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## **Consultation response: Setting timescales for social housing landlords to respond to reports of hazards**

Organisation name: Welsh Government - Housing Regulation Team

Submitted: 20 June 2025

As Public Services Ombudsman for Wales (PSOW), we have three main roles:

- We investigate complaints about public services.
- We consider complaints about councillors breaching the Code of Conduct.
- We drive systemic improvement of public services and standards of conduct in local government in Wales.

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This document is also available in Welsh.

## Overview

The proposed new rule would require all social landlords to publish response times and to report on performance as part of the WHQS compliance return.

We welcome this consultation and support the aim of setting clearer expectations and improving transparency around how social landlords respond to hazards in tenants' homes.

Our response to this consultation draws on

- our experiences as complaints standards authority for Wales;
- our complaints trends and the findings presented in our thematic report, "Living in Disrepair" (2024);
- our review of policies concerning anticipated timeframes for responding to disrepair and maintenance issues adopted by Registered Social Landlords (RSLs) in Wales as well as those local councils in Wales that provide homes at social rent (we refer to these two groups collectively as 'social landlords');
- for comparison purposes, the scope and implementation of Awaab's Law in England.

We close our response by giving short answers to the consultation questions.

## Our role as complaints standards authority for Wales

Generally, our experience of work as complaints standards authority for Wales clearly shows the value of clearer, sector wide definitions and more robust, transparent arrangements for performance monitoring.

Since 2019, we have the power to set the statutory guidance on complaint handling for service providers in our jurisdiction as well as to monitor how these organisations handle complaints. When we commenced this work in 2019 (focusing first on local councils) we found wide divergence of definitions and practices adopted when handling complaints.

Our statutory guidance now provides a definition of what constitutes a complaint and specifies the expected structure of the complaints process as well as

timeframes that should be adhered to (with complaint acknowledgement within 5 working days, and a response expected in majority of cases within 20 working days for local councils and 30 days for NHS organisations).<sup>1</sup>

Since launching our model complaints policy (which by now has been extended to all local councils, health boards, and most housing associations) we have seen better, more consistent logging of complaints and more uniformity in terms of understanding of what constitutes a complaint.

## **Trends in our complaints about housing disrepair**

We regularly receive complaints about delays in addressing housing disrepair, including damp and mould, and have published a thematic report highlighting these concerns.

In 2024/25, we received 323 new complaints about repairs and maintenance or damp and mould issues, relating to the services of social landlords in Wales. This compares to 297 repairs and maintenance complaints in 2023/24 (we only introduced a separate category for damp and mould issues towards the end of that financial year). This suggests that these issues are either becoming more prevalent in the social housing sector, or tenants are more prepared and able to pursue complaints about them.

During the year, we closed 313 complaints about repairs and maintenance or damp and mould issues. We intervened (found that something went wrong and recommended how to put things right) in almost 1 in 4 of these complaints. For comparison, our intervention in housing complaints overall was 16%. In other words, we were much more likely to find failings by social landlords in relation to issues related to repairs and maintenance or damp and mould, than in relation to other issues affecting tenants in social housing. Complaints about damp and mould carried particularly high intervention rate – 41%.

Our casework suggests that, too often, complaints relate to significant delays in request for repairs being acted upon. Below, we include some examples of cases

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<sup>1</sup> Note that NHS bodies in Wales adhere to the National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011, known as 'Putting Things Right'. When the content of this policy conflicts with the Putting Things Right regulations, the Putting Things Right regulations will take precedence, including when references are made to timescales.

closed by us since April 2023, which illustrate the extent of problems faced by some tenants trying to secure essential repairs.

- **Mr E's complaint - 202303088 - Trivallis:** Mr E complained that the landlord failed to action a roof repair which has been ongoing for over 6 months.
- **Mrs E's complaint - Cardiff Council - Cardiff Council:** Mrs E complained that the flooring in her home had started to discolour due to the presence of asbestos. She said the Council had failed to carry out regular monitoring of asbestos in her property. We found that the property had been inspected in 2019 but no further monitoring had taken place since Mrs E raised her complaint.
- **202305161 - Pembrokeshire County Council:** Mrs A complained that despite the Council telling her that it would investigate the damp in her property during the summer of 2022, it had not. We found that the Council advised Mrs A that it would be carrying out an inspection of her property during the summer of 2022 and recording moisture readings to establish if there was genuine damp within the property. There was no evidence that this inspection had taken place.
- **202309655 - Bron Afon Community Housing Ltd:** Ms A complained that she had numerous issues with her leasehold property, including damp and mould. She said she had first become aware of this matter in 2019. We found that despite the Housing Association upholding complaints regarding this matter in December 2022 and January 2024, the main issue of damp and mould appeared to remain unresolved.
- **202405649 - Cardiff Council:** Ms Q complained to us in October 2024 that she had been without a gas supply to her property since she moved in, in July earlier that year. We found that Ms Q had raised numerous complaints to the Council and that there were avoidable delays in dealing with her service request.
- **202203327 - Cadwyn Housing Association:** Works had been identified as needed when Mr D, who was disabled, moved into his home. Later, contractors undertaking the repair works caused damage, which Mr D

complained about for a year. Issues included “significant damp in the kitchen”. However, the service provider took no action.

- **202307988 – Tai Calon Community Housing:** 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.
- **202205107 – Newport City Homes:** Mrs F complained to the landlord 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 the landlord, which it upheld in July 2022 and agreed to undertake the works, these were still outstanding by the time she complained to us in November 2022.
- **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.
- **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

In November 2024, we published a thematic report 'Living in disrepair'. The report draws together examples of housing complaints that we upheld during 2023/24 which related to repair and maintenance issues. These cases highlighted that, far too commonly,

- tenants had to raise complaints to see that remedial work is done, with service providers not treating repeated service requests as complaints
- tenants had to repeatedly chase service providers in order for a complaint to be initiated
- landlords were undertaking pre-letting inspections of questionable quality
- landlords were sufficiently considerate of or responsive to vulnerable occupants
- complaint responses were seemingly being delayed whilst the landlord carried out some works in the meantime (perhaps so that the response could reflect well on the landlord); or the landlord failed to properly record a complaint.

## **Commitments of social landlords in Wales**

To inform this response, we reviewed relevant policies of social landlords in Wales. We saw that most landlords commit to an initial response or 'make safe' within 24 hours, and some even 2-4 hours. Urgent repairs typically fall within a 5 -7 day timeframe, while routine repairs generally adhere to 20 to 30-day window.

We accept that social landlords in Wales deal with thousands of contacts and service requests every year. By and large, these requests are resolved satisfactorily. Nevertheless, too often we see that adopted timescales are not adhered to by social landlords when responding to service requests or complaints about disrepair, including damp and mould issues.

It is also important to highlight that we saw some social landlords adopting different (longer) timeframes. In addition, not all relevant policies were easy to locate, with some not readily available on the landlord website. This points to the importance of ensuring coherence and consistency in expected performance standards across the sector, as well as the need to ensure that this vital information is easily accessible.

## **The position in England**

To inform our response, we considered the relevant developments affecting the social housing sector in England.

Awaab's Law, formally part of the Social Housing (Regulation) Act 2023, requires social landlords in England to investigate and fix hazards within set time periods. The scope of implementation of the law is as follows:

- From October 2025 social landlords will be required to address damp and mould hazards that present a significant risk of harm to tenants within fixed timescales. From the same point in time, they will also have to address all emergency repairs, (whether they relate to damp and mould or not), as soon as possible and within no longer than 24 hours.
- In 2026, requirements will expand to a wider range of hazards beyond damp and mould. The government has not yet fully determined which hazards will be included in this second phase, but expects it to include excess cold and excess heat, falls, structural collapse, fire, electrical and explosions, and hygiene hazards.
- Then in 2027, the requirements of Awaab's Law will expand to apply to the remaining hazards as defined by the Housing Health and Safety Rating System (HHSRS) but excluding overcrowding ([Gov.uk](https://www.gov.uk))

The proposals for Awaab's Law in England were as follows:

- If a registered provider is made aware of a potential hazard in a social home, they must investigate within 14 calendar days to ascertain if there is a hazard, with the expectation that landlords will nevertheless act as quickly as possible.
- Residents must be issued with a written summary of the findings of the investigation within 48 hours of the investigation concluding.
- If the investigation indicates that a reported hazard poses a significant risk to the health or safety of the resident, the registered provider must begin repair works within 7 calendar days of the written summary being issued.
- Separately, the registered provider must action emergency repairs as soon as practicable and, in any event, within 24 hours.

## Consultation questions

Question 1: Should the rule cover all hazards set out in Schedule 1 of the HHSRS (Wales) regulations 2006?

Yes, all hazards. All 29 hazards can pose a serious risk to health and wellbeing. Focusing on only a subset may lead to under-prioritising other important risks.

Question 2: Should the rule only apply where a hazard presents a 'significant risk' and results from building component defects or disrepair within the landlord's control?

The rule should apply to all hazards, but allow for different response timeframes where hazard investigation points to a significant risk to the health or safety of the resident.

Question 3: How should the "significant risk" be determined?

The Housing Health and Safety Rating System (HHSRS) in Wales already provides a framework for the evaluation of risks linked to different types of hazards. A consistent national definition should be adopted using the existing HHSRS scoring methodology.

Although a common definition (i.e. a set of minimum criteria) is essential, the assessment will inevitably have to involve an element of landlord's judgement, based on particular circumstances (for example, time of year, or tenant vulnerability).

In that regard, we note that while the HHSRS in Wales does not extend the analysis of vulnerability beyond attention to tenant age. In our view, this is an important omission, that should be addressed. Vulnerability can arise also due to other characteristics, for instance disability or pregnancy and maternity.

Question 4: Should the rule specify a common timeframe for investigation and remedy or allow local agreement with tenants?

In our view, the proposed new rule will have desired impact only if it is paired with greater clarity and more coherent sector-wide standard on anticipated response timeframes.

For instance, in case of our complaints standards work, it is important that we can benchmark organisations' performance against sector-wide accepted complaint response timeframe (20 days for local councils and 30 days for NHS bodies).

A common timeframe indicating mandated maximum timeframes depending on the nature of the hazard identified, applied to all Welsh social landlords, would support fairness, consistency, and accountability across the sector.

**Question 5: What is a reasonable time for a reported hazard to be investigated?**

In our view, investigation within 10 days would be acceptable, unless the service request indicates that there is a potential that the hazard could constitute an emergency. While a slightly shorter time frame than 14 days adopted in England, 10 days is our recommended time frame for stage one (informal resolution) complaint response. It is also closer to 5 – 7 day time frame adopted by most social landlords to address urgent repairs.

**Question 6: If the rule is applied only to significant hazards, should all remedial works be categorised as emergency repairs?**

As above, our view is that the rule should be applied to all hazards. However, those hazards that present a significant and imminent risk of harm should merit emergency response, within 24 hours.

**Question 7: If applied to all hazards, should emergency definitions be standardised or locally agreed?**

Common definition should be applied to all Welsh social landlords. Consistency is key to ensuring equal protection for tenants regardless of where they live. However, the definition should underline that different tenants may be differently impacted by certain risks due to specific vulnerability (due to age or other characteristic).

Question 8: Should tenants receive a written plan if the hazard cannot be remedied under emergency repair timescales?

Yes. This aligns with good practice and helps tenants understand the actions being taken to keep them safe.

Question 9: What is a reasonable time to provide the remedy plan?

In our view, the proposals considered in England, whereby residents must be issued with a written summary of the findings of the investigation within 48 hours of the investigation concluding, are sensible.

Question 10: Should the rule require social landlords to collect and report on tenant satisfaction with their response to a hazard?

Yes. While landlords may not always be able to deliver all outcomes expected by tenants, measuring tenant satisfaction is essential for driving improvement and demonstrating accountability.

Question 11: Do you think the proposed rule will result in any material additional resource implications?

While social landlords may face initial resource pressures, these should be offset by fewer complaints, improved tenant wellbeing, and reduced long-term costs through earlier interventions.

## **Closing remarks**

We welcome the proposal for new national standards. If taken forward, we will take them into account when considering complaints to inform our work and when deciding whether there has been service failure on the part of social landlords. We agree this will provide consistency and clarity for the public on what they should expect.

MMA. Morris.

**Michelle Morris**

**Public Services Ombudsman for Wales**

June 2025