a complaint comes in that is linked to an ongoing/outstanding repair, we will take the initiative to flag the repair needs with the repair team and/or relevant contractor. This means during busier periods the issue of the repair is picked up far sooner that it may have been (upon reviewing the complaint) which may have been XYZ days later by the Complaint Officers with the Repairs team.

Report completed by

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