



# Agenda

- ▶ Background
- ▶ New 'Complaint Handling Code'
  - background and aims
  - key points
- ▶ New Housing Ombudsman Scheme
  - new requirements and powers
  - compliance: 'complaint handling failure orders'
- ▶ Implementation and timings
- ▶ Q&A

# Background

## The Green Paper

- ▶ difficulties raising a complaint (access)
- ▶ no information on process
- ▶ difficult to navigate
- ▶ lack of consistency between landlords
- ▶ too long
- ▶ unable to hold landlords to account
- ▶ awaiting White Paper



Ministry of Housing,  
Communities &  
Local Government

A new deal for  
social housing

**Housing**  
Ombudsman Service

# Background

- ▶ Ombudsman's experience:
  - delays in landlords engaging with residents
  - not accepting or escalating complaints
  - delays in engaging with us (providing evidence)
- ▶ Ombudsman's response: Complaint Handling Code
- ▶ Consultation with sector
  - residents and landlords
  - TPAS, TAROE, NFA, ARCH, CIH, Housemark, NHF, landlords

# Background – regulatory requirements

- Clear, simple and accessible approach to complaints
- Offer a range of ways for tenants to express a complaint
- Set out clear service standards
- Detail what to do if unhappy with outcome
- Inform tenants how complaints are used to improve service
- Publish info about number, nature & outcome each year

**Housing**  
Ombudsman Service

# The Complaint Handling Code and its aims

- ▶ framework to promote high-quality complaint handling
- ▶ not a means to punish but to promote better practice for all
- ▶ 6 sections: Definition, Access, Procedure/Timeliness, Fairness, Putting things right (Remedies), Learning and improvement + self assessment
- ▶ greater access and consistency
- ▶ faster resolution of complaints
- ▶ use learning from complaints to drive service improvements
- ▶ set the right culture; relevant to boards as well as frontline staff
- ▶ be prescriptive only where it matters most
- ▶ differs from other best practice – it's a requirement



# The Complaint Handling Code - key points

- ▶ universal definition of a complaint:

*'A complaint shall be defined as an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.'* (Code 1.2)

- ▶ requirement to improve access for residents
- ▶ ensuring residents are aware of the complaint procedure, the Code, and their right to access HOS

## Key points continued

- ▶ the structure of the complaints procedure
  - promotes two stages
  - clear time-frames for responses
- ▶ fairness in complaint handling with a resident-focused process
- ▶ taking action to put things right and appropriate remedies
- ▶ creating a positive complaint handling culture
- ▶ continuous learning and improvement - demonstrate learning with evidence in Annual Reports

# New Ombudsman Scheme

- ▶ new Housing Ombudsman Scheme from 1 Sept. 2020
- ▶ much remains the same – but some significant changes
- ▶ new power to carry out a wider investigation where there is evidence of ‘*a systemic failing*’
- ▶ landlords expected to deal with complaints in line with both the Scheme and the Complaint Handling Code
- ▶ new power to issue a Complaint Handling Failure Order



# Membership obligations

- ▶ As a condition of membership a landlord must (new sections *in italics*):
  - agree to be bound by the terms of the Scheme
  - establish and maintain a complaints procedure *in accordance with any good practice recommended by the Ombudsman*
  - inform residents of their right to bring complaints to the Ombudsman
  - publish its complaints procedure and make information about it easily accessible *on its website and in correspondence with residents*
  - manage complaints *in accordance with its published procedure or where this is not possible within a reasonable timescale*
  - provide information to the Ombudsman *within a reasonable timescale*

# Systemic Investigations

- ▶ Paragraph 50 of the Scheme:

*‘The Ombudsman may conduct further investigation beyond the initial complaint or landlord to establish whether any presenting evidence of service failure is indicative of a systemic failing. Where this is the case it will be referred to the appropriate regulatory body.’*

- ▶ Our investigations are usually the result of a complaint from an individual. We may also wish to investigate the root causes that give rise to a significant number of individual complaints. This may be through a systemic investigation into a particular landlord, or a thematic investigation looking at an issue across the sector.

Update: Team recruited. Framework for these investigation will be available on our website in November.

# Complaint handling failure orders

New scheme allows Ombudsman to issue complaint handling failure orders in the following circumstances:

- ▶ Non – compliance without good reason with the Complaint Handling Code
- ▶ Inaccessible complaint process
- ▶ Not accepting a valid complaint
- ▶ Not progressing a complaint
- ▶ Failing to provide evidence to support investigation

A landlord's complaint handling failure record will be reported to the RSH and will form part of the landlord reports published by Ombudsman.

Update: 4 issued in shadow so far. 3 in relation to non progression of complaint and 1 in relation to evidence provision.

# Complaint Handling Code – timings

- ▶ Code issued 7 July 2020
- ▶ shadow complaint handling failures – landlords will be informed of breach
- ▶ self-assessments by 31 December 2020
  - report outcome to their board
  - publish assessment
  - update policy and procedures by 31 March 2021
- ▶ complaint handling failure orders from January 2021 for non-compliance
- ▶ we will be proportionate, giving landlords an opportunity to put something right

# Publications

- ▶ Insight and thematic reports – a new lease of life
- ▶ Severe maladministration findings
- ▶ Landlord reports
- ▶ Determinations
- ▶ Quarterly complaint handling failure orders
- ▶ Referrals to RSH
- ▶ Systemic & Thematic investigations

