

Learning from: Severe Maladministration



**Taking the key lessons from our
severe maladministration decisions**

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Introduction

Around 5% of our findings are severe maladministration.

Most concern property condition. While leaks, damp and mould dominates, we investigate a very wide range of repair issues.

We also see serious failings that do not relate to disrepair. This includes health and safety, occupancy and charges, and even staff conduct.

This illustrates the breadth of responsibilities for social landlords. It shows how pivotal their role is for social infrastructure. And inevitably, when things go wrong, it means the impact can be greater.

This report focuses on 3 areas where we find severe maladministration less often. They are:

- adaptations
- subsidence
- rent

We investigated each case in the last 6 months.

These could be termed 'silent' severe maladministration because they receive less attention. But they are no less important.

While each area is distinctly different, the root causes of some service failings are similar and reminiscent of more visible complaint areas. This includes:

- excessive delays
- indecision
- failing to act on new information or expert opinion
- disconnects between policies and practices
- erratic knowledge and information management
- poor communication and weak coordination of responses
- quality assurance shortcomings

- multiple missed opportunities to put things right before we intervened

The resident's voice can be lost in this vortex of system and process problems.

This meant a resident, who is a wheelchair user, could not access her bedroom and bathroom for 2 years because the doorways were too narrow for her wheelchair.

Or a family living with subsidence for 4 years, with concerns over the mental wellbeing and education of the children living there.

Or a leaseholder unable to remortgage because subsidence is unaddressed for 2 years.

Or the confusing handling of a resident's rent following the death of her mother putting her account into debt.

Repeatedly, these service failings were compounded by poor communication.

Despite being different landlords handling different issues, several communication failings are similar. This includes long silences, not telling residents about key decisions, failing to honour commitments to provide updates, and siloed internal communication.

Our concern around landlord communication, both internal and external, have been raised in a previous report on severe maladministration focused on Awaab's Law. But the lessons from our casework are transferable across responsibilities. It means focusing on 4 Ts: timeliness, transparency, tailoring, and tone.

But effective communication is also about listening as well as saying.

The other pressing concern is the handling of adaptations to properties. This was the focus for another severe maladministration report. That report included a disabled resident sleeping on their sofa for 18 months and a landlord taking over 2 years to action adaptations for a child receiving chemotherapy.

These new cases highlight the importance of this issue again. The causes of service failings are similar.

This includes failings to respond to Occupational Therapist (OT) reports, poor coordination of works, and not fully considering the resident's circumstances.

With an aging population and almost half of households renting social housing having a long-term health need or disability, it's vital for landlords to ensure their response to adaptation requests is robust.

There's also a unique opportunity to future proof homes for the next generation with a reformed Decent Homes Standard.

We understand landlords are operating in a difficult environment and are juggling many priorities.

We hope this report sets out key learning for how landlords can make sure they're on top of these issues before they become complaints. It's part of a wealth of resources available through our Centre for Learning to improve outcomes.

Richard Blakeway

Housing Ombudsman

Adaptations

Adaptations help make sure everyone can live safely and independently in their home.

These cases show where adaptations have gone wrong. Landlords can use these cases to identify the missed opportunities and prevent future complaints.

Clarion

In this case, **Clarion** (202427773) failed to progress adaptation works. This left the resident unable to use her bedroom and bathroom. The resident uses a wheelchair. Most of the doors in the home were too narrow for her wheelchair.

After an Occupational Therapist's assessment, the landlord failed to inspect in a timely manner. It took 5 months to complete this.

The landlord also did not provide regular updates to the resident. This meant the resident's GP wrote to the landlord asking for updates. After a suitability assessment, it rejected the works due to some being structural. The landlord then changed its mind and approved them. This was not communicated to the resident.

17 months after the Occupational Therapist assessment, the landlord confirmed approval of the works. The landlord chose a contractor to do the adaptations.

The contractor completed them over several months. The last work finished 6 months after the contractor was appointed.

The resident reported some snagging issues after completion. The landlord had not resolved these at the point of determination.

Landlord learning statement

The landlord has set up a new case management team. The team manage aid and adaptations cases with a resident-centric approach. The team agrees action plans with residents which detail the frequency of updates throughout the life of a case.

All aid and adaptations cases are now recorded on its Customer Relationship Management (CRM) system. This provides greater visibility across the business about the progress of each case.

London Borough of Hounslow

London Borough of Hounslow (202410799) did not complete adaptations within a reasonable timescale. It failed to keep the resident updated throughout. The landlord did not consider how the works would affect her daughter, who is disabled.

The landlord wrote to the resident. It said it would start works on a certain date. It failed to keep to this.

It also failed to communicate with her from this point until her stage 1 complaint.

The landlord did not agree specifications with the resident. It also did not share which works would take place. This was despite the resident agreeing a schedule a year before.

The extensive works were extensive. They covered the whole ground floor, plus an extension. The resident was not kept updated on which works would take place each day.

2 weeks into the works, the contractors withdrew from the home. This was due to a dispute over payment with the landlord. However, the landlord failed to keep the resident informed about this.

The works took 7 months to complete. Snagging issues took another 10 months to resolve. The landlord did not seem to consider the impact on the resident's daughter at any point.

The landlord did not complete a risk assessment or equality impact assessment before starting. It also did not consider a temporary move. This is despite the extent of the works.

Landlord learning statement

The landlord has identified better working practices in the way it communicates with residents around adaptations. This includes before the start of such works, during, and, where appropriate, after they are completed.

Learning from adaptations

Adaptations ensure residents can live an independent and fulfilling life in their homes.

Landlords should have an effective adaptations policy. This allows both its staff and residents to understand the expectations around adaptations.

The policy should consider several factors. This includes:

- how much work is needed
- if there's other housing available
- how long the adaptation is needed
- if there are other ways to help the resident

It should also consider whether residents need temporary moves (or decants). The policy must explain the procedure for rejecting adaptations if they're not possible or practical.

This all helps to manage the resident's expectations. It also helps with timescales for implementation.

Landlords should update residents and third parties throughout the process. This reduces frustration and miscommunication. This includes operatives and other groups like external architects or surveyors that may be involved. These visits should be included in plans and not delay the schedule of works.

Landlords considering temporary moves should read our severe maladministration report on this topic. The report provides guidance on handling these moves effectively and sensitively.

It's the landlord's responsibility to decide if adaptations are unable to be completed. They must inform the resident in a timely manner. The resident would then be able to make informed choices about their future.

Subsidence

Subsidence occurs when the ground beneath a home sinks or collapses. This causes the foundations to be pulled downwards and creates structural damage.

Subsidence can cause huge issues for residents.

Bromford Flagship

Bromford Flagship (202326102) took nearly 2 years to deal with a subsidence issue and the related repairs. Its communication and records were poor throughout.

After the resident reported the issue, the landlord correctly raised an inspection but then did not attend. It only inspected 2 months later when the resident raised a complaint.

The landlord decided the issue should be handled by insurance department. This was reasonable considering the potential repairs needed. However, the landlord took no further action for 6 months and provided no updates. This is despite the resident asking the landlord for updates.

Staff were confused internally about the repairs and departments were working in silo. A lack of communication and a lack of ownership of the issue slowed down progress.

The landlord's poor record keeping meant that over a year later, it had to ask the resident if the issues were still outstanding. A specialist survey report was provided to the resident 16 months after raising the issue.

The tree that was causing the subsidence was removed. The landlord asked for a list of repairs instead of inspecting the home. The resident gave the list, but the landlord failed to raise the repairs in a timely manner.

The landlord eventually raised the repairs 21 months after the resident first reported the problem.

The landlord's records were minimal, and it was not possible to see which repairs were done or when. The landlord provided no appointment dates, contractor notes, or outcomes.

Landlord learning statement

The landlord has revised its policy. This now clearly says how it checks suspected subsidence. The policy includes defined timescales for investigations, reporting of findings, development of remedial work plans, and the implementation of monitoring strategies.

The landlord has also committed to keep residents updated during works as part of this new policy.

L&Q

L&Q (202331445) failed to deal with subsidence issues for 4 years. This left the resident with large cracks in her walls. The subsidence issues had a significant effect on her children's health and education.

The landlord arranged an inspection of the property to find the cause of the subsidence and repairs. However, there were significant delays in starting the repairs.

The door and window fixtures began to fail due to the outstanding issues.

The cracks were large enough for a one-pound coin to fit through. They also allowed insects to enter the home. The crack made it hard for the resident to heat her home.

The landlord failed to monitor the situation following completion of temporary repairs. The repairs did not work. It also failed to show it had taken all reasonable steps to complete the repairs. There were access issues at times. However, there's no evidence the landlord did everything it could to resolve this.

The resident reported that the issues affected her children's education, health, and mental wellbeing. The resident also said the disrepair issues had affected her and her husband's mental wellbeing.

The problems were still not fixed when we made our determination. We ordered the landlord to inspect the property and provide an action plan to complete various repairs.

Landlord learning statement

The landlord has carried out a range of improvements. It has progressed its Repairs Change Project, which is improving how it handles repair requests.

It also launched a dedicated surveying team for more complex cases. The landlord has put in place more efficient ways of prioritising urgently needed large scale works.

It's proactively dealing with damp and mould with its Healthy Homes Project.

PA Housing

PA Housing failed to handle repairs around subsidence. The landlord completed multiple inspections but did not carry out the necessary works.

The resident reported subsidence issues. PA Housing inspected the home 4 times within a year. The resident then made a complaint. The landlord inspected again, taking 4 months to do this.

The landlord's complaint response did not explain the delays with the works.

Multiple problems caused further delays. Contractors were not given correct information. Works were closed without being completed.

Contractors did not attend.

It also said access was an issue, but this was later taken back.

At one point the landlord tried to temporarily move the household to complete the works. It then changed its decision. However, the landlord failed to explain this change to the resident. It also did not provide an updated schedule of works.

The landlord again tried to inspect the home, but the resident was out. There was no rearranging of the appointment. The resident reported no contact from the landlord in the following 4 months.

The ongoing issues started to cause damp in the home.

Basildon Council

Basildon Council (202313913) delayed surveying works to assess subsidence. This meant the leaseholder lived with a growing crack in his home and could not remortgage.

The resident reported subsidence. The landlord then wrongly told the resident to do his own structural survey and claim on his buildings insurance.

The resident was a leaseholder. This meant he could not be the policyholder for buildings insurance. Therefore, the resident could not make a claim himself.

When he followed the landlord's advice, the building insurer told him he could not claim. This caused delay and confusion.

The landlord did a visual survey but did not update the resident. While waiting, the resident arranged his own survey.

The resident regularly contacted the landlord asking them to act. It did not show the urgency required as the resident reported the crack in the wall increasing.

When a report was done, the works were then not carried out for another 3 months.

At the same time, the landlord asked its insurance company to get a quote for the works. It was told not to pass the costs onto the leaseholders. It did not inform the resident of this.

All the delays meant that 2 years after the resident's formal complaint, no work had begun. The resident has not been able to remortgage his property during this time.

We ordered the landlord to provide an action plan for outstanding works. We also ordered a communication plan. This should include a single point of contact for the resident. We also ordered the landlord to set out its position on recharging the cost of works.

Landlord learning statement

The landlord says it now assigns each case to an officer and ensures they see it through to completion, rather than pass through teams with no ownership. This aims to improve services for residents and increase accountability.

It's also exploring a new asset management system. This will interplay with its housing management system, so information is shared properly, and actions are seen across the wider directorate.

Learning from subsidence

All landlords are responsible for repairs to the structure and exterior of the property. This is in line with section 11 of the Landlord and Tenant Act 1985.

As with many repairs and major works, good communication and knowledge and information management are essential for a positive response to subsidence.

Landlords should consider how they deal with subsidence reports through their current repairs policies. They should also consider whether a separate subsidence policy is needed. This should cover timeframes and ownership for repairs.

Landlords should consider what information they share with residents about subsidence.

Landlords may not provide certain documents, such as structural surveys or a Certificate of Structural Stability. They must have a clear reason why.

Leaseholders may be in a building impacted by subsidence. Landlords should consider their position on recharging these works.

Rent accounts

Rent is an important but sensitive issue in social housing. Residents have regularly reported stigma around rent accounts, while landlords rely on rental income to maintain and build new homes.

Metropolitan Thames Valley

Metropolitan Thames Valley (202224871) mishandled a rent account following a succession of tenancy.

The landlord's actions caused problems for the resident. She suffered much distress and inconvenience at an already sensitive and difficult time.

The resident succeeded the tenancy following her mother's death. She was a carer for her mother and lived with her prior. The rent account was in credit at the time of her death.

The landlord delayed asking the local authority to stop payments going into the rent account. It also delayed asking for an invoice for any overpaid housing benefit. Additionally, the landlord did not close the account during the succession process.

The landlord awarded the resident a £4,000 refund. However, it did not do sufficient checks that it was the correct course of action.

It then opened accounts it should not have and failed to charge the resident rent for nearly 1 year. This confused the resident and staff dealing with the case. It also exposed the organisation's silo working and poor information sharing.

After the landlord realised it should not have refunded the resident, it failed to communicate effectively with her about this. The resident thought she was free to spend this money.

The landlord was aware of the errors. However, it failed to take timely action to find a resolution. It applied a £4,120 debt to the resident's account, 9 months after refunding her the money.

This placed her in significant rent arrears. The landlord also refused to provide the invoice from the local authority around the debt.

At one point the landlord said it would start the arrears process. This was inappropriate because the landlord was at fault.

The landlord's communication was poor throughout. It failed to provide clear explanations and did not offer timely support and guidance. The resident had to call many times over several months, and the landlord did not call back as promised.

Internal emails admitted the stress this caused the resident.

We ordered the landlord to review the tenancy agreement to address any outstanding errors.

Landlord learning statement

The landlord has done a thorough and independent review of this case.

Succession cases are now managed end-to-end by its lettings teams, with clear ownership and communication. It has also introduced independent succession training for all lettings colleagues. Additionally, it has provided training on empathetic handling of residents' cases.

Its customer relationship management system now supports better tracking of interactions and complaints. There's also a detailed refunds process on the system including checks for housing benefit overpayments before agreeing a refund.

Learning from rent accounts

While there's just one case in this category, there's wider learning on rent accounts to share.

In what can be a sensitive subject, clear and empathetic communication is necessary. Landlords should consider how often it gives updates and how it can act early to reduce stress.

Landlords should also consider the wrap around support provided during communication about rents.

Effective knowledge and information management is also key. Rent is an important subject, so landlords need clear records. Good record-keeping helps landlords protect their income while also being fair to residents.

Centre for Learning resources

Spotlight report on repairs and maintenance - repairing trust

Repairs key topics page with reports, podcasts, and case studies.

Repairs and property condition fact sheet

Attitudes, respect and rights key topics page with reports, podcasts, and case studies.

Attitudes, respect and rights eLearning and workshops on the Learning Hub.

Knowledge and information management key topics page with reports, podcasts, and case studies.

Knowledge and information management eLearning and workshops on the Learning Hub.

Decants key topics page with reports, podcasts, and case studies.

The Complaint Handling Code

Glossary of terms used

Term used	Meaning
Severe maladministration	A finding made by the Housing Ombudsman. Where a landlord has failed significantly in its duties, showing serious service failure that has caused residents harm, distress, or disadvantage.
Certificate of Structural Stability	A building safety certificate.
Leaseholder	Someone who bought a property from a social landlord. They own the home for a fixed period but not the land, with responsibilities for internal repairs. The landlord is responsible for the building structure and common areas.
Succession of tenancy	Taking over a tenancy (when someone inherits the right to live in a property).
Subsidence	Ground sinking under a building.

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