

9 July 2021

Housing Ombudsman Service

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Miss Sophie Cooper
Flat 2
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Bristol
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Dear Miss Cooper

Complaint: 202002475 - LiveWest Homes Limited

Further to your request for a review of the Ombudsman's determination of 20 April 2021, please find the final response to your complaint below. Please accept our apologies for the delay in providing this review.

Complaint

The complaint is about the landlord's response to your request to purchase the property.

Original decision

The Ombudsman determined that there was no maladministration with respect to the landlord's response to your complaint. The landlord concluded that it was under no obligation to consider your application to purchase the property through the Social Homebuy Policy that had been in place when you made a previous application to make the purchase. The Ombudsman identified no evidence to dispute this decision and did not consider the lack of explicit landlord consultation on the removal of this scheme to warrant a finding of service failure. In addition, the landlord clarified your rights with respect to purchasing the property and offered reasonable and proportionate compensation for service failures it had identified with its complaints handling.

Information Provided

Following the receipt of the original investigation you enquired about the wording of specific sections of the investigation report and determination letter, focussing principally on the terms used in the paragraphs of the report that confirmed the Ombudsman decision. On 23 April 2021 the Ombudsman clarified that the terms used, such as 'no maladministration', are necessary components of any formal investigation as these link directly to the Ombudsman's decision making powers under the Housing Ombudsman Scheme. In this email, it was also confirmed that any delay in completing the investigation related to the ongoing demand on the

Service, rather than a specific delay that might have been caused by the ongoing pandemic. In addition, it was confirmed that you had the right to request a review of the decision and that any further evidence you provided would be considered in that context.

Over the course of the following weeks, you sent several emails, including a formal request that we progress the case to the review stage of our process and additional evidence that, in your view, warranted a change in the decision that had been made.

The additional comments and evidence that you have provided can be summarised as follows:

- A landlord letter dated 16 April 2021, relating to planned works to the carpark. In your view, this document demonstrated the landlord's lack of consultation;
- Land registry documents for the property. You highlighted that this document demonstrated that the property was on a freehold basis and with no purchase price. You expressed concern that sales/purchase decisions might have been taken by staff members without sufficient expertise; you also referred to other residents in the block being permitted to purchase their properties;
- You noted that the investigation report listed March 2020 as the starting point of your complaint to the landlord. You stated that, in fact, you had first made contact with the landlord's sales team in the Spring of 2019 on this issue and, in your view, this would warrant a finding that the landlord had delayed excessively in responding to your complaint;
- Social media discussions in relation to the Right to Buy (RTB) and Right to Acquire (RTA) schemes. You also commented that you were having difficulty sourcing support with your attempts to contest the landlord's decision to 'retract my right to buy unfairly';
- Your concerns that the change in your landlord, following a 2018 merger, had resulted in a change in approach, with investment now prioritised over resident interests and a loss of local connection;
- A document that included example potential purchase prices for the property. This included a discount on the full purchase price, together with a breakdown for the total costs to the purchaser depending on the proportion of the property purchased. You said that this document was dated February 2017, when you made initial enquiries about the purchase of the property.

Response

The original investigation commented on the landlord's lack of consultation in respect of the withdrawal of the homebuy scheme. The Ombudsman noted that, whilst there was 'an element of heavy handedness' in the landlord's position that it had the right to withdraw this scheme without consultation, there was no evidence that such consultation would have resulted in any change to its decision. The Ombudsman is not able to conclude, from the further evidence you have provided, that there is a more general consultation issue with the landlord's service delivery. This is not the issue under investigation and, in any case, without further context to the information provided, it would not be possible to make a finding, adverse or otherwise, about the landlord's consultation.

It is clear that you have significant concerns about the landlord's decision to, in your words, 'retract my right to buy'. Again, I would point out that this is not the specific issue that has been investigated here. The landlord confirmed that you do not qualify for either the RTA or RTB schemes in respect of your residence at the property, however, the complaint that progressed through the landlord's complaints procedure related to its decision to refuse your application through the homebuy scheme. There is no evidence that you have progressed any concerns in relation to the landlord's decision to consider you to not qualify for RTA/RTB through any formal processes. As such, I will make no further comment on the information you have provided in relation to this aspect of your review request.

I will also make no further comment on the evidence you have provided in relation to any previous applications you made to purchase the property. It is not in dispute that you previously applied to purchase the property through the homebuy scheme, only that, at the point that you made contact about a new application, the scheme was no longer in place. As such, any specific information you obtained at the time of your previous application is not relevant to the issues under investigation here.

I accept that your further attempts to purchase the property through the homebuy scheme might have commenced in advance of the formal complaint that you raised on the issue. However, the Ombudsman distinguishes between a landlord responding to reports it receives on an issue and its response to a formal complaint it receives on that same issue. It is common for a complaint to be submitted sometime after the issue that forms the subject of this same complaint; importantly, when the Ombudsman assesses a member landlord's complaints handling, it is the latter timeline that is relevant. In this case, the original investigation identified that the formal complaint was received by the landlord in April 2020 and there is no evidence to dispute this.

The original investigation identified that the landlord had acknowledged that it had delayed in the latter stages of its complaints process, but that its offer of redress was, in the circumstances, reasonable. Given that no evidence of an 'excessive' delay has been identified by your further comments on this issue, it is my opinion that there is no reason for amending this original decision.

I appreciate your concerns about the change in your landlord that took place in 2018 and how you feel that the standard of service you have received since then has been affected adversely. The Ombudsman has seen a prevalence of mergers taking place in recent years and, on occasion, this Service has received complaints that refer to a change in service standards following such a merger. However, the Ombudsman's role is to investigate issues relating to a specific complaint that has progressed through a landlord's complaints process. It would therefore not be appropriate to comment here about the landlord's overall service delivery. I would encourage you to continue to report specific issues to your landlord for their attention and to continue to bring unresolved issues through to the Ombudsman following the completion of the complaints process as this will enable any areas of potential service failure to be identified and addressed.

Whilst I appreciate that you are dissatisfied with the determination by this Service, after careful consideration of your submissions, I have concluded that the issues you

have raised and further information provided, do not warrant amending our findings and the Ombudsman's final determination is detailed below.

Please note that a copy of this review letter has been forwarded to the landlord.

Final Determination

In accordance with paragraph 54 of the Housing Ombudsman Scheme (the scheme), there was no maladministration with respect to the landlord's response to your reports about your application to purchase the property.

Thank you for bringing your case to our attention. I shall now close this case.

To find out how we use your personal data together with your rights under the Data Protection Act 2018 go to www.housing-ombudsman.org.uk/about-us/your-data/

Yours sincerely

A handwritten signature in black ink that reads "H.L. Clitheroe". The signature is written in a cursive style.

Helen Clitheroe
Dispute Resolution Manager