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SOCIAL HOUSING BULLETIN – JUNE 2025

WHAT'S IN THIS MONTH'S EDITION?

Every now and again, you come across a case that stops you in your tracks.

But rarely has there been a judgment that has caused such a collective dropping of jaws across the entire legal profession as that of *Ayinde v The London Borough of Haringey*.

It just so happened to be a housing case. But it stands as a wider warning of the risks of misusing artificial intelligence to conduct legal research.

Look out for it towards the end of this email.

Here's what else is coming up:

- What is and what is NOT expected of landlords in hoarding cases? (207 words)

- New Spotlight report on repairs and maintenance (219 words)
- A quick update on the Renters' Rights Bill (135 words)
- An even quicker update on the Crime and Policing Bill (113 words)
- And last but very much not least, that extraordinary case in which a tenant's lawyers relied on non-existent "authorities" (353 words)

HELP FOR HOARDERS: HOW FAR IS TOO FAR?

How much is expected of social landlords in hoarding disorder cases? That's the subject of the latest article on our blog.

In *Thiam v Richmond Housing Partnership*, a tenant suffered from schizophrenia and a delusional disorder, which had caused her to hoard.

When her landlord (RHP) sought possession (for various reasons, not just hoarding), it was argued that this constituted disability discrimination.

The trial judge, however, found that RHP had done all it reasonably could. This included referring the tenant to social services.

On appeal, the Official Solicitor argued that RHP had failed to put **specialist hoarding intervention** in place for the tenant.

The High Court rejected this argument.

- RHP had gone to great lengths to address the hoarding problem.
- It's always going to be the case that someone could suggest additional steps that could be tried.
- But some interventions (such as engaging a specialist hoarding provider) go well beyond the scope of a landlord's responsibilities and fall into the ambit of social services.

The Official Solicitor also argued that the landlord should have made an application to the Court of Protection. For an in-depth analysis of this and other grounds of appeal, read Vanessa's article on our blog.

REPAIRS AND MAINTENANCE IN THE SPOTLIGHT

The Housing Ombudsman Service has released its latest Spotlight Report. Called "Repairing Trust", the report reveals there has been a whopping **474% rise** in complaints about repairs and maintenance between the years 2019–20 and 2024–25.

Last year:

- Repairs and maintenance accounted for **45%** of complaints, making it the biggest cause of complaints that the Ombudsman receives
- **73%** of severe maladministration findings involved repairs and maintenance
- **£3.4 million** in compensation orders were made regarding poor living conditions

The report sets out 4 key recommendations for landlords:

1. **Cultural shift:** The report calls for a cultural transformation within the sector, making the case for empathetic communication and transparency. It highlights the important role that language can play.
2. **Predictive maintenance models:** The report emphasises the benefits of transitioning from a reactive to predictive maintenance model. By anticipating issues before they escalate, landlords can provide more timely and effective repairs.
3. **Strengthening relationships:** Landlords should modernise and improve relationship management with both contractors and residents. Stronger partnerships will lead to better communication, quicker resolutions, and a more satisfactory experience for all parties involved.
4. **Code of Conduct:** The report encourages landlords to create and promote a Code of Conduct for all staff and contractors entering residents' homes.

You can read a summary of the report, and the full report, here.

WHERE ARE WE ON RENTERS' RIGHTS?

The Renters' Rights Bill continues to make its way through Parliament. It has cleared the House of Commons and is currently at the Report Stage in the House of Lords. We're waiting for a date for the report to be confirmed.

A key amendment has been put forward to ease implementation: there is to be a **3-month transition period** during which landlords can still issue section 21 notices.

Agreement there, but elsewhere debate continues to rage.

One issue is whether social landlords should be excluded from the prohibition on section 21 notices while the Regulator of Social Housing prepares and consults on a new Tenancy Standard.

It's anticipated that the new act will come into force in late 2025, with the transition period taking us through to early 2026.

CRIME AND POLICING BILL UPDATE

Another piece of legislation making its way through Parliament is the Crime and Policing Bill. That's at the Report Stage in the House of Commons. (Again, a date for the report is still to be confirmed.)

As we reported in April, one key amendment that has already been agreed is that landlords will now be able to use breaches of Respect Orders and Housing Injunctions as mandatory grounds of possession.

Since then, the Government has updated its policy paper but it stopped short of giving any indication as to when the new bill might become law. It seems unlikely that will be before 2026.

THE STRANGE CASE OF THE 5 FAKE CASES

A barrister has escaped contempt of court proceedings after citing five fake authorities in the pleadings she drafted.

In *Ayinde v The London Borough of Haringey*, a claimant tenant brought judicial review proceedings. The local authority failed to respond in time and was debarred from taking part, but it brought a wasted costs application against the claimant's barrister and solicitors.

There were three grounds for the application:

1. The statement of facts and grounds for judicial review included five fake cases.
2. When the claimant's lawyers were asked to produce copies of the cases, they did not.
3. The statement of facts stated that section 188(3) of the Housing Act 1996 was a mandatory ***"must"*** provision instead of a discretionary ***"may"*** provision.

The barrister (who was a pupil at the time) and Haringey Law Centre were found to have behaved improperly, unreasonably and negligently. Mr Justice Ritchie

said *"providing a fake description of five fake cases, including a Court of Appeal case, qualifies quite clearly as professional misconduct."*

The claimant's lawyers were ordered to pay wasted costs and a transcript of the judgment was sent to the Bar Standards Board and the Solicitors Regulation Authority.

But that wasn't the end of the matter. In a further hearing, the President of the King's Bench Division, Dame Victoria Sharp, and Mr Justice Johnson considered whether to initiate contempt of court proceedings.

They found that the barrister must have either:

- deliberately included fake citations, or
- used AI to draft her grounds for judicial review, despite denying that in her witness statement.

Either would cross the threshold for initiating contempt of court proceedings. But the High Court decided not to do so because she was an extremely junior lawyer, she had been publicly criticised in a judgment, and her conduct was already being investigated by her regulator.

The Civil Justice Council has since set up an AI working group to examine the use of AI in preparing court documents and to recommend amendments to the civil procedure rules. Watch this space for changes to the practice directions on evidence and preparing witness statements.

ASB AWARENESS WEEK ON ITS WAY

The UK's national ASB Week will take place from 30 June to 6 July 2025.

This year, Resolve has 4 main asks:

1. Guaranteed support for victims of ASB
2. Address delays in the Civil Justice System
3. One single, national Information Sharing Agreement
4. Make it easier to report ASB

The overarching theme and hashtag for the week is **#MakingCommunitiesSafer**

Read more about it on Resolve's website here.

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