

Housing Ombudsman Service

Scheme changes

Significant change...

- ▶ Designated Persons (DP) have been abolished under the Building Safety Act 2022
- ▶ DP changes applies from 1 October 2022
- ▶ From that date, no-one will have to wait 8 weeks or contact a DP to have their case referred earlier – this means a complaint can come to the Ombudsman earlier than previously
- ▶ A positive step – removes a real barrier to accessing our service

What else has changed

- ▶ Other changes fall into the following categories:
 - Consequential changes flowing from the removal of DPs as there will no longer be a statutory, albeit partial, definition of duly made
 - Changes to mirror remaining legislation more closely
 - Updates to reflect the requirements set out in the Complaint Handling Code including a new duty to monitor compliance
 - Clarifying how information should be provided
 - Reordering various paragraphs so they sit in a better location
 - Other minor changes to reflect changes elsewhere, e.g. updating the reference to Advisory Board from Panel of Advisors, or update the language used
 - Grammatical, referencing and spelling corrections

Aligning the Scheme and the Code

Scheme now reflects Complaint Handling Code requirements:

- ▶ Paragraph 9: As a condition of membership of the Scheme, a member must:
 - a. agree to be bound by the terms of the Scheme;
 - b. establish and maintain a complaints procedure in accordance with any good practice recommended by the Ombudsman, **including the Complaint Handling Code;**
 - c. as part of that procedure, inform residents of their right to bring complaints to the Ombudsman under the Scheme;
 - d. publish its complaints procedure and, where applicable, its membership of the Scheme, and make information about both easily accessible to those entitled to complain on its website **and as part of regular correspondence with complainants throughout their complaints process;**
 - e. manage complaints from residents in accordance with its published procedure or, where this is not possible, within a reasonable timescale.

Provision of information

Clarifying our expectations here:

- ▶ Paragraph 11: The member must provide the requested information within a reasonable timescale **in an accessible format** or allow access for inspection.

What does this mean for you

- ▶ Removal of the ‘democratic filter’. It means residents will no longer have to contact a designated person or wait eight weeks before referring their complaint to us if they remain dissatisfied at the end of their landlord’s complaint process.
- ▶ This change in law is a positive step in making it easier for residents to access our service.

Remedies Guidance

As part of the investigation into the complaint brought to us, we will provide fair and proportionate remedies which are appropriate to the circumstances of the individual case, where some level of maladministration has been identified (either service failure, maladministration and severe maladministration).

Remedies Guidance

Types of remedies:

- ▶ Apology
- ▶ Specific action
- ▶ Policy/procedure
- ▶ Training
- ▶ Financial

Remedies Guidance - Financial

We've introduced:

- ▶ a new level of redress for severe maladministration and compensation in the context of rents including awards by the Ombudsman where there may be arrears
- ▶ Suggest that compensation equivalent to a full or partial rent refund for the period in question should be considered
- ▶ Ombudsman's position that compensation awarded by this Service should be treated separately from any existing financial arrangements between the landlord and resident and should not be offset against arrears.
- ▶ This applies regardless of whether the landlord's compensation policy allows it to do this