



Report to: Audit & Governance Committee Meeting

Date: 7 May 2025

Director Lead: Suzanne Shead, Director for Housing, Health, and Wellbeing

Lead Officer: Julie Davidson, Business Manager Housing Services, ext. 5542

Report Summary	
Report Title	Outcome of Housing Ombudsman Investigation (Ref: 202324726)
Purpose of Report	To inform Members of the outcome of an investigation where the Ombudsman found fault with the Council
Recommendations	That Members note the report, and the lessons learnt.
Reason for Recommendation	Ombudsman investigations which result in the Council being found to be at fault are required to be reported to this committee.

1.0 Background

1.1 A resident complained to the Housing Ombudsman regarding various issues relating to the Council's handling of

- Noise nuisance, anti-social behaviour and inappropriate staff conduct
- Complaints

1.2 When reviewing cases, where fault is found, the Housing Ombudsman has three levels of maladministration:

- Service Failure - the lowest level of maladministration and is reserved for minor failings where action is still needed to put things right.
- Maladministration - where there is a failure which has adversely affected the resident.
- Severe Maladministration - this is reserved for the most severe failings.

1.3 Findings of maladministration are published regularly on the Housing Ombudsman Service website along with spotlight reports which focus on specific issues or service areas to raise awareness and help landlords improve.

2.0 Ombudsman Findings and Final Decision

2.1 The Housing Ombudsman determined there to be maladministration in one area and service failure in two areas:

- Maladministration in respect of the landlord's response to the resident's reports of ASB.
- Service failure in respect of the landlord's complaint handling.

3.0 Orders and Recommendations

3.1 In its final determination, the Housing Ombudsman ordered the Council to carry out the following:

- Apologise to the resident for the identified failures and missed opportunities to improve their situation. The apology should come from a relevant member of the landlord's executive team.
- The landlord is ordered to pay the resident a total of £750 in compensation within 6 weeks. Compensation should be paid directly to the resident and not offset against any arrears. The compensation is to address the distress and inconvenience the resident was likely caused by the above identified issues with the landlord's ASB handling.
- The landlord is ordered to assess the resident's fencing and decorating costs in line with its improvements policy. It may need to contact the resident to gather the relevant details. When it has assessed the information, it must respond to the resident accordingly. The landlord must evidence its actions to the Ombudsman within 6 weeks
- The landlord is ordered to conduct an internal review into the key issues highlighted in this report. Within 10 weeks the landlord should present its findings to its senior leadership/executive team and provide to the Ombudsman a report summarising its identified improvements. The landlord should also cascade the improvements to its relevant staff for learning and improvement purposes.

3.2 The action plan, Appendix A, details completion against these orders and recommendations.

4.0 Lessons learnt

4.1 A formal ASB case must be opened on the live case management system even if declined by the victim / complainant to ensure the ASB case management process is transparent and consistently applied, irrespective of who is the lead department overall. Currently, on the internal system there is not one central point of reference for all departments, the tenancy team has the live case management lists for a central point of reference. It should be noted; in current policy it is not a requirement. The current ASB policy is currently under review; all relevant items within this section will be incorporated in its next iteration.

- 4.2 Managers must check that the case is on the live case system so it can be tracked and record in notes the consideration of the ASB toolkit as part of requirements and good practice. Resolution options from the toolkit should be applied as appropriate, including where they support other agency / departments actions on the same case, but also independently of any actions in the lead department if necessary. Any actions taken by any department involved must be shared to ensure continuity.
- 4.3 At the monthly case review with their tenancy officer, line managers must check that information sharing between the lead department / agency and the tenancy officer is up to date and actions are coordinated. A revised 121 form is now in place to capture this discussion, and this is then reported to the Housing Services Business Manager in 121s. This action will also require other internal departments reviewing and if necessary, updating their protocols to ensure they meet their obligation on formal joint working and information sharing with the tenancy team.
- 4.4 Cases of this nature, with a multi departmental approach should be referred by the lead department to be considered in the internal Corporate Enforcement Group (attended by all departments) to ensure awareness, co-ordinated case management and clear ownership of actions.
- 4.5 Staff have been reminded of the importance of adopting the standard procedure and remaining objective when dealing with challenging and complex individuals. The importance of up-to-date diary notes on the file is a consistent message to all the internal teams involved in case management and should become easier with the new housing management system due to be implemented in the Summer
- 4.6 Staff should always confirm in writing discussions held with residents regarding decisions, actions agreed and following advice/guidance interaction.
- 4.7 Corporate ASB training has been added to the 2025/2026 programme and will include the lessons learnt from this determination. This training will take place following the implementation of the new housing management system in May 2025

5.0 Implications

5.1 Legal - LEG2425/555

The report is for noting only. Procedural changes are being put in place following the decision made by the Ombudsman.

5.2 HR and Training HR2425/244 FK

The recommendation to add this topic to regular 121s is positive as it not only provides an opportunity for cases to be discussed in terms of approach and process, but also for individuals to discuss any concerns and as a learning opportunity where there are alternative approaches.

Reference is made to other departments reviewing their protocols and perhaps a joint review would be useful to ensure a consistent approach in terms of guidance but also to ensure that all employees involved can be held to the same standards.

In reference to Corporate ASB training being added to the 2025/26 programme, if this has not been included in previous training bids, or the recently agreed L & D programme then this should be reviewed with involvement from HR and the Learning and Development Officer.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None.