

**Our plans and budget for 2018-19:  
Responses to our consultation**

## Introduction

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. We are an arms-length body of the Ministry of Housing, Communities and Local Government so we are accountable to parliament, but we also have a duty to:

- the landlords who are members of, and whose subscriptions fund, our scheme
- residents who have every right to expect prompt and proper consideration of complaints by their landlords and by us.

We carried out a consultation exercise in November and December 2017 seeking views and insight from our stakeholders to help shape the service we will provide in 2018-19.

## Consultation process

We published a [consultation document](#) on 15 November 2017 seeking views on our plans for 2018-19. It set out a review of the first six months of 2017-18 and included a series of questions to help us improve particular aspects of our service. The questions were based around the themes of:

- Accessing our service
- Supporting local resolution of complaints
- Increasing transparency
- Improving efficiency

In our Business Plan for 2017-18 we had stated our intention that the subscription fee would not increase in 2018-19 but we still wanted to seek views and insights from landlords and residents to make further improvements to our service within the resources available.

We emailed the consultation document to our members and to other organisations in the housing sector including those that represent residents. It was also published on our website and promoted through our e-newsletter and on social media.

We encouraged landlords to consider how best to include the views of their residents when responding to the consultation. We also invited any other comments in addition to the specific questions.

We received 55 written responses to the consultation – split across landlords, other organisations and residents. The landlords that responded cover more than one million households between them, which is equal to 23% of the total units registered with us. See **Annex A** for the list of those who responded.

We would like to thank all those who took the time to respond. We considered all the comments and views expressed and have set out the main issues in this document.

## Summary of responses

We identified the main themes that emerged from the consultation which were:

- our service is considered to be accessible to complainants, but we should continue to look for ways to improve access
- while there are indications that in some places the 'designated persons' arrangements introduced by the Localism Act 2011 are working well, most respondents consider that they add little value and delay access to our service
- greater transparency about our key processes would be welcomed
- it would be useful to have guidance on awards of compensation
- we should help improve learning from outcomes and local resolution by doing more to share good practice, and making complaints data and analysis available
- the publication of landlord performance information would generally be welcomed
- broad support for the idea that we should move towards publishing all of our decisions on complaints
- a proposal to improve efficiency in the way we collect membership fees was welcomed.

## Our overall plans and budget for 2018-19

We took the findings into account in developing our plans and budget for 2018-19 together with feedback from our staff, the Ombudsman's Audit and Risk Assurance Committee and the Ministry for Housing, Communities and Local Government.

As set out in the final [Business Plan 2018-19](#) we are meeting our commitment to keep the subscription fee at the same level of £1.25 per housing unit. We also remain committed to speeding up our service and improving its quality.

## Individual questions

In the consultation paper we asked a number of questions under the four themes to help inform our business planning. We have summarised below the feedback on each question and how that has helped shape our plans and budget for 2018-19.

## Accessing our service

### **Q1: What do you think we can do to make it easier for complainants to access 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. In the consultation document we set

out further developments being considered in addition to access by email, telephone and online/social media.

Many respondents said the range of access routes already provided made it quite easy for complainants to access our service, and wanted those options to continue. Generally respondents welcomed the additional access routes set out in the consultation document with some further comments:

- ensure that the facility for uploading documents in the online complaint form includes a range of formats. This development was seen as being more efficient and time saving as it will reduce the need to make landlord enquiries for copies
- webchat was seen as beneficial for signposting and initial guidance on our role
- extended opening hours would be a positive development for complainants
- suggestions for development of the new website included:
  - a more advanced search in the case study area
  - making it more obvious about how to submit a complaint
  - more focus on accessibility
  - use videos, visuals and FAQs to help explain the process.

Increasing awareness of our service was mentioned, with some landlords recognising their role in ensuring that customers were informed about the Housing Ombudsman and how to use the service. A number of respondents suggested a portal for residents and landlords to access information, upload documents and exchange letters as a way of speeding up the service.

Our business plan says that we will look at ways to increase access to our service during 2018-19 including, for example, through webchat, an online portal for complaints handling and extending our opening hours. We will also produce best practice guidance for landlords on signposting residents to the Housing Ombudsman service and increase awareness of our service among resident groups and designated persons.

Currently we are building our new website to include a restructured online complaint form that enables users to upload documents, makes it easier for residents to submit complaints and provides better explanations of our process.

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

Where a complaint is not resolved by the landlord's complaints procedure, the complainant may refer the matter to a designated person (an MP, a local councillor or a designated tenant panel) or alternatively wait eight weeks before they can bring their complaint to the Housing Ombudsman. These arrangements were introduced by the Localism Act 2011.

It is not the role of the designated person to reinvestigate a complaint, but they may be able to broker a settlement which is acceptable to both parties.

Around 15-20% of respondents were, to varying degrees, positive about the way the designated person arrangements are working. Some attributed this to having a strong/well established tenant panel that achieves resolution, or the designated person acting in a mediation capacity.

About half of the respondents were, to varying degrees, negative about the designated persons arrangements. Some felt that generally residents prefer going straight to the Ombudsman, seeing us as independent.

Other comments included that the arrangements can be confusing for residents and add little value. These were mostly related to the role or perception of designated persons such as a reluctance to use them because of confidentiality or perceived conflict of interest, and that it can result in reviewing the same set of circumstances and reaching the same findings. More generally, there was interest in whether the Ombudsman service could help improve how the designated persons arrangements work.

The eight-week period was seen as a long time to wait, adding further stress, although others thought it was a useful opportunity between stages to reflect and consider the next steps. Some respondents said it would be helpful to know what should be happening during this period rather than just waiting, and whether there was an opportunity to explore mediation in some cases.

In the business plan we have stated that while our view is that the designated person arrangements are an unnecessary obstacle to our service, we also think it would be helpful to find ways to make those arrangements work better for most people. We will develop materials and other resources to promote a better understanding of the role of designated persons.

## **Supporting local resolution of complaints**

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

The first opportunity for complaint resolution is through the landlord's complaints procedure. Our approach to local resolution promotes and supports the landlord's complaint handling and involves work with both landlords and complainants. We remain committed to supporting residents and landlords to resolve complaints locally and at the earliest opportunity to prevent problems escalating.

There was general support for our approach to local resolution although there were some views that we should not intervene at this stage and should allow a complaint to go through the landlord's process as long as we are satisfied that it is being dealt with. From a resident perspective, our role in local resolution was particularly welcomed.

Some respondents referred to our early resolution procedure in answering this question. Once a complaint has been through the landlord's complaint procedure and the designated person arrangements are satisfied a resident may come back to seek our help. At this stage we consider whether the dispute is suitable for early resolution, without the need for an investigation. If we consider that the complaint might still be capable of resolution, and if both parties are in agreement, we try to find a mutually acceptable outcome.

Some commented that it was a positive process as it focused the complainant on areas of resolution while others thought it duplicated efforts already made by landlords and that our approach was not always consistent. There were also requests for guidance on early resolution and more clarity around our various complaint stages.

Respondents made suggestions for various ways of providing support for landlords and residents including workshops and more online tools such as videos and e-learning on specific complaint topics. A substantial number asked for guidance on remedies and compensation in particular. This was seen as a helpful way to manage customer expectations. Providing regular communication with landlords and residents would also help manage expectations. Several landlords also mentioned that it would be helpful to have named contacts in our dispute resolution teams so as to build mutual understanding and relationships. We will continue with our approach of offering a named contact to landlords with the highest volumes of complaints but have limited capacity to extend it to all landlords currently.

The responses showed that there is more we can do to improve the effectiveness of local and early resolution. As set out in the business plan we will review and clarify our policy and guidance on local resolution as well as evaluating the effectiveness of our recently revised guidance on early resolution.

We will also increase the range of online tools to improve landlords' and residents' understanding of how to resolve disputes, and prepare and publish guidance on remedies, including compensation.

#### **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?**

We encourage landlords to have a positive approach towards complaints, seeing them as feedback, and helping them to improve complaint handling and housing services. We are committed to developing our sector engagement work through improvements to the information available on our website.

Sharing good practice and publishing thematic reports were mentioned by many respondents as a helpful way for us to support landlords. Examples included good practice guides on particular complaint areas and sample responses, guidelines on

remedies/compensation plus periodic reports on common themes arising from complaints including our approach and our expectations of landlords

Some suggested that we should share more information on how we work to provide insight on our decision-making processes with more information on our powers and examples of where we cannot intervene. Providing more data about the complaints we receive and trend analysis, particularly on the most common complaint areas, was mentioned by several respondents.

Our case studies were welcomed by respondents with requests for more to be added to the website and a facility to help search for relevant ones eg by outcome or complaint subject.

A few respondents suggested a members' area on the website or a landlords' forum which enabled landlords to raise queries and share experiences with each other as well as providing access to news and information. Some thought more information about our customer feedback would be helpful in informing their understanding of the customer journey. There were also further references here to e-learning and webinars on how to deal with different complaints and effective local resolution.

The business plan sets out our proposals to analyse our recommendations and orders so that key themes and learning can be shared more widely as well as starting to produce reports on themes emerging from our casework. It also states that we will publish guidance on our key processes and guidance on remedies. Our new website will include new case studies and will have a search facility to make them more accessible.

## **Increasing transparency**

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

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. There is increasing interest from a range of stakeholders in our complaints data about individual landlords.

There were mixed views among landlords about whether we should publish data about members and, if so, what data to include. Some respondents identified information that would be helpful which included providing various data sets by type of landlord or by stock size or by region. This could include data on the number of complaints, complaint categories and outcome. National averages were mentioned by some as being helpful to provide a comparison or benchmark.

Some said publishing data on individual landlords would support increased transparency while others said it would not be helpful. Among the reasons for this were that the data itself would not provide sufficient context to make it useful and that we should focus more on sharing learning and promoting good practice.

Residents, on the other hand, supported the publication of data about individual landlords. There were comments that it could support more local resolution of complaints but it should not be complex or too detailed otherwise it could be counterproductive.

As set out in our business plan, we will review, and discuss with landlords, the data we collect about them and how that data might usefully be published on our website. In the meantime we will continue to provide more aggregated analysis eg national, by region and by size of landlord.

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

We are also considering whether we could move towards publishing all our decisions on our website, which would be a longer-term project than the 18-19 business plan. Although such decisions would have to be written in a way that protects the identity of individuals, we stated in the consultation document that in our view there would be a strong case for identifying the landlords.

There was broad support for the idea that we should move towards publishing all of our decisions. Many commented that it would be a useful learning tool and a good reference point as well as being more transparent. There were some provisos including that individuals should not be identified and sensitive data should be protected. The decisions would also need to be easily accessible on the website with a good search facility.

Some respondents had a lesser degree of support, commenting that it could be useful but the landlord should not be named. Others were concerned about information overload and there was a suggestion that it should be limited to maladministration cases.

Around 20% of respondents were not in favour, questioning the purpose and value of such an approach as well as having concerns about how the information would be used. Some thought it could give unrealistic expectations of complaint outcomes for customers and that publishing summaries of complaints and themes/trends was more important.

Our business plan recognises that a great deal of preparatory work would be needed if we decide to publish decisions. So in order to inform that decision, over the next year we will develop a proposal to publish our decisions, including the rationale, method, requirements and timescale. Further consideration can then be given to the proposal when we are considering our next three year Corporate Plan.

## Improving efficiency

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

In the consultation document, we set out our proposal to make two changes to the way we collect fees with the aim of reducing administrative overheads and enabling process efficiencies for both the service and members.

Most respondents welcomed the changes to:

- collect payment by direct debit
- invoice based on unit data that many members have already submitted to the Regulator for Social Housing or the Ministry for Housing, Communities and Local Government.

Many said It would help reduce duplication of data collection and create greater efficiency. Consequently, we will implement the new invoicing arrangements from April 2019.

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

We received a range of other comments under this section, many of which related to the answers provided in response to earlier questions. Several respondents commented here on the need for our service to reduce the time we take to decide complaints. That is high on our agenda and we are determined to continue improving our performance in the coming year, as set out in the business plan.

## Annex A: Consultation respondents

### By or on behalf of residents

We received two responses from individual residents. Several landlords also included comments obtained from their residents in their responses.

Taroe Trust (Tenants and Resident Organisations of England)

Tpas (Tenants Participation Advisory Service)

### Landlords

Anchor

Barnet Group

Brighton & Hove Council

Bromford

Clarion Housing Group

Coastline Housing Ltd

Flagship Group

Genesis Housing Association

Great Places Housing Group

Hanover Housing Association

Harlow Council

Home Group

Homes in Sedgemoor

Hounslow Council

Housing & Care 21

L&Q

Leeds City Council

Liverpool Mutual Homes

London Borough of Barking and Dagenham

London Borough of Waltham Forest

Merlin Housing Society

Midland Heart

Newcastle City Council and Your Homes Newcastle

Northampton Partnership Homes

Northern Housing Consortium

Notting Hill Housing

Nottingham City Homes

One Vision Housing

Onward Homes

Optivo

Paradigm Housing Group

Places for People

Radian

Richmond Housing Partnership

Riverside

Sanctuary Group

Solihull Community Housing

Southern Housing Group

Southway Housing Trust  
Sovereign Housing Association  
St Leger Homes of Doncaster  
Stockport Homes Group  
Suffolk Housing Society  
Tower Hamlets Homes  
Vivid Homes  
Waterloo Housing Group  
WDH (Wakefield & District Housing Ltd)  
West Kent Housing Association  
Wirral Methodist Housing Association  
WM Housing Group