

Redressing the balance

Building effective dispute resolution for private renters in England



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Citizens Advice: exploring consumer redress in the housing sector

This report responds to the government’s consultation on strengthening consumer redress in housing. It builds on our previous work on redress in the private rented sector, which showed that private renters lack non-court based routes to redress to hold landlords to account.

Citizens Advice has also carried out research into Alternative Dispute Resolution across the consumer landscape. This work has highlighted the need for greater streamlining and rationalisation of redress schemes, which can currently cause confusion for consumers.

Summary

The private rented sector now houses 4.7 million households, including a growing number of families. But if a landlord acts unlawfully or offers a poor service, only a small minority of tenants have access to an ombudsman scheme. Most rely on the courts and overstretched local authorities- and are too often left frustrated, out of pocket or putting up with problems as a result.

The government's consultation on strengthening consumer redress in housing recognises the need for change. The proposal to introduce a mandatory ombudsman scheme for private landlords has the potential to raise housing standards and improve options for renters. When designing an ombudsman for private landlords, the government needs to consider the following areas:

Improving landlord and agents' internal complaints processes. Almost half of tenants (48%) don't think their landlord or agent has a complaints process. This leads to delays, disagreement and misunderstandings. Ombudsman schemes rely on evidence compiled during the initial complaints process to make decisions. Without this evidence, the scheme will struggle to resolve disputes effectively. To stop this, the ombudsman should require all private landlords to produce a written complaints process upon joining the scheme.

Ensuring all tenants can access redress. The government aims to fix the patchwork of redress schemes that has developed in housing. To do this effectively, all private landlords should be required to join an ombudsman, even where properties are fully managed by an agent. Tenants should be protected from eviction while their complaint is considered, and for at least 6 months after if it has been upheld. In addition, the scheme should be free for tenants to access. This will ensure access to redress exists in practice as well as theory.

Streamlining the consumer journey. Having multiple housing redress providers causes confusion and frustration for tenants. Introducing a portal that functions as a single point of access for formal housing complaints will be significantly easier to navigate. Rationalising existing housing redress into single tenure-specific schemes, with common service standards running across all housing redress, will also simplify the consumer journey.

Making decisions enforceable. Schemes should have the power to make final, binding decisions, with strong penalties for non-compliance with either membership or decisions. To make compensation quick and seamless, tenants should have the right to deduct compensation from future rent.

Background

Housing is the third most common issue that clients contact us about, after benefits and debt. In 2016/17, Citizens Advice directly helped 230,000 clients with housing issues, and our online housing advice was accessed 4.1 million times. Problems with repairs and maintenance are the most common issue across all rented tenures. According to local Citizens Advice staff, problems with redress are particularly difficult to resolve when it comes to clients who rent privately. These tenants are left with very few avenues to pursue other than taking a landlord to court, which is expensive and time consuming. Many end up taking risky steps, such as withholding rent, instead.

The housing redress landscape is patchy and difficult to access, particularly for private renters. Our previous research found that 41% of tenants have waited an unreasonably long time for repairs to be fixed, yet existing redress routes go underused. Only 5% of these tenants reported disrepair to their local authority's Environmental Health team and only 1% sought compensation through the courts. As a result, a third (33%) of people give up on asserting their right to repair, 13% pay out of their own pocket and 7% relocate.

Most consumer markets are built on a bedrock of early intervention: effective in-house complaints processes and independent redress schemes or ombudsman schemes. In July 2017, we highlighted that there's no such redress scheme for tenants let down by their landlord.¹ While private landlords can voluntarily join the Housing Ombudsman, our research found only 0.005% of private rented homes were covered by this. In October 2017, the government recognised this challenge, announcing that they will require private landlords to join an ombudsman scheme.

This report explores what effective dispute resolution between private landlords and their tenants could look like. It sets out some key areas the government needs to address, if it is to successfully improve access to redress and raise standards in the private rented sector.

¹ Citizens Advice, [It's Broke. Let's Fix It](#), 2017.

Research method

The Citizens Advice service covers England and Wales. Housing is a devolved matter and this report focuses solely on England.

This report draws on data from an online survey of 2,001 private renters in England, carried out by ComRes between 16th and 27th March 2018. The data is nationally representative of all private renters in England by age and region. The report also includes data from an online survey of 324 Citizens Advice advisers, exploring similar issues.

Finally, the report includes case studies and data analysis from our network of local Citizens Advice in England. Last year, the Citizens Advice network helped 2 million people with 5.7 million issues. In addition, our website pages had 36 million visits. Nearly 230, 000 people came to Citizens Advice in England over the past 12 months with a housing issue, including 73,000 people with a private rented sector issue. Our online housing advice was accessed 4.1 million times.

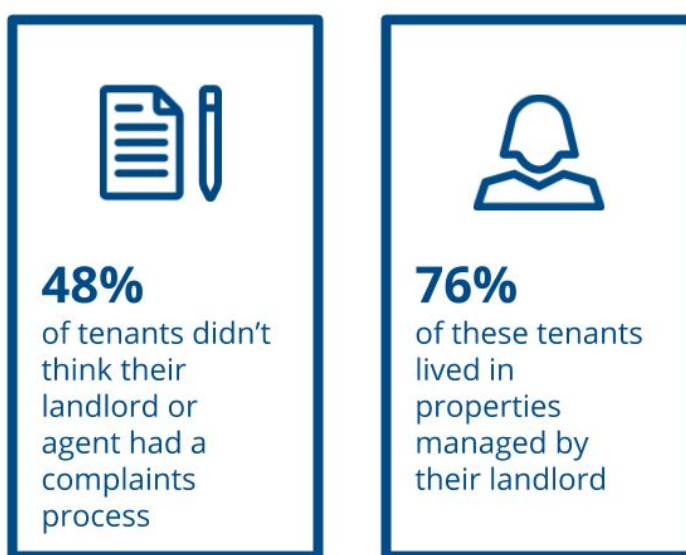
1. Getting the basics right

[The government states that](#) every landlord should have a complaints process their tenant can follow. But while some landlords set out clear processes and timescales for complaints, others rely on informal methods, like sporadic texts or face-to-face chats.

It is likely that renters will experience problems with their property, making effective in-house complaints handling processes vital.² But our research has found that the problems with redress start from the first point of contact.

Complaints processes don't always exist

Tenants often don't know how to report problems to their landlord or letting agent, who often lack in-house complaints processes.³ 12% of tenants report that their landlord/agent had never explained the complaints process to them. And a further 48% said they didn't think their landlord/agent has an in-house complaints process. This is particularly common among private landlords:



Even where processes exist, they are rarely explained to tenants without prompting. Just 1 in 5 tenants said their landlord or letting agent explained how to make a complaint without the tenant either asking directly, or raising a

² [Previous Citizens Advice research](#) found that 64% of tenants experienced at least one disrepair issue that their landlord was responsible for fixing in the last 4 years.

³ For the purpose of this research, an in-house complaints process was defined as “a systematic way to receive, record and respond to complaints, outlining how to complain, who to contact, timescales and ways to escalate unsatisfactory complaint handling”.

problem first. And in a survey of local Citizens Advice staff, the third most common advice need regarding repairs and maintenance of a privately rented property was how to raise a repair issue with a private landlord or letting agent (cited by 44% of advisers).⁴

Where processes do exist, they are not adequately explained

People with no awareness of their landlord or agent's complaint process are much less likely to complain than those with who had the process explained to them.

Of those who were only told about the in-house complaints process after raising a problem, 59% experienced an issue but did not complain about it. Among those whose landlord or agent explained the in-house complaints process to them either routinely, or when asked, only 28% chose not to complain about something.

Similarly, people who first had the process explained to them in writing were more likely to complain than those who were given the information verbally. 2 in 5 of those who had the process explained verbally did not complain about an issue they had experienced. By contrast, just 1 in 5 of those who first had the process explained to them in writing chose not to make a complaint about an issue they experienced.

At the same time, just 17% of tenants remember reading the 'How to Rent' guide. So outlining a standard complaints process in this booklet is not enough to ensure tenants understand, and feel able to act upon, their rights. Landlords and agents need to proactively communicate this information to their tenants, while also ensuring the tenant has a written copy they can refer back to if needed.

Current communication methods are unfit for purpose

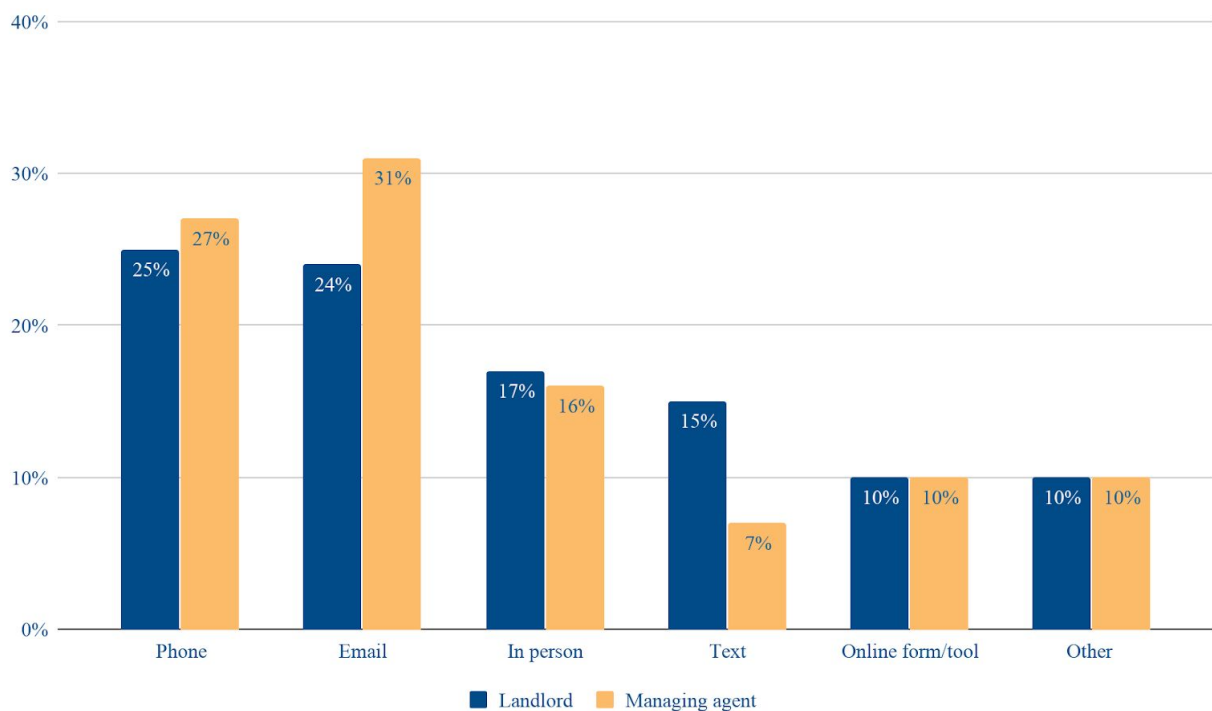
When problems arise, it is particularly important that there are clear and effective lines of communication between tenants and landlords. However tenants currently find it difficult to contact their landlord/agent when things go wrong. In fact, 8% of tenants who experienced an issue and did not complain about it said the main reason was that they were unable to contact their landlord or agent.

⁴ Citizens Advice Network Panel. Base: 179.

Among those who did initiate a complaint, many did so via a method of communication that doesn't produce a written record, such as phone calls or face-to-face conversations.

Alternative dispute resolution (ADR) schemes often emphasise the need for written evidence. This makes it important that tenants have a record of any prior communication with their landlord or agent. Since 56% of tenants initiated the complaints process with their landlord either face to face, over the phone or via an intermediary, this evidence may not be available.

Figure 1: How tenants first initiate a complaint with their landlord or letting agent



Source: Comres. Base: 626 landlord, 575 managing agent.

Previous Citizens Advice research points to a preference among consumers for online ways to resolve complaints, with 43% stating this was their preferred method. Online tools can also be used to inform renters of their rights and highlight when a problem is the tenant's responsibility. At the same time, just 6% of tenants with a landlord initiated their most recent complaint in this way.

In addition, those who initiated their most recent complaint via an app or online complaints form had a shorter average wait for complaints to be acknowledged or resolved. Landlords and agents should consider how online tools can be used

more effectively to ensure swift, satisfactory complaint resolution across the private rented sector.

Routes to redress start with in-house complaints handling

Redress schemes should act as a 'last resort', focusing on the complaints that tenants, landlords and agents have been unable to resolve independently. Where in-house processes are nonexistent or unfit for purpose, it's likely that a redress scheme will receive a much higher number of complaints. In turn, this will make it difficult for the scheme to properly investigate complaints and the scheme will struggle to function.

A redress scheme for private landlords should mandate that members produce a written complaints process upon joining the scheme, as is currently required by the Housing Ombudsman. All complaints processes should emphasise the need for a written record of communication, and set out standard timelines for responding to and resolving issues.

Members of the scheme should be expected to routinely explain their complaints process to tenants. Simply including details of the scheme in a 'How to Rent' guide, should not be considered adequate explanation.

And in cases where a landlord has not adequately responded to a tenant's complaint within 14 days, the scheme should allow the tenant to progress straight to the redress scheme.⁵

⁵ This mirrors the existing requirements for a complaints process as laid out in the [Government's Guidance to the 2015 Deregulation Act](#).

2. Getting the ombudsman right

When informal negotiation doesn't resolve a complaint, ombudsman schemes can offer a cheaper, quicker and clearer alternative to court.

The government has stated its aim to strengthen consumer redress in the housing market. In the private rented sector, this means improving access to the schemes and designing a housing redress landscape with the consumer in mind.

Improving access to redress

Across housing, a patchwork of redress schemes has developed, leaving gaps in some areas and overlaps in others. This is particularly true in the private rented sector. Only a tiny minority of tenants have access to an independent dispute resolution scheme for their private landlord.⁶ By contrast, for problems with a letting agent, 3 independent dispute resolution schemes overlap.⁷

In order to ensure redress is accessible across the private rented sector, it must include all landlords, including those whose properties are fully managed by a letting agent. In addition, any scheme should be free to the tenant, as is the case with the current Housing Ombudsman. And to ensure access to redress in practice as well as theory, the government must ensure that tenants can't be evicted for complaining to an ombudsman scheme.

1. Require all landlords to be part of the scheme

At Citizens Advice we advise thousands of private renters who live in a fully managed property, but whose problem is caused by an uncontactable or unresponsive landlord. Our national research shows that 37% of tenants have experienced delays to repairs because their letting agent required permission from the landlord to act.

No landlord should be allowed to 'let and forget'. All landlords have legal responsibilities towards their tenants, and having a non-court based route to hold these landlords to account is vital.

"A fairly common problem is that of the tenant not having the address of the landlord and the letting agency themselves not being able to contact the

⁶ Citizens Advice, [It's Broke, Let's Fix It](#), July 2017.

⁷ [The Property Ombudsman Scheme](#), [Property Redress Scheme](#) and [Ombudsman Services: Property](#).

landlord and getting fed up in trying to chase him/her for authorisation to make the repair”

- *Local Citizens Advice adviser*

Currently, letting agent redress schemes cannot help tenants get redress if the landlord is uncontactable or unresponsive, even if an agent manages the property. If the government is to meet its aims of closing the gaps in housing redress, it should require all landlords to be a member of an ombudsman scheme, including those whose property is fully managed.

2. Make the scheme free to consumers

Cost is a major barrier for tenants. Previous research by Citizens Advice found that 3 in 5 consumers (61%) would be put off from complaining to an ADR scheme if there was a cost involved.⁸ A survey of privately renting tenants found that the cost of taking a landlord to court was the largest barrier for tenants whose landlord was not upholding their responsibilities.⁹

A successful redress scheme would need to remove this barrier. In other consumer markets, where more non-court based routes to redress exist, the lack of cost is one of the main advantages. And the majority of ADR schemes in other consumer markets are free to the consumer, including the current Housing Ombudsman. A recent Citizens Advice study found only 1 scheme where the consumer bears the cost.¹⁰

3. Protect private renters from revenge evictions

“Despite being given the most up to date advice, clients are frightened to take any action against their landlord for fear of being evicted.”

- *Local Citizens Advice adviser*

Ombudsman schemes should offer ‘a level playing field’ between consumer and trader.¹¹ Similarly, a basic requirement of any redress scheme is that people feel able to use it. Without security of tenure in the private rented sector, both these outcomes are difficult, if not impossible.

⁸ Citizens Advice, [Confusion, Gaps and Overlaps](#), April 2017.

⁹ Citizens Advice, [It's Broke. Let's Fix It](#), July 2017.

¹⁰ Citizens Advice, [Confusion, Gaps and Overlaps](#), April 2017.

¹¹ Cabinet Office, [Ombudsman Schemes: guidance for departments](#).

Fear of eviction creates a powerful disincentive both to raise an initial complaint with a landlord, and to formally escalate an issue. Our previous research showed that fear of losing their home affects many tenants. 44% of tenants said fear of eviction would stop them from continuing to negotiate with their landlord over disrepair - the most common reason cited.¹² Similarly, a recent survey of local Citizens Advice staff found that 'clients worrying about the consequences of complaining' was cited by 43% of staff as the top issue with redress in the housing market - the most common issue chosen.¹³

"Many clients know that it's easy for landlord to evict on a section 21 so they are reticent to raise issues."

- Local Citizens Advice adviser

Protection from eviction while a complaint is under consideration is essential if tenants are to have any confidence in applying to the scheme. Similarly, ongoing protection after a case has been resolved, where the tenant has been found to have a genuine complaint, is needed. This could mirror existing retaliatory eviction measures, where section 21 notices are invalid for 6 months following enforcement notices.¹⁴ And where there is a counterclaim for disrepair, a Section 8 rent arrears eviction should be postponed until the ADR decision has been reached.

Streamlining the consumer journey

The confusion caused by having multiple housing redress providers was a key reason for the government's review of the landscape.¹⁵ By introducing a portal and rationalising existing schemes into single tenure-specific schemes, the landscape will be significantly easier for consumers to navigate. In addition, by setting clear service standards and strong deterrents for non-compliance, the government can ensure redress really delivers for consumers.

Case study: Clara

Clara and her family live in a privately rented property in the North West of England. Over the Christmas period, the boiler failed and so she reported it to her letting agent. An engineer was supposed to arrive straight away, but failed to respond. Clara contacted her agent again in January, and after the engineer

¹² Citizens Advice, [It's Broke, Let's Fix It](#), July 2017.

¹³ Citizens Advice Network Panel. Base: 179.

¹⁴ Department for Communities and Local Government, [Retaliatory Eviction and the Deregulation Act 2015](#), October 2015.

¹⁵ Sajid Javid, Secretary of State for Housing, Communities and Local Government, [Strengthening consumer redress in the housing market: a consultation:Written statement](#), February 2018.

still didn't arrive, she was advised to make a complaint to the agent. After waiting a further 3 weeks for her complaint to be processed, a repair man visited her house, but was not able to fix the boiler. Clara submitted another complaint to her agent, which led to another repairman visiting her property. This time, she was told the boiler needed replacing.

At this point, Clara and her family had temporarily moved out of the property. Frustrated by the continued delays, she called Trading Standards to escalate her complaint, and was told to make a complaint through the Redress Scheme. However, when she tried to do this, she was told her letting agent had not paid into the scheme for 5 months and so her complaint could not be processed. Clara didn't know where else to go for compensation or to get her problem resolved. She came to Citizens Advice to ask for help figuring out what to do next.

1. Introduce a portal for housing complaints

Having a single point of contact for housing complaints would reduce the difficulty tenants face knowing where to complain. We know that private tenants mostly seek advice after they've already tried repeatedly to resolve their issue. 87% of local Citizens Advice staff said that private renters most often come to Citizens Advice for help after reporting the problem to their landlord or letting agent several times, to no avail.

"I remember trying to find out who it was that I needed to complain to and it wasn't easy to find a contact... [the company's] complaint process had a list of the people that you could contact. The problem being that they listed three or four [organisations] or whatever it is. There were a few people that you could contact but it wasn't necessarily the ombudsman, sort of thing. It wasn't clear." - ADR user¹⁶

After a potentially lengthy period of time trying to resolve a complaint with a landlord or agent, problems or delays finding the right redress scheme are hugely frustrating. The existence of multiple letting agent redress schemes already makes it difficult for tenants to know who to contact. Introducing redress for private landlords has the potential to make it even more complex. A single point of entry with a clear, commonly recognised brand would ensure consumers get to the right redress scheme quickly.

A portal would also be able to alert local authorities to suspected Category 1 or 2 hazards. This would prevent tenants from having to apply for help twice. In

¹⁶Citizens Advice, [Confusion, Gaps and Overlaps](#), April 2017.

these cases, an ombudsman scheme should still consider whether a tenant is due compensation, and set out orders where a local authority does not intervene.

This portal should sit independently of any particular ombudsman scheme. This would allow the scheme to impartially decide whether an ombudsman scheme, multiple ombudsman schemes, or local authority services need to be involved with resolving the complaint.

2. Rationalise the number of housing redress schemes

While a portal will simplify the route to redress, there is still a case for rationalising the landscape, so only one scheme handles complaints relating to a specific tenure. It is unrealistic to expect a portal to entirely shield consumers from the confusion of multiple schemes, particularly where multiple schemes cover the same issues and are competing for customers.

Some regulated sectors, such as energy and financial services, only have one approved ombudsman scheme. A similar structure is being consulted on for housing. This would bring social renters, private renters, leaseholders and developers under the same ombudsman scheme. While this would make redress easier to access, it would also make it difficult to challenge poor performance by the scheme.

Single redress providers covering very large complaint areas can, in principle, be kept efficient and competitive through regular re-procurement processes. However, the lack of viable alternative providers makes this difficult in practice. Smaller tenure-specific housing schemes, rather than a single housing ombudsman, would be easier for alternative providers to challenge.

3. Streamline service standards

Most non-regulated sectors allow competition between redress schemes.¹⁷ But since the business selects which scheme to join, this can mean the main driver is price rather than consumer outcomes. As a result, one scheme may take significantly longer to resolve complaints than another, or offer fewer types of dispute resolution. It can also result in perverse competitive incentives, such as schemes resolving in favour of the landlord in order to attract customers. This can result in a race to the bottom and means some consumers are likely to be left shortchanged.

¹⁷ Citizens Advice, [Confusion, Gaps and Overlaps](#), 2017.

The potential for this can be reduced if competing schemes are required to meet common service standards, such as the timescales for resolving complaints and the type of complaints a scheme must cover.

Common service standards also help streamline the consumer journey when a complaint involves multiple tenures or organisations. This is likely to happen frequently in the private rented sector, where a landlord and letting agent could both be involved in a dispute. In these cases, it is particularly frustrating for consumers if service standards differ.

“Letting agents often seem not to know the law and put barriers in the way of tenants directly contacting the landlord.”

- Local Citizens Advice adviser

“Getting letting agents to contact and chase the landlords....[there is a] conflict issue as the letting agent does not want to be seen to be criticising the people who pay them”

- Local Citizens Advice adviser

Complaints could be further complicated where a private landlord is a leaseholder and the complaint involves problems with the wider building. It is particularly important that the cost to consumers and the timeliness of complaint handling is aligned in these cases.

Case study: Donald

Donald rents a flat in a tall tower block from a private landlord. His flat is located in a tall tower block. A few months ago, the block’s management company put up scaffolding over the entire building as part of extensive improvement works, and Donald was told it would remain there for at least 6 months. Donald wanted the work to be carried out section by section, to reduce the impact on individual flats - but since he wasn’t consulted or informed about the work, he was not able to express his views. He was very unhappy about the disruption and inconvenience and wanted to make a complaint.

However, his primary relationship is with his landlord, and he doesn’t have any contact with the management company who have been carrying out the works. Donald wasn’t clear who he should complain to or how to start the process, so he came to Citizens Advice for help.

4. Encourage early resolution of complaints

Formal redress schemes should be a last resort, when the usual negotiation between a consumer and business breaks down. The majority of good landlords will not need to use an ombudsman scheme, and this should be reflected in the amount they pay. For complaints that do reach the ombudsman, financial incentives should be used to encourage early resolution of complaints and deter non-participation by landlords.

The nature of the private rented sector, with a large number of 'small trader' landlords, makes cooperation with formal redress processes more difficult to achieve. 1 in 4 advisers said that problems with unresponsive or difficult to contact landlords was a common cause of frustration.¹⁸

"Landlords ignore the problem - there's no "quick fix": tenants either live with the problem or move (passing the problem to the next tenant)"

- Local Citizens Advice adviser

"A fairly common problem is that of the tenant not having the address of the landlord and the letting agency themselves not being able to contact the landlord and getting fed up in trying to chase him/her for authorisation to make the repair."

- Local Citizens Advice adviser

To combat this, decisions should favour the tenant if a landlord chooses not to engage with the ombudsman process when a case has been opened.

A key way to encourage early resolution of complaints is via the scheme's funding structure. Rather than linking costs to the number of properties a landlord lets, it should be linked to the number of complaints a scheme receives about a landlord, in a 'pay per complaint' funding structure. It's likely that a flat fee to all landlords will be needed to cover basic administration of the scheme, but the primary burden of costs should fall on landlords using the scheme.

Additionally, the payment structure for complaints should be tiered depending on the type of dispute resolution required. For example, the charge should be lower for a dispute that only requires initial mediation compared to a dispute requiring full investigation and adjudication proceedings. By funding the scheme

¹⁸ Citizens Advice Network Panel. Base: 151.

in this way it keeps costs low to the majority of landlords and encourages complaints to be resolved quickly.

5. Ensure decisions are enforceable

Our previous research found that one of the most unsatisfactory elements of ADR schemes across consumer markets is the enforcement of decisions.¹⁹ Too often, businesses don't pay the compensation due or take unreasonably long to do so. In these cases, the burden often lies with the consumer to challenge non-compliance. Strong deterrents to non-compliance are needed, as well as creative solutions to speed up compensation processes.

Central to ensuring an ombudsman scheme is able to hold landlords to account is making its decisions compulsory and binding. This method of dispute resolution, called 'adjudication', ensures that disputes don't continue indefinitely. It also means enforcement activity can begin where a landlord fails to comply.

Case study: Sonia

Sonia rents a property from a private landlord. She has lived there for almost 2 years. Since she moved in she has found problems with damp, mould, mice and holes in the external wall. She contacted her landlord about these issues, and when he didn't carry out the repairs she went to Environmental Health.

Environmental Health visited the property and prepared a Hazard Awareness Notice for the landlord, which mentioned several areas the landlord should address. However, the landlord has still not fixed most of the problems. Sonia worried that her health would deteriorate through the winter because of the damp and mould in the property, and was angry that the landlord hadn't taken action. She came to Citizens Advice to find out how to force her landlord to make the repairs and if she could get compensation.

However, Sonia's main option was initiating a court case, which Sonia felt she couldn't afford to do. Sonia was frustrated that her options for holding her landlord to account were so limited.

In a sector such as private renting, where there are a large number of part-time or 'amateur' traders, non-compliance with regulation is more likely. 40% of local Citizens Advice staff say that problems enforcing tenants' existing rights is a common source of frustration.

¹⁹ Citizens Advice, [Confusion, Gaps and Overlaps](#), 2017.

The ombudsman's enforcement should be integrated with existing enforcement mechanisms in the private rented sector:

- **Civil penalties** should be extended to cover landlords or agents who fail to join an ombudsman or who don't comply with an ombudsman's decision.
- **Section 21 eviction notices** should be deemed invalid where a landlord cannot prove their membership of an ombudsman scheme or where they have not carried out an ombudsman's decision.
- **Rent Repayment Orders** (RROs) should be extended to cover non-compliance with an ombudsman decision. This would mirror the use of RROs for non-compliance with local authority enforcement orders.

The nature of the landlord/tenant relationship also offers opportunities. Payment of financial awards to sitting tenants could be expedited by deducting it from future rent, either in single or multiple installments. This would reduce administrative burdens for both the landlord and the ombudsman, and prevent drawn out processes for tenants receiving their award. This would reflect common practice in many consumer ADR schemes, where compensation can be offered in the form of credit notes or credit against an account.

Conclusion

Simplifying housing redress and extending mandatory ombudsman membership to private landlords will give millions of renters a better way to resolve problems during their tenancy. This in turn has the potential to raise housing standards and stamp out rogue practice.

To make the rollout of an ombudsman for private landlords a success, the government needs to address 3 key areas:

- Improvements to landlord and agents' internal complaints processes.
- Access for private renters to formal redress schemes.
- Streamlining of redress into a coherent and coordinated system.

To achieve this, we recommend that the Ministry of Housing, Communities and Local Government incorporates the following elements to its design of the ombudsman scheme:

For the wider housing sector:

1. Introduce a single point of access for formal complaints. Having one clearly branded, independent portal for formal housing redress would simplify the system for consumers and help manage more complex complaints.

2. Create tenure-specific redress schemes, with common service standards across all housing redress schemes. Rationalising the housing redress landscape, so only one scheme handles complaints relating to a specific tenure, will significantly simplify the consumer journey, while retaining some competitive benefits. Setting common service standards will hold schemes to account and streamline complaints involving multiple tenures or organisations.

3. Give housing ombudsman schemes the power to make final and binding decisions. One of the main problems ADR schemes in other sectors have encountered is effectively enforcing their decisions. For a consumer transaction as important as housing, the ability to adjudicate and subsequently hold landlords to account is essential.

For the private rented sector:

4. Make it a statutory requirement for all private landlords to join an ombudsman. Even where properties are fully managed, a landlord retains legal responsibility for their tenants' welfare and the safety of the property they let. All tenants and agents need a non-court based route to hold their landlord to account.

5. Require all private landlords to produce a written complaints process when joining the ombudsman. The lack of proper complaints procedures in the private rented sector is a root cause of unresolved disputes. For the ombudsman scheme to function effectively, all landlords must be expected to produce and abide by a reasonable complaints process.

6. Fund the ombudsman via a tiered funding structure, paid for by landlords, that rewards early resolution. This funding structure would reflect the increased work required to resolve drawn-out complaints and provide an incentive to landlords or agents to resolve disputes earlier in the process.

7. Ban retaliatory eviction in relation to complaints under consideration, or upheld, by the ombudsman. Without protection from eviction, private renters are unlikely to use an ombudsman. For the scheme to be a success, tenants with active or upheld complaints must be protected.

8. Allow awards of compensation to be deducted from future rent payments. This immediate and 'automated' approach would reduce the level of non-compliance with compensation payouts.

9. Enforcement for non-compliance with membership or decisions by the ombudsman should be integrated with existing enforcement mechanisms in the private rented sector. Civil penalties, Rent Repayment Orders and restrictions on Section 21 notices could all provide meaningful ways to enforce compliance with an ombudsman scheme.

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