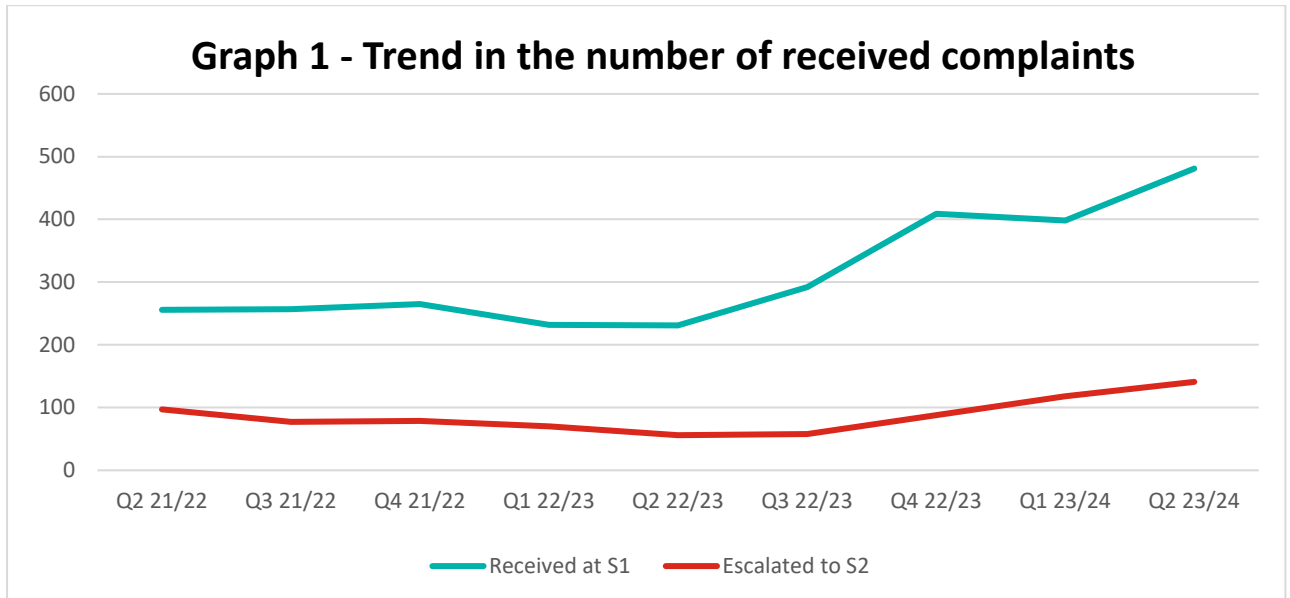
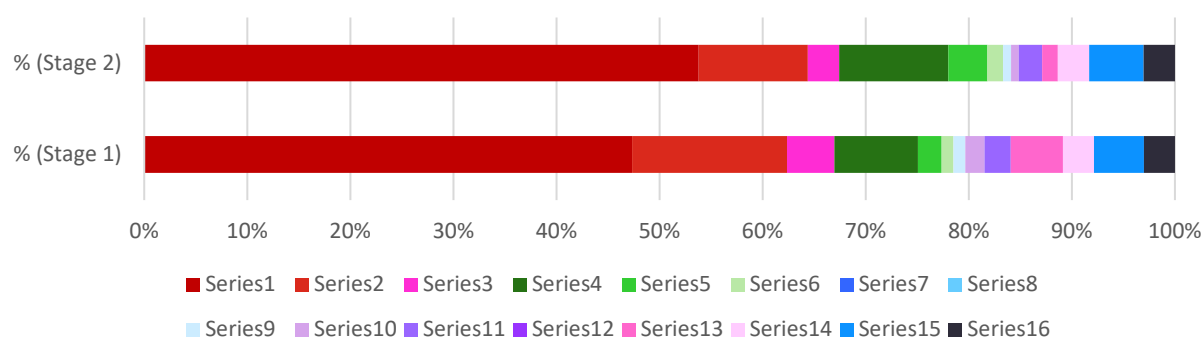


## Complaints report for Quarter 2 (01 July 2023 - 30 September 2023)



Quarter	Received at S1	Escalated to S2	Proportion of escalated complaints	Target
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%	10%
Q4 22/23	409	88	21.5%	25%
Q1 23/24	398	118	29.6%	25%
Q2 23/24	481	141	29.3%	25%

Graph 1 and the accompanying table shows Stage 1 and 2 complaints received covering the period 01 July 2023 to 30 September 2023. Comparison with the previous quarter a year ago Q2 22/23 shows an increase of 250 Stage 1 complaints (100% increase) and an increase of 83 Stage 2 complaints (150% increase). It also shows an increase of 83 Stage 1 and increase of 23 Stage 2 complaints when compared to the last quarter (Q1 2023/24), both are a considerable increase to be monitored, and expected to continue.

**Graph 2 - Total Received Broke Down by Dept**


	<b>Total Received by Dept</b>	<b>Stage 1</b>	<b>Stage 2</b>	<b>% (Stage 1)</b>	<b>% (Stage 2)</b>
<b>1</b>	Responsive Repairs	205	71	42.6%	50.4%
<b>2</b>	Planned Works, M & E	65	14	13.5%	9.9%
<b>3</b>	Leasehold Services	20	4	4.2%	2.8%
<b>4</b>	Neighbourhood - London	35	14	7.3%	9.9%
<b>5</b>	Neighbourhood - Hertford	10	5	2.1%	3.5%
<b>6</b>	Voids & Lettings - London	5	2	1.0%	1.4%
<b>7</b>	Voids & Lettings - Hertford	0	0	0.0%	0.0%
<b>8</b>	Income - Hertford	0	0	0.0%	0.0%
<b>9</b>	Income - London	5	1	1.0%	0.7%
<b>10</b>	Intermediate Rent	8	1	1.7%	0.7%
<b>11</b>	Older Persons	11	3	2.3%	2.1%
<b>12</b>	Supported Housing	0	0	0.0%	0.0%
<b>13</b>	SW9	22	2	4.6%	1.4%
<b>14</b>	Central Complaints	13	4	2.7%	2.8%
<b>15</b>	Development	21	7	4.4%	5.0%
<b>16</b>	Contact Centre	18	5	3.7%	3.5%
<b>17</b>	Estates Services	13	4	2.7%	2.8%
<b>18</b>	Miscellaneous	7	0	1.5%	0.0%
<b>19</b>	Damp and Mould	23	4	4.8%	2.8%

	<b>Total</b>	<b>481</b>	<b>141</b>		
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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 (42.6%) and Planned Works, M&E (13.5%) as shown in table above.

Responsive Repairs had 205 at Stage 1, 5 more than Q1 (2023/24), followed by 65 Stage 1 from Planned Works and M&E, which is an increase of 6 from Q2 (2023/24).

In this quarter there were 10,434 repairs raised for all responsive repair contractors. This is a decrease of 840 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).

We do also raise repairs via a contractor system called Plentific whereby currently some repairs that would be allocated to MCP are being raised via this system.

There were 202 stage 1 complaints in the quarter for these responsive repair contractors 28 more than last quarter with less repairs raised, meaning that approximately 1.9% 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	%
<b>July</b>	54	2998	1.80%
<b>August</b>	71	3167	2.24%
<b>September</b>	59	3365	1.75%

COMPLAINTS VS JOBS RAISED	<u>R Benson</u>		
	Complaints	Jobs raised	%
<b>July</b>	1	99	1.01%
<b>August</b>	1	96	1.04%
<b>September</b>	1	107	0.93%

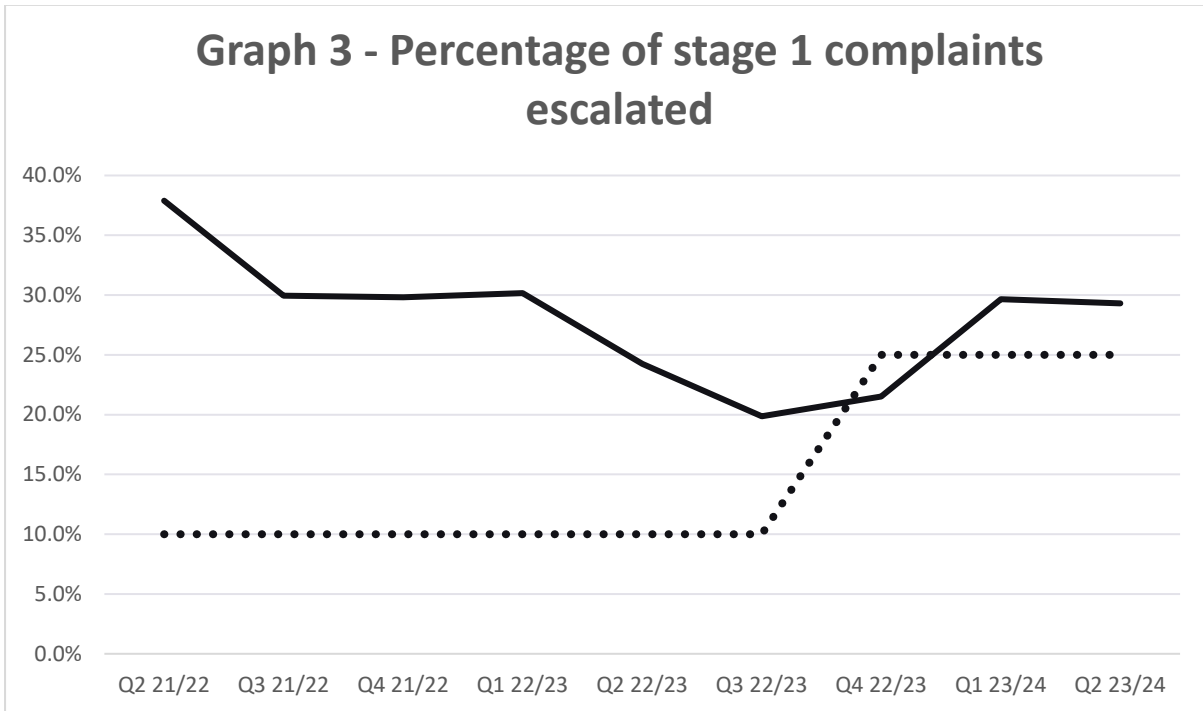


COMPLAINTS VS JOBS RAISED	<u>Close Brothers</u>		
	Complaints	Jobs raised	%
<b>July</b>	3	48	6.3%
<b>August</b>	4	207	1.9%
<b>September</b>	1	56	1.8%

COMPLAINTS VS JOBS RAISED	<u>Top Coat (TCL)</u>		
	Complaints	Jobs raised	%
<b>July</b>	2	24	8.3%
<b>August</b>	3	75	4.0%
<b>September</b>	2	78	2.6%

COMPLAINTS VS JOBS RAISED	<u>Combined</u>		
	Complaints	Jobs raised	%
<b>July</b>	60	3177	1.89%
<b>August</b>	79	3552	2.22%
<b>September</b>	63	3705	1.70%
<b>Quarter 2 Total</b>	202	10,434	1.90%

**Complaints that escalated from Stage 1 to Stage 2**



A total number of 481 Stage 1 complaints were received in Q2 2023/24, 83 more than Q1 2023/24 (481). There were 141 Stage 2 complaints logged, which was 23 more than 1 2023/24 (118), 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 5% to 86% for Stage 1 Q2 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.

We have been advising *“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).

There has been no change and 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 1% to 94%. 490 out of 556 combined Stage 1 and Stage 2 complaints (88%) were issued on time, meaning the overall target of 95% was not achieved.

Overall, 21 out of 23 SW9 combined stage 1 and 2 complaints (91%) were issued on time, this is a significant increase on last quarter (76%) but they did have less complaints logged.



Responsive repairs resolved 201 out of their 213 complaints on time showing 94%, which was an decrease of 2% on last quarter (Q1 2023/24). This is compared to Planned Works, Compliance and

M & E who resolved 47 out of 59 of complaints on time with 79%. which is a 3% increase on the last quarter (Q1 2023/24).

Out of the 430 Stage 1 complaints closed in Q2 we determined the outcomes as below:

Month	Upheld	Not Upheld	Partially Upheld
July*	72	33	23
August**	97	41	34
September***	68	47	23
<b>Totals</b>	<b><u>237</u></b>	<b><u>121</u></b>	<b><u>80</u></b>

\*One complaint in July was outside of jurisdiction

\*\* Two complaints in August were outside of jurisdiction

\*\*\* Two complaints in September were outside of jurisdiction

We upheld 72% 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 126 Stage 2 complaints closed in Q2 we determined the outcomes as below:

Month	Upheld	Not Upheld	Partially Upheld
July	18	10	8
August	24	10	8
September	25	26	7
<b>Totals</b>	<b><u>67</u></b>	<b><u>46</u></b>	<b><u>23</u></b>

We upheld 66% of our Stage 2 complaints (including upheld and partially upheld), and again in line with the outcomes being see at the Ombudsman Service.

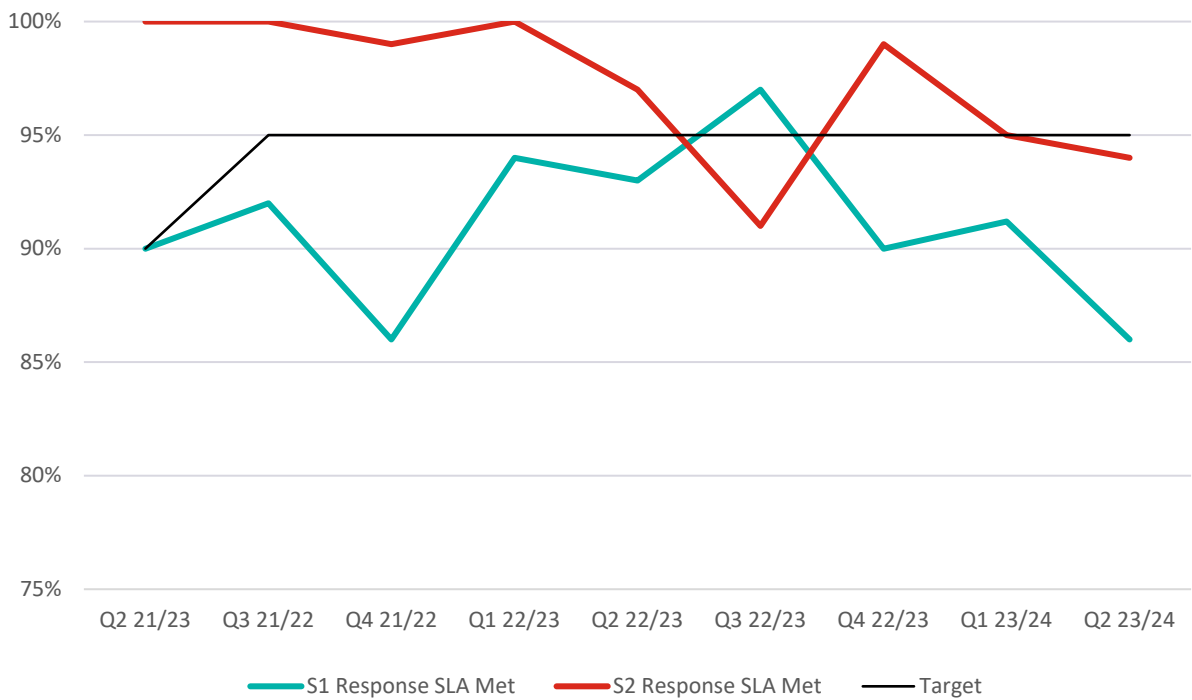
Quarter	S1 Response SLA Met	S2 Response SLA Met	Target
Q2 21/23	90%	100%	90.00%
Q3 21/22	92%	100%	95.00%
Q4 21/22	86%	99%	95.00%
Q1 22/23	94%	100%	95.00%
Q2 22/23	93%	97%	95.00%
Q3 22/23	97%	91%	95.00%
Q4 22/23	90%	99%	95.00%

Q1 23/24	91%	95%	95.00%
Q2 23/24	86%	94%	95.00%

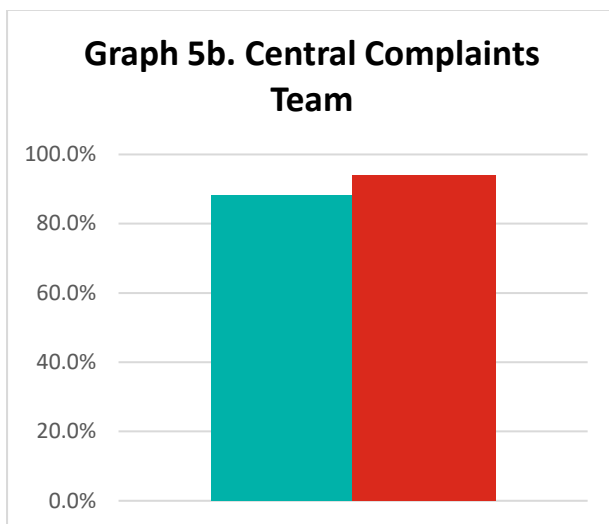
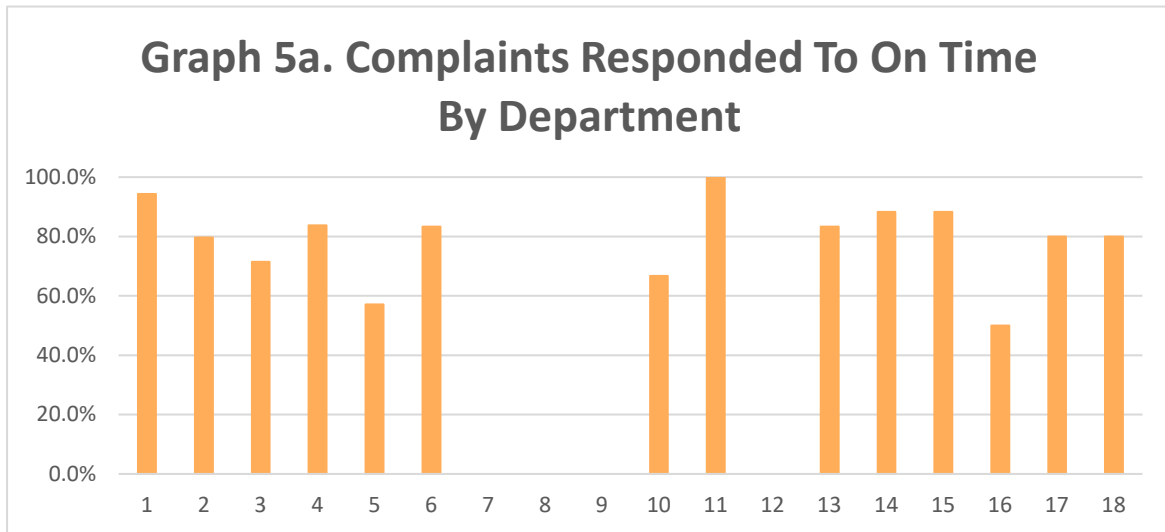
	Total Resolved by Dept	Stage 1			Stage 2		
		No. on Time	Closed	% On Time	No. on Time	Closed	% On Time
1	Responsive Repairs	201	213	94.4%	0	0	N/A
2	Planned Works, M & E	47	59	79.7%	0	0	N/A
3	Leasehold Services	10	14	71.4%	0	0	N/A
4	Neighbourhood - London	31	37	83.8%	0	0	N/A
5	Neighbourhood - Hertford	4	7	57.1%	0	0	N/A
6	Voids & Lettings - London	5	6	83.3%	0	0	N/A
7	Voids & Lettings - Hertford	0	0	N/A	0	0	N/A
8	Income - Hertford	0	0	N/A	0	0	N/A
9	Income - London	0	0	N/A	0	0	N/A
10	Intermediate Rent	4	6	66.7%	0	0	N/A
11	Older Persons	7	7	100.0%	0	0	N/A
12	Supported Housing	0	0	N/A	0	0	N/A

<b>13</b>	SW9	10	12	83.3%	11	11	100.0%
<b>14</b>	Central Complaints	15	17	88.2%	108	115	93.9%
<b>15</b>	Development	15	17	88.2%	0	0	N/A
<b>16</b>	Contact Centre	10	20	50.0%	0	0	N/A
<b>17</b>	Estates Services	8	10	80.0%	0	0	N/A
<b>18</b>	Miscellaneous	4	5	80.0%	0	0	N/A
<b>19</b>	Damp and Mould	13	13	100.0%			
	<b>Total</b>	<b>371</b>	<b>430</b>	<b>86.3%</b>	<b>119</b>	<b>126</b>	<b>94.4%</b>

**Graph 4 - Percentage of complaints responded to on time**







**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 £48,964 shown in graph 6 (below) with a comparison to previous quarters. This is an increase of £4,160 on the last quarter (Q2 2023/24). 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 £18,606 compensation paid out. Distress was £15,418. 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 £42,555 this was an increase of £1,715.16 on Q1 2023/24 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.**

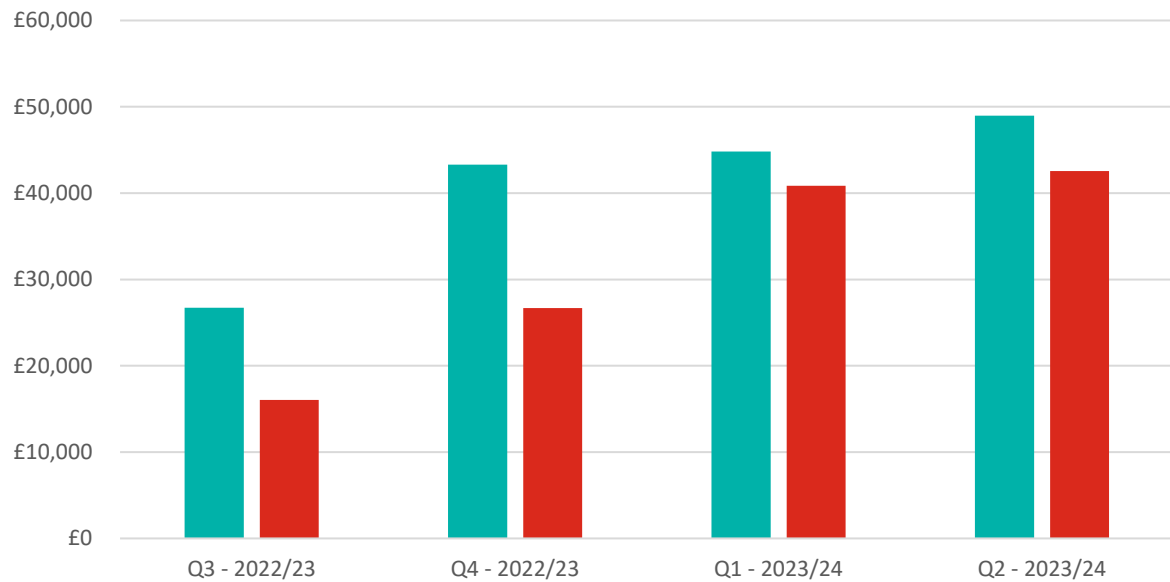
### Regaining costs from contractors

Each month our repairs team track the amount awarded in complaints and request this money back from our contractors. In this quarter (01 July – 30 September 2023) we are claiming back **£TBC** worth of compensation so far. Full breakdown below.

This figure accounts for both complaints **and** non-complaints related compensation recharged to a contractor.

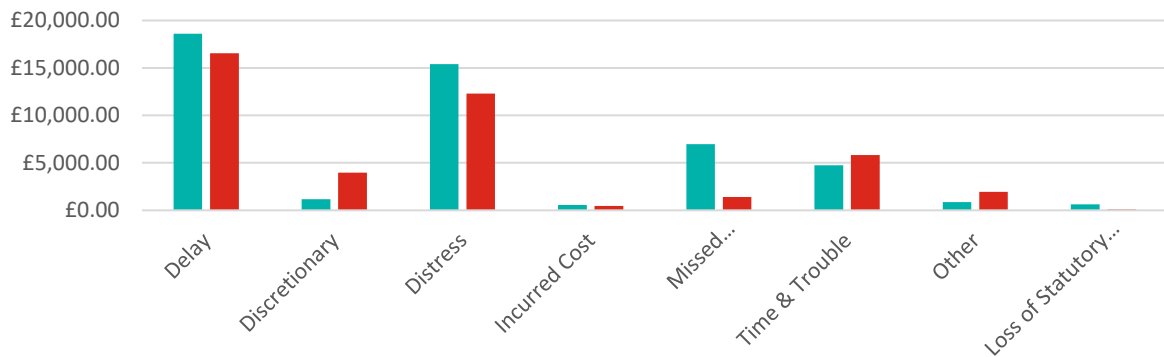
<u>MCP</u>	<u>Alternative contractors</u>
July 2023 - £17,805.76	July 2023 - £2,695.00
August 2023 - £20,388.05	August 2023 - £2,227.00
September 2023 – £24,025.64	September 2023 – £551.00
<b>Total for Q2 – £62,219.45</b>	<b>Total for Q2 – £5,473</b>

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



	Stage 1	Stage 2
<b>Q3 - 2022/23</b>	£26,711	£16,044
<b>Q4 - 2022/23</b>	£43,300	£26,678
<b>Q1 - 2023/24</b>	£44,804	£40,840
<b>Q2 - 2023/24</b>	£48,964	£42,555

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



	<i>July</i>	<i>August</i>	<i>September</i>	Total
<b>Award</b>	<b>Stage 1</b>			
Delay	£7,220.00	£6,470.00	£4,916.00	£18,606.00
Discretionary	£80.00	£742.76	£351.00	£1,173.76
Distress	£5,790.00	£5,393.00	£4,235.00	£15,418.00
Incurred Cost	£20.00	£550.00	£0.00	£570.00
Missed Appointment	£2,380.00	£1,970.00	£2,610.00	£6,960.00
Time & Trouble	£1,610.00	£1,635.00	£1,511.00	£4,756.00
Other	£10.00	£766.02	£80.00	£856.02
Loss of Statutory Service	£400.00	£203.76	£20.00	£623.76
<b>Total</b>	<b>£17,510.00</b>	<b>£17,730.54</b>	<b>£13,723.00</b>	<b>£48,963.54</b>
	<i>July</i>	<i>August</i>	<i>September</i>	Total
<b>Award</b>	<b>Stage 2</b>			
Delay	£4,360.00	£6,595.00	£5,610.00	£16,565.00
Discretionary	£1,950.00	£1,095.00	£920.00	£3,965.00
Distress	£3,355.00	£5,285.00	£3,650.00	£12,290.00
Incurred Cost	£0.00	£450.00	£0.00	£450.00

Missed Appointment	£560.00	£180.00	£670.00	£1,410.00
Time & Trouble	£2,192.00	£2,200.00	£1,443.00	£5,835.00
Other	£410.00	£280.00	£1,270.36	£1,960.36
Loss of Statutory Service	£50.00	£20.00	£10.00	£80.00
<b>Total</b>	<b>£12,877.00</b>	<b>£16,105.00</b>	<b>£13,573.36</b>	<b>£42,555.36</b>
<b>Award</b>	<b>Total S1 and S2</b>			
Delay	£35,171.00			
Discretionary	£5,138.76			
Distress	£27,708.00			
Incurred Cost	£1,020.00			
Missed Appointment	£8,370.00			
Time & Trouble	£10,591.00			
Other	£2,816.38			
Loss of Statutory Service	£703.76			
<b>Total</b>	<b>£91,518.90</b>			

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**

55 MP and Councillor enquiries were received in this quarter (Q2 2023/24), 1 more than as in Q1 2023/24. 34 out of 55 (due for response within the quarter) were closed on time which is 62% which was a decrease of 19%.

This is a big decrease from Q1 (2023/24) 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.

	<b>Total Received Broke Down by Dept</b>	<b>Enquiries Received</b>	<b>% (Enquiries)</b>	<b>No. on Time</b>	<b>No. Closed</b>	<b>% On Time</b>
<b>1</b>	Central Complaints Team	1	1.8%	3	4	75.0%
<b>2</b>	Development - Aftercare	1	1.8%	0	0	N/A
<b>3</b>	Energy Project	0	0.0%	0	0	N/A
<b>4</b>	Estates Services	0	0.0%	0	0	N/A
<b>5</b>	Fire Safety	0	0.0%	0	0	N/A
<b>6</b>	Income - London	2	3.6%	2	2	100.0%
<b>7</b>	Income - Hertford	1	1.8%	0	1	0.0%
<b>8</b>	Leasehold Services	1	1.8%	2	2	100.0%
<b>9</b>	Neighbourhood - Hertford	4	7.3%	3	5	60.0%
<b>10</b>	Neighbourhood - London	11	20.0%	6	10	60.0%
<b>11</b>	Older Persons	0	0.0%	0	0	N/A
<b>12</b>	Planned Works, M & E	7	12.7%	1	3	33.3%
<b>13</b>	Mental Health	1	1.8%	0	1	0.0%
<b>14</b>	Responsive Repairs	15	27.3%	11	17	64.7%
<b>15</b>	Voids & Lettings & Handy Person - London	5	9.1%	3	5	60.0%
<b>16</b>	SW9	1	1.8%	0	1	0.0%
<b>17</b>	Building Safety	1	1.8%	0	0	N/A
<b>18</b>	Data Protection	0	0.0%	0	0	N/A
<b>19</b>	Intermediate Rent	3	5.5%	2	3	66.7%
<b>20</b>	Legal Services/Disrepair	0	0.0%	0	0	N/A

21	Development - Resales	1	1.8%	1	1	100.0%
22	Sustainability	0	0.0%	0	0	N/A
	<b>Total</b>	<b>55</b>	<b>38.2%</b>	<b>34</b>	<b>55</b>	<b>62%</b>

<b>Received</b>	55
<b>Closed</b>	55
<b>On Time</b>	34
<b>Percentage on time</b>	62%
<b>Open on 11/10/2023</b>	6

### Housing Ombudsman activity and Decisions

13 formal investigation requests, 5 informal information requests and 8 formal determinations were received in Q2 2023/2024.

Out of the 8 determinations received in the quarter some had multiple determinations, there were 13 decisions in total. These were made up of:

- 5 reasonable redress
- 3 service failure
- 3 maladministration
- 1 no maladministration
- 1 Severe maladministration

Below is a breakdown of the 8 determinations in question.

#### **Ombudsman Determination 1 – Maladministration and Service Failure**

This complaint was about us finding a suitable property for client on a discretionary basis following a declined management transfer and medical banding not being awarded.

#### **Service failure**

The Ombudsman have stated *we did demonstrate that we had noted the needs of the resident, made suitable offers, or communicated effectively.*

Although they go on to say the stage 2 response accepted failures in communication, explained our approach, and offered some compensation for time and trouble. They determined the offer of compensation was not enough and the likely distress, trouble, and inconvenience caused to the client. Using their Remedies Guidance, they determined £350 would be a fairer sum. This is because we failed to have consistent regard for the clients preferred method of contact being phone due to their dyslexia and provided insufficient and unclear information.

### **Maladministration**

It was determined that we failed to adhere to our time frames of responding to complaint at both stage 1 and 2 as below:

The Ombudsman said it was unclear exactly when the client made a complaint but acknowledged the complaint on 5 May 2021. Despite this, we did not respond to the stage 1 complaint until 31 August 2021 which was around three months after we acknowledged the complaint. They said this delay was unreasonable.

For stage 2 they had evidence the client escalated the complaint on 9 September 2021 but there is no evidence we responded appropriately until October 2021. The client requested an escalation again on 22 October 2021 and received a response on 22 November 2021. The delay in dealing with the client requested to escalate from 9 September 2021 to 22 November 2021 was unreasonable.

They ordered us to pay £150 for the failures in complaint handling.

### **Ombudsman Determination 2 – Reasonable Redress**

This complaint was about the client reporting that their driveway was uneven and broken, causing damage to their car.

The Ombudsman said we consulted our compensation policy, taking into account the length of time the works were initially outstanding. We then assessed the delays in replacing the driveway, after the works had commenced. And considered the clients mobility issues and raised the daily compensation amount to correspond with us high impact compensation rates, in total £882 was awarded.

In doing so we acknowledged our initial errors and apologised to the client. They determined our compensation offer fully considered the impact on the client, and we worked to find a solution to the issue. Which was as we had raised the client's expectations that we would carry out these works, it was reasonable that we completed them having commenced them. We also offered to undertake interim works which would have allowed the client to use the driveway while waiting for the full works to be completed.

### **Ombudsman Determination 3 – Reasonable Redress and Service Failure**

The background to this complaint is about a repair to a communal light in the building and a failure to attend causing missed appointments.

Our response to the client complaint about the conduct of a staff member on the phone with the contact centre.

### **Reasonable Redress**

The Housing Ombudsman's determination was that £10 was reasonable redress for missed appointment as it was in line with our policy, and the repair was in a communal area, and the appointment was rescheduled, and the light was repaired just over a week later.



### **Service Failure**

We did not investigate the complaint through the complaints process. The rationale we gave for not accepting the complaint was that the call recordings provided evidence that the call handler did not act incorrectly, and as such, no further action would be taken on the complaint.

The Ombudsman noted we took reasonable steps to look into the complaint by listening to the call recordings and outlining its findings to the client however, the complaint should have been handled through the complaints process, and the enquiries undertaken by us should have formed part of the complaint investigation.

Our decision not to look at the complaint via our formal complaint process the ombudsman said caused distress and frustration to the client (although this was mitigated to some extent

by the fact that we did investigate and respond to these concerns but outside of the complaint procedure). They ordered compensation of £75 should be paid to the resident to remedy the distress and inconvenience caused.

### **Ombudsman Determination 4 – No Maladministration**

This complaint was linked to the client request to be allocated a disabled parking space. In this instance it seems that in 2020 the managing agent had incorrectly allowed client to use a disabled space, but in 2022 when the parking changed, and clients were required to obtain permits this issue was flagged and we correctly informed the client that we could not grant them the parking space.

The Ombudsman determined they found our investigations and responses reasonable, but urged that we consider if there is anything else we can do in light of the apparent genuine need for a parking space made as a recommendation.

They came to this decision as overall, the evidence seen shows that the only parking spaces are allocated to four specific flats. The client does not live in one of those flats, so does not have access to an allocated parking space. Our explanation of that reflected the facts and was reasonable. Due to an apparent error in 2020 the client had the use of a parking space until 2022. That error was to the clients benefit for that period but does not change the fact that the parking space they were using was not one we could provide permission to use.

The recommendation was made by the Ombudsman as this situation has clearly and understandably caused distress and inconvenience to the client, particularly in light of the family's need for such a space.

### **Ombudsman Determination 5 – Reasonable redress and Service Failure**

The complaint was from a leaseholder with a leak in their living room from the balcony of the flat above when it rained.

#### **Reasonable Redress – Balcony Repairs**

The Ombudsman noted we were responsible for carrying out the repairs to the balcony. And even though we completed the repairs outside our repairs policy timescales we acknowledge this in our complaint response and offered compensation for those delays which they considers to be reasonable redress.

#### **Service Failure – Complaint Handling**

They ordered us to pay £250 in compensation for this and their reasonings were that the award of compensation did state it included an amount for time and trouble which under section. So

the total amount of compensation offered by us was not allocated to specific amounts for specific failings. They considered the original award of £550 to be reasonable redress for the delays in the repairs process but an additional amount of £250 is an appropriate award of compensation for our failings in our complaint handling and communication.

This is as we failed to keep the client appropriately updated with the status of repairs and failed to adequately respond to the clients requests for updates. When responses were issued there was occasions of incorrect or conflicting information provided to the client including in the stage one complaint response.

### **Ombudsman Determination 6 – Reasonable Redress**

The client complained about issues they were having with their doors. And had been raising this since 2016 stating that there are gaps around the door and that a previous repair had been done poorly. In addition, the front door was now dragging on the floor and that a temporary lock repair carried out has meant their daughter could easily open it.

The Ombudsman determined we acted fairly in acknowledging our mistakes and apologising to the client. We put things right by completing repairs to the doors and offering £332 compensation. And we looked to learn from its mistakes by improving our communication with the client.

### **Ombudsman Determination 7 – Reasonable Redress**

This complaint was about our refusal to repair their neighbours fence panel which they described as a health and safety issue, the fence was not our responsibility to repair, but we went out to inspect the concerns.

The Ombudsman determined that when making a decision on how best to proceed, it was reasonable for us to rely on the conclusions of our appropriately qualified staff and contractors. Because there



were no health and safety issues identified, the responsibility for repairing and/or replacing the fence panels would therefore remain the neighbour's. So our approach thereafter to not enforce tenancy action and to write to the neighbour to ask that they consider repairing the fence was appropriate in the circumstances.

They noted on communication we acknowledged there had been an unreasonable delay between the clients requests for updates and our responses, which would have caused the client inconvenience. But we appropriately apologised for the impact this had on the client and offered £65 compensation. Which in the Ombudsman's opinion, this offer was proportionate and amounted to reasonable redress.

### **Ombudsman Determination 8 – Severe Maladministration, Maladministration (x2) and a Service Failure**

This complaint was about:

- A transfer application to be moved to an accessible property which was a **Severe maladministration**.
- Reports of anti-social behaviour (ASB) from the neighbour which was a **Maladministration**.
- Complaint regarding the behaviour of an officer during a visit to the client's home which was a **Maladministration**.
- The related complaint which was a **Service Failure**

#### **Severe Maladministration**

The Ombudsman said we did not treat the clients requests for a move to an accessible property with sufficient urgency and did not take reasonable steps to check or explore if it could provide support or any adaptations.

Around the time of this complaint, we advised about the closing of our internal transfer list from April 2022, with nomination rights transferring to the local authority. But we were still looking for a property so indicated the client still qualified for management transfer under our new policy.

Whilst this is reasonable, both parties have since confirmed to the Ombudsman that as yet, no adaptable home has been identified by us; whilst a 3- bedroomed property was offered in June 2022, the Occupation Therapist (OT) concluded this did not meet the family's needs, mainly because it was not big enough.

In summary, the Ombudsman recognises that we have limited stock. However, in view of the OT recommendations highlighting the urgency of the client need for an adaptable property, we would expect to see clear evidence of actively pursuing a property that would meet the needs of client's household which is not apparent. And we also failed to effectively assess any interim adaptations and deliver these.

Therefore, we had not demonstrated that we had regard to its obligations under the Equality Act when handling the clients transfer request. Our lack of urgency shown and poor communication with the clients and those supporting them, over a long period of time, had a seriously detrimental impact on the residents. This all added up meant a severe maladministration was determined.



They ordered us to pay £1,400 in compensation.

*\*We have sent this for a review and awaiting the decision but have been told this can take up to four months and possibly longer, taking us into 2024.*

### **Maladministration ASB**

The Ombudsman note we took some steps to address the clients ASB reports but we did not follow up on these when ASB continued. There was a lack of support offered despite the clients vulnerabilities and insufficient engagement with other agencies working to resolve the issues.

The Ombudsman said whilst it was reasonable for us to have put the residents' further allegations to the neighbour for their response for it then to assess the most appropriate course of action to follow, in light of it previously confirming ASB took place and the step taken by the police to issue the neighbour with a CPW, it was reasonable to expect us to consider taking further action in line with our ASB policy, alongside any action taken by police.

Overall, they found and determined we did not provide an appropriate level of support to the clients and did not follow our ASB policy in terms of using the range of tools available to it to address the ASB allegations. This and the insufficient engagement with third parties indicate we did not take the residents' reports and complaint sufficiently seriously. Whilst in our final response we acknowledged some failings and offered £200 in compensation, the Ombudsman does not consider this remedy acknowledges the extent of stress and inconvenience caused to the family as a result of its maladministration of their ASB reports.

They ordered us to pay £350 in compensation.

### **Maladministration staff conduct.**

The Ombudsman said we did not demonstrate a thorough and fair investigation of the client's complaint regarding staff conduct.

The Ombudsman said the information commissioner's office (ICO) is the appropriate body to consider the clients allegation that the landlord illegally recording them in their own home without their knowledge or permission. However, it is noted that there is no evidence of us signposting the

resident to the ICO which would have been appropriate in the circumstances. This indicates a failing on the part of us.

In our stage 1 response we acknowledged the Officer had acted unprofessionally as they raised their voice whilst discussing the clients ASB allegations with them. The response advised the Officer was sorry to have caused offence but denied being threatening or intimidatory.

In acknowledging that aspects of the Officers behaviour was unprofessional and caused offence, our response went some way to address the complaint. However, by simply stating that the Officer denied the allegation of aggressive behaviour, without explaining our view on their version given in comparison to the clients' and the teacher's evidence, we failed to demonstrate we carried out a thorough investigation or reached a fair conclusion based on the evidence.

Our remedies did not go far enough and further training for the Officer and compensation would have been appropriate. They ordered us to pay £200 in compensation.



### **Service Failure**

The Ombudsman said we provided a stage 2 final response to the client regarding ASB on 14 March 2022. As the client raised their stage 2 complaint on 27 January 2022, we did not comply with the 20 working days timescale stated in our complaint process. This prolonged the complaints process by more than 2 weeks. Whilst we did tell the residents that the response would be delayed, in our final response, it did not offer redress for failing to follow its complaint process, which would have been appropriate. The award was £50 by the ombudsman.

### **Report completed by**

James Mahaffy, Central Complaints Manager and Adam Tolhurst, Central Complaints Officer