

**Housing Ombudsman  
Special Report on  
Birmingham City Council**

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# Introduction

The Housing Ombudsman makes the final decision on disputes between residents and member landlords. Our decisions are independent, impartial and fair. We also support effective landlord-tenant dispute resolution by others, including landlords themselves, and promote positive change in the housing sector.

This special report follows an investigation carried out under paragraph 49 of the Housing Ombudsman Scheme<sup>1</sup>, which allows the Ombudsman to conduct further investigation into 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.’*

Factors that may be indicative of a wider service failure may include, but are not limited to the following:

- a policy weakness
- repeated service failure
- service failures across multiple service areas, and
- lack of oversight and governance to identify and act on repeated issues.

The Ombudsman’s wider investigation was prompted by the landlord’s response to an individual complaint (202109631) which identified concerns with the landlord’s complaint handling and its approach to compensation.

This report provides insight to help the landlord strengthen its complaint handling and address the substantive issues giving rise to complaints, to help extend fairness to other residents and prevent complaints in future. Our findings are limited to the individual investigations considered and do not seek to be a comprehensive assessment of the entirety of the landlord’s performance.

We also publish the report to help other landlords identify potential learning to improve their own services. This is part of our wider work to monitor landlord performance and promote learning from complaints.

## Scope and methodology

We monitored complaints made to Birmingham City Council that were brought to the Ombudsman for investigation over a six-month period from 15 March 2022. The cases represent all of the relevant cases allocated during this period, and not a selection of them. We assessed the findings from our investigations of these cases and whether or not they highlighted any systemic issues that went beyond the circumstances of those individual cases.

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<sup>1</sup> Para. 49 of ‘*The Housing Ombudsman Scheme*’, October 2022. This replaced para. 50 of the September 2020 version of the Scheme.

# Investigation Findings

We identified 14 cases that fell within the scope of this investigation during the six-month monitoring period. All of these complaints concerned the landlord’s handling of repairs and the subsequent complaint and compensation process.

The Ombudsman’s findings from the 14 investigations are set out in the table below.

The Ombudsman made 25 findings across these cases and found maladministration in 24 of them, including five findings of severe maladministration. Overall, this represents a maladministration rate of 96%.

Findings <sup>2</sup>	Severe maladministration	Maladministration	Service failure	No maladministration
202109631	• Repair handling	• Complaint Handling		
<a href="#">202107243</a>		• Complaint Handling • Repairs (leak)		
<a href="#">202011501</a>		• Complaint Handling • Repairs kitchen*		
202011666		• Complaint Handling • Repairs (flood)		
<a href="#">202103060</a>		• Complaint Handling		
<a href="#">202108749</a>		• Complaint Handling		
202012972		• Complaint Handling • Repairs (roof)		

<sup>2</sup> Reference numbers are hyperlinked to the published decision, where published. In some cases we may decide not to publish a decision if it is not in the resident’s or landlord’s interest or the resident’s anonymity may be compromised. Full details of what and when we publish are set out in our [publication policy](#).

<a href="#"><u>202109066</u></a>		<ul style="list-style-type: none"> <li>• Complaint Handling</li> </ul>		
<a href="#"><u>202011026</u></a>		<ul style="list-style-type: none"> <li>• Repairs (leak)</li> </ul>	<ul style="list-style-type: none"> <li>• Complaint Handling</li> </ul>	
<a href="#"><u>202106713</u></a>			<ul style="list-style-type: none"> <li>• Repairs (infestation)</li> </ul>	
<a href="#"><u>202011461</u></a>		<ul style="list-style-type: none"> <li>• Repairs</li> </ul>		
<a href="#"><u>202107400</u></a>			<ul style="list-style-type: none"> <li>• Complaint Handling</li> </ul>	<ul style="list-style-type: none"> <li>• Repairs (leak)</li> </ul>
<a href="#"><u>202101431</u></a>	<ul style="list-style-type: none"> <li>• Complaint Handling</li> <li>• Repair handling</li> </ul>	<ul style="list-style-type: none"> <li>• Record keeping</li> </ul>		
<b>202106521</b>	<ul style="list-style-type: none"> <li>• Damp and mould</li> <li>• Compensation handling</li> </ul>	<ul style="list-style-type: none"> <li>• Complaint Handling</li> </ul>		

# Themes Identified

When deciding if a failing is systemic, we look at whether the impact of maladministration and service failure is limited to a single area or cuts across different services and resident experiences. The themes identified below cover every aspect of residents' interaction with the landlord. From reporting an issue, raising a complaint about the repair, seeking remedy for the impact of what went wrong to the governance the landlord has in place to learn from the complaint. At every point in this process residents are met with increasing challenge to get the landlord to put things right, while the lack of adequate policies, procedures and governance combined with limited learning from these issues means the landlord repeats the same mistakes.

## Repairs

Repair requests and complaints about repairs make up the majority of resident contact with landlords. How a landlord responds to these will go a long way to setting its relationship with residents. For many residents it will be their only contact with the landlord and represents an opportunity for the landlord to be proactive, addressing problems early.

The landlord is responsible for maintaining its housing stock. The landlord's repairs service standards confirm that urgent repairs should be dealt with between one and seven working days, and routine repairs should be dealt with within 30 working days. The landlord responds to repairs through third party repairs contractors but remains responsible for the timeliness and quality of repairs.

Our review of the 14 cases found the aims of the landlord's repairs policy were not met in practice, 90% of our findings on repairs were upheld with nine findings of maladministration (including two findings of severe maladministration). Residents had to make multiple attempts to get repairs resolved, often over a prolonged period of time. While the landlord's policy sets out timescales depending on the severity of the issue, in practice these timescales were meaningless. From the 14 cases it is not clear how the landlord assigned categories of repair and considered resident vulnerability. Once the landlord began a repair there was also little checking of progress and resolution, leading to poor communication with the landlord believing repairs were resolved despite reports and evidence to the contrary. Repairs were often met with delay, and minor repairs were de-prioritised.

In two of the three findings where the repair required relates to a leak, it should have been treated as an emergency under the policy but the response did not follow that procedure.

This led to a collapse in trust between residents and the landlord. Some residents faced living for years in homes that required repair, making repeated attempts to get the landlord and its contractors to act decisively. In one case the resident made repeated disrepair claims for over 10 years.

### **Case Study – Repairs (202109631)**

Miss M is a single mother to a young child, she began to complain to Birmingham City Council as the freeholder and landlord of her property in early February 2021. The landlord was responsible for repairs to the external part of the building which Miss M paid a service fee for. She complained following a leak outside her property.

The landlord raised various repair orders both routine and urgent but failed to complete the work needed to fix what it suspected was a burst underground pipe and blocked drain. It raised a further repair job at the end of April 2021 but the landlord's contractors did not complete the repairs and they were instead completed by Miss M's water supplier at a cost to her in June 2021.

Miss M had made the landlord aware of the impact the situation was having on her and her child, she reported over 25 litres of water being wasted every hour. She also reported having to walk through water to access her house every day not knowing if it contained raw sewage with a terrible smell starting inside her property. Most concerning was her report of damp and mould appearing inside the property and her child developing coughs and respiratory issues.

Miss M raised a formal complaint with the landlord in April 2021 which was escalated through its complaint's process. Miss M was assured at Stage 1 of the complaints process that the leak would be repaired. She was dissatisfied with the length of time it had taken the landlord to address the leak, the internal damage to her property, health impacts to her family and costs she had incurred. In its Stage 2 response the landlord responded to acknowledged it had failed to repair the leak despite attending on several occasions but advised Miss M she would need to claim for any internal damage to her property via her insurers.

Miss M raised a liability claim to the landlord who did agree to pay for the costs of the work carried out by her water supplier. The landlord offered an apology for the delay in repairing the leak but did not offer any compensation.

Our findings showed severe maladministration by the landlord taking into account the extent of the water leak and how long it was ongoing, the impact this was potentially having on the building and living conditions of the property. We found that they were incorrect not to offer compensation due to the time and trouble Miss M had invested in fixing the issue. We also found that as the leak had caused damage to the structure of the property, any cost for fixing the damage would fall under the landlords building insurance policy. Any internal damage that Miss M had to pay for or anything she had to pay towards her insurers excess should have been covered by the landlord due to the delay in the leak being fixed.

We ordered the landlord to pay Miss M £800 compensation for the distress and inconvenience of its handling of the repair and the handling of the complaint. In addition we ordered it to arrange for the internal damage to be repaired and to carry out a review of its handling of Miss M's repair and formal complaint to see what it can learn to prevent this being repeated.

## Record keeping

Good record keeping provides landlords with firm foundations. With good record keeping comes certainty over who has done what, and when. If a resident complains a landlord can be certain in its actions and response. Without good record keeping a landlord cannot identify where things are going wrong and act quickly. It cannot identify themes and trends, and it cannot evidence its actions.

As a local authority, the landlord is also bound by the Freedom of Information Act 2000. This provides the public with access to information held by public authorities, ensuring local authority landlords are more open with residents.

Throughout the monitoring period the landlord's response to repair requests and complaints showed the impact of poor record keeping. The landlord has no framework in place for the record keeping it expects of its staff and contractors. This is a significant weakness in the landlord's approach and the cause of repeated service failure.

There are poor records of repairs and their progress meaning the landlord has limited information about what needs doing and then whether it has been done. This leads to delays in responding to repairs and then poor diagnosis of the issue meaning it is difficult for the landlord to address issues correctly the first time. The landlord's contractors often keep poor records of appointments or attend without an appointment giving residents little chance of being home to discuss the issue.

In one case a resident made repeated repair requests for over four years. The landlord told a resident its contractor had carried out repairs to the resident's satisfaction, despite the resident complaining about the delay in repairs and all evidence showing the repairs remained incomplete. The repairs remained incomplete by the time the resident came to the Ombudsman.

The landlord's inadequate record keeping inevitably leads to delays and incomplete responses to service requests, forcing residents to complain. The impact is then compounded as the lack of information makes any substantive complaint response difficult.



### **Case Study – Record Keeping (202109066)**

Miss T is a leaseholder of a top floor flat with Birmingham City Council being the freeholder and landlord and therefore responsible for any repairs to the structure of the building.

In December 2020 the roof was damaged and water began to leak into Miss T's property causing damage internally, with damp and mould occurring as a result.

The landlord had not repaired the roof or made further contact with Miss T who then made a complaint in February 2021. The landlord responded to the complaint advising it would begin the work in March 2021.

However, Miss T notes that between December 2020 and February 2021 she had made approximately 20 telephone calls to the landlord. Noting that every time she called about the repair she had to explain herself and the situation to each person she spoke to. The landlord acknowledged within its internal notes that their system had changed and as a result was not keeping a record of her calls or requests.

As of May 2021 the work had not been carried out and Miss T contacted the landlord again to question the delay and progress the complaint. Due to the lack of records being kept, the landlord failed to class the repair as an emergency and had not provided necessary information to Miss T about a shed blocking its roof access, which further delayed the repair.

The lack of thorough record keeping and communication had led to a ten month delay in repairing the roof. It was unclear why there had been an initial delay carrying out the repair between December 2020 and February 2021 and why there was a delay informing Miss T about the need to remove a shed between February 2021 and May 2021. Due to the lack of records provided to explain these delays it would appear the landlord was not proactive, taking until August 2021 to remove the shed and begin work. By this time damage had occurred inside Miss T's property which the landlord was ordered to put right, including treating any damp and mould.

The Housing Ombudsman found the landlord's handling of the records were not as expected and recommended they carry out a review of their record keeping practices for repairs. Ensuring that detailed and accurate records are kept of any repair requests and appointments and that this information can be accessed by all staff.

The landlord were also ordered to provide a payment of £500 to recognise its poor complaint handling and the inconvenience due to poor communication.

## Complaint handling

When a repair has not been resolved, and poor records kept over what has been done, this leads to complaints. Our Complaint Handling Code, launched in 2020, and revised in 2022, sets out good practice that allows landlords to respond to complaints effectively and fairly, supporting a positive complaint handling culture. Landlords are expected to self-assess their performance annually against the Code so it can identify any failings and act on them.

The landlord's complaints policy that was in effect during the monitoring period fails to comply with many of the requirements of the Code, meaning there is little chance of individual complaints being handled appropriately. The policy has a "pre-complaint" stage which attempts to resolve "informal" complaints without logging them. This is a serious failing as it delays access for residents to the formal procedure and the absence of clear records means the landlord is unable to respond effectively when the complaint does enter the formal process. The landlord also allows 15 working days for its stage 1 response when it should be 10 working days.

Since 2020 the landlord has only completed one self-assessment. The assessment identifies the areas which need improving but the landlord has failed to act on these or carry out subsequent self-assessments since. When asked in the self-assessment whether the Code had made a difference to the how the landlord responds to complaints, the landlord answered no.

The impact of not complying with the Code and acting on identified failings in its policy can be seen in the cases we monitored. We found maladministration for the way in which the landlord handled the complaint in 11 of the 14 cases – this is every case where complaint handling formed part of the investigation. This included:

- Delayed complaint responses
- Incomplete and inaccurate responses
- Missed opportunities to put things right early on in the complaint process
- Poor liaison with third party contractors, often taking a contractor response at face value rather than reviewing and challenging where necessary
- Failure to ensure third parties handle complaints in line with the complaints policy
- The same officer considering the complaint at stage 1 and stage 2 of the complaints procedure

The landlord continues to operate an informal complaint stage and 15 working days for stage one. In the last twelve months 2022 we have issued six complaint handling failure orders against the landlord for unreasonable delays in its complaint process.

## **Case Study – Complaint handling (202170243)**

Ms M is the leaseholder of her property and Birmingham City Council is the freeholder and landlord. They are responsible for the communal water pipes servicing the building.

Ms M reported to the landlord about a leak into her property in March 2021 but little action was taken. The landlord's policy outlined that emergency repairs would be attended to within 2 hours, urgent repairs within one to seven days and routine repairs completed within 30 days.

As a result of a lack of action, Ms M raised a complaint in April 2021 again reporting the leak and where she thought it was coming from. The landlord did not respond within its own timescales of 15 days and instead provided a response to Ms M in June 2021. It apologised and explained scaffolding was needed and would be erected later that month with work beginning shortly after.

Ms M escalated her complaint due to the lack of continued action from the landlord. While it had carried out initial checks and erected the scaffolding it had not found the issue and reported it was a drainage issue rather than an issue impacting the roof. At this point Ms M was unhappy that the landlord had left her with an uncontained leak in her property since March 2021. Ms M continued to complain and the source of the leak was identified and corrected in September 2021, this completed repair was well outside of the 30 days listed for routine repairs in the landlord's policy.

We found that as the leak was uncontrollable, the landlord should have made every attempt to repair the leak as soon as possible with the expectation that it would provide full communication with Ms M throughout. We found that after raising the complaint, the landlord carried out minor repairs which did not fix the leak. However, at this point it closed Ms M's complaint and she had to begin the complaint again, this time seeking the help of her local MP.

A closer look at the landlord's complaint policy outlines that initial responses will be sent within 15 working days with any escalated stage 2 complaints expecting a response within 20 working days. The policy also confirms that two separate people will respond to each complaint stage to ensure non bias. This did not happen with Ms M's complaint, she experienced long delays receiving her complaint responses and both were handled by the same member of staff. There was no evidence provided to explain why there was a delay in the complaint handling, with no apology or acknowledgement of the delay in the complaint response.

We determined that the landlord's complaint handling on this case was poor, they failed to demonstrate adequate investigation. The landlord did not take the opportunity of the formal complaints process to fully investigate the reports, formally confirm its position, and adequately redress any identified service failings. It has also not demonstrated compliance with the Ombudsman's Complaint Handling Code. We ordered the landlord to provide £400 in compensation, £150 of which related directly to the poor complaint handling. We also recommended that staff were trained on complaint handling to ensure the correct processes are followed.

## Compensation

When a resident complains and something has gone wrong we expect the landlord to put it right and remedy any impact on the resident. Our Complaint Handling Code says any remedy must reflect the level of detriment caused to the resident as a result of what has gone wrong, considering factors such as:

- length of time that a situation has been ongoing
- frequency with which something has occurred
- severity of any service failure or omission
- number of different failures
- cumulative impact on the resident
- resident's particular circumstances or vulnerabilities.

Where a resident has a legal entitlement to redress, the landlord should still offer a resolution where possible.

The landlord's complaints policy makes no reference to how it will put things right following a complaint. In addition to its complaints policy, the landlord has a self-contained compensation claims policy with its own appeal and re-appeal stages. At the time of the monitoring period the policy did not allow for compensation to be paid for distress, inconvenience, time and trouble. It also said it could not make payments where the landlord decided there was no liability, which is entirely false. Once completed the policy said a resident cannot pursue compensation or a complaint against the landlord. If any claim for personal injury is likely to be over £750 the landlord will refer the claim to its insurers.

The landlord should be able to remedy any unfairness through its complaint process. A resident should not have to go through any other processes. The landlord's approach of operating both a complaints and compensation policy leads to confusion and delay in putting things right and makes residents go through two processes when they should only have to use one. While the compensation policy itself meant residents could never achieve an appropriate remedy when the landlord got something wrong.

In the cases we monitored residents were often refused a rightful remedy and were signposted to the compensation policy or insurers when the issue should have been resolved through the complaints process. The landlord:

- refused to remedy distress and inconvenience from property damage
- advised residents to claim on their own insurance
- refused to remedy property damage due to negligence identified through the complaints process.

In one case the landlord initially refused to pay a financial remedy direct to the resident, instead wishing to offset it against rent arrears. The Ombudsman's guidance on remedies is clear that compensation awarded by this Service should not be offset against arrears. Such an approach only exacerbated the landlord's adversarial approach to repairs, complaint handling and paying compensation when something has gone wrong.

While the landlord has improved its complaints policy following orders from the Ombudsman, its approach still falls short of a fair and effective approach to compensation, placing the onus on the resident to 'claim' compensation when it should be routinely considered by the landlord where there has been a service failure.

### **Case Study – Compensation (202106521)**

Mr M is a resident of a property owned and managed by Birmingham City Council (the landlord) and lives with his vulnerable wife and daughter.

The landlord's records show that Mr M reported issues with damp and mould in his property 14 times between 2010 and 2021 with all repair reports showing as completed. The notes from the repairs show that Mr M was concerned about the impact to his families health as far back as 2010 and noted that just painting over the mould was not removing it.

In September 2020 a new housing officer visited the property and arranged a landlord inspection who raised a repair job for extensive mould due to structural disrepair. The landlord's notes show that all repairs were completed in October 2020 but Mr M was reporting outstanding work in the following months.

The following month saw Mr M raising a compensation claim of £6,093.37 against the landlord for damages to his property as a result of the damp and mould. It also included the impact to the families health who were reporting breathing, eye and throat issues. The landlord acknowledged the claim on 24 November 2020 and promised a reply within 15 working days.

The landlord did not provide a response to the claim until 16 July 2021 despite Mr M asking for updates six times and him approaching the Housing Ombudsman who asked the landlord twice for a complaint response. This was well outside of the promised timescales set by the landlord. The landlord said the compensation claim was being investigated by its insurers due to the level of the claim. Some time after it made a good will payment of £500.

The Housing Ombudsman found severe maladministration around the landlord's handling of the damp and mould and Mr M's request for compensation. We also found maladministration in the landlords handling of the complaint, failure to inspect the property sooner and not keeping him updated throughout.

The landlord was ordered to pay an additional £2,050 to Mr M in acknowledgement of the above. It was also ordered to progress with the compensation claim, inspect the property and provide a full schedule of any works needed.

## Governance and learning

Effective learning from complaints is a core element of effective governance. Those at the very top of an organisation should have sight of the learning from complaints. Without appropriate arrangements in place to facilitate learning, as with poor record keeping, the landlord has little idea what the problems are and what it needs to do to put things right.

Unfortunately, there was limited evidence of learning from complaints and suitable governance in the cases we monitored, with the same issues repeated. Until residents complained to the Ombudsman, policies and procedures remained unchanged, the impact on residents was compounded, with no systems in place to channel the learning from complaints into service improvement.

There are extensive and reoccurring service failures that the landlord has to understand and address. Embedding change across a large organisation will be challenging. In particular this requires effective communication across different departments and with third parties, including external contractors.

It is also critical for the landlord to be able to sustain and embed change during period of organisational and staffing change.

Strong and effective leadership and governance is required to oversee service improvement. The Ombudsman has serious concerns about the adequacy of the landlord's plans to deliver this successfully.

# Compliance

In the 14 cases we monitored we ordered the landlord to pay over £7500 in compensation to residents. We also ordered reimbursement of costs and repairs to be carried out to remedy the impact on residents. More significantly we made several orders and recommendations to try and prevent the same problems happening again.

## Repair handling

Following a senior management review the landlord's contractor acknowledged improvements were needed in its response to repairs and communication. The landlord implemented an improvement action plan including:

- Further staff training
- Contractor presence at service delivery meetings
- Site visits by landlord staff where contractors version of events contradicts residents.

## Complaint handling

The Landlord carried out an internal review of complaint handling resulting in:

- Complaint handling presence at service delivery meetings
- Changes to its compensation policy and ability for complaint handlers to award up to £250 without approval.
- Creation of a central complaints team with the aim of responding to complaints within 10 working days at stage 1
- A quality audit check of a proportion of complaint responses
- Workshops and training for complaint handlers.

## Record keeping

We recommended the landlord review:

- Its record keeping processes to ensure that it has adequate records of repairs and communication
- Why it could not provide appropriate repair records to the Ombudsman.

## Compensation policy

Since the monitoring period the landlord has drafted a separate compensation policy dealing with housing. The proposed wording allows compensation for distress, inconvenience, time and trouble. It also no longer says it is illegal to make payments where there is no liability.

However, we still have concerns with the wording of the new policy. In particular:

- There is no provision for routinely paying compensation as redress when service failure has been identified as part of the landlord's internal complaints process.
- Before making any decision on a claim for compensation every decision maker must consider the question of liability i.e. compensation payments will only be made when there is liability.
- The landlord will only consider paying compensation where compensation has been claimed or requested.



# Engagement with Birmingham City Council

Since the start of the monitoring period the landlord has engaged with the Ombudsman. The landlord accepts it has got things wrong and there is a need to improve. The landlord says it has already taken steps toward this by acting on orders from the Ombudsman.

Since the monitoring period and orders made the landlord has commissioned an independent report into its complaint handling. The report focuses on the 14 cases identified in this report, complaint handling trends and learning. The report was completed in November 2022. It acknowledged the progress already made since the monitoring period and recommended:

- Expanded root cause analysis of issues with service areas
- Dedicated service improvement action plans
- Lead contacts for contractors
- Further work to address quality and timeliness of complaint responses
- Further work to identify the underlying cause of complaints as part of business as usual.

The landlord is currently developing an action plan based on the findings.

# Conclusions

The weakness in policies, repeated failings and common points of service failure, has led the Ombudsman to conclude its findings are indicative of wider failure in repairs, record keeping, complaint handling and compensation. Whether wider service failures constitute a 'systemic failing' by a landlord is a matter for the Regulator of Social Housing to determine.

The failings identified cut across every aspect of a residents interaction with the landlord. From asking for a repair to receiving appropriate compensation when something has gone wrong the cases we have monitored show residents facing an uphill battle with the landlord. The landlord's inability to channel the learning from complaints and put in place appropriate governance and learning meant the same mistakes were repeated and there was little chance of service improvement.

The landlord has accepted responsibility and already taken steps to address the issues identified. The Ombudsman continues to see cases that show poor repair handling, record keeping and complaint handling. How the landlord responds to this report and its own independent review will demonstrate whether it is capable of fundamentally addressing these issues once and for all.

# Recommendations

The landlord is developing an action plan based on its own independent review. It should incorporate the below recommendations into that work.

Within three months of this report, the landlord should publish and provide the Ombudsman with:

## Repairs

1. An action plan of how it intends to act on the failings identified with its response to repairs. In particular, how it intends to:
  - Triage repair requests, accurately classifying them by severity and acting on requests within the period specified in its policy.
  - Monitor and review repair progress with its contractors to ensure residents do not have to make repeated requests for repairs.
  - Escalate problem and recurring repairs to someone of appropriate seniority.
  - Take a pro-active approach to repairs, making best use of void periods and intelligence to tackle problems before they arise.

## Record keeping

2. A framework for its record keeping standards, including the standards expected of contractors acting on its behalf.
3. An action plan for how it intends to embed the use of the framework throughout the landlord and its contractors to ensure people have access to relevant information when needed. In particular, that its complaint handling staff have access to appropriate and relevant records when responding to complaints.
4. An action plan for cross departmental communication and information sharing to ensure a joined up coherent response to issues.

## Complaint handling

5. An updated complaints policy that is compliant with the Complaint Handling Code. In particular outlining how the landlord will routinely consider and offer financial redress where failures have been identified.
6. A new self-assessment against the Code explaining the actions it intends to take to address areas of non-compliance.
7. Identify a lead member on its governing body who will be responsible for monitoring complaint handling performance. This should be communicated across the organisation (including contractors) and publicised to residents.
8. An action plan to ensure its governance receives the following:
  - regular updates on the volume, categories and outcome of complaints, alongside complaint handling performance.
  - regular reviews of issues and trends arising from complaint handling; and

- an annual complaints performance report, for scrutiny and challenge which must include:
  - analysis of the organisation's complaint handling performance;
  - the annual self-assessment against the Complaint Handling Code;
  - the Ombudsman's annual report about the organisation's performance; and
  - any other relevant reports or publications produced by the relevant Ombudsman in relation to the work of the organisation.

## Compensation

9. A new compensation policy which aligns with the approach to redress set out in the new complaints policy, addressing the concerns highlighted in this report to ensure it can remedy any injustice to a resident as a result of the landlord's failings without having to pursue a separate compensation claim.

# Statement by Birmingham City Council

Birmingham City Council is the largest local authority social housing landlord in England with over 60,000 homes and carries out over 250,000 repairs per year.

Following the historical cases highlighted in the report, we have progressed in terms of improving the service for tenants and this will continue through our Transformation Programme and the new Housing Strategy.

The findings of a recent independent review and the recommendations made by the Housing Ombudsman in the Special Report have been incorporated into a detailed action plan which focusses on addressing process inefficiencies in its response to repairs, record keeping and complaint handling.

A new corporate complaints process was introduced in May 2021 which preceded the date of the cases included in the Paragraph 49 investigation. This included bringing in additional dedicated resources with the objective of delivering a consistently high standard of service, reducing delays and improving the quality of responses.

As a result of performance issues, we terminated a failing repairs contractor in March 2022. We are working with our Repairs Contractors to develop process improvements which will help mitigate against future service failure.

We welcome the opportunity to work with the Housing Ombudsman during the implementation of their recommendations and we are fully committed to delivering service improvements for the benefit of all Birmingham City Council tenants.

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