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Ombudsman**  
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# Living in Disrepair - a thematic report about housing disrepair and damp and mould complaints to PSOW

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November 2024



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**Mae'r ddogfen hon hefyd ar gael yn y Gymraeg.**

**This document is also available in Welsh.**



# Foreword

This is my second thematic report<sup>1</sup> since my appointment as Ombudsman. Some of the issues raised in my first thematic report, [Groundhog Day 2: An opportunity for cultural change in complaint handling](#) with a focus on how complaints are dealt with by health boards across Wales, has resonated in reviewing the cases I have received in the field of housing - in particular, housing disrepair complaints.

In relation to housing, I can consider complaints about both Councils and Registered Social Landlords (“Housing Associations”). About half of all Councils in Wales have transferred their housing stock to bodies known as Housing Associations. In the period 1 April 2021 to 31 March 2024, housing complaints in general formed 17% of all complaints dealt with by my office - the second highest topic following healthcare related complaints (at 36%).

Close to 800 were complaints about disrepair. We used to record all ‘repair’ issues under an umbrella term. In order to better capture damp conditions complaints, we have, since 1 April 2024, recorded these separately from other repair matters. I have done so, as this is of specific interest to me because of the recognised impact that living in damp conditions has on an individual’s health.

It has become clear to me that, with our NHS stretched to capacity, other public services - including landlords of social housing - need to consider whether their failures could, in some part at least, be contributing to the problem. This is particularly in relation to primary care services, so far as patients with coughs, colds and respiratory problems are concerned and, in many cases, to hospital admissions, too. The Public Health Wales report I refer to below, published some 5 years ago, noted the extent of the problem and identified significant improvements that could be made to the health of Wales’ population by improvement in its housing stock.

<sup>1</sup> I am publishing this report as an extraordinary report in accordance with paragraph 15 of Schedule 1 to the Public Service Ombudsman (Wales) Act 2019.

I hope that some of the learning from this Report will be helpful in reminding landlords of not only their responsibilities, but also of good practice and learning from each other, to improve housing conditions in Wales and, in turn, the health of its population.

**Michelle Morris**

Public Services  
Ombudsman for Wales

13 November 2024





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## Our role

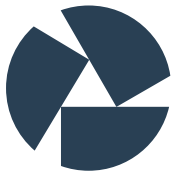


**As the Public Services Ombudsman for Wales, we have legal powers to look at complaints about public services.**

**We can look at complaints about all health care providers and independent care providers in Wales, including Health Boards, Trusts, GPs and dentists.**

**We have a team of people who consider and investigate complaints.**

**We are independent of all government bodies and our service is impartial and free of charge.**



# Introduction

In recent years, two important reports have been issued by the Housing Ombudsman in England (See Appendix A) on the issue of dampness and mould and the impact it has on the lives of occupants living in such conditions.

The link between poor housing and health has been well documented and a source of comment over many years. For example, in 2018, the World Health Organisation (WHO) (see Appendix A) commented that “Health conditions related to housing present an important health burden”. In addition to conditions, the WHO commented that healthy housing must also provide the occupant with a feeling of home - a sense of belonging, security and privacy. This links with the rights set out in the Articles of the European Convention on Human Rights (see Appendix A). Article 8 requires a public body to have not only respect for someone’s family life, but also their home. That respect, in my view, must include ensuring it is maintained in a good state of repair and listening to occupiers when issues are raised and acting on them.

On 20 June 2019, housing and health was the focus of an impactful report published (in partnership) by Public Health Wales, Community Housing Cymru and the Building Research Establishment. It concluded that the impact of poor housing costs the NHS in Wales more than £95 million per year and that investment in housing could lead to 39% fewer hospital admissions for circulation and lung conditions associated with poor housing.

The link came to further public prominence with the tragic death (in 2020) of a young boy in Rochdale from a respiratory condition. The Coroner, in November 2022, found his death to be due to his exposure to mould at the family’s social housing owned property.

In July 2023, in part prompted by the Rochdale finding, the Welsh Government sought assurance from social landlords about how they identify properties suffering from damp and mould and what actions were being taken to address the issue. It noted an apparent lack of proactivity by many landlords to identify and tackle those properties and, instead, a practice of waiting for occupants to draw attention to the issue.

Finally, in 2022, we issued revised statutory guidance<sup>2</sup> to public bodies on the [Principles of Good Administration](#) with a focus on good customer service, which is as relevant to housing disrepair complaints as to any other service area.

As our casework demonstrates, it seems that it is only when proper inspections and surveys are undertaken that landlords will swing into action. Ultimately, the longer an issue is left, the more costly it will be to rectify and, in these difficult times, it makes good business sense to be proactive.

Further details about the cases and where to access all the reports referred to in this document can be found at the appendices to this report, as well as more information about the extent of my office's powers.

<sup>2</sup> Issued under s34 of the Public Services Ombudsman (Wales) Act 2019





# PSOW's role and approach to housing complaints

In 2023/24, my office closed over 450 complaints about Housing Associations and Councils, over half of which related to concerns about repairs and maintenance issues. In the first quarter of this year, my office received over 100 disrepair complaints, of varying degrees of seriousness.

In many cases, a quick and effective remedy can be achieved by an alternative means, either instead of, or in addition to, a full investigation. We refer to these as Early Resolutions ("ERs"). Summaries of all ERs can be found on my website (see link at Appendix A) and I will refer to some examples within this report.



**1 April 2023 - 31  
March 2024**

**125  
recommendations  
made on  
housing cases**

## Our Strategic Aims

My [Strategic Plan](#) (2023-2026), published in April 2023, seeks to have a positive impact on people and public services in Wales and to increase accessibility and inclusion, so that we reach many communities and complainants who may be living in vulnerable circumstances. It is no coincidence that many of those, such as the elderly or disabled, are impacted by poor housing - whether that be housing in need of repair, or unsuitable housing, needing adaption to meet their needs.

To achieve our Strategic Aims, we have recently changed our approach in some housing complaints, on a case by case basis, as resources allow.

Where a complainant's immediate concern is for any outstanding repairs to be completed, we will continue to ensure that happens, by agreeing action through an ER with a body. However, we will, in future, also continue to look into why there was a delay by the body in taking action. This means we can identify further learning for both the organisation and the social housing sector. A number of complaints reviewed and discussed in this report led me to extend my approach in this way as, too often, it seems that my intervention prompted some activity on the part of the public body, whereas if matters had been promptly dealt with, a complaint to me would not have been necessary. Concluding my enquiries solely on the basis of action agreed may also mean that systemic problems are not brought to light.



# Themes & Learning Points

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## Complaint v service request?

My office takes the view that not all requests for service, or reports of faults, such as disrepair, constitute a complaint. Using powers granted to my office under the 2019 PSOW Act, we have brought in statutory guidance on complaint handling which applies to nearly 60 public bodies in Wales – including all Local Authorities and most Housing Associations. Our statutory guidance, provides a definition of what constitutes a complaint – and public bodies need to decide when that definition is triggered and, equally, when it is not<sup>3</sup>. Service users should not have to raise complaints to see that remedial work is done and, similarly, should not have to repeatedly chase public bodies in order for a complaint to be initiated. Where a service user has had to do this, then I would consider that the public body has had a reasonable opportunity to respond to the issues raised.

In Ms A's case (example 1), the Council said it had not received a formal complaint under its procedure, although it did not dispute the fact that it had received a service request from her. Bearing in mind the length of time she said she had been in contact with the Council (said to be 6 years), this, in our view, would see repeat contacts becoming a complaint and it ought to have been treated as such.

In the case of Mr B (example 2) the social services department was notified and aware of repair issues for some time. In line with good practice, a council is expected to work corporately as one organisation - once information is made known to one department, it should share this with other relevant departments; in this case, the housing department.

<sup>3</sup> Complaints Standards Authority – Wales 'Guidance for Public Service Providers on Implementing the Concerns and Complaints Policy' section 2 (February 2020)



# Quality of Pre-letting inspections

Landlords are required, by law, to ensure properties are both in repair and fit for habitation, at the point of letting<sup>4</sup>. The importance of proper inspection before a property is let, identifying any repairs and completing them, preferably before letting, cannot be underestimated. We have seen evidence of pre-letting inspections of questionable quality in some of the complaints we have received.

In Ms C's case (example 3), work needed at the social housing property let to her only 6 weeks earlier, had previously been identified through an earlier inspection from an Environmental Health Officer. When we contacted the Housing Association, it immediately surveyed the property and confirmed that substantial works were required. It issued a complaint response, apologising that the letting was not to a suitable standard and indicated that Ms C would have to move out, in order for the work to be undertaken.

I recognise the financial pressures on public bodies to minimize empty stock with no rental income. However, the situation described in Ms C's case, should not have happened. It ultimately would have cost the public body less to have completed the work promptly and before she moved in. As it was, it had to facilitate her move (and the costs of that) twice, in addition to the work itself. This is in addition to the human cost; the disruption caused to the family which touches upon a probable failure to respect her home and human rights (as per Article 8 - see Appendix A).

Works had been identified as needed when Mr D (example 4) moved into his home. Later, contractors undertaking the repair works caused damage, which Mr D complained about for a year, but the public body took no action. Whilst the body said that Mr D had not complained via the formal complaints process, we felt he had been waiting long enough, especially as the initial work should have been done before he moved in.

<sup>4</sup> Renting Homes (Wales) Act 2016, in force since December 2022

## Occupiers in vulnerable situations

We routinely consider human rights matters when dealing with complaints and seek to deliver on the aims of my Strategic Plan (see above and Appendix A) and achieve a positive outcome for people living in vulnerable housing situations.

In all the cases discussed below, occupiers would have waited significantly longer for necessary works to be completed, were it not for the intervention of my office. All occupiers were in a vulnerable situation and, in Mr E's case (example 5), despite the organisation having a repairs policy that stated it would be responsive and consider vulnerable occupants, there was no evidence that it did this. The human cost to anyone living in poor conditions is all the greater if the occupier is elderly or disabled.

Mr E was an elderly man in poor health who had been complaining about a defective/poorly fitting front door for some time. He had to put blankets over the door and in cracks to stop water entering his property and to keep out draughts. After contacting the landlord, we also found that it had not met its published commitment to tailor repairs when they involved vulnerable occupiers/situations, such as in Mr E's case. It had said that it would take 6 months to replace the door. We felt this to be unacceptable, in the circumstances. It therefore agreed to undertake emergency temporary repairs within 5 days and to replace the door within 8 weeks. It also agreed to apologise to Mr E and make a payment for his increased heating costs.



Mrs F (example 6) complained that her social housing landlord had failed to complete repairs, including an electric wiring issue which, she said, meant her disabled son could not, at times, use his bedroom. A complaint response some 6 months earlier had accepted works were needed, but they remained incomplete, which we felt was unacceptable. We settled the complaint with an apology, a payment in recognition of the time and trouble spent making the complaint and completion of the works within 30 days.

Mr G (example 7) suffered with mental ill health and COPD (a long term respiratory condition) and complained about damp/mould, which he said had also been reported to the Housing Association by his local councillor and social worker. On making enquiries, the Housing Association acknowledged the delay in dealing with the damp issue, but said it had actioned remedial work and would be installing a necessary new radiator at the property. We settled the case on its agreement to apologise to Mr G, pay him £100 redress for the delay and for it to complete the work within 30 days.

## Complaint handling generally – another Groundhog Day?

General delays in complaint handling feature in housing cases. We have seen evidence of complaint responses seemingly being delayed whilst the body carried out some works in the meantime (perhaps so that the response can reflect well on the body), or the body failing to properly record a complaint.

The first two examples, below, show the delay in dealing with the complaint response, even though specialist surveys had been completed, which recommended that works be done, compounded by delays in completing those works. This leaves the occupier not knowing what is happening and, in turn, having to complain to me. This is contrary to our guidance on Good Administration - keeping the complainant informed about what is going on is of the utmost importance and then delivering on what is said will be done.

Ms H's case (example 8) illustrates an administrative failure that otherwise might have avoided the complaint. She complained about a long standing issue with mould that she felt was due to the previous removal of a chimney at her council rented property. The council confirmed to my office that it had previously commissioned an inspection report from a specialist damp company. That said the issue was condensation related but had, nonetheless, made certain recommendations to try to alleviate matters. The council had failed to log those actions although, after we contacted it, it said it had completed some of them. It had not completed its complaints procedure. It agreed with our proposal to apologise for its error, issue a full complaint response and provide a list of outstanding work to be completed.





Ms I (example 9) complained that there was damp in her children's bedrooms and her daughter (who had mobility issues) had fallen over on defective flooring. When we contacted the organisation, we were told that a surveyor had visited the property several months earlier and identified numerous issues. These included roof works (possibly causing the damp) and repair of a concrete ramp (providing disability access for Ms I's daughter). We were also told that the complaint "was still active" and roof works had been planned for the following month. We resolved the case with an apology and financial payment for the delay, with the social landlord to provide a written response and timeframe for all works to be completed.

Ms J's case below demonstrates the unacceptable practice of not recording that a complaint has been made. The meeting and actions proposed by the body again only materialised when we contacted the Housing Association.

Ms J (example 10) complained that she had constantly contacted the Association for the last 3 years, due to an issue with mould that had not been resolved (following a leak in the attic). Her son had asthma. She commented that the Association was no longer answering her contacts and not keeping its promises to contact her. We were told that Ms J had "not exhausted the complaints process" and was currently in "an informal process". We asked the Association to apologise for the delay, make a financial payment in recognition of the lack of communication and ensure that Ms J received a full complaint response. A meeting was also being held with Ms J at her home that day, to outline a schedule of works to be undertaken.

## Good practice

It is pleasing to note that we have also seen some evidence of good practice in seeking professional opinion during a public body's complaint investigation, demonstrating a robust investigation and a desire by the landlord to find the cause of the issue. Often, this is necessary where it has been suggested the issue is caused by condensation, as opposed to structural or other damp. All too often, an occupier's lifestyle is said to be its cause but condensation itself can, of course, be prejudicial to health, if extensive and prolonged. It does not absolve a landlord from carrying out work to remedy the issue, if that were the case. Some good practice in instructing independent professionals to inspect was found, such as in the following cases (which happen to be from the same local authority).

Miss K (example 11) said that her home was damp and that she had asthma. The Council said it was condensation. In responding to our enquiry, the Council said it had already instructed an independent surveyor as part of its complaint investigation and was waiting for the report. Without evidence of maladministration or service failure, I cannot question professional judgement in such matters, so decided we could not achieve anything further and the independent report would set the outcome.

In Mrs L's case (example 12), she owned her home and complained that dampness at her property was caused by the Council carrying out work at her neighbour's home, which it owned. The Council had commissioned 2 separate independent surveys - in response to Mrs L's first complaint and again when she escalated her complaint. Both had found the damp was not caused by the work the Council had undertaken, but by work Mrs L had commissioned herself. However, the survey had identified some remedial work the Council needed to do and it had delayed in carrying that out. It agreed to our recommendation for an apology for the delay and completion of that work within 30 days.



# Conclusions

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Like the Welsh Government, I am concerned at the apparent lack of proactivity by many landlords to identify and tackle those properties suffering from damp /mould, as opposed to waiting for the occupants to draw attention to the issue. This is particularly so when issues are known, such as in the examples above – either where an occupier has already raised the issue, or where a pre-letting inspection ought to have been properly undertaken, but was not. If damp is suspected to be an issue, a landlord should investigate properly and in a timely way, to establish the true extent of the problem and remedy it swiftly.

It is disappointing, but perhaps no coincidence, that at least two of the themes and learning points uncovered in our earlier thematic report on complaint handling (Groundhog Day 2) have emerged here:

- **The importance of timeliness and good communications, and**
- **Acting fairly and proportionately – the need for robust investigations.**

The examples discussed above demonstrate this well – such as case example 10, on both points, with example 12 demonstrating good practice on the second point of conducting a robust investigation.

I also remind bodies of my office's role as the [Complaints Standards Authority](#) in Wales, to drive improvement in complaint handling. We have provided more than 500 free training sessions for public bodies since September 2020, including for Local Authorities and Housing Associations. As part of this work, we have produced a model complaint handling procedure, which sets out minimum standards from complaint handling in public bodies in Wales and forms statutory guidance for those bodies who we notify. We notified all 22 Local Authorities in Wales in October 2020 of our plans to include them within our standards and began notifying Housing Associations in 2021.

Currently, 23 Housing Associations are operating our model policy and we will continue to progress this work with the remaining Associations in the coming years.



# Future considerations

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It is clear, from the number of complaints received, that the condition of housing in Wales is not without significant challenge in terms of ensuring people live in good quality housing that supports good health and well-being. While acknowledging that some of what I say might come at a cost, we cannot ignore the growing cost to the health service from failures to address housing conditions<sup>5</sup> and this situation cannot continue.

Difficult as it is to make recommendations based on a snapshot of cases provided within this report, I offer some recommendations to improve practice, including in complaint handling.

We **recommend** the following actions to improve practice:

- all public sector/social landlords should proactively undertake a stock survey, as advocated by Welsh Government, to better identify properties within their holdings that are suffering from, or at risk of, damp and mould
- that all public sector/social landlords undertake a full and proper pre-letting inspection before an occupier moves in and completes all necessary works (that are more than cosmetic), before the occupancy begins

• that public sector/social landlords regularly undertake the following:

- » properly review first contact service request records to ensure works necessary have not been overlooked
- » properly review work orders to ensure all aspects are fully completed and contact occupiers to check this is so, before they are signed off as complete
- » properly prioritise repairs in accordance with their published repairs policies
- » properly record repeated service requests as complaints, when work has not been undertaken, following the first and second contact
- » engage independent surveyors to inspect properties where complaints of serious disrepair are made and/or where damp is alleged, coupled with respiratory complaints from occupants, to avoid a “Rochdale event”

• that public sector/social landlords reflect on this report, together with my previous thematic report, and engage with my CSA Team to prepare for adoption of our model policy and training on complaint handling.

<sup>5</sup> As evidence in the reports referred to in the Introduction to this report



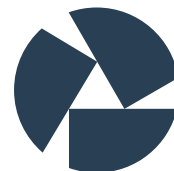
We trust that all local housing authorities and social landlords accept our comments and action the above matters.

# Appendix A - Reports and guidance referred to in this report

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[One year on follow up report: Spotlight on damp and mould – it's not lifestyle \(housing-ombudsman.org.uk\)](https://housing-ombudsman.org.uk)

Housing Ombudsman Service:  
“Spotlight on damp and mould – It’s not a lifestyle” October 2021 and a one year on follow up report, February 2023

[Learning from Severe Maladministration \(housing-ombudsman.org.uk\)](https://housing-ombudsman.org.uk)

Housing Ombudsman Service – July 2024

[18157\\_WHO Housing and Health Guidelines\\_160 x 240mm For Web](#)

World Health Organisation -Housing and Health Guidelines 2018

*“...about 15% of new childhood asthma in Europe can be attributed to indoor dampness.”*

[Making A Difference Housing and Health: A Case for Investment Main Report - World Health Organisation Collaborating Centre On Investment for Health and Well-being \(phwwhocc.co.uk\)](#)

20 June 2019 – a partnership report by Public Health Wales, Community Husing Cymru and Building Research Establishment

[Awaab Ishak: Mould in Rochdale flat caused boy's death, coroner rules - BBC News](#)

[Principles-of-Good-Administration.pdf \(ombudsman.wales\)](#) - January 2022

Noted within this report is the following statement which is as relevant to housing disrepair complaints as to any other service area, in terms of dealing with customers:

*“Do what you say you are going to do. If you make a commitment to do something, you should keep to it, or explain why you cannot. You should meet your published service standards, or let customers know if you cannot.”*

[Public Service Complaints - Public Services Ombudsman for Wales](#)

‘Our Findings’, including Early Resolutions

[Strategic-Plan-2023-2026.pdf \(ombudsman.wales\)](#) – April 2023

## [Public Services Ombudsman \(Wales\) Act 2019 \(“the Act”\)](#)

Summary of relevant jurisdiction matters:

### **Discretion to investigate**

We have an overarching discretion about whether to investigate complaints made to us, or whether to deal with them in an alternative way - such as by settling them - and whether or when to bring any investigation underway to a close. Many complaints to us cannot be dealt with for a variety of jurisdictional reasons that are set out in the Act.

### **Body to have a reasonable time to respond to a concern**

We ask complainants to make their complaints to the relevant body first, so that it has had a reasonable chance to respond before we consider it. Again, however, we have discretion to accept complaints, even if a public body has not had a reasonable opportunity to respond to the complaint, if we are satisfied that this is reasonable in the particular circumstances. As an example, if repairs have been reported to a landlord, and known about for some time, it would not be fair for a public body to delay their completion pending the formal complaint process being completed, or to delay responding to the complaint whilst the repairs are underway.

## **Availability of an Alternative Legal Remedy (ALR)**

If a complainant has an ALR available (such as taking court proceedings), the Act says that we cannot investigate **unless** we feel it is not reasonable, in the circumstances, for them to pursue that course of action. The lack of availability of legal aid to pursue housing cases through the courts means many social housing tenants are not financially able to take action themselves and we will take that into account, in appropriate cases.

### **Own Initiative power**

The Act also grants us “Own Initiative” powers to investigate complaints where evidence suggests there may be systemic failings, even if service users themselves are not raising complaints with us. Individually, those complaints might not seem serious but, gathered over a period of time, they can give rise to a concerning pattern and it is in that context that we felt this report to be necessary. We can also issue thematic reports and good practice guidance to public authorities, especially where we can see recurring themes in the complaints we receive.



## Human Rights and Equality issues

The [European Convention on Human Rights](#) is enshrined in UK law via [The Human Rights Act 1998](#). An Ombudsman has a role in promoting and protecting the rights of individuals and ensuring public bodies act in accordance with the law. While we cannot make definitive findings about any breach of human rights or formal findings of discrimination, we consider whether a particular case, on its facts, raises human rights issues and we comment appropriately on those matters where that is the case.

**Article 8** of the Convention provides that:

“Everyone has the right to respect for his private and **family life**, his **home** and his correspondence”.

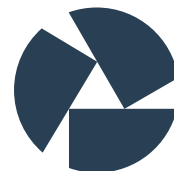
[The Equality Act 2010](#) provides a framework to define disability and prohibits discrimination against people with a “protected characteristic”, of which disability is one. A public authority is bound by the Equality Act and, in addition to not acting with discrimination, it has a duty to make reasonable adjustments for disabled people in the provision of its services.

We have a role in ensuring disabled people are not disadvantaged and, in our [Strategic Plan](#), have made a commitment to enabling those in vulnerable situations -including disabled people - to better access the services of our office and to benefit from improved public services.

# Appendix B – Case summaries

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## Case example 1

### Ms A's complaint – 202203912 – Pembrokeshire County Council

Ms A complained about the insulation to an extension bedroom and that there was also a leak to the extension roof. She said she had reported the matter over the course of the previous 6 years. When contacted, the Council said Ms A had not engaged its formal complaint process. We formally referred the complaint to the Council to consider, with an opportunity to Ms A to return to us again if the Council failed to provide her with any satisfaction or remedy.

## Case example 2

### Mr B's complaint – 202203857 – Flintshire County Council

Mr B complained that his council owned property was “full of damp”; his son was asthmatic and sleeping in a damp bedroom and his daughter suffered from eczema. He said they had been living in a damp property for 7 years and that structural engineers felt the property was subsiding, due to extensive cracks in walls. Mr B said he had made many calls to the Council and sought a transfer. He had contacted the social services department, who knew of their situation. The Council had told him they were not a priority for a transfer. When contacted by my office, the Council said it had “no service requests or complaints” and that it could deal with a complaint made by Mr B if he wished to submit one. We asked that it respond to Mr B. (We could not accept Mr B's case for investigation, given the remedy of a transfer he sought was not one we could achieve for him).

## Case example 3

### Ms C's complaint – 202310306 – Barcud (a Housing Association)

Ms C was unhappy with damp in her social housing rented property, as her son had asthma. She had only moved in 6 weeks previously and contacted the local authority's Environmental Health Department, who inspected the property. On inspection, the officer told her that another officer had previously inspected the property when the previous occupant lived there and noted works were needed. On contacting my office shortly after complaining to her landlord, the Housing Association undertook a survey of the property and issued Ms C with a complaint response, apologising that the property was not to a suitable letting standard. Ms C and her family moved out of the property whilst the substantial works were undertaken.

## Case example 4

### Mr D's complaint – 202203327 – Cadwyn Housing Association

Mr D, who was disabled, claimed that contractors carrying out works at his home had caused damage. He said he had been complaining for over a year and that his local councillor had also contacted the Housing Association about works that were needed, before he moved in, including "significant damp in the kitchen". The Association informed my officer that Mr D had not yet completed the complaints process. However, given Mr D's vulnerability and that matters had been ongoing for some time, we settled the complaint on the basis that the Housing Association contact Mr D to arrange a contractor's visit within 20 days, to action the repairs identified.



## Case example 5

### Mr E's complaint – 202307988 – Tai Calon Community Housing (a social landlord)

A complaint on behalf of Mr E said that he was elderly and in poor health and that his front door was ill fitting and in need of repair/replacement. He would put blankets over the door and in gaps to try to deal with the draughts and some water ingress. The social landlord told us that it would take some 6 months for it to find a permanent solution and fit a new door. We considered this to be an unacceptable delay, given Mr E's vulnerability, and the steps he was having to take to ensure he could be warm and dry. Also, the social landlord's own Repairs Policy included an undertaking to tailor its repairs service to those occupiers who were vulnerable and who needed support. We felt that it had not met these standards in Mr E's case, by suggesting there would be a delay of 6 months before a new door could be fitted and it had not provided any rationale for this. We felt that was unacceptable, as replacing a door should not take 6 months. We resolved the case by an ER, with the social landlord agreeing to undertake temporary works to stop the immediate water ingress within 5 working days and, within 8 weeks, to fully replace the front door. In addition, it was asked to apologise to Mr E and make a payment to him of £250 to reflect his higher heating costs, resulting from trying to keep warm with the defective door in place.

## Case example 6

### **Mrs F's complaint – 202205107 – Newport City Homes (NCH) (a social landlord)**

Mrs F complained to NCH about a number of repair issues, including a bathroom leak that had damaged floorboards, issues with the heating system and with electrical wiring, which she said meant that, at times, her disabled son could not use his bedroom. Despite a formal complaint about matters being made to NCH, which it upheld in July 2022 and agreed to undertake the works, these were still outstanding by the time she complained to me in November 2022. We felt the delay in this case was not acceptable and settled the case on the basis of NCH agreeing that it would complete the works within 30 days, apologise to Mrs F and pay her a sum of £400 redress, for the delay and her trouble in complaining to me.

## Case example 7

### **Mr G's complaint – 202303082 – Hafod Housing Association**

Mr G complained about damp and mould at his home, which he said impacted on his health. He said he suffered from mental ill health and Chronic Respiratory Pulmonary Disorder (COPD - a long term condition). His social worker and councillor had reported the damp issues to the Housing Association, as well as his other concern about needing steps to access his steep garden. The Housing Association confirmed to us that there had been a delay in its addressing the damp concern which it had now begun to take action to resolve, which would also, in due course, include it installing a new radiator. It said it was not practical, given the terrain, to create steps, but would fence off part of the upper garden and take over liability for its regular maintenance which we felt was reasonable, in the circumstances. It agreed to an ER to apologise to Mr G for the delay, make him a payment of £100 for his trouble and to complete the works and install the radiator within 30 days.





## Case example 8

### Ms H's complaint – 202205343 – Carmarthenshire County Council

Ms H complained about a prolonged issue with the removal of a chimney at her home, rented from the Council. This had resulted in 3 of the rooms now suffering from penetrating damp. A surveyor visit to assess work needed had been promised but nothing had happened. Ms H was at the point of asking to be re-housed. When we contacted the Council, it told us that it had failed to log certain works as needed, following its receipt of an initial report from a specialist damp company, suggesting the mould problem was as a result of condensation. Some works, it said, had since been completed. We felt that an ER was appropriate in this case, given that, in the absence of evidence of service failure or maladministration, we are not able, in housing cases, to question a professional judgement; in this case, a specialist opinion had already reached a view. That said, the failure to log some works meant a delay in carrying out those repairs, so the Council was asked to apologise for this failure and to pay £100 for Ms H's time and trouble in coming to me. It was also asked to issue Ms H with a full complaint response, outlining a schedule of the works to be undertaken.

## Case example 9

### Ms I's complaint – 202205752 – Valleys to Coast (a social landlord)

Ms I complained that Valleys to Coast had left her property with outstanding repairs for over 4 months. This included defective flooring that she said was a hazard, because her young disabled child (who had mobility issues) had fallen over. Damp present in the children's bedroom had also not been rectified and her kitchen was in a poor state. On making enquiries with Valleys to Coast, we learned that a surveyor had visited the property 4 months earlier, identifying a list of issues needing attention, as Ms I described. These included a disability concrete ramp outside being in a poor state of repair and that dampness existed, with evidence of “numerous jobs being raised over the years” about the condition of the roof. We were told that it had plans to carry out roof work the previous month, but this was now planned shortly, with kitchen works due the following month. It also said that Ms I's complaint was “still active”. We resolved the matter with Valleys to Coast agreeing to apologise to Ms I, pay her £50 for her time and trouble and provide her with a written timeframe within which all matters would be completed.



## Case example 10

### Ms J's complaint – 202400091 - Pobl (a Housing Association)

Ms J complained that she had constantly contacted the Association for the last 3 yrs due to mould that had not been resolved (following a leak in the attic). Her son had asthma and she said that his bedroom ceiling was, at one stage, at the point of collapse and he had to move to sleep in her bedroom. She wanted the matter rectified. Whilst her landlord had been out to “paint over” the mould, it resurfaced and her landlord had not resolved matters since. Ms J wanted an investigation into the damp and the issue rectified. She complained that the Association was no longer answering her queries and that she was “getting passed around and promised I will hear something and then not hearing anything until I get back in touch”. The mould, she said, was now spreading throughout the upstairs bedrooms; she was feeling stressed and many of her effects had been damaged. We were told (a week after contacting the Association) that Ms J had “not exhausted our complaints procedure” and that she was “currently still in our informal process”. It had since been in contact with Ms J and was that day to hold a meeting with her at her home to discuss and raise the repairs necessary to reach a resolution. It listed some outstanding works to be completed on a date to be agreed with Ms J and would offer her £50 as a goodwill gesture, in light of the lack of communication with her. We resolved the matter, as works were now to progress, by asking the Association to formally apologise to Ms J for the delay and to pay her £50 for its poor communication, as well as providing her with a formal complaint response, within 4 weeks.

## Case example 11

### Miss K's complaint – 202204806 – Swansea Council

Miss K said that the Council had failed to carry out works at her home which she said was suffering from damp and mould, that she had been complaining for several years and had developed asthma. She said the Council had since denied the property suffered from damp and said that it was condensation. In responding to my office, the Council said that it had instructed an independent surveyor as part of its complaint investigation. An inspection had been carried out and it was awaiting the opinion. Consequently, as we have no ability to question professional opinion (in the absence of evidence of maladministration or service failure), we felt that nothing more could be achieved by investigating the complaint and, if issues were identified by the surveyor, which the Council subsequently failed to address, Miss K could return to my office with a fresh complaint.



## Case example 12

### Mrs L's complaint – 202204313 – Swansea Council

Mrs L owned her home and complained that dampness at her property was caused by the council carrying out work at her neighbour's home, which it owned. In response to our enquiries, the Council produced an independent survey it had commissioned when she first complained, which found some brickwork should be rectified, but that this was unlikely to be the cause of the damp cited. Given its location, it considered the damp was more likely the result of condensation and lack of insulation to Mrs L's home, coupled with a porch she had constructed having no adequate waterproofing. Following Mrs L escalating the complaint, the Council commissioned another inspection visit from an independent surveyor (a different individual). It said that this surveyor had also cited the problem to be caused by work Mrs L had carried out to her own property and, between them, both independent surveyors had over 60 years' experience in the industry. The Council acknowledged some delay in carrying out the first surveyor's suggestion (albeit this would not rectify Mrs L's concerns about damp) and agreed with my office it would do so within 30 days, together with providing an apology for the delay. There was no evidence that the Council was responsible for Mrs L's problems and we had no basis for questioning the opinions of two independent surveyors. I therefore decided not to take Mrs L's complaint further.



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