

Housing

Ombudsman Service

REPORT

COMPLAINT 202330775

Broxtowe Borough Council

30 May 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:
 - a. Handling of reports of a drain blockage.
 - b. Complaint handling.

Background

2. The resident is an assured tenant of the landlord. The property is a 1-bedroom ground floor flat.
3. On 11 August 2023, the resident reported to the landlord that the shower drain in her wet room was blocked and she was unable to use the shower. On the same day, a plumber inspected the property and undertook a repair to unblock the drain and restore the water flow.
4. Between August 2023 and January 2024, the resident reported a blocked shower drain on 10 occasions and that she was unable to use her shower during this period. The landlord responded to each request, and contractors inspected the property, cleaned the drain, and restored the flow before leaving. The resident disputed that the blockages were due to hair or wipes.
5. The resident made a formal complaint to the landlord on 15 November 2023. She was dissatisfied that despite multiple inspections, the blockage remained unresolved. She advised that she had not been able to use her shower since August 2023. She believed the problem was caused by work done to the building's drainage system. She has not had any further contact since 30 October 2023, when an inspector mentioned a drainage engineer would be

sent. She repeatedly called the repairs team and left voicemails. She also raised concerns about missed repair deadlines and lack of communication.

6. The landlord did not provide a formal stage 1 response within the expected timeframe and the resident contacted this Service for assistance. This Service wrote to the landlord on 6 February 2024 directing it to provide a response to the complaint by 13 February 2024.
7. The landlord issued its stage 1 complaint response on 12 February 2024. It stated it had provided an appropriate level of service based on number of visits. It found no fault with the drains beyond hair or wipes blocking the drain and reported no other related issues in the building. The complaint was not upheld.
8. The resident was unhappy with the landlord's complaint response and requested the escalation of her complaint on 19 February 2024. In addition to the stage 1 concerns, the resident stated that there had been a lack of communication regarding the repair. On 6 March 2024, a support worker helped the resident submit a further complaint about the repeated unaddressed reports of blockage. She disputed the stage 1 finding that this issue has been dealt with appropriately as the blockage was reoccurring. She considered that she was living in unsanitary conditions and had not been able to use her shower since August 2023.
9. The landlord issued its stage 2 response on 15 March 2024. It reaffirmed its earlier decision that an appropriate level of service had been provided. It stated that the repairs were attended to in a timely manner, with the majority attended to within 1 to 2 working days. The housing repairs team and 2 independent drainage and plumbing contractors found no issue with the drain. All inspections were completed, and drains were left in working order following unblocking and cleaning. The landlord stated there was no information to suggest the housing repairs team have not appropriately attended to the drain issue. It did, however, recognise that the drain issue caused the resident significant distress and apologised if it contributed to the distress.
10. The resident was not satisfied with the landlord's response and considered that the problem was still ongoing. She referred the complaint to the Ombudsman on 5 April 2024.

Assessment and findings

Scope of investigation

11. The resident has advised that the issues have been ongoing for a number of years. The Ombudsman may only investigate complaints that were brought to the attention of the landlord as a formal complaint within a reasonable period of the resident becoming aware of the issue, normally being within 12 months.

12. Therefore, this investigation has focused on the period from August 2022 onwards, being 12 months prior to the resident's formal complaint in August 2023.

Blocked drain

13. The tenancy agreement states that the landlord's repair obligations. The landlord is responsible for repairing drains, gutters and external pipes. However, the resident is responsible for clearing any hairs in the shower tray.
14. The landlord's repairs policy sets out the repair categories and timeframes for repairs. Urgent repairs will be attended to within 3-7 working days. Routine repairs within 20 working days.
15. The landlord's complaints compensation policy states that the landlord will pay compensation to residents if there has been a service failure or maladministration.
16. The landlord responded to the reports of blocked drain between August 2023 till January 2024 in 1 to 2 days. Prior to the contractors leaving the property, the drain would be cleared and water flow restored. This was appropriate given the nature of the issue and in line with the repair timescales mentioned in the repairs policy. It also demonstrated that the landlord took the resident's concern seriously and took appropriate action.
17. On one occasion, on 26 October 2023, there was no access to the property according to landlord. This is disputed by the resident, who explained that no one attended. There was no follow up on this. Given that the landlord was aware of an outstanding repair issue, the resident should have been contacted to discuss the no access and rearrange the appointment. The resident is also elderly and vulnerable, and this issue had been ongoing for months. Furthermore, the resident reported inconvenience in that she was unable to use the shower and was washing hair in the sink. It was therefore unreasonable that it failed to follow this up.
18. It is evident that multiple contractors determined that the issue was being caused by hairs and wipes blocking the drain. It was therefore reasonable for the landlord to inform the resident that this was her responsibility, as per the tenancy agreement.
19. Despite the multiple reports of the same issue and different contractors attending the property, the issue was not resolved to the resident's satisfaction. It is reasonable for landlords to rely on independent and professional contractor's advice. However, as this issue was repeatedly reported and there was a clear dispute on what was causing the blockage, the landlord should have considered at an earlier stage an alternative approach or done more to

investigate the resident's concerns. This is particularly important as the resident reported significant inconvenience that she was unable to use her shower for months and the inconvenience caused by the multiple visits. Despite a contractor recommending cameras should be used, this was not done. It would have been appropriate to follow the expert advice. Its failure to consider an escalated response was therefore unreasonable in the circumstances.

20. The resident also raised concerns about lack of communication during the repair. In the stage 2 response, the repairs were discussed; however, there was no consideration of communication failings or the impact on the resident. The resident's concerns about whether the property was unsanitary was also not addressed. The landlord therefore failed to use its formal responses as an opportunity to demonstrate that it had acted appropriately, or otherwise to have identified failings and offered a remedy. This was a failing in the circumstances.
21. While the landlord's repair responses were mostly timely, its failure to follow up a repair following access issues caused distress and inconvenience to the resident. It also failed to consider an escalated response given the repeated issue and the resident's vulnerabilities. Finally, it failed to address the resident's concerns about communication and the safety of her property.
22. A finding of maladministration has therefore been made in the circumstances, for which an order for £200 has been made. This is made up of £100 for distress and inconvenience, and £100 for the resident's time and trouble chasing the issues.

Complaint handling

23. The landlord's complaints policy states that the landlord operates a 2-stage process. At stage 1, it will respond within 10 working days of acknowledging the complaint and at stage 2, within 20 working days of acknowledging the complaint. At any stage, if it needs further time, it will update the resident.
24. These timeframes match this Service's Complaint Handling Code (the Code). The Code also states that complaints and escalations should be acknowledged within 5 working days.
25. The landlord failed to provide a formal stage 1 response within the expected timeframe. The response was sent on 12 February 2024, almost 3 months after the complaint was made on 15 November 2023. The resident was not updated during this period and therefore submitted a further complaint in late January 2024. Furthermore, the resident referred the complaint to the Service for assistance. The Service wrote to the landlord on 6 February 2024 directing it to provide a response to the complaint by 13 February 2024. The landlord provided a response on 12 February 2024; however, it did not acknowledge the

delay and inconvenience caused in its response. This was inappropriate and amounts to a service failure. Landlords must provide responses to complaints according to its complaints policy and the Code without direction from this Service. The landlord has therefore been ordered to pay the resident £100 compensation for failing to provide a response to her complaint in line with its policy and our guidance.

Determination (decision)

- 26. In accordance with paragraph 52 of the Scheme, there was maladministration in the landlord's handling of the repair of blocked drain.
- 27. In accordance with paragraph 52 of the Scheme, there was service failure in the landlord's handling of the complaint.

Orders and recommendations

Orders

- 28. Within 4 weeks, the landlord is ordered to:
 - a. Provide a written apology to the resident for the failures identified in this report.
 - b. Pay £200 compensation directly to the resident in recognition of the impact caused by its handling of the drain issues.
 - c. Pay £100 compensation directly to the resident in recognition of the time and trouble caused by the landlord's failures in the complaint handling identified by this report.
 - d. Contact the Service within 4 weeks to provide evidence of compliance with the above orders.

Recommendations

- 29. The Ombudsman recommends that the landlord reviews its processes to ensure that reoccurring repairs are monitored, and alternative investigations are explored in a timely manner.