

Housing

Ombudsman Service

REPORT

COMPLAINT 202324234

East Devon District Council

5 August 2025

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 the landlord's handling of reports of antisocial behaviour (ASB).
2. We have also considered the landlord's complaint handling.

Background

3. The resident holds a secure tenancy. The property is a 1-bedroom bungalow. In her complaint, the resident described herself as vulnerable due to her age.
4. The resident had reported ASB from her neighbour since 2021. She told the landlord that her neighbour would bang on her windows and walls, and stare at her through her windows. She added that she would also throw items over the fence into her garden.
5. On 1 September 2023, the resident made a complaint to the landlord. She said that the ASB issues had started when her neighbour moved into the property in June 2021. She said the police were involved and she was in contact with victim support. She felt the landlord was responsible for the impact that the ASB had caused to her health and for damage caused to her car. She said this was because it had placed the neighbour next to vulnerable residents including herself. She asked it to pay compensation for the damage caused to her car and to her health.
6. The landlord provided its stage 1 response to the resident on 24 October 2023. It apologised for its delayed response. It said it:

- a. Held a multiagency meeting which highlighted evidence of ASB from both the resident and her neighbour.
 - b. Would contact her directly as part of its investigation into the counter reports of ASB.
 - c. Would not offer compensation for the actions of another resident, and that the police had found no evidence linking her damaged car to her neighbour.
 - d. Would update her within 15 working days about the impact caused by the ASB as it was still investigating this.
 - e. Had no reason to believe at the time that the neighbour's allocation of the property would be unsuitable.
7. The resident escalated her complaint to the landlord on 24 October 2023. She disputed that she had caused any ASB and asked what the allegations were. She also said she was unhappy that it had not yet moved the neighbour or installed her video doorbell to evidence the ASB. She asked why it had housed the neighbour next to her given their mental health needs. She said that by doing so, the landlord was responsible for the ongoing ASB.
8. On 24 November 2023, the landlord provided its stage 2 response to the resident. It apologised for its delayed response. It said it:
- a. Took proportionate action to the ASB reports and evidence provided since 2021. This included an ongoing multiagency approach and regular case reviews to resolve the issues.
 - b. Supported the neighbour to seek housing assistance from the housing options team. It could not discuss the neighbour's housing application any further.
 - c. Would contact the resident with more detail about the counter re of ASB. It said the concerns included her playing loud TV or music at night. It also said other witnesses said she had shouted at the neighbour and took photos of the reaction.
 - d. Could not discuss the details of the neighbour's allocation of the property. However, it had given appropriate consideration when allocating the property based on the information it had at the time.
 - e. Could not offer compensation for the damage caused to her property or possessions. It said this would be a police matter, however, the police had not taken any action because of a lack of evidence.
 - f. Would contact her by 18 December 2023 with a final decision about any compensation for the impact caused to her health due to the ASB issues. It needed this time because it was still investigating the ASB.

9. The resident escalated her complaint to us. She remained unhappy with the landlord's handling of the ongoing ASB issues. The complaint became one we could investigate on 16 May 2025.

Assessment and findings

Scope of investigation

10. The resident said that the landlord's response to her reports of ASB impacted her health. We are not medical experts so we cannot assess whether something caused an impact to health or not. The resident could seek independent advice regarding this aspect or consider a claim through the landlord's liability insurance or the courts. While we cannot determine impact on health, we have considered other consequences of any failings by the landlord. This includes any distress and inconvenience caused.
11. The resident said she had experienced issues related to ASB since 2021. While the resident's comments are noted, we encourage residents to raise complaints in a timely manner. This is because the quality and availability of any evidence that may have existed at the time may not be present now. This investigation will therefore focus on events which occurred from September 2022. This is around a year before the resident made her complaint.
12. After the complaints process ended, the resident continued to experience issues with ASB. In the interest of fairness, we have limited the scope of this investigation to the issues raised during the resident's formal complaint. This is because the landlord needs a fair opportunity to investigate and respond to any new issues before our involvement. The resident can address any new issues that have not been subject to a formal complaint directly with the landlord. She can progress this as a new formal complaint if required.
13. The resident had also expressed concerns with how other agencies handled the ASB issues. We cannot consider or assess the actions and decisions made by the local authority's mental health teams or the social services department. We also cannot consider complaints that relate to housing or rehousing applications that fall within Part 6 of the Housing Act 1996. The Local Government and Social Care Ombudsman (LGSCO) are more likely to consider these complaints. Before bringing a complaint to the LGSCO, the resident will likely need to have made a complaint to the local authority first.

Handling of reports of antisocial behaviour

14. The resident first reported ASB issues in 2021 after the neighbour moved in next door. It is unclear when the landlord opened an ASB case. However, it is evident that it took steps to investigate the reported issues at the time.

15. The landlord's ASB policy states that it will work in partnership with other agencies. Between March 2022 and October 2023, the landlord held 5 multiagency meetings to discuss and try to resolve the ASB. The meetings involved the police and the local authority's mental health and social services departments. The evidence shows that the neighbour was vulnerable and needed support. It was therefore appropriate for it to engage with these agencies to help find ways to resolve the behaviour. It is also evident that the landlord appropriately considered the impact caused to the resident during these meetings.
16. The landlord took proportionate action following the reports of ASB. This was in line with its ASB policy as it worked with the other agencies to coordinate its actions and investigate the concerns. It:
 - a. Asked the relevant agencies to provide letters supporting a move for the neighbour. This was following escalating issues and police involvement.
 - b. Arranged weekly visits with the neighbour to try to reduce the instances of ASB.
 - c. Considered legal action and whether this was proportionate.
 - d. Took prompt action to reduce any risks posed to the resident.
 - e. Raised a community trigger following the resident's concerns of how it managed the ASB issues.
 - f. Advised the resident to report any criminal damage to the police.
 - g. Spoke to other residents to gather evidence related to the ASB.
17. The landlord took appropriate steps in response to the ASB concerns. Although it had not completed a risk assessment to record any risks to the resident, it is clear it managed this. It discussed the risks with its partner agencies and ensured the resident's safety was of high priority throughout the reports. Therefore, its lack of a formal risk assessment was of no significant detriment to the resident. We have, however, made a recommendation related to this.
18. Similarly, the landlord's ASB policy states it will gather further evidence of ASB through diary sheets or other methods. The landlord did not ask the resident to complete diary sheets at first. However, this was reasonable in the circumstances given it was aware of the issues and had evidence of this through the relevant agencies. The landlord acknowledged the issues and took proportionate steps to investigate the ASB.
19. The resident asked her MP for support with the ASB issues. In March 2023, her MP asked the landlord for information about how it would resolve the reported ASB. The landlord responded appropriately within a reasonable time to provide updates to her MP. This showed transparency over its actions, which was

appropriate. However, there is no evidence to show that the landlord responded to 2 further MP enquiries in May 2023. This was a failing.

20. From the evidence provided, the landlord also failed to update the resident or communicate with her proactively about the ASB. For example, it:
 - a. Did not update her after raising the community trigger. The evidence shows the case did not meet the threshold for a trigger, but it is unclear whether it updated the resident of this.
 - b. Did not update her about moving the neighbour until after she raised a complaint.
21. By not doing so, the resident understandably felt it was not taking her concerns seriously or that it would help resolve the ASB. This caused her distress and inconvenience. This was a failing.
22. The poor updates are linked to the lack of evidence showing whether the landlord agreed an action plan with the resident. In line with its ASB policy and good practice, the landlord should agree an action plan with the resident. This should include what it will do to investigate and try to resolve the reported ASB. However, there is no evidence to show that it completed an action plan with her. Therefore, while it took positive steps to investigate the ASB, the resident was not aware of this. During this time, she understandably felt it was not taking any action. This was a failing.
23. Additionally, in line with the landlord's ASB policy, it should remain in regular contact with the resident. This should be at least monthly. The evidence shows it did not do so. As a result, this understandably caused the resident further distress and inconvenience. This was not appropriate.
24. While investigating the ASB, the landlord received counter reports that the resident also caused ASB issues herself. It was appropriate for it to consider these reports, and to remain independent. It then explained this to the resident within its complaint response, which was good practice. It was therefore open and honest about the progress and developments within the ASB investigation.
25. It was good practice for the landlord to consider whether the resident had support with the ASB issues she reported, which she received through victim support. Especially given she had told the landlord that the ASB issues impacted her physical and mental health.
26. Following advice from the police, the resident got a video doorbell to try to evidence the ASB from the neighbour. In July 2023, the landlord agreed to install this, but it could not do so. The resident has told us this was because her phone was not compatible with the doorbell. In her complaint escalation in

October 2023, she said she was unhappy that the landlord had not yet installed the doorbell. It later arranged to complete this in January 2024.

27. The landlord's records show it offered this as a goodwill gesture because of the ongoing ASB issues. Under the tenancy agreement, landlords are responsible for repairs but they are not responsible for improvements to a property. Given that installing doorbells are not a repair, it would not be something the landlord is responsible for. Nevertheless, while there was a delay in doing so, it was good practice for it to do so given the reason for needing this was due to the ongoing ASB issues.
28. Overall, the landlord took appropriate action in response to the reports of ASB. It worked in partnership with other agencies to try to find a resolution. It considered the options available to be able to resolve the issues and monitored any risks posed to the resident. However, its poor communication and that it cannot evidence it completed an action plan with the resident was a failing. It therefore cannot show that it acted fully in line with its ASB policy. It therefore missed opportunities to offer her further support during this time.
29. Considering the above, we have found service failure in the landlord's handling of reports of ASB. We therefore order the landlord to pay the resident £200 compensation. This is to reflect the distress and inconvenience caused by its poor communication and lack of updates. This is an appropriate award in line with our remedies guidance for failings which impacted the resident.
30. The landlord has told us that it has not received any ASB reports recently and so it does not have a case open. However, the resident has told us that she has not reported the issues as she was waiting for us to investigate her complaint first. Given this, we order the landlord to contact the resident to discuss any ongoing ASB issues. It should then complete a risk assessment and agree an action plan of any steps it will take to help resolve the ASB issues.

Complaint handling

31. Our Complaint Handling Code (the Code) outlines how landlords must respond to complaints. At both stages, the landlord must acknowledge the complaint or escalation request within 5 working days. At stage 1, landlords must respond within 10 working days of acknowledging and logging the complaint. Landlords must also respond to escalation requests at stage 2 within 20 working days. The landlord's complaints policy aligns with the Code.
32. The landlord did not respond to the complaint in line with its policy or the Code. From the evidence provided, it:
 - a. Did not acknowledge the resident's complaint. This caused her time and trouble in chasing the landlord on 13 September 2023.

- b. Took a total of 37 working days to respond to the resident's initial complaint.
 - c. Did not acknowledge the resident's escalation request on 24 October 2023.
 - d. Took a total of 23 working days to respond at stage 2.
33. There is no evidence to show that the landlord updated the resident about the delays in responding to her complaint. By not doing so, it missed opportunities to manage her expectations. It was also not in line with the Code or its policy. This understandably caused her to experience time and trouble in trying to progress her complaint. This was a failing.
34. The landlord acknowledged its delayed response at both stages of the complaints process. While this was appropriate, it did not consider how it could put things right for the resident. This was a failing.
35. Within the resident's complaint, she asked for compensation for the impact caused to her health by the ASB. At stage 1, the landlord said it would update her with its position on the compensation within 15 working days. At stage 2, it said it would update her on its position by 18 December 2023. It said it needed the extra time to complete its investigation into the reported ASB. However, there is no evidence to show that it responded to her as it said it would. It therefore did not respond to her concerns appropriately. We have made a relevant order below about this.
36. The resident also asked the landlord for compensation for the damage caused to her car and property. The landlord's response was reasonable as it explained that it did not hold itself liable for the actions of its residents. It also said that this would be a criminal matter, and that the police had not found evidence linking the neighbour to her damaged car.
37. The resident raised concerns within her complaint which the landlord could not respond to. It explained its reasons why it could not comment on these issues, which was appropriate. By doing so, it offered transparency on what it could and could not discuss with her. The resident's concerns included:
- a. Another neighbour also experienced issues with ASB. The landlord explained that it could only consider her own issues within its complaint response. It advised her that her neighbour could raise a complaint or report any ASB to the landlord themselves. This was appropriate as the landlord understandably did not have consent from the other neighbour to discuss any issues.
 - b. The landlord should not have housed the neighbour next to her as it was not a suitable allocation. She also said it should rehouse the neighbour. The landlord explained that it could not discuss another person's housing application with her due to data protection reasons. It instead explained that

it had no reason to believe the initial allocation would be unsuitable. It also said it was supporting the neighbour with their housing needs. This was appropriate as it confirmed its position on her concerns, but it was mindful as to what details it could provide.

38. Overall, we have found maladministration in the landlord's complaint handling. It acknowledged the failings in its delayed responses, but it did not consider how to put this right for example, by offering compensation. It also did not contact the resident as agreed about whether it would offer her any compensation for her impacted health. Given this, the landlord should pay the resident £100 compensation. This is to reflect the time and trouble caused to her by its complaint handling. This is an appropriate award in line with our remedies guidance for failings which did not have an impact on the overall outcome.

Determination

39. In accordance with paragraph 52 of the Scheme, there was service failure in the landlord's handling of reports of antisocial behaviour.
40. In accordance with paragraph 52 of the Scheme, there was maladministration in the landlord's complaint handling.

Orders

41. Within 4 weeks of the date of this determination, we order the landlord to:
- a. Apologise to the resident in writing regarding the failures identified within this investigation. It should include specific examples within this.
 - b. Pay £300 compensation. It should pay this directly to the resident and not to her rent account. This consists of:
 - i. £200 for the distress and inconvenience caused by its handling of reports of ASB.
 - ii. £100 for the time and trouble caused by its complaint handling.
 - c. Contact the resident about her concerns with ongoing ASB issues. If she wishes to, it should open an ASB case, complete a risk assessment and agree an action plan of how it will investigate the issues. It should provide us with a copy of this.
 - d. Confirm its position on the resident's request for compensation for the impact caused to her health by the reported ASB issues. It should provide this in writing to the resident and to us.
42. The landlord should reply to us with evidence of compliance within the timescale set out above.

Recommendations

43. We recommend the landlord provides refresher training to its staff responding to ASB reports. This should focus on the importance of completing risk assessments, action plans and regular communication with residents. This should be documented and reviewed regularly.