

# **Consultation to inform our plans for 2018-19**

**November 2017**



**Housing Matters:  
Fairness Matters**

**Closing date for comments – 22 December 2017**

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## Introduction

Since my appointment as Interim Ombudsman in June this year my focus has been taking forward the [Business Plan for 2017-18](#). It was developed through extensive consultation with our members, tenant organisations and other stakeholders in the sector. Now we are looking ahead to shape the service we will provide in 2018-19.

As a public service that is funded by subscription from our members, it is important that we are accountable for the way we use our resources. So, while as an arms-length body we are accountable to parliament, we believe that we also have a duty to the landlords who are members of, and whose subscriptions fund, our scheme. The duty does not end there however. Tenants and leaseholders have every right to expect prompt and proper consideration of complaints by their landlords and by us. This consultation document therefore also seeks to connect with residents to gauge their views about how we should develop our service.

The 2017-18 Business Plan, based on feedback from the sector, included a subscription fee of £1.25 per unit which is enabling us to make improvements to our service. As set out in that Plan, our intention is that the subscription fee will not increase in 2018-19. We are however still seeking your views and insight in advance of next year's Business Plan to help us make further improvements to our service within the resources we have available.

The financial year 2018-19 marks the third year of our [Corporate Plan 2016 to 2019](#). That plan introduced our vision statement Housing Matters: Fairness Matters, five strategic objectives and our core values which together set the framework for an ambitious programme to deliver continuous improvement. Our plans for 2018-19 will focus on realising the benefits of the changes made while continuing to improve and develop our people, processes and systems.

This sits within the context of changes taking place across the housing sector and the increased focus on social housing following the tragedy at Grenfell Tower earlier this year. We welcome the announcement by the Secretary of State for Communities and Local Government of a green paper on social housing in England to include the management of social homes, the rights of tenants and how complaints are handled. We look forward to contributing to its development.

In this consultation document we review the first six months of 2017-18 and explain what our plans are for 2018-19 but are seeking your views before finalising and publishing our Business Plan.

We look forward to hearing your views.

**David Connolly**  
**Interim Housing Ombudsman**

**November 2017**

# What we do

## Our role

Our role, as set out in the [Housing Ombudsman Scheme](#), is to:

- Resolve disputes involving members of the Scheme, including making awards of compensation or other remedies when appropriate
- Support effective landlord-tenant dispute resolution by others.

## Our vision

### Housing Matters: Fairness Matters

We understand the importance of housing to people's lives. We ensure the fair and impartial resolution of housing complaints, locally where possible. When things go wrong we put things right and encourage learning from outcomes. We help improve landlord and resident relationships. We role model the service we expect of others.

## Our strategic objectives

1. We will deliver an accessible, high quality and timely complaints handling service
2. We will support landlords and residents to resolve more complaints locally
3. Our decisions will be recognised as fair, impartial and effective
4. We will support landlords to learn from outcomes
5. We will be an accountable, well run organisation, using our subscription monies wisely

## Our core values

- ▶ We will act fairly and impartially
- ▶ We will be open and accountable
- ▶ We will empower and respect those we work with
- ▶ We will be proactive and take responsibility for achieving results
- ▶ We will work as One Team within the Housing Ombudsman Service and collaboratively with others
- ▶ We will be curious, always seeking to learn and improve

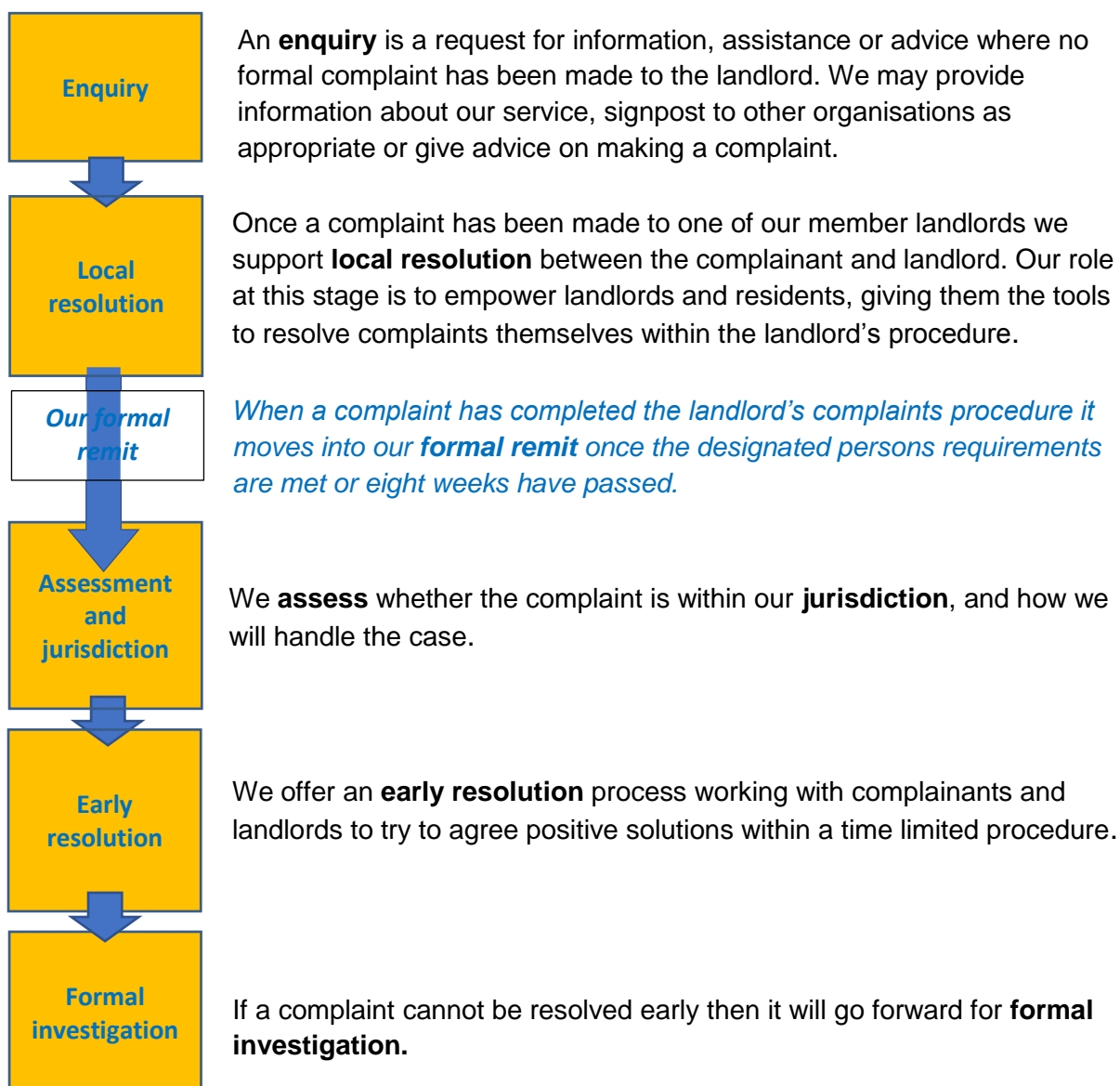
## How we work

We aim to resolve complaints locally and early wherever possible. This ensures the best outcomes for complainants and improves landlord and tenant relationships. Where an agreed solution is not possible or appropriate we investigate and determine cases fairly and impartially.

Our Dispute Resolution Policy and Process, introduced in April 2016, is based on our three dispute resolution principles:

- Be fair - treat people fairly and follow fair processes
- Put things right
- Learn from outcomes

### *Our Dispute Resolution process*



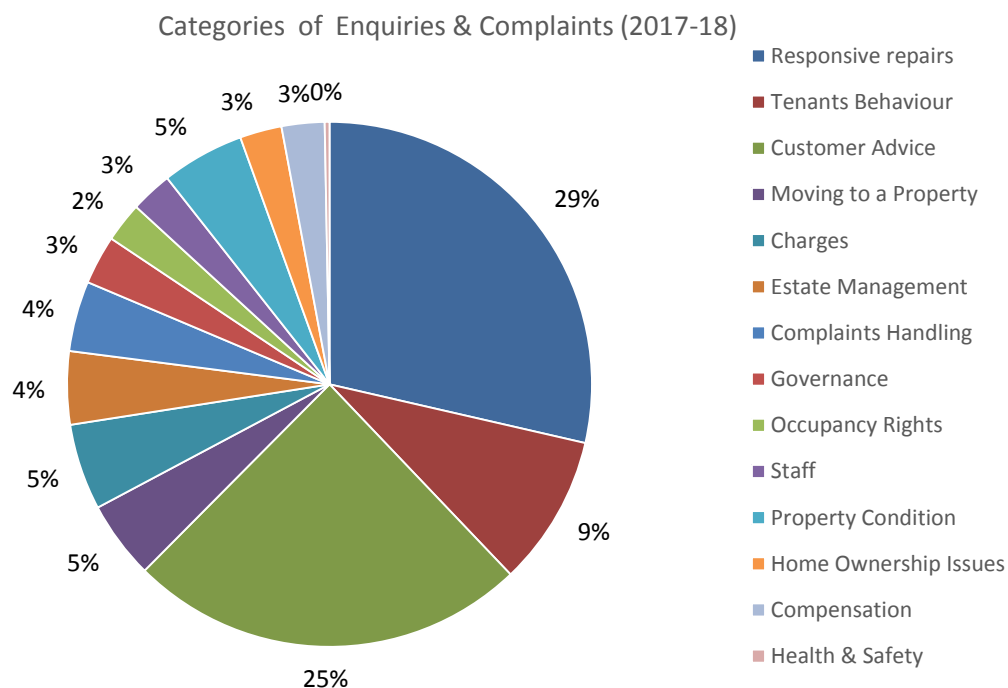
## 2017-18: the story so far

### Incoming casework

In our 2017-18 Business Plan, we anticipated stability in the volume of enquiries received but an increase of 10% to the number of complaints received and, within this, an increase of 20% to complaints entering our formal remit. These figures were based on previous trends and supported through our consultation with stakeholders although both we and consultees recognised that as a demand-led service, complaint numbers are difficult to predict.

Based on the volumes of incoming work in the first six months of the year we now predict that enquiries will be as anticipated, there will be an increase of 7% in complaints received and a 2% increase in cases entering our formal remit. While currently the increase in cases entering our formal remit is lower than predicted, we will not know the true position until the year end. Meanwhile, we are seeking to understand if our experience so far reflects a broader trend in the sector.

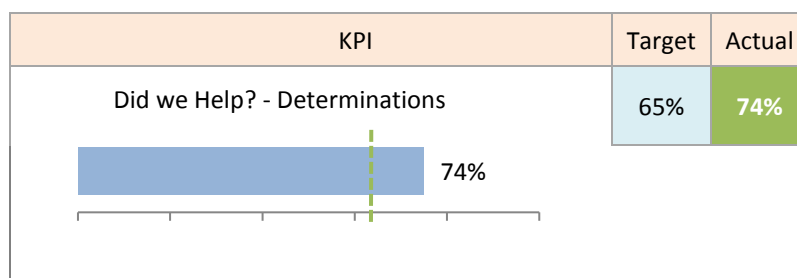
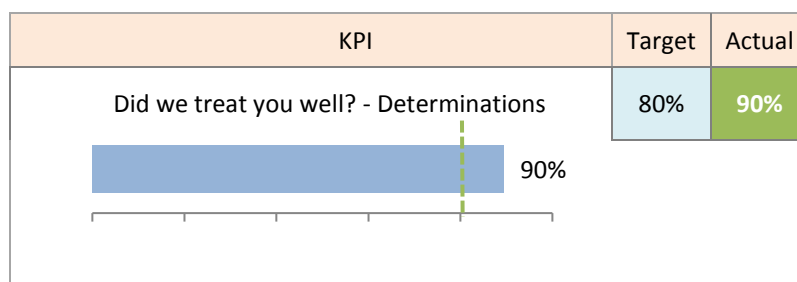
The categories of enquiries and complaints received up to September are shown below. Responsive repairs continues to be the largest category.



## Casework outcomes

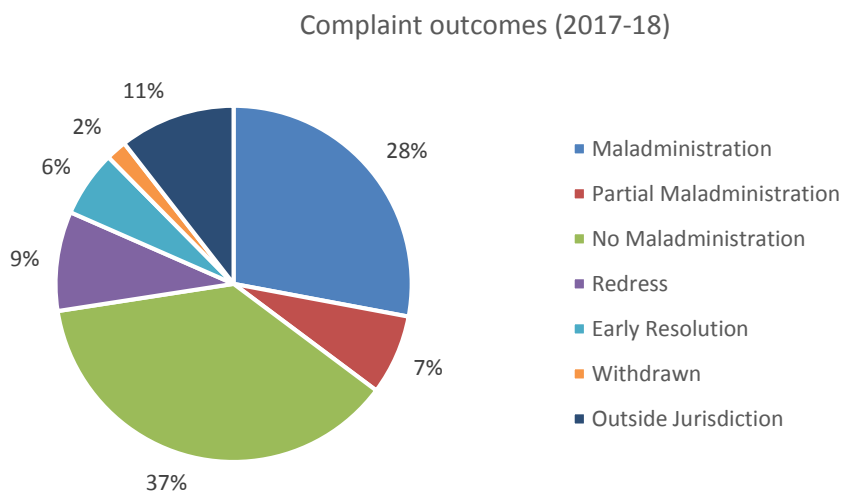
Our casework performance has continued to show year-on-year improvement. In the current year up to the end of September we have:

- Determined 100% of cases in our formal remit within 12 months.
- Continued to exceed our feedback targets as shown below and have received some of our highest ever complainant feedback scores for cases in our formal remit.



- Continued to close 80% of our complaints without the need for a formal investigation, supporting local and early resolution.
- Reduced the average time to determine cases in our formal remit to 8.3 months, compared to 9 months last year. Although this is an improvement, there is still some way to go to achieve our target of 6 months. Our progress is slower than anticipated because of higher staff turnover and delays in the recruitment of new staff so we have not been operating at full capacity. We do expect to improve further in the second half of the year both as our capacity increases and because of the lower than expected volume of cases that have entered our formal remit in the year to date. We also expect to benefit from the expansion of our contracted-out telephone enquiries service to cover email and web-based contacts, and from a restructuring of our casework teams.

In the period to September, we have continued to determine complaint outcomes in the same proportion as the previous year.



The category of 'redress' reflects cases where, before we have completed our investigation, a landlord has acknowledged that they have made a mistake and offered to put things right in a manner which we feel is reasonable.

## Other activities

We are on course to deliver against all key activities set out in the current Business Plan by the end of March 2018. These include:

- Developing a new website
- Continuing to review our dispute resolution policies and procedures
- Targeted work with landlords to support local resolution of complaints
- Launching our new e-learning package
- Improving our casework management system.

## Issues arising during the year

Following the tragedy at Grenfell Tower we published a new factsheet for tenants and leaseholders about fire safety issues, setting out our role and information on other organisations that can help. We now have a lead manager to co-ordinate enquiries and complaints related to tower blocks and fire safety, and have added a new health and safety category to our complaint types to help identify and track fire safety cases.

We welcome the Secretary of State's announcement of a green paper on social housing in England as this recognises the fundamental importance of housing on



people's lives and relates strongly with our vision – Housing Matters: Fairness Matters. We look forward to working with the Department for Communities and Local Government and other stakeholders to help ensure that new legislation and policy include appropriate provision for dispute resolution and redress.

As always, the landscape within which we operate is constantly changing and this gives rise to new challenges and opportunities. The Secretary of State has recently stated his intention to make it compulsory for all private landlords to be covered by a redress scheme, with an Ombudsman, so that tenants have quick and easy resolution to disputes. The Mayor of London's draft housing strategy also calls for improved redress for private sector tenants, as well as more streamlined processes to allow easier access to our service. Elsewhere, as local authorities become more interested in setting up special purpose vehicles or local housing companies to provide a mix of social, affordable and market rate tenancies, we have an interest in ensuring that there is clarity for tenants who seek redress when things go wrong.

While there is much to think about on the housing front, there has been no progress on the draft Public Service Ombudsman Bill and so we have nothing further to add to that debate at this time.

## 2018-19: delivering our strategic objectives and planning for the future

While this consultation will inform how we develop some parts of our business in 2018-19, there are other areas where we are already clear on what we need to do. We will be:

- finalising our preparations for the new data protection requirements which will come into force in May 2018
- continuing to develop our website content
- supporting a Panel of Advisors, when appointed
- developing our 2019-22 Corporate Plan
- seeking changes to the Housing Ombudsman Scheme which is due for review in April 2018. As part of this work we want to ensure that any changes made give further clarity for users of the Scheme, particularly about the Ombudsman's jurisdiction. Any changes would be subject to approval by the Secretary of State.

**To help us improve some aspects of our service, we are seeking your views now. We have set out some specific questions below, although we also welcome any other comments about how you would like to see our service develop. Member landlords are asked to consider how best to include the views of their tenants and leaseholders when responding to this consultation. We are very happy to receive responses directly from local resident groups if that would be helpful.**

### **Accessing our service**

We want to make sure that complainants can easily access our service at the right time and in a way that is convenient for them. Enquiries and complaints may be made by email, telephone and online. We have also increased our social media activity over the last year which has provided an additional customer access channel for initial enquiries.

Over the remainder of this year we will be working on the development of a new website that will be easier to use and more informative. It will include a restructured online complaint form that enables users to upload documents to support their complaint (new or existing). We are also considering other improvements to accessing our service such as webchat and extended opening hours.

Q1: What do you think we can do to make it easier for complainants to access our service?
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As our dispute resolution process on page 5 shows, if a complaint is not resolved at the end of a landlord's complaints procedure, the complainant can refer the matter to a designated person (tenant panels, local councillors and MPs) or wait eight weeks before they can bring their complaint to the Housing Ombudsman. This system was introduced by the Localism Act 2011. While we recognise that designated persons can play a very positive role in complaint resolution, our view is that it need not be a statutory requirement.

Designated person referrals 2014-15 to 2016-17

Year	Total	Complaints entering our formal remit	% referred by a designated person
2014-15	57	1,130	5%
2015-16	95	1,389	7%
2016-17	131	1,645	8%
<b>Total</b>	<b>283</b>	<b>4,164</b>	<b>7%</b>

Our experience, illustrated above, has been that less than 10% of all cases entering our formal remit do so through the designated persons route. Unless a designated person agrees to make a referral, a complainant must then wait the eight weeks before they can bring their complaint to us. Our anecdotal evidence is that the eight-week requirement can be a barrier for complainants whose concerns have not been resolved by their landlords in accessing our service.

We would now like to gather more wide-ranging views from stakeholders about their experiences of these arrangements and how they might work more effectively.

Q2: What is your experience of the designated persons/eight weeks arrangements and how could they work more effectively?

### **Supporting local resolution of complaints**

We remain committed to supporting residents and landlords to resolve complaints locally and at the earliest opportunity to prevent problems escalating:

- We work with individual complainants and landlords while a complaint is going through the landlord's complaints process to clarify the issues in dispute and facilitate resolution through communication on reasonable options for resolution.
- We provide advice to complainants and landlords about complaints procedures.
- If a complaint has completed the landlord's complaints procedure, we will explore the possibility of facilitating a negotiated solution through our early resolution process without the need for a formal investigation.

Q3: How can we more effectively support landlords and residents on the local resolution of complaints?

- We are also committed to developing our sector engagement work through improvements in the information available on our website. This includes new tools such as webinars plus the development of our e-learning package which demonstrates how our dispute resolution principles can be used to resolve complaints effectively. We plan to develop our e-learning further in 2018-19 with additional modules on specific themes such as compensation, complaints about repairs and anti-social behaviour. We are also looking at sharing more insight from our handling of complaints through the publication of thematic reports or good practice guides on particular subject areas.
- To extend our reach to more landlords and residents we have continued to work with partner organisations. These have included the Tenants Participation Advisory Service, Housing Quality Network and HouseMark. We have also continued to provide a tailored range of targeted interventions according to the needs of individual landlords.

Q4: What further information could we publish on our website that would be helpful in supporting landlords to learn from outcomes and resolve complaints locally?

### **Increasing transparency**

We publish overall complaints data in our annual report including a breakdown of the different categories of complaints we receive and the outcomes of our determinations. Over this year we will be continuing to publish more anonymised case studies on our website.

We know there is increasing interest from a range of stakeholders in our complaints data about individual landlords. We have already been providing some individual landlords with their complaints data, including a comparison with the national average.

As part of our new website development, we are considering publishing complaints data on individual landlords.

Q5: What complaint data about individual landlords would you find it helpful for us to publish on our website?

We are also considering whether we could move towards publishing all our decisions on our website. Although such decisions would have to be written in a way that protects the identity of individuals, our view is that there would be a strong case for identifying the landlords. This would be a longer-term project but we are inviting initial views on the principle so that, if we decide to take it forward, preparatory work

can be done in advance of our three-year corporate planning exercise which will begin in the autumn of 2018.

Q6: What is your view on a move towards publishing all Housing Ombudsman decisions on our website?

### **Improving efficiency**

We are looking at how we collect our membership fees to reduce administrative overheads and enable process efficiencies for both the service and our members. We are considering two specific changes:

- Collecting payment by direct debit
- Invoicing based on unit data that many members have already submitted to the Homes and Communities Agency Regulator or the Department for Communities and Local Government as part of the national statistics data sets.

These changes would avoid the need for most members to complete and certify an annual return to us, setting out changes in unit numbers since their previous declaration, as we can pick this information up from the national statistics published on the GOV.UK website. This would also mean that most payments would be collected on time which would avoid interest charges for late payment.

Q7: What is your view of our proposed changes to the way we collect membership fees?

## How to respond

Please send your responses by 22 December 2017 to:

[consultations@housing-ombudsman.org.uk](mailto:consultations@housing-ombudsman.org.uk)

Your views will help inform our Business Plan for 2018-19 which will be submitted to the Secretary of State for approval before being published by the end of March 2018.

Thank you

### Summary of questions

**It would be helpful if you could explain the reason for your responses as appropriate.**

Q1: What do you think we can do to make it easier for complainants to access our service?

Q2: What is your experience of the designated persons/eight weeks arrangements and how could they work more effectively?

Q3: How can we more effectively support landlords and residents on the local resolution of complaints?

Q4: What further information could we publish on our website that would be helpful in supporting landlords to learn from outcomes and resolve complaints locally?

Q5: What complaint data about individual landlords would you find it helpful for us to publish on our website?

Q6: What is your view on a move towards publishing all Housing Ombudsman decisions on our website?

Q7: What is your view of our proposed changes to the way we collect membership fees?

Q8: Are there any other points or issues you wish to comment on in relation to our Business Plan 2018-19?