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The investigation of a complaint against Trivallis

A report by the
Public Services Ombudsman for Wales
Case: 202402960

Contents	Page

Introduction

This report is issued under s23 of the Public Services Ombudsman (Wales) Act 2019.

We have taken steps to protect the identity of the complainant and others, as far as possible. The name of the complainant and others have also been changed.

Summary

Mr B complained about the way the housing association Trivallis ("the Association") dealt with reports of repairs at his home. The Ombudsman investigated whether the Association responded appropriately to reports of damp and mould and a broken boiler.

The investigation found that the Association did not respond appropriately to reports of damp and mould in Mr B's home. When Mr B reported issues to the Association, they were not dealt with in line with relevant policies and guidance. As a result Mr B lived in a home with outstanding repairs for nearly 7 years.

The Association did not respond appropriately to reports of a broken boiler in Mr B's home and did not follow its repairs policy. During the period boiler repairs were awaited, Mr B was not able to heat his home to a comfortable level. A repair was eventually carried out after Mr B's wife made a complaint to the Association.

Whilst not an issue specifically identified for investigation, the Ombudsman also had concerns about the way the Association responded to Mr B's complaint. The Association failed to maintain accurate records which led to fundamental errors in the way Mr B's complaint was addressed.

The Ombudsman was concerned that the failings identified in this case may be systemic. The Association did not provide an explanation as to why, despite Mr B making many repair requests, problems were not resolved sooner. The failings identified during this investigation are also significant. Association employees did not attend Mr B's home to carry out an inspection of his roof; photographs from a previous visit were used to support the incorrect assertion that they did. The Association also failed to provide records requested as part of this investigation.

The Ombudsman made a number of recommendations which the Association accepted:

Within 1 month:

a) Provide evidence that the Association has acknowledged and apologised to Mr B for the failings identified in this report.

b) Provide evidence that the Association has offered Mr B a financial redress payment of £625 for the distress caused to him by the failings identified in this report. This is in addition to the £375 already provided, making total financial redress of £1,000. I have not considered redress for costs incurred by Mr B as this has previously been addressed by the Association.

Within 3 months:

c) Ensure that all relevant staff receive training to identify and respond appropriately to vulnerable customers.

d) Provide evidence that the Association has developed and implemented a damp and mould procedure.

e) Ensure that a scenario based training programme is delivered to all relevant staff to ensure that lessons are learned from this case and staff take account of individual circumstances where prioritising repairs.

f) Provide evidence that the Association has developed and implemented a process to ensure that repeated repair requests are identified, recorded and escalated for further investigation.

g) Review its records management process and make necessary changes to ensure it complies with the principles of “Good Records Management Matters”.

h) Share a copy of this report with the Association’s Assurance Committee which should oversee and monitor the Association’s compliance with these recommendations

The Complaint

1. Mr B complained about the way the housing association Trivallis ("the Association") dealt with reports of repairs at his home. The investigation considered:

a) Whether the Association responded appropriately to reports of damp and mould in Mr B's home made between 2016 and May 2023.

b) Whether the Association responded appropriately to reports of a broken boiler in Mr B's home made between November 2023 and April 2024.

Investigation

2. I obtained comments and copies of relevant documents from the Association and Mr B, and considered those in conjunction with the evidence provided by Mr B. I have not included every detail investigated in this report, but I am satisfied that nothing of significance has been overlooked.

3. Both Mr B and the Association were given the opportunity to see and comment on a draft of this report before the final version was issued.

Relevant legislation and policy

4. The Renting Homes (Wales) Act 2016 ("the Act"). Part 4 of the Act places obligations on landlords regarding the condition of the homes that they let. These include ensuring a dwelling is both in repair and fit for human habitation.

- Section 92 of the Act states that a "landlord under a secure contract…must – keep in repair the structure and exterior of the dwelling".

- Section 97 of the Act states that a landlord's obligations under Section 92 do not arise until they become aware that repair works are necessary.

- Section 97 also states that a landlord has complied with the obligations of section 92 if it carries out the necessary works or repairs within a reasonable time.

5. Social Housing Conditions and Disrepair: Feedback to Social Landlords ("the Disrepair Feedback"), Welsh Government, February 2022. In relation to disrepair:

- "Think point 2" states that: "Social landlords should have processes, systems and a culture of ownership to enable issues to be readily identified and easily escalated to the attention of the right people".

- "Think point 9" states that: "Social landlords should ensure measures are in place to specifically identify and address reported issues with damp and mould. This should include "investigations/inspections by default, ensuring condensation and its causes are accurately diagnosed, rectifying any defects as promptly as possible and supporting tenants with help and advice".

6. The Welsh Housing Quality Standard ("the WHQS") 2023 (introduced in 2002, last updated in April 2024) sets out the standards expected for social housing in Wales, against which landlords are measured. This requires homes to be "free from damp", including persistent condensation. It also states that homes should have a heating system capable of heating it to a comfortable level.

7. Tackling Fuel Poverty 2021 to 2035, Welsh Government, March 2021 ("the Fuel Poverty Strategy")[1]. This defines a satisfactory heating regime for households that contain a disabled person as 23 degrees Celsius in the living room and 18 degrees Celsius in other rooms achieved for 16 hours in a 24-hour period. The definition of vulnerable households includes those where occupants are aged 60 or over and where occupants have a long term illness or disability.

8. The Association's Repairs Policy, approval date 10 October 2023, which details timescales for undertaking repairs. It states that repairs relating to the total loss of space or water heating during the period

[1] Tackling Fuel Poverty 2021 to 2035

31 October and 1 May will be completed within 24 hours, as will leaking from a water or heating pipe, tank or cistern. It states that leaking roof repairs will be carried out within 7 working days. Repairs to be completed within 6-12 months include "All roofing repairs only following a temporary repair".

9. The Association's Complaints Policy ("the Complaints Policy"). This details the 2 Stages of the Association's complaints process. Stage 1 is informal resolution, with a target for response of 10 working days. Stage 2 is formal internal investigation, and can be requested if a complainant is unhappy with a Stage 1 response. The Complaints Policy contains the commitment to "investigate once, investigate well". It also states that all formal investigations will be logged.

10. All public bodies, and other bodies that carry out public functions, must comply with the Human Rights Act 1998, which incorporated the European Convention on Human Rights ("the Convention") into UK law. Article 8 of the Convention provides individuals with the right to respect for private and family life.

11. The Equality Act 2010 ("the EA") gives people, with protected characteristics such as a disability, general protection from discrimination. It defines disabled people as those who have a physical or mental impairment that has a "substantial" and "long term" adverse effect on their ability to do normal daily activities. It also imposes a public sector equality duty ("the equality duty") on public bodies and other bodies that carry out public functions. The equality duty requires them to have due regard to the need to eliminate conduct prohibited by the EA, to advance equality of opportunity between people who have a protected characteristic and people who do not, and to foster good relations between those individuals. Public bodies and other bodies that carry out public functions must routinely consider each of these equality duty aims when taking decisions, designing policies and delivering services.

12. It is not my function to make definitive findings about whether discrimination has occurred or whether an individual's rights have been breached. However, where a body fails to have regard to Human Rights and the Equality Act in performing its functions, I will comment on this.

Public Services Ombudsman for Wales ("PSOW") guidance and Thematic Report

13. Living in Disrepair - a thematic report about housing disrepair and damp and mould complaints to PSOW ("the Thematic Report")[2], Public Services Ombudsman for Wales, November 2024 which reported on complaints received regarding damp, mould and poor conditions in social housing. The Thematic Report also considered how housing providers respond to the needs of vulnerable occupants, and recommended that repairs be properly prioritised in accordance with published policies. Whilst this report had not been published at the time these events relate to the legislation and guidance it refers to was.

14. PSOW's Principles of Good Administration - issued by my predecessor[3], provides guidance for all public bodies in Wales to follow.

- Principle 2 is "Being Customer Focused" by dealing with people helpfully, promptly and sensitively, bearing in mind their individual circumstances.

- Principle 5 is "Putting Things Right" by acknowledging mistakes and taking prompt action to put things right.

Public Bodies in Wales must have regard to this guidance when discharging their functions.

15. PSOW's Good Records Management Matters which sets out 7 principles of good records management[4].

- Principle 2 is "Having effective records management systems" which includes having structured record retention systems, which demonstrate that any records destroyed were done so as part of normal business practice.

[2] Living in Disrepair
[3] Principles of Good Administration - Under section 34 of the PSOW Act 2019
[4] Good Records Management Matters

- Principle 3 is “Creating reliable records” which states that there should be clear audit trails in place to show when a record has been created or updated.

- Principle 7 is “Storing records securely so they can be readily accessed when needed”. This states that information should be “discoverable, accessible and usable”.

The background events

16. Records provided by the Association show that in January **2016** Mr B made a report of damp in his kitchen. Mr B provided a copy of an undated letter from the Association informing him that a repair to his roof was due to be carried out on 23 September. In January **2018** records show a further report of damp was made, but it is not specified where in Mr B’s home this was. In December **2019** Mr B reported damp in the hallway of his home. The Association has been unable to provide any details regarding these requests as the repairs recording system it was using at the time was de-commissioned in **2020** and it is no longer able to access data from it.

17. On 3 March **2022** Mr B reported damp in his home which he suspected was being caused by a roof leak or issue with the guttering. Officers from the Association visited Mr B’s home on 11 March, during which the presence of damp on the walls of the landing was confirmed. The cause was determined to have been an issue with the roof felt. Work to Mr B’s roof to address this was carried out on 26 April.

18. On 24 August Mr B contacted the Association as he suspected the roof was leaking again, despite the work carried out in April. He said that he was also experiencing issues with damp in other areas on the ground floor of his home.

19. Officers from the Association attended Mr B’s home on 28 September. A wet area on a wall next to Mr B’s bathroom was attributed to failed bath seals. No defects were found with the roof and it was recorded that the “issue is condensation in stairwell”.

20. The Association recorded a relative humidity of 71.4% for the lounge of Mr B's home, significantly higher than the recommended maximum of 60%. The skirting board was recorded as having a moisture content of 999. The walls were recorded as having a wood moisture equivalent of 999. These are the highest scores possible, indicating that they were extremely wet. The wall temperature was recorded as 16.3°C.

21. Visual observations are recorded but it is not specified to which room or rooms they relate. It is recorded that mould growth, paint blistering, plaster erosion and decay of timber were all observed. Under a section headed "Diagnosis", there is a handwritten symbol next to the entry "rising damp" and an "N" next to "condensation". An inspection of the cavity wall was carried out, which did not identify the cause of the problem.

22. An inspection of the roof was reported to have been carried out on 19 October which found that the roof felt was correctly installed, that there were no issues with the roof and that damp was being caused by condensation in the stairwell. However, it was established during this investigation that an inspection never took place and Association employees used previous photographs to write their report.

23. On 4 January **2023** Mr B reported suspected damp to the front of his home. A surveyor from the Association attended Mr B's home on 11 January and concluded that an inspection of the roof was needed. This inspection took place on 1 March. It found an ongoing issue with damp, but that there was no obvious cause. It stated that scaffolding would be required to further investigate the roof, as there was a need to remove some sections of tiles. Scaffolding was erected and Mr B's roof was repaired on 2 May.

24. On 17 January **2024** Mr B made an out-of-hours repair report as his boiler was experiencing a fault. An officer from the Association attended that day and replaced an expansion vessel (used to regulate pressure when water heats and cools) on the boiler. On 3 February a second out-of-hours repair request relating to the boiler was made. An officer from the Association attended Mr B's home the next day. Notes made at the time, state that the pressure in the boiler was topped up, that there

was an ongoing issue with the isolation valve (this controls the flow of water into the central heating system) and that a further repair was needed.

25. On 14 February a further repair request relating to the boiler was logged. This refers to an urgent ongoing issue with a leak to the isolation valve and that a repair was required as soon as possible.

26. An undated letter from the Association sent to Mr B's wife (Mrs B), refers to the repair as an "urgent ongoing issue" and that a "repair (is) required asap". An engineer visited Mr B's home on 20 February and repaired the isolation valve but notes record that they were unable to remove it and another visit was needed.

27. The Association stated that an attempt was made to contact Mrs B on 8 March to arrange an appointment for that day, but there was no answer. As a result an appointment was made for 12 March. On 12 March Mrs B telephoned to cancel the appointment as she needed to go to work. The appointment was re-scheduled for 3 April but was cancelled by the Association on 2 April as the engineer was unwell. A new date of 10 May was provided by the Association for an engineer to attend. Mrs B contacted the Association to complain about the delay in repairing the boiler. A supervisor visited Mr B's home on 4 April to assess the works needed and the broken valve was replaced the next day.

Complaints Made to the Association

28. On 11 January 2023 Mr B complained to the Association. He made complaints regarding several issues including that the Association had failed to inspect his roof as arranged on 19 October 2022 and that he was experiencing ongoing issues with damp and mould in his home.

29. The Association provided my office with a copy of its original Stage 1 response to Mr B's complaint dated 23 January. The response states that 2 members of staff had inspected Mr B's roof on 19 October 2022, taken photographs and found no issues with the roof or guttering. It said that black mould in Mr B's home was being caused by condensation, rather than any issue with the roof. It said that as the cause of the mould had

been incorrectly diagnosed as damp in the past, this had caused a delay in addressing the issue, therefore they did not uphold this part of the complaint.

30. Mr B provided a copy of the final response he received from the Association dated 20 March. In respect of the roof, the final response provided by Mr B initially repeats the same information given in the copy of the original response provided to my office by the Association. The final response, however, goes on to state that "having further investigated this it appears that the roofers did not attend to carry out an inspection and instead used an old visit as evidence". It apologised for this and said the matter had been passed for investigation by management. It also said that a roof inspection would be carried out as soon as possible, with a view to carrying out repairs when the weather improved.

31. In respect of mould the final response states that "there is evidence of water ingress causing black mould". There is no mention of condensation.

32. On 17 August Mr B contacted the Association. He said that following the issuing of the final complaint response of 20 March the investigating officer had said compensation would be considered, but he had not heard anything further.

33. On 17 November the Association issued a Stage 2 response to Mr B's complaint. A section detailing the reason for the complaint contains much of the original Stage 1 response provided to my office dated 23 January. This includes the assertion that an inspection had been carried out on 19 October 2022 which found no issues with Mr B's roof, and states that this part of Mr B's complaint was not upheld. It also repeats the reference to condensation causing black mould, rather than water ingress.

34. It said that the first report in respect of Mr B's roof was submitted on 6 July 2020 and that there had been numerous requests for roof repairs since this date. The response stated that "Roof in (sp) teams have visited and have stated that there have been no signs of repair works" which was why condensation was thought to have been an issue. It said that when efforts to treat condensation were unsuccessful, further investigatory

works were carried out which led to the issue being identified and repaired in May that year. It acknowledged that repair works had been carried out in Mr B's home due to water damage. It stated that "the tenant's roof has been leaking from July 2020 - May 2023". Mr B was offered £300 in compensation in recognition of this delay and the disruption and inconvenience caused to him.

35. On 4 April 2024 Mrs B contacted the Association to complain about the length of time it was taking to repair the boiler. On 17 April the Association sent Mrs B a response to her complaint. It apologised for the length of time it had taken to repair the boiler, which had since been repaired, and offered her a payment of £75 in recognition of the inconvenience she had experienced.

36. On 9 May Mrs B telephoned the Association to request that her complaint be escalated to Stage 2 of the Association's complaints procedure. The Association responded on 7 June. It stated that the offer of £75 was a fair resolution to the inconvenience caused. Mr B complained to my office in July.

Mr B's evidence

37. Mr B said that the issues with both repairs at his home and how the Association had responded to his complaints significantly impacted his physical and mental health. He suffers with arthritis (a condition that causes pain and inflammation in the joints) and osteoporosis (a condition that weakens the bones) and said that both of these conditions were made worse by cold and damp conditions. Mr B said that he and his wife were very proud of their home and did everything they could to maintain it. He said that years of contacting the Association to get repairs carried out was a huge source of stress and as a result of this he had been prescribed medication and referred for counselling

38. Mr B said that when the Association undertook work to the roof he was informed that the problem with damp and mould was resolved. He would then arrange for redecoration works only for the damp and mould to re-appear, in a cycle he described as "heartbreaking". Mr B said he incurred significant financial costs of over £800 in respect of these decoration works.

39. Mr B said that the way that the Association dealt with his complaint was a source of distress and confusion to him. He said that the Investigating Officer visited his home after the original Stage 1 complaint response of 23 January was issued. During that visit the Investigating Officer showed Mr B the photographs that had been submitted by Association staff as evidence that a roof inspection had taken place on 19 October 2022. Mr B pointed out that there was scaffolding visible in the photographs, and that no scaffolding had been in place on 19 October. Following that visit the revised complaint response was sent, dated 20 March.

40. Of particular concern to Mr B was the significant differences between the Stage 1 and Stage 2 complaint responses he received. He said that he did not understand why the Stage 2 response referred to his complaint about roof repairs not being upheld, when the Association had previously acknowledged that staff had lied about attending. He said this made him feel as though his concerns were not being taken seriously by the Association.

41. Mr B said that during the time they were awaiting boiler repairs, his home was extremely cold. As the boiler was not working properly, he was not always able to use the central heating system. He said that this was a particular issue for him due to his medical conditions and that he had to spend time elsewhere as the house was too cold for him to remain in.

The Association's evidence

42. When asked when it first received a report of a leaking roof at Mr B's home, the Association said that it had a note dating back to January 2016 of a report of possible damp in the kitchen but it was unable to provide further details. This was because the repairs system used at the time was de-commissioned in June 2020 and specific repair information is no longer available.

43. When asked what led to the issue with Mr B's roof being identified and repaired in May 2023, the Association said that it had attended several times before this to resolve roofing issues.

44. The Association said that a damp and mould procedure had been produced in December 2024. The copy supplied was in draft. When asked about this, the Association said that the procedure was later adopted, but it was established quite early on that the procedure was not adequate. The Association said that all repairs to the boiler were completed within the timescales set out in its repairs policy but acknowledged that a shorter timescale would have been more suitable. It said that at no point was Mr B left without heating or hot water, although it could not provide evidence to support this.

45. The Association confirmed it was aware that Mr B had said in September 2022 that he was disabled and that it was also aware that he was vulnerable.

46. When requested, the Association declined to provide copies or transcripts of repair requests made by Mr and Mrs B. It said that these would take a considerable amount of time and resource to provide.

47. After I started this investigation, the Association made contact with Mr B and offered him a payment of £1,500. This included costs incurred by Mr B in decorating his hall, stairs and landing, a payment for missed appointments and a payment of £300 in recognition of the inconvenience he had suffered.

48. In respect of the 2 Stage 1 responses sent to Mr B, the Association said that it appeared the final response had been issued by the Investigating Officer outside of the usual complaints process. As such the Complaints Team had no awareness that a revised Stage 1 response had been sent.

Analysis and conclusions

a) Whether the Association responded appropriately to reports of damp and mould in Mr B's home made between 2016 and May 2023.

49. Mr B provided a copy of a letter from the Association informing him that works to repair his roof would be undertaken in September 2016, meaning that at the time Mr B's roof was finally successfully repaired in May 2023 it had been leaking on and off for nearly 7 years. The Act

requires landlords to carry out repair works in a reasonable time and to a reasonable standard. This was not done in Mr B's case. It is also far in excess of the 7 working days target in the Repairs Policy for roof repairs.

50. In September 2022 an inspection of Mr B's home found clear issues with damp and mould. The Association responded to this by inspecting the cavity wall, which did not identify the cause of the problem. I have not seen any evidence that the Association took further action after this inspection to determine the cause. Mr B continued reporting issues with damp and mould over the next 2 years.

51. The Association did not respond appropriately to reports of damp and mould in Mr B's home. When Mr B reported issues to the Association, they were not dealt with in line with relevant policies and guidance. These are failings and an injustice to Mr B, who was not only distressed by these failings but lived in a home with outstanding repairs for nearly 7 years. Accordingly, **I uphold** Mr B's complaint.

b) Whether the Association responded appropriately to reports of a broken boiler in Mr B's home made between November 2023 and April 2024.

52. The Association said repairs to the boiler were carried out within the timescales set out in its repairs policy. Mr B reported an issue with his boiler on 17 January 2024. The isolation valve was noted as an issue on 3 February, with it being described as leaking. The repair was described as urgent by the Association. The Repairs Policy states that leaking from a water or heating pipe is an urgent repair that should be completed within 24 hours. Despite this, an appointment to repair the boiler was eventually arranged for 10 May, more than 3 months after the fault was identified.

53. I am concerned that the delay in carrying out repairs would have been even longer if Mrs B had not complained to the Association. This is a serious failing. Residents should not have to resort to making complaints to their landlord in order for urgent repairs to be undertaken. Once Mrs B complained, the repair was completed the next day, which indicates that this was not a complex issue and that it potentially could have been resolved much sooner.

54. Mr B has said that there were periods of time when he was left with no heating whilst waiting for the boiler to be repaired. The Association said that this was not the case. As the Association has not provided any evidence to support its assertion and has failed to provide transcripts of the repair requests, I am persuaded that Mr B's account is credible. Of the Association's records which are available, they support Mr B's account because they refer to a loss of pressure, and leaks to a valve - which can reduce the efficiency of a boiler and can cause it to shut down. On the balance of the evidence available, I am therefore satisfied that Mr B was left without heating during this period.

55. During the period boiler repairs were awaited, Mr B was not able to heat his home to a comfortable level. This contradicts the WHQS. It is also contrary to the requirements of the Act as repairs were not carried out within a reasonable time. The Association did not respond appropriately to reports of a broken boiler in Mr B's home and did not adhere to its repairs policy. This is a failing which caused an injustice to Mr B because he was unable to adequately heat his home. Accordingly, I **uphold** his complaint.

56. Whilst not an issue specifically identified for investigation, I also have concerns about the way the Association responded to Mr B's complaint.

57. The complaint response sent by the Association to Mr B in November 2023 concluded that his roof had been leaking since July 2020, as that was the first record of an issue with the roof it held. However, Mr B has provided a letter to my office from 2016 referring to roof repairs.

58. I can only speculate that the Association incorrectly stated the first roof report was in July 2020 because in June 2020 it replaced its repairs system, and it was no longer able to access information from its old system. This is a significant loss of information, which clearly impacted the investigation of Mr B's complaint. It is also contrary to my office's "Good Records Management Matters" as it means that records were not retained and available for access. Furthermore, the loss of the information held on the previous system meant that the Association had no means of establishing what works it had previously undertaken on Mr B's property.

59. In respect of records management, I am also concerned that the Association failed to provide a copy of the revised final Stage 1 response sent to Mr B, instead providing an earlier version containing a different outcome. This failure to maintain accurate records is serious, and contrary to the "Principles of Good Administration" issued by my office.

60. This is further compounded by the Stage 2 response not being consistent with the revised Stage 1 response Mr B received. The Stage 2 response referred to elements of Mr B's complaint that were upheld at Stage 1 as not being upheld, and stated that there was no issue with the roof. Such a fundamental error calls the into question the reliability of the Stage 2 investigation and Mr B was understandably confused and distressed by this.

61. This investigation has identified potential systemic issues with the Association's repairs service. The complaint response issued in November 2023 acknowledged that Mr B's roof had been leaking for nearly 3 years before it was repaired. This investigation has found that it actually took nearly 7 years to complete the repair. The Association has not provided an explanation as to why, despite Mr B making many repair requests, this issue was not resolved sooner. It has also been unable to detail what eventually led to a successful repair being carried out. As such I am concerned that lessons have not been learnt from this case, and such failings may occur again.

62. The issues identified during this investigation are significant. Association employees did not attend Mr B's home to carry out an inspection of his roof. Photographs from a previous visit were used to support the incorrect assertion that they did. If the inspection had gone ahead then it is possible that the issue with Mr B's roof would have been identified in October 2022. Instead Mr B had to endure another winter with a defective roof causing damp and mould in his home.

63. The inability of the Association to access records from the repairs system de-commissioned in June 2020, clearly hindered the investigation of Mr B's complaint. I am concerned that other complainants may have been similarly disadvantaged. The Association's failure to provide copies

of the complaints made by Mr and Mrs B also raises questions about how thoroughly complaints are investigated as the information is not readily available.

64. The Association has not supplied a copy of the revised complaint response sent to Mr B, or any other records of Mr B contacting the Association following the first response and the subsequent visit to his home by the Investigating Officer. Nor did it supply other correspondence, of which Mr B holds copies relating to repairs at his home, despite it being requested by my Investigation Officer. This suggests that there are either serious deficiencies in record keeping by the Association or that information has been deliberately withheld. Whilst I have statutory powers to require the production of documents which are relevant to an investigation, as I was able to draw conclusions from the information available, I did not consider this was necessary or proportionate in this case. I do however, expect the Association to be completely open and transparent in its dealings with my office.

65. I also consider that the failings identified in this case are ones from which other organisations can learn. This investigation has highlighted the importance of keeping full and accurate records. There were many missed opportunities to identify the repeated repair requests made by Mr B and failures to address these. I have seen no evidence that the Association considered Mr B's needs in relation to his disability, or that it had a policy regarding repair requests from households containing vulnerable people. It is for these reasons that I consider this report to be of wider public interest.

66. Article 8 of the Convention requires public bodies, and other bodies which carry out public functions, to have respect for the homes and family lives of individuals. Respect includes ensuring homes are maintained in a good state of repair and listening and taking appropriate action when issues arise. I consider that Article 8 was engaged by the circumstances of this complaint, as the Association did not respond appropriately to Mr B's repair reports. As such, a situation arose where the right of Mr B to have his home and family life respected may have been compromised.

67. The Association has acknowledged that in September 2022 Mr B reported that he had a disability. I have not seen any evidence that the details of this, or how it affected Mr B, were recorded at the time. The Association has not shown that it considered how it may need to adjust the service it provided to Mr B in light of this, such as whether the heating in his home was adequate for his needs. It is not for me to make a definitive determination regarding whether a body has complied with the terms of the Equality Act, but I can consider if an organisation has had due regard to its obligations. The failure to consider the needs of Mr B suggests the Association may not have paid due regard to its duties under the Act.

Recommendations

68. I **recommend** that within **1 month** of the date of this report the Association should:

a) Provide evidence that the Association has acknowledged and apologised to Mr B for the failings identified in this report.

b) Provide evidence that the Association has offered Mr B a financial redress payment of £625 for the distress caused to him by the failings identified in this report. This is in addition to the £375 already provided, making total financial redress of £1,000. I have not considered redress for costs incurred by Mr B as this has previously been addressed by the Association.

69. I **recommend** that within **3 months** of the date of this report the Association should

c) Ensure that all relevant staff receive training to identify and respond appropriately to vulnerable customers.

d) Provide evidence that the Association has developed and implemented a damp and mould procedure.

e) Ensure that a scenario based training programme is delivered to all relevant staff to ensure that lessons are learned from this case and staff take account of individual circumstances where prioritising repairs.

f) Provide evidence that the Association has developed and implemented a process to ensure that repeated repair requests are identified, recorded and escalated for further investigation.

g) Review its records management process and make necessary changes to ensure it complies with the principles of “Good Records Management Matters”.

h) Share a copy of this report with the Association’s Assurance Committee which should oversee and monitor the Association’s compliance with these recommendations.

70. I am pleased to note that in commenting on the draft of this report **Trivallis** has agreed to implement these recommendations.

Michelle Morris 23 October 2025

Michelle Morris
Ombwdsmon Gwasanaethau Cyhoeddus | Public Services Ombudsman

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Tel: 0300 790 0203
Website: www.ombudsman.wales
Email: ask@ombudsman.wales
Follow us on X: @OmbudsmanWales

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Ymchwiliad i gŵyn yn erbyn Trivallis

Adroddiad gan
Ombwdsmon Gwasanaethau Cyhoeddus Cymru
Achos: 202402960

Cynnwys	Tudalen

Cyflwyniad

Cyhoeddir yr adroddiad hwn o dan adran 23 o Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2019.

Rydym wedi cymryd camau i gelu pwy yw'r achwynydd ac eraill, cyn belled ag y bo modd. Mae enw'r achwynydd ac eraill wedi cael eu newid hefyd.

Crynodeb

Cwynodd Mr B am y ffordd yr oedd cymdeithas dai Trivallis ("y Gymdeithas") wedi delio ag adroddiadau am waith atgyweirio yn ei gartref. Ymchwiliodd yr Ombwdsmon i weld a oedd y Gymdeithas wedi ymateb yn briodol i adroddiadau am leithder a llwydni a boeler wedi torri.

Canfu'r ymchwiliad nad oedd y Gymdeithas wedi ymateb yn briodol i adroddiadau am leithder a llwydni yng nghartref Mr B. Pan roddodd Mr B wybod i'r Gymdeithas am y problemau, ni chawsant sylw yn unol â pholisïau a chanllawiau perthnasol. O ganlyniad, bu Mr B yn byw mewn cartref gydag atgyweiriadau heb eu gwneud am bron i 7 mlynedd.

Ni ymatebodd y Gymdeithas yn briodol i adroddiadau bod y boeler wedi torri yng nghartref Mr B ac ni ddilynodd ei pholisi atgyweirio. Yn ystod y cyfnod yr oedd disgwyl i'r boeler gael ei atgyweirio, nid oedd Mr B yn gallu cynhesu ei gartref i lefel gyfforddus. Gwnaed gwaith atgyweirio yn y diwedd ar ôl i wraig Mr B gwyno i'r Gymdeithas.

Er nad oedd yn fater a nodwyd yn benodol ar gyfer ymchwiliad, roedd gan yr Ombwdsmon bryderon hefyd ynghylch y ffordd yr oedd y Gymdeithas wedi ymateb i gŵyn Mr B. Ni lwyddodd y Gymdeithas i gadw cofnodion cywir, ac arweiniodd hyn at gamgymeriadau sylfaenol yn y ffordd yr aethpwyd i'r afael â chwyn Mr B.

Roedd yr Ombwdsmon yn bryderus y gallai'r methiannau a nodwyd yn yr achos hwn fod yn systemig. Ni roddodd y Gymdeithas esboniad pam na chafodd problemau eu datrys yn gynt, er bod Mr B wedi gwneud llawer o geisiadau am atgyweirio. Mae'r methiannau a nodwyd yn ystod yr ymchwiliad hwn hefyd yn arwyddocaol. Nid oedd gweithwyr y Gymdeithas wedi mynd i gartref Mr B i archwilio'r to; defnyddiwyd ffotograffau o ymweliad blaenorol i gefnogi'r honiad anghywir eu bod wedi gwneud hynny. Yn ogystal â hyn, methodd y Gymdeithas â darparu'r cofnodion y gofynnwyd amdanynt fel rhan o'r ymchwiliad hwn.

Cyflwynodd yr Ombwdsmon nifer o argymhellion, ac fe wnaeth y Gymdeithas eu derbyn:

O fewn 1 mis:

a) Darparu tystiolaeth bod y Gymdeithas wedi cydnabod y methiannau a nodwyd yn yr adroddiad hwn ac wedi ymddiheuro i Mr B amdanynt.

b) Darparu tystiolaeth bod y Gymdeithas wedi cynnig iawndal ariannol o £625 i Mr B am y poen meddwl a achoswyd iddo gan y methiannau a nodwyd yn yr adroddiad hwn. Mae hyn yn ychwanegol at y £375 a ddarparwyd eisoes, sy'n rhoi cyfanswm o £1,000 o iawndal ariannol. Nid wyf wedi ystyried iawndal am y costau a ddaeth i ran Mr B gan fod y Gymdeithas wedi rhoi sylw i hyn yn barod.

O fewn 3 mis:

c) Sicrhau bod yr holl staff perthnasol yn cael hyfforddiant i adnabod cwsmeriaid agored i niwed ac ymateb iddynt mewn ffordd briodol.

ch) Darparu tystiolaeth bod y Gymdeithas wedi datblygu a chyflwyno gweithdrefn lleithder a llwydni.

d) Sicrhau bod rhaglen hyfforddi sy'n seiliedig ar senarios yn cael ei darparu i'r holl staff perthnasol i sicrhau bod gwersi'n cael eu dysgu o'r achos hwn a bod staff yn ystyried amgylchiadau unigol wrth flaenoriaethu gwaith atgyweirio.

dd) Darparu tystiolaeth bod y Gymdeithas wedi datblygu a chyflwyno proses i sicrhau bod ceisiadau sy'n cael eu gwneud dro ar ôl tro am atgyweirio yn cael eu nodi, eu cofnodi a'u huwchgyfeirio ar gyfer ymchwiliad pellach.

e) Adolygu ei phroses rheoli cofnodion a gwneud newidiadau angenrheidiol i sicrhau ei bod yn cydymffurfio ag egwyddorion "Materion yn ymwneud â Rheoli Cofnodion yn Dda".

f) Rhannu copi o'r adroddiad hwn gyda Phwyllgor Sicrwydd y Gymdeithas, a ddylai oruchwylio a monitro cydymffurfiad yGymdeithasâ'r argymhellion hyn.

Y gŵyn

1. Cwynodd Mr B am y ffordd yr oedd cymdeithas dai Trivallis ("y Gymdeithas") wedi delio ag adroddiadau am waith atgyweirio yn ei gartref. Ystyriodd yr ymchwiliad y canlynol:

a) A ymatebodd y Gymdeithas yn briodol i adroddiadau am leithder a llwydni yng nghartref Mr B rhwng 2016 a mis Mai 2023.

b) A ymatebodd y Gymdeithas yn briodol i adroddiadau bod boeler wedi torri yng nghartref Mr B, rhwng mis Tachwedd 2023 a mis Ebrill 2024.

Yr ymchwiliad

2. Derbyniais sylwadau a chopïau o ddogfennau perthnasol gan y Gymdeithas a Mr B, ac ystyriais y rhain ar y cyd â'r dystiolaeth a ddarparwyd gan Mr B. Nid wyf wedi cynnwys pob manylyn yr ymchwiliwyd iddo yn yr adroddiad hwn, ond rwy'n fodlon nad oes dim byd o bwys wedi cael ei hepgor.

3. Cafodd Mr B a'r Gymdeithas gyfle i weld a chyflwyno sylwadau ar fersiwn ddrafft o'r adroddiad hwn cyn cyhoeddi'r fersiwn derfynol.

Deddfwriaeth a pholisïau perthnasol

4. Deddf Rhentu Cartrefi (Cymru) 2016 ("y Ddeddf"). Mae Rhan 4 o'r Ddeddf yn gosod rhwymedigaethau ar landlordiaid ynghylch cyflwr y cartrefi y maent yn eu gosod. Mae'r rhain yn cynnwys sicrhau bod annedd mewn cyflwr da ac yn addas i fod yn gartref.

- Mae adran 92 o'r Ddeddf yn datgan rhaid i landlord, o dan gontract diogel, gynnal ac atgyweirio strwythur a thu allan yr annedd.

- Mae adran 97 o'r Ddeddf yn datgan nid yw rhwymedigaethau landlord o dan Adran 92 yn codi nes iddynt ddod yn ymwybodol bod angen gwneud gwaith atgyweirio.

- Mae adran 97 hefyd yn datgan bod landlord wedi cydymffurfio â rhwymedigaethau Adran 92 os yw'n gwneud y gwaith neu'r atgyweiriadau angenrheidiol o fewn amser rhesymol.

5. Cyflwr a Diffyg Atgyweirio Tai Cymdeithasol: Adborth i Landlordiaid Cymdeithasol ("Adborth am Ddiffyg Atgyweirio"), Llywodraeth Cymru, Chwefror 2022. Mewn perthynas â diffyg atgyweirio:

- Mae "pwynt meddwl 2" yn nodi: "Dylai fod gan landlordiaid cymdeithasol brosesau, systemau a diwylliant o berchenogaeth er mwyn i broblemau allu cael eu nodi a'u huwchgyfeirio'n hawdd at sylw'r bobl iawn".

- Mae "pwynt meddwl 9" yn nodi: "Dylai landlordiaid cymdeithasol sicrhau bod mesurau ar waith i nodi'n benodol broblemau sy'n ymwneud â lleithder a llwydni y rhoddwyd gwybod amdanynt a mynd i'r afael â nhw. Dylai hyn gynnwys cynnal ymchwiliadau/archwiliadau yn ddiofyn, gan sicrhau bod cyddwysiad a'i achosion yn cael eu diagnosio'n gywir, unioni unrhyw ddiffygion cyn gynted â phosibl a rhoi cymorth a chyngor i denantiaid".

6. Mae Safon Ansawdd Tai Cymru 2023 (a gyflwynwyd yn 2002 ac a ddiweddarwyd ddiwethaf ym mis Ebrill 2024) yn nodi'r safonau a ddisgwylir ar gyfer tai cymdeithasol yng Nghymru, y mae landlordiaid yn cael eu mesur yn eu herbyn. Mae hyn yn golygu nad oes lleithder i fod mewn cartrefi, gan gynnwys cyddwysiad parhaus. Mae hefyd yn datgan y dylai fod gan gartrefi system wresogi sy'n gallu eu gwresogi i lefel gyfforddus.

7. Trechu Tlodi Tanwydd 2021 i 2035, Llywodraeth Cymru, Mawrth 2021 ("y Strategaeth Tlodi Tanwydd").[1] Mae'n diffinio trefn wresogi foddhaol ar gyfer aelwydydd sy'n cynnwys person anabl fel 23 gradd Celsius yn yr ystafell fyw ac 18 gradd Celsius mewn ystafelloedd eraill, a hynny am 16 awr mewn cyfnod o 24 awr. Mae'r diffiniad o aelwydydd agored i niwed yn cynnwys aelwydydd lle mae preswylwyr yn 60 oed neu'n hŷn a lle mae gan breswylwyr salwch neu anabledd hirdymor.

[1] Trechu Tlodi Tanwydd 2021 i 2035

8. Polisi Atgyweirio'r Gymdeithas, dyddiad cymeradwyo 10 Hydref 2023, sy'n rhoi manylion amserlenni ar gyfer gwneud gwaith atgyweirio. Mae'n nodi y bydd gwaith atgyweirio sy'n ymwneud â cholli gwres dŵr neu ofod yn gyfan gwbl yn ystod y cyfnod rhwng 31 Hydref a 1 Mai yn cael ei gwblhau o fewn 24 awr, yn ogystal â gollyngiadau o seston, tanc neu bibell ddŵr neu wresogi. Mae'n nodi y bydd gwaith atgyweirio ar do sy'n gollwng yn cael ei wneud o fewn 7 diwrnod gwaith. Mae'r gwaith atgyweirio sydd i'w gwblhau o fewn 6-12 mis yn cynnwys "Yr holl waith i atgyweirio to, dim ond yn dilyn gwaith atgyweirio dros dro".

9. Polisi Cwynion y Gymdeithas ("y Polisi Cwynion"). Mae hwn yn rhoi manylion 2 Gam proses gwynion y Gymdeithas. Datrysiad anffurfiol yw Cam 1, gyda tharged ymateb o 10 diwrnod gwaith. Ymchwiliad mewnol ffurfiol yw Cam 2, a gellir gwneud cais am hyn os yw achwynydd yn anfodlon gydag ymateb Cam 1. Mae'r Polisi Cwynion yn cynnwys yr ymrwymiad i "ymchwilio unwaith, ymchwilio'n dda". Mae hefyd yn datgan y bydd pob ymchwiliad ffurfiol yn cael ei gofnodi.

10. Rhaid i bob corff cyhoeddus a chyrff eraill sy'n cyflawni swyddogaethau cyhoeddus gydymffurfio â Deddf Hawliau Dynol 1998, a oedd yn ymgorffori'r Confensiwn Ewropeaidd ar Hawliau Dynol ("y Confensiwn") yng nghyfraith y DU. Mae Erthygl 8 o'r Confensiwn yn rhoi i unigolion yr hawl i gael parch mewn bywyd preifat a theuluol.

11. Mae Deddf Cydraddoldeb 2010 ("Ddeddf Cydraddoldeb") y yn rhoi amddiffyniad cyffredinol rhag gwahaniaethu i bobl sydd â nodweddion gwarchodedig, fel anabledd. Mae'n diffinio pobl anabl fel pobl sydd ag amhariad corfforol neu feddyliol sy'n cael effaith niweidiol "sylweddol" a "hirdymor" ar eu gallu i wneud gweithgareddau arferol o ddydd i ddydd. Mae hefyd yn gosod dyletswydd cydraddoldeb sector cyhoeddus ("yddyletswydd cydraddoldeb") ar gyrff cyhoeddus a chyrff eraill sy'n cyflawni swyddogaethau cyhoeddus. Mae'r ddyletswydd cydraddoldeb yn mynnu eu bod yn rhoi sylw dyledus i'r angen i ddileu ymddygiad sydd wedi'i wahardd gan y Ddeddf Cydraddoldeb, i hyrwyddo cyfle cyfartal rhwng pobl sydd â nodwedd warchodedig a phobl nad oes ganddynt nodwedd warchodedig, ac i feithrin cysylltiadau da rhwng yr unigolion hynny. Rhaid i gyrff cyhoeddus a chyrff eraill sy'n cyflawni swyddogaethau cyhoeddus ystyried pob un o'r nodau dyletswydd cydraddoldeb fel mater o drefn wrth wneud penderfyniadau, dylunio polisïau a darparu gwasanaethau.

12. Nid fy swyddogaeth i yw gwneud canfyddiadau pendant ynghylch a oes gwahaniaethu wedi digwydd neu a yw hawliau unigolyn wedi cael eu torri. Fodd bynnag, os nad yw corff yn rhoi sylw i Hawliau Dynol a'r Ddeddf Cydraddoldeb wrth gyflawni ei swyddogaethau, byddaf yn rhoi sylwadau ar hyn.

Canllawiau ac Adroddiad Thematig Ombwdsmon Gwasanaethau Cyhoeddus Cymru ("OGCC")

13. Byw mewn Cyflyrau Difrifol - adroddiad thematig am ddiffyg atgyweirio tai a chwynion am leithder a llwydni i fy swyddfa ("yr Adroddiad Thematig")[2], OGCC Tachwedd 2024, a oedd yn adrodd ar gwynion ynghylch lleithder, llwydni ac amodau gwael mewn tai cymdeithasol. Roedd yr Adroddiad Thematig hefyd yn ystyried sut mae darparwyr tai yn ymateb i anghenion preswylwyr agored i niwed, ac yn argymell bod atgyweiriadau'n cael eu blaenoriaethu'n briodol yn unol â pholisïau sydd wedi cael eu cyhoeddi. Er nad oedd yr adroddiad hwn wedi cael ei gyhoeddi ar y pryd, mae'r digwyddiadau hyn yn ymwneud â'r ddeddfwriaeth a'r canllawiau y cyfeirir atynt.

14. Mae Egwyddorion Gweinyddu Da OGCC[3], a gyhoeddwyd gan fy rhagflaenydd, yn rhoi canllawiau i bob corff cyhoeddus yng Nghymru eu dilyn.

- Egwyddor 2 yw "Canolbwyntio ar y Cwsmer", drwy ddelio â phobl yn gymwynasgar, yn brydlon ac yn sensitif, gan ystyried eu hamgylchiadau unigol.

- Egwyddor 5 yw "Gwneud Pethau yn Iawn" drwy gydnabod camgymeriadau a chymryd camau prydlon i unioni pethau.

Rhaid i Gyrff Cyhoeddus yng Nghymru ystyried y canllawiau hyn wrth gyflawni eu swyddogaethau.

[2] Byw mewn Cyflyrau Difrifol
[3] Egwyddorion Gweinyddu Da – o dan adran 34 o Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus Cymru 2019

15. Materion Rheoli Cofnodion yn Dda OGCC, sy'n nodi 7 egwyddor rheoli cofnodion yn dda[4].

- Egwyddor 2 yw "Bod â systemau rheoli cofnodion effeithiol ar waith" gan gynnwys systemau cadw cofnodion strwythuredig, sy'n dangos bod unrhyw gofnodion a ddinistriwyd wedi cael eu dinistrio fel rhan o arfer busnes arferol.

- Egwyddor 3 yw "Creu cofnodion dibynadwy" sy'n nodi y dylai llwybrau archwilio clir fod ar waith i ddangos pryd mae cofnod wedi cael ei greu neu ei ddiweddaru.

- Egwyddor 7 yw "Storio cofnodion yn ddiogel fel bod modd cael gafael arnynt yn hawdd pan fo angen". Dylai gwybodaeth fod yn "ddarganfyddadwy, yn hygyrch ac yn ddefnyddiadwy".

Y digwyddiadau cefndirol

16. Mae cofnodion a ddarparwyd gan y Gymdeithas yn dangos bod Mr B wedi dweud bod lleithder yn ei gegin ym mis Ionawr **2016**. Darparodd Mr B gopi o lythyr heb ddyddiad gan y Gymdeithas yn ei hysbysu bod gwaith atgyweirio i'w do i fod i gael ei wneud ar 23 Medi. Ym mis Ionawr **2018** mae cofnodion yn dangos bod adroddiad pellach ynglŷn â lleithder wedi cael ei wneud, ond ni nodir ble yng nghartref Mr B yr oedd hyn. Ym mis Rhagfyr **2019** dywedodd Mr B bod lleithder yng nghyntedd ei gartref. Nid yw'r Gymdeithas wedi gallu darparu unrhyw fanylion am y ceisiadau hyn gan fod y system cofnodi atgyweiriadau yr oedd yn ei defnyddio ar y pryd wedi cael ei datgomisiynu yn **2020** ac nid yw bellach yn gallu cael gafael ar ddata ohoni.

17. Ar 3 Mawrth **2022** adroddodd Mr B am leithder yn ei gartref. Roedd yn amau mai to'n gollwng neu broblem gyda'r gwteri oedd yn achosi hyn. Ymwelodd swyddogion o'r Gymdeithas â chartref Mr B ar 11 Mawrth, lle cadarnhawyd bod lleithder ar waliau'r landin. Penderfynwyd mai problem gyda'r ffelt ar y to oedd y rheswm am hyn. Gwnaed gwaith ar do Mr B i fynd ''r afael â'r mater ar 26 Ebrill.

[4] Materion yn ymwneud â Rheoli Cofnodion yn Dda

18. Ar 24 Awst cysylltodd Mr B â'r Gymdeithas gan ei fod yn amau bod y to'n gollwng eto, er gwaethaf y gwaith a wnaed ym mis Ebrill. Dywedodd ei fod hefyd yn cael problemau gyda lleithder mewn llefydd eraill ar lawr gwaelod ei gartref.

19. Aeth swyddogion o'r Gymdeithas i gartref Mr B ar 28 Medi. Roedd man gwlyb ar wal wrth ymyl ystafell ymolchi Mr B, a hynny mae'n debyg oherwydd bod sêl y bath wedi methu. Ni ddaethpwyd o hyd i unrhyw ddiffygion ar y to a chofnodwyd mai "cyddwysiad ar y grisiau oedd y broblem".

20. Cofnododd y Gymdeithas leithder cymharol o 71.4% ar gyfer lolfa cartref Mr B, sydd gryn dipyn yn uwch na'r uchafswm a argymhellir, sef 60%. Cofnodwyd bod cynnwys lleithder y sgyrtin yn 999. Cofnodwyd bod gan y waliau leithder pren oedd yn cyfateb i 999. Dyma'r sgoriau uchaf posibl, sy'n dangos eu bod yn eithriadol o wlyb. Cofnodwyd mai 16.3°C oedd tymheredd y wal.

21. Cofnodir arsylwadau gweledol ond ni phennir i ba ystafell neu ystafelloedd y maent yn perthyn. Cofnodir bod llwydni'n tyfu, paent yn pothellu, plastr yn erydu a phren yn pydru. O dan adran o'r enw "Diagnosis", mae symbol wedi'i ysgrifennu â llaw wrth ymyl y cofnod "lleithder codi" ac "N" wrth ymyl "cyddwysiad". Cynhaliwyd archwiliad o'r wal geudod, ond ni chanfuwyd beth oedd wrth wraidd y broblem.

22. Adroddwyd bod archwiliad o'r to wedi'i gynnal ar 19 Hydref a oedd yn nodi bod ffelt y to wedi'i osod yn gywir, nad oedd unrhyw broblemau gyda'r to a bod lleithder yn cael ei achosi gan gyddwysiad ar y grisiau. Fodd bynnag, deallwyd yn ystod yr ymchwiliad hwn nad oedd archwiliad wedi cael ei gynnal a bod gweithwyr y Gymdeithas wedi defnyddio ffotograffau blaenorol i ysgrifennu eu hadroddiad.

23. Ar 4 Ionawr **2023** dywedodd Mr B ei fod yn amau bod lleithder ar du blaen ei gartref. Aeth syrfëwr o'r Gymdeithas i gartref Mr B ar 11 Ionawr a daeth i'r casgliad bod angen archwilio'r to. Cynhaliwyd yr archwiliad hwn ar 1 Mawrth. Canfuwyd bod problem barhaus gyda lleithder, ond nid oedd yn amlwg beth oedd yn ei achosi. Dywedodd y byddai angen sgaffaldiau i ymchwilio ymhellach i'r to, gan fod angen tynnu rhai rhannau o deils. Codwyd sgaffaldiau ac atgyweiriwyd to Mr B ar 2 Mai.

24. Ar 17 Ionawr **2024** cyflwynodd Mr B adroddiad atgyweirio y tu allan i oriau gan fod nam ar ei foeler. Daeth swyddog o'r Gymdeithas yno'r diwrnod hwnnw a newid cynhwysydd ehangu (a ddefnyddir i reoli gwasgedd pan fydd dŵr yn cynhesu ac yn oeri) ar y boeler. Ar 3 Chwefror gwnaed ail gais y tu allan i oriau i atgyweirio'r boeler. Aeth swyddog o'r Gymdeithas i gartref Mr B y diwrnod wedyn. Yn ôl y nodiadau a wnaed ar y pryd, roedd y gwasgedd yn y boeler wedi codi, roedd problem barhaus gyda'r falf ynysu (sy'n rheoli llif y dŵr i'r system gwres canolog) ac roedd angen gwneud gwaith atgyweirio pellach.

25. Ar 14 Chwefror cofnodwyd cais arall i atgyweirio'r boeler. Mae hwn yn cyfeirio at broblem barhaus frys lle'r oedd y falf ynysu'n gollwng. Roedd angen gwneud gwaith i'w atgyweirio cyn gynted â phosibl.

26. Mae llythyr heb ddyddiad arno gan y Gymdeithas, a anfonwyd at wraig Mr B (Mrs B), yn cyfeirio at y gwaith atgyweirio fel "problem barhaus frys" a bod angen "atgyweirio cyn gynted â phosibl". Ymwelodd peiriannydd â chartref Mr B ar 20 Chwefror ac atgyweirio'r falf ynysu, ond nodwyd nad oedd yn gallu ei thynnu a bod angen ymweliad arall.

27. Dywedodd y Gymdeithas ei bod wedi ceisio cysylltu â Mrs B ar 8 Mawrth i drefnu apwyntiad ar gyfer y diwrnod hwnnw, ond nad oedd wedi cael ateb. O ganlyniad, trefnwyd apwyntiad ar gyfer 12 Mawrth. Ar 12 Mawrth ffoniodd Mrs B i ganslo'r apwyntiad gan fod angen iddi fynd i'r gwaith. Aildrefnwyd yr apwyntiad ar gyfer 3 Ebrill ond fe'i canslwyd gan y Gymdeithas ar 2 Ebrill gan fod y peiriannydd yn sâl. Darparwyd dyddiad newydd o 10 Mai gan y Gymdeithas i beiriannydd fod yn bresennol. Cysylltodd Mrs B â'r Gymdeithas i gwyno am yr oedi cyn atgyweirio'r boeler. Ymwelodd goruchwyliwr â chartref Mr B ar 4 Ebrill i asesu'r gwaith angenrheidiol a chafodd y falf a oedd wedi torri ei newid y diwrnod canlynol.

Cwynion a Gyflwynwyd i'r Gymdeithas

28. Ar 11 Ionawr 2023 cwynodd Mr B i'r Gymdeithas. Cwynodd am nifer o faterion, gan gynnwys nad oedd y Gymdeithas wedi archwilio ei do fel y trefnwyd ar 19 Hydref 2022, a'i fod yn dal i gael problemau gyda lleithder a llwydni yn ei gartref.

29. Rhoddodd y Gymdeithas gopi i'm swyddfa o'i hymateb Cam 1 gwreiddiol i gŵyn Mr B, dyddiedig 23 Ionawr. Mae'r ymateb yn nodi bod 2 aelod o staff wedi archwilio to Mr B ar 19 Hydref 2022, wedi tynnu lluniau, ac wedi dod i'r casgliad nad oedd problemau gyda'r to na'r gwteri. Dywedwyd bod y llwydni du yng nghartref Mr B yn cael ei achosi gan gyddwysiad, yn hytrach nag unrhyw broblem gyda'r to. Dywedwyd, oherwydd mai lleithder oedd wedi cael y bai am y llwydni yn y gorffennol, a hynny'n anghywir, fod oedi wedi bod wrth fynd i'r afael â'r mater. Felly, nid oeddent yn cadarnhau'r rhan hon o'r gŵyn.

30. Darparodd Mr B gopi o'r ymateb terfynol a dderbyniodd gan y Gymdeithas, dyddiedig 20 Mawrth. O ran y to, mae'r ymateb terfynol a ddarparwyd gan Mr B i ddechrau yn ailadrodd yr un wybodaeth a roddwyd yn y copi o'r ymateb gwreiddiol a roddodd y Gymdeithas i'm swyddfa. Fodd bynnag, mae'r ymateb terfynol yn mynd ymlaen i nodi "ar ôl ymchwilio ymhellach i'r mater, mae'n ymddangos nad oedd y towyr wedi cynnal archwiliad a'u bod wedi defnyddio hen ymweliad fel tystiolaeth". Ymddiheurodd am hyn a dywedodd fod y mater wedi cael ei drosglwyddo i'r rheolwyr ymchwilio iddo. Dywedwyd hefyd y byddai archwiliad o'r to yn cael ei gynnal cyn gynted â phosibl, gyda golwg ar wneud gwaith atgyweirio pan fyddai'r tywydd yn gwella.

31. O ran llwydni, mae'r ymateb terfynol yn nodi "bod tystiolaeth o ddŵr yn mynd i mewn ac yn achosi llwydni du". Nid oes unrhyw sôn am gyddwysiad.

32. Ar 17 Awst cysylltodd Mr B â'r Gymdeithas. Nododd, ar ôl yr ymateb terfynol i'r gŵyn ar 20 Mawrth, fod y swyddog ymchwilio wedi dweud y byddai iawndal yn cael ei ystyried, ond nad oedd wedi clywed dim byd pellach.

33. Ar 17 Tachwedd rhoddodd y Gymdeithas ymateb Cam 2 i gŵyn Mr B. Mae adran sy'n rhoi'r rheswm dros y gŵyn yn cynnwys llawer o'r ymateb Cam 1 gwreiddiol a ddarparwyd i'm swyddfa, dyddiedig 23 Ionawr. Mae hyn yn cynnwys yr honiad bod archwiliad wedi cael ei gynnal ar 19 Hydref 2022, nad oedd wedi canfod unrhyw broblemau gyda tho Mr B, ac mae'n datgan na chadarnhawyd y rhan hon o gŵyn Mr B. Mae hefyd yn ailadrodd y cyfeiriad at gyddwysiad yn achosi llwydni du, yn hytrach na dŵr yn dod i mewn.

34. Dywedodd fod yr adroddiad cyntaf mewn perthynas â tho Mr B wedi'i gyflwyno ar 6 Gorffennaf 2020 a bod sawl cais wedi cael ei wneud i atgyweirio'r to ers y dyddiad hwn. Roedd yr ymateb yn nodi bod timau wedi ymweld ac wedi dweud nad oedd unrhyw arwyddion o waith atgyweirio, a dyna pam y credid bod cyddwysiad wedi bod yn broblem. Dywedodd, pan nad oedd ymdrechion i drin cyddwysiad yn llwyddiannus, fod rhagor o waith ymchwilio wedi cael ei wneud. Yn sgil hynny, roedd y broblem wedi cael ei chanfod a'r gwaith atgyweirio wedi cael ei wneud ym mis Mai y flwyddyn honno. Roedd yn cydnabod bod gwaith atgyweirio wedi cael ei wneud yng nghartref Mr B oherwydd difrod dŵr. Roedd yn dweud bod "to'r tenant wedi bod yn gollwng rhwng mis Gorffennaf 2020 a mis Mai 2023". Cynigiwyd £300 o iawndal i Mr B i gydnabod yr oedi hwn a'r tarfu a'r anhwylustod a achoswyd iddo.

35. Ar 4 Ebrill 2024 cysylltodd Mrs B â'r Gymdeithas i gwyno am yr amser yr oedd yn ei gymryd i atgyweirio'r boeler. Ar 17 Ebrill anfonodd y Gymdeithas ymateb i gŵyn Mrs B. Ymddiheurodd am yr amser yr oedd wedi'i gymryd i atgyweirio'r boeler, a oedd wedi cael ei atgyweirio ers hynny, a chynigodd daliad o £75 iddi i gydnabod yr anhwylustod.

36. Ar 9 Mai ffoniodd Mrs B y Gymdeithas i ofyn i'w chwyn gael ei huwchgyfeirio i Gam 2 o drefn gwyno'r Gymdeithas. Ymatebodd y Gymdeithas ar 7 Mehefin. Dywedodd fod y cynnig o £75 yn ffordd deg o ddatrys yr anghyfleustra a achoswyd. Cwynodd Mr B i'm swyddfa ym mis Gorffennaf.

Tystiolaeth Mr B

37. Dywedodd Mr B fod y problemau gyda'r gwaith atgyweirio yn ei gartref a sut yr oedd y Gymdeithas wedi ymateb i'w gwynion wedi cael effaith sylweddol ar ei iechyd corfforol a meddyliol. Mae ganddo arthritis (cyflwr sy'n achosi poen a llid yn y cymalau) ac osteoporosis (cyflwr sy'n gwanhau'r esgyrn) a dywedodd fod y ddau gyflwr wedi gwaethygu oherwydd yr amodau oer a llaith. Dywedodd Mr B ei fod ef a'i wraig yn falch iawn o'u cartref a'u bod wedi gwneud popeth yn eu gallu i'w gynnal a'i gadw. Dywedodd fod blynyddoedd o gysylltu â'r Gymdeithas i drefnu i atgyweiriadau gael eu gwneud wedi bod yn ffynhonnell straen enfawr, ac o ganlyniad i hyn roedd wedi cael meddyginiaeth ar bresgripsiwn ac wedi cael ei gyfeirio at wasanaeth cwnsela.

38. Dywedodd Mr B, pan oedd y Gymdeithas wedi gwneud gwaith ar y to, ei fod yn cael gwybod bod y broblem lleithder a llwydni wedi cael ei datrys. Yna, byddai'n trefnu i ailaddurno, ond byddai'r lleithder a'r llwydni'n ailymddangos, mewn cylch a ddisgrifiodd fel un "torcalonnus". Dywedodd Mr B ei fod wedi wynebu costau ariannol sylweddol o dros £800 i wneud y gwaith addurno hwn.

39. Dywedodd Mr B fod y ffordd yr ymdriniodd y Gymdeithas â'i gŵyn wedi achosi poen meddwl a dryswch iddo. Dywedodd fod y Swyddog Ymchwilio wedi ymweld â'i gartref ar ôl yr ymateb gwreiddiol i gŵyn Cam 1 dyddiedig 23 Ionawr. Yn ystod yr ymweliad hwnnw, dangosodd y Swyddog Ymchwilio i Mr B y ffotograffau a gyflwynwyd gan staff y Gymdeithas fel tystiolaeth bod archwiliad wedi'i gynnal o'r to ar 19 Hydref 2022. Tynnodd Mr B sylw at y ffaith bod sgaffaldiau i'w gweld yn y ffotograffau, ac nad oedd sgaffaldiau yno ar 19 Hydref. Yn dilyn yr ymweliad hwnnw anfonwyd yr ymateb diwygiedig i'r gŵyn, dyddiedig 20 Mawrth.

40. Yr hyn a oedd yn peri pryder penodol i Mr B oedd y gwahaniaethau sylweddol rhwng yr ymatebion a gafodd o dan Cam 1 a Cham 2. Dywedodd nad oedd yn deall pam fod ymateb Cam 2 yn cyfeirio at ei gŵyn am atgyweiriadau i'r to ddim yn cael ei chadarnhau, pan oedd y Gymdeithas wedi cydnabod yn flaenorol fod staff wedi dweud celwydd am ddod i weld. Dywedodd fod hyn yn gwneud iddo deimlo nad oedd y Gymdeithas yn cymryd ei bryderon o ddifrif.

41. Dywedodd Mr B fod ei gartref yn oer iawn yn ystod y cyfnod pan oedd yn aros i'r boeler gael ei atgyweirio. Gan nad oedd y boeler yn gweithio'n iawn, nid oedd bob amser yn gallu defnyddio'r system gwres canolog. Dywedodd fod hyn yn broblem benodol iddo oherwydd ei gyflyrau meddygol a'i fod yn gorfod treulio amser mewn llefydd eraill gan fod y tŷ'n rhy oer iddo.

Tystiolaeth y Gymdeithas

42. Pan ofynnwyd i'r Gymdeithas pryd oedd y tro cyntaf iddi gael adroddiad am do yn gollwng yng nghartref Mr B, dywedodd fod ganddi nodyn yn dyddio'n ôl i fis Ionawr 2016 lle'r oedd sôn am leithder posibl yn y gegin, ond nid oedd yn gallu darparu rhagor o fanylion. Y rheswm am

hyn oedd bod y system atgyweirio a ddefnyddiwyd ar y pryd wedi cael ei datgomisiynu ym mis Mehefin 2020 ac nad oes gwybodaeth benodol am atgyweirio ar gael mwyach.

43. Pan ofynnwyd beth arweiniodd at ganfod y broblem gyda tho Mr B a'i atgyweirio ym mis Mai 2023, dywedodd y Gymdeithas ei bod wedi bod yno sawl gwaith cyn hyn er mwyn datrys y problemau gyda'r to.

44. Dywedodd y Gymdeithas fod gweithdrefn lleithder a llwydni wedi cael ei llunio ym mis Rhagfyr 2024. Roedd y copi a ddarparwyd ar ffurf drafft. Pan ofynnwyd am hyn, dywedodd y Gymdeithas fod y weithdrefn wedi'i mabwysiadu'n ddiweddarach, ond sefydlwyd yn eithaf buan nad oedd y weithdrefn yn ddigonol. Dywedodd y Gymdeithas fod yr holl waith atgyweirio ar y boeler wedi'i gwblhau o fewn yr amserlenni a nodir yn ei pholisi atgyweirio, ond roedd yn cydnabod y byddai amserlen fyrrach wedi bod yn fwy addas. Dywedodd na chafodd Mr B ei adael heb wres na dŵr poeth ar unrhyw adeg, ond ni allai ddarparu tystiolaeth i gefnogi hyn.

45. Cadarnhaodd y Gymdeithas ei bod yn ymwybodol bod Mr B wedi dweud ym mis Medi 2022 ei fod yn anabl, a'i bod hefyd yn ymwybodol ei fod yn fregus.

46. Pan ofynnwyd iddi, gwrthododd y Gymdeithas ddarparu copïau neu drawsgrifiadau o geisiadau a wnaed gan Mr a Mrs B i atgyweirio. Dywedodd y byddai'r rhain yn cymryd cryn dipyn o amser ac adnoddau i'w darparu.

47. Ar ôl i mi ddechrau'r ymchwiliad hwn, cysylltodd y Gymdeithas â Mr B a chynnig taliad o £1,500 iddo. Roedd hyn yn cynnwys costau a ysgwyddwyd gan Mr B i addurno'r cyntedd, y grisiau a'r landin, taliad am fethu apwyntiadau a thaliad o £300 i gydnabod yr anhwylustod a ddioddefodd.

48. O ran y ddau ymateb Cam 1 a anfonwyd at Mr B, dywedodd y Gymdeithas ei bod yn ymddangos bod y Swyddog Ymchwilio wedi rhoi'r ymateb terfynol y tu allan i'r broses gwyno arferol. O'r herwydd, nid oedd y Tîm Cwynion yn ymwybodol bod ymateb Cam 1 diwygiedig wedi cael ei anfon.

Dadansoddiad a chasgliadau

a) A ymatebodd y Gymdeithas yn briodol i adroddiadau am leithder a llwydni yng nghartref Mr B rhwng 2016 a mis Mai 2023.

49. Darparodd Mr B gopi o lythyr gan y Gymdeithas yn ei hysbysu y byddai gwaith i atgyweirio ei do yn cael ei wneud ym mis Medi 2016. Mae hynny'n golygu, pan gafodd to Mr B ei atgyweirio'n llwyddiannus o'r diwedd ym mis Mai 2023 ei fod wedi bod yn gollwng yn ysbeidiol am bron i 7 mlynedd. Mae'r Ddeddf yn ei gwneud yn ofynnol i landlordiaid wneud gwaith atgyweirio o fewn amser rhesymol ac i safon resymol. Ni wnaed hyn yn achos Mr B. Mae hefyd yn llawer uwch na'r targed o 7 diwrnod gwaith yn y Polisi Atgyweirio ar gyfer atgyweirio to.

50. Ym mis Medi 2022, canfu archwiliad o gartref Mr B broblemau clir o ran lleithder a llwydni. Ymatebodd y Gymdeithas i hyn drwy archwilio'r wal geudod, ond ni ddangosodd hynny beth oedd y rheswm dros y broblem. Nid wyf wedi gweld unrhyw dystiolaeth bod y Gymdeithas wedi gweithredu ymhellach ar ôl yr archwiliad hwn i weld beth oedd yr achos. Parhaodd Mr B i roi gwybod am broblemau gyda lleithder a llwydni dros y 2 flynedd ganlynol.

51. Nid oedd y Gymdeithas wedi ymateb yn briodol i adroddiadau am leithder a llwydni yng nghartref Mr B. Pan roddodd Mr B wybod i'r Gymdeithas am y problemau, ni chawsant sylw yn unol â pholisïau a chanllawiau perthnasol. Mae'r rhain yn fethiannau ac yn anghyfiawnder i Mr B. Yn ogystal ag achosi poen meddwl iddo, roedd y methiannau hyn yn golygu ei fod wedi byw mewn cartref lle'r oedd gwaith atgyweirio heb ei wneud am bron i 7 mlynedd. Yn unol â hynny, **rwy'n cadarnhau** cwyn Mr B.

b) A ymatebodd y Gymdeithas yn briodol i adroddiadau bod boeler wedi torri yng nghartref Mr B rhwng mis Tachwedd 2023 a mis Ebrill 2024.

52. Dywedodd y Gymdeithas fod y gwaith atgyweirio ar y boeler wedi cael ei wneud o fewn yr amserlenni a nodir yn ei pholisi atgyweirio. Roedd Mr B wedi dweud bod problem gyda'i foeler ar 17 Ionawr 2024. Ar 3 Chwefror, nodwyd bod problem gyda'r falf ynysu, a oedd yn gollwng. Disgrifiodd y Gymdeithas y gwaith atgyweirio fel gwaith brys. Mae'r

Polisi Atgyweirio yn datgan bod pibell ddŵr neu bibell wresogi'n gollwng yn waith atgyweirio brys y dylid ei gwblhau o fewn 24 awr. Er gwaethaf hyn, o'r diwedd, trefnwyd apwyntiad i atgyweirio'r boeler ar gyfer 10 Mai, dros 3 mis ar ôl canfod y nam.

53. Mae'n destun pryder i mi y byddai'r oedi cyn gwneud y gwaith atgyweirio wedi bod hyd yn oed yn fwy pe na bai Mrs B wedi cwyno i'r Gymdeithas. Mae hwn yn fethiant difrifol. Ni ddylai preswylwyr orfod gwneud cwynion i'w landlord er mwyn i atgyweiriadau brys gael eu gwneud. Ar ôl i Mrs B gwyno, cafodd y gwaith atgyweirio ei gwblhau y diwrnod canlynol, sy'n dangos nad oedd hwn yn fater cymhleth ac y gallai fod wedi cael ei ddatrys yn gynt o lawer.

54. Mae Mr B wedi dweud bod cyfnodau pan gafodd ei adael heb wres wrth aros i'r boeler gael ei atgyweirio. Roedd y Gymdeithas yn dweud nad yw hyn yn wir. Gan nad yw'r Gymdeithas wedi darparu unrhyw dystiolaeth i gefnogi'r honiad ac nad yw wedi darparu trawsgrifiadau o'r ceisiadau atgyweirio, rwyf wedi fy argyhoeddi bod cyfrif Mr B yn gredadwy. O'r cofnodion sydd ar gael gan y Gymdeithas, maent yn cefnogi cyfrif Mr B oherwydd maent yn cyfeirio at golli gwasgedd, a falf yn gollwng - sy'n gallu lleihau effeithlonrwydd boeler ac yn gallu gwneud iddo gau i lawr. Ar sail y dystiolaeth sydd ar gael, rwyf felly'n fodlon bod Mr B wedi cael ei adael heb wres yn ystod y cyfnod hwn.

55. Yn ystod y cyfnod yr oedd disgwyl i'r boeler gael ei atgyweirio, nid oedd Mr B yn gallu cynhesu ei gartref i lefel gyfforddus. Mae hyn yn groes i Safon Ansawdd Tai Cymru. Mae hefyd yn groes i ofynion y Ddeddf gan na wnaethpwyd atgyweiriadau o fewn amser rhesymol. Ni wnaeth y Gymdeithas ymateb yn briodol i adroddiadau bod boeler wedi torri yng nghartref Mr B ac ni chadwodd at ei pholisi atgyweirio. Mae hwn yn fethiant a achosodd anghyfiawnder i Mr B oherwydd nad oedd yn gallu gwresogi ei gartref yn ddigonol. Yn unol â hynny, **rwy'n cadarnhau** ei gŵyn.

56. Er nad oedd yn fater a nodwyd yn benodol ar gyfer ymchwiliad, mae gennyf hefyd bryderon ynghylch y ffordd yr oedd y Gymdeithas wedi ymateb i gŵyn Mr B.

57. Daeth yr ymateb i'r gŵyn a anfonodd y Gymdeithas at Mr B ym mis Tachwedd 2023 i'r casgliad bod y to wedi bod yn gollwng ers mis Gorffennaf 2020 gan mai dyna r cofnod cyntaf o broblem gyda'r to a oedd ganddi. Fodd bynnag, mae Mr B wedi darparu llythyr i'm swyddfa o 2016 yn cyfeirio at atgyweirio'r to.

58. Ni allaf ond dyfalu bod y Gymdeithas wedi datgan yn anghywir bod yr adroddiad cyntaf yn ymwneud â'r to ym mis Gorffennaf 2020 oherwydd ei fod wedi newid ei system atgyweirio ym mis Mehefin 2020 ac nid oedd bellach yn gallu cael gafael ar wybodaeth o'r hen system. Mae hyn yn golled sylweddol o wybodaeth, sy'n amlwg wedi effeithio ar yr ymchwiliad i gŵyn Mr B. Mae hefyd yn groes i ddogfen fy swyddfa, "Materion yn ymwneud â Rheoli Cofnodion yn Dda", gan ei fod yn golygu nad oedd cofnodion yn cael eu cadw nac ar gael i'w gweld. Ar ben hynny, roedd colli'r wybodaeth a oedd yn cael ei chadw ar y system flaenorol yn golygu nad oedd gan y Gymdeithas unrhyw ffordd o sefydlu pa waith yr oedd wedi'i wneud yn flaenorol ar eiddo Mr B.

59. O ran rheoli cofnodion, rwyf hefyd yn bryderus bod y Gymdeithas wedi methu darparu copi o'r ymateb Cam 1 terfynol diwygiedig a anfonwyd at Mr B, gan ddarparu fersiwn gynharach yn lle hynny a oedd yn cynnwys canlyniad gwahanol. Mae'r methiant hwn i gadw cofnodion cywir yn ddifrifol, ac yn groes i'r "Egwyddorion Gweinyddu Da" a gyhoeddwyd gan fy swyddfa.

60. Mae hyn yn cael ei waethygu ymhellach gan nad oedd yr ymateb Cam 2 yn cyd-fynd â'r ymateb Cam 1 diwygiedig a gafodd Mr B. Roedd yr ymateb Cam 2 yn cyfeirio at elfennau o gŵyn Mr B a gadarnhawyd yng Ngham 1 fel rhai nad oedd wedi eu cadarnhau, ac yn nodi nad oedd problem gyda'r to. Mae camgymeriad mor sylfaenol yn bwrw amheuaeth ar ddibynadwyedd ymchwiliad Cam 2 ac mae'n ddealladwy bod hyn wedi peri dryswch a gofid i Mr B.

61. Mae'r ymchwiliad hwn wedi canfod problemau systemig posibl gyda gwasanaeth atgyweirio'r Gymdeithas. Roedd yr ymateb i'r gŵyn a gyhoeddwyd ym mis Tachwedd 2023 yn cydnabod bod to Mr B yn gollwng ers bron i 3 blynedd cyn iddo gael ei atgyweirio. Mae'r ymchwiliad hwn wedi canfod ei bod wedi cymryd bron i 7 mlynedd i gwblhau'r gwaith atgyweirio. Nid yw'r Gymdeithas wedi rhoi esboniad pam na chafodd y mater hwn ei ddatrys yn gynt, er bod Mr B wedi gwneud llawer o geisiadau am atgyweirio. Nid yw ychwaith wedi gallu manylu ar yr hyn a arweiniodd yn y pen draw at wneud gwaith atgyweirio llwyddiannus. O'r herwydd, rwy'n bryderus nad oes gwersi wedi cael eu dysgu o'r achos hwn, ac y gallai methiannau o'r fath ddigwydd eto.

62. Mae'r materion a nodwyd yn ystod yr ymchwiliad hwn yn arwyddocaol. Nid aeth gweithwyr y Gymdeithas i gartref Mr B i archwilio ei do. Defnyddiwyd ffotograffau o ymweliad blaenorol i gefnogi'r honiad anghywir eu bod wedi gwneud hynny. Pe bai'r archwiliad wedi mynd rhagddo, mae'n bosibl y byddai'r broblem gyda tho Mr B wedi dod i'r amlwg ym mis Hydref 2022. Yn hytrach, bu'n rhaid i Mr B ddioddef gaeaf arall gyda tho diffygiol a oedd yn achosi lleithder a llwydni yn ei gartref.

63. Roedd anallu'r Gymdeithas i gael gafael ar gofnodion o'r system atgyweirio a ddatgomisiynwyd ym mis Mehefin 2020 yn amlwg yn llesteirio'r ymchwiliad i gŵyn Mr B. Mae'n destun pryder i mi y gallai achwynwyr eraill fod wedi bod dan anfantais yn yr un modd. Mae'r ffaith bod y Gymdeithas wedi methu darparu copïau o'r cwynion a wnaed gan Mr a Mrs B hefyd yn codi cwestiynau ynghylch pa mor drylwyr yr ymchwilir i gwynion gan nad yw'r wybodaeth ar gael yn rhwydd.

64. Nid yw'r Gymdeithas wedi darparu copi o'r ymateb diwygiedig i'r gŵyn a anfonwyd at Mr B, nac unrhyw gofnodion eraill o Mr B yn cysylltu â'r Gymdeithas yn dilyn yr ymateb cyntaf a'r ymweliad dilynol â'i gartref gan y Swyddog Ymchwilio. Nid yw ychwaith wedi darparu gohebiaeth arall, y mae gan Mr B gopïau ohoni, sy'n ymwneud ag atgyweiriadau yn ei gartref, er bod fy Swyddog Ymchwilio wedi gofyn amdani. Mae hyn yn awgrymu naill ai bod diffygion difrifol o ran cadw cofnodion gan y Gymdeithas neu fod gwybodaeth wedi cael ei dal yn ôl yn fwriadol. Er bod gennyf bwerau statudol i fynnu bod dogfennau sy'n berthnasol i ymchwiliad yn cael eu cyflwyno, gan fy mod yn gallu dod i gasgliadau

ar sail y wybodaeth sydd ar gael, nid oeddwn o'r farn bod hyn yn angenrheidiol nac yn gymesur yn yr achos hwn. Fodd bynnag, rwyf yn disgwyl i'r Gymdeithas fod yn gwbl agored a thryloyw wrth ddelio â'm swyddfa.

65. Rwyf hefyd o'r farn bod y methiannau a nodwyd yn yr achos hwn yn rhai y gall sefydliadau eraill ddysgu ohonynt. Mae'r ymchwiliad hwn wedi tynnu sylw at bwysigrwydd cadw cofnodion llawn a chywir. Collwyd llawer o gyfleoedd i nodi'r ceisiadau i atgyweirio a wnaed dro ar ôl tro gan Mr B, ac roedd methiannau i fynd i'r afael â'r rhain. Nid wyf wedi gweld unrhyw dystiolaeth bod y Gymdeithas wedi ystyried anghenion Mr B mewn perthynas â'i anabledd, na bod ganddi bolisi ynghylch ceisiadau atgyweirio gan aelwydydd sy'n cynnwys pobl agored i niwed. Am y rhesymau hyn rwyf o'r farn bod yr adroddiad hwn o ddiddordeb ehangach i'r cyhoedd.

66. Mae Erthygl 8 o'r Confensiwn yn ei gwneud yn ofynnol i gyrff cyhoeddus, a chyrff eraill sy'n cyflawni swyddogaethau cyhoeddus, barchu cartrefi a bywydau teuluol unigolion. Mae parch yn cynnwys sicrhau bod cartrefi'n cael eu cynnal a'u cadw mewn cyflwr da, a gwrando a chymryd camau priodol pan fydd problemau'n codi. Rwyf o'r farn bod Erthygl 8 yn berthnasol i amgylchiadau'r gŵyn hon, gan nad oedd y Gymdeithas wedi ymateb yn briodol i adroddiadau atgyweirio Mr B. O'r herwydd, cododd sefyllfa lle gallai hawl Mr B i barch tuag at ei gartref a'i fywyd teuluol fod wedi cael ei rhoi yn y fantol.

67. Mae'r Gymdeithas wedi cydnabod bod Mr B wedi dweud ym mis Medi 2022 fod ganddo anabledd. Nid wyf wedi gweld unrhyw dystiolaeth bod manylion hyn, na'r effaith ar Mr B, wedi cael eu cofnodi ar y pryd. Nid yw'r Gymdeithas wedi dangos ei bod wedi ystyried sut y gallai fod angen iddi addasu'r gwasanaeth a ddarparwyd i Mr B yng ngoleuni hyn, fel a oedd y gwres yn ei gartref yn ddigonol ar gyfer ei anghenion. Nid fy lle i yw gwneud penderfyniad pendant ynghylch a yw corff wedi cydymffurfio â thelerau'r Ddeddf Cydraddoldeb, ond gallaf ystyried a yw sefydliad wedi rhoi sylw dyledus i'w rwymedigaethau. Mae'r methiant i ystyried anghenion Mr B yn awgrymu ei bod yn bosibl nad yw'r Gymdeithas wedi rhoi sylw dyledus i'w dyletswyddau o dan y Ddeddf.

Argymhellion

68. Rwy'n **argymell** y dylai'r Gymdeithas wneud y canlynol o fewn **1 mis** i ddyddiad yr adroddiad hwn:

a) Darparu tystiolaeth bod y Gymdeithas wedi cydnabod y methiannau a nodwyd yn yr adroddiad hwn ac wedi ymddiheuro i Mr B amdanynt.

b) Darparu tystiolaeth bod y Gymdeithas wedi cynnig iawndal ariannol o £625 i Mr B am y poen meddwl a achoswyd iddo gan y methiannau a nodwyd yn yr adroddiad hwn. Mae hyn yn ychwanegol at y £375 a ddarparwyd eisoes, sy'n rhoi cyfanswm o £1,000 o iawndal ariannol. Nid wyf wedi ystyried iawndal am y costau a ddaeth i ran Mr B gan fod y Gymdeithas wedi rhoi sylw i hyn yn barod.

69. Rwy'n **argymell** y dylai'r Gymdeithas wneud y canlynol o fewn **3 mis** i ddyddiad yr adroddiad hwn:

c) Sicrhau bod yr holl staff perthnasol yn cael hyfforddiant i adnabod cwsmeriaid agored i niwed ac ymateb iddynt mewn ffordd briodol.

ch) Darparu tystiolaeth bod y Gymdeithas wedi datblygu a chyflwyno gweithdrefn lleithder a llwydni.

d) Sicrhau bod rhaglen hyfforddi sy'n seiliedig ar senarios yn cael ei darparu i'r holl staff perthnasol i sicrhau bod gwersi'n cael eu dysgu o'r achos hwn a bod staff yn ystyried amgylchiadau unigol wrth flaenoriaethu gwaith atgyweirio.

dd) Darparu tystiolaeth bod y Gymdeithas wedi datblygu a chyflwyno proses i sicrhau bod ceisiadau sy'n cael eu gwneud dro ar ôl tro am atgyweirio yn cael eu nodi, eu cofnodi a'u huwchgyfeirio ar gyfer ymchwiliad pellach.

e) Adolygu ei phroses rheoli cofnodion a gwneud newidiadau angenrheidiol i sicrhau ei bod yn cydymffurfio ag egwyddorion "Materion yn ymwneud â Rheoli Cofnodion yn Dda".

f) Rhannu copi o'r adroddiad hwn gyda Phwyllgor Sicrwydd y Gymdeithas, a ddylai oruchwylio a monitro cydymffurfiad y Gymdeithas â'r argymhellion hyn.

70. Rwy'n falch o nodi bod **Trivallis**, wrth gyflwyno sylwadau ar fersiwn ddrafft yr adroddiad hwn, wedi cytuno i roi'r argymhellion hyn ar waith.

Michelle Morris 23 Hydref 2025

Michelle Morris
Ombwdsmon Gwasanaethau Cyhoeddus

Ombwdsmon Gwasanaethau Cyhoeddus Cymru
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Ffôn:	0300 790 0203
Gwefan:	www.ombwdsmon.cymru
E-bost:	ask@ombudsman.wales
Dilynwch ni ar X:	@OmbudsmanWales