

Housing
Ombudsman Service

Systemic Framework

Version 1.0 – March 2021

1. Introduction

The Housing Ombudsman Scheme was revised in September 2020 to enable further investigation into systemic issues for the first time. The Ombudsman is now able to look beyond individual disputes into the wider and deeper issues responsible for generating complaints so that we can, in turn, seek to address those issues using a range of outcomes to improve residents' lives and landlords' services.

Paragraph 50 of the Scheme allows the Housing Ombudsman to conduct further investigation to ascertain whether there is a systemic failure:

“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.”

We have developed this framework to support the Ombudsman with proactive identification of key issues impacting residents and the sector. This enables the Ombudsman to examine and respond to issues and themes arising in the sector. It also provides an opportunity to strengthen resident and landlord relationships, share insight from our complaints and promote best practice. These investigations will allow us to respond to warning signs and maximise the impact of our preventative role. They will also allow us to extend access to fairness for all residents, regardless of whether they have complained.

In particular our approach will aim to identify:

- complaint handling failures where further work with an individual or group of landlords could support the earlier resolution of complaints
- service failures, either by an individual or group of landlords, where further investigation into underpinning policies, procedures or approach is required to prevent service failure reoccurrence
- reoccurring issues across several landlords where further investigation could promote greater understanding and sharing of best practice.

We value our relationship with our member landlords and their residents, and we recognise that we can achieve the best results when we work well with each other. As such we will be using these new powers to promote a culture of learning and openness, allowing better insight into the root cause of problems and sharing learning to drive better service delivery for all residents.

We will provide an overview of our systemic work in the Ombudsman's Annual Report.

2. Assessment and Investigation

Assessment

The Ombudsman handles thousands of complaints each year. This will provide the basis on which we consider whether to undertake further investigation under paragraph 50 of the Scheme. This includes our work at dispute support – including making Complaint Handling Failure Orders – as well as formal investigations. However, we could consider other indicators, as other Ombudsman with similar powers do, and will conduct regular research and analysis to identify the issues affecting residents from a range of sources, including partner and landlord data, media reports, resident engagement activity and horizon scanning.

We will then decide which issues we believe require a response and what level of response is appropriate and proportionate. This decision will be based on several factors, including but not limited to:

- the severity of an individual determination
- the seriousness and potential scale of the impact
- whether the volume of complaints received is disproportionate compared with the size of the landlord, or suggests a possible systemic issue
- an absence of complaints about an issue or member landlord when other indicators strongly suggest we should be seeing them
- whether the issue affects more than one landlord and is thematic in nature
- the length of time the issue has persisted and whether it is indicative of a pattern of behaviour.

Investigation level

We will be proportionate in our response to a potentially systemic issue and our approach to further investigation will continue to be inquisitorial. Where a possible systemic issue is identified, we will consider an appropriate course of action. This may include:

- Further investigation - This may take a range of forms to be determined by an assessment of what activity is required to draw conclusions. For example, it may be a desktop review of evidence with insight from relevant parties where appropriate. We may also decide that additional evidence is required from relevant parties to inform our findings, such as landlords, staff, residents and partners.
- Monitoring - Maintaining a watching brief on an emerging trend or issue.
- No further action - This will be appropriate where the issue identified at scoping stage does not require further investigation to take appropriate action on.

3. Outcomes

The Ombudsman may decide, either at the scoping stage, or following an investigation, that one or more of the outcomes listed below is appropriate and proportionate. These outcomes range from specific actions with individual landlords to sharing learning and best practice with all landlords through our publications, and include:

- making recommendations to the landlord's governing body for them to consider further action
- publishing the learning identified. For example, Spotlight reports into sector-wide issues, guidance, or special interest reports into individual cases
- inclusion in our annual 'State of Complaints' [*working title*] review
- workshops and training events
- partnership working with individual landlords
- issuing orders to individual landlords, including complaints handling failure orders
- formally referral to the landlord's governing body
- formal referral to the appropriate regulator for their consideration.

Where necessary, the Ombudsman may add additional outcomes. For example, while actively managing a landlord, further evidence becomes available that necessitates referral to the governing body.

4. Reporting and Publication

Where appropriate, details of our investigations will be made available on our website. This will include:

- reasons for, and scope of, the investigation
- details of how anyone affected or holding relevant information can contribute to the investigation
- dates and milestones for responses.

The purpose of publication is to raise awareness of issues and to share good practice and recommendations with landlords, building on our aim of establishing a positive complaint handling culture across the sector. We will publish information on our systemic work, including analysis, reports and recommendations. Where appropriate, landlords will be named.

We will publish the name of any landlord and the details of any formal referral to a governing body or to the appropriate regulator.