

# Housing

## Ombudsman Service

### Guidance on best practice for landlords during Covid-19

This guidance sets out best practice for our member landlords in how to engage with the Ombudsman during the Covid-19 crisis along with guidance on dealing with complaints raised by residents during this time.

The guidance is based on the most common, specific queries and concerns that landlords have raised with the Ombudsman since the Covid-19 crisis began. The guidance will be updated as the situation progresses.

The Ombudsman has engaged with a large number of landlords reflecting the breadth of its membership since mid-March. This guidance reflects the fact that almost all landlords engaged, both housing associations and local authorities, indicate they are operating complaint handling largely as normal at this time.

All Ombudsman staff are working remotely and the Ombudsman Service is operating as normal. There is currently no intention to suspend any casework activity and customers can access the service through the normal channels ie by email, telephone, letter (although this part of the service is limited) and online.

#### Dealing with repairs

The majority of landlords have moved to emergency repairs only. This has involved placing current and ongoing non-emergency repair requests on hold. The Ombudsman would expect landlords to continue to show regard for the most vulnerable residents when assessing which new repair request should be carried out.

- For landlords operating an emergency repairs only service or those that continue to operate a more extensive service, the normal service standards should continue to be adhered to where possible with timeframes being met and updates and explanations being provided to residents where there have been or are likely to be any delays.
- In instances where repairs cannot be undertaken or completed due to current circumstances, this should be clearly explained to the resident.
- There should be a system in place to ensure that the outstanding jobs remain open and are tracked to ensure that they can be revisited when circumstances permit.

- The important thing is to keep the resident fully informed and updated on the situation.
- We encourage landlords to also communicate clearly with contractors during this time so that they are clear on what is expected in relation to carrying out repairs and how they are being protected when entering residents' homes.

Landlords should keep abreast of the latest Government guidance for landlords and tenants which can be accessed [here](#).

## Complaints about repairs

Existing complaints about how a repair service has been delivered should still be considered as normal with any appropriate remedies being offered. If it is not possible to revisit or complete the repair in question due to current restrictions then the resident should be informed of this and the job should be placed on hold until such time as it can be attended to. The complaint should still be investigated as far as possible and responded to with any proposed actions to address the issues, when circumstances permit, being set out.

Landlords would still be expected to register any complaints received about the revised approach to repairs and consider each on a case by case basis.

Landlords have discretion on how to deal with complaints through their complaints procedures ie to close them at an earlier stage if they consider this appropriate. Such discretion should continue to be applied fairly and appropriately and on a case by case basis.

If the complaint is about a landlord's application of the revised approach, ie its failure to identify a repair as being 'urgent' or the timeframe in which a repair has been completed, landlords should consider the complaint carefully. Landlords are still providing a service and must consider the reasonableness of a service that has been delivered under the revised approach.

The Ombudsman would expect remedies to continue to be applied appropriately to situations where any delays are due to the actions or omissions of a landlord. The Ombudsman would not consider it necessary, or a reasonable expectation on a landlord, to offer compensation for any delays in service that are solely due to the Covid-19 restrictions over which a landlord has no control.

Landlords should continue to refer complaints to the Ombudsman when they consider the case to be closed. The usual steps of clearly labelling a final response letter and providing details of how a case can be referred to a designated person and the Ombudsman should be applied.

## Complaints about ASB

We note that there have been complaints raised with landlords about residents not following the social distancing rules set by the government.

We expect landlords to log and respond to all concerns raised by residents and to inform the police where necessary so that enforcement action can be considered where appropriate.

Where landlords have limited their complaints procedures for dealing with such complaints it still remains important for the issue to be logged and a response issued to the resident.

The government's advice to stay at home may have an effect on existing ASB cases and complaints. We expect landlords to try and deal with these as fairly as possible in the circumstances. Where visits are no longer possible the landlord can consider phoning the residents involved, holding conference calls or video calls to try and assist with resolving the ASB dispute.

## Access to the complaints procedure

The Ombudsman recognises that the current situation has placed some restrictions on how residents can lodge complaints with landlords due to contact centres being closed and postal services being restricted. Resources are also being diverted to other service areas in response to the current situation.

The Ombudsman would expect landlords to continue to provide access to its complaints service via as many means as possible and to continue to accept and deal with complaints in the usual manner as best as they can.

As already noted, landlords have been required to change their approach to certain service areas such as repairs, anti-social behaviour and new lettings, to reduce contact between people. Any complaints received about the revised approaches should be considered on a case by case basis as outlined in the guidance on complaints about repairs. Changes to policy at this time should allow for discretion and flexibility so that issues are considered on a case by case basis.

Our engagement with landlords has also highlighted the fact that, for some, the number of new complaints has fallen and this has provided complaint handling staff, who are working from home, the opportunity to address existing complaints.

## Provision of information to the Housing Ombudsman

It is in the interests of both residents and landlords to progress investigations of complaints where this is possible. The Ombudsman recognises that current circumstances may make it difficult for landlords to provide evidence that has been requested, or that they may wish to submit voluntarily, in respect of formal investigations and reviews. Our evidence request letters have been amended to reflect the current situation. A paragraph has been inserted which reads as follows: ***'If you are unable to provide this information because of the current Covid-19 pandemic, please contact us at your earliest convenience to let us know.'***

Landlords should continue to provide the Ombudsman with information that has been requested as far as possible and within the timeframe stipulated.

In instances where it is not possible to provide the requested information, landlords should notify the Ombudsman at the earliest opportunity. We will need to understand from the landlord if this is specific to a particular case or for all cases.

The Ombudsman will arrange for such cases to be placed on hold (paused) until such a time that the case can be revisited.

In such instances, the Ombudsman will notify the resident that the case has been placed on hold until further notice and explain the reasons why.

Investigations will not be paused where the landlord fails to engage with the Ombudsman.

## Orders and recommendations

The Ombudsman makes a range of orders and recommendations, from an apology to the payment of compensation, and during this period generally expects these to be complied with within the timescales set.

The Ombudsman also acknowledges that the current situation places restrictions on the actions that landlords can reasonably be expected to take in respect of orders and recommendations, in particular relating to repairs, and that landlords have a duty to comply with the government guidelines on social distancing.

We have already made changes to the wording and timing of some recent orders and recommendations to reflect this – e.g. to carry out an inspection for non-urgent works ‘when it is feasible to do so’. The important thing is to keep the resident (and the Ombudsman) updated.

### Existing orders and recommendations:

- Landlords should continue to adhere to the timeframes set for compliance with orders and recommendations where possible and update both the Ombudsman and the resident where there is likely to be a delay.
- Where it is not reasonably possible to comply with an existing order or recommendation ie where doing so would be at odds with Government guidance regarding the health of the resident and of the landlord’s staff, the landlord should notify both the resident and the Ombudsman that the order will not be completed within the specified timeframe.
- The Ombudsman will arrange for deadlines for compliance with such orders and recommendations to be extended until such time that the situation improves. New deadlines will be agreed with the landlord and resident when circumstances permit.

### New orders and recommendations:

- Any new orders and recommendations made by the Ombudsman while the situation is ongoing will demonstrate regard for what is reasonable in the light of Government guidance on the health of residents and landlord staff. Where appropriate, no deadline will be set for compliance with an order but the order

will remain open until such a time that it can be safely revisited and completed. At this point, a new deadline will be agreed with the landlord and resident.

- We have included an additional paragraph in our determination letters to reflect the above which states: ***'The Ombudsman accepts that, because of the present restrictions due to the corona virus pandemic, the timing of the above actions will depend on what is reasonable in the light of Government guidance regarding the health of the resident and of the landlord's staff.'***
- The Ombudsman would expect landlords to continue to comply with orders where possible. We would expect landlords to pay compensation payments in the usual timescale and to undertake urgent repairs within the agreed timescale and where possible.

We will update this guidance on our website as the situation continues. If you have any queries which have not been covered please contact us.

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