

Housing

Ombudsman Service

REPORT

COMPLAINT 202005114

The Cambridge Housing Society Limited

16 June 2021

Our approach

The Housing Ombudsman's approach to investigating and determining complaints is to decide what is fair in all the circumstances of the case. This is set out in the Housing Act 1996 and the Housing Ombudsman Scheme (the Scheme). The Ombudsman considers the evidence and looks to see if there has been any 'maladministration', for example whether the landlord has failed to keep to the law, followed proper procedure, followed good practice or behaved in a reasonable and competent manner.

Both the resident and the landlord have submitted information to the Ombudsman and this has been carefully considered. Their accounts of what has happened are summarised below. This report is not an exhaustive description of all the events that have occurred in relation to this case, but an outline of the key issues as a background to the investigation's findings.

The complaint

1. The complaint is about:
 - a. The local authority's handling of the resident's request to move to a more suitable property.
 - b. The landlord's handling of the resident's reports of Anti-Social Behaviour (ASB).
 - c. The landlord's handling of the resident's request to move to a more suitable property.
2. The Ombudsman has also considered the landlord's handling of the resident's complaint.

Jurisdiction

3. What we can and cannot consider is called the Ombudsman's jurisdiction. This is governed by the Housing Ombudsman Scheme. When a complaint is brought to the Ombudsman, we must consider all the circumstances of the case as there are sometimes reasons why a complaint, or part of a complaint, will not be investigated.
4. After carefully considering all the evidence, it has been determined that point (a) of the complaint definition falls outside of the Ombudsman's jurisdiction. This is as matters relating to the local authority's management of the resident's housing application / requirements and the allocation of its stock, would fall properly within the jurisdiction of the Local Government Ombudsman (LGO).

5. While the Ombudsman appreciates that the resident was displeased with the limitations which came with Band B status, the local authority's assessment of her needs, and the local authority's delay in moving her, the Ombudsman is unable to comment on the reasonableness of these decisions within this report. As per paragraph 39(m) of the Housing Ombudsman Scheme, the Ombudsman will not investigate complaints which, in the Ombudsman's opinion, fall properly within the jurisdiction of another Ombudsman, regulator or complaint-handling body.
6. The Ombudsman has subsequently only investigated the following parts of the complaint:
 - a. The landlord's handling of the resident's reports of Anti-Social Behaviour (ASB);
 - b. The landlord's handling of the resident's request to move to a more suitable property; and
 - c. The landlord's handling of the resident's complaint.

Background and summary of events

Background

7. The resident has been an Assured Shorthold Tenant, in respect of the property, since April 2012.
8. The property is a one-bedroom, ground floor flat.
9. The resident has several conditions which impact her physical and mental health. Due to issues with her mobility, she is also in need of physical property adaptations. The landlord is aware of the resident's conditions.
10. The resident explained to the landlord that she was subject to harassment and intimidation from the neighbour living above her. For the purpose of this report, this neighbour has been referred to as neighbour A.

Legal and policy framework

Lettings policy

11. The landlord has provided this service with a copy of its lettings policy. This sets out the landlord's role in ensuring that homes are allocated fairly and that it makes the best use of its housing stock. The policy explains:
 - a. The landlord does not keep its own waiting list for housing, but rather, as a member of a Choice Based Letting Scheme (CBLS), all homes are let and advertised through the CBLS.

- b. The landlord will advise and support all tenants seeking help to move. This support includes helping to present supporting information to the local authority (or representative) managing the waiting list, helping tenants access the Scheme information / make bids, and helping tenants find a mutual exchange.
 - c. To access the advertised properties, tenants need to apply directly via the scheme website or direct to the local authority in which they live or have a connection with. It is up to the local authority (or its representatives) to consider the application, circumstance and level of priority (dictating the banding). The band (status) awarded will determine the property that a tenant can bid for.
 - d. In exceptional circumstances, the landlord may let a home direct to customers without being advertised through the scheme. Direct lets are carried out where there is an urgent need (which the local authority would consider Band A). Typical reasons could include harassment, a severe medical condition, severe overcrowding, domestic abuse or fire damage.
 - e. Some of the landlord's stock will be subject to legal agreements under Section 106 of the Town and Country Planning Act 1990. This means that people having an existing connection with the immediate area will have priority to be housed there, as agreed with the local authority.
12. The Ombudsman notes that in this case, the local authorities housing stock and housing register is managed by a Partnering Social Landlord (PSL).

Anti-Social Behaviour policy (ASB)

- 13. The landlord has also provided this Service with a copy of its ASB policy. This details the landlord's approach to addressing ASB. The policy explains that the landlord's aim is to prevent ASB before it starts, intervene appropriately where possible, and enforce tenancy and lease conditions where necessary.
- 14. A series of measures are used to combat ASB, these include discussions with the perpetrator, working with external support agencies, providing support to both parties to resolve the issues, mediation, and enforcement action.

Complaints policy

- 15. Finally, the Ombudsman has reviewed the landlord's complaints policy. This recognises a complaint as "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, affecting an individual customer or group of customers".

- 16. Under the complaints process, the landlord will:

- a. Try to deal with problems informally where possible.
- b. Consider a complaint under its formal process where a resident remains dissatisfied.
- c. Review the formal complaint, if the resident remains dissatisfied, within 20 working days of accepting the submission.

Scope

17. The resident has explained that as a result of the landlord's failure to move her, or to evict neighbour A, her physical and mental health has deteriorated. While this may be the case, it is beyond the expertise of this service to reasonably determine a causal link between the landlord's actions (or lack of) and the deterioration of the resident's health. The Ombudsman has therefore made no comments in relation to this. Should the resident wish to pursue this matter, legal advice will need to be sought.

Summary of events

18. Between 11 and 27 February 2019 several allegations of harassment and physical abuse were made by both the resident and neighbour A. It appears that the Housing Officer (HO) followed this up with the police on each occasion. It was noted that the resident had visited the landlord's office and shown texts from neighbour A which indicated that she had been selling drugs. The texts were not, however, considered to be enough to confirm that the resident was being harassed and therefore further details were sought from the police.

19. On 27 February 2019 the police explained to the landlord that additional allegations had been made by both parties. It stated that while officers had spoken to the resident and neighbour A, the issue had not been resolved. It would, however, speak with the neighbourhood Sargent to see if any assistance could be obtained.

20. On 1 March 2019 the landlord contacted the PSL recognising that the resident had re-registered on the CBLS website. A copy of the resident's latest Occupational Therapist (OT) report was shared with the PSL in order for the resident's circumstance to be properly considered.

21. On 28 March 2019 the HO spoke with the police who confirmed that there were four allegations (from both parties) which were being investigated.

22. On 12 April 2019 the resident registered a complaint. She explained that:

- a. There had been considerable ASB and harassment from neighbour A.

- b. She was displeased that after being advised by the HO to report her drug allegations to the police, she spent four hours waiting to give a statement.
- c. The landlord had let her down as she had only been given the option for a one-bedroom property, despite having shared custody for son. Her parental responsibilities had not been reflected in her housing application.
- d. Other neighbours were siphoning electricity out of the hallway, using cocaine, and there were incidences of domestic violence.

23. On 26 April 2019 the landlord provided the resident with a formal complaint response. It stated:

- a. While it apologised for the resident's experience with her neighbour, it was appropriate for the HO to advise contacting the police. The HO had also issued a warning to neighbour A about cannabis offences following the evidence provided by the resident. Legal action would be taken if there was any further evidence of this.
- b. The resident's eligibility on the CBLS website was a local authority issue. It explained, however, that it would be unusual to award more than a one-bedroom property unless her son was living with her as his main home.
- c. Action would be taken to address those using the communal electricity supply.

24. On 29 April 2019 the resident wrote to the landlord. She explained that she had been threatened by neighbour A in her home and that this had been reported to the police. The resident stated that the police officer had advocated an urgent move, and requested that the landlord place her in temporary accommodation in the meantime, or evict neighbour A. The resident reiterated that she required a two-bedroom property.

25. The Ombudsman notes that the resident was accused of assaulting neighbour A during this altercation.

26. On 9 May 2019 in a telephone call with the resident, she was advised that further supporting evidence would be provided to the PSL and an update would be sought from the police on its ASB assessment.

27. On 29 May 2019 the resident expressed her dissatisfaction that matters had not been resolved. She also noted that neighbour A was in the process of being moved and yet she had been left to rot at her property.

28. The landlord responded to the resident apologising for the issues she had endured, on the following day. The landlord explained that it was in the process of meeting with neighbour A but was having difficulty doing so.

29. The Ombudsman notes that in June 2019, neighbour A ended her tenancy.

30. On 1 July 2019 the resident wrote to the landlord. She asserted:
- a. Due to her medical conditions and the ongoing harassment, her safety was at risk. She could not believe she had not been moved.
 - b. She had revisited the police station after receiving private number calls assumed to be neighbour A. She had received no help, however.
 - c. Her property was not suitable for her living/health needs.
31. The Ombudsman notes that in July 2019 the resident sought support from her local MP (who wrote to the landlord on 10 July 2019). The landlord explained to the resident's MP that:
- a. It had worked collaboratively with the police, local authority, PSL, probation services, and other local housing providers to resolve the matter.
 - b. It had acted on each incident and taken appropriate action based on the evidence available.
 - c. Neighbour A had since moved. The police had confirmed that in their view, this notable change in circumstance made the risk of ongoing ASB and difficulty negligible. This was supported by the fact that the complaints had stopped since neighbour A had moved.
 - d. The PSL had assessed the resident's application for housing and allocating priority banding accordingly. The landlord explained that it had advised the resident and provided supporting information to the PSL. It had also raised that the resident may wish to find a suitable mutual exchange.
32. It appears that attempts were made by the resident to speak with the landlord in August 2019 (via telephone) however it is unclear whether the landlord responded to this. Records do show, however, that during September 2019, frequent contact was made by the landlord with the resident to discuss her housing options.
33. On 10 October 2019 the resident advised the landlord that a man unknown to her had buzzed her door looking for her. She explained that she was fearful for her safety and that her health was not in a good place. She expressed that she could not deal with bidding via the CBLS either, as she believed that she needed to be moved for health reasons. The resident advised the landlord that an ASB matrix had been completed by the police on 29 April 2019 however they had since fobbed her off.
34. On the same day, the landlord spoke with the resident on the phone. Call notes show that the resident emphasised her need to move and explained that neighbour A had been making false allegations against her and was a drug dealer with dangerous friends. The landlord noted the resident's new

support workers details and advised that it would touch base with it to see if a joined approach could help. It would also assist the resident with bidding via the CBLS and if necessary, would help her update her application.

35. On 14 October 2019 the landlord advised the resident that it had made contact with the resident's support services and had sought further information from the police. It added on 22 October 2019 that it had additionally contacted the police for a copy of the ASB matrix to support her application.
36. On 12 November 2019 the landlord spoke with the resident. It confirmed that it would contact the PSL to discuss re-assessment of her housing application after submitting the ASB matrix.
37. On 14 November 2019 the landlord advised the resident and her support worker that following its conversation with the PSL, and due to the ASB and need for a ground floor property, the PSL would award Band B priority. She was advised that while this only enabled her to bid within her area, she could move outside of this area if she had a local connection. The landlord acknowledged that the resident's sibling lived in a neighbouring borough and therefore offered details for this authority.
38. On 5 December 2019 the resident made further reports to the landlord of people in the neighbourhood allegedly partaking in sexual abuse and selling drugs. She was advised to inform the police in the first instance. The resident made a further report, on 2 January 2020, that she believed another resident was growing cannabis in their property.
39. On 9 January 2021 the resident wrote to the landlord explaining:
 - a. Her parents were now being terrorised. While the landlord had repeatedly advised her to go to the police, the police had done nothing.
 - b. As the local authority was unable to assist, she was trying to find a property with the neighbouring authority. She stated that as the landlord had only moved neighbour A to the other side of the district, it was deemed too dangerous for her to live there. She requested that the landlord call the neighbouring authority to arrange a move to a two-bedroom bungalow.
 - c. The landlord had helped a criminal move however had left her to rot in the property. She stated that if the landlord did not offer more support, she would be taking her case to the local newspaper.

The resident reiterated that the landlord had done little to support her and advised that she would need a property close to her sibling as soon as possible.

40. The resident wrote further to the landlord on 14 January 2021 (this time as a formal complaint), stating:

- a. The landlord had not helped her escape the harassment she had been experiencing since moving into her property.
- b. Despite the letters that had been sent to the landlord by her OT and Doctor, the properties made available to her were unsuitable for her needs.
- c. The landlord had moved the perpetrator of the ASB to a new build property. Meanwhile, the harassment had now begun taking place at her parents address too.

The resident explained that a year had almost passed, and she was extremely anxious and unable to leave her property. She had received several threats and her car had since been damaged. She added that she was unable to bring her son to the property as she believed that there were sexual predators on the estate.

41. On 16 January 2020 the landlord responded to the resident's complaint. It stated:

- a. It was aware that the police were still investigating matters following the resident's recent reports. The landlord explained that as neighbour A was no longer one of its tenants however, and these were criminal offences, this would need to be overseen by the police.
- b. While it had reached out to a neighbouring authority on the resident's behalf, it did not have a working partnership with them. The resident was therefore responsible for submitting the relevant documents requested by the authority. The landlord explained that it could not influence the neighbouring authority to meet her moving requirements.
- c. It was unable to discuss the details regarding the alleged perpetrator's housing situation.
- d. The ASB matrix had been sent to the PSL as requested by the resident.
- e. It had spoken to the resident on several occasions via telephone, email, letter and in person. The HO had also liaised with the PSL resulting in the resident being awarded Band B status.
- f. Details of criminal behaviour relating to other resident's needed to be reported to the police.

The landlord therefore concluded that it had worked together with the resident's support services, the PSL, and the local authority to support a move as per the resident's request. The landlord stated that as the resident's complaint included several matters which had already been complained about, it would treat this as an informal complaint. It proposed to meet with the resident on 23 January 2020 along with the HO to further discuss the matter.

42. On 21 January 2020 the resident further expressed to the landlord that she had received little support from both the police and its service. She stated that she looked forward to a meeting with the landlord and hoped that she would finally get the support to move.
43. The Ombudsman can see that the landlord contacted the neighbouring authority on 3 March 2020 and shared a copy of the ASB matrix and rent statement in support of the resident's housing application. In further correspondence, it explained that it did not have a suitable property available within its own stock and that it had been assessed and advised by the police that the resident move outside of the area as neighbour A still lived locally.
44. The Ombudsman also notes that there were several back and forth emails between the resident and the HO towards the end of April 2020 in which the resident expressed further discontent with her housing options.
45. On 18 June 2020 in a call with the landlord the resident explained that she had received further accusations from neighbour A. She wished to know what else she could do. The landlord explained that it had exhausted all of the avenues within its power, and encouraged the resident to continue bidding.
46. On 23 June 2020 the resident wrote to the landlord following an incident in which drugs had been posted to her address. While she was unable to recognise the name on the package, the resident suggested that this may have been sent to her property by neighbour A. The resident again provided details of disputes and altercations that had taken place on the estate and explained that while these had been reported to the police, they were not taken seriously. She stated that the HO needed to arrange for the police's drugs team to properly investigate matters. She noted that she was not safe as there was a possibility that the sender of the drugs could attempt to collect the parcel. She expressed that the landlord therefore needed to move her. She would not be bidding for any further properties.
47. On 24 June 2020 the HO explained to the resident:
- a. A management move (or direct let) was not possible, and it had done all it could to support the resident's move.
 - b. As it understood it, the resident had previously been offered a property via the CBLS which she turned down due to the size of the rooms. It therefore encouraged the resident to continue bidding.
48. On 20 July 2020 the resident's MP wrote to the landlord. It explained:

- a. The resident had raised that the issue with her neighbour had still not been resolved. Moreover, the resident was displeased that neighbour A had been moved and she had not.
 - b. It noted that the resident was able to bid via the CBLS however she requested a management move.
49. The landlord replied to the residents MP on 27 July 2020. It reiterated its earlier points and highlighted that the resident was previously offered a bungalow with a wet room via the CBLS however declined this due to the size of the rooms. It added that it was unable to offer the resident a management move within its own stock as it did not have any two-bedroom bungalows and one-bedroom bungalows were also in short supply.
50. The landlord also explained that the ASB on the estate was being monitored. It noted however that it had no real evidence to identify possible tenancy breaches, as much of what had been reported previously could not be confirmed. The resident had been advised to call the police if she had any concern about illegal activity.
51. The resident wrote further to both the MP and landlord on the same day. She expressed that she disagreed with the landlord's response and reiterated her experience to date. The resident made further reports of ASB and expressed that the landlord had let her down, offering criticism for the way that her housing and ASB situation had been handled. The landlord advised the resident that it would follow up on her recent reports made to the police.
52. On 26 August 2020 the resident wrote to the landlord, the local authority and her MP. She expressed further dissatisfaction with:
- a. The delay in being moved and with the properties available to her. She was displeased that the landlord sought to convince her to accept properties that required work.
 - b. The landlord's handling of the ASB.
 - c. That she continued to be harassed while at the property.
53. The landlord explained to the resident on the following day that it had nothing further to add and had no say in the properties that she qualified for.
54. On 28 August 2020 the resident's MP again contacted the landlord. As well as reiterating the resident's earlier concerns, it also enquired about the landlord's recent housing development and queried whether any new two-bedroom properties might be available for the resident.

55. In response, on 1 September 2020, the landlord confirmed that new homes were being built and handover was expected to take place between May and September 2021. Amongst this, however, there would only be two two-bedroom bungalows, and there was a Section 106 agreement in place with the local authority which prioritised allocation to those meeting its specific criteria. It reiterated its position in relation to the PSL's assessment and explained that the resident would be well placed, given her medical priority to obtain a one-bedroom property. She was encouraged to continue bidding.

56. Following similar complaints in September 2020, the resident contacted this service. On 23 September 2020 this service encouraged the landlord to offer a complaint response. The landlord subsequently contacted the resident confirming that it would formally respond by 7 October 2020.

57. On 7 October 2020 the landlord provided the resident with a stage one response. It stated:

- a. It had provided the relevant supporting documents to the PSL and acquired Band B priority. It noted that the resident had appealed the PSL's decision however the decision was upheld.
- b. It did not have the stock to offer a management move and noted that the resident had declined a direct let as she considered this to be too small. As the resident had previously expressed interest in a move to another local authority area however, it had liaised with the neighbouring authority to ensure that it had all of the supporting documents.
- c. If the resident felt the move was urgent, she would need to compromise on the size or location of the property.
- d. Due to COVID-19, it was obligated to offer its one-bedroom properties that became available to the local councils. Once the situation had changed, this would return to being advertised via the CBLs.
- e. Neighbour A ended her tenancy in June 2019. While reports of harassment were still being made to the police, it understood that there was insufficient evidence for the police to act on. It noted that neighbour A still lived locally but confirmed that it was appropriate for its HO to refer the resident to the police. It explained that at this time, there was no evidence to suggest that it was unsafe for the resident to remain at her property, in relation to this issue.

The landlord concluded that it would continue to work with outside agencies to assist the resident in finding a suitable property.

58. On the same day the resident expressed her dissatisfaction with the response. She expressed that she should have been awarded Band A priority and reminded the landlord that two of her vehicles had been vandalised, her post had been stolen, and her parents threatened. She was displeased with

the landlord's communication and asserted it had done nothing to address the harassment. She requested further information on why she had not been granted a management move.

59. On 8 October 2020 the resident viewed a 1-bedroom bungalow in a neighbouring area. She explained that she declined this, however, as it was too small and needed work. She noted that neighbour A had been given a brand new property and expressed feeling unfairly treated.
60. On 14 October 2020, after back and forth emails with the resident, the landlord confirmed that the resident's complaint would be reviewed by its complaints panel. It was explained that due to the complications created by COVID-19, it anticipated that the review would take place on 10 November 2020.
61. On 10 November 2020 the landlord provided the resident with its panel review response. It explained that the resident's complaint was reviewed on 3 November 2020 and concluded:
- a. It was made clear to the resident that the landlord was not responsible for her eligibility and priority banding. It was also explained why the landlord was unable to offer a direct let within its own housing stock. The expectation of another outcome was therefore unrealistic.
 - b. It was clear that the landlord had made every effort to help the resident obtain a one-bedroom property elsewhere.

The panel recommended that the resident consider moving to a one-bedroom property away from her current home and that she consider having support to make adaptations which could make her property more acceptable.

Assessment and findings

The landlord's handling of the resident's reports of Anti-Social Behaviour (ASB).

62. The Ombudsman has considered the landlord's handling of the resident's reports of ASB and while the Ombudsman appreciates that the resident was displeased with the landlord's efforts, in the Ombudsman's view, the landlord's approach and actions were reasonable.
63. In respect of the resident's reports of harassment, the Ombudsman notes that allegations were made on both sides, by both the resident and neighbour A. As per the landlord's ASB policy and general good practice, it was therefore appropriate for the landlord to make contact with both parties to discuss the allegations and to attempt to accrue evidence. The Ombudsman can see that the landlord was in frequent communication with the resident.

64. With this, the landlord also liaised with supporting services such as the police. As much of the reported behaviours were also criminal offences, and the police had already become involved in matters, it was appropriate that the landlord worked collaboratively with the police to obtain an overall view of the incidences and to encourage further investigation/the accrual of evidence, before taking any tenancy action. This was appropriate.
65. The Ombudsman recognises the resident's dissatisfaction as she was frequently advised to make reports to the police, but had seen little action taken in her favour. It was reasonable, however, due to the nature of the resident's reports, for the HO to refer the resident to the police, in the first instance. This did not absolve the landlord of its own responsibility to take enforcement action against activity such as drug use, as this would have also been a breach in the conditions of tenancy. It was therefore reasonable, where the landlord was provided with evidence, that a warning letter was also issued to neighbour A regarding the use of cannabis. The Ombudsman notes that the resident was advised of this action on 26 April 2019 and was informed that legal action would be taken where evidence was found. This was reasonable.
66. Despite the resident's reported experience, and although there was evidence of a neighbour dispute, the landlord was unable to substantiate the resident's reports of harassment, however. It therefore took no steps to evict neighbour A, as requested by the resident. In the Ombudsman's opinion, this was acceptable. The Ombudsman has reviewed the evidence available and cannot see that the police or the landlord found sufficient proof to warrant such action. It would have been unreasonable for the landlord to act without proportionate evidence.
67. The Ombudsman notes that there was a reported altercation in April 2019 in which both parties were accused of threatening behaviour (verbal and physical). This provided no further evidence, however, that the resident was being harassed.
68. On 1 July 2019, neighbour A ended her tenancy. It was therefore appropriate to advise the resident, as it did on 16 January 2020, that matters relating to neighbour A would need to be overseen by the police. The landlord would have been incapable of taking any investigatory or enforcement action, as the landlord/tenant relationship between itself and neighbour A had ended. With this said, the landlord was still obligated to consider the safety and experience of the resident and the Ombudsman is satisfied that it did this. The Ombudsman can see that the landlord explained within its stage one response in October 2020 that while neighbour A still lived locally, it had found no evidence to suggest that it was unsafe for the resident to remain at her property.

69. The resident made several other reports of alleged ASB and criminal behaviour on her estate (such as siphoning of communal electricity, domestic abuse, possession of drugs, and sexual predators). While there was little / no evidence provided of these matters, the landlord assured the resident that it would monitor the situation and take appropriate action where necessary. This was reasonable. The Ombudsman notes that the landlord also confirmed this for the resident's MP on 27 July 2020.
70. While the resident sought action from the landlord following her reports of an attack at her parents' home and on receipt of an illegal package, these were matters which fell outside of the landlord's control and remit. This is as these were not housing matters, but rather, examples of criminal behaviour outside of the landlord / tenant relationship. It was therefore appropriate for the landlord to advise the resident to pursue these matters via the police also.
71. Finally, the Ombudsman appreciates that while neighbour A no longer lived above the resident, the resident was fearful that neighbour A had dangerous friends. She later reported issues such as damage to two vehicles, calls from a private number and an unknown individual knocking on her door. This would have added to the resident's distress and her requirement to be rehoused. Similar to the above, however, such matters would properly fall within the jurisdiction of the police and not the landlord. While the landlord may, where sufficient evidence is found, offer solutions such as rehousing residents, this would first need to be investigated by the police. It was therefore reasonable for the landlord to explain this.

The landlord's handling of the resident's request to move to a more suitable property.

72. In much of the resident's correspondence, she expressed dissatisfaction that the landlord had failed to move her away from the ASB and to place her in a home suitable to her medical needs. The resident was displeased with the assessment of her housing requirements, with the options available to her (such as the location and number of bedrooms), and the speed with which things were happening. While the Ombudsman acknowledges and appreciates the resident's dissatisfaction, the Ombudsman has not found that the landlord acted inappropriately.
73. As explained in the landlord's lettings policy, the waiting list for housing was managed by the PSL on behalf of the local authority. As such, the assessment of the resident's circumstances, her banding, and the properties she qualified for were decided by the PSL. As the landlord explained to the resident, it was therefore unable to alter or influence this, and in this respect, was not responsible for the resident's dissatisfaction with this.

74. This was brought to the resident's attention as early as 26 April 2019, in response to the resident's initial complaint. The Ombudsman notes that the resident was advised on several occasions following this, and can see that the resident did later appeal this with the appropriate body. This was reasonable. In line with the landlord's policy, the resident was advised that she needed to bid via the CBLS in order to obtain a move.
75. The Ombudsman notes that the resident was also displeased that the landlord had not offered her a direct let (or management move). The Ombudsman notes that under the landlord's policy, it may offer a direct let, without first advertising it via the CBLS, where it considers an urgent move is required. As this includes residents subject to harassment or severe medical conditions, it was not unreasonable that the resident questioned this.
76. As the landlord had been unable to evidence that the resident was subject to harassment, however, the Ombudsman cannot see that the landlord would have considered her housing need to be urgent in this respect. The landlord did, in any case, explain to the resident that it was unable to offer a direct let as it did not have the stock available. This was reasonable, given the resident's medical needs. While the resident suggested that it was never explained to her why she could not have a management move, the Ombudsman can see that the landlord advised of its limited stock on several occasions, including within the stage one response in October 2020.
77. While the landlord could not arrange a direct let, it did take reasonable action to support the resident in obtaining a move. This was appropriate and was in line with the suggested guidance within the lettings policy. The Ombudsman has been unable to identify the specific day in which the resident first informed the landlord that she wished to move, but can see that upon learning that the resident had re-registered on the CBLS website, records were provided to the PSL to support her application.
78. The Ombudsman recognises that the landlord was in regular communication with the resident to discuss her housing options and to manage her expectations. The landlord also confirmed for the resident that it had made contact with her support worker, noting that a joined approach could help in supporting the resident. This was reasonable.
79. The landlord also liaised with the police to obtain a copy of the ASB matrix and shared this with the PSL along with the resident's medical letters and OT report. This was helpful in emphasizing the resident's need to move. In managing the resident's expectation as well as her allegations of ASB, the landlord advised that it would also support the resident for a move to a neighbouring area and provided the resident with the appropriate contact details. The Ombudsman can see that the landlord liaised with the

neighbouring authority to best position the resident's application and advised the resident of this. This too was appropriate.

80. It was reasonable that after supplying the PSL with the ASB matrix, the landlord also encouraged a re-assessment of the resident's application. The Ombudsman can see that this resulted in the resident's banding being upgraded to Band B. The Ombudsman cannot comment on whether this banding fairly reflected the resident's circumstance / need, as this was not a matter the landlord was responsible for, but would suggest that the landlord's efforts improved the residents chances of obtaining a property suitable to her needs.

81. What's more, in response to the resident's enquiry about properties which were being built, the landlord also offered a reasonable explanation (to both the resident and her MP) as to why it would be unable to easily accommodate the resident. The landlord's explanation offered detail of the number of potentially suitable properties within its stock but also of the Section 106 agreement in place. This was reasonable. The lettings policy identifies that such agreements may be in place.

82. Noting the resident's reports, it was not unreasonable that the landlord attempted to encourage the resident to compromise in order to secure a property which could later be adapted if necessary. As the landlord explained, the new banding would have positioned the resident well for a one-bedroom property. Given the urgency with which she expressed that she wished to move, this would have helped to resolve the problem potentially in both the long and short-term. The Ombudsman notes that the landlord also advised the resident to consider a mutual exchange.

83. Finally, while the resident expressed dissatisfaction that the landlord had allegedly moved neighbour A to a new build property, it was appropriate that the landlord to advise her that it could not share personal details relating to this matter. The Ombudsman is content that the actions taken by the landlord would have been based on each individual's personal circumstance.

The landlord's handling of the resident's complaint

84. In respect of the landlord's handling of the resident's complaint, the Ombudsman appreciates that as the landlord had already addressed many of the resident's concerns in its earlier correspondence, on 16 January 2020 the landlord responded to the resident's further complaint informally. This was reasonable and the Ombudsman cannot see that the resident sought to escalate this. In the Ombudsman's opinion, however, it would have been appropriate for the landlord to have offered the resident a formal response following her correspondence on 27 July 2020. The Ombudsman notes that

within this, as well as reiterating her earlier points and her alleged experiences, the resident also criticised the landlord's service. This therefore should have been considered under the landlord's complaints process and replied to within the timeframe set out in the complaints policy.

85. Adding to this, the Ombudsman notes that the resident further complained about the landlord's service on 26 August 2020. Again, this should have prompted the landlord to provide the resident with a formal response, however it does not appear that this was done until this Service became involved. The Ombudsman appreciates that the landlord did maintain contact during this time, corresponding with both the resident's MP and the resident. It would have been more appropriate, however, for the landlord to have clearly outlined its position under its formal process. In the Ombudsman's view, this was a missed opportunity for the landlord to clearly set out its position.

86. Adding to this, the Ombudsman acknowledges that the landlord's delay in considering the resident's complaint formally, meant that she was unable to exhaust the landlord's process and to bring her complaint to the Ombudsman, until months later. The resident was therefore delayed in achieving resolution. The Ombudsman has subsequently determined that there was a service failure.

Determination (decision)

87. In accordance with paragraph 54 of the Housing Ombudsman Scheme, there was:

- a. No maladministration in respect of the landlord's handling of the resident's reports of Anti-Social Behaviour (ASB).
- b. No maladministration in respect of the landlord's handling of the resident's request to move to a more suitable property.
- c. A service failure in respect of the landlord's handling of the resident's

Reasons

88. The Ombudsman has arrived at the above determinations as:

- a. In the Ombudsman's opinion, the landlord's actions were reasonable and in accordance with its ASB policy. While the landlord was unable to identify sufficient evidence to substantiate the resident's assertion that she was being harassed, it took reasonable steps to do so. It was appropriate for the landlord to make contact with both the resident and neighbour A to establish the facts and also to liaise with the police, given their involvement and the nature of the allegations. Where the landlord was satisfied that evidence of a tenancy

breach existed, the Ombudsman notes that proportionate action was taken (via a warning letter). This was reasonable.

Moreover, it was appropriate for the landlord to advise the resident, where neighbour A was no longer a tenant, that she needed to report matters to the police. The Ombudsman appreciates that the issue had not been resolved once neighbour A had moved, however as this was no longer a neighbour dispute, it would have been more appropriate for the police to oversee.

In respect of the resident's other reports of ASB (such as the syphoning of electricity, alleged domestic abuse, drug activity, and the existence of sexual predators), as there was no evidence to support the reports, it was reasonable for the landlord to advise that it would monitor the situation. It was also reasonable for it to advise reporting concerns of a criminal nature to the police. The Ombudsman has seen that the landlord made frequent contact with the police and therefore positioned itself well to take action where proof was found (and where tenants were involved).

- b. The landlord offered a reasonable level of support to assist the resident in being rehoused. This was in line with the support advised of under the lettings policy and was reflective of good practice. The Ombudsman can see that the landlord ensured that the local authority/PSL had the appropriate information to adequately consider the resident's circumstance and that in doing so, the resident was able to achieve Band B priority. The Ombudsman also notes that several attempts were made to manage the resident's expectations and to support the resident with her housing application.

What's more, the Ombudsman is content that the landlord explained to the resident that it was not responsible for the assessment of her application or the properties available to her. It was therefore unable to do more to aid the resident in obtaining her desired property, or to speed up the process in which she would be moved. The Ombudsman notes that the resident was dissatisfied that the landlord had not granted her a management move, however the Ombudsman is content that the landlord offered a reasonable explanation for this.

- c. The landlord failed to acknowledge the resident's clear expressions of dissatisfaction about its service and to consider this under its complaints process. The landlord's complaints policy explains that an expression of dissatisfaction about the standard of its service will be identified as a complaint, however it does not appear that it did so, in this case. Subsequently, the landlord missed opportunities to address the resident's complaints formally and to clearly put forward its position. This resulted in the resident turning to the Ombudsman Service for support and delayed the complaint handling process. In the Ombudsman's opinion, this was inconsistent with good practice.

Orders and recommendations

Orders

89. In recognition of the service failure in respect of the landlord's handling of the resident's complaint, the Ombudsman orders the landlord to award the resident £50.

90. The landlord should make the above payment within four weeks of receiving the Ombudsman's determination.

Recommendations

91. In line with the complaints policy, the landlord should ensure that it recognises complaints about its service at the earliest opportunity and endeavours to address these formally, under its complaints process. The landlord may benefit from revisiting the Complaint Handling Code, available on the Housing Ombudsman Service website.