

Report to: **Audit & Governance Committee Meeting**

Date: 7 May 2025

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Report Summary	
Report Title	Outcome of Housing Ombudsman Investigation (Ref: 202333701)
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
- Services covered by the service charge not being provided
- 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:

- There was maladministration in relation to the landlord's handling of the residents reports about noise nuisance, ASB and inappropriate staff conduct
- There was service failure in relation to the landlord's handling of the resident's report about services covered by the service charge not being provided
- There was service failure in relation to the landlord's complaint handling

3.0 Orders and Recommendations

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

- Apologise to the resident for the identified failures. The apology should come from a senior member of staff and be mindful of the Ombudsman's apologies guidance.
- Pay the resident £350 compensation, broken down as follows:
 - i. £300 in relation to the landlord's handling of the resident's reports about noise nuisance, ASB and inappropriate staff conduct.
 - ii. £50 in relation to the landlord's handling of the resident's reports about services covered by the service charge not being provided.
- Contact resident to discuss any current ASB or noise concerns and apply the ASB policy, if appropriate. The landlord should confirm its discussion, decisions, and next steps in writing.
- Contact the resident to discuss his concerns about services not being provided and provide a response in writing. This should include:
 - i. A breakdown of all charges the resident is liable for in addition to rent such as service charge, support charge, and so on.
 - ii. What is included in each charge with a breakdown of how much is charged for each element.
 - iii. A response regarding the specific services the resident says he has not received.
 - iv. An explanation of how rent pooling works and what it covers.
 - v. The grounds maintenance schedule including what work should be carried out and when.
 - vi. How the resident can dispute charges.
 - vii. How the resident can report dissatisfaction in the future if work is seemingly not done.

- 3.2 An action plan, Appendix A, details completion against these.

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.
- 4.2 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.
- 4.3 Staff should always confirm in writing discussions held with residents regarding decisions, actions agreed and following advice/guidance interaction.
- 4.4 A revision of the 121 form has been completed to include case audits. This will be used by Senior Housing Officers (SHO) and Tenancy Officers at their monthly 121 meetings to record that case management audits have been carried out on all open ASB cases, and that these are recorded with any agreed actions. The audits are then discussed at the SHO 121 meetings with the Housing Services Business Manager.
- 4.5 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

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

5.1 Financial Implications - FIN24-25/1202

The £350 compensation payment referred to in paragraph 3.1 has been funded from the HRA's compensation budget, which has an allocation of £25k for the 2024/25 financial year.

5.2 Legal Implications LEG2425/3372

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

5.3 HR and Training HR2425/555 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.