

A new Complaint Handling Code for the sector

Webinar – 12 August 2020

Dave Simmons – Sector Development Lead

Jennifer Ryans – Head of Dispute Resolution

Housing
Ombudsman Service



Agenda

- ▶ New 'Complaint Handling Code'
 - background
 - aims
 - key points
- ▶ New Housing Ombudsman Scheme
 - new requirements and powers
 - '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

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
- ▶ landlords expected to deal with complaints in line with both the Scheme and the Complaint Handling Code
- ▶ new power to carry out a wider investigation where there is evidence of '*a systemic failing*'
- ▶ new power to issue a Complaint Handling Failure Order

Conditions of Membership

- ▶ The conditions of a landlord's membership of the Schemes include the following (**new sections *in italics***):
 - It must 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 Ombudsman;
 - publish 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*; and
 - 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.
- ▶ Where an investigation results in a finding of maladministration we may consider whether there is a wider problem affecting a landlord’s service delivery to residents or a sector wide issue affecting a number of our members.

Complaint Handling Failure Orders

- ▶ New power to issue Complaint Handling Failure Orders for non-compliance with the Scheme or Code, including:
 - failure to accept complaint in timely manner, or exclude without good reason
 - an inaccessible complaints procedure
 - not managing complaints in accordance with the complaints policy
 - failure to progress a complaint through procedure or respond within timescales without good reason
 - failure to notify resident of their right to refer the complaint to Ombudsman
 - failure to provide evidence to support investigation by the Ombudsman
 - failure to comply with the Ombudsman's orders

Complaint Handling Code – timings

- ▶ Complaint Handling Code issued 7 July 2020
- ▶ revised Housing Ombudsman Scheme 1 September 2020
- ▶ self-assessments by 31 December 2020:
 - report outcome to their board
 - publish assessment
 - update policy and procedures (by 31 March 2021 at latest)
- ▶ shadow complaint handling failures – landlords will be informed of breach
- ▶ complaint handling failure orders from January 2021 for non-compliance
- ▶ we will be proportionate, giving landlords an opportunity to put something right

Q&A