

# Housing

Ombudsman Service

**Spotlight on:**

**Attitudes, respect and  
rights**

**Relationship of Equals**

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# Ombudsman's Summary



What does the word social in social housing mean to you?

To Mary, whose case we investigated three years ago, it probably meant an affordable, decent and secure home. In her 70s, Mary moved in with her mother to offer care, despite suffering cancer herself.

But her mother could be violent. When Mary told the landlord, it mishandled her safeguarding report and did not take appropriate action. Eventually the violence was too much and Mary became homeless when she should have been shielding during Covid-19. The events which led to these failings are too common in our casework: confusion over processes, siloed-working, a lack of curiosity, poor records and communication.

Mary's experience highlights how the word social means far more than bricks and mortar. A decent home is a basic human need but fair and reasonable services, which recognise individual circumstances, especially when vulnerability presents, can be a human right. This role is not discretionary for social landlords, it should be core.

## **Casework evidence**

Yet the evidence from our independent and impartial investigations shows how the effect of a combined cost of living and housing crisis has put parts of the sector at breaking point, compounded by a narrow vision of what social housing is for; one which is far removed from its conception 150 years ago. This presents choices for government and society, as well as landlords and residents, about what sort of social housing the country wants.

The evidence from our most serious findings points to unfairness in the way that requests and complaints from vulnerable residents can be handled, albeit in most cases I believe this is unintended. In our call for evidence, 68% of residents said their landlord had not made reasonable adjustments for additional needs when asked.

Our report examines how and why vulnerable residents can go unheard. Too often in our casework, residents' vulnerabilities are missed or the response is inappropriate. Too often the concept of vulnerability is ill-defined by the landlord. Disrepair in homes or anti-social behaviour in neighbourhoods is creating – or exacerbating – vulnerabilities. Procedures that should adapt lack agility. Staff are not empowered to

deliver the right outcome or insufficiently trained to follow the right process. These events can serve to exacerbate the imbalance of power that exists between the resident and landlord, which an Ombudsman is designed to redress.

Central to our report is what it means to be vulnerable in social housing today, how landlords can respond effectively, and how to do so without stigma or marginalisation.

We start with who can access social housing, which has fundamentally changed over the last 30 years. Today, while social housing provides diverse, vibrant and proud communities, more than half of households will include someone with a disability or long-term illness and 40% of social tenants report issues with mental health compared to 16% of owner occupiers. A failure over several decades to build enough social homes has accelerated these changes and associated concerns, notably overcrowding, which has made the living environment for some residents worse and the operating environment for landlords more difficult.

Inevitably, this has also changed the notion of 'general needs' housing, whereby the majority of people living in social housing can live independently, without home adaptations or specialist support.

But general needs does not mean no needs. It should be possible to live independently and be vulnerable, especially for a short period, without experiencing detriment because a social landlord did not fulfil its obligations.

Vulnerabilities are not static and, as Mary's case shows, they can depend on circumstances. Her age and health condition were distinct from the domestic violence she experienced, and combined they took on a different dimension with the pandemic. A mother with a premature baby, a resident suffering grief at the death of her daughter, financial distress when the service charge has increased, anxiety about fire safety, young children, worklessness; each can make a resident less resilient and more vulnerable at that moment in time.

Each are individual circumstances we have considered in our investigations, some numerous times.

So we need a broader, more embracing concept of vulnerability, based around individual circumstances, which holds no shame: it could happen to any of us, in any tenure, and at any time. It is clear some landlords have adopted a narrow view of vulnerability through the prism of safeguarding, which is inadequate. Nor can I stress enough the importance for landlords of considering individual circumstances rather than limiting action based too often on a flawed definition of vulnerability.

This approach is important given how individual circumstances should prompt how the landlord assesses and responds to vulnerabilities. In some cases, this may extend to low literacy or English not being the first language. Applying a literal interpretation of vulnerability, or considering it in isolation to individual circumstances, risks an inappropriate response. Therefore, a landlord's response will be effective the more it can focus on the individual circumstances. Yet, I think some confusion has arisen because general needs housing refers to non-vulnerable

households when that is unrealistic and simplistic. Nor does it encourage evolution in our appreciation and understanding of what it means to be vulnerable over the coming decades.

### **Wider society**

Society's appreciation of mental health, dementia, autism, neurodiversity, and much more, is evolving and social landlords' services cannot be isolated from it. It means social landlords would need to adapt their services even if allocations had not changed. The needs of social housing population will continuously evolve. An ageing population, which social landlords, especially in rural and coastal areas, are especially exposed to, will require new responses. Volatility in the labour market, especially with technology and artificial intelligence, could create more fragile livelihoods for social tenants to a greater extent than we've seen since even the Global Financial Crisis. Our report recommends landlords to produce their own "Resident of the Future" analysis for the next ten years.

These are profound changes in society. With them, comes the risk of social injustice and widening inequalities. Tackling those injustices speaks to the core purpose of social landlords. This sector was born out of societal change, so if social landlords cannot rise to these challenges and support residents through uncertain times, who will do?

Ultimately, this is an optimistic report, because I think most social landlords can and want to rise to this challenge. I have met so many passionate and talented staff, leaders and boards during the preparation of this report, who need the tools and resources to achieve the outcomes vulnerable residents, whether short or long-term, need. I have also met at numerous Meet the Ombudsman forums residents who are desperate, in tears, suicidal and accusing the landlord of discrimination and racism because, in their experience, the landlord has failed to keep its promises or respect them.

There is a groundswell of anger and need which is not a media confection; it is often there in the complaints I see and, every complaint I see the landlord has handled too.

### **The future**

So, how do we move forward.

Firstly, I recognise social landlords cannot do this alone. It requires far-reaching reform by government and other agencies, as well as social landlords. It requires a universal statutory definition of the term vulnerable and a renewed definition of general needs housing. Consider, for example, how the guidance on hazards in housing emphasises residents' age but not other factors which may contribute to vulnerability. It requires better sharing of information between local authorities and housing associations to allow the landlord to prepare. It requires a statutory duty to cooperate to be placed on other agencies such as health, social care and the police, because a social landlord should not be a surrogate for those agencies if they retreat

from communities and vulnerable households deserve effective partnership working. Otherwise, there risks being a race to the bottom in service provision.

Our report makes an emphatic case for government action and resource to support social landlords because the current arrangements are not sustainable.

Equally, social landlords need a clear and consistent understanding of their responsibilities. There are strong reoccurring lessons from our casework and we have set a challenge for landlords to be more flexible and agile and to adapt and evolve core services to better meet the needs of vulnerable residents.

Fundamentally, landlords must recognise that the failure to deliver a routine service can act as the catalyst for a prolonged period of service failure which, because of the presence of vulnerabilities, can become more complex to resolve and result in more detriment to the resident. These service failures can lead to a breakdown in trust. Both between the resident and landlord but also within the landlord between staff.

So, landlords need to empower themselves with knowledge about their residents and homes to be more proactive and effective, but too often the records on vulnerabilities are incomplete or ignored. The recent focus on addressing this is encouraging.

Landlords must also transform their vulnerable persons policy from a passive document to an embedded practice. This means continuously stress testing it against the 3Rs – recognise, respond and record vulnerabilities.

But the strategy itself must be sound and landlords must understand better when an individual need becomes a right. Despite the evolution of general needs housing coinciding with the Equality, Human Rights and Care Acts, I have found an inadequate understanding amongst some landlords of their obligations, as well as the interplay of this statute with the Landlord and Tenant Act and statutory hazards.

Landlords need a deep and unambiguous understanding of their obligations and a clearer concept of what vulnerable persons means for their organisation. This is particularly relevant when responding to mental health needs or disabilities, making reasonable adjustments or using unreasonable behaviour policies. Otherwise, the risk is a lottery for residents, with recognition of their rights dependent on the service area or whoever responds to the request or complaint.

It cannot be tolerable for any framework to allow inconsistent, inadequate or incomplete actions given the risks this presents to both residents and the organisation itself. Yet the uneven outcomes I repeatedly see in our casework means this can be the reality at present. So, I want to support the sector to find a common language and understanding of housing and human rights. Although its obligations should be the starting point when considering its approach to vulnerabilities and individual circumstances, meeting legal requirements should be the baseline, not the aspiration.

### **Culture is vital**

Overall, culture remains vital to embed this approach. I cannot stress enough the benefit for leaders of learning from complaints to understand culture given that is

about people and behaviours as are complaints. Landlords will also know how the right action can be undermined by poor communication, and it is striking that 88% of landlords have told us that communication was a barrier to good service. This report does include examples of insensitive and inappropriate communication by landlords with vulnerable residents. So again, they must ensure communication is empathetic and focused on the individual, something I have repeatedly emphasised. Good communication is also about visibility and accessibility of the landlord as well as tone.

This report also restates the importance of good complaint handling and how to achieve that. This matters regardless of the circumstances of the resident, although those circumstances can be key to successful handling. It's vital landlords are confident their complaint procedure is accessible to vulnerable residents and they are aware of the Ombudsman. This matters even more with the statutory Complaint Handling Code from April 2024.

Without progress, I am concerned not only for the detriment residents may experience, but also the impact on talented staff, recruitment and retention. I listen to staff who are struggling. I can see some becoming desensitised and others demoralised. I recognise they are sometimes forced to make decisions with limited information, resources or guidance. Occasionally, I see poor and 'othering' behaviour.

It is incumbent on senior leaders to make sure the right approach is in place, especially where there are mergers. Because as the sector consolidates, larger landlords will become more reliant on processes which, if rigid and unresponsive, can lead to vulnerable residents falling between gaps. Those larger organisations also need to ensure they have the right relationships in the community with other agencies, especially when it is becoming harder to engage those bodies. However, I do think that is achievable even at scale.

### **A new Royal Commission?**

I started by asking what social housing means to you. The popular use of the term coincided with the gradual decline of its availability since the 1980s. Yet its origin was very different, envisioning healthier lives as well as new homes. It arose from a Royal Commission, and we propose a new one, to reimagine the future of social housing, as happened in 1885 and led to an explosion of transformative government-backed interventions, from council homes to garden suburbs.

A Royal Commission is different because it is independent of government and not impeded by politics. This new Commission must reestablish the link between health and housing that is so apparent in our casework. Until the creation of the NHS, governments spent more on housing than health with major housing initiatives, such as the Addison Act to build council homes, led by the health ministry.

The current debate about damp and mould and the death of Awaab Ishak has restated the importance of the relationship between health and housing. Today, the interplay would be different to the late Victorian period, considering mental as well as

physical health and an ageing population as well as employment – speaking to the issues we investigate daily.

It also shows how social landlords could provide an innovative vehicle to engage residents with health and other agencies, given their relationship to the landlord, for both the resident's benefit and effective housing management. There are already signs of that collaboration, and it would be wonderful to see it expand.

Finally, this next Commission could consider the role of public money, presenting a single view of welfare, health and housing spend, given the siloed approach that has existed across all governments for too long.

This sector has a proud history of tackling social injustice and this housing crisis speaks to new social injustices in health, equality and race. It can rise to this challenge for the benefit of the country. Because Mary should never have become homeless, but it was another social landlord who eventually provided a home, and this precious resource is to be cherished and grown.

**Richard Blakeway**

**Housing Ombudsman**

# Our jurisdiction

We can consider complaints from the following people:<sup>1</sup>

- A person who has a lease, tenancy, licence to occupy, service agreement or other arrangement to occupy premises owned or managed by a landlord who is a member of the Housing Ombudsman Scheme (the Scheme).
- An ex-occupier if they had a legal relationship with the member at the time that the matter complained of arose.
- A representative or person who has authority to make a complaint on behalf of any of the people listed above.

This means that, as well as considering complaints from tenants, we can also accept complaints from leaseholders and shared owners. The only category of homeowners who are not eligible to bring a complaint to the Housing Ombudsman about a member landlord are those who own the freehold of their home.

However, we cannot consider complaints where:

- The landlord/managing agent is not a member of the Scheme.
- The complainant does not have a landlord/tenant relationship with a member landlord/managing agent.
- The landlord complaints procedure has not been exhausted.
- They concern matters that are, or have been, the subject of legal proceedings and where the complainant has or had the opportunity to raise the subject matter of the complaint as part of those proceedings.
- They concern matters that involve the level of service charges or costs associated with major works.
- They fall within the jurisdiction of another Ombudsman, regulator or complaint handling body.

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<sup>1</sup> Paragraph 25 of the Housing Ombudsman Scheme lists the people who can make a complaint to the Ombudsman.

# Methodology

We reviewed the cases we determined between 1 April 2022 and 30 June 2023.

We conducted a call for evidence that ran between 8 June and 3 August 2023. This was open to residents, landlords and advocacy services. Questions we asked included:

- what the barriers to effective communication are
- what main issues advocacy services are asked to support residents with and whether they had seen an increase in requests for assistance
- residents' experiences of requesting reasonable adjustments.

We considered academic research by Dr Zalfa Feghali and *The Vulnerability Studies Network*, and Dr Simon Williams' 'Forecasting the Customer of the Future in Social Housing' research study of April 2023. We also considered the Chief Medical Officer's Annual Report 2023, 'Health in an Ageing Society'.

We reviewed statistical information published by the Department for Levelling Up, Housing and Communities (DLUHC), including:

- the English Housing Survey,
- live data on dwelling stock,
- local authority waiting lists,
- social housing lettings and;
- the Statistical Data Return.

We considered census and other data published by the Office for National Statistics (ONS). We reviewed research and data published by the Citizens Advice Bureau, Greater London Authority, House of Commons Library, Research in Practice and Rightmove.

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# Background

## Housing as a human right and public health mission

*“Any future legislation which may be the result of the labours of the Commission will be successful only in the degree that it recognises the natural rights of human beings as paramount, as over-riding as every other consideration.”*

### **- First report of Her Majesty’s Commissioners for Inquiring into the Housing of the Working Classes, 1885**

On 4 March 1884, a Royal Commission on housing was commissioned, the first and only inquiry of its kind to explore the relationship between housing and public health. It identified two great evils: overcrowding and sanitary and structural defects in the houses.

For its time, it was a groundbreaking inquiry. In total it held 51 meetings, touring the slums of urban and rural areas in the UK, gathering evidence from doctors, the police, clergy, government officials and vestry sanitary committee chairs. The Commission examined vulnerabilities through a multi-agency lens, and set about establishing the notion that housing was an inalienable human right.<sup>2</sup> It could take this sweeping approach because of its status and powers as a Royal Commission: while recommended by government, such a Commission was independent of it, politically impartial and able to hold public hearings, call witnesses under oath and compel evidence before making its recommendations to government about what should change.

The Commission’s work was instrumental in inspiring the Housing of the Working Classes Act 1885, which made landlords responsible for the health of their tenants.<sup>3</sup> The landmark document paved the way for a long-running policy symbiosis between housing and health which created the conditions for the mass development of social housing by post-war governments.

It inspired the modern conception of social housing and the first recorded use of the term itself dates from the late Victorian period. However, the first seeds of what can be recognised as a social home came even earlier.

### **The evolution of social housing**

St Martin’s Cottages in Liverpool, built in 1869, are believed to be the first municipal housing anywhere in the world. The city of Liverpool was also the first to recognise the link between poor housing and public health.<sup>4</sup>

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<sup>2</sup> First report of Her Majesty’s Commissioners for Inquiring into the Housing of the Working Classes, 1885, page 81

<sup>3</sup> Hansard, House of Commons debate 10 August 1885, volume 300, columns 1585-621

<sup>4</sup> Colin G. Pooley and Sandra Irish (1994), ‘Housing and Health in Liverpool, 1870-1940’, Transactions of the Historic Society of Lancashire and Cheshire, 193-220, 1994

Social housing helped millions of families living in overcrowded conditions, often sharing facilities with other families, to have the freedom and comfort of their own home.

When Aneurin Bevan founded the NHS in 1948 he was not only the minister of health; housing was also part of his brief. The legacy of the 1885 Royal Commission was that housing and health had become closely intertwined in policy terms, through the design of a government department which united both policy areas, which crystallised their interdependence in the minds of policymakers.

Between 1945 and 1980, local authorities and housing associations built 4.4 million properties. At its peak, 31% of the UK population lived in social housing, making it a common way of life. However, since the 1980s there has been a shift in social housing policies and there are now 1.5 million fewer social housing properties and only 16% of the population live in social housing.

The decline in available housing meant that priority for homes had to be given to those most in need. The reduction in available housing coincided with an increase in unemployment and the associated poverty and social issues. Social housing increasingly housed only the most vulnerable residents, many of whom already faced stigmatisation and marginalisation because of other challenges such as homelessness, unemployment, mental health and disability.

A skewed perception about the make up of social housing residents has created an environment where social housing tenants can be stigmatised and ‘othered’. Following the tragic death of Awaab Ishak, our [special investigation](#) found a culture of ‘othering’ lay at the heart of the landlord’s issues. We found residents were excluded and marginalised based on perceived differences.

That landlord is not an isolated example. We see other examples in our casework where assumptions are reached about residents by landlords’ employees – staff who residents rely upon for understanding, sensitivity, and a service tailored to meet their individual needs.

The Grenfell Tower fire of 14 June 2017 highlighted the devastating impact of ‘othering’ and the inequalities faced by social housing tenants. The issues of disrepair, residents’ safety concerns being ignored, and landlord priorities were brought into sharp focus in the aftermath and subsequent inquiry. Following the fire, Shelter said:

***“Grenfell was the result of a system of regulation that neglected residents and consistently failed to listen to their concerns.”<sup>5</sup>***

The Stigma and Social Housing in England report<sup>6</sup> found social housing residents experience stigma from a variety of sources and interactions which affected their everyday life and life chances. At the same time, some of the vulnerable residents

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<sup>5</sup> Shelter Briefing – [General Debate on Grenfell](#) (October 2019)

<sup>6</sup> Amanze Ejiogu and Mercy Denedo (2021), [‘Stigma and Social Housing in England’](#), Durham University, University of Leicester

facing this stigma are now living in housing which is the oldest and most inadequate in Europe.<sup>7</sup>

It is clear that landlords and residents alike face a challenging shift in the need, availability and use of social housing. The landscape of social housing has changed and with it the financial, legal and regulatory pressure affecting all aspects. Below we explore these changing landscapes in more detail to understand obstacles which has prevented a modern country from fulfilling the original purpose of our social housing; to safeguard public health and enshrine housing as a human right.

## The operational landscape

### Supply and demand

The shortage of social housing, and the pressures it puts on social landlords, is compounding some of the issues we see in our casework. Although the proportion of the English population renting from a social housing provider has almost halved in the last forty years, this is because of a reduction in the number of homes, not because of a reduction in demand. Demand has actually increased and, as at 31 March 2022, there were 1.21 million households on the waiting list for a social home.<sup>8</sup>

In 2008-09, social renters who had been in their home for less than 10 years were asked how long they were on the waiting list before being allocated their current home. The majority had been allocated their current home within six months.<sup>9</sup> In 2021-22, nearly half of current applicants have been on a social housing waiting list for more than two years.<sup>10</sup>

The 2021-22 survey also found that overcrowding was more prevalent in social housing than in private rented or owner-occupied homes, particularly amongst multi-family households and ethnic minorities. Unsurprisingly, overcrowding rates are higher in London than elsewhere in the country, potentially because of long social housing waiting lists and a short supply of other available housing.<sup>11</sup>

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<sup>7</sup> Homebuilders Federation, '[Housing Horizons: Examining UK housing stock in an international context](#)', October 2023

<sup>8</sup> DLUHC, [Live tables on rents, lettings and tenancies](#), Table 600

<sup>9</sup> Department for Communities and Local Government (2010), [English Housing Survey, Household report 2008-09](#)

<sup>10</sup> DLUHC, [English Housing Survey 2021 to 2022: social rented sector](#), Annex Table 3.11

<sup>11</sup> DLUHC, [English Housing Survey 2021 to 2022: social rented sector](#), Introduction and main findings

## Percentage of overcrowded households in England by household type

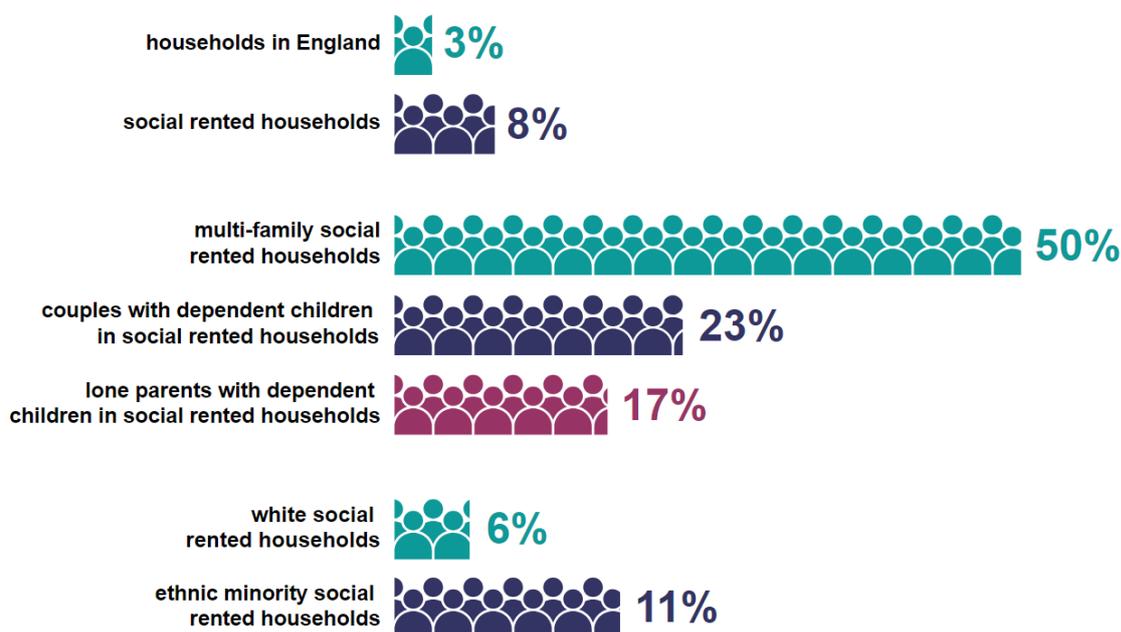


Figure 1 - Percentage of overcrowded households in England by household type<sup>12</sup>

### General needs does not mean no needs

The Regulator's Statistical Data Return (SDR) 2022-23 reports that only 11.5%<sup>13</sup> of social housing stock is given over to supported housing, a proportion which has remained consistent over recent years. Therefore, the vast majority of social housing is provided in the 'general needs' category. It defines general needs housing as "stock that is not designated for specific client groups". This is a broad definition and illustrates the difficulties with the term: **general needs does not mean no needs**.

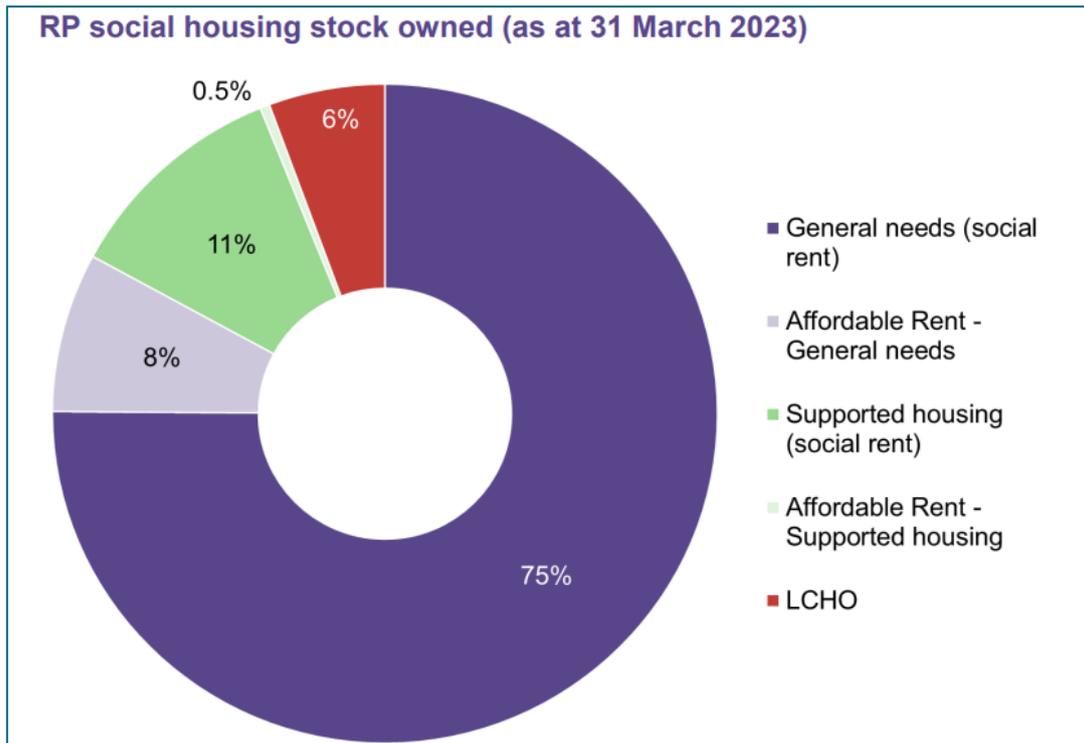
*People who require care and support live in all forms of housing not just supported and retirement housing, which can sometimes be assumed. Many tenants in general need housing are ageing, experience long term conditions or are disabled, or can require safeguarding due to abuse or neglect.<sup>14</sup>*

- Chartered Institute of Housing

<sup>12</sup> DLUHC, [English Housing Survey 2021 to 2022: social rented sector](#), Main findings

<sup>13</sup> Regulator of Social Housing (2023), [Registered provider social housing stock and rents in England 2022 to 2023](#), Stock and rents profile

<sup>14</sup> Chartered Institute of Housing, [Safeguarding](#)



*Figure 2 Registered provider social housing stock owned as at 31 March 2023*

In 2021-22, 43% of new social housing letting households included at least one person with a long-term physical or mental health condition.<sup>15</sup> Digging deeper into the data, the following proportion of potentially vulnerable new tenants were allocated general needs housing, not supported housing:<sup>16</sup>

- 43% of single elder people
- 64% of elder couples
- 73% of those who had been statutorily homeless
- 66% of households who had disability or access related housing needs
- 65% of those households containing a member with a long-term illness
- 67% of those who left their last settled home due to domestic abuse

The government defines supported housing as accommodation provided alongside support, supervision or care to help people live as independently as possible in the community.<sup>17</sup> In 2021-22, 27% of lettings were for supported housing properties.<sup>18</sup> Individuals using supported housing include:

- older people.
- people with a learning disability.
- people with a physical disability.
- autistic people.

<sup>15</sup> DLUHC (2023), [Social housing lettings in England, tenants: April 2021 to March 2022](#)

<sup>16</sup> DLUHC (2023), [Social housing lettings in England, April 2021 to March 2022](#), tenants summary tables, Table 3p

<sup>17</sup> DLUHC (2020), [Supported housing: national statement of expectations](#)

<sup>18</sup> DLUHC (2023), [Social housing lettings in England, tenancies: April 2021 to March 2022](#)

- individuals and families at risk of or who have experienced homelessness.
- people recovering from drug or alcohol dependence.
- people with experience of the criminal justice system.
- young people with a support need (such as care leavers or teenage parents).
- people with mental ill health.
- people fleeing domestic abuse and their children.

These are not always distinct groups, and many individuals have multiple needs.

The recently published House of Commons Committee of Public Accounts report<sup>19</sup> on Supported Housing concluded that demand for supported housing outstrips supply. However, managing agents of supported housing told us there is a distinct lack of the investment, focus, interest and attention from the landlords to successfully provide supported housing. They spoke of the “substantial disregard” shown by landlords for supported housing with declining quality of housing stock and an associated lack of investment. They told us of supported housing not being factored into budgets for uplifts and that it had “drifted off everyone’s agenda”. These views are arguably reflected in the significant cuts to the Supporting People programme, resulting in financial vulnerability within supported housing.

They also told us a similar approach is shown to supported housing residents themselves, with landlords “mentally discharging” them. Examples given included failing to invite them to events and not featuring them in resident participation panels.

Concerns were also raised about landlords and their contractors not understanding the needs of those living in supported housing. Agents spoke of a general disrespectful tone shown to residents, as well as more specific examples such as sending two male contractors, unannounced, to a women’s refuge and the anxiety and distress that understandably caused.

Landlords and policymakers cannot reasonably assert that supported housing is the solution to the increase of people with support needs within social housing, when they are simultaneously failing to fund, value or understand it and the people who require it.

## Demographics

The changing population in social housing can be seen in some of the cases we investigate. Census 2021 gives the median age in England and Wales as 40,<sup>20</sup> rising from 38 twenty years previously.<sup>21</sup> The number of people aged 90 or over continues to grow, though the growth rate has slowed down in recent years.<sup>22</sup>

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<sup>19</sup> Committee of Public Accounts (2023), [Supported housing: Seventy-Seventh Report of Session 2022–23](#)

<sup>20</sup> ONS, [Population and household estimates, England and Wales: Census 2021, unrounded data](#)

<sup>21</sup> Statista (2023), [Median age of the population of the UK 2001-2021](#)

<sup>22</sup> ONS, [Estimates of the very old, including centenarians, UK: 2002 to 2020](#)

The EHS reported in 2021-22 that:

- social renters were, on average, older than private renters.
- renters aged 65 or over were more likely to be in social housing than private rented accommodation.

The previous EHS (2020-21) found that 26% of social renters are aged 65 or over.<sup>23</sup>

Ageing does not inevitably mean cognitive and physical decline and the aging experience is different for everyone. However, with increased age comes a higher likelihood of common conditions such as hearing loss and reduced vision, mobility and respiratory issues, depression and dementia which may all cause changes to the way landlords and residents communicate with, and relate to, each other.

It is thought that one in seven people are neurodivergent – having natural differences in the way their brains work compared to the majority of the population – including autism, attention deficit disorder, dyslexia, dyspraxia and others. A recent University College London study suggested that the number of autistic people in England may be twice as high as commonly cited, with many going undiagnosed.<sup>24</sup>

## Vulnerable groups

As set out earlier, the reduction of available social housing and an increase in those facing challenges means that the needs of residents have become more complex.

The social rented sector contains a larger proportion of vulnerable groups than private rented and owner occupied sectors



Figure 3 Percentage of vulnerable groups in social rented households 2021 to 2022<sup>25</sup>

<sup>23</sup> DLUHC, [English Housing Survey, 2020 to 2021: social rented sector](#)

<sup>24</sup> University College London (2023), [Number of autistic people in England may be twice as high as previously thought](#)

<sup>25</sup> DLUHC, [English Housing Survey 2021 to 2022: social rented sector](#), Main findings

The EHS found that over **half** of households in the social housing sector included one or more members with a long-term illness or disability, significantly higher than other tenures.<sup>26</sup> Those with a long-term illness or disability are over-represented in the social housing sector, and this has only increased in recent years. The EHS 2019-20 estimated that 56% of housing association tenants with a long standing physical or mental health condition lack the adaptations they need.<sup>27</sup>

## Digital exclusion

Access routes for raising issues, including complaints, need to consider digital access. Social renters were the least likely of all tenures to have internet access in their homes; 17% of social rented households (around 700,000 households) had no internet access at home.<sup>28</sup>

## Mental health

Among social renters with a disability, 40% mentioned they were suffering with mental health issues.<sup>29</sup> References to mental well-being are common in our casework. The ONS publishes Measures of National Well-being. There has been an increase in the proportion of adults reporting evidence of depression or anxiety, from 17.8% in 2015-16 to 23.7% in 2020-21.<sup>30</sup> Depression is the [second-most prevalent condition](#) reported to GPs in England.<sup>31</sup>

The actions of a landlord can directly cause residents' vulnerabilities. [Shelter's research](#) highlighted that one in five adults have suffered mental health issues in the last five years *specifically* because of housing problems. Of those adults, three in ten said they had no previous issue with their mental health before experiencing their housing problems.

# What does it mean to be vulnerable in social housing?

The word "vulnerable" is an imperfect term. There is a general perception it is predominantly used to denote weakness or susceptibility to harm, which can result in a reluctance or concern about using it.

The Care Act 2014 defines vulnerability in the context of safeguarding:

"... an adult [aged 18 or over] ...who has:

"(a) needs for care and support...

"(b) is experiencing, or is at risk of, abuse or neglect, and

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<sup>26</sup> As above

<sup>27</sup> Ministry of Housing, [Communities & Local Government, English Housing Survey 2019 to 2020: home adaptations](#), Annex Table 3.1

<sup>28</sup> DLUHC, [English Housing Survey 2021 to 2022: social rented sector](#), Introduction and main findings

<sup>29</sup> As above

<sup>30</sup> ONS (2023), [UK Measures of National Well-being Dashboard](#), 10 November 2023

<sup>31</sup> NHS England (2023), [Quality and Outcomes Framework, 2022-23](#)

“(c) as a result of those needs, is unable to protect himself or herself against the abuse or neglect or the risk of it.”

However, not everyone who is vulnerable will meet this legal definition or require a safeguarding referral.

The EHS 2021-22 included a definition of a vulnerable group as being a social rented household that has at least one household member with a long-term illness or disability. However, having a long-term illness or disability does not necessarily automatically make them ‘vulnerable’ in the literal statutory sense.

The Vulnerability Studies Network (based at the University of Leicester), and work undertaken by Dr Zalfa Feghali as part of the AHRC-funded “Vulnerability: A Research Method for Literary and Cultural Studies” project, highlights the complexity and potential limitations of the concept of vulnerability. There is no current universal definition that is applicable across disciplines. Consequently, it is often a statement applied without concrete meaning and can be used without thinking or exploration. The ‘harm’ focus is too narrow and does not reflect how it is contextual as a term --- vulnerability can be temporary; everyone experiences vulnerability in an individual way; and it looks different for different groups of people, at different times; and does not always take into account how people are made vulnerable or “vulnerabilised” (what are the external, structural factors that render people vulnerable). They refer to a “mythical state of invulnerability” to further illustrate that everyone can experience being vulnerable and that invulnerability is not a realistic aspiration. The key question is: who determines whether someone is defined as being vulnerable?

### **Who determines whether someone is defined as being vulnerable?**

The vulnerable person themselves may not recognise or identify themselves as such or may feel reluctant to disclose this. Citizens Advice research<sup>32</sup> found that only 40% of people with a mental health problem have disclosed or are willing to disclose their problem in the right circumstance, and that more than half of those people would only disclose their problem if it resulted in receiving support from their provider. Although residents have a responsibility to inform their landlord of their vulnerability and any associated support they require, they may not feel inclined to do so if they lack confidence in how this information will be used.

The Housing Ombudsman Service defines vulnerability as:

**A dynamic state which arises from a combination of a resident’s personal circumstances, characteristics and their housing complaint. Vulnerability may be exacerbated when a social landlord or the Housing Ombudsman Service does not act with appropriate levels of care when dealing with a resident’s complaint... if effective reasonable adjustments have been put in place, the vulnerability may be reduced.**

This approach places the emphasis more on individual circumstances as well as what can both increase and reduce a resident’s vulnerability. It recognises that

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<sup>32</sup> Citizens Advice (2019), [Counting on it](#)

vulnerability and any associated additional needs may change and can be influenced by external factors, including how parties interact with the resident and whether they ensure adjustments are considered and made.

### **Residents are at risk of being labelled, but without any of the associated benefits a label can bring.**

Landlords' approach to vulnerabilities is vital, including the need to recognise, adjust and respond to their residents' individual circumstances. Social housing residents are ageing, increasingly vulnerable and disadvantaged. Landlords must adjust approaches and attitudes to meet the needs of this changing population. Without this approach, residents are at risk of being labelled, but without any of the associated benefits a label can bring.

There is an increasing recognition that close attention must be given to the particular circumstances of the individual 'in the round' – looking at the cumulative effect. <sup>33</sup>

Dr Simon Williams' research study in April 2023 'Forecasting the Customer of the Future in Social Housing', predicts that social housing residents in the next 3-5 years will be more diverse – "from the most vulnerable with the fewest options to those who would have traditionally had a choice of tenure", with hardship and poverty a dominant characteristic. <sup>34</sup>

The study also found residents will expect landlords to better understand their needs and service expectations. Crucially, to support the 'whole person'; not just provide housing. To prepare for this, the study suggests:

"[An] evolving organisational culture - paradoxically, as the influence of technology develops, a greater emphasis upon human-centred organisations will emerge, driven by a re-evaluation of the core purpose of social housing."

### **The statutory framework**

The last forty years has seen housing and human rights legislation evolve in parallel. Core housing legislation, including the Landlord and Tenant Act 1985 and the Housing Act 2004, has codified the responsibilities of landlords but also how they interact with residents given the notably the Human Rights Act 1998 and Equality Act 2010, including making reasonable adjustments. This has been amplified by the regulatory standards following the Social Housing (Regulation) Act 2023. This statutory framework should be central to the landlord's approach as it is to the decision-making of the Ombudsman and the basis of the recommendations in this report.

Reasonable adjustment means a change to service provision which seeks to, as far as possible, remove any disadvantage faced by those with a protected characteristic or a vulnerability. These should be anticipated, as well as reactive.

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<sup>33</sup> National Homelessness Advice Service (2021), [Vulnerability and priority need: advising clients](#)

<sup>34</sup> Dr Simon Williams (2023), [Forecasting the Customer of the Future in Social Housing](#), Service Insights Ltd

The Equality Act, the Human Rights Act and the Care Act should all help shape and influence the policy to help the landlord meet its legal requirements. The policy should incorporate the guidance for social housing providers published by the Equality and Human Rights Commission,<sup>35</sup> which gives examples and an interpretation that provides a framework for what themes are required in policy and links them to the Equality Act's protected characteristics.

However, it is not sufficient to merely meet legal requirements. Landlords should extend beyond these and move to a 'human-centric' model of service provision where they respond to a vulnerable person's individual needs and circumstances.

The statutory framework is set out in more detail in the Appendix.

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<sup>35</sup> Equality and Human Rights Commission (2011), [Human rights at home – Guidance for social housing providers](#)

# Key data from our call for evidence

Our call for evidence survey opened on 8 June 2023 and ran for eight weeks to 3 August.

We received 1,663 responses to our call for evidence for this report:

- 1,275 from residents
- 171 from landlords
- 217 from advocacy services, including Citizens' Advice.

This is triple the number of responses received in response to our call for evidence about damp and mould, which not only suggests an increase in awareness of the Ombudsman's work, but also demonstrates the importance of this issue within the sector.

We also received several separate submissions outside of our survey from individuals and landlords.

## Residents

### Communication

We asked residents to rate how well they thought their landlord kept them informed about:

- Updates to their repair requests.
- Changes to rent and service charges.
- Changes to their named housing officer.
- Changes to policy, guidance or legislation.
- How to make a complaint.
- How their landlord is performing.

We asked residents to rate these activities on a scale of 1-5, with 1 being not at all and 5 being very.

### ***"We are powerless cash cows" – A resident***

Most residents rate their landlord between 3 and 5 when keeping them informed about changes to rent and service charges. However, for everything else, more than half of residents rated their landlord at 1. This suggests that residents perceive their landlords are only interested in money, rather than the condition of their homes or the landlord/tenant relationship.

## Disability and reasonable adjustments

58% of resident respondents said they considered themselves to have a disability. Of those, only 19% said their landlord had made reasonable adjustments for them. 5% of residents responded that they had not told their landlord about their requirements or otherwise had not asked for any adjustments. However, 68% - more than two-thirds - said that their landlord had not made any reasonable adjustments despite being asked to. Many respondents referred specifically to the lack of aids and adaptations in their home, reflecting the EHS findings that over half of housing association tenants lack the adaptations they need.

## Digital exclusion

A strong theme in resident responses was digital exclusion – unequal access to, or capacity to use, digital technologies. This is reflected in the EHS findings referred to above.

***“There is plenty of info on the website but not everyone has access to this” – A resident***

Many resident respondents reported a ‘one size fits all’ approach to communication, frequently with reference to digital communication, which often doesn’t reach the entirety of the intended audience and fails to consider individual personal circumstances. Residents referred to a loss of letters, estate notice boards and face-to-face contact.

***“For them to say that email is easier isn’t good enough. How many disabled, poor and elderly residents have missed out on this communication?” – A resident***

## Contacting landlords

Another theme was the difficulties some residents experience when trying to contact their landlord. This was also reported by advocacy services who are often approached to assist residents with effective communication with their landlord.

## Landlords

We asked landlord respondents whether they felt there were any barriers to effective communication with their residents. The majority of landlords (88%) answered yes.

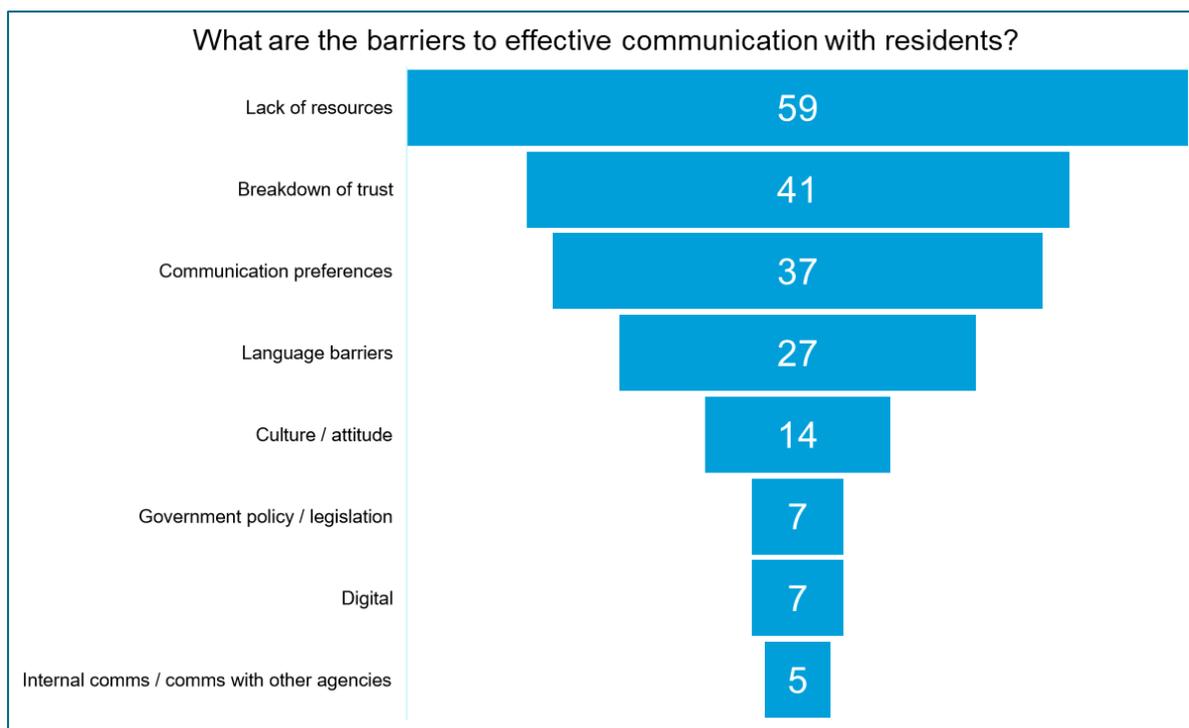


Figure 4 What are the barriers to effective communication with residents?

Lack of resources included: a lack of time with increasing workloads, no customer relationship management (CRM) systems or inadequate records of communication preferences, and sourcing translation for documents. Landlords also acknowledged the digital exclusion of residents as a problem.

***“A key challenge is the decline in the opportunity for customers to access the required social care support from local authorities and third sector partners. This means that communication which would previously have come through partnership working with colleagues such as Community Mental Health Teams, is no longer as readily available to us. This affects our ability to support some customers as well as we would like” – A landlord***

However, landlord respondents also said that the internal culture and attitude of their organisations hampered communication with residents.

***“Tenants who challenge the CEO and directorate's narrative are seen as troublemakers to be quashed” – A landlord staff member***

A smaller proportion of landlord respondents referred to the legal and regulatory framework and Government policy as barriers, with one citing the “burgeoning and complex legislation and lack of a cohesive housing policy by successive governments.”

***“...the declining provision of social care and the provision of statutory services by local authorities and their third sector partners means an***

### *increased need for landlords to manage often really complex situations with limited professional support” – A landlord*

Two landlord respondents cited GDPR as a barrier to communicating with residents, specifically that the definition of ‘legitimate interest’ presented challenges to communicating with residents about support and services they may be able to provide. Another landlord respondent referred to their use of ‘psychographic segmentation’ – using data to classify residents based on psychological factors rather than demographics – an advertising and marketing technique that uses all the knowledge about a person that an organisation has.

### Advocacy services

94% of advocacy service respondents reported that there had been an increase in support requests over the past 18 months. Staff at Citizens Advice also reported an increase in requests for support from social housing residents.

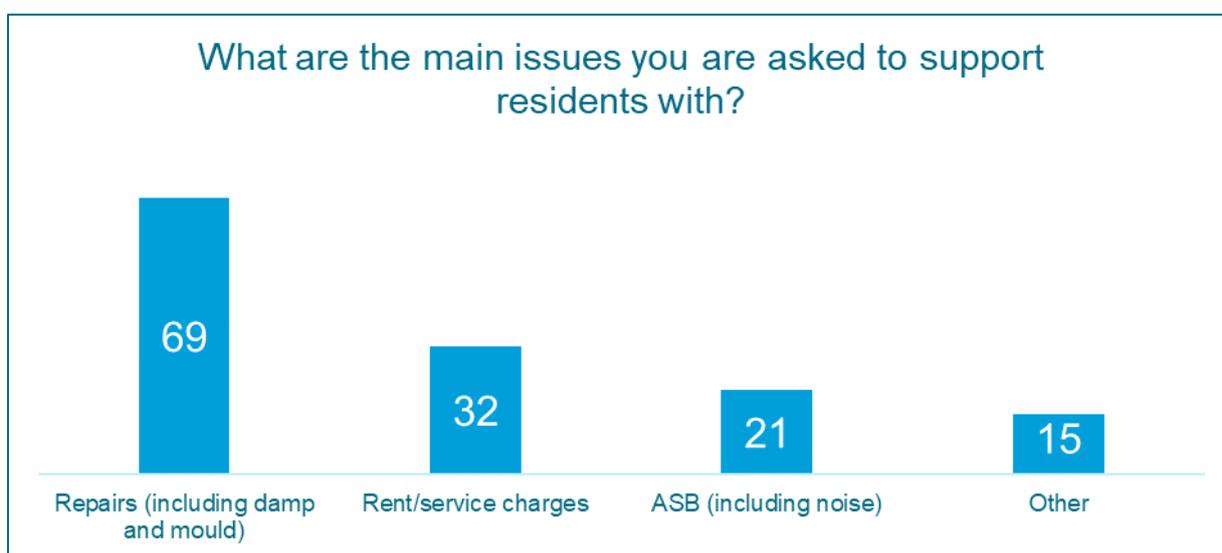
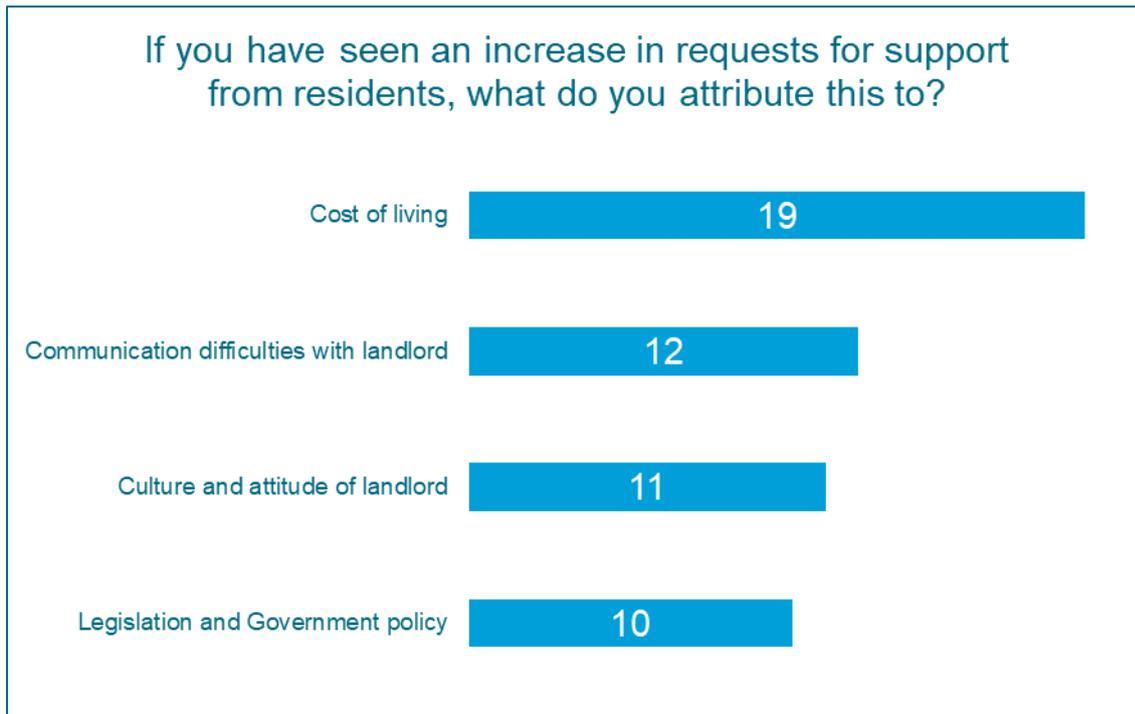


Figure 5 What are the main issues you are asked to support residents with?

*Other includes homelessness and housing allocations, finances and benefits, legal issues including possession proceedings, and general assistance in communicating with landlords.*

Advocacy services attribute most of this rise in support requests to the current ‘cost of living’ crisis. EHS 2021-22 data found that 74% of social renters had no savings, compared to 48% of private renters, and 18% of social renters were in arrears, either currently or within the last year.<sup>36</sup>

<sup>36</sup> DLUHC, [English Housing Survey 2021 to 2022: headline report](#), Section 1: Households



*Figure 6 If you have seen an increase in requests for support from residents, what do you attribute this to?*

Several advocacy service respondents referred to the difficulties some residents experience in navigating telephone call centres. Similar to residents, advocates also raised concerns about the reliance on single methods of contact.

***“Sending letters to vulnerable residents is no use if they can’t read, won’t open, or won’t engage with their post” – An advocacy service***

The benefits of in-person contact and support for vulnerable residents was stressed by respondents; a simple knock at the door to check in on residents can help to maintain and improve the landlord/tenant relationship. Landlord respondents also raised the lack of face-to-face service provision as a problem, highlighting that a lack of resources and increasing demands on their services was a barrier to personal contact.

***“Human contact is the key - not computer-generated letters, online contact forms or distant call centres” – Citizens Advice Mendip***

Unfortunately, many advocacy services described the attitude of social housing providers in less-than-flattering terms. One described “housing officers who have become completely disillusioned with the work that they do,” while another said that landlords can be “obstructive and reluctant to carry out repairs”. There is a perception amongst respondents that landlords are not interested in responding promptly to complaints and that residents face “difficulty getting listened to”.

# Key data from our casework

The cases referred to in this report were either received or determined between 1 April 2022 and 30 June 2023. Any landlords that have high maladministration rates or findings in these categories will be invited to take part in our Centre for Learning e-learning and workshops in the coming months in order to drive improvements in these areas.

## Complaint categories

Each case received or determined will include one or more category recorded on it that reflect the complaint(s) made. For this report, we have focussed on determined cases which included one or more of the following categories:

- **Staff conduct** - Complaints about the actions or behaviour of the landlord's staff or contractors.
- **Complaint-handling** – specifically where the landlord has refused to consider a complaint, failed to clarify their understanding of a complaint with the resident or manage the resident's expectations as to the likely outcome of the complaint.
- **Contact restrictions** - where the complaint concerns the landlord's decision to restrict a resident's communication with it.

### Staff conduct

In the period covered by this report, we received 973 cases and determined 183 cases where staff conduct was recorded as a specific category of complaint, making 193 findings.



Figure 7 Staff conduct maladministration rate



Figure 8 Staff conduct findings

We find a lower rate of maladministration in cases where residents are directly complaining about members of staff.

We ordered or recommended over £14,000 compensation in this period to remedy complaints about staff conduct. The highest amount ordered was £1,000 in [202117404](#) where the Ombudsman found that the attitude and approach of a housing officer adversely affected a suicidal and disabled resident, and the landlord's subsequent failure to fairly respond to the complaint then prolonged the distress.

We have also ordered landlords to provide appropriate levels of information to residents on how they have handled the staff/contractor allegations. Other individual remedies have included:

- Apologies
- Reviews of decisions to restrict contact or warning markers
- More effective record-keeping around vulnerabilities
- Reminding contractors to act appropriately and in accordance with landlord expectations of conduct.

More broadly, we have ordered landlords to review, and train staff on, vulnerability-related and reasonable adjustment policies and procedures.

### Complaint handling

In the period covered by this report, we received 1,216 cases and determined 170 cases where the landlord had either refused to consider a complaint or failed to engage with the complainant effectively. While these complaints were not necessarily from vulnerable residents, approximately 40% of the residents who complained in these cases told us about a disability or vulnerability they were experiencing. We made 171 findings.



Figure 9 Complaint handling findings

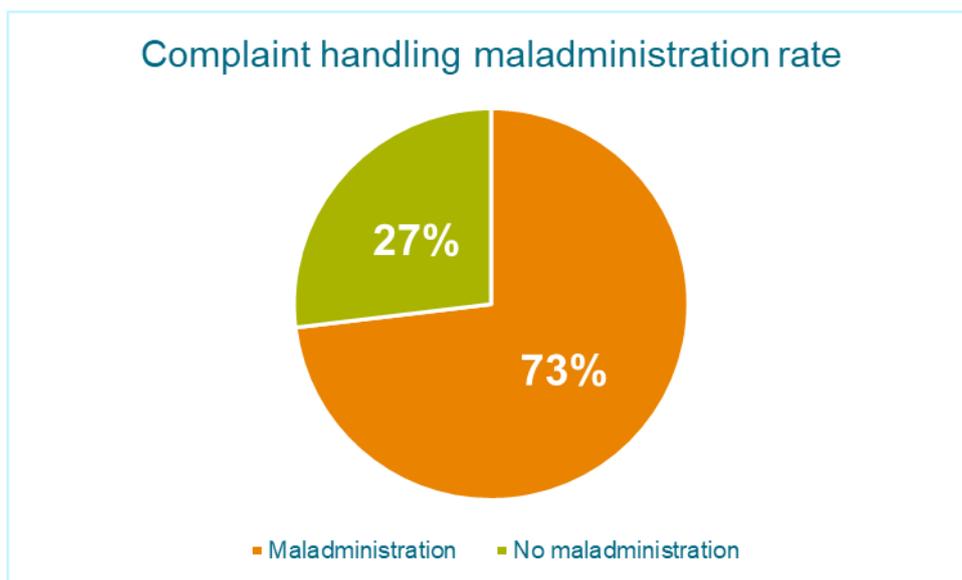


Figure 10 Complaint handling maladministration rate

In contrast with staff conduct, we are finding a high level of maladministration in complaints handling. We ordered over £31,000 compensation.

The Housing Ombudsman’s current Complaint Handling Code states that landlords must accept a complaint unless there is a valid reason not to do so, and that complaints policies should set out fair and reasonable circumstances in which a complaint will not be considered. Where landlords have inappropriately refused to consider a complaint, we have made orders that they review their policies and procedures to prevent this happening again.

We have also ordered or recommended that landlords consider our guidance notes on complaints which are commonly, but unreasonably, not accepted. These included

our guidance on the [Pre-Action Protocol for Housing Conditions Claims and service complaints](#), and [unacceptable behaviour](#),

## Cross-cutting themes

We also record the common key issues, or ‘cross-cutting themes’, which arise in a complaint received or determined. This allows us to identify complaints which have a common factor, whatever the subject of the complaint.

In this report, we considered the following cross-cutting themes:

- **Communication** - where there was a lack of clarity, a delay, or some other factor within the landlord’s control that negatively impacted their communication with the resident.
- **Behaviour of staff or operative** – where staff and/or contractor behaviour was an underlying theme to the complaint, but not necessarily what the complaint was about.
- **Bias / prejudice / discrimination by landlord** – where there is a suggestion that, across its actions, the landlord and/or its contractor has treated the resident or residents unfairly or inappropriately.

In this reporting period (1 April 2022 to 30 June 2023), 68% (2,425) of all cases determined included ‘Communication’ as a key issue.

325 cases determined included the behaviour of staff or operatives as a key issue. There was a maladministration rate of 44% in these cases, which were either directly about staff conduct or one of the two main complaint categories - anti-social behaviour (ASB) or property condition.

We determined 192 cases where bias, prejudice and/or discrimination by the landlord was recorded as a key issue, finding maladministration in 36% of complaints. The majority of these complaints were about ASB or staff conduct. We ordered over £32,000 compensation in the period for these complaints. Over £1,400 of this was related to landlord failures to adequately investigate allegations of bias or discrimination.

## Insight from our casework

We have excluded any cases that referenced how service delivery was impacted by the Covid pandemic as those were exceptional circumstances and are not reflective of a normal operating environment. *Please note that throughout these case studies there are mentions of suicide, bereavement and other descriptions that people may find upsetting.*

From our casebook, the issues seen around communications and relationships can be broken down into two main areas: people and processes.

People in this context means the behaviours of landlord staff: attitudes, belief systems, tone and approach. Processes refer to the external and internal frameworks the landlord adheres to, such as its policies and procedures, as well as its legislative and regulatory requirements.

## People

***“The single biggest problem in communication is the illusion it has taken place” - George Bernard Shaw***

Regardless of the demographics of those involved, or the type of service provision – from allocations through to repairs – the overarching theme was the manner in which the landlord has communicated with, or failed to communicate with, its resident. As stated above, over two-thirds of the cases considered for this report featured communication as a key issue, and in our call for evidence residents overwhelmingly rate their landlords as poor communicators across vital services.

The main areas of concern included insensitivity, dismissing the resident and their lived experiences, and offensiveness - including an accusatory tone.

These attitudes and approaches by landlords, or those working on their behalf, often resulted in allegations of discrimination or unfavourable treatment. This was then compounded by a failure to give respect and recognition and investigate the allegation. Where a resident already feels they are being treated unfairly and their complaint is then ignored, partially responded to, or the response is hostile, this reinforces their view and erodes their trust or faith in the landlord, causing a relationship breakdown.

### **Case study - dismissive approach and lack of empathy**

Mrs P was the victim of an arson attack by a neighbour. The police investigated, referred the matter to the Crown Prosecution Service and confirmed the matter would go to court.

Mrs P requested a move. Victim Services wrote to the landlord and asked it to give priority to Mrs P’s application to be re-housed, citing the significant distress she had endured. This was also supported by Mrs P’s doctor, who described a history of physical and mental ill health - including a previous suicide attempt - and said her current housing circumstances were causing stress and detriment to her health. The landlord subsequently wrote to Mrs P but made no reference to this letter. Instead, it claimed there was “no evidence” of ASB and suggested mediation between Mrs P and the alleged perpetrator. Mrs P declined due to the ongoing criminal investigation.

The landlord offered Mrs P an alternative property. Mrs P expressed concern about its location as it was still near the alleged perpetrator’s home. The landlord did not address this concern, nor did it offer any alternative properties.

The landlord advised Mrs P it could not respond to her complaint about the handling of the ASB as it was subject to legal proceedings and as such, was excluded from its complaints policy.

We found significant failings in the landlord's approach and made a finding of severe maladministration. The landlord was dismissive of the incident, Mrs P's situation and the effect. No empathy was shown, despite Mrs P feeling compelled to leave her home of 17 years. We ordered the landlord to pay Mrs P £1,800 in compensation for distress and inconvenience. We also ordered the landlord to review its complaints policy and staff guidance to ensure staff are aware of the need to consider the individual circumstances of each complaint.

As emphasised in our [Spotlight report on noise complaints](#), where the resident is not afforded respect, neither are their concerns. This was evident in the case of Mrs P. We were unable to understand why the landlord would have been of the view there was no evidence of ASB when the matter had already been referred to court. This had the effect of diminishing Mrs P's lived experience and then failing to offer her appropriate advice and support – mediation was not appropriate in this situation. Additionally, the landlord was incorrect in its assertion that it could not consider her complaint, as this would have had no bearing on the legal process.

#### **Case study - lack of tact and sensitivity regarding medical condition**

Miss J lives with her daughter, they both suffer with medical conditions. Miss J is described by her doctor as being severely frail while her daughter is living with multiple sclerosis and uses a wheelchair; she is terminally ill.

We previously ordered the landlord to carry out several repairs to Miss J's property. The landlord had agreed and attempted to start on the repairs within the following two months.

The landlord did not demonstrate any proactive behaviour in trying to begin the repairs and although it was aware of the state of the property and the family's vulnerabilities, it continued to provide a generic response to her requests for assistance. Miss J also began to raise issues of staff conduct. She reported one member of staff shouting at her and another commenting on her housing options if her daughter "passed away". The landlord took the stance that Miss J must have misinterpreted the meaning of what had been said, but it was unable to provide clarity on the exact conversation. Either way, the comments were insensitive and inevitably caused distress.

We made a finding of maladministration and ordered the landlord to apologise, provide compensation of £450 and that it provides detailed information about the repairs needed and how long each would take.

The example of Miss J shows how landlords need to be aware of the language and terminology they use around people's health and medical conditions. Staff must be equipped to have difficult and delicate conversations with residents about matters such as terminal illness and what that means for their housing situation. This is a professional skill and one that staff may need specific training in.

Bereavement, grief and loss are further areas which need to be handled with the utmost sensitivity and empathy. This starts with a recognition that grief can make an individual vulnerable and in need of additional support. We have seen instances in our casebook where landlords have failed to consider this and have shown a disregard for the resident's grief or loss. In a [recently published](#) severe maladministration case, we ordered the landlord to pay £3,650 compensation after pests caused damage to the resident's late daughter's belongings. We have also seen more than one case where the landlord has lost the ashes of residents' family members. This shows an inappropriate level of carelessness, as well as a lack of consideration and respect.

### **Case study - lack of sensitivity and poor communication**

Miss T reported that the cladding on one side of the property had blown off into her and her neighbour's garden. The landlord said it believed the cladding to contain asbestos and it would ask its asbestos contractors to attend the property urgently to remove the fallen cladding.

Miss T called the landlord the next day and complained the cladding had not yet been removed. She expressed worry that she, her daughter, partner and neighbour had all touched the cladding without gloves on.

As there had been no progress, Miss T called the landlord again the following day. The cladding was removed two days later, and it tested positive for asbestos.

Around three weeks' later, Miss T called the landlord and asked when the cladding would be replaced. An internal email states Miss T was "upset".

Over a year later, the cladding had still not been replaced and Miss T said this was causing her to spend more money on heating. During this time, the landlord did not keep Miss T updated as to the status of the cladding replacement.

The landlord partially upheld Miss T's complaint, apologised for the delay in replacing the cladding and offered £175 in compensation.

We found maladministration. Its response and compensation failed to recognise Miss T's distress and the increase to her heating bills.

We ordered the landlord to pay Miss T £1,100 in compensation, in addition to compensation for her additional heating costs. We also ordered the landlord to provide Miss T with a timetable of when the work to replace the cladding would be completed, and to write to her with details of what risk, if any, she, her family and neighbour were exposed to.

The landlord was insensitive to Miss T and her concerns throughout. It failed to acknowledge her concerns about the asbestos, and then did not keep her updated as to when the replacement cladding would be fitted. Although there may have been legitimate reasons as to why the cladding could not be replaced for fifteen months, Miss T should have been kept informed. The landlord should also have worked with Miss T to try and mitigate the resulting lack of insulation and find solutions to the issues she was experiencing.

There are many instances of landlords blaming residents and adopting an accusatory approach in the cases we see. This includes continuing to blame 'lifestyle' for damp and mould concerns, despite our [Spotlight report](#) and [follow-up report](#), which refers to the use of a word lifestyle as a barrier, a judgement and an accusation. By limiting the focus to lifestyle, this is too often at the expense of exploring other possible causes, such as structural issues.

We have also seen this approach in other areas of service provision, including repairs and pests.

#### **Case study - Accusatory attitude to resident**

Miss B suffers from mental ill health including depression, anxiety and panic attacks. She complained to her landlord about the behaviour of one of its contractors. The landlord chose to believe the word of the contractor over Miss B and told her she would be treated better if she was 'nicer'.

In its stage one response, it told Miss B her complaint was based on:

"...micro-observation and surveillance, which only contrived to heighten an already stressful environment. Not only for you but also the operatives undertaking the work when they know every move and interaction was being recorded for no obvious reason. This only leads to misinterpretation of a situation when emotions and assumptions offer a different conclusion to an innocent action or communication."

We found maladministration. The landlord's response was unprofessional and lacked objectivity and empathy. We ordered the landlord to pay Miss B £550 compensation. We also recommended improvements to customer care.

It was highly inappropriate of the landlord to suggest that Miss B was to blame for the alleged issues and that they could be resolved if she were 'nicer'. The landlord had not investigated the matter and so had no evidential basis on which to make that assertion. Instead, it offered what amounted to its personal opinion of Miss B.

There was no evidence the landlord considered why Miss B felt it necessary to 'micro-observe' and it was dismissive of this element of her complaint.

The landlord also made Miss B feel she was treated differently because of her complaint. Such an approach to complaint handling risks discouraging a resident from making reports or complaints.

***"They [landlords] expect you to be a nightmare, and you have to prove you are not" - Resident quote***

We also found examples of landlords inadvertently copying residents into offensive internal communications. In one case, the landlord described the resident as "difficult and challenging". The resident was understandably upset to see themselves described in this way and it caused a further breakdown in the relationship.

In another example, we found severe maladministration in respect of a landlord's handling of ASB reports. This included making a series of inappropriate remarks

about the resident in internal communications, including saying they “had not bothered” to put a call from the resident on the system. This approach was not only disrespectful and unprofessional, but it also sets a dangerous precedent in terms of who is perceived as being ‘deserving’ of having their contact recorded. It is also contrary to the principles of good knowledge and information management.

Internal communications about residents should be factual, respectful and avoid opinion or judgements. Where a culture exists which permits residents being described in such personal and emotive ways, that will undoubtedly be reflected in their direct communication, and subsequently their relationship, with residents.

We have seen examples of landlords taking steps to repair relationships that have broken down. In one case, the resident complained that the landlord had sent an offensive email to him. The landlord investigated, agreed and undertook a training needs assessment. In another, the resident complained the landlord had been “dismissive, unhelpful, rude and patronising”. The landlord accepted there had been shortcomings in communication and arranged customer service training for all staff. In a further example, the resident complained a member of staff had been “rude and abrupt”. The landlord listened to the call recording, agreed, apologised and informed the resident it had introduced random call sampling as a result.

These examples show the importance of listening to residents’ feedback and complaints. They also demonstrate the power of accepting when service standards have fallen short and acknowledging accountability, coupled with demonstrating a willingness to rectify these and prevent further recurrence.

## Processes

### Vulnerabilities

The failings we found in our casebook were either a failure to act on vulnerabilities because they were not recorded on the system, or a failure to take known vulnerabilities into account when making decisions or providing the service. As above, many of our findings of severe maladministration are made in cases where the resident was vulnerable, compounding the detriment caused by the service failures they experienced.

As set out in our Spotlight report on [Knowledge and Information Management](#), recording vulnerabilities is the first step in providing a sensitive and responsive service. This information must also be kept up to date, be accessible, and be shared and used appropriately. This could be captured at the start of a tenancy or during a tenancy audit. We have, however, seen landlords using more informal, but equally effective, methods. One landlord holds an annual summer fête for all its residents. It uses this as an opportunity to speak with them, learn more about their current situation and what help they might need.

All residents have the right to expect their landlord to act within the requirements of the Equality Act, Care Act and Human Rights Act. When considering its approach to vulnerabilities and individual circumstances, meeting legal requirements should be the baseline, not the aspiration. Landlords should consider creative, person-centred and bespoke responses to the individual needs of their residents.

### **Case study - failing to consider vulnerabilities**

Ms V is an elderly wheelchair user. Before she moved in, the landlord's contractor removed the carpet and noted that this had left an "extremely sticky" residue. Ms V reported that this restricted her mobility around the property and claimed that she had been injured as a result. The landlord's first attempt to clean it off did not work and it was classified as a hazard by the local authority Environmental Health team.

Ms V asked the landlord to fit new flooring to resolve the problem, which was one of several issues she had with the property. The landlord said no, saying she had refused access, terminated telephone calls, and been rude to staff and contractors. It then issued a Section 21 notice (sometimes referred to as a 'no fault' eviction notice) before it was legally allowed to, which was challenged by Ms V's solicitor. The landlord later decanted Ms V to a hotel and resolved the problem.

In its complaint responses, the landlord denied that the flooring had been sticky upon letting or that it had removed previous floor covering. It described the problem as "perceived" by the resident and said it had gone above and beyond by working to clean the floor and lay new flooring.

We found severe maladministration in both the landlord's response to Ms V's flooring concerns and her formal complaint. We ordered the landlord to pay Ms V a total of £5,687.78 compensation. We also recommended the landlord to consider whether any additional processes need to be introduced to verify the flooring of wheelchair adapted properties and ensure it is appropriate.

### **Case study - failure to consider vulnerabilities and risk**

Mrs E left her property due to domestic abuse. When she contacted the landlord for advice about her tenancy, it told her to return to the property and contact the police if her ex-partner denied her access.

Mrs E raised three stage 1 complaints about the landlord's response to her request, but the landlord failed to respond until she raised a further complaint 12 months later. Mrs E felt ignored and lost confidence in the landlord because of its poor response to her situation and complaints.

We found severe maladministration with the landlord's response to reports of domestic abuse, complaint handling and record keeping. We ordered the landlord to apologise to Mrs E, pay her compensation and conduct a case review. We also ordered the landlord to work with the local authority to address Mrs E's housing needs and refer her to the appropriate support services.

The landlord failed to consider the risk to Mrs E. Its poor case recording and information sharing meant it missed opportunities to work with other agencies to protect and support her. The landlord also failed to record Mrs E's vulnerabilities and consider these when it was communicating with her and making decisions about her case.

We did see examples of landlords adopting a human-centric, sensitive, and tailored service to their residents, such as: making appropriate referrals to partner agencies; ensuring information or correspondence had been received and understood; and a willingness to do things differently. In one example, we found the landlord had gone 'over and above' by installing a 'smart' doorbell for the resident. Landlords should seek to routinely look at such individual solutions.

### **Case study - good practice regarding vulnerabilities**

Mr Z is dyslexic, suffers from depression, and is recorded as vulnerable on the landlord's system.

Before Mr Z moved in, an inspection identified a new kitchen was needed and a schedule of works was drafted. In recognition of Mr Z's needs, the landlord requested an occupational therapy (OT) assessment of the property to make sure it was suitable.

Less than a month after moving in, Mr Z complained the property was not suitable and provided details as to what each issue was, both internally and with the garden. Mr Z requested the kitchen to be re-designed.

The landlord responded to each concern in turn. It had sought further confirmation from the OT and the contractor. It suggested Mr Z allow the contractor to visit the property again to view the garden, which Mr Z did not agree to. The landlord called Mr Z to try and encourage him to agree to the contractor's visit. Mr Z again declined and then logged a concern with the landlord about this phone call; the landlord raised that as a new formal complaint.

The landlord explained it could not justify a re-design of the kitchen as there was no medical need for this, as confirmed by OT and the adult social care team (ASC).

In accordance with Mr Z's needs, the landlord followed up each written complaint response with a telephone call. This was to allow Mr Z time to process the information and then discuss it.

Although the OT and ASC both confirmed the kitchen was suitable for Mr Z's needs, the landlord offered Mr Z a compromise and arranged for its Voids Team Leader to make some modifications to the kitchen to alleviate some of the difficulties Mr Z was experiencing.

We made a finding of no maladministration. There was no obligation for the landlord to redesign the kitchen in accordance with Mr Z's request. It offered practical alternatives and solutions to try and improve the situation for him.

The good practice in this case started with the landlord knowing Mr Z's needs, ensuring they were recorded on its system, and ensuring they were considered throughout the process.

The landlord recognised its own role and responsibilities regarding Mr Z's vulnerabilities, but also where it needed the expertise and input from partner agencies, such as OT and ASC.

The landlord consistently communicated effectively with Mr Z. Each concern was responded to and given the individual care and attention necessary. Additionally, the landlord ensured Mr Z had processed the information and spoke to him after each letter to try and avoid any misunderstandings, stress, or worry for him.

### **Reasonable adjustments**

Not all landlords understand their requirements, obligations and duties on reasonable adjustments, nor the importance of these adjustments to residents.

We commonly see a short statement in the complaints policy stating that the landlord acts in accordance with the Equality Act, but find that the landlord is then unable to evidence how they respond to requests for reasonable adjustments and that complaints handlers have had appropriate training.

Where specific policies are in place, these are not always adhered to. We found examples of landlords failing to identify requests or to proactively identify a need for reasonable adjustments. When adjustments were recorded as required, they were not always enacted. The failure to adhere to the policy often had not been identified by the landlord prior to our involvement.

#### **Case study - lack of consideration of reasonable adjustments regarding communication**

At the start of the tenancy, Mr W had advised the landlord that he was unable to deal with telephone calls due to his autism and high levels of anxiety. He requested that the landlord not send him anything by post and that all communication must be via email, or by text message in an emergency. Mr W also provided the landlord with a link to an article which explained autistic communication differences and how to adjust for them. The landlord agreed to implement these.

The landlord was also aware of instances of suicidal ideation and that Mr W had been in contact with various mental health and ambulance services.

The landlord's reasonable adjustments policy says it will comply with the requirements of the Equality Act 2010, and with the Regulator's Tenant Involvement and Empowerment Standard. The landlord's vulnerable tenants policy says it is committed to meeting the needs of all its social housing tenants to ensure their independence, privacy, and dignity, and to treat them with fairness and respect.

Mr W was in debt with the landlord, and this was referred to a debt collection agency. The landlord did not advise the agency of Mr W's adjustments and they contacted him by telephone, which Mr W found extremely stressful. The landlord did not provide Mr W with details of the debt, despite him requesting this.

Within the complaint response, the landlord apologised, and admitted it had not taken the reasonable adjustments into consideration when it had referred the debt to the collection agency. It admitted it had not sent the resident any letters regarding the arrears on his account because of lack of resources and this was the reason it had engaged the debt collection agency.

We found maladministration and ordered the landlord to pay Mr W £800 in compensation. We also ordered the landlord to review its overall approach to how it responds to the needs of its vulnerable residents and its duties under the Equality Act, and most especially how it communicates residents' reasonable adjustments across all its services, to ensure that similar situations do not occur.

The example of Mr W highlights that reasonable adjustment and vulnerability policies are in effect meaningless if they are not implemented. It is clear that Mr W was not treated fairly, respectfully, or in accordance with the Equality Act, contrary to the landlord's policy.

Concerningly, the landlord itself did not appear to identify this failing during the complaints stage. Instead, it made a confusing statement about why it had not sent letters to Mr W and that this was a resourcing issue. This was irrelevant as Mr W had said he did not want to receive letters. Therefore, the landlord's response came across as generic and lacking care and attention. Had the landlord sent letters, this also would have been contrary to Mr W's requested adjustments.

This case is particularly notable in that Mr W had given the landlord very clear guidance and instructions on what adjustments he required. The landlord was also aware of the potential suicide risk. Despite knowing the risk and the specific communication style Mr W required, and agreeing to those reasonable adjustments, the landlord failed to adhere to them.

We have seen further instances of landlords citing a resource issue as a reason not to implement or adhere to reasonable adjustments. In one case, the landlord indicated it was resistant to agree to read a letter out to a resident over the telephone as it did not have the staff capacity. We made a finding of maladministration and concluded the landlord's decision not to adapt its service delivery was unreasonable and likely to damage the landlord/tenant relationship.

Communication isn't the only area where we have seen a failure to make reasonable adjustments. We have seen it in other key areas such as appointments and adaptations to residents' homes.

### **Case study - failure to make adjustments regarding appointments**

Ms P is hearing impaired and has multiple health conditions. She describes herself as "very vulnerable" and the landlord had recorded this on its system.

Ms P reported that her sink was leaking. The landlord carried out an inspection and identified the sink unit and two other units needed replacing.

The landlord's contractors attempted to attend but could not gain access. Ms P had previously told the landlord she would be unavailable at that time.

The landlord rearranged the appointment and notified Ms P. However, this appointment clashed with Ms P's medical appointments. Ms P suggested she supply the landlord with her availability and for the appointment to be made around that. She told the landlord the stress of the leak and the difficulties in arranging the appointment had exacerbated her existing medical conditions.

The appointment was arranged, and the leak fixed. Ms P felt a damp survey was required and requested for her kitchen renewal to be brought forward. Ms P reiterated her vulnerabilities and health conditions and asked the landlord for help and support. She explained again about her regular medical appointments and limited availability, but let the landlord know which days were best for her. During this time, Ms P also reported other repairs.

It took the landlord seven months to carry out the kitchen replacement works. The landlord's final complaint response was accusatory, focusing on issues regarding Ms P's failure to provide access and also appeared to blame her mental health for the difficulty in arranging and keep appointments.

We found maladministration and ordered the landlord to pay Ms P £3,650 in compensation. We also ordered the landlord to meet with Ms P to discuss her needs and how the landlord might respond to those needs in the way they provide services; to agree a plan of action for any outstanding repairs, to include timeframes and an agreement about how appointments are to be booked and confirmed.

We further ordered the landlord to carry out a senior management review of its overall approach to how it responds to the needs of its vulnerable residents and its duties under the Equality Act.

Given the known vulnerability of the resident, the landlord would be expected, under both the Equality Act 2010 and the Regulator's Tenant Involvement and Empowerment Standard, to demonstrate that it had taken steps to ensure that it understood Ms P's needs and responded to them.

The landlord's safeguarding policy states that all its customers have the right to be treated with dignity and respect and to have their individual needs recognised. This further emphasises the point that landlords should ensure they are acting within the confines and the intention of their policies. Landlords should also be able to identify themselves where they have failed to do so.

### **Case study: failure to consider reasonable adjustments regarding adaptations**

Miss Q is disabled, and the landlord had this recorded. She complained about multiple leaks in her property and the landlord initially carried out repairs.

The leaks continued and Miss Q reported these again. Miss Q informed the landlord she was unable to use her adapted bedroom and, as a result, was sleeping in her living room. Miss Q said she could not use her spare bedroom as it did not have the necessary adaptations.

Miss Q chased the landlord two weeks' later as she had not had a response. The landlord apologised for the delay and said it had incorrectly closed the job on its system. The landlord provided Miss Q with a dehumidifier and said it would reimburse her for the costs incurred in running it but failed to do so.

Miss Q continued to chase the repairs and asked in her formal complaint what assistance the landlord could offer. In its stage two response, the landlord offered to provide assistance with adapting Miss Q's spare room, but then did not do so.

The landlord repeatedly failed to provide updates regarding the repairs. Where timescales were provided, these were not met. At the time of bringing her matter to the Ombudsman, Miss Q had been unable to use her adapted bedroom for over a year and a half and the leaks had not yet been resolved, with new leaks being reported during this period. The landlord apologised to Miss Q and offered her £150 compensation.

The landlord incorrectly raised Miss Q's expectations that it would make an appropriate OT referral. It was unacceptable of them to indicate they would assist her, and then fail to do so.

Additionally, the landlord's compensation offer of £150 failed to take into account the marked effect of being without an adapted bedroom for such a prolonged period. Although perhaps unintentional, this could be perceived as showing a lack of empathy, awareness and appreciation of the importance of the adaptations to Miss Q.

We found severe maladministration and ordered the landlord to pay Miss Q £2,830 in compensation. We also ordered the landlord to provide Miss Q with an explanation of what assistance it can provide to adapt her spare bedroom and what assistance it could provide with obtaining an OT report, if necessary.

Given that the landlord was aware of Miss Q's disability, it would have been appropriate to have arranged for an OT to assess the spare room for adaptations. Landlords should be aware of who to signpost to, and when, and that the adaptations do not necessarily have to be carried out or funded by them.

Overall, the landlord's disregard for Miss Q, her disability and need for reasonable adjustments was compounded by its poor communication regarding the repairs and then by failing to honour its offer of reimbursing her for the dehumidifier running costs.

In addition to a failure to identify or adhere to reasonable adjustments, we also found some landlords applying the terminology incorrectly. This is indicative of a lack of understanding of the process and legal framework and suggests a training and development need.

#### **Case study - incorrect application of the term 'reasonable adjustments'**

Mr B has post-traumatic stress disorder (PTSD), depression, anxiety, and a head injury. He complained to the landlord about its response to various repair issues. Part of his complaint was that he had been discriminated against due to race and disability.

Mr B told the landlord he was on medication for his head injury. He explained this meant he could get frustrated and agitated very quickly. He acknowledged this could make him appear loud and aggressive or abusive.

The landlord's response to the repairs was significantly delayed. There were several occasions during its contact with Mr B that the landlord ended phone calls or refused to send contractors because of Mr B's behaviour. The landlord restricted Mr B's

contact and changed the way it responded to his reports and said this was a 'reasonable adjustment'.

During one interaction with the landlord, Mr B said he was struggling and had suicidal thoughts. The landlord did not make a safeguarding referral and there was no evidence of a safeguarding or vulnerable person policy. It was unclear what process staff were expected to follow in these situations.

We found the landlord's adjustments to its routine repairs process were heavy-handed and unreasonable. Reasonable adjustments should have been made under the Equality Act 2010 to assist Mr B and the landlord should not have imposed more complex processes on him. There was no evidence it discussed the adjustment with Mr B or any external support agencies or considered any other reasonable alternatives.

We found severe maladministration with the landlord's handling of Mr B's reports of repairs and discrimination. We found maladministration with the landlord's complaint handling.

We ordered the landlord pay Mr B £1,350 compensation and agree reasonable adjustments with Mr B to enable the landlord to carry out its repair responsibilities. We also ordered the landlord to implement vulnerable person and unacceptable behaviour policies and carry out reasonable adjustment training.

The landlord's overall approach, its response to Mr B's needs and its duties under the Equality Act was inadequate, unfair and unreasonable. The landlord failed to follow its own policies, failed to comply with its legal obligations and failed to recognise the failures through its complaints process. The landlord did not make timely referrals to other agencies and its decisions about what adjustments to make to its processes were made without consultation or specialist advice.

Although we do not expect landlords to tolerate aggressive behaviour from residents, landlords should understand the potential link between a resident's behaviour and an underlying condition, such as a decline in their mental health or the side effects of medication. They should consider how to support the resident and what reasonable adjustments might be needed. These adjustments should be made to assist the resident, not the landlord, and should not be conflated with an unreasonable behaviour or contact restriction process.

In some instances, landlords cite the residents' individual circumstances themselves as the reason for their service failures. In one example, the landlord said the resident's mental health problems made it difficult to effectively handle the complaint. The Ombudsman's view was that the landlord had a duty to reasonably adjust its approach. Where landlords feel there are barriers to effective service delivery, they should consider what needs to be put in place to assist the resident.

We have seen examples of landlords being responsive outside of the requirements of the Equality Act and adopting an approach of simply considering what the resident needs or might find helpful. However, we did not see any positive examples of landlords identifying, acting on, or adhering to, reasonable adjustment requests.

This suggests that some landlords may feel intimidated by the legal aspects, much in the same way we often see defensive practice in regard to disrepair claims.

### **Case study - appropriate support offered by landlord**

Mr J suffers from mobility problems. The landlord contacted Mr J two months ahead of planned works to the lift, which would take seven weeks. The landlord then contacted Mr J again, two weeks before the works were due to start, and asked if he would be impacted by the lift repair, as it would be out of use. The landlord addressed Mr J's concerns and offered assistance.

Mr J initially told the landlord that the lift repair would cause him issues in completing weekly tasks, such as shopping and going to the laundrette. In response, the landlord promptly made arrangements for an independent support service which he declined. The landlord then offered a decant to Mr J, when concerns were raised that he could not leave the building once works commenced. Mr J declined the decant, advising it would cause additional inconvenience.

Mr J raised a complaint shortly after the works started about the impact of the lift repairs on his daily activities. He requested compensation due to the inconvenience caused.

The landlord responded to the complaint, advising it had given Mr J sufficient notice of the works and had offered several different types of support, including support work assistance, several offers of temporary accommodation and a fire safety assessment to ensure he would be able to evacuate safely. It stated that Mr J had declined all its offers of support. The landlord declined Mr J's request for compensation.

We found no maladministration by the landlord as it had acted reasonably. It provided Mr J with sufficient notice of the works and offered various types of support.

The landlord provided evidence that it had anticipated a potential detriment to Mr J, had given him sufficient notice of the works, and sought to identify any additional support he may need.

### **Discrimination**

The Housing Ombudsman Service cannot conclude whether discrimination has occurred as that is not our remit. However, we can comment on where a landlord's actions have been demonstrably unfair. In such cases, we refer to related guidance, such as the Equality and Human Rights Commission's 'Human Rights at Home' guidance for social housing providers<sup>37</sup> and Chartered Institute of Housing advice on discrimination in housing.<sup>38</sup>

Reassuringly, there were very few examples from our casebook where we had to refer to such guidance. However, the cases we have seen of this nature have been

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<sup>37</sup> Equality and Human Rights Commission (2011), [Human rights at home – Guidance for social housing providers](#)

<sup>38</sup> Chartered Institute of Housing, ['What is 'discrimination' in housing?'](#)

extremely concerning, with significant impact on the resident and potentially multiple breaches of legislation.

### **Case study - Landlord's approach fails to have due regard to the Human Rights Act**

Ms A applied for a property for her and her husband. The landlord provides housing to individuals of a particular nationality and Ms A met these criteria. The landlord does not have an allocations policy. It approved Ms A's application and put her on its waiting list.

Ms A contacted the landlord again to advise she had to move out of her current accommodation and requested accommodation again. The landlord met with Ms A and told her she would have the next available property and requested further information and supporting documentation from her.

The landlord reviewed the information, and its Board made the unanimous decision not to proceed with the tenancy. The landlord informed Ms A she had demonstrated a lack of transparency and of 'late disclosure of vital legal information'. One of the landlord's grounds was it believed the evidence provided did not show Ms A was married as the surname on her passport was not the same as her husband's. The landlord also alleged Ms A had deliberately failed to disclose her husband's nationality. It said the issue was not the husband's nationality itself, but the fact Ms A had not disclosed it. The landlord also expressed other concerns.

Ms A appealed the landlord's decision and disputed she had been untruthful in any of her application or dealings with the landlord.

The landlord replied to Ms A's appeal and said there was "no more to say". Ms A complained, with the landlord's response again stating there was no more to say and that her observations were "wrong". It refused to escalate her complaint.

We found severe maladministration. The landlord had not acted in accordance with the Regulator's Tenancy Standards regarding letting homes in a fair and transparent way, or the Housing Ombudsman's Dispute Resolution Principles. It unfairly blamed Ms A for not providing information. It also did not give Ms A the opportunity to respond to its concerns.

We referenced the Equality and Human Rights Commission Guidance for social housing providers. Specifically, we referred to the guidance that only considering married couples, or couples in civil partnerships, may amount to a failure to have due regard of the Human Rights Act.

We ordered the landlord to: pay Ms A £1,000 compensation; reinstate and backdate her application; create a clear and lawful allocations policy; and review and amend its current application procedure.

In the case of Ms A, the landlord clearly acted unfairly towards her, both in terms of the accusations and judgements it made, and then by not giving her the opportunity to correct them or complain about their treatment of her. The landlord was acting

outside of its legal and regulatory responsibilities, as well as outside what should be a baseline standard of parity, courtesy and transparency.

It is important landlords consider allegations of discrimination and investigate these. Failure to do so compounds the resident's existing view they are being treated unfavourably. It is also important the landlord investigates these so it can ensure it is providing a fair, equitable and lawful service.

#### **Case study - failure to investigate allegation of racial discrimination**

Mr H complained to his landlord about ASB, fire risk assessments and rent charges. Mr H alleged institutional racism as he felt that Black residents' concerns were treated less favourably. He said the fire risk assessment had been taken more seriously for white residents. He also said Black residents were charged higher rent.

The landlord responded and said the allegation of discrimination was serious and it intended to carry out a detailed review of all rents which will establish if there was any evidence to validate the claim. If Mr H's claim was substantiated, appropriate action would be taken including informing any affected residents and rectifying any such discrepancies.

There was no evidence that the rent levels were discriminatory. Rent setting and rent increases are regulated and are set in accordance with a formula set by the Government.

However, there was no evidence that the landlord responded to Mr H's claim that it treated residents differently in other areas.

We found service failure and ordered the landlord to pay Mr H £150 compensation. We asked the landlord to respond to Mr H's concerns about ASB and fire safety.

The landlord said it took the allegation seriously and would carry out a review of the rents but did not consider the allegation in its entirety; Mr H hadn't only alleged discrimination regarding rent.

We did see examples of landlords responding appropriately to allegations of discrimination. In one instance, the resident felt that she had not been treated fairly because of her race. We found no maladministration – the landlord had acted reasonably by completing a full investigation and informing the resident of the steps taken, provided copies of its standardised frameworks, and the outcome. The landlord assured the resident it offered a consistent and fair service to all residents.

Poor responses to residents, or no response at all, may give rise to allegations of discrimination. In one case, the resident alleged discrimination because when he made an ASB report in his own name, the landlord didn't respond and when he made it in a different name, it did. Although we found it was poor service rather than any underlying bias, this illustrates the potential repercussions of inconsistent communication.

In another case, the resident felt he and his situation were overlooked because he is deaf. He was expected to use the telephone and communicate with multiple people attending the property, which he was unable to do. We found maladministration.

### Contact restrictions

We have seen from our casework that landlords are sometimes subject to unwarranted and extremely unpleasant verbal abuse, or even threats, from residents. Similarly, landlords are sometimes subject to excessive contact from residents, which is difficult to respond to and manage. Sometimes, such behaviour can be related to underlying problems or vulnerabilities.

Therefore, there may be occasions where, despite the landlord's best efforts, contact with a resident needs to be restricted. This usually forms part of an unreasonable behaviour policy or process. This process should include a clear appeals and review process, clarity around how service requests and complaints can be raised during the course of any restrictions, and whether there will be a single point of contact in place. Landlords may find our [guidance note](#) on this subject helpful.

Our casework shows that where we find service failure in this area, it is usually because one or more of these key components was either not in place, or not followed.

#### **Case study - confusion around single point of contact**

Mr F reported a roof leak to his landlord. A technical surveyor attended, and a roof replacement was scheduled.

Mr F raised various concerns about the quality of the roof replacement works and told the landlord he felt it was "shrugging" its responsibility. Mr F also contacted the landlord's contractor directly about the concerns. The landlord's position was there were no issues with the new roof.

Mr F formally complained. The landlord said it would not accept the complaint as it was being pursued in an 'unreasonable manner.' It told Mr F the volume and persistence of contact was difficult to manage and, therefore, it put a single point of contact in place in accordance with its policy. It also informed Mr F it considered him to be 'vexatious and persistent'. Mr F responded to say he had not been aggressive to anyone and felt these comments were defamatory. Mr F said he felt the landlord's staff needed "lessons in relationships" with residents and that "if staff were not so dismissive of residents", they would not have to make repeated complaints.

The landlord did not offer any further details to clarify the type of communication that Mr F could submit.

In later correspondence, it became clear the landlord was accepting more generic types of enquiries from Mr F. The landlord wrote to Mr F to warn him it would have to implement a single point of contact. This was confusing as there was already one in place. Mr F queried this, but the landlord failed to clarify.

We found service failure in the landlord's communication with Mr F. The landlord's position on contact arrangements, including when a single point of contact should be

used, was not consistently communicated or applied throughout its contact, and it is evident that distress and confusion was caused by this approach. We also found the landlord's grounds to reject Mr F's complaint were applied hastily and too broadly, as his concerns were unresolved and partially unaddressed at the time of his complaint.

We ordered the landlord to pay Mr F £575 in compensation and to confirm whether a single point of contact remained in place. If so, it should confirm the nature of contact (e.g., enquiries, reports or complaints) which should be directed to this individual, and when this contact arrangement will be reviewed.

This case shows that when a landlord decides to invoke its policy, it must be followed fairly and clearly. Mr F was understandably confused by the single point of contact arrangements, and it seems the landlord was as well. It also shows that landlords should not be too quick in calling a behaviour unreasonable. Using language such as 'unreasonable' and 'vexatious and persistent' will usually provoke a strong reaction or challenge, so it should only be used where there is clear, objective supporting evidence.

We also found examples of good practice regarding contact restrictions, such as the case of Mr K.

#### **Case study - contact restrictions managed well**

The landlord informed Mr K he had been given the status of an 'unreasonable complainant.' Mr K was given a single point of contact and informed that the landlord would file, but no longer respond to, complaints about matters already dealt with.

The landlord told Mr K the restricted status would be reviewed on a six-monthly basis. Following two reviews, the landlord extended this status on the basis of pursuing complaints in an unreasonable manner, taking a 'scattergun' approach, using a tone considered to be derogatory and unpleasant, and taking up a disproportionate amount of resources.

The landlord carried out a further six-monthly review and told Mr K it had decided to remove the restricted status as there had been no repeat or continuation of the unacceptable behaviour.

Mr K submitted a subject access request to the landlord. He complained the restrictions should have been removed sooner as he believed there was no evidence of derogatory or abusive correspondence.

In its complaint response, the landlord said it had carried out reviews in line with its policy and that it had explained the grounds of each extension to Mr K, in writing, at the time.

We found no maladministration. The landlord had completed the six-monthly reviews required and notified Mr K each time of the outcome and provided a reasonable explanation of the reasons for each determination, which aligned with the landlord's policy.

Clear communication throughout was central to this no maladministration finding. The landlord clearly set out, and then followed, its review process. Mr K understood the restrictions were not necessarily permanent. The landlord explained the outcome of each review. It also demonstrated its process was fair by removing the restrictions once there was evidence they were no longer necessary.

### **Contractors**

We have seen several instances of landlords not enforcing their contractors' code of conduct.

#### **Case study - failure to investigate contractor issue or enforce its code of conduct**

Miss R complained to the landlord about the conduct of one of its contractors. She also complained about missed appointments and appointments cancelled at short notice without an apology. Miss R requested the contractor not to be sent to her property again.

The contractors' code of conduct stated that contractors working on its behalf must be considerate and respectful to residents, deliver excellent resident service, and will hold themselves to the highest possible standards. When the landlord receives a report about staff conduct, it would be expected to carry out an investigation of the matter and provide its findings to the resident in a timely manner. Where the staff member is a contractor, it is still the landlord's responsibility to investigate as the contractor is the landlord's representative and the contractor is required to comply with the landlord's code of conduct.

The landlord said there was no evidence of missed appointments or a conduct issue, which Miss R disputed. However, it agreed not to send the contractor again.

Miss R escalated her complaint. In its response, the landlord contradicted its previous response and said there was no contractor by the name Miss R had provided. It said it could not send a different contractor due to contractual arrangements for the area.

The landlord identified an operative with a similar name but did not follow this up or investigate to ascertain whether it was the contractor in question.

We found maladministration and ordered the landlord to pay Miss R £200 compensation. We recommended the landlord carry out an investigation into the reports of the contractor's conduct and review its procedures for managing its contractors to ensure that it has proper oversight of their communication and appointments with residents.

Landlords should consider ways to improve their management of contractors so they have better oversight of their appointments with residents, which would assist in clarifying any disputes.

## Investigating allegations

We saw landlords reaching conclusions and presenting these as the factual position, without carrying out an investigation or, if they did so, being unable to evidence what investigation was carried out.

In many cases, where it was the resident's recollection versus a staff member's, the landlord based its findings purely on the staff member's account. Too often, these findings were then presented to the resident in an unhelpful and divisive manner, further impacting the relationship and reinforcing an 'us and them' mentality.

Landlords were often unable to carry out meaningful investigations because they did not record telephone calls. There was often no note of the conversation recorded.

We also found examples of residents withdrawing from the investigation process because of a lack of faith in it, but with no exploration of this perception by the landlord. In one example, the resident told the landlord she did not 'trust' it to investigate her ASB matter. The landlord closed the report on its system as no further action without any engagement with her statement or any consideration of whether they still had an obligation to look further into the matter, regardless of the fact that she did not trust them.

### **Case study - No evidence and inflammatory comments**

Ms L complained to the landlord about repairs and the energy efficiency of her property. Ms L alleged that during a telephone conversation about her complaint, a member of staff had "screamed" at her.

In its complaint response, the landlord said it did not uphold the complaint as the member of staff had a different recollection of events. There was no call recording or contemporaneous call notes. Consequently, the landlord based its assertion on the recollection of its employee.

The landlord told Ms L customer service training had since taken place, but not because of this complaint.

We found service failure and ordered the landlord to pay Ms L £250 compensation. We also found the comments to Ms L about customer service training were "unnecessary and inflammatory."

The landlord missed an opportunity to reconcile the landlord/tenant relationship by simply explaining that it had taken matters seriously and although the staff member had a different recollection of events, it was sorry for her experience and that she had been caused upset.

### **Case study - failure to evidence investigation**

Mr X suffers from a number of mental health conditions. He was under the care of local mental health services.

The landlord attempted to evict Mr X because of rent arrears. It was looking to sell the property and required vacant possession. Mr X complained that a member of landlord staff had assaulted him during the attempted eviction.

In its stage one response to the complaint, the landlord said it would “address” his report and would cooperate with the police. In its stage two response, it said it had investigated Mr X’s allegation but did not give any details of the outcome of this investigation. It also asked Mr X to tell it the outcome of the police investigation.

We found severe maladministration. Despite saying it had investigated, the landlord failed to provide any evidence of this investigation or details of its outcome. The landlord did not take any steps to show that it had taken Mr X’s allegations seriously. The landlord was ordered to pay compensation of £600 to Mr X on account of the time, trouble, and frustration caused.

We also found examples of landlords investigating matters promptly, fairly, and sharing the outcome with the resident. In one such case, the resident alleged a member of staff had made a comment referring to her race and gender. The landlord interviewed witnesses and took steps to reach a fair and informed decision on the matter. Although the landlord concluded that the statement was not as recalled by the resident, it accepted the staff member made comments to the resident that were insensitive and lacked empathy, for which it apologised. The landlord also took steps to prevent further incidents occurring by addressing staff conduct and performance.

In another example, the landlord investigated and ensured the staff member in question personally apologised to the resident. The resident had alleged discrimination as part of her complaint, and the landlord ensured this was acknowledged and fully considered. It was able to demonstrate there had been poor service, rather than discrimination, but that it understood why this may have felt like discrimination to the resident.

### **Case study - good practice regarding investigating allegations**

Miss K suffers from PTSD and depression. She posted several tweets about her landlord’s service and made allegations of intimidation and bullying by its staff. The landlord visited Miss K to obtain more information.

The landlord wrote to Miss K to formally confirm it would investigate her concerns and invited her to a meeting to take her witness statement.

At the meeting, the landlord asked Miss K what support it could offer her. Miss K said she felt she would benefit from some counselling as the staff’s conduct had affected her emotionally.

After the meeting, the landlord sent Miss K a copy of her statement to read through and sign if in agreement.

The landlord updated Miss K to say it had suspended the two members of staff in question, pending investigation. It offered her £500 compensation and said it would look for a counselling service.

When its investigation had concluded, the landlord wrote to Miss K to notify her of the outcome; disciplinary action had been taken against both members of staff.

Miss K was unhappy with the amount of compensation offered and referred the matter to this service.

We found reasonable redress by the landlord in its offer of compensation and actions taken. The landlord had a person-centred approach. It had given Miss K the opportunity to give and review her statement and asked her what support it could provide. It had also carried out a prompt investigation.

Although not every allegation will require formal disciplinary action, it is still important to investigate, take statements and keep the resident informed. It is clear the landlord took Miss K's concerns seriously.

### **Service charges**

*They [landlords] are resistant to dialogue of equal partnership with residents. It is very much "shut up, pests, it's none of your business". - Resident quote*

The Ombudsman can investigate service charge complaints when they concern the service and response the landlord provided to the resident when they requested service charge information. Our recent [Insight report \(December 2023\)](#) highlights landlords' obligations in this area, stressing the importance of clear, accurate and consistent communication.

In the cases assessed for this report, we saw examples of landlords failing to answer queries or provide explanations. Service charge information was not always presented in a clear or accessible format.

Receiving financial information can be anxiety-provoking, particularly when it is in relation to an increase in the amount or is about existing debt. We have seen instances of unclear financial information and a lack of explanation giving rise to allegations of discrimination or unfair treatment.

In one case, a resident raised concerns about how the landlord's funds had been used and felt this was a 'misappropriation' of funds. Rather than a constructive or resolution-focussed response, or making enquiries with the resident about their concerns, the landlord's response was heavy handed, resulting in a finding of service failure.

In an example of good practice, when the resident complained about the service charge, the landlord accepted it had not communicated the breakdown of the charge clearly. It then changed the format of all further service charge invoices by ensuring all future invoices were itemised.

### **Case study - Significant delay in providing service charge explanations**

Mr D queried the increase in service charge and how this had been calculated. The landlord did not respond, and so Mr D raised a formal complaint. The landlord responded but failed to address the specific queries raised or provide an explanation.

Mr D referred his complaint to the Ombudsman, and we asked the landlord to provide a full response to the complaint. The landlord apologised and provided part of the information Mr D had requested, but not all.

It took the landlord a total of nearly two years to provide the requested service charge calculations to Mr D.

We found maladministration and ordered the landlord to pay Mr D £300 compensation. We also found the information eventually provided to Mr D was a 'general' response and still did not fully answer the individual questions he had raised.

### **Case study – queries addressed reasonably rather than deflected**

Mr R complained to his landlord there were errors in its service charge calculations and there were missing invoices. Mr R said he had not been provided with some expenditure evidence and said he had been overcharged.

Mr R made a Freedom of Information request for information about the service charges.

In response, the landlord explained how it calculated service charges, its reason for adopting variable rather than fixed service charges, and details of the transfers of funds between teams or departments. It explained that the invoices Mr R said were missing were not in relation to works he had been charged for under the service charges.

Mr R was dissatisfied by the response and explanation and referred the matter to the Information Commissioner's Office (ICO). The ICO made a finding that the landlord had disclosed a full and correct copy of the breakdown of service charges.

The landlord made further attempts to explain the charges on a number of further occasions before referring Mr R to the Property Tribunal.

We found no maladministration. The landlord acted reasonably in seeking to explain its position and to provide a response to Mr R's questions, and not just referring him immediately to the Property Tribunal.

### **Complaint handling**

***“Why don't landlords interact with us? We are not enemies who should have information withheld from us. It is a broken model of provision” - Resident quote***

By the time the matter is raised by the resident as a formal complaint, they have already repeatedly expressed concern about underlying communication, relationship or procedural issues and been dissatisfied by the landlord's response. The formal complaint stage is a chance for the landlord to acknowledge the resident's lived experience, investigate the concerns raised and rectify any shortfalls.

Our casebook shows that rather than being an opportunity to reset the balance, address the issues fully and restore the resident's confidence, complaint handling sometimes only serves to reinforce residents' feelings of unimportance, unfairness and inequality. In particular, we found landlords' complaints policies or processes often excluded complaints about staff conduct.

#### **Case study - landlord incorrectly said staff conduct could not be considered**

Ms J complained to the landlord about multiple repairs. Employees of the landlord attended her home and Ms J complained about their conduct. She said that four male members of staff had attended, which she thought was inappropriate and she had felt intimidated. She also reported that one of the staff members had 'spoken down' to her.

The landlord responded to the complaint about repairs but did not reference the concerns raised about the members of staff. Ms J pointed this omission out and asked for her complaint to be escalated to the final stage – a panel.

The panel explained that the complaint about staff conduct had not been considered as the complaints policy in force at the time did not cover those. However, this was not correct – no such exclusion existed in that version of the complaint policy.

We found maladministration and ordered the landlord to pay Ms J £250 in compensation for its failure to respond to her complaint about staff conduct.

Even if the landlord had been correct about its policy, this approach would not have been in line with the Complaint Handling Code. The Code states a complaint is “an expression of dissatisfaction, however made, **about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf** (writer's emphasis), affecting an individual resident or group of residents.”

#### **Case study - inappropriate language and tone in complaints handling**

Mr L complained to his landlord about a blocked sink. The landlord was unable to clear the blockage and said it had been caused by food waste. Mr L agreed to pay the contractor costs of unblocking the sink and the blockage was cleared.

Mr L complained to the landlord because he disagreed food waste caused the blockage and asked to be refunded the contractor fees. Mr L felt the pipes are the landlord's responsibility and that they needed replacing. Mr L was concerned the blockage would happen again and had started to use the bathroom sink as a precaution.

The landlord responded saying that there were no fault with the pipes, and it would not issue a refund. The evidence shows the landlord took all reasonable steps to clear the blockage.

Mr L escalated his complaint and referred to the landlord's recharge policy which refers to a review process. It also referenced payment terms, including an option to pay the charge over a period of three months. Mr L complained he had not been

given the option to request a review, or to stagger the payments. He also pointed out the recharge form he had signed did not match the one set out in the policy.

The landlord's first stage response failed to consider these points and was written in a defensive style. The writer stated that they were "surprised and disappointed" to receive the complaint. The tone was not professional or objective. Later paragraphs appeared to blame the resident, rather than explain what had taken place and the landlord's attempts to rectify the issue.

We made a finding of maladministration and ordered the landlord to pay Mr L £300 in compensation and to progress his request for a review of the recharge.

We also saw further examples of inappropriate responses and approaches to complaints. These included:

- A landlord informed the resident they would not respond to their complaint as it had "done nothing wrong."
- Another landlord informed the resident they were replying "out of courtesy."
- A landlord refused to escalate the complaint as it said the resident had failed to "engage in the informal complaints process".
- A delay in issuing complaint responses or in escalating the complaint, resulting in a perception of unfair treatment or discrimination.
- Failing to acknowledge or address complaints about unfair treatment or discrimination.

In all of these cases, landlords failed to use the complaints process as a way of learning about their residents' experiences and concerns, and of showing residents that their opinions and time are of value.

They also give rise to concerns about the culture and the governance within these organisations that allows such letters to be sent to residents and where seeking to place the blame on residents and avoid accountability is standard practice.

### **Good practice - whg**

Wallsall Housing Group Limited (known as whg) owns and manages more than 22,000 properties across the Midlands, with the majority being in Walsall. Walsall is ranked the 25<sup>th</sup> most deprived local authority in the UK. There is a higher prevalence of hypertension, diabetes, kidney disease, depression and dementia, and a higher mortality from conditions considered preventable.

It identified the need to align housing with healthcare. In 2019, the Integrated Care Partnership Board – Walsall Together was established with the aim of tackling the widening gap in health equity. The partnership consists of Walsall Healthcare Trust, community organisations, Walsall Council and whg.

whg created a health and wellbeing strategy<sup>39</sup> entitled 'The H Factor - Health Hope and Happiness 2021 – 2024', co-produced with their residents, which sits alongside

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<sup>39</sup> whg (2022), '[Health and wellbeing strategy](#)'

and is an extension of its homelessness prevention strategy, with a recognition that if residents are able to maintain their health, they are more likely to be able to maintain their tenancy.

whg has a 'social prescribing' service. Social prescribing enables GPs, nurses and other primary care professionals to refer people to a range of local, non-clinical services to support their health and wellbeing. whg commissioned an independent evaluation of their service. This found that of the residents who were supported, over 90% showed a positive change in mental wellbeing.

whg stress this approach would not have been possible without the full backing, faith and support of its Board and a corporate commitment. It also has taken time - five years in total - to build and develop the effective relationship and integrated partnership with health. It has the approach with health, "our people are your people." whg recognises that GDPR is sometimes considered as a barrier to working within this agenda. whg seeks full consent from residents to engage them in health interventions and ensures only the relevant and necessary information is shared, making them GDPR compliant. All parties are also clear on their roles and the boundaries between those roles.

The approach taken by whg considers the relevant data protection legislation. The concerns about GDPR recognised by whg were reflected in landlord responses to our call for evidence. A recent blog<sup>40</sup> by the ICO seeks to "bust some data sharing myths that might mistakenly prevent an organisation from safeguarding its residents". Following our Spotlight on Knowledge and Information Management, the Ombudsman is working with the ICO to develop specific guidance for the sector.

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<sup>40</sup> Information Commissioner's Office (2023), [How data protection law can prevent harm in the housing sector](#)

## Conclusion

The cost-of-living crisis, increase in mental health difficulties and housing shortages have changed the landscape for landlords to an increasingly challenging and complex environment to navigate.

There is a pressing need for landlords to adapt and meet the needs of all their residents and ensure the most vulnerable residents are not left behind. For many landlords, their current approach is potentially inadequate for responding effectively to the needs of the population it serves.

### Learning from other sectors on handling vulnerability

We have established throughout this report that social housing provides services for many of society's vulnerable members and many landlords have good policies in place to assist residents. However, there are always opportunities to learn from other sectors and organisations who work with vulnerable people – looking outside of the social housing sector for transferable learning and good practice.

A key theme is the importance of inter-agency working. The Families and Homes Change Project found evidence that “many families who experience housing deprivation are also in contact with social care professionals”.<sup>41</sup> Despite this, housing and social care policy and practice is not always sufficiently aligned and the report recommended a more holistic approach so that social workers could address housing needs and housing professionals' decision-making could support family welfare.

The police use the THRIVE (threat, harm, risk, investigation, vulnerability, engagement) approach to vulnerability, which follows four steps:

- Identify an individual's vulnerability or vulnerabilities.
- Understand how these vulnerabilities interact with the situation to create harm or risk of harm.
- Assess the level of harm or risk of harm.
- Take appropriate and proportionate action if required, involving partners where they have the relevant skills and resources.

This could be a useful model for landlords because it recognises the need to look beyond risk tools and checklists. The College of Policing research found a lack of evidence that risk tools and checklists are effective when applied in isolation. They can inform and guide, but the decision about risk levels and action relies on professional judgement. Further, in order to have the knowledge and confidence to apply professional judgement, the professional would need the appropriate training, guidance and support.

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<sup>41</sup> Dr Kesia Reeve and Dr Sadie Parr (2023), [Improving outcomes for families at the intersection of social care and housing](#), Research In Practice

Within its guide to ‘Treating vulnerable customers fairly’, regulatory body Ofcom also promotes taking an inclusive approach, designed to provide a better service to the widest range of customers, whether they are identified as vulnerable or not.

Citizens Advice published a report<sup>42</sup> on the cross-sector minimum standards of support for people with mental health problems. In the 12 months before the report, it gave advice to 100,000 people with mental health issues. More recently it has reported on the impact of the cost-of-living crisis and the disproportionate effect on those with mental health conditions.<sup>43</sup> The number of people it helped with mental health issues increased to 20,000 per month in 2023. It said:

***Marginalised groups have higher rates of poor mental health than the general population. Experiences of inequality and discrimination due to socio-economic status, race or disability, impact on mental health. The cost-of-living crisis adds to these existing inequalities.***

Learning from other sectors provides overarching principles landlords can consider when creating policies and procedures for responding to safeguarding, vulnerability and reasonable adjustments.

## Fit for future

The pressure to provide more social housing remains acute. Private rents are now at their highest level ever, with the ONS reporting that average monthly private rent in England in 2022-23 was £825 per month – the highest ever recorded.<sup>44</sup>

Financial barriers to the private rental sector or home ownership are not the only reason why social housing demand is increasing. Increasingly, large numbers of people are in need of social housing because of homelessness, fleeing war zones, disabilities or mental health issues, young people leaving the care system, and older people. Almost 300,000 households in England became homeless or were at risk of becoming homeless, including more than 100,000 families with children, between April 2022 and March this year<sup>45</sup>.

As stated in the Chief Medical Officer’s annual report<sup>46</sup>, the NHS, social care, central and local government must start planning more systematically on the basis of where the population will age in the future, rather than where demand was ten years ago. Landlords also need to conduct this systemic planning. For example, demand for social homes in rural areas is growing at over ten times the rate of that in towns and

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<sup>42</sup> Citizens Advice (2019), [Counting on it](#)

<sup>43</sup> Citizens Advice (2023), [How the cost-of-living crisis is worsening mental health issues](#)

<sup>44</sup> ONS (2023), [Private rental market summary statistics in England: April 2022 to March 2023](#)

<sup>45</sup> [National statistics - Statutory homelessness in England: financial year 2022-23](#), 5. Waiting lists

<sup>46</sup> Department of Health and Social Care (2023), [Chief Medical Officer’s annual report 2023: health in an ageing society](#)

cities<sup>47</sup>, but only a quarter of the social housing stock in England is in rural areas<sup>48</sup>. The Marmot review ‘10 years on’ report further sets out the regional inequalities in health, healthy life expectancy and the resulting effect of people’s living conditions on their health. It highlights the effective approaches adopted by some local authorities and communities to solve these, as well as how the Police, fire fighters, social care, housing and early years workforces have all developed their approaches to tackling health inequalities. Landlords may find these approaches a useful resource when considering how to meet the needs of their residents both now, and in the future.

Long-term housing plans should not just focus on supply and affordability but be reflective of the reality of what ‘general needs’ housing means now and in the future. It is no longer possible to make an artificial distinction between health and housing, or between housing and social care, and it is important that landlord plans for future housing include that. It is almost more important to consider accessibility, aids and adaptations to existing homes, as well as the level of service provision, communication, and relationship building – with both residents and partner support agencies.

***“It needs to be a relationship of equals (between residents and landlords). They are not rescuing the bad, sad and mad, but that is what they seem to think” – A resident***

Some social landlords have restructured their housing departments to better meet the need of their residents. Where previously the landlords’ housing and adult social care were separate directorates, they have now combined the two. The cross over of the new structure means that the housing side of the business is better equipped to work alongside those that are supporting residents within their homes.

One landlord has created new teams consisting of complaint staff, contractors and housing officers. Each working together to understand the situation, the impact of the situation on the residents and the support they need. Contractors can provide housing officers with information of any planned works being carried out.

The housing officers, aware of the situation, can tailor their assistance to residents during this time. The complaint staff are then on hand to be able to help manage any expectations of residents, follow the repair and capture any learnings from it. The hope is the change in working will provide a better all-round service to residents, helping to improve resident satisfaction.

This does not mean ‘general needs’ landlords are expected to become specialists with all that entails, such as being registered with the Care Quality Commission and fulfilling the role of a health or social care professional. As demonstrated by the

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<sup>47</sup> National Housing Federation (2023), [Demand for social homes in rural areas is growing at over 10 times the rate of that in towns and cities](#)

<sup>48</sup> Local authority areas designated largely, mainly or significantly rural, based on Regulator of Social Housing’s Local Authority Data Return and Statistical Data Return stock counts by local authority and ONS 2011 Rural Urban Classification of Local Authority Area

example of whg, housing staff are not expected to be, and do not need to be, healthcare experts. However, they do need to understand the needs of their residents, recognise when residents may benefit from signposting or a referral to a health or social care specialist. This multi-agency approach is essential to the provision of an agile, responsive and collaborative service.

## The link between housing, health and human rights needs urgent repair

A social landlord should be viewed by government as one of the closest and most immediately influential services in a person's life, significant in its influence to intervene in enhancing a person's health and wellbeing and working not in a silo but in a multi-agency context.

Successive governments and policymakers have missed an opportunity to grasp this potential, despite evidence that so many health issues can begin, be exacerbated and improved in a home by a social landlord.

Indeed, rarely acknowledged by today's policymakers is the interdependence between the nation's housing and its health – and the notion of housing as a human right as established by the landmark Royal Commission into housing over a century ago.

This connection has broken, despite a mounting body of evidence which should reunite housing and health policy. Whether it is poor quality housing costs the NHS £1.4 billion a year<sup>49</sup>, or the significant correlation between a tenant's experience of housing service provision and measures of health and wellbeing<sup>50</sup>, the relationship between housing and health is deep-seated.

However, the causal pathways are not well understood by policymakers. There therefore needs to be a renewed focus on housing as a public health intervention, with a strategy to support landlords to raise their standards to empower tenants by understanding and responding effectively to vulnerabilities.

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<sup>49</sup> Helen Garrett et al, '[The cost of poor housing in England by tenure](#)', Building Research Establishment, November 2021

<sup>50</sup> Rolfe S et al, '[Housing as a social determinant of health and wellbeing: developing an empirically-informed realist theoretical framework](#)', BMC Public Health, 20 July 2020

# Recommendations

The following recommendations have been devised to address the future of social housing to landlords and policymakers and suggest what changes need to be made in both the short and long term.

## Government and policy makers

### Establish a new Royal Commission for housing

- Establish a new Royal Commission on housing as a worthy successor to the last, seeking to reestablish housing policy as a health intervention and proposing a long-term strategy for social housing which:
  - Accelerate the Better Social Housing Review's plan<sup>51</sup> for a thorough audit of all social housing in England and residents living in them, to inform a long-term strategy for the regeneration of social housing and the funding required so the homes are appropriately designed and adapted in the right areas for the people who need them now and in the future.
  - Reviews current and recommends new allocation guidance to local authorities to include record-keeping requirements and data-sharing agreements with registered providers and other agencies on tenants' vulnerabilities and reasonable adjustments.
  - Include within new standards framework for professionalisation guidance on following the Equality Act 2010 and making reasonable adjustments
  - Review the overall relevance of 'General Needs' given the changing demographics within social housing.

### Introduce a new duty to co-operate between agencies and landlords

- Introduce legislation which provides a consistent legal framework for vulnerabilities and places a mutual duty on agencies, such as social services, to cooperate with social housing providers.
- Support the sector to capture this data on the full range of vulnerabilities across the sector. This will inform the strategy for the regeneration of social housing and the funding required so the homes are appropriately designed and adapted for the people who live in them.
- Support the sector to carry out the Better Social Housing Review's recommendation of a thorough audit of all social housing in England.

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<sup>51</sup> [The Better Social Housing Review](#)

## Landlords' leadership

### Culture, vision and values

- Review your mission statement to ensure it is reflective of your current, and future, service. Consider at Board level if you are assured your current approach to vulnerabilities is working.
- Undertake a review at Board level as to whether you are currently offering a 'human-centric' service provision. If not, identify the barriers to this and what needs to change in order to introduce and then embed this culture and ethos.
- Consider adopting a values-based recruitment model to improve resident/landlord relationships.

### What does the resident need?

- Review your vulnerability policy in conjunction with current practice. Is the policy being implemented? If not, identify where the disconnect lies.
- Implement a vulnerability strategy, including how it is defined, who assesses, and what the review process is. This must be in line with The Equality Act, the Human Rights Act and the Care Act. This should be co-produced with residents, and consider any future good practice guidance published by the Housing Ombudsman, following engagement and consultation.
- Implement a specific reasonable adjustments policy.
- Test the vulnerability and reasonable adjustments strategy and policy against the '3Rs' on vulnerable residents – recognise, respond and record.
- Introduce minimum staff training requirements such as Dementia Friends, and training on customer care, mental health, learning disabilities, and sight and hearing loss.
- Consider a dedicated taskforce for vulnerability.

### Look to the future

- Carry out your own "Resident of the Future" forecast for the next ten years. Draw upon the available information around demographics, both locally and nationally, and identify where you foresee the gaps being.
- Consider the ageing communities specifically in rural and coastal areas, with reference to Professor Whitty's report

- Devise an action plan for what you need to start putting in place from now onwards to ensure you are ready to meet the needs of your future residents. This should include the anticipatory requirement regarding reasonable adjustments.

## Complaint handling

- Raise awareness of the complaints procedure and ensure it is accessible for residents who may face barriers to raising a complaint, as required by the Complaint Handling Code.
- Ensure the complaints policy permits complaints about staff conduct, attitudes and approach.
- Establish and enforce a clear process for how complaints about bullying/discrimination will be investigated.
- Contact restriction policies must set out clear timescales, review and appeals process. Where there is single point of contact, this should be applied consistently.
- Calls to be recorded, either a physical recording or a contemporaneous telephone record.

## Case handlers

- Landlords need to ensure they provide clear explanations; repeat information where needed, including in different formats; offer face-to-face contact as much as possible and a named point of contact; investigate concerns and share the outcome; recognise when things have gone wrong, apologise and explain how these will be addressed; and know when to make appropriate referrals to agencies and whom to signpost to. Underpinning all of these should be a baseline of empathy and respect.
- Ensure disability or language needs are routinely considered as part of the complaints process and that extra accessibility support, or accessible materials, are offered where appropriate.
- Identify where more specific training, guidance or support is needed to fulfil your role. For example, do you feel under confident in having what may be seen as a difficult conversation or delivering bad news?

- Maintain accurate records of residents' vulnerabilities and individual circumstances.
- Use mandatory checks, such as annual boiler checks, as a 'touchpoint' opportunity to undertake welfare checks with residents.
- Although it is important for landlords to know the vulnerabilities and individual circumstances of its residents and any associated legal duties, the above approach should apply to *all* residents as, fundamentally, it is about a high standard of customer care and a human-centric approach to service delivery.

# Appendix A: Relevant legislation and guidance

## Landlord and Tenant Act 1985

The Act outlines the obligations of landlords, including the provision of essential services such as water, heating, and sanitation. It also covers matters related to health and safety standards, fire safety, and the suitability of rented properties for habitation.

The Act safeguards certain rights for tenants, including the right to know the identity of their landlord, the right to a written tenancy agreement, protection against unfair eviction, and the right to live in a property that is reasonably maintained and fit for habitation. It also requires landlords to consult before passing on maintenance and improvement costs to leaseholders and assured tenants.

## Housing Act 1996 and the Homelessness (Priority Need for Accommodation) (England) Order 2002

Section 189(1)(c) of the Housing Act 1996 says that a person may be 'vulnerable' and have a priority need for housing as a result of:

- old age
- mental illness
- mental handicap
- physical disability
- other special reason

Other special reasons could include someone who is vulnerable as a result of being victim of trafficking or modern slavery, or because they are a young person without support.

The Homelessness (Priority Need for Accommodation) (England) Order 2002 gives priority need to those who are vulnerable as a result of:

- having been in care while they were 16 or 17 and is now 21 or over
- having been in the armed forces
- having been in custody
- having fled actual or threatened violence

Although specific to homelessness, landlords may find it useful to see that in addition to more common definitions of vulnerability such as age and physical disability, there is also reference to domestic violence, care leavers and those who previously served in the armed forces. The 'other special reason' category also shows the need for consideration of individual circumstances, rather than a 'checklist' approach.

## Human Rights Act 1998

The Act gives further effect to the rights and freedoms guaranteed under the European Convention on Human Rights.

Social housing providers have legal responsibilities under the Act. In human rights terms, “everyone must be treated with dignity and respect”. Taking this approach helps broaden the view beyond the protected characteristics.

Landlords’ policies and process should define what vulnerable means, how to identify this, what their responsibilities are, and the reasonable adjustment process.

Guidance for public sector organisations and employees, including social housing providers, is available on the [Equality and Human Rights Commission’s website](#).

## Housing Act 2004 - Health and safety standards for rented homes

The Act sets out requirements for assessing housing conditions and enforcing housing standards. The Housing Health and Safety Rating System (HHSRS) is a risk-based assessment procedure used by environmental health officers to identify potential risks or hazards in homes.

Considerations from the assessment include:

- The chance of harm
- How serious it would be
- Any extra risk to children or older people

‘Vulnerable group’ is defined in the associated guidance<sup>52</sup> as:

“a particular group of people based upon age who could live in the dwelling for whom the risk of a hazard is greater than for most people.”

Landlords should have their own risk assessment process for identifying which residents could fall under the category of extra risk or vulnerable group.

## Equality Act 2010

The Act brought together and expanded on separate pieces of legislation relating to inequalities. Under the Public Sector Equality Duty (Equality Act 2010 section 149), public authorities and those bodies carrying out public functions must have due regard to:

- Eliminate discrimination, harassment and victimisation.
- Advance equality of opportunity.
- Foster good relations.

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<sup>52</sup> Department for Communities and Local Government (2006), [Housing Health and Safety Rating System: Guidance for Landlords and Property Related Professionals](#)

The Act sets out prohibitions in relation to the different types of discrimination it identifies, which include:

- Age.
- Disability.
- Gender (sex).
- Gender reassignment.
- Sexual orientation.
- Religion or belief.
- Ethnicity (race).
- Pregnancy and maternity.
- Marriage and civil partnership.

The Act identifies different types of discrimination, including:

- Direct discrimination – treating someone with a protected characteristic less favourably than others. This includes:
  - Discrimination by association – occurs when someone is treated unfavourably on the basis of another person’s protected characteristic.
  - Discrimination by perception – occurs when someone is treated unfavourably because others believe they have a protected characteristic, even though in reality they don’t have it. It is perceptive discrimination.
- Indirect discrimination – putting rules or arrangements in place that apply to everyone, but, as a consequence, putting someone with a protected characteristic at an unfair disadvantage.
- failure to make reasonable adjustments for a disabled person – where a person is at a substantial disadvantage due to their disability and the employer fails to put in place reasonable adjustments to remove or reduce the disadvantage.
- Harassment – unwanted and inappropriate behaviour linked to a protected characteristic that violates someone’s dignity or creates an offensive environment for them.
- Victimisation – treating someone unfairly because they’ve complained about discrimination or harassment.

### **Reasonable adjustments**

Landlords’ duty is to adjust their service, with the aim being, as far as possible, to remove any disadvantage faced by those with a protected characteristic or a vulnerability. The adjustment may be a short-term or temporary need, or a longer-term need. The need should be reviewed and not assumed.

Landlords also have an ‘anticipatory’ duty- they must consider in advance what individuals may need when accessing their service.

When deciding whether an adjustment is reasonable, the landlord should consider:

- How effective the change will be.

- Can it be done?
- The cost and resources (depending on the landlord's resources and size).

Importantly, after taking these points into account, if the decision is that it is reasonable, the landlord must make the adjustment. It is not enough for landlords to say it is not its responsibility to make the adjustments requested due to lack of funding as this is not a justification for not making reasonable adjustments.

## The Care Act 2014

The Care Act sets out the responsibilities of local authorities regarding assessing and meeting individuals' care needs. A fundamental component of the Care Act is the 'suitability of accommodation' in meeting the home care and support needs of older and vulnerable people. The Act is clear that the provision of suitable accommodation can be a fundamental part of the care and support given to vulnerable adults.

The Act and the accompanying regulations and guidance outline how housing can support a more integrated approach. Housing in this context is defined as not just "bricks and mortar", but also housing related support.

There are also what is referred to as the general responsibilities under the Act, which are: promoting individual wellbeing; preventing needs for care and support; promoting integration of care and support with health services; providing information and advice; promoting diversity and quality in provision of services; cooperating generally, and cooperating in specific circumstances.

Safeguarding adults comes under this legislation.

## Appendix B: Regulatory and professional standards framework

In addition to their legal obligations, landlords also must comply with relevant regulations and ensure they operate within their professional standards.

The Regulator of Social Housing (the Regulator)'s current Tenant Involvement and Empowerment Standard requires registered providers to:

- Treat all tenants with fairness and respect.
- Demonstrate that they understand the different needs of tenants, including in relation to the equality strands and tenants with additional support needs.

The standard sets specific expectations that providers will:

- Demonstrate how they respond to those needs in the way they provide services and communicate with tenants.
- Provide choices, information and communication that is appropriate to the diverse needs of their tenants in the delivery of all standards.

In July 2023, the Social Housing (Regulation) Act 2023 became law. The Regulator has commenced consultation regarding its proposed consumer standards and Code of Practice. Under the proposed new Transparency, Influence and Accountability Standard, landlords will have to be open with their residents and treat them with fairness and respect. This means residents should be able to:

- Make use of their landlord's services, in a way that meets their needs.
- Make complaints when necessary.
- Influence their landlord's decision-making.
- Understand how their landlord is performing.
- Hold their landlord to account.

The proposed new Tenancy Standard sets requirements for the fair allocation and letting of homes and for how those tenancies are managed and ended by landlords.

Registered providers must allocate and let their homes in a fair and transparent way that takes the needs of residents and prospective residents into account.

Underpinning these proposed standards are the quality of the relationship between the landlord and resident. The proposal document explains:

“For this [the relationship] to be effective, landlords need to embed a culture of transparency and accountability that is meaningful to tenants and demonstrates fairness and respect.”

Fairness and respect incorporate listening to residents, an understanding of differing needs, and the provision of accessible and responsive services and communications.

The Chartered Institute of Housing's professional standards<sup>53</sup> include what an inclusive housing professional is:

- Unconscious bias – addresses own behaviours and assumptions.
- Perspective – recognise, value, and draw on a wide range of perspectives to deliver the best service.
- Inclusive – demonstrate sensitivity to customs, cultures, and beliefs of others.
- Collaboration – build collaborative relationships, challenge – zero-tolerance towards inappropriate, offensive or discriminatory behaviour.
- Holistic – promote diversity of views and experiences. Listen and understand.

These standards further illustrate the need for, and importance of, a respectful landlord and resident relationship as well as sensitive, holistic and 'human-centric' service provision.

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<sup>53</sup> Chartered Institute of Housing, [Professional standards](#), 'Inclusive'

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## Housing

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