

7 February 2023

Dear Clive

Hope you're well.

I wanted to get in touch following your committee's session yesterday with the DLUHC. There were two points I was keen to follow up.

You asked about whether the Ombudsman would pay compensation where a resident has raised a disrepair claim. In short, the answer is yes. Our view is a complaint should continue through the landlord's procedure alongside any disrepair claim, while it is at the pre-action stage. If the court serves papers in relation to the claim, at that point it would be ruled outside our jurisdiction and the matters would need to be handled by the courts. In addition to compensation (and other remedies) we can also make orders in relation to the repairs or requiring an assessment of the property to establish what works may be required.

We published guidance at the end of 2021 on the effective handling of a complaint alongside a claim: [New guidance for landlords on disrepair claims - Housing Ombudsman \(housing-ombudsman.org.uk\)](https://housing-ombudsman.org.uk). While some landlords now have a better handle on legal claims and complaints, we continue to see some confusion and poor practice. This was a focus of our evaluation of the damp and mould report (particularly progressing any repairs) published last week. I will continue to engage landlords in this area.

More widely on compensation, as you know we updated our remedies guidance towards the end of last year, and in particular have focused on using the rent paid by the resident over a period of disrepair as the starting point for compensation. This is leading to us making some significant awards. We will publish some cases in relation to this approach later this year, and I will share these with you.

Secondly, I noted the exchanges with the department on resources for the Ombudsman, given the high volumes of cases we continue to experience. You will have seen the business plan which we published yesterday sets out a step-change in the resources we will require to meet demand. The casework we are handling is also far more complex and I also drive further quality standards to ensure it has impact. Additionally, we need to make sure we can reach the most vulnerable residents who may be unaware of the Ombudsman, and this will require more awareness raising. In the exchanges, Kate raised an important point about high risk cases. Following the Awaab Ishak case we reviewed all of our cases pending investigation, and identified about a quarter of cases as higher risk. These have been prioritised for investigation.

I would be very happy to meet to discuss, and I have also copied Kate if she wants to follow up on any of these points.

All the best
R

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