

ARCH Tenant Group Meeting 1 March 2021

Social Housing White Paper & housing complaints Questions for the Housing Ombudsman

- 1 **When looking at cases should there be a degree of lay representation, as is the case with industrial tribunals, rent tribunals and mental health tribunals?**

We are an alternative dispute resolution service, set up to help landlords and tenants resolve disputes without going to court.

It is not within our authority to determine whether a landlord has broken the law. The purpose of our investigation is to assess whether a landlord responded appropriately to a given situation and to decide whether its actions were fair and reasonable, taking all the circumstances of the case into account.

Both parties are provided an opportunity to share evidence with the Ombudsman independently or via an authorised representative. It is not within our jurisdiction to consider complaints where either party has started legal action.

- 2 **How will the Ombudsman ensure that complaints made to councils are handled quickly and efficiently?**

The Local Government and Social Care Ombudsman considers complaints about local authorities' wider activities. Our responsibilities include complaints about a local authority's (or arms-length management organisation's) relationship as landlord to its tenants or leaseholders.

We work with the LGSCO, under a memorandum of understanding, to agree a common approach to the definition of jurisdictional boundaries, early handling and signposting of complaints and other forms of joint working. Further information can be found: <https://www.housing-ombudsman.org.uk/useful-tools/fact-sheets/which-ombudsman-for-social-housing-complaints/>

- 3 **There needs to be consideration in the handling of complaints for those who do not have online access or those who do not know how to use online facilities. What plans are being made to account for these factors?**

We are committed to ensuring that residents are not disadvantaged in accessing our services. To this end we will make reasonable adjustments where appropriate. Routes to our service include phone and postal services.

- 4 **Are you sure that consumer standards set in the Code of Practice will be easy to understand and apply to cases if you need to? Do you not agree that complying with is not the same as reaching standards?**

The Regulator of Social Housing sets both 'consumer' and 'economic' regulatory standards for registered providers of social housing.

The Memorandum of Understanding sets out how the Ombudsman informs the Regulator of potential systemic issues relating to compliance with the Regulator's standards. It also confirms how the Regulator signposts tenants, or their representatives, who are seeking resolution of individual complaints, to the Ombudsman. <https://www.housing-ombudsman.org.uk/wp-content/uploads/2020/09/MOU-Ombudsman-and-Regulator-20200901.pdf>

5 What kind of qualifications/experience/training do people who work in your organisation have - particularly those charged with investigating residents' complaints?

Our staff each have special talents and experience to offer in support of the work that we do. We play to the strengths of our people and value the different strengths and talents of every employee.

6 What measures will the Housing Ombudsman use to judge performance to be good, particularly in terms of resident engagement?

The Ombudsman encourages landlords to use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery. The Code requires a landlord to share its learning with residents, including a specific requirement to include any organisational learning in its Annual Report.

7 The neighbourhood quality aspect of the White Paper where the housing provider may not be the only (or indeed the majority) provider of housing in a community/neighbourhood. How can housing providers address complaints about wider neighbourhood quality issues outside of their direct control when there might be many different providers, both private and social, as well as owner occupied from right to buy etc?

Each landlord's policy should state who can make a complaint (e.g. non-residents? former residents? anyone who receives a service from the landlord?).

The Ombudsman cannot consider complaints where a resident does not have a landlord/tenant relationship. The Local Government and Social Care Ombudsman considers complaints about local authorities' wider activities.

8 Where do the boundaries lie between the jurisdiction of the Housing Ombudsman and the Local Government Ombudsman? For example:
a. If a housing developer had promised as a condition of planning consent to provide 20% affordable rented housing on a site, but then claimed to be unable to do so, do tenants and residents have a right to complain? If so, would that be to the Housing Ombudsman or the Local Government Ombudsman?

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- b. I'm a council tenant in a residential street of mostly private rented and owner-occupied properties. The teenage son of one of the private properties and his friends are causing major anti-social behaviour in the neighbourhood. I've complained to my council landlord about the matter, but nothing seems to change. Can I refer the matter to the Housing Ombudsman?**

We deal with each complaint to find the best outcome for your individual circumstances. Once we receive the details of your complaint we may:

- Refer the case to a different organisation if it is an issue we cannot make a decision about because it is not in our jurisdiction
- Work with you and your landlord to resolve the dispute under our early resolution procedure. For example we can use our experience of resolving complaints to make suggestions to the landlord and/or the resident if we believe there is a way to resolve the complaint
- Carry out an investigation; we only do this for those complaints where we decide an investigation is proportionate to the circumstances and evidence before us, for example complex complaints involving many issues.

Details on contacting our service can be found on our website:

<https://www.housing-ombudsman.org.uk/residents/make-a-complaint/>

- 9 What performance standards will the Ombudsman put in place in terms of timescales to consider and reach a decision on complaints referred to the Ombudsman?**

Whilst we appreciate setting targets is dependent upon resources, workload and complexity, it's important to have some framework to prevent serious breaches continuing to the detriment of residents whilst complaints are being investigated.

We receive high volumes of cases and we aim to deal with these as quickly and efficiently as possible. Details of our key performance indicators are published in both our business plan and our annual report and accounts. <https://www.housing-ombudsman.org.uk/about-us/corporate-information/publications/>

- 10 Would the Ombudsman like to see landlords being obliged to publicise the detail (omitting personal data) of the outcome of complaint referrals and what they have learned from complaints rather than just numbers & statistics and are there any plans to do this?**

The Code requires a landlord to share its learning with residents, including a specific requirement to include any organisational learning in its Annual Report.

11 **Would the Ombudsman support more punitive measures against landlords in cases of proven maladministration? What is the maximum penalty for a landlord guilty of maladministration?**

Under the terms of the Housing Ombudsman Scheme, we can make a finding of either no maladministration, service failure (a lower form of maladministration), maladministration, or severe maladministration. where we find maladministration, we will order remedies appropriate to the circumstances.

Under the revised scheme published last year, we have increased powers to issue complaint handling failure orders and the ability to conduct systemic and thematic investigations beyond an individual complaint or landlord. Further details on the scheme can be found:

<https://www.housing-ombudsman.org.uk/2020/09/01/ombudsmans-new-powers-take-effect-including-working-with-the-regulator/>

12 **Apart from issuing non-compliance orders what else is the Housing Ombudsman doing to monitor compliance with the code and how does it know if landlords are not complying?**

As a condition of membership of the Scheme, a member must agree to be bound by the terms of the Scheme. This includes relevant codes and practices such as, our complaint handling code.

Where a member landlord has repeated complaint handling failures or potential systemic failures, they will be referred to the Regulator of Social Housing.

13 **Previous personal experience of the Ombudsman service has demonstrated a wait time of around eight months for an adjudication to be made, since then as I understand it the Housing Ombudsman now deals with the private sector as well, how will that influence turnaround times?**

Our members are predominantly not-for-profit landlords (Housing associations) and local housing authorities with housing stock. Voluntary members account for the smallest proportion of our members. In our annual report and account 2019-20 we delivered an average across the year of 5.8 months against our six months target.

14 **What will be done to publicise the Housing Ombudsman Service and how will residents be told about their rights to use the service?**

Landlords must let their residents know about their right to bring complaints to us. All member landlords must have a published complaints procedure that includes details about our service and how to access it. This is emphasised in the code.

15 **If a tenant or resident doesn't feel confident enough to refer a complaint to the Ombudsman can someone else act on their behalf? If so, what proof is needed if someone is acting on behalf of someone else?**

Yes, we offer residents the opportunity to use a representative. They can provide written /signatory consent via our complaint form as well as: a letter of authority or

notice of acting. Reasonable adjustments to the method of consent received will be considered on an individual basis.

The Ombudsman must be satisfied that the representative has the legitimate authority to act on the person's behalf.

16 In what circumstances would or should tenants be advised to use the Housing Ombudsman Service?

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17 Will the Tenants Panel that the Housing Ombudsman is setting up have any influence? i.e. if they saw a weakness could they change the way of working or suggest improvements such as training etc

The Resident Panel provides an opportunity for residents to be involved in the development of our service as well as giving us direct feedback on their experience of using our service.