

## Webinar 5

25<sup>th</sup> October 15.00-16.30 and 19.30-21.00

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# Complaints

76 residents attended across the afternoon and evening sessions

Speakers:

- Andrew Dack, Team Leader of Social Housing Sponsorship and Redress, DLUHC
- Nicole Bickerdyke, Senior Policy Advisor, Social Housing Redress Policy, DLUHC
- Tom Durham, Strategic Communications, DLUHC
- Polly Cox, Sector Learning and Development Manager, Housing Ombudsman Service
- Helen Watkinson, Housing Ombudsman Resident Panel Member, Stage 2 resident panel member, now Resident Complaints Champion, Scrutiny Panel Chair
- Lizzie Spring, a retired Voluntary Sector manager, rents flat in Central London
- Leah Stephens, Cobalt tenant and member of the Tenant Consultative Panel

To watch the speaker presentations: <https://www.fourmillionhomes.org/videos/complaints-know-your-rights/>

## Overall comments and main points

- The policy and the Ombudsman are definitely moving in the right direction
- Concerns over the perceived loss of resident involvement in the complaints process
- The Housing Ombudsman Centre for Learning is a great idea
- Need for a properly resourced National Tenants Federation to work alongside the Ombudsman and the Regulator, the skills and resources of tenants are not being utilised enough.
- Issues around communication from staff around and through the complaints process.
- So many changes that it is hard to take everything on board, how can things be made more accessible for the average tenant? There are also ongoing questions (across different webinar topics) about if everything that is being put in place now will change if there is a new party in government.
- A number of residents who thought they had been making complaints, it then turned out that they were just reporting (Make Things Right campaign seen as positive in this regard)
- Concerns about how the new requirements in the Social Housing Regulation Act were going to be funded and fears that the additional costs were going to be transferred directly to residents.
- Concerns about incorrect data being given into the self-assessments (there is a similar concern raised about the Tenant Satisfaction Measures)

## Q and A

### **Q: Do landlords have to advertise the Make Things Right campaign?**

A: DLUHC want all landlords to tell residents about it and there are requirements (as discussed in presentation) requiring landlords to provide good information for tenants about how to raise issues. Not law, but DLUHC have been talking to lots of landlords and the bodies that represent them to try and encourage them to include the link.

Present standards also talk about information that landlords should provide their tenants on how to complain. And the Complaints Handling Code sets out how landlords should share this information with residents through regular communication.

### **Q: Is there any rule about the level of qualifications that people who are responding to complaints must have?**

The Social Housing (Regulation) Act sets out that the new regulatory competency and conduct standards will require relevant staff to have or be working towards a level 4 qualification for senior housing managers, or a level 5 qualification or foundation degree level for senior housing executives. The qualifications must be regulated by the Office of Qualifications and Examinations Regulations (Ofqual). Not all people who are involved in stages of the complaints process will need to be this level of seniority and have these qualifications.

### **Q: When will the consultation on qualifications and professionalisation be going out?**

A: DLUHC intend to consult on a draft Direction to the Regulator before the end of 2023.

### **Q: is there a wide range of complaints coming through to the Ombudsman & what are the expectations and lessons coming through, so that there is the opportunity to implement procedures. Housing Associations haven't always done so – they say they're going to publish and then say they can't because of data protection.**

A: What the Ombudsman is expecting landlords to do is when there is a complaint and it has been fully investigated, they should be taking the learning from that complaint and implementing changes to ensure that it doesn't happen again. They can share that through anonymized case studies and should be responding to the complainant, informing them of what they've done. If you look at some of the insight reports and the spotlight investigations that the Housing Ombudsman Service carries out, they are full of casework and examples.

Go to the [Centre of Learning pages](#) on the Housing Ombudsman site for access to all the different reports, learnings and the recommendations that the Ombudsman Service is making to various different landlords.

### **Q: The new code looks as though any involvement with customers in the complaints handling process is not going to happen. However, this has been something that has been useful even if it adds a bit of delay. Isn't cutting out residents a retrograde step?**

A: What the Ombudsman wants is to ensure is that when people make a complaint that they aren't being held up. There are landlords who have this additional stage where they have residents reviewing the process and some are still doing that within the 10 working days or if it's escalated within 20 working days. What the Ombudsman has main concerns about is where there are additional stages and landlords are saying they can't respond in time because of the pressures on resident involvement and using this as the reason for delay. Ultimately the Ombudsman Service is wanting to ensure that residents are getting their complaint resolved as quickly as possible.

**Q: It's good that the Housing Ombudsman is starting to monitor against what RPs are saying they're doing.**

A: In terms of the monitoring – what the Ombudsman Service does is look at when case work doesn't match up against what landlords are saying they are doing in terms of policies and procedures. They will then delve deeper and that's when the monitoring will really come through because they will then be going to those senior leadership teams to say that the evidence is not matching what they say they're doing and ensure that plans are being put in place to make those changes, within a defined time period, and the Ombudsman Service will monitor those plans.

**Q: What happens if a landlord keeps ignoring a complaint made by a resident?**

The Housing Ombudsman Service has a dispute support team. If a resident has made several complaints but hasn't had any response from the landlord and they've got the evidence to show that, they should contact the service, will be put through the Ombudsman's triage process and an appropriate member of staff will speak to them and can then go back to the landlord and have the conversation and communication with the landlord. The Housing Ombudsman can also issue Complaint Handling Failure Orders where they have taken reasonable steps to seek engagement from landlords, but the resident is still unable to progress a complaint. Their aim is to resolve at the earliest opportunity that resident complaints can and do get heard.

**Q: There are requirements for landlords to respond in a specific period, but there is also quite a backlog in terms of time taken for the Ombudsman to investigate and respond escalations. How does the Ombudsman see that being dealt with and reduced in future?**

A: The Ombudsman are now almost 400 members of staff compared to around 100 18 months ago. They have just taken another tranche of adjudicators on board. It takes time for staff to be able to understand their role, but they have already reduced timescales down to between 4 and 6 months, which is significantly less than it was 6 months ago. Implementing their new triage system has also enabled them to make sure they're signposting people whose cases are out of their jurisdiction to ensure that they're receiving and being signposted to the relevant authorities and organizations at much earlier opportunities. This is also reducing the waiting times.

**Q: When there's a situation with damp and mould, shouldn't this be dealt with quicker than the current response timescales?**

It was highlighted that policies and reporting periods for damp and mould are separate from the complaints process. When a damp and mould enquiry is made, it should be triaged by the property services team, and you should have a visit within 7 days

If you have a household that you have just found out is full of damp and mould, and the landlord potentially wasn't aware of it before, the landlord should deal with that as quickly as possible. In most cases they will not be able to resolve this in 10 working days, but they can put in steps and communicate with the resident what they are doing and how that will resolve the issue.

**Q: Is the time limit to submit the complaint to the Housing Ombudsman HO, 1 year from the date if the complaint being closed from the housing association**

A: yes, one year from the date of the final response.

**Q: Do registered providers with under 1000 homes have to be a member of the Housing Ombudsman?**

Yes. The Housing Ombudsman Scheme is approved by the Secretary of State under section 51 of, and Schedule 2 to, the Housing Act 1996 as amended by the Localism Act 2011, the Building Safety Act 2022 and the Social Housing (Regulation) Act 2023 (the Act).

The Act requires social landlords, as defined by section 51(2) of the Act, to be members of an approved scheme. Section 4 of the Scheme states; All bodies, other than Local Housing Authorities, which are, or at any time have been, social landlords must be members of the Scheme (which is the only scheme currently approved by the Secretary of State) in respect of all their housing activities.

Further information can be found on the Housing Ombudsman [website](#)

**Q: What if there is an order, instruction or recommendation that isn't followed by the landlord?**

A: Get in touch, pass the information along, and that will be picked up by the Housing Ombudsman investigation team.

**Q. How frequently should landlords be capturing information about their tenants' needs and disabilities**

A: Landlords will assess this at lettings and allocations stage. Following this, landlords should carry out an annual property checks and revisit household members' information as part of this. Beyond this, there are no set timescales or stages.

**Q: Shouldn't the landlord have to state the actual date they will assess by rather than saying 21 days which then the tenant must work out when that will be?**

No answer.

**Q: Why is the Housing Ombudsman Complaints Housing Code not mandatory for private landlords?**

The Housing Act 1996 as amended by the Localism Act 2011, the Building Safety Act 2022 and the Social Housing (Regulation) Act 2023 (the Act) currently does not require private landlords to adhere to the Housing Ombudsman Complaint Handling Code. This

may change under the Renters Reform Bill. Further information can be found on the government [website](#)

## **How are the Housing Ombudsman and the Regulator connected to each other?**

The Regulator of Social Housing and the Housing Ombudsman have different functions but have arrangements in place for the two bodies to work together.

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.

**Regulator of Social Housing** - The Regulator of Social Housing sets both 'consumer' and 'economic' regulatory standards for registered providers of social housing. The Regulator takes a proactive approach to regulating its economic standards with a particular focus on governance and financial viability.

In line with current legislation, the consumer standards are regulated reactively with a focus on potential systemic failings. The Regulator does not resolve individual complaints and cannot mediate in disputes between landlords and tenants.

**Housing Ombudsman Service** – The Housing Ombudsman Service resolve complaints from residents about registered providers of social housing and some managing agents and private landlords who are voluntary members. We deal with each complaint to find the best outcome for the individual circumstances.

We support the resolution of complaints while they are within the landlord's complaints process. Where disputes remain unresolved, we may seek to resolve them through mediation, or we may carry out formal investigations. Depending on the outcome of an investigation, we may include orders and recommendations to resolve the dispute. We also promote positive change in the housing sector.

## **Do landlords have to publish their policies?**

The Complaints Handling Code sets out that landlords must make their complaints policy available in a clear and accessible format for all residents. This will detail the number of stages involved, what will happen at each stage and the stage and the timeframes for responding. The Social Housing (Regulation) Act 2023 places the Complaints Handling Code onto a statutory footing.

DLUHC is currently carrying out a consultation about the provision of information to tenants of social housing concerning the accommodation, facilities or services provided in connection with social housing. More information is available here:

<https://www.gov.uk/government/consultations/consultation-on-directions-to-the-regulator-of-social-housing-tenant-rights-and-complaints/provision-of-information-to-tenants-direction-to-the-social-housing-regulator-on-tenants-rights-and-complaints>

There is currently no regulatory requirement to have policies available. If the landlord is a Local Authority, a Freedom of Information request can be made. Freedom of Information

requests can not currently be made of Housing Associations although the government is saying it will introduce a similar piece of legislation for Housing Associations.

**The code says the Housing Ombudsman cannot investigate the level of service charges but what about the legitimacy of service charges?**

If you disagree with the level of rent or service charge you are paying, or the amount of a rent or service charge increase, it is unlikely that the Housing Ombudsman will be able to investigate your complaint, but there are other organisations that may be able to help or advise you.

The Ombudsman may be able to investigate your complaint if it is about the collection of rents or service charges, their calculation or how this information was communicated, rather than the level of charge itself. Examples of the types of issues they may consider include accounting errors, communication, and application of refunds.

If you have a concern about a charge and you are unsure if the Ombudsman can consider your complaint, contact them to discuss your complaint in more detail.

Further guidance can be found on the Housing Ombudsman [website](#).

**What can the Ombudsman do to encourage HAs like mine who are resistant to publicising the Govt Complaint Handling Code or encouraging tenants to engage with external organisations to better inform themselves?**

There is a section of the Complaint Handling Code that addresses accessibility and awareness, this section of the code states what Landlords must do in relation to accessibility and awareness. The Social Housing (Regulation) Act 2023 places the Complaints Handling Code onto a statutory footing. It also puts a duty on The Housing Ombudsman Service to monitor compliance with the Code.