

Complaints about social housing: new arrangements from April 2013

Background

From April 2013 the Housing Ombudsman will deal with all complaints about social housing. Tenants of local housing authorities and Arms Length Management Organisations previously had the right to refer complaints about housing to the Local Government Ombudsman.

The Housing Ombudsman will continue to investigate complaints against housing associations and in addition, will investigate complaints about a local authority's landlord function. This means that complaints about a local authority's relationship as landlord to its tenants or leaseholders will be considered by the Housing Ombudsman rather than the Local Government Ombudsman.

The Local Government Ombudsman will continue to consider complaints about local authorities' wider activities, for example in discharging their statutory duties in homelessness. There are areas where there may appear to be some over-lap between the jurisdiction of the two Ombudsmen. The following guide has been developed to help clarify which Ombudsman may consider various categories of complaint.

From 1 April 2013 the Housing Ombudsman can only consider complaints that have been referred by a 'designated person' (MP, councillor or recognised tenant panel), or by the tenant themselves if 8 weeks have passed from the completion of the landlords internal complaint process. This provision does not apply to complaints made to the Local Government Ombudsman. These complaints can still be referred directly.

Both Ombudsmen are able to conduct joint investigations and are putting in hand liaison arrangements to ensure that there is early discussion of cases which engage both jurisdictions.

The following sets out the complaint categories that should be referred to the different Ombudsman services. Inclusion of a complaint category does not mean that the Ombudsmen will necessarily investigate the complaint. The Ombudsmen may decide that part or all of the complaint falls outside their jurisdiction, or they may decide that there are other reasons why they should not investigate. But if that is the case, they will explain why.

Complaints referred to the Housing Ombudsman

Unless stated otherwise the Housing Ombudsman considers complaints about housing associations and local housing authorities.

Leasehold services

- Shared ownership and sales processes for leasehold properties
- Shared ownership stair-casing
- Full ownership and sales processes for leasehold properties owned by housing associations
- Right to buy and right to acquire for tenants of housing associations
- Repair responsibilities under the lease
- Mortgage rescue schemes
- Leasehold services provided by the landlord

Moving to a property

- Transfer applications that are outside Housing Act 1996 Part 6 (see further info)
- Type of tenancy offered
- Mutual exchange
- Decision to renew a fixed tenancy
- Decants
- Mobility Schemes

Rent and service charges

- Rent or service charges

Occupancy rights

- Terms and conditions of occupancy rights
- Succession
- Assignment
- Ending a tenancy (e.g. notice periods)
- Abandonment of property
- Possession proceedings

Property condition – repairs and improvements

- Condition of the property when first let (e.g. void works)
- Responsive repairs
- Planned maintenance or cyclical works
- Improvement works carried out by landlord or tenant
- Rechargeable repairs
- Disabled adaptations

Tenant behaviour

- Anti-social behaviour
- Noise nuisance
- Harassment

Estate management

- Cleaning or repairs of communal areas
- Boundary issues
- Grounds maintenance
- Parking
- Use of communal areas

Complaint handling

- The landlord's handling of a complaint in their complaint process, including delays

Compensation

- Home loss or disturbance payments

- Improvements carried out by the tenant
- Payment for damage to property or tenants belongings
- Discretionary payments

Complaints referred to the Local Government Ombudsman

Unless stated otherwise the Local Government Ombudsman considers complaints about local authorities.

Housing allocations under Housing Act 1996 Part 6

- Applications for re-housing that meet the reasonable preference criteria (dealt with by the local housing authority or any other body acting on its behalf, which could include a housing association). Includes complaints about:
 - Assessment of such applications, the award of points, banding or a decision that the application does not qualify for reasonable preference
 - Operation of choice based lettings schemes and about the suitability of accommodation offered under those schemes.

Homelessness under Housing Act 1996 Part 7

- Applications for assistance under the homelessness legislation (dealt with by the local housing authority or any other body acting on its behalf, which could include a housing association). Includes complaints about:
 - Homelessness advice and homelessness prevention activities
 - How applications are dealt with and decisions about eligibility for and allocation of interim and temporary accommodation.

General housing advice

- General advice from the local authority about housing options
- Handling of reports from tenants of private landlords about unlawful eviction, harassment and other matters

Housing benefit

- Handling of applications for housing benefit

Housing improvement grants

- Applications for mandatory and discretionary housing improvement grants. Includes complaints about:
 - Provision of advice, processing of applications, preparation of schedules of work, payment of grant and other decisions on grant eligibility and entitlement
 - Actions of social services occupational therapy services with regard to assessment and eligibility for disabled facilities grant

Antisocial behaviour

- Antisocial behaviour which does not fall within the remit of a social landlord.

Noise nuisance

- Reports of statutory noise and other nuisance to environmental health services

Sale or disposal of land on housing estates

- Applications or requests to buy parcels of land owned by local authorities
- Sales processes for properties owned by local authorities
- Right to buy and right to acquire for tenants of local authorities

Planning and building control at properties owned by a social landlord

- Applications for planning permission
- Planning enforcement
- Applications and enforcement under the building regulations

Delivery of adult social care services, including that done by registered social landlords