



Learning from complaints

– garden safety



What happened?

Over a number of years, a tenant living in one of our homes repeatedly reported repairs needed in their garden. They were concerned about safety risks related to these. The tenant has mobility issues and so having an accessible garden is particularly important for them.

In early 2024, the tenant made a formal Stage 1 complaint to our team. They said we'd failed to complete the work in their garden, which they'd been chasing for a long time. We apologised and said we would do the repairs and arrange a specialist contractor to assess what other work might be needed to improve the garden's safety.

Around six months later, this work had still not been completed. The tenant raised another complaint and said they were frustrated with the lack of updates. As it had been some time since the first complaint, we raised this as a new Stage 1 complaint. We apologised for not keeping the tenant up to date and recognised we hadn't made progress on the work. We also offered the tenant compensation.

We began some work on the garden, but this was left unfinished for several weeks. We changed our plans on what work we would do in the garden, but we did not explain the reasons for this change to the tenant.

Almost a year later, the issues in the tenant's garden had still not been resolved and they asked to escalate the complaint to Stage 2. We scheduled in the works, which included repair work and work to make the garden more accessible for the tenant. We apologised again and agreed that this work should have been completed sooner and that our communication should have been better. We gave the tenant the details of a team member they could contact for regular updates and support, and we increased our compensation offer.

The tenant raised their complaint with the Housing Ombudsman Service because:

- They were unhappy with how we handled the garden repairs and how we handled their complaint.
- They weren't satisfied with the amount of compensation we had offered.
- They wanted the agreed works to be completed to the promised standard.
- They wanted us to improve our communication for other tenants going through a similar situation.



What the Ombudsman investigated

The Ombudsman's investigation covered a period starting 12 months before the tenant made a complaint to us and up until the tenant contacted the Ombudsman. This is because the Ombudsman usually only investigates complaints made within a reasonable time of the date the issue occurred, which is normally 12 months.

The Ombudsman investigated our handling of the garden repairs during this time, as well as how we handled the tenant's complaint.

Housing Ombudsman findings

The Housing Ombudsman's determination was as follows:

- Maladministration in the handling of the garden repair issues raised by the tenant.
- No maladministration in our complaints handling process.

How we handled the complaint

The Housing Ombudsman found there was no maladministration in the way we handled the tenant's complaint. This was because:

- We responded within our policy timeline at all the stages of the complaint.
- We responded to all elements of the complaint and offered reassurance around impartiality.

The main points raised by the Housing Ombudsman through its investigation were:

- We responded to the Stage 1 complaint within 10 working days, which is in line with our Compliments and Complaints Policy and the Ombudsman's Complaint Handling Code. We also responded to the second Stage 1 complaint within 10 days. We responded to the Stage 2 complaint within 20 working days, in line with our policy and the Ombudsman's Code.
- When the tenant made their second complaint about the same issue, this was not within 20 days of our Stage 1 response. Nor did they ask us to escalate the complaint to Stage 2. Therefore, it was appropriate that we opened this as a new Stage 1 complaint.

How we dealt with the garden repairs

Overall, the Housing Ombudsman found there was a maladministration in how we responded to garden repairs raised by the tenant. This was because:

- We failed to acknowledge the time, effort and inconvenience caused to the tenant and their family by the appointment being missed by our contractor, and;
- We did not take reasonable steps to monitor the initial treatment of the issue (and did not have detailed, accurate records on this), which caused delays to the follow-up treatment.

The main points raised by the Housing Ombudsman through its investigation were:

- Our response to the tenant's Stage 1 complaint in 2024 was appropriate, however we did not follow through on our commitments or provide updates. This is likely to have caused distress and inconvenience to the tenant.
- Our record keeping was not good enough. This meant we didn't have access to the information we needed about the planned works when a team member was away for a long time. This caused delays to the work.
- We offered compensation at Stage 1 of the complaints process but didn't explain why we were offering compensation or what the amount was based on.
- The amount of compensation we offered did not reflect the severity and impact of our failings.

Learnings and actions

● What action must we take?

The Housing Ombudsman has ordered that we:

- Write to the tenant and apologise for the failings identified in this report.
- Pay £1,000 in compensation for the distress and inconvenience caused by failures in our handling of the garden repairs.
- Arrange for a qualified surveyor to inspect the garden for structural safety and accessibility of the garden.
- Provide the tenant and the Ombudsman with a plain-English surveyor's report including photos.
- Make sure all steps identified in the surveyor's report are completed promptly.
- Maintain a single point of contact for the tenant until the work is done.
- Share a written action plan with the tenant and confirm how often we'll update them on our progress.

● Learning from complaints

Through this complaint, we can see clear learning points that we need to implement across the organisation.

These include:

- **Record keeping:** Making sure we keep full and accurate records of the work we are doing so information is not lost when team members are away or leave the organisation.
- **Communication:** Making sure that we keep tenants updated on progress or changes to any work happening in their homes or garden.
- **Reasonable adjustments:** Making sure we record and consider the individual needs and vulnerabilities of tenants so we can limit any negative impact on them.

● Changes we are making

Since this Housing Ombudsman determination we have made some changes and will be implementing these across the organisation:

Communication:

- A point of contact will be assigned to all contractor repair works and a customer liaison officer will act as a point of contact on planned programmes of work.
- Before any large projects begin, the point of contact will discuss the start date and proposed completion date with the tenant.
- When investigating complaints, we will seek technical advice before committing to any future work to avoid overpromising.

Record keeping:

- We are using a new management system for complaints to help capture and monitor follow up actions and timescales.
- Our teams will work together to proactively identify the work needed in tenant's homes and log these in our system so we can take an early intervention approach.

Reasonable adjustments:

- We have introduced 'getting to know you' visits to better understand our tenants' additional needs or vulnerabilities so we can make reasonable adjustments.

Policies:

- Our **Repairs Policy** has been reviewed and updated with tenants.
- Our **Compensation Policy** will be coproduced with tenants. In developing the policy, we will consider the Ombudsman's compensation guidance, and we will ensure that it includes compensation for distress and inconvenience caused.



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