

Housing

Ombudsman Service

REPORT

COMPLAINT 202320955

Bury Metropolitan Borough Council

30 January 2025

Amended at review.

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 response to the resident about:
 - a. Antisocial behaviour ('ASB') reports.
 - b. Complaint handling.

Background

2. The resident is a secure tenant of the landlord, and the tenancy commenced in 2013. The resident lives at a sheltered housing scheme which is managed by an arms length organisation ('ALMO') on behalf of the landlord, a local authority. This report refers to both as 'the landlord' unless stated otherwise.
3. There is a history of reports from the resident about ASB at her scheme, including ones from 2020 to 2023 about neighbour A. These included neighbour A taking items out of bins and putting them outside residents' properties, putting bricks on bins and one of these falling on the resident's leg, leaving notes, hitting a van with a hammer, shouting and arguing with the resident and her relative, and punching the resident's relative. The information provided advises that the landlord has taken actions such as spoken to the resident, spoken to neighbour A, and liaised with the police and mental health services
4. From July 2023, the landlord received ASB reports from the resident that included:
 - a. July 2023: neighbour B and a relative interfering with her cat, including feeding it, putting a bed for it outside their property, and picking it up and taking it into their property. Neighbour B's relative also recorded her.

- b. 14 August 2023: neighbour A verbally abusing her, and other neighbours being involved in this.
 - c. 17 August 2023: neighbour C and a friend putting her washing in a dryer and verbally abusing her.
 - d. 14 September 2023: verbal abuse from 3 different neighbours, including verbal abuse from neighbour C and a relative and staff having to step between them.
 - e. 20 September 2023: damage to a window due to something being fired at it.
5. In August 2023, the landlord visited the resident and 2 neighbours. It updated the resident that it was speaking to 2 neighbours about their behaviour, noted it had received counter allegations about her and asked her to try not to react to incidents, and offered mediation. It discussed the cat issue with neighbour B and their relative, asked them not to interfere with the cat or record the resident, and offered mediation. It asked neighbour A to stop engaging with the resident and offered mediation.
6. The same month, the resident sent a letter of complaint to the local authority's chief executive about ALMO staff ignoring issues.
- a. She said she had experienced ASB from neighbour A for the past 7 years, including many unreported issues, and said they had a vendetta against her.
 - b. She said neighbour B and a relative had interfered with her cat for 9 weeks, and the relative had also come round to her property late at night to start an argument which police had tried to contact the relative about.
 - c. She said that the landlord had not discussed an incident on 14 August 2023 with her in any detail.
 - d. She was unhappy with being told there had been reports about her, as these were lies, and she questioned what incident they related to.
 - e. She detailed her account of the incident with the washing and raised concern with allegations neighbour C's relative had made about her behaviour to some other residents.
 - f. She was unhappy at being accused of being the cause of issues and was also unhappy that when staff phoned about mediation, they had said the neighbour C's family member was just sticking up for the neighbour.
7. In September 2023, the landlord visited the resident and multiple neighbours including neighbour C, obtained their accounts of incidents that had occurred, and received some diary sheets. These included reports about the resident shouting at neighbours and accusing them of slander in respect to the counter allegations the landlord had said it had received. It is noted that the resident

disputes the landlord's version of events and explained that the landlord did not visit her during this period.

8. In late September 2023, the landlord reviewed matters. It noted that it could not see evidence of an alleged vendetta from neighbour A and that it was continuing to work with mental health services. It noted that it had not blamed the resident and had just suggested for her not to react, as she had been witnessed shouting and making threats. It noted that it had explained that it had to investigate if someone complained, without personal judgment, and that it was not able to discuss where complaints came from. It noted the washing incident and said it intended to issue a notice about not placing other people's clothes in the drier. It noted police said they could not identify anyone after a vandalism incident, and that it could not act on the resident's suspicions about the perpetrator as there was no proof. It noted that it would write to residents to advise that it was a criminal offence, and if it happened again and there was evidence, action would be taken.
9. The same month, on 2, 6 and 15 September 2023, the resident sent further complaint letters to the local authority's chief executive. She was unhappy with a lack of response, and later raised dissatisfaction with being told the complaint was at stage 1, as she thought it should be at stage 2. She said that ASB she had experienced over the past 7 years had been trivialised by staff who had met with her, and she detailed incidents that included issues with bricks, rubbish and chairs with neighbour A between 2021 and 2023, the recent issue with the cat, and abuse from neighbour C's family member. She queried the basis for the counter allegations about her.
10. On 6 October 2023, the landlord provided a stage 1 response.
 - a. It said it was trying to work with neighbour A and other agencies to try to find a resolution to issues, after they had been previously spoken with and issued warnings.
 - b. It noted the resident said staff had ignored issues, and noted recent action they had taken about the cat issue, such as asking those concerned to stay away from it and to not antagonise or record the resident and others.
 - c. It noted the resident had been told about reports of her shouting at an individual, and it explained that it was the staff's job to look into any resident concerns and at no point were they blaming the resident for conflict at the scheme. It said it was unable to disclose who had made the allegations due to data protection.
 - d. It said it would put up a notice to stop residents interfering with other's washing. It said relevant individuals would be advised not to trouble the resident, and it noted she had agreed to keep away from them.

- e. It said that the police had been unable to identify the perpetrator of vandalism in September 2023, but staff would write to residents advising them that vandalism was a criminal offence, and that tenancy and criminal action would be taken against anyone found guilty of such an offence.
 - f. It set out a position on queries the resident had raised in a September 2023 meeting, invited her to let it know if she needed any additional support, and detailed contact details if there were any further issues.
11. The resident raised dissatisfaction with the response to the Ombudsman. She was unhappy with the delay and the response not being dealt with by the office of the local authority's chief executive. She said that the response trivialised and did not address various incidents. She detailed some reasons why she had shouted at neighbours. She noted a discrepancy between an August 2023 letter and the response, and questioned the level of investigation done. She said that the landlord had only intervened after the vandalism incident, but it should have done so years prior. She raised dissatisfaction that the landlord had blamed her and would not disclose who had made reports about her.
12. On 8 January 2024, the landlord provided a stage 2 response, after contact from the Ombudsman and a call with the resident in December 2023.
- a. It said it was unable to answer why the resident did not receive a response until October 2023 after complaining in August 2023, and it advised her to contact the complaint team if she wished to progress this aspect further.
 - b. It acknowledged that issues with neighbours had been ongoing, but said they were sporadic and it would class them as neighbour disputes not ASB. It said it had intervened and taken appropriate action for these and that most recently in September and December 2023, it had investigated altercations between the resident and neighbours at 3 properties. It said it was deemed that all parties were at fault and advised to keep away from each other. It said it was not pursuing any further action against the resident's neighbours for incidents to date.
 - c. It noted the resident had said she would retaliate to any further issues, and it asked her not to do anything that put her and others at risk, and to continue to contact it if she experienced tensions with neighbours.
 - d. It noted that the resident did not want to pursue mediation, but it said this was its only option at the moment and strongly recommended it.
 - e. It noted the resident raised concern that the local authority had done little to resolve the concerns, and it explained that resolving neighbour disputes was the ALMO's responsibility.
 - f. It noted the resident said that the response did not address her belief that neighbour B should have stopped their relative's behaviour, and it said that

after this was raised in September 2023, neighbours involved were spoken to and a course of action was agreed, which it believed had been kept to.

- g. It noted that the resident raised concerns in respect to information stored about her, being recorded, and being ganged up on by neighbours. It explained how it followed data legislation. It said it believed a neighbour had adhered to a request to stop recording other residents. It said it had spoken to police and checked video footage and it could not find evidence to support her concerns about being ganged up on.
 - h. It said that the resident reportedly shouting at another individual related to a letter sent during the investigation into the cat issue, and that while the issue was upsetting to her, her threatening to damage another person's property was not acceptable.
 - i. It noted the resident felt it was only showing concern after the vandalism, and it said that this had occurred during its ongoing investigation. It assured her that it had been working with her and her neighbours to try to resolve the ongoing issues, but it needed cooperation for this to happen and for all residents to treat each other with respect and act as good neighbours.
 - j. It acknowledged personal information the resident had shared, and asked her to let it know if she wanted help accessing support such as counselling or support groups.
13. Following the complaint, the resident has restated dissatisfaction that the landlord has ignored incidents that occurred over 7 years, and has restated dissatisfaction with untrue counter allegations against her. The information provided advises that the landlord has met with the resident after the January 2024 response to discuss her concerns, told her of actions it would take and asked her to complete diary sheets.

Assessment and findings

Scope of the investigation

14. The resident has raised concerns about antisocial behaviour being ongoing for 7 years, and she has been told that in accordance with the Housing Ombudsman Scheme, we may not consider all the complaints she has about her landlord and her neighbours. This means that this investigation mainly focuses on the most recent ASB reports before the resident's complaint, up until the landlord's final response on 8 January 2024. Events that pre and post-date the complaints procedure have not been fully investigated here and are mainly referenced for contextual purposes.

15. The resident has also raised concerns about staff conduct, and as these are closely linked to her concerns about the landlord's handling of her ASB reports, these are considered as part of the Ombudsman's assessment of these.

Antisocial behaviour reports

16. ASB case management is a crucial aspect of a landlord's service delivery. Effective use of an ASB procedure enables the landlord to identify appropriate steps to resolve potential areas of conflict, improve landlord/tenant relationships, and improve the experience of tenants residing in their homes. ASB cases are also often the most challenging for a landlord as, in practice, options available to a landlord or chosen by a landlord to resolve a case may not include a resident's preferred outcome, and it can become difficult to manage expectations.
17. The Ombudsman understands the resident's situation and recognises that there have been ongoing issues for a long period of time, which have affected and caused distress to her. In cases relating to ASB, it is not the Ombudsman's role to determine whether ASB occurred, who is responsible, and whether a tenant should be evicted. The Ombudsman assesses how a landlord has dealt with reports it has received in the timeframe of a complaint, and assesses whether the landlord has followed proper procedure, followed good practice, and behaved reasonably, taking account of all the circumstances of the case.
18. Following ASB reports, it is necessary for the landlord to respond in accordance with its ASB policies, such as assess risks, discuss cases with those involved, use available tools to encourage parties against ASB, discuss and monitor the situation with other agencies, consider vulnerability, and deal with reports in a proportionate and appropriate manner considering its obligation as landlord to treat allegations from all of its customers in a consistent and evidence-led way.
19. The resident was unhappy that issues with neighbour A have been ongoing for 7 years and has detailed many issues. The Ombudsman can see that there have been various incidents from at least 2020, including incidents involving police. The evidence shows that the landlord has investigated incidents described by the resident when they have occurred, discussed them with the resident, neighbour A and multiple neighbours, carried out joint visits with the police, issued an acceptable behaviour contract, issued a formal warning, and liaised with mental health services. The landlord's handling reasonably reflects its obligations as set out above.
20. The resident was unhappy about how the cat issues with neighbour B, who is employed by the landlord, were handled. The Ombudsman cannot see that the landlord's handling of the reports was impacted by any connection, as its discussion of the cat issue with those involved and asking them to stop various

behaviours verbally and in writing was in line with actions we would expect to see. The Ombudsman notes the resident has said that neighbour B's relative recorded her after they were warned not to, and so the landlord is recommended to liaise with her to discuss this.

21. The resident was unhappy about counter allegations about her. She has said these were lies, questioned when alleged incidents occurred, and said that the landlord was blaming her for issues at her housing scheme. The landlord explained in its final response that the report related to correspondence it received during its investigation of the cat issue. The landlord reassured her that it was not blaming her and explained that it was obligated to look into any residents' concerns.
22. The landlord's explanation for when it received reports about the resident reflects the evidence seen. The landlord is obligated to deal with reports from all its customers, including the resident's neighbours, in a proportionate and consistent way. In many cases a landlord will not be expected to know if a report is true or not, and discussing reports with those involved gives the opportunity for them to respond to the reports, and for any perpetrators to stop behaviour that affects others. The landlord's response was reasonable, as it provided suitable explanation and reassurance about the reports, and its discussing them with the resident was in line with good practice and did not mean it believed them or was blaming the resident.
23. In this case, it is evident that the landlord took appropriate action in response to the resident's reports. The evidence shows it fulfilled obligations to consider and respond to her reports in a reasonable and timely manner. It discussed the issues with the resident and her neighbours, reviewed evidence, offered mediation, liaised with police and mental health services, took action such as wrote warning letters, and updated the resident at appropriate times with accompanying explanation. The resident raised concerns about the impact on her health, and it is also evident that the landlord took account of her and others' vulnerability, offered support, and sought to ensure it listened to her concerns by visiting her on multiple occasions.
24. The Ombudsman recognises that the ongoing nature of some issues will be upsetting to the resident, but the landlord's actions seem proportionate to the reports it received. It would not be expected to take further action without sufficient evidence of ASB that warrants further action, and would be unable to seek enforcement action based on the resident's suspicions alone. In order for a landlord to take further action against a tenant, a landlord has to be sure that it would be a proportionate and justified response to the allegations and the evidence available. This is in the interests of all parties including the landlord, the resident and neighbours accused of ASB, who the landlord is obligated to treat as fairly as the resident. We have seen no evidence that the landlord or

any other agency such as the police considered that the information available warranted further action than has been taken.

25. The landlord's options will be limited by the nature of the issues, such as verbal altercations, and by lack of evidence for any criminal behaviour. The landlord therefore seems reasonable to have sought to encourage residents involved not to engage with or react to each other, and to offer mediation, as these are in accordance with the landlord's policy and good ASB practice. The landlord also seems positive in intending to arrange some community events which it feels may be beneficial in helping improve relations between residents at the scheme. This is in line with good practice for landlords to try to resolve ASB and disputes by encouraging good relations between neighbours, rather than taking formal enforcement action.
26. Overall, while the Ombudsman understands how difficult events must have been for the resident, and understands how she was affected, in the Ombudsman's opinion the landlord's response to the resident's reports was appropriate, considering all the circumstances of the case. It investigated issues in accordance with its ASB policy, took action in regard to issues raised, attempted to use different intervention tools such as mediation, took multi-agency approaches where necessary, and provided reasonable positions and explanation.

Complaint handling

27. The resident raises dissatisfaction that she sent multiple complaint letters between August and September 2023, to the local authority's chief executive, before a complaint response was provided in October 2023. She also raised dissatisfaction with inaccuracies that undermined her confidence in the investigation.
28. The landlord's ALMO responded at stages 1 and 2 of the complaints procedure at the time of the complaint, after which a complainant could refer their complaint to the Ombudsman. The resident sought to have her complaint responded to by the local authority's chief executive and so handed in her complaint to their offices. The Ombudsman does not require a landlord's chief executive to respond to a complaint, and would not consider it unreasonable for a landlord to expect a resident to follow its advertised complaint procedure. The landlord was therefore positive to arrange for its stage 1 response to come directly from the local authority.
29. The response timeframe for the stage 2 seems reasonable, as it is unclear that the landlord received the resident's escalation until forwarded by the Ombudsman. However, after the resident handed in her initial complaint to the local authority offices, it was only progressed in mid September 2023 and the

stage 1 response was provided around a month late. This is not entirely satisfactory, as the local authority is ultimately the landlord, and should be able to progress complaints it receives in a reasonably timely manner. It is also noted that a complaint webpage on the local authority website provided a link to the ALMO but said that customers could alternatively write to the local authority.

30. The resident's desire for the complaint to come from the local authority directly may have caused some delay, but this should not have led to all the delays and lack of communication she experienced with her complaint. The stage 1 and stage 2 responses could have done more to acknowledge, address and apologise for the delays, as the resident having sent at least 4 complaint letters before receiving a response represents a poor customer journey. The responses could also have done more to review whether sufficient processes were in place to identify postal complaints and ensure these were redirected for appropriate parties to respond in a timely manner.
31. The Ombudsman can also see that there were factual errors in the stage 1 and 2 responses. The stage 1 said she had shouted at neighbour B's relative and referred to an August 2023 letter sent to her about this, however the August 2023 letter refers to her shouting at neighbour A. The stage 2 referred to issues such as the cat issue occurring in September 2023, but this occurred in August 2023. Such errors seem to have a minor impact on the ASB issues, but it is important for a landlord to ensure accuracy in its complaint responses. The resident clearly felt victimised by the allegations against her and errors about who they related to will have added to this, caused confusion, and undermined her confidence in the complaint investigations.
32. Overall, the landlord's responses clearly sought to address the resident's concerns and queries and to reassure her that it had taken action for the issues she had raised. However, it could have done more to acknowledge, address and apologise for the stage 1 delays, and to review if sufficient processes were in place to ensure postal complaints were progressed in a timely manner. There were also inaccuracies in both the responses which were unhelpful and will have caused confusion and undermined the resident's confidence.

Determination

33. In accordance with paragraph 52 of the Housing Ombudsman Scheme, there was:
 - a. No maladministration in the landlord's response to the resident about antisocial behaviour reports.
 - b. Service failure in the landlord's complaint handling.

Orders and recommendations

34. The Ombudsman is ordered to, within 4 weeks, pay the resident £50 for the issues identified with its complaint handling.
35. The landlord is recommended to:
 - a. Liaise with the resident to discuss her concerns that neighbour B's relative recorded her after they were warned not to, and to consider appropriate action.
 - b. Re-offer mediation to the resident, and if she agrees, to re-offer it to other relevant parties.
 - c. Review whether sufficient processes are in place to identify postal complaints and ensure these are redirected for appropriate parties to respond in a timely manner.
 - d. Ensure that its complaint responses accurately reflect stated events and dates.