



Good Practice Consultation

What we are proposing and how to have your say

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Foreword from The Housing Ombudsman

Complaints have a habit of revealing the truth and can be a unique catalyst for positive, lasting change.

For the last few years, we have sought to focus on learning from complaints, as part of our strategic objective to extend fairness and help social housing fulfil the vital role it does. Learning from complaints is a core principle of our statutory Complaint Handling Code. It is one of the drivers behind our openness and transparency around of decision-making and publication of all casework. It is at the heart of our Spotlight reports and the other insight tools we publish.

The next step we are taking to support learning is producing Good Practice. The ability to issue Good Practice is a new power for the Ombudsman contained in the Social Housing (Regulation) Act but it has perhaps had less focus to date. This consultation sets out what it is and how we will approach it. It is an opportunity for you to help shape it, to maximise the benefits for landlords and residents.

Almost every day we are asked: what does good look like? This is a brilliant question to be asked because it recognises the role that complaints play to support the development of effective policy and practice. This is where Good Practice comes in. While Spotlight reports often recommend areas for landlords to develop policy, the role of Good Practice will help us be more focused and specific based on our casework and feedback through the consultation that will take place before we issue the guidance. This Good Practice will also be accompanied by a self-assessment tool to help landlords apply it.

This consultation proposes areas where we might issue good practice – ranging from effective apologies to rebuild trust with a resident through to the effective handling of complaints during merger or organisational change. We would welcome your ideas and suggestions too.

We believe Good Practice, which will be issued selectively in recognition of the finite resources of landlords, will help extend fairness and encourage learning to the benefit of landlords and residents as well as support the earlier resolution of complaints by landlords during a period of unprecedented volumes.

Indeed, this guidance should improve services, reducing the need for residents to raise a complaint, as well as the need to escalate their case to the Ombudsman. Our Centre for Learning will also become a key part of supporting landlords to engage with Good Practice and our wider learning offer. We look forward to hearing your views.

Richard Blakeway

Housing Ombudsman

1. Scope of this consultation

<p>Topic of this consultation</p>	<p>The Social Housing (Regulation) Act 2023 (the Act) grants the Housing Ombudsman the power to issue guidance to social landlords.</p> <p>This consultation is about our proposed approach to issuing Good Practice guidance and our approach to requesting self-assessments. It also contains our initial thoughts on potential topics.</p>
<p>Scope of this consultation</p>	<p>This consultation represents an opportunity for interested persons and organisations to provide feedback about the operation of Good Practice and to influence the topics on which we issue Good Practice.</p> <p>This consultation is not the statutory consultation that is required before we issue each Good Practice guidance.</p> <p>We are seeking comments on the draft Equality impact assessment published on our website which has been developed alongside our proposals.</p> <p>HOS will review its proposals on the operation of Good Practice and its suggested topics in light of the responses to this consultation.</p>
<p>Geographical coverage</p>	<p>These proposals relate to England only.</p>

Basic information

<p>Who is being consulted</p>	<p>HOS statutory consultees: Regulator of Social Housing, private registered providers, local authority registered providers, voluntary members of the Scheme, tenants and residents, and any other stakeholders who have an interest in social housing in England.</p>
<p>Body responsible for the consultation</p>	<p>The Housing Ombudsman Service</p>
<p>Duration</p>	<p>This consultation will last for 8 weeks from 26 March 2024. The closing date is 21 May 2024.</p>
<p>Enquiries</p>	<p>For any enquiries about the consultation please contact consultations@housing-ombudsman.org.uk and a member of the team will be pleased to help.</p>
<p>Full list of documents and links related to this consultation</p>	<ul style="list-style-type: none"> • Equality Impact Assessment • Online form to collect responses

2. How can you share your views?

You can find our consultation questions below. If you would like to answer these questions, please do so by **responding through our online survey**.

We need to hear from you by 21 May 2024. If you respond after this date, your response may not be considered.

Other ways you can respond



Email: consultations@housing-ombudsman.org.uk

Please include “Good Practice consultation” in the subject heading.



Telephone: 0204 524 1795

Please state that your call is about the Good Practice consultation.



Post: Housing Ombudsman Service, PO Box 152, Liverpool L33 7WQ

Please mark the envelope “Good Practice consultation”.



If you need the information in this document in a different format, please contact us using the methods above.

When you contact us, please make it clear which questions you are responding to, and include:

- Your name
- A contact email address (if possible)
- Whether you are responding on behalf of an organisation and, if you are, the name of the organisation
- Whether you are a social housing tenant or shared owner, a social housing landlord or someone else

After the [closing date of this consultation](#), we may publish a summary of the responses we receive. Please do not share any information in your response which you would not be happy for us to make publicly available or that identifies other individuals.

This consultation is not a route for making a complaint about a landlord. If you need to contact us about your landlord our contact details are below:

Email: info@housing-ombudsman.org.uk or call: 0300 111 3000

Information provided in response to this consultation, may be published or disclosed in accordance with legislation (e.g. the Freedom of Information Act 2000).

3. Good Practice

About the Housing Ombudsman Service

3.1 The Housing Ombudsman Service makes the final decision on disputes between residents and member landlords. Our decisions are independent, impartial and fair.

3.2 We also support effective landlord-tenant dispute resolution by others, including landlords themselves, and promote positive change in the housing sector.

3.3 Our service is free to the 4.7 million households eligible to use it.

3.4 Our role is set out in the Housing Act 1996 and the Housing Ombudsman Scheme approved by the Secretary of State.

Legal basis for Good Practice

3.5 Section 41 of the Social Housing (Regulation) Act 2023, sets out that:

- We may issue good practice guidance to member landlords in the carrying out of housing activities covered by the Scheme.
- Before issuing, revising or replacing guidance, we must consult:
 - a) the Regulator of Social Housing,
 - b) members of the Scheme, and
 - c) individuals who may make complaints under the scheme.

If we issue, revise or replace guidance, we must publish any revised or replacement guidance.

3.6 The Act further sets out what we can do where a complaint relates to guidance we have issued. Where a resident makes a complaint to their landlord about something that is within the Ombudsman's jurisdiction – and it is about something that the Ombudsman has previously issued guidance on – and then it comes to our attention, we may order the landlord to:

- self-assess whether their policies and practice are consistent with the guidance issued.
- submit the results of the assessment to the Ombudsman in writing.

3.7 If the landlord does not comply with the order to self-assess, under the Act the Ombudsman may order it to publish a statement saying it has failed to comply. If the landlord fails to publish that statement, the Ombudsman may publish a statement on behalf of the landlord with the required content and recover the costs of publication from the landlord.

Approach to issuing Good Practice

3.8 The Ombudsman continuously seeks to enhance the insight available to the sector from its casework. This includes producing its Annual Complaints Review, Spotlight Reports, which focus on major thematic concerns, and quarterly Insight

reports based on emerging issues. The purpose of Good Practice is to enhance or supplement these existing learning tools.

3.9 The overarching aim of Good Practice is to drive improvements in housing services through learning from complaints. Following this guidance should improve the delivery of housing services, reduce the need for residents to raise a complaint, as well as the need for residents to escalate their case to the Ombudsman. We will therefore encourage landlords to self-assess against each issue of good practice at publication rather than wait for an order to do so from the Ombudsman. We would also encourage the landlord to engage its governing body in this self-assessment, as happens presently with the Complaint Handling Code.

3.10 The Ombudsman will focus Good Practice on effective redress for residents and use its Systemic Framework decision making process to identify topics to ensure this is based on the intelligence gathered about service provision from our complaints, other insight and systemic work.

This means it is likely that Good Practice could arise from:

- Thematic issues identified across our casework
- Compliance with orders following formal investigation
- Recommendations in Spotlight and Insight reports
- Insight from the Duty to Monitor on the Complaint Handling Code
- Feedback from residents and landlords.

3.11 While we anticipate that the majority of Good Practice will be generated from the learning from the complaints the Ombudsman handles, we may also receive ideas and suggestions from residents and landlords where we consider the entire sector may benefit from further guidance. The Ombudsman is inviting proposals for Good Practice as part of this consultation, and continuously via its website.

3.12 The Ombudsman has the Complaint Handling Code and an associated duty to monitor landlord compliance with the Code – landlords will be held to account for their complaint handling procedures and processes through that mechanism. To build on the Code and enable a positive complaint handling culture, the Ombudsman may issue Good Practice that relates to complaint handling, such as effective remedies.

3.13 The Ombudsman will consult on individual issues of Good Practice as required by legislation, but we will also consult with key stakeholders during the drafting process to ensure that the recommendations made are effective, appropriate and feasible prior to consultation. This consultation will set out an explanation for selecting a subject for Good Practice as part of the consultation on each topic. This will include information on relevant cases or data to support the basis for the guidance. We will also work with the Regulator of Social Housing to ensure there are no conflicts with its regulatory standards and Codes of Practice.

3.14 Good Practice is not best practice and there may be entirely justifiable reasons a landlord feels unable to implement it – the purpose of the self-assessment is to record those reasons and for them to be scrutinised by the governing body.

3.15 We recognise landlord resources for self-assessment and making subsequent changes to policy, processes, systems and people are finite. We will ensure Good Practice is only issued when it is the most appropriate Ombudsman tool to handle the issue identified and that the content focuses on the core principles and practices we identify as essential to consider. As a starting point, we do not anticipate issuing Good Practice more than twice in any given 12 month period.

3.16 To support landlords, we will produce learning tools such as webinars, drop-in sessions and FAQs, where appropriate to do so, and make these available through our Centre for Learning on publication of any Good Practice.

Consultation question 1

The Ombudsman intends to use learning from the complaints handled as well as ideas and suggestions from residents and landlords to generate Good Practice. Do you agree with this approach?

Yes/No

Consultation question 2

Do you agree with our proposal with our proposal to consult with key stakeholders during the development of Good Practice?

Yes/No

Consultation question 3

Do you agree with the principle of only issuing Good Practice for self-assessment when it is the most appropriate tool to handle the issue identified?

Yes/No

Potential topics

3.17 We are considering a wide range of topics, and we are keen to hear resident and landlords ideas on areas where Good Practice would be beneficial. Potential areas we are considering include:

- Making an effective apology
- Deciding on appropriate levels of compensation
- Effective complaint handling during merger or stock transfer
- Effective root cause analysis of complaints
- Knowledge and Information Management

Consultation question 4

We have set out above a number of potential topics for good practice. Do you have any comments on them and are there other topics you would like to see the Ombudsman issue good practice on?

Please provide more details below.

4. The self-assessment

4.1 The Ombudsman has used self-assessment as a tool in relation to its work for several years. This includes the Complaint Handling Code and more recent Spotlight reports. The self-assessment for good practice follows a similar approach, will be consulted on alongside the Good Practice itself and will be bespoke to the subject.

4.2 The Ombudsman will encourage voluntary completion of the self-assessment after Good Practice is issued. This should be seen as an opportunity for landlords to demonstrate a proactive approach to improving their housing service delivery and may mean an order, as described in 3.6, to complete the self-assessment for the purpose of handling a complaint is not required.

4.3 The Ombudsman will not order landlords to submit their self-assessments as a matter of course, but only if needed to support the handling of a complaint at any stage of the process.

4.4 If a landlord has not already self-assessed, then it will be required to carry this out within a reasonable timescale. This will be set for each landlord and may depend on the subject of the Good Practice or the resources of the landlord. The Ombudsman will store each landlord's self-assessment and ensure we consider the most recent self-assessment in any future cases.

4.5 Should a landlord refuse to self-assess or to share the results of this with the Ombudsman, we will follow the processes for non-compliance as set out in 3.7.

4.6 We would encourage landlords share their self-assessment with their residents to aid transparency and demonstrate learning, following scrutiny by the governing body.

Consultation question 5

Do you agree with the principle of requesting that landlords self-assess voluntarily against the issue of Good Practice at the point of publication?

Yes/No

Consultation question 6

Do you agree that a tailored self-assessment template, published alongside the relevant issue of Good Practice, would be of assistance?

Yes/No

5. Draft timetable for commencing issuing Good Practice

5.1 The table below summarises our current intended timetable for introducing Good Practice:

Proposed timing	Activity
21 May 2024	Good Practice consultation ends. Responses after this date may not be considered.
Early Summer 2024	Consideration of consultation responses.
Summer/Autumn 2024	Formal response to Good Practice consultation issued. Consultation on first draft Good Practice.
Autumn 2024	First issue of formal Good Practice.

6. A final word...

6.1 If you have any other comments about Good Practice and the self-assessment process, please let us know here:

Consultation Question 7



Do you have any other comments on good practice or self-assessment that you would like us to consider?