

# Arun District Council

<b>REPORT TO:</b>	<b>Housing and Wellbeing Committee – 10 September 2023</b>
<b>SUBJECT:</b>	<b>Housing services complaints performance and determinations</b>
<b>LEAD OFFICER:</b>	<b>Sasha Hawkins – Interim Business Improvement Manager</b>
<b>LEAD MEMBER:</b>	Councillor Carol Birch
<b>WARDS:</b>	<b>All</b>

## **CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:**

The report supports the following areas in the corporate vision:

- Delivering the rights homes in the right places
- Support those in our community that need help, providing a safety net where necessary and working with people and organizations to meet different needs.
- Ensure the existing housing stock in the district (private sector and council owned) is maintained to a high standard.
- Support households with complex needs to secure suitable accommodation.

This report provides members details of Housing Ombudsman determinations made against the council and our complaints performance for the first quarter of 2023/24 (April to June).

## **DIRECTORATE POLICY CONTEXT:**

The Housing Ombudsman Complaint Handling Code sets out that landlords should provide their governing bodies with information on their performance on complaint handling, to include showing that we have complied with any orders made by the Ombudsman.

As a landlord we have to ensure compliance with the Housing Ombudsman Complaint Handling Code as failure to do so could result in a complaint being referred to an appropriate regulator.

## **FINANCIAL SUMMARY:**

As a result of the determinations made by the Housing Ombudsman between May 2022 and July 2023 the council was ordered to pay £500 compensation.

The average amount of compensation paid as part of our Stage 1 and Stage 2 responses for Q1 was £187.00. The main driver for compensation is work being carried out late by our contractors.

## **1 PURPOSE OF REPORT**

- 1.1 To present to committee an overview of the determinations made by the Housing Ombudsman since May 2022.
- 1.2 To present to committee an overview of Housing services complaints performance for Q1 (April to June)

## **2 RECOMMENDATIONS**

It is recommended that the Housing and Wellbeing Committee

- 2.1 Note the contents of the report
- 2.2 Note that the council has complied with the orders made by the Housing Ombudsman in their determinations

## **3 EXECUTIVE SUMMARY**

- 3.1 This report provides members with an overview of our complaint handling performance in quarter 1 for the period 1 April 2023 to 30 June 2023.
- 3.2 The report also provides an overview of the complaints determined by the Housing Ombudsman for the period May 2022 to July 2023.
- 3.3 The Housing Ombudsman Complaint Handling Code sets out that landlords should report to their members regular updates on their complaint handling performance and their compliance with Ombudsman orders. Reports on our complaint handling performance and any determinations will be brought to committee every quarter.
- 3.4 For the period between May 2022 and July 2023 we received two determinations by the Housing Ombudsman. There were findings of maladministration in our complaint handling and approach to repairs during covid-19.
- 3.5 For the period 1 April 2023 to 30 June 2023 96 formal complaints were received, the highest volume of complaints was seen in our repairs service which accounted for 68 of formal complaints received.
- 3.6 On average for quarter 1 we responded to 36% of Stage 1 complaints in time and 24% of Stage 2 complaints in time, this places us in the bottom quartile for performance when compared to other authorities.
- 3.7 There was a high proportion, 73%, of complaints which were upheld, with the main cause being the service not meeting expected standards.

## 4 **DETAIL**

### 4.1 **Determinations**

4.2 During the period May 2022 to July 2023 the Housing Ombudsman made two determinations in relation to complaints made to the Council. These determinations are published on the Housing Ombudsman's website three months after the decision date to ensure our tenants can better hold us to account on the way we handle complaints.

4.3 The Housing Ombudsman may issue one of the following outcomes when making their determination.

**Maladministration** - where the landlord has failed to comply with its legal obligations or its policies and procedures, or where the landlord has unreasonably delayed in dealing with the matter. This could be a finding of service failure, partial maladministration, maladministration, or severe maladministration, depending on the seriousness of the failure and the impact on the customer.

**No maladministration** – where the landlord is found to have acted appropriately.

**Redress** – where the landlord made redress to the customer which resolved the complaint satisfactorily in the Ombudsman's opinion.

**Resolved with intervention/early resolution** – where the complaint was resolved with the Ombudsman's intervention

**Outside jurisdiction (OSJ)** – where the Ombudsman did not have the authority to investigate. This could be for a variety of reasons including: the complaint had not been made within a reasonable timescale; the complaint did not meet the conditions of the scheme; or the matter was more appropriately dealt with by the courts, a tribunal, another complaint handling body or regulator.

4.4 When the Ombudsman issues their determination they may make an order, landlords are obliged to comply with any orders made in a determination where failures have been identified. We must then evidence to the Ombudsman that the orders have been complied with.

4.5 The Ombudsman may also make recommendations within their determinations and although they do not have enforceable compliance target dates we are expected to provide updates to the Ombudsman within four weeks of the determination date.

4.6 In order to arrive at the determinations both the resident and the Council submit information to the Ombudsman for their consideration.

4.7 Below is an overview of the determinations made, the orders and recommendations made by the Ombudsman.

4.8 **Determination 1 (May 2022)**

This complaint was about our response to repairs during Covid-19, our handling of their complaint, a warning we gave about unreasonable behaviour, our overall complaint handling and adherence to the Ombudsman's complaint handling code, and our unreasonable behaviour policy.

The Ombudsman's findings in relation to this complaint were;

**Determination (decision)**

Maladministration in our approach to repairs during Covid-19

Maladministration in the handling of their complaint

Maladministration in the warning we gave to the complainant about unreasonable behaviour

Maladministration in the overall complaint handling and adherence to the Complaint Handling Code (CHC).

*The landlord's policy to only attend to emergency/sensational repairs in January and February 2021 was not in line with Government guidance at that time, and it has not provided sufficient explanation for why it was unable to follow this guidance. This was frustrating for the resident.*

*It was unreasonable not to add the additional issues raised to complaint A, which was again frustrating for the resident and led to time and trouble taken to raise a separate complaint so these issues could be addressed.*

*The landlord's decision to warn the resident about 'unreasonable behavior' is not supported by evidence that demonstrates that his behavior was unreasonable. This has caused the resident distress and anxiety.*

*The landlord was without a full complaint policy for an extended period, including when the CHC was in operation, which was a failing.*

*The resident referred to the CHC to understand the landlord's obligations, and experienced frustration when the landlord did not adhere to these. The policy that is now in place does not fully correspond to the CHC.*

*Overall there was maladministration in the complaint handling which is especially concerning given the previous investigations that have been carried out as noted above. While the order for compensation made below relates to this investigation only and not matters already compensated for in other cases, it does take into consideration the additional frustration caused to the resident in this complaint through repeated failures.*

## **Orders**

*Pay the resident £450 for the time, trouble, distress and frustration the failings identified in this report caused.*

*Provide a written apology to the resident for the unreasonable behaviour warning*

*Review and revise our complaint policy to ensure that it is in line with the Ombudsman's CHC.*

*Provide training to all staff that handle complaints to ensure that this is being done correctly, and in line with the CHC. Details of this training to be provided to the Ombudsman.*

## **Recommendations**

*Take steps to ensure that other senior officers have the authority to authorise complaint responses in the Senior Staff Member's absence, and that complaints about individual members of staff are not responded to by those staff members.*

### **4.9 The full determination is attached at Appendix 1**

### **4.10 Determination 2 (January 2023)**

This complaint was about our handling of repairs to the resident's garden, their concerns about subsidence and their formal complaint.

#### **Determination (decision)**

That we offered reasonable redress in relation to the complaint concerning our handling of the repairs to the resident's garden.

That there was no maladministration in our response to the resident's concerns about subsidence

That there were delays in our complaint responses and that we did partially acknowledge this. However, we did not take these delays and the impact they had on the time taken to conclude the complaint into account when we provided our final response, or offer any redress to put this right.

### **Orders**

*Pay the resident £50 in recognition of the delays in our response to their complaint*

### **Recommendations**

*Contact the resident with a date to meet and agree the outstanding work to the garden. Once the parties have met, it is recommended that we write to the resident to confirm the schedule of works and the dates which they will be completed.*

*Provide the Ombudsman with an update on its efforts to finalise the garden works.*

### **The full determination is attached at Appendix 2**

#### **4.11 Compliance**

4.12 All orders made by the Ombudsman have been complied with and evidence provided to the Ombudsman in line with their protocol.

4.13 Following the determination made in May 2022 our corporate complaint policy was updated and agreed by the Audit and Governance Committee on 29 September 2022 to ensure compliance with the updated Complaint Handling Code and this was provided to the Ombudsman. We also completed our self-assessment against the code which was presented to Members in January 2023.

4.14 All housing staff undertook e-learning training provided by the Housing Ombudsman.

#### **4.15 Complaint performance**

4.16 In housing services we have expanded the data we collect relating to our complaint handling performance so we can identify trends, systemic issues and highlight areas for improvement. These changes came into effect from 1 April 2023 which will allow us to report to Members each quarter on our performance.

4.17 The Housing Ombudsman Complaint Handling Code sets mandatory response times for Stage 1 and Stage 2 complaints, this is mirrored in our complaint policy.

- 4.18 Appendix 3 sets out our performance for quarter 1 and reports on key measures such as response rate, volume of complaints, and root causes.
- 4.19 Compared to last year 2022/23 the volume of complaints has increased, with 96 complaints being received in Q1 and 181 received in the whole of 22/23. We are not alone in the increase in volume as reports from Housemark advise that the sector saw a 78% increase in the volume of complaints for 22/23. Partly this is due to changes in the complaint handling code that stipulates that landlords should not have a pre-complaint or quick resolution stage therefore; more requests are logged as stage 1 complaints.
- 4.20 Appendix 3 shows that our repairs service has received the largest number of complaints in Q1. This is partly due to the performance of our contractors which is being addressed by the implementation of a Dynamic Purchasing System, and improved performance monitoring. We know from Housemark that repairs are the main driver for satisfaction with our residents so making improvements in this area should see an increase in satisfaction translated into a reduction in complaints.
- 4.21 Service not up to standard and poor communication are the two main reasons for complaints. We are taking steps to improve our performance, which should improve satisfaction with our repairs service. Communicating with our residents is critical and the purpose of our Resident Engagement Strategy. We know there is further work to do in this area to ensure we respond to residents in a timely manner and keep them updated on progress with their enquiries.
- 4.22 The response time set by the Housing Ombudsman for Stage 1 and Stage 2 complaints is 10 and 20 working days. Appendix 3 shows the percentage of complaints responded to within time is below what we would expect, and places us in the bottom quartile of performance when compared to other authorities.
- 4.23 Actions are being taken to improve performance and are detailed below.
- 4.24 Development of a new complaints and compliments tracker, which allows us to have greater oversight of complaints and identify gaps in our performance, trends, and areas for improvement.
- 4.25 A new complaints process map has been developed along with a step-by-step guide to ensure that everyone is working in a consistent way, this work has also allowed us to identify areas for improvement which have been implemented and are set out below.
- 4.26 The housing management team are updated on our complaint's performance monthly and discuss areas of concern.

- 4.27 We have set up a central mailbox for housing complaints which is always monitored and responded to, ensuring that complaints are allocated quickly allowing officers more time to investigate and respond to complaints.
- 4.28 The complainant should be contacted within 48 hours, or their complaint being allocated to investigating officer to ensure we have a clear understanding of their complaint and give them the opportunity to provide us with any further information.
- 4.29 Service managers are provided information on any due complaints in their areas each week.
- 4.30 Where the Business Improvement Manager identifies areas of concern with complaints performance these will be raised with the Head of Housing so action can be taken.
- 4.31 Weekly meetings with Infomanagement to keep track of any outstanding complaints.
- 4.32 These changes have started to improve our response times and we have seen this reflected in August's figures which will be shown in Q2's report.

#### 4.33 **Compliments**

4.34 For quarter 1 we received 5 compliments which are set out below

4.35 "She was supported on to the housing register and secured accommodation"

4.36 "I would like to express my thanks once again for your assistance in this matter and a satisfactory resolution"

4.37 "To thank you for the kind, considerate and helpful meeting that you held"

4.38 "Just to say thank you for getting the work orders raised and completed"

4.39 "She took the time to understand the situation and how it had affected her mental health and should be acknowledged for this"

### **5 CONSULTATION**

5.1 None required

### **6 OPTIONS/ALTERNATIVES CONSIDERS**

6.1 This report is for noting only



## **7 COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER**

- 7.1 The financial implications outlined in this report are comparatively minor and can be funded within the existing housing budget.

## **8 RISK ASSESSMENT CONSIDERATIONS**

- 8.1 Not applicable.

## **9 COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER**

- 9.1 Compliance with the Complaint Handling Code is a requirement of the membership of the Housing Ombudsman Scheme and failure to comply with the Code entitles the Ombudsman to take action through its determinations and other avenues. There are no direct legal implications associated with this report, but the report forms part of the Council's ongoing work to adhere to the Code and to improve its complaints performance.

## **10 HUMAN RESOURCES IMPACT**

- 10.1 No impact identified.

## **11 HEALTH & SAFETY IMPACT**

- 11.1 There are no direct health and safety impacts associated with this report. However reporting on complaint performance and Ombudsman determinations helps to highlight improvements to service areas which include repairs and compliance, which will help support the effective management of health and safety risks.

## **12 PROPERTY & ESTATES IMPACT**

- 12.1 The recommendations of this report have no impact on the Councils General Fund Portfolio or the delivery of Property, Estates, and Facilities functions.

## **13 EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE**

- 13.1 Not required for this report

## **14 CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE**

- 14.1 No impact identified

**15 CRIME AND DISORDER REDUCTION IMPACT**

15.1 No impact identified

**16 HUMAN RIGHTS IMPACT**

16.1 There are no implications identified.

**17 FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS**

17.1 There are no implications identified

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**CONTACT OFFICER:**

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**BACKGROUND DOCUMENTS:**

Appendix 1 – Determination 1

Appendix 2 – Determination 2

Appendix 3 – Complaints performance figures