



Investigation of a complaint against Clanmill Housing Association

Report reference: 202004151

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The role of the Ombudsman

The Northern Ireland Public Services Ombudsman (NIPSO) provides a free, independent and impartial service for investigating complaints about public service providers in Northern Ireland.

The role of the Ombudsman is set out in the Public Services Ombudsman Act (Northern Ireland) 2016 (the 2016 Act). The Ombudsman can normally only accept a complaint after the complaints process of the public service provider has been exhausted.

The Ombudsman may investigate complaints about maladministration on the part of listed authorities, and on the merits of a decision taken by health and social care bodies, general health care providers and independent providers of health and social care. The purpose of an investigation is to ascertain if the matters alleged in the complaint properly warrant investigation and are in substance true.

Maladministration is not defined in the legislation, but is generally taken to include decisions made following improper consideration, action or inaction; delay; failure to follow procedures or the law; misleading or inaccurate statements; bias; or inadequate record keeping.

The Ombudsman must also consider whether maladministration has resulted in an injustice. Injustice is also not defined in legislation but can include upset, inconvenience, or frustration. A remedy may be recommended where injustice is found as a consequence of the failings identified in a report.

Reporting in the public interest

This report is published pursuant to section 44 of the 2016 Act which allows the Ombudsman to publish an investigation report when it is in the public interest to do so.

The Ombudsman has taken into account the interests of the person aggrieved and other persons prior to publishing this report.

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Appendix 1 – The Principles of Good Administration

Appendix 2 – The Principles of Good Complaints Handling

Case Reference: 202004151

Listed Authority: Clanmil Housing Association

SUMMARY

I received a complaint about Clanmil Housing's investigation into issues raised regarding the actions of one of its tenants, including concerns about antisocial behaviour. The complaint was also about whether Clanmil Housing handled the subsequent complaint in accordance with relevant policy and guidelines.

The investigation found failures in how Clanmil Housing dealt with reports of ASB against its tenant, including reports of the tenant keeping five dogs and erecting a dog pen. I also found failures in its handling of the complainant's concern regarding the safety of gas cylinders and CCTV cameras.

I consider Clanmil Housing's handling of these complaints to have been poor and its investigations lacking in rigour. Whilst I accept it eventually provided an appropriate response to some elements of the complaints, it failed to do so sufficiently promptly. Clanmil Housing's actions prolonged this process unnecessarily for the complainant.

Overall, I was concerned to note the apparent apathy displayed by Clanmil Housing in investigating these matters. The complainant made a number of reports of ASB and raised a number of complaints over a protracted period of time without any proactive action by Clanmil Housing to try to resolve them. I find this concerning.

The failures identified constitute maladministration. I consider that everyone has the right to enjoy quiet comfort in their home and where this has been impacted, social housing providers should take appropriate action to resolve concerns as quickly as possible. I recognise the failures identified caused the complainant and his partner to sustain the injustice of frustration, uncertainty, loss of opportunity for more effective and efficient resolutions of their concerns, and the time and trouble of bringing a complaint to this office.

I recommended Clanmil Housing apologise to the complainant for the failures identified. I made further recommendations to Clanmil Housing to bring about service improvement and prevent future recurrence.

THE COMPLAINT

1. This complaint was about Clanmil Housing's investigation into issues raised regarding one of its tenant's actions, which included concerns about antisocial behaviour. It was also about whether Clanmil Housing handled the complaint in accordance with relevant policy and guidelines.

Background

2. The complainant owns a private property in a cul-de-sac, and lives there with his partner (the complainant's partner). The remainder of the properties in the cul-de-sac were owned by Clanmil Housing¹ and Arbour Housing².
3. The complainant's partner made a report to Clanmil Housing on 4 July 2022 that their neighbour, a Clanmil Housing tenant (the tenant), had assaulted her, resulting in her sustaining injuries.
4. The complainant raised a number of issues regarding the tenant on 2 August 2022 as follows:
 - the tenant kept five dogs, which were attack dogs, and she was breeding the dogs from her home;
 - the tenant erected a permanent structure to house the dogs;
 - the tenant's use of a propane stove and concerns the cylinders were causing a fire risk, being stored next to the adjoining fence;
 - being unable to park in the two parking spaces purchased with their home; and
 - the tenant threatened the complainant's partner with paramilitaries, which she considered a hate crime.
5. Clanmil Housing wrote to the complainant on 3 August 2022 advising it could investigate some of the issues raised regarding the actions and behaviour of the tenant. In relation to the threat of paramilitaries, Clanmil Housing advised the complainant would need to report this to the Police Service for Northern Ireland (PSNI), as it was a "*criminal offence*".

¹ Clanmil Housing Association provides general needs homes and supported and sheltered accommodation at locations across Northern Ireland.

² Arbour Housing provides general needs homes and supported and sheltered accommodation at locations across Northern Ireland.

6. On 3 August 2022 the complainant sent several emails requesting Clanmil Housing ask their tenant to move her vehicle, attaching photographs of their vehicle being “*blocked in*”.
7. The complainant made a complaint to Clanmil Housing on 7 March 2023 - as follows:
 - The tenant had issued threats for years;
 - The tenant parked her vehicle in a manner which blocked the complainant’s vehicle;
 - The tenant kept five dogs which were attack dogs and used her home to breed the dogs;
 - The tenant’s dogs caused a noise nuisance;
 - A lack of follow up on the report of assault; and
 - The tenant's CCTV cameras recorded footage outside the curtilage of her property.
8. On 22 March 2023 Clanmil Housing issued its first stage response to the complaint. In addition, Clanmil Housing issued a further response on 26 May 2023.
9. On 31 May 2023 the complainant remained and dissatisfied requested that the complaint be considered at Stage two of Clanmil Housing complaints policy.
10. On 28 June 2023 Clanmil Housing issued its Stage two response. In addition, Clanmil Housing issued a further response on 18 August 2023.
11. The complainant remained dissatisfied with the response and on 1 September 2023 the complaint was escalated to be considered at Stage three of Clanmil Housing complaints policy.
12. On 23 October 2023 Clanmil Housing issued its final stage three response.
13. On 28 November 2023 the complainant made a complaint to NIPSO regarding the actions of Clanmil Housing.

Issues of complaint

14. I accepted the following issues of complaint for investigation:

Issue 1: Whether Clanmil Housing investigated the issues raised regarding its tenant in accordance with relevant policy and guidelines

Issue 2: Whether Clanmil Housing handled stages 1-3 of the complaint in accordance with relevant policy and guidelines.

INVESTIGATION METHODOLOGY

15. To investigate this complaint, the Investigating Officer obtained from Clanmil Housing all relevant documentation together with its comments on the issues the complainant raised. This documentation included information relating to Clanmil Housing's complaints process.

Relevant Standards and Guidance

16. To investigate complaints, I must establish a clear understanding of the standards, both of general application and those specific to the circumstances of the case. I also refer to relevant regulatory, professional, and statutory guidance.

The general standards are the Ombudsman's Principles³:

- The Principles of Good Administration; and
- The Principles of Good Complaints Handling.

17. The specific standards and guidance referred to are those which applied at the time the events occurred. These governed the exercise of the administrative functions of those individuals whose actions are the subject of this complaint.

The specific standards and guidance relevant to this complaint are:

- Clanmil Housing - Anti-Social Behaviour Policy, September 2021 (the ASB Policy);
- Clanmil Housing – Tenancy Agreement, undated (the Tenancy Agreement);
- Clanmil Housing - Pet Policy for Neighbourhoods & Independent Living Housing Schemes, undated (the Pet Policy);
- Clanmil Housing - Boiler Servicing Procedure, July 2020 (the Boiler Servicing Procedure);

³ These principles were established through the collective experience of the public services ombudsmen affiliated to the Ombudsman Association.

- Clanmil Housing - Tenant information for Domestic CCTV, undated (the CCTV Policy); and
- Clanmil Housing - Compliments, Comments and Complaints Policy, March 2020 (the Complaints Policy).

I enclose relevant sections of the guidance considered at Appendix three to this report.

18. In investigating a complaint of maladministration, my role is concerned primarily with an examination of Clanmil Housing's administrative actions. While it is not my role to question the merits of a discretionary decision properly taken, I may do so if my investigation identifies maladministration in the process of making that decision.
19. I did not include all information obtained in the course of the investigation in this report. However, I am satisfied I took into account everything I considered relevant and important in reaching my findings.
20. A draft copy of this report was shared with the complainant and Clanmil Housing for comment on factual accuracy and the reasonableness of the findings and recommendations. All comments received were carefully considered.

THE INVESTIGATION

Issue 1: Whether Clanmil Housing investigated the issues raised regarding its tenant's actions in accordance with relevant policy and guidelines.

Detail of Complaint

Anti-Social Behaviour (ASB) – report of assault

21. The complainant said Clanmil Housing failed to properly act upon the report of assault. Clanmil Housing advised their tenant denied the assault and as such nothing more could be done until the "*outcome of the court proceedings*". When the tenant accepted a caution, the complainant said Clanmil Housing "*declined to inform them how they were going to deal with it*".

Comments and threats made by the tenant and dog barking

The complainant said the tenant told his partner to "*go back to her own country*" and "*threatened her with paramilitaries*". The complainant said the tenant's five dogs "*barked*

constantly". The complainant was concerned Clanmil Housing took no action in relation to these issues.

The tenant owning five dogs

22. The complainant said Clanmil Housing failed to address their concerns that the tenant kept five dogs at the property. The complainant said the tenant's dogs were "*attack dogs*" and the tenant was "*breeding*" them at the property. He also said Clanmil Housing should have let the tenant keep only one pet.

The erection of a dog pen by the tenant

23. The complainant said Clanmil Housing failed to address their concerns that the tenant had erected a "*permanent structure*" in the parking space belonging to the house to accommodate her five dogs. The complainant said the structure was in violation of Clanmil Housing's tenancy agreement.

Gas cylinders

24. The complainant said Clanmil Housing failed to respond to or address concerns that the tenant installed Propane Gas cylinders at the property. They said the tenant did not seek permission and the cylinders were unsafe as they were stored against the adjoining fence.

Parking issues

25. The complainant said Clanmil Housing failed to address their reports that the tenant blocked their vehicles with her car while they were parked in the two designated parking spaces which they believed belonged to their property.

CCTV cameras

26. The complainant was concerned Clanmil Housing failed to address his concern regarding the tenant's CCTV cameras. In particular, he said Clanmil Housing failed to address:

- If the tenant obtained approval from Clanmil Housing before erecting the CCTV cameras in accordance with the CCTV Policy published on its website;
- The tenant's cameras pointing into their yard; and
- The tenant shared videos of the complainant without his consent.

Evidence Considered

Clanmil Housing's response to investigation enquiries

ASB - report of assault

27. Clanmil Housing stated it investigated the alleged assault. It opened an ASB case on 5 August 2022. It advised the complainant to report the incident to the PSNI. It closed the ASB case on 8 August 2022 and advised the complainant it would take “*appropriate action*” once it received the police report.
28. Clanmil Housing stated it was not determined this incident “*provided sufficient grounds for enforcement action*” at that time. However, at a subsequent review by their stage 3 panel, it was deemed Clanmil Housing could have “*taken further steps*” under its policy earlier which were “*not dependent on the police investigation*”. Clanmil Housing stated following confirmation of the outcome of court proceedings they addressed the matter in accordance with their Policy.

Comments and threats made by the tenant and dog barking

29. Clanmil Housing stated the “*only report which met the threshold*” for ASB was that of the alleged assault, which it considered it addressed appropriately.

The tenant owning five dogs

30. Clanmil Housing stated their local Housing Team visited the tenant’s property in both December 2022 and January 2023 and “*no issues were identified*”. Its Pet Policy at the time “*did not have an upper limit*” on the number of pets a tenant could keep, and it reviewed the policy on receipt of the complaint. It stated it “*peer-benchmarked*” its new policy against other housing associations. The revised policy “*placed limitations*” on the number of pets, “*capturing learning*” from this complaint. It stated it implemented the revised Pet Policy on 12 January 2024, limiting the number of pets to two per household.
31. Clanmil Housing stated it is normal practice to advise customers to “*refer noise disturbance to local council services*” as they have a “*statutory responsibility*” for noise nuisance. The council would investigate a complaint of noise nuisance and Clanmil Housing would engage with them to establish if there are “*grounds to take tenancy action*”.
32. Clanmil Housing stated “*no evidence was supplied*” the tenant’s dogs were attack dogs or the tenant was breeding dogs from her home, nor did it find any such evidence.

The erection of a dog pen by the tenant

33. Clanmil Housing stated the complainant alleged the tenant had “*erected a dog pen in the car park*”, but it was not able to find any evidence of this. It stated the tenant’s dog pen was a “*temporary structure for which permission is not required*”.
34. Clanmil Housing stated they do “*not have any specific record*” of inspecting this pen. It visited the tenant’s property in December 2022 and January 2023, and “*no issues were identified*”. It explained the complainant “*mentioned*” the issue of the dog pen in May 2023 when the complaint was escalated to stage two. Clanmil Housing stated they “*cannot see that a determination on this issue was communicated*” to the complainant.

Gas cylinders

35. Clanmil Housing stated the issue was not responded to in their stage one response. Following a meeting with the complainant in August 2023 it was assigned to their Assets team to investigate.
36. Clanmil Housing stated a Clanmil Assets Officer inspected the gas cylinders in August 2023 and they were “*not found to be of any risk*”. It stated an “*independent Fire Risk Assessor*” it commissioned in August 2023, confirmed this. Clanmil Housing explained it purchased the property in 2014 and handover information from that time is “*limited*”. As such, they were not able to confirm when the gas cylinders were installed.

Parking issues

37. Clanmil Housing stated the Housing Officer sought advice from the Assets team in August 2022 who advised there were “*no designated parking spaces*”. In December 2022 Clanmil Housing sought legal advice and obtained drawings for the scheme from Land Registry⁴.

⁴ Land Registry maintains a register of land and property owners.

38. Clanmil Housing stated it erected No Parking signs to “*address the complainants concerns*” about parking in front of their gate. It raised this as a routine works order, with a completion time of 28 working days. The Housing Officer intended to discuss this with the complainants, but the contractor attended and installed these immediately following the request, before the Housing Officer had a chance to speak to them. Clanmil Housing stated it “*upheld*” this issue at Stage one of its complaints process and issued an “*apology*”.
39. Clanmil Housing stated parking issues would “*not normally be addressed under their ASB Policy*”. Nonetheless, its Housing Officer took steps to resolve the dispute, which included asking the tenant to park elsewhere until this issue was resolved.
40. Clanmil Housing stated it “*upheld*” the complaint at stage two of their complaints process. At stage three of the process it acknowledged both the complainant and the tenant enjoy the use of two parking spaces. It has “*taken time to resolve the parking issue*” as Clanmil Housing is not the owner of the land, and the management company responsible for the car park was dissolved. It stated it engaged with Arbour Housing, who took responsibility for marking out parking spaces and continued to liaise with Clanmil Housing until the “*parking issue was resolved*”.
41. Clanmil Housing stated they “*apologised*” to the complainant both in writing and in person at stage three of its complaints process.

CCTV cameras

42. Clanmil Housing stated they have a “*robust CCTV Policy*” which is in line with the Information Commissioner’s Office (ICO) best practice. Guidance is also available on its website. The guidance clearly sets out Clanmil’s responsibility and the responsibility of the householder.
43. It stated the tenant sought permission for installing CCTV cameras in March 2023, and Clanmil inspected the property to confirm it was in “*compliance with the CCTV Policy*”. It provided the tenant with a copy of the CCTV Policy at that time. It stated its local team visited the tenant’s property twice in August 2023 and made a further visit in November 2023. The local team confirmed the camera had been re-positioned in “*line with guidance*”.

Relevant Clanmil Housing records

44. I completed a review of the documentation Clanmil Housing provided in response to my investigation enquiries, and the documentation I received from the complainant. I refer to the relevant records in the Analysis and Findings section of this report.

Analysis and Findings

ASB Reports to Clanmil

Report of assault

45. The complainant's partner made the report of assault to Clanmil Housing on 4 July 2022. Clanmil Housing opened an ASB case and conducted interviews with the complainant and their tenant, 4 – 5 July 2022. On 8 July 2022 Clanmil Housing closed the case pending the outcome of the police investigation.
46. Clanmil Housing's Anti-Social Behaviour Policy states it will "*carry out all necessary investigations to establish the facts*" and "*interview all parties affected by the alleged ASB*". The policy further states "*there are cases which will only be resolved with the involvement of other agencies*".
47. In its response to my office Clanmil Housing stated "*the case was closed as the alleged perpetrator (our tenant) denied the allegation and the complainant could not provide evidence to support the complaint*".
48. I considered Clanmil Housing's interview records and the accounts of both parties. They record the complainant's partner stated she sustained injuries including a "*black eye and a swollen cheek*". The tenant stated she "*removed the neighbour's finger*", which was "*pointed in her face*" and acted in "*self-defence*".
49. The fourth Principle of Good Administration requires a public body ensure decisions are "*proportionate, appropriate and fair*". I considered an email the complainant's partner sent to Clanmil Housing on 8 July 2022 attaching three photographs which demonstrated she sustained a "*black eye*". The photographs provided "*further evidence*" and corroborated her initial account, and the injuries sustained. I consider the records provided by Clanmil Housing do not demonstrate they properly considered or put the reported injuries to the tenant in a further interview.

50. I find that Clanmil Housing's initial investigation failed to put the injuries to its tenant and appropriately challenge the validity of her account. In doing so Clanmil Housing failed to adhere to the fourth Principle of Good Administration and its own ASB policy in failing to take all reasonable steps to establish the facts.
51. I note Clanmil Housing closed its investigation on 6 July 2022 pending the outcome of the PSNI investigation. I find Clanmil Housing's decision to be in compliance with its ASB Policy. I have also reviewed the action Clanmil Housing took against its tenant following the outcome to the court proceedings. I accept the reasons Clanmil Housing provided which "*legally prevent it from disclosing*" the specific actions it took against the tenant to the complainant. However, upon my review of the information obtained from Clanmil Housing, I am satisfied the action it took was proportionate and in compliance with its ASB policy.
52. Despite this finding however, Clanmil Housing has not provided any documentation to confirm it notified the complainant that it had concluded its investigation and closed the case. The Second Principle requires public bodies to "*communicate effectively*". I find Clanmil Housing did not adhere to this principle upon closure of the ASB report.
53. Having considered the evidence available, I am satisfied Clanmil Housing acted appropriately in pausing its investigation until PSNI involvement ended. Clanmil Housing then acted in line with its ASB policy in determining what action it should take following the conclusion of the PSNI case.
54. However, clearly this assault would have been a frightening experience for the complainant's partner. I note Section 1.0 of the ASB Policy states that Clanmil Housing '*promotes the right of everyone to live in a peaceful environment, without fear or harassment. We will consider any necessary action to support complainants and alleged perpetrators in resolving issues which are a consequence of ASB in all its forms.*'
55. I would have expected Clanmil Housing to have acted in accordance with its policy and investigated the matter thoroughly when it was initially reported. Further and importantly, I would have expected Clanmil Housing to provide the complainant with reassurance that appropriate action had been taken at the conclusion of the matter, even if it could not share details of the specific action taken against its tenant.

56. I consider Clanmil Housing failed to take sufficient steps to establish all facts at the outset, and then failed to inform the complainant it had taken action and closed its case. I consider these failures constitute maladministration. I therefore partially uphold this element of complaint.
57. I welcome Clanmil Housing's response to my office that the stage three response recognised Clanmil Housing "*could have taken further steps under our policy which were not dependent on the outcome of the police investigation*".
58. I also welcome the learning Clanmil Housing identified from this complaint which I note resulted in a review of its ASB policy and procedures.

Comments and threats made by the tenant and dog barking

59. My review of the records identified several emails the complainant sent to Clanmil Housing raising ASB, as follows:
 - 4 July 2022 – the report of assault refers to the incident starting as a "*result of the tenant's dogs barking*".
 - 2 August 2022 – the tenant threatened her with "*paramilitaries*" which she considered a "*hate crime*", as she is not from Northern Ireland
 - 7 March 2023 – the tenant was "*bullying and harassing them for years*", "*making threats*" towards them including threatening them with "*paramilitaries*" and threatening to put "*rats through their letterbox*". Also, the tenant's five dogs "*barking constantly*" causing a "*noise nuisance*".
 - 5 July 2023 – the tenant was "*threatening us with paramilitaries*", yelling to go "*back to.....*", used police to "*intimidate us*" and made false reports of "*drink driving and noise complaints*".
 - 24 August 2023 – the dogs "*barking constantly over a 2-year period*".
60. The ASB Policy defines typical types of behaviour which trigger consideration for action, including:
 - Violence or threat of violence;
 - Hate Crime or behaviour that targets members of identified groups, because of their perceived differences (e.g., race, religion, political affiliation, disabilities, or sexual orientation);
 - Noise Nuisance (e.g., rowdy parties, loud music/TV's dog barking); and

- Intimidation and / or harassment.

61. The Tenancy Agreement requires tenants to “*avoid in particular conduct likely to cause a nuisance or annoyance to others*”. It lists examples of behaviour which include:

- Harassment on grounds of race;
- Verbal abuse;
- Physical abuse; and
- Barking or uncontrolled dogs.

62. I Clanmil Housing records dated 4 July 2022, note the report of assault included “*concerns around the dogs at the property*”. I note the complainant’s email dated 7 March 2023 reporting a “*noise nuisance*” caused by the tenant’s dogs which live in a pen in the back yard and are “*never walked*”.

63. Regarding the dogs, I note Clanmil Housing’s position that it found “*no evidence*” of the dogs causing a nuisance when its local housing team visited the property in December 2022 and January 2023. I also note its position the Council’s dog warden/animal welfare service echoed these findings when it visited in November 2022 and January 2023 - as did Environmental Health following its visit.

64. However, there is no evidence to demonstrate Clanmil Housing specifically asked the Council to investigate the dogs causing a “*noise nuisance*”. I consider it should have done so to ensure the Council addressed all elements of the complainant’s concerns about the dogs.

65. Regarding the threats the complainant reported, I noted Clanmil Housing’s response dated 3 August 2022 to the threats made advised, “*as this is a criminal offence you would need to report same to PSNI*”. I also noted the complainant’s partner responded on 3 August 2022 advising Clanmil Housing the “*hate crime*” had been “*reported to police*”. Despite this communication it is concerning Clanmil Housing’s stage one response included, “*We were unaware of alleged threats made by your neighbour. Please contact your NSO to report these incidents and we will thoroughly investigate*”. It is clear from the file that Clanmil Housing were aware of these threat allegations from 3 August 2022. I find it concerning that the Stage 1 complaint investigation does not appear to have considered any of the evidence available.

66. Clanmil Housing's response to my office that they considered the "*only report which met our threshold of anti-social behaviour was that of the alleged assault*". However, having reviewed all relevant standards, I consider many, if not all, of the threats and dog barking ASB reports met the criteria of ASB under the ASB Policy and therefore clearly warranted further investigation. As such, Clanmil Housing should have commenced an investigation, sought additional supporting information from the complainant, and liaised with other agencies i.e. the PSNI / Environmental Health. Given the serious nature of allegations, set against the background of the assault the previous month in July 2022, I am unclear as to why Clanmil did not take appropriate investigative action. I am satisfied, therefore, Clanmil Housing failed to adhere to its own ASB Policy. The third Principle of Good Administration requires a public body to keep "*proper and appropriate records*". The records Clanmil Housing provided did not record the rationales as to why it deemed the threats and dog barking did not fall within the policy. I consider this to be a further failure by Clanmil Housing.

67. In summary, I find Clanmil Housing failed to:

- Inform the complainant that it had closed the assault ASB case
- maintain appropriate records regarding its rationale for determining that the alleged threats and dog barking did not fall within the scope of its ASB policy;
- engage with the complainant to request further information regarding the alleged threats and dog barking and
- treat the further issues raised as ASB and investigate them in accordance with its policy.

68. The first Principle of Good Administration requires a public body to take "*reasonable decisions, based on all relevant considerations*" and to act in accordance with established relevant standards. The fourth Principle requires a public body to ensure that decisions are "*proportionate, appropriate and fair*". I find Clanmil Housing failed to adhere to these principles. I therefore uphold this element of the complaint.

69. Clanmil Housing's Stage three response to complainant dated 4 October 2023 states "*we do feel that all and every effort should have been taken at the earliest opportunity to obtain as much information as possible and to explore every reasonable avenue for potential resolutions*". I hope this recognition that the limited investigative action taken in this case was insufficient ensures learning for Clanmil Housing, should future similar cases arise.

Observation

70. The complainant produced recordings of three telephone calls between his brother, who was acting on his behalf, and Clanmil Housing.

71. My office asked Clanmil Housing to produce records relating to the telephone calls with the complainant's brother. It confirmed it "*only have [had] record of one call*". Clanmil Housing produced a record relating to a call dated 9 December 2022.

72. A public body should keep "*proper and appropriate records*". The recording of the call on 9 December 2022 includes discussion regarding the tenant making "*false reports of harassment*" to the police to harass the complainant. The Housing Officer stated he would, "*speak to police about it, to see how many malicious or unfounded reports have been made*".

73. Clanmil Housing produced no other records which would demonstrate the Housing Officer followed up on the matter with PSNI. The lack of records relating to the two other telephone calls with the complainants' brother and the lack of records to indicate follow-up with the PSNI relating to the alleged false reports is not in accordance with the principles of good administration. I would ask Clanmil Housing to reflect on this and remind its staff of the importance of both maintaining accurate records and ensuring they act upon any undertakings made.

The tenant owning five dogs

74. The complainant sent an email on 2 August 2022 asking if the tenant had obtained "*written permission to keep five dogs*". The complainant sent a further email on 7 March 2023 reporting the tenant had "*five dogs living in a pen in the back yard*".

75. The complainant raised further issues with the tenant's dogs in an email dated 31 May 2023 including that Clanmil Housing's Pet Policy had "*no limit*" on the number of pets a tenant could keep.
76. I considered the Pet Policy which requires a tenant to request "*written permission*" to keep a pet, additional pets or replace a pet that has died. The Pet Policy further states if Clanmil Housing "*receives a complaint about your pet you may be in breach of your tenancy agreement*". The Tenancy Agreement also requires "*written consent for a tenant to keep a domestic pet*".
77. Having reviewed Clanmil Housing's records, it is clear it took no steps to confirm if its tenant had sought permission to keep pets at the property until March 2023, seven months after the complainant initially raised his concern. On conducting checks Clanmil Housing identified there were no records to confirm it had provided written consent for the Tenant to keep "*five dogs*" at the property. It was only subsequent to this that permission was sought and surprisingly provided.
78. In Clanmil Housing's Stage two response to the complainant, it stated the "*Pet Policy does not stipulate an upper limit on pets*". It also indicated that it would undertake a review of the Pet Policy.
79. The records indicate that Clanmil Housing took no action until the complainant made a formal complaint in March 2023. The agreement to review its Pet Policy was included in the stage 2 response to the complaint which was issued on 28 June 2023. Whilst I acknowledge Clanmil Housing eventually took steps to address these concerns, I consider it should have addressed them when the complainant first raised them.
80. I considered the first and second Principles of Good Administration which requires a Public Body to take "*reasonable decisions, based on all relevant considerations*" and in its dealings with people to do so "*helpfully and promptly*".
81. I find Clanmil Housing failed to investigate the complainant's concerns in a timely manner in compliance with its Pet Policy, Tenancy Agreement and the Principles of Good Administration. I consider these failures to be maladministration, and I therefore uphold this element of the complaint.

82. I welcome Clanmil Housing reviewing its Pet Policy which now limits the number of pets to “*two pets per house*” and has liaised with its tenant to ensure compliance with the updated policy. I do, however, fail to understand even considering the absence of a clear limit on the number of pets in the Pets Policy, how Clanmil Housing arrived at the decision that it was appropriate to approve the tenant keeping 5 dogs at her property.

The erection of a dog pen

83. The complainant raised concerns regarding the issue of the dog pen – as follows:

- 2 August 2022 - the tenant had erected a “*permanent structure for her dogs*”, which was in “*violation unless she has written permission to do so*”;
- 31 May 2023 - the tenant had “*built a dog pen in her parking space*”; and
- 30 June 2023 - the tenant surrendered her “*parking space in order to build a dog pen*” and “*according to information provided permission must be given to build a structure on the premises*”.

84. I considered the Tenancy Agreement which states written permission is required to “*erect or permit to be erected any shed, greenhouse, pigeon-loft or any other such structure in the grounds of the dwelling*”.

85. I also considered Clanmil Housing’s response the dog pen is a “*temporary structure for which permission is not required*” and that they do not have “*any specific record of this being inspected by Clanmil*”. However, Clanmil Housing has not provided any evidence, or a rationale, to support its determination that the dog pen should not be treated in the same way as the structures listed by way of examples in its Tenancy Agreement. The structures listed in the Tenancy Agreement would generally be considered “*temporary*” in the same way as a dog pen.

86. I considered photographs the complainant provided which demonstrated the dog pen is of similar size to the shed located in the tenant’s back yard and has a corrugated roof. This would suggest there was a strong likelihood the dog pen would be more akin to a structure that required permission to erect. I consider Clanmil Housing should have conducted an investigation into the complainant’s concerns, and taken steps to determine the exact nature of the structure, before making its decision – to determine compliance with the Tenancy Agreement.

87. The first Principle of Good Administration requires public bodies to act in “*accordance with the public body’s policy and guidance*” and to take “*reasonable decisions, based on all relevant considerations*”. I also considered the fourth Principle which requires public bodies to ensure that “*decisions and actions are proportionate, appropriate and fair*”.
88. The failure of Clanmil Housing to properly investigate the erection of the dog pen and determine whether this was in compliance with the Tenancy Agreement was not in accordance with these Principles. I therefore uphold this element of the complaint.

Gas cylinders

89. The complainant raised a concern on 2 August 2022 that the tenant’s propane gas cylinders were “*kept close to our dwelling*” which they believed was “*unsafe*” and are a “*violation*” which Clanmil Housing was overlooking.
90. The complainant did not receive a response, and so he sent Clanmil Housing further emails in May and June 2023 highlighting Clanmil Housing had not responded to or addressed his concerns. The complainant also raised the issue in a meeting with Clanmil Housing on 8 August 2023.
91. Clanmil Housing’s stage two response indicated that an “*inspection of the gas cylinder and its housing*” had taken place and they considered there was “*no risk to the property or fence*”.
92. The complainant questioned why it took Clanmil Housing “*13 months*” to provide a response and whether Clanmil Housing knew about the installation and had granted “*permission*”.
93. The second Principle of Good Administration requires a Public Body, in its dealings with people, to do so “*helpfully and promptly*”. I find Clanmil Housing failed to follow this Principle when it failed to respond to the complainant’s concerns in a prompt manner, instead of waiting 13 months, an unreasonable delay which constitutes maladministration.

94. In terms of the location and safety of the cylinders, I considered the Boiler Servicing Procedure which requires tenants to request authorisation in writing to “*install their own gas appliances*”. A “*Gas Safe valid certificate*” must be provided and the works which must be carried out by a “*qualified and competent suitably qualified Gas Safe registered engineer*”.
95. Clanmil Housing’s response to NIPSO enquiries indicated that they inspected the property and obtained an “*Independent Fire Assessment*” in August 2023 and found the gas canisters “*posed no risk*”. I am therefore satisfied the presence, and location, of the cylinders did not pose a safety risk to the complainant at that time.
96. However, I was surprised to note that Clanmil Housing did not have sufficient records to demonstrate if it ever gave the tenant permission to install the cylinders in the location the complainant was concerned about. Although I note Clanmil Housing’s response that handover information from the time it purchased the property where the gas tanks are located was “*limited*”, given the potential risk the cylinders may have posed, I consider Clanmil should have obtained and maintained its records in this respect to a higher standard. The third Principle of Good Administration which requires a Public Body to keep “*proper and appropriate records*”. I find Clanmil Housing failed to adhere to this Principle in this respect.
97. I consider this to be a failure in record keeping which constitutes maladministration, and I therefore uphold this element of the complaint.

Parking

98. The complainant raised concern with Clanmil Housing on 5 August 2022 that the tenant was blocking their vehicles in, which were parked in spaces they purchased with their home. The complainant provided pictures which demonstrated the tenant’s vehicle blocking the complainant’s vehicle.
99. On 3 January 2023 the complainant’s solicitor wrote to Clanmil Housing confirming the complainant’s property was purchased with “*two allocated parking spaces*” attaching Land Registry documentation. In February / March 2023 the complainant raised further concern that Clanmil Housing erected no parking signs on his property. In August 2023 the complainant raised concern that the tenant was blocking the pavement preventing his parents for accessing his property, highlighting his father “*uses a wheelchair*”.

100. The Tenancy Agreement for Clanmil properties states “*You shall not park or allow the parking of any caravan, boat, vehicle or other item or goods in such a way as to be a nuisance or annoyance to neighbours*”.

101. I note Clanmil Housing sought advice from its Assets team on 12 August 2023. The Assets team incorrectly advised that according to the lease parking spaces were “*not designated but communal*” for residents to use.

102. The response to the complainant from Clanmil Housing at stage one of the complaint process stated “*the NSO for the scheme was acting on the information he thought was correct at the time*”. They have since “*reviewed land registry documentation and have been advised on the correct parking scheme*”. Regarding the parking signs the response stated, “*you are aware Clanmil Housing removed the signs*” which were “*erected in error*” Clanmil Housing “*upheld*” the complaint and “*apologised*” for the “*upset and annoyance*” caused.

103. The response from Clanmil Housing at stage two of the complaint process confirmed that both Clanmil Housing and a second housing association owned properties on the development and that They were liaising with the second housing association to “*mark out parking spaces and seek a resolution as soon as possible*”.

104. The response from Clanmil Housing at stage three of the complaint process:

- acknowledged the issues are “*complex, involving many parties, and are not conducive to easily agreed solutions*”.
- stated “*all and every effort should have been taken at the earliest opportunity to obtain as much information as possible and to explore every reasonable avenue for potential resolutions*”.
- found “*no evidence that staff were not trying their best to resolve the issues*”, they do feel that the responses to the complaints “*have not been of the standard that we would aspire to for Clanmil*”.

105. In their response to my office Clanmil Housing indicated that:

- it contacted the tenant and requested she park elsewhere;

- it liaised with the second housing association and agreed a final plan for the car park in February 2024;
- the works to mark out the parking spaces were scheduled for March 2024; and
- it “*apologise[d] this has taken so long to resolve*”.

106. I welcome that Clanmil Housing upheld this element of the complaint and apologised for any “*inconvenience or annoyance*” caused. I agree that Clanmil Housing did not deal appropriately with the complainant’s concerns regarding parking when the issue was raised initially. I am satisfied Clanmil Housing have now taken sufficient steps to address the parking issues by; enforcing the terms of the Tenancy Agreement, acknowledging its errors in handling the initial concerns, and apologising for its errors. I have not identified any further failings beyond those previously acknowledged by Clanmil Housing.

CCTV cameras

107. The complainant was concerned Clanmil Housing failed to address his concern regarding the tenant’s CCTV cameras.

108. The response by Clanmil Housing at stage one of the complaints process stated, “*the arrangement made about erecting CCTV is a private one between Clanmil and the tenant. If you have any issues with your neighbour’s CCTV you should report this to the ICO*”.

109. Records indicate Clanmil Housing subsequently inspected the tenant’s CCTV cameras on 22 March 2023. In responding to the complainant at stage two of the complaint process Clanmil Housing acknowledged that their tenant’s CCTV cameras did “*encroach on your property*”. Clanmil Housing upheld the complaint at that point, advising, “*we will be writing to your neighbour, clearly setting out the guidelines around use of CCTV at a domestic property and potential impact*”. I note the tenant then moved the cameras, which resolved the concern at that time.

110. However, I note on 15 September 2023 the complainant contacted Clanmil Housing about this issue again, stating after its initial inspection, the tenant moved the camera back again. Clanmil Housing conducted a further inspection in November 2023 and wrote to their tenant to remind them of their responsibilities.

111. I considered the CCTV Policy, which does not require written permission be sought before a tenant installs CCTV cameras. Clanmil Housing indicated to my office that the Policy on its website “*required updating*” and apologised stating this was an “*oversight on their part*”.
112. The second Principle of Good administration requires a public body in its dealings with people to do so “*helpfully, promptly and sensitively, bearing in mind their individual circumstances*”.
113. I find that Clanmil Housing eventually took action to address the complainant’s concerns, which included recognition that its CCTV Policy published on its website was out of date. In its initial response to the complainant Clanmil Housing advised him to contact the Information Commissioner’s Office. I am satisfied that this was not the correct approach and Clanmil Housing should have addressed the complainant’s concerns regarding the positioning of the CCTV cameras at an earlier stage. Having considered the evidence available, I find Clanmil Housing failed to comply with the second Principle. I consider this failure to be maladministration, and I therefore partially uphold this element of the complaint.

Summary

114. In respect of this issue of complaint, my investigation found failures in how Clanmil Housing dealt with reports of ASB against its tenant, including reports of the tenant keeping five dogs and erecting a dog pen. I also found failures in its handling of the complainant’s concern regarding the safety of gas cylinders and CCTV cameras. I did not find any failing beyond those previously identified by Clanmil Housing in relation to the parking issues.
115. Overall, I was concerned to note the apparent apathy displayed by Clanmil Housing in investigating these matters. The complainant made a number of complaints and reports of ASB over a protracted period of time without any proactive action by Clanmil Housing. I find this concerning.
116. On foot of my above findings, I therefore uphold issue one of the complaint. I will address the injustice to the complainant in my conclusion to this report.

Issue 2: Whether Clanmil handled stages 1-3 of the complaint in accordance with relevant policy and guidelines.

Detail of Complaint

117. The complainant submitted a complaint to Clanmil Housing in March 2023 stating it failed to properly manage and respond to the issues he had raised regarding the tenant – as follows:

Failure to:

- take action against the tenant regarding the report of assault and maintain regular contact with the complainant;
- investigate the reports of bullying, harassment, noise nuisance and threats;
- take action regarding the parking issues;
- take action regarding the tenant having five dogs;

118. The complainant also raised issues with the tenant's use of CCTV cameras.

Clanmil Housing's response to investigation enquiries

119. Clanmil Housing stated they believe they "*managed the complaint in accordance with their Complaints Policy*". Regarding the report of assault specifically, it stated its staff complied with policy and took "*appropriate action*" when dealing with it. Until it received confirmation of the outcome to the criminal proceedings, it could not "*take action*" against their tenant, which delayed the resolution of that issue of complaint.

Relevant Clanmil Housing records

120. I completed a review of the documentation Clanmil Housing provided in response to my investigation enquiries, and the documentation I received from the complainant. I refer to the relevant records in the Analysis and Findings section of this report.

Analysis and Findings

121. Upon review of Clanmil Housing's investigation into the original complaint, I identified a number of areas where Clanmil Housing fell short of the standards set out in its Complaints Policy and the Principles of Good Complaint Handling.

122. In making my determination for each of the elements of the complaint I considered the relevant sections of the Principles of Good Complaint Handling – as follows: *The second principle* -

- listen to complainants to “*understand the complaint and the outcome they are seeking*”; and
- dealing with complainants promptly and sensitively, bearing in mind their individual circumstances

The third principle -

- provide “*honest, evidence-based explanations and giving reasons for decisions*”.

The fourth principle -

- ensure that complaints are “*investigated thoroughly and fairly to establish the facts of the case*”; and
- ensure that “*decisions and actions are proportionate, appropriate and fair*”.

123. I considered section 3 of the Complaints Policy – as follows:

- All complaints are dealt with promptly and consistently and wherever possible resolved to the complainant’s satisfaction;
- Complainants are treated fairly;
- All issues raised in complaints are addressed and those raising them kept informed of progress and the outcome; and
- Lessons are learnt from feedback and any improvements made as a result of those lessons are communicated to staff and customers.

124. Regarding the report of assault, I considered Clanmil Housing’s response did not address the issue of them failing to maintain “*regular contact*”. I considered Clanmil Housing’s records do not demonstrate it maintained contact with the PSNI and the complainant to track the progress of the investigation / court proceedings. I am clear that it should have done so. Records confirm it was the complainant who advised Clanmil Housing of the outcome of the court proceedings in an email dated 30 August 2023. I find that Clanmil Housing’s lack of a full and timely response to the issue of complaint was not in compliance with the Complaints Policy and the fourth Principle of good complaints handling.

125. Regarding the tenant having built a dog pen, I found no evidence that Clanmil Housing investigated this issue of complaint or that it provided a response to the complainant. In considering how Clanmil Housing responded to the complainant regarding his concerns about their failure to act on the threats the tenant made and her dogs barking I did not find evidence that these issues were investigated appropriately or responded to in a satisfactory way..

126. In respect of complainant's concerns regarding the dog pen, the threats against the complainant's partner and the dog barking I find Clanmil Housing failed to investigate the issues of complaint and provide the complainant with a response. As such it failed to comply with the Complaints Policy and the fourth Principle of Good Complaints Handling.

127. Regarding the issues relating to parking, the tenant keeping five dogs, gas cylinders and CCTV cameras, I acknowledge that Clanmil Housing eventually took action to address the complainant's concerns and complaints.. However, having considered the adequacy of its initial responses, I find that Clanmil Housing failed to provide a timely response to the issues in a sufficiently prompt manner., As such it failed to comply with the Complaints Policy, as well as the first and second Principles of good complaints handling.

128. In summary overall, I find Clanmil Housing's handling of these complaints to have been poor and lacking in rigour. Whilst I accept it eventually provided an appropriate response to some elements of the complaints, it failed to do so sufficiently promptly. I consider Clanmil Housing could, and should, have addressed these elements at a much earlier stage of its complaints process. Clanmil Housing's actions prolonged this process unnecessarily for the complainant. I find these failures in complaints handling constitute maladministration. I therefore uphold this issue of the complaint for the reasons outlined above.

129. I welcome the learning identified by Clanmil Housing and the completion of reviews of the ASB Policy, the Pet Policy and the Complaints Policy to bring about service improvements. Learning from complaints should be viewed positively and I encourage this practice for any public body.

CONCLUSION

130. I received a complaint about Clanmil Housing's investigation into issues raised regarding one of its tenants and the handling of a subsequent complaint. I upheld elements of the complaint relating to the additional threats against the complainants' partner and dog barking, as well as concerns raised regarding the erection of a dog pen and location of gas cylinders. I partially upheld elements of the complaint relating to the report of assault, the tenant having five dogs, concerns raised regarding CCTV cameras and Clanmil Housing's handling of the complaint. My investigation did not find any further failings beyond those identified by Clanmil Housing regarding parking concerns.

131. The failures identified constitute maladministration. I consider that everyone has the right to quiet enjoyment of their home and where this has been impacted social housing providers should take appropriate action to resolve concerns as quickly as possible. I recognise the failures identified caused the complainant and his partner to sustain the injustice of frustration, uncertainty, loss of opportunity for more effective and efficient resolutions of their concerns, and the time and trouble of bringing a complaint to this office.

Recommendations

132. I recommend Clanmil Housing provides the complainant a written apology in accordance with NIPSO's 'Guidance on issuing an apology' (July 2019), for the injustice caused as a result of the maladministration identified (within one month of the date of this report). I also recommend that Clanmil Housing explain in more detail to the complainant the learning taken from this complaint and the changes it has implemented as a result.

133. I further recommend, for service improvement and to prevent future recurrence, that:

- I. Clanmil Housing arranges a meeting or home visit with the complainant within **one month** of the date of the final investigation report to discuss any current or ongoing antisocial behaviour issues impacting the complainant and, if necessary, agree actions to be taken to resolve those issues.
- II. Clanmil Housing provides staff with training on its ASB policy and the processes for investigating reports of ASB.
- III. Clanmil Housing reminds staff of the importance of robust interviewing as part of investigating reports of ASB.

IV. Clanmil Housing remind staff charged with the responsibility of investigating complaints of the need to provide full, accurate and timely responses to each of the issues of complaint.

134. I recommend Clanmil Housing implements an action plan to incorporate recommendations ii – iv, and should provide me with an update within **three** months of the date of my final report. Clanmil Housing should support its action plan with evidence to confirm it took appropriate action (including, where appropriate, records of any relevant meetings, training records and/or self-declaration forms which indicate that staff read and understood any related policies).

MARGARET KELLY

Ombudsman

June 2025

Appendix 1 - PRINCIPLES OF GOOD ADMINISTRATION

Good administration by public service providers means:

1. Getting it right

- Acting in accordance with the law and relevant guidance, with regard for the rights of those concerned.
- Acting in accordance with the public body's policy and guidance (published or internal).
- Taking proper account of established good practice.
- Providing effective services, using appropriately trained and competent staff.
- Taking reasonable decisions, based on all relevant considerations.

2. Being customer focused

- Ensuring people can access services easily.
- Informing customers what they can expect and what the public body expects of them.
- Keeping to its commitments, including any published service standards.
- Dealing with people helpfully, promptly and sensitively, bearing in mind their individual circumstances.
- Responding to customers' needs flexibly, including, where appropriate, co-ordinating a response with other service providers.

3. Being open and accountable

- Being open and clear about policies and procedures and ensuring that information, and any advice provided, is clear, accurate and complete.
- Stating its criteria for decision making and giving reasons for decisions
- Handling information properly and appropriately.
- Keeping proper and appropriate records.
- Taking responsibility for its actions.

4. Acting fairly and proportionately

- Treating people impartially, with respect and courtesy.
- Treating people without unlawful discrimination or prejudice, and ensuring no conflict of interests.
- Dealing with people and issues objectively and consistently.

- Ensuring that decisions and actions are proportionate, appropriate and fair.

5. Putting things right

- Acknowledging mistakes and apologising where appropriate.
- Putting mistakes right quickly and effectively.
- Providing clear and timely information on how and when to appeal or complain.
- Operating an effective complaints procedure, which includes offering a fair and appropriate remedy when a complaint is upheld.

6. Seeking continuous improvement

- Reviewing policies and procedures regularly to ensure they are effective.
- Asking for feedback and using it to improve services and performance.
- Ensuring that the public body learns lessons from complaints and uses these to improve services and performance.

Appendix 2 - PRINCIPLES OF GOOD COMPLAINT HANDLING

Good complaint handling by public bodies means:

1. Getting it right

- Acting in accordance with the law and relevant guidance, with regard for the rights of those concerned.
- Ensuring that those at the top of the public body provide leadership to support good complaint management and develop an organisational culture that values complaints.
- Having clear governance arrangements, which set out roles and responsibilities, and ensure lessons are learned from complaints.
- Including complaint management as an integral part of service design.
- Ensuring staff are equipped and empowered to act decisively to resolve complaints.
- Focusing the outcomes for the complainant and the public body.
- Signposting to the next stage of the complaints procedure in the right way and at the right time.

2. Being customer focused

- Having clear and simple procedures.
- Ensuring that complainants can easily access the service dealing with complaints, and informing them about advice and advocacy services where appropriate.
- Dealing with complainants promptly and sensitively, bearing in mind their individual circumstances.
- Listening to complainants to understand the complaint and the outcome they are seeking.
- Responding flexibly, including where appropriate co-ordinating responses with any other bodies involved in the same complaint, where appropriate.

3. Being open and accountable

- Publishing clear, accurate and complete information about how to complain, and how and when to take complaints further.
- Publishing service standards for handling complaints.
- Providing honest evidence-based explanations and giving reasons for decisions.
- Keeping full and accurate records.

4. Acting fairly and proportionately

- Treating the complainant impartially, and without unlawful discrimination or prejudice.
- Ensuring that complaints are investigated thoroughly and fairly to establish the facts of the case.
- Ensuring that decisions and actions are proportionate, appropriate and fair.
- Ensuring that complaints are reviewed by someone not involved in the events leading to the complaint.
- Acting fairly towards staff complained about as well as towards complainants.

5. Putting things right

- Acknowledging mistakes and apologising where appropriate.
- Providing prompt, appropriate and proportionate remedies.
- Considering all the relevant factors of the case when offering remedies.
- Taking account of any injustice or hardship that results from pursuing the complaint as well as from the original dispute.

6. Seeking continuous improvement

- Using all feedback and the lessons learnt from complaints to improve service design and delivery.
- Having systems in place to record, analyse and report on learning from complaints.
- Regularly reviewing the lessons to be learnt from complaints.
- Where appropriate, telling the complainant about the lessons learnt and the changes made to services, guidance or policy.

