

Meet the Housing Ombudsman Q&A 7/10/24

The Housing Ombudsman answered the following questions:

1. What timescales does the Housing Ombudsman Service have?

We will respond within 15 working days to enquiries submitted by email, web complaint or post. Initially, we will determine what stage the landlord is within their complaint procedure. Our investigation timescales can vary based on the sensitivity and complexity of a complaint.

2. What can the Housing Ombudsman Service do to assist me with addressing overhanging trees from my private neighbour?

Landlords cannot be responsible for residents who are not their tenants. Therefore, what the landlord can do may be limited. The Ombudsman would consider whether the landlord had done all it could to get private residents to cut them back. We will consider whether fair processes were followed; if something went wrong, whether it was put right, and whether there any learning/insight to takeaway.

Not everything the Council does is as a landlord. The Environmental Health Department could assess whether the trees were a statutory nuisance or a risk. If it failed to do this, that would fall within the remit of the Local Government and Social Care Ombudsman. They are best placed to respond to environmental issues.

3. What steps does the Housing Ombudsman Service take to hold landlord's accountable for failing to meet basic needs of vulnerable residents?

The Housing Ombudsman will look at whether the landlord complied with its legal obligations under the tenancy agreement and its own policies and procedures. We can consider if a landlord had *due regard* to its obligations under the Equality Act 2010 and the Human Rights Act 1998. We cannot make a decision that there were breaches of these Acts of Parliament – but we can ask if the landlord took into account its obligations under them.

We can order the landlord to do certain things such as complete/give permission to do disabled aids and adaptations, and/or order compensation for distress and inconvenience. We can also order the landlord to review their policies and procedures.

Where there is evidence of systemic failure, we can conduct a 'special investigation' into the landlord under paragraph 49 of our Scheme rules.

4. What does the Housing Ombudsman Service do to stop landlord's deflecting their responsibilities?

We adopt three dispute resolution principles – be fair, learn from outcomes and put it right.

[Dispute resolution principles](#)

The below details the principles and the expectation of the landlord in the process.

1. Be fair

- We expect landlords to treat all tenants fairly.

- It underpins and increases trust in the landlord and tenant relationship.
- Landlords are entitled to balance the needs of individual tenants with the needs of other tenants and employees.

2. Learn from outcomes

- We expect landlords to demonstrate improvements in service delivery as a result of lessons learned from complaints.
- Landlords should keep tenants and scrutiny and tenant panels informed about changes they make to service delivery as a result of complaints.
- Reporting on lessons learned is an effective way of demonstrating that landlords are listening to their tenants

3. Put it right

- Landlords' complaints handling procedures should demonstrate that their purpose is to resolve disputes and restore the tenant's position if something has gone wrong.
- Landlords are responsible for ensuring that things are put right, even if the Ombudsman is involved.
- Landlords should manage tenant's expectations about what can be done to put things right.

5. What mechanisms does the Housing Ombudsman Service have to enforce compliance and corrective action from the landlord?

We can issue orders and recommendations where we find failure. The purpose of an order to put the resident back into the position they were in had the landlord's failure not occurred. The orders we make are set out in paragraph 54 of our Scheme rules, as follows:

- to apologise, order compensation and do what needs to be done to remedy the situation.
- pay compensation
- review its policies and procedures
- review and learn

The orders have to be sensible and reasonable; we can't order a landlord to move someone because we don't know if the landlord has any suitable empty premises.

We make an order to make a difference with the aim of ongoing learning.

Landlords must comply with the orders. Paragraph 9 of our Scheme rules state it is bound by the Scheme and paragraph 56 states the landlord must provide evidence of its compliance.

We monitor compliance with orders. Timeframes are set out in the order, and a copy is supplied to the tenant. Where landlords do not comply with orders, we can raise concern with the Regulator of Social Housing and Secretary of State for Housing. We will, in future, be able to take legal action. If multiple cases are of a similar circumstance, we can complete a special investigation into the landlord to delve further for systemic failings, reviewing the landlords overall approach to complaint handling.

The Housing Ombudsman also works closely with the Regulator of Social Housing, to ensure that social housing residents are able to access their landlord's complaint process, and can

investigate any concerns about potential systemic failings and report these to the regulator for further action, where required.

6. Have complaints in South Holland increased since Covid considering that more people are working from home?

The area was flagged for a meet the Ombudsman event due to its low complaint referrals to the Housing Ombudsman. This can be because residents are not aware of the Ombudsman or because things are being handled well.

Nationally, volumes of complaints have increased significantly due to a number of contributory factors including the role out of a new Housing Ombudsman Complaint Handling Code defining complaints and requiring landlords to tell tenants about the service; increased awareness with social housing tenants following news coverage about terrible conditions in social housing such as the death of Awaab Ishak as well as individual social housing campaigners giving residents increased confidence in making complaints.

7. I have a disabled child and the landlord has said that it is not possible for them to adapt my home and I need to move, however they do not have any other suitable properties for me. Can you do anything to help me?

We can investigate your case and decide whether the landlord has taken reasonable and proportionate measures to help adapt your property or find suitable alternative accommodation. There is mass demand for social housing and there is a national shortage. Other options include the Council (as opposed to the landlord) assisting you with securing accommodation out of the district. We would expect the landlord to speak to other Registered Providers (social landlords) to see if they have suitable properties.

8. Does the Housing Ombudsman Service rules apply to private landlords?

No, they relate to social landlords only at the moment, however parliament is currently reviewing this in the Renters' Rights Bill.

9. Can the Council tell you who a private landlord is?

No, however you can search Land Registry which is a public record of who owns registered land.

10. How often should the Council replace damp proof membrane?

There is no legal timeframe. If a tenant reports a damp complaint, the landlord is under an obligation to investigate and decide if it needs to be repaired or replaced.

11. How does a tenant know if the landlord has learned from a complaint?

Councils will publish policies and procedures on their website. An annual self assessment is produced by the landlord and published on their website. This document includes trends

and themes and improvements made in response to complaints. The landlord is required to complete a self-assessment of complaint handling to the Ombudsman.

Lastly, we can ask a landlord as part of investigations what learning it has done or order it to do a learning lessons review.

12. Why do I have to contact the landlord before I can speak to the Housing Ombudsman Service?

It is only fair that the landlord has the opportunity to put things right in the first instance, however it doesn't stop you from coming to the Ombudsman. You can contact us directly if you believe your complaint is not being progressed in line with the timescales in our Code.

13. What's the role of the contractor within the complaints process?

The landlord is responsible for the actions of the contractor. We will investigate any acts or omissions that the landlord has made as per the obligations of their tenancy agreement. We are currently producing a spotlight report on maintenance, making key recommendations to landlords and contractors.

14. Can I only complain to you online?

There is an online complaint form, a telephone line, an email and an address for postal communication. All information is available at <https://www.housing-ombudsman.org.uk/contact-us/>