

Local Government &
Social Care
OMBUDSMAN

Housing
Ombudsman Service

MEMORANDUM OF UNDERSTANDING

between

LOCAL GOVERNMENT and SOCIAL CARE OMBUDSMAN

and

THE HOUSING OMBUDSMAN

Purpose

This Memorandum of Understanding (MoU) has been agreed by the Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman. The MoU is based on the relevant provisions in the Localism Act 2011.

While this MoU does not create or impose legally binding rights or obligations on the part of LGSCO or the Housing Ombudsman, both organisations are committed to working in accordance with its provisions. Each organisation will take steps to ensure that their staff are aware of what is in the MoU. They will keep staff updated about it, and about the responsibilities it places on their staff. The MoU will also be made public and placed on both organisations' websites which we consider is the best way to bring it to the attention of the public.

Roles of the Parties to this Memorandum

Local Government and Social Care Ombudsman

The LGSCO investigates complaints from the public about injustice caused by maladministration or service failure by a local authority or other body within jurisdiction. The LGSCO is also the social care ombudsman for England. In this role, the LGSCO has jurisdiction to carry out independent investigations into complaints about any matters connected with the provision of adult social care. This is a seamless service covering all types of adult care in the public, private and third sectors irrespective of who funds or arranges that care. The LGSCO can recommend a suitable remedy (which can include financial redress) for any injustice found.

The Housing Ombudsman

The Housing Ombudsman makes the final decision on disputes between residents and member landlords. It also set the standards in complaints handling through its Statutory Complaint Handling Code and supports effective landlord-tenant dispute resolution by others, including landlords themselves, promoting positive change in the housing sector. The Ombudsman can also look beyond individual disputes into the wider and deeper issues responsible for generating complaints and seek to address those issues to improve residents' lives and landlords' services. Full conditions of membership, and the Ombudsman's powers, are set out in the [Scheme](#).

When investigating complaints, the Housing Ombudsman will have due regard to the law, relevant codes of practice (which includes the regulator's standards and statutory guidance), policies and procedures.

Who can make a complaint

To the LGSCO

A complaint to the LGSCO may only be made by, or on behalf of, a member of the public or a body of persons other than a local authority or other public service body. Members of the authority concerned cannot normally make a complaint to the LGSCO. Members may only do so if acting as members of the public, e.g. in relation to matters affecting them as users of a local authority service.

To the Housing Ombudsman

The following people can make complaints to the Ombudsman about members:

- a. a person who is or has been in a landlord/tenant relationship with a member. This includes people who have a lease, tenancy, licence to occupy, service agreement or other arrangement to occupy premises owned or managed by a member. If the complaint is made by an ex-occupier, they must have had a legal relationship with the member at the time that the matter complained of arose;
- b. an applicant for a property owned or managed by a member;
- c. a representative of any of the people above who is authorised by them to make a complaint on their behalf;
- d. a representative of any of the people above who does not have the capacity to authorise a representative to act on their behalf. The Ombudsman must be satisfied that the representative has the legitimate authority to act on the person's behalf; or
- e. a person with authority to make a complaint on behalf of any of the people above who is deceased.

This means that, as well as considering complaints from tenants, the Housing Ombudsman can also accept complaints from leaseholders and shared owners. The only category of homeowner who is not eligible to bring a complaint to the Housing Ombudsman about a member landlord are those who own the freehold of their home.

Working together

Casework

At any stage during an investigation of a complaint LGSCO or the Housing Ombudsman may decide that the complaint relates partly to a matter which could be within the jurisdiction of the other. Where either Ombudsman considers that the complaint involves actions that fall within the remit of the other Ombudsman, they shall consult about the complaint. Both organisations can share information about a complaint in order to consult without the express consent of the complainant or their representative.

All information shared will be shared in compliance with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). For more details about how

personal data is processed please see the privacy notices for [LGSCO](#) and [the Housing Ombudsman](#) which are accessible online.

If consent has been given by the person complaining, the LGSCO and the Housing Ombudsman may directly refer new complaints between them.

LGSCO and HOS can decide to jointly investigate a complaint, where the agreed criteria for a joint investigation are met.

Operational arrangements for the handling of complaints are set out in the Joint Working Operating Procedures and will be subject to periodic review.

Insights and data

LGSCO and the Housing Ombudsman recognise that there may be areas of mutual interest in sharing insights and data at an organisation level. This sharing could help to identify repeated service failures and may support referral to a governing body, or other appropriate regulatory agency to improve effectiveness at an individual local authority or sector-wide basis. LGSCO and the Housing Ombudsman have agreed that they will:

- a) meet and communicate every six months at Head of Service level or above to discuss matters of mutual interest, including information, insights and data; and
- b) seek to promote understanding about their respective roles.
- c) notify each other in advance of relevant activity or a publication on a local authority

Stakeholder knowledge and engagement

Both parties will discuss and keep under review the appropriateness of other forms of joint working and stakeholder engagement. The purpose of such work will be to:

- promote a better understanding of jurisdiction
- help ensure appropriate and timely referrals of complaints to the LGSCO and the Housing Ombudsman
- disseminate wider learning from investigations into the interactions between social landlords and local authorities.

Review

Representatives from LGSCO and the Housing Ombudsman will review the operation of this MoU every three years or after a significant change in legislation, policy or practice in either party, to ensure that it reflects any developments and changes in working practices.

This MoU was agreed by both parties on **8 March 2024**.

Signed:

Amerdeep Somal : Local Government and Social Care Ombudsman

Richard Blakeway: Housing Ombudsman