

Arun District Council

REPORT TO:	Housing and Wellbeing Committee – 21 November 2024
SUBJECT:	Housing services complaints performance and determinations Q2
LEAD OFFICER:	Sasha Hawkins – Business Improvement Manager
LEAD MEMBER:	Councillor Carol Birch, Chair of Housing and Wellbeing Committee
WARDS:	All

CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:

The report supports the following areas in the corporate vision:

- Delivering the right homes in the right places
- Support those in our community that need help, providing a safety net where necessary and working with people and organisations 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 with details of any Housing Ombudsman determinations made against the council and our complaints performance for the second quarter of 2024/25 (July to September).

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:

In Q2 we offered £11,400 compensation as part of our Stage 1 and Stage 2 responses.

We also paid £4,500 as ordered by the Housing Ombudsman

Our compensation budget is monitored by the service managers, and compensation is paid in line with our compensation policy.

1 PURPOSE OF REPORT

- 1.1 To present to committee an overview of Housing services complaints performance and Ombudsman Determinations for Q2 (July to September).

- 1.2 To present to Members the Housing Ombudsman's annual performance report for 2023/2024.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Housing and Wellbeing Committee:

- 2.1.1 Note the contents of the report.

- 2.1.2 Note that all orders and recommendations have been complied with.

3 EXECUTIVE SUMMARY

- 3.1 This report provides members with an overview of our complaint handling performance and determinations received in quarter 2 for the period 1 July 2024 to 30 September 2024.

- 3.2 It also provides Members with the Housing Ombudsman's annual performance report for 2023/24, which is published on their website. Appendix 1

- 3.3 Some of the determinations in this report were from complaints made 2 or more years ago, Housing has been through changes in this time, and we would expect these improvements to be reflected in their report for 2026/2027.

- 3.4 It is also worth noting that although our maladministration rate for 2023/2024 has increased we still performed similarly when compared to similar landlords by size and type.

- 3.5 We received 5 determinations from the Housing Ombudsman in Quarter 2 of which we received the following outcomes:

- a) 1 severe maladministration
 - b) 7 maladministration
 - c) 4 service failures
 - d) 2 reasonable redress
 - e) 3 no maladministration

- 3.6 This is the Council's first severe maladministration finding by the Ombudsman, and a full review has been carried out of the case, to ensure that the matter does not happen again.

- 3.7 It is important to note that these outcomes relate to cases and actions dating from April 2021 - November 2023 and are not reflective of current practise.

- 3.8 Members will be aware that the service has a policy programme in place to update and address any gaps in our policies and working practices.
- 3.9 All orders and recommendations have been complied with; it is worth noting that three of these five determinations are from historical cases but due to backlogs with the Ombudsman have only just been determined.
- 3.10 For the period 1 July 2024 to 30 September 2024, 82 formal complaints were received, the highest volume of complaints was seen in our repairs service which accounted for 46 of formal complaints received. For the same period in 2023/24 we received 105 complaints, of which 71 were for our repairs service. This is a significant improvement compared to last year's performance.
- 3.12 For quarter 2 we responded to 72% of Stage 1 complaint within agreed extended timescales this is an improvement on our Q1 performance of 67%. For Stage 2 complaints we responded to 67% within agreed extended timescales, representing a decline on quarter 1's performance of 91%.
- 3.13 Please note that Q1 figures have been retrospectively updated to reflect a methodology change that now aligns to our housemark benchmarking figures shown in the performance measures report.
- 3.14 For the same period in 2023/24 we responded to 63% of Stage 1 complaints in time and 42% of Stage 2 complaints in time.
- 3.15 Although our performance has declined, we are still achieving our target of 69% for Stage 1's and 65% for Stage 2's, and we are still at an improved position compared to last year. This target is the mean value of performance of similar sized local authorities.
- 3.16 Our response times to stage 2 complaints have declined this quarter, with more complaints being responded to outside of deadline, this was largely seen in August and September however in July we responded to 100% of Stage 2's in time.
- 3.17 The reason for the decline in response times in August and September was staff leave and sickness impacting our ability to respond to complaints.
- 3.18 Mandatory complaints training has been arranged for staff, which will cover the importance of meeting complaint deadline.
- 3.19 For quarter 2 we received 87 compliments which is an increase from 86 compliments last quarter, and across the quarter we received more compliments than complaints.

4 DETAIL

4.1 Housing Ombudsman determinations

4.1.1 During the period 1 July to 30 September the Housing Ombudsman made five 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.

4.1.2 The Housing Ombudsman may issue one of the following outcomes when making their determinations:

- a) **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.
- b) **Severe Maladministration** – this is the most serious worst form of determination that can be made.
- c) **No maladministration** – where the landlord is found to have acted appropriately.
- d) **Reasonable redress** – where the landlord made redress to the customer which resolved the complaint satisfactorily in the Ombudsman's opinion.
- e) **Resolved with intervention/early resolution** – where the complaint was resolved with the Ombudsman's intervention.
- f) **Service failure** - the lowest level of maladministration and is reserved for minor failings where action is still needed to put things right.
- g) **Outside jurisdiction** – 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.

4.1.3 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

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

4.1.5 In order to arrive at the determination both the resident and the council submit information to the Ombudsman for their considerations. Below is an overview of the determinations, the orders and recommendations made by the Ombudsman.

4.1.6 It is worth noting that due to the backlog in determining cases at the Housing Ombudsman some of the complaints referenced in this report were submitted several months ago, however the determinations have only just been received.

4.2 Determination 1 (July 2024)

4.2.1 This complaint was made in November 2023

4.2.2 The complaint was about the following:

- a) The residents request to purchase the freehold of the property
- b) Remedial repairs to the fascia's, soffits and guttering, and planned maintenance work to the block, including the replacement of the roof
- c) The associated complaint

4.2.3 Determination (decision)

4.2.4 The Ombudsman found that the residents' request to purchase the freehold of the property sat outside their jurisdiction.

4.2.5 They found maladministration in the handling of repairs to the fascia's, soffits and guttering, and planned maintenance work to the block, including the replacement of the roof.

4.2.6 They found reasonable redress in our handling of the associated complaint.

4.2.7 Orders

- a) Apologise to the resident for the findings
- b) Pay the resident compensation of £800
- c) Obtain a quote for the work to the front elevation of the property and confirm if we will be absorbing the cost
- d) Carry out a full review of the case to identify what went wrong, and provide a copy to the resident and the Ombudsman
- e) The full determination is attached at Appendix 2

4.3 Determination 2 (30 July 2024)

4.3.1 This complaint was made in October 2021

4.3.2 The complaint was about the following:

- a) Our handling of the residents' requests for new bathroom fittings and flooring
- b) Our handling of the residents' reports of damp and mould
- c) Our handling of the resident complaint about staff conduct

4.3.3 Determination (decision)

4.3.4 They found service failure in our handling of the resident's request for new bathroom fittings and flooring.

4.3.5 They found maladministration in our handling of the residents' reports of damp and mould.

4.3.6 They found maladministration in our handling of the residents' complaints about staff conduct.

4.3.7 Orders

- a) Apologise to the resident for the findings
- b) Contact the resident to discuss their disabilities and determine whether we need to make any further reasonable adjustments
- c) Arrange a further inspection of the resident's bathroom
- d) Review the situation with the damp and mould at the property to ensure any measures put in place were successful
- e) Pay the resident £1000 compensation

4.3.8 It is worth noting that during the period of waiting for the Ombudsman's determination the resident moved out of the property and was no longer a tenant of Arun District Council, so the second order above was not required. A full property inspection was carried out as part of the moving process.

4.3.9 The full determination is attached at Appendix 3

4.4 Determination 3 (30 July 2024)

4.4.1 This complaint was made in April 2021

4.4.2 The complaint was about the following:

- a) Our handling of the residents' report of a leak in their property
- b) Our handling of the residents' reports of damp and mould
- c) Our complaint handling

4.4.3 Determination (decision)

4.4.4 They found severe maladministration in respect of our handling of reports of damp and mould in their property.

4.4.5 They found maladministration in our handling of the residents' reports of a leak in their property.

4.4.6 They found maladministration in our complaint handling.

4.4.7 Orders

- a) A senior staff member to provide a written apology
- b) Carry out a review of why the failings occurred
- c) Provide complaint handling training to all staff
- d) Pay the resident £3200 compensation which included the £1350 already awarded

4.4.8 The full determination is attached at Appendix 4

4.5 Determination 4 (19 August 2024)

4.5.1 This complaint was made in March 2023

4.5.2 The complaint was about the following

- a) Our handling of the residents' reports of repairs
- b) Our complaint handling

4.5.3 Determination (decision)

4.5.4 They found maladministration in our handling of the residents' reports of repairs at their property.

4.5.5 They found maladministration in our complaint handling.

4.5.6 Orders

- a) The CEO to apologise to the resident in writing
- b) Carry out a review of why the failings occurred
- c) Pay the resident £450 compensation

4.5.7 The full determination is attached at Appendix 5.

4.6 Determination 5 (30 September 2024)

4.6.1 This complaint was made in 2022

4.6.2 The complaint was about the following:

- a) Our response to the residents' request for a transfer to another property
- b) Our handling of the residents' reports of asbestos
- c) Our requests for vulnerability and disability information
- d) Our response to the residents' request for a single point of person contact arrangement
- e) Us not advising the resident of a contractor attending
- f) Our handling of the residents' reports of a member of staff attending their property unannounced
- g) Our handling of the residents' reports of ASB
- h) Our refusal to escalate the resident's complaint
- i) Our handling of the residents' reports of a neighbour installing a bench outside their property

4.6.3 Determination (decision)

4.6.4 They found the complaint about a request for a transfer is not within their jurisdiction.

4.6.5 Our handling of reports of asbestos was outside of scope as the resident had withdrawn their complaint.

4.6.6 There was no maladministration in our handling of requesting vulnerability and disability information.

4.6.7 There was service failure in our handling of the residents' requests for a single point of person contact arrangement.

4.6.8 There was no maladministration in us not pre-advising the resident of a contractor attending a communal area.

4.6.9 There was reasonable redress in our handling of the residents' reports of a member of staff attending their property unannounced.

4.6.10 There was service failure in our handling of the residents' reports of ASB.

4.6.11 There was service failure in our refusal to escalate the resident's complaint.

4.6.12 There was no maladministration in our handling of the residents' reports of a neighbour installing a bench.

4.6.13 Orders

- a) Apologise to the resident
- b) Pay the resident £300 compensation

4.6.14 The full determination is attached at Appendix 6.

4.7 Improvements

- 4.7.1 We recognise and accept the failings that have been identified in these determinations, we have carried out reviews of these cases to ensure we learn from them. The changes that have been put in place since these complaints are set out below.
- 4.7.2 Some of these determinations are from complaints that were first raised in 2021 and 2022, since this date improvements have been made to the services we deliver, and we have seen an increase in satisfaction as a result of these improvements.
- 4.7.3 Our repairs service has been brought in house since the issues which gave rise to these complaints, which has given us greater control over repairs, and we have already seen an increase in satisfaction since its inception in April 2024.
- 4.7.4 Our new housing management system has also been implemented since these determinations which allows us to have a joined-up approach to record keeping, communication and case management.
- 4.7.5 We now have a direct interface between our repairs contractors and our housing management system, allowing staff access to real time updates.
- 4.7.6 A third-party company carries out satisfaction surveys on key service areas (repairs, new lettings, ASB and complaints)
- 4.7.7 Our complaints process was improved in 2023, including the creation of a centralised complaints mailbox, standardised letter templates and appointment of a complaints officer. We also have one officer who co-ordinates complaints within housing.
- 4.7.8 Mandatory complaints training is being delivered for all staff and will then be delivered on a rolling programme.
- 4.7.9 Creation of a damp and mould tracker to monitor and action all current cases
- 4.7.10 Adoption of a damp and mould policy and creation of a new suit of letters that comply with Awaab's law.
- 4.7.11 A mutual exchange policy is being developed which will set out our approach to inspections of properties, and what actions is to be taken where there may be signs of damp and mould.

4.8 Complaint performance

- 4.8.1 Appendix 7 sets out our performance for quarter 2 and reports on key measures such as response rate, volume of complaints, and root causes.
- 4.8.2 The response time set by the Housing Ombudsman for Stage 1 and Stage 2 complaints is 10 and 20 working days. Appendix 7 shows the percentage of complaints responded to within time has increased for Stage 1's but decreased for Stage 2's.
- 4.8.3 There are limited staff who can carry out a Stage 2 investigation, and our response times have been impacted by sickness and leave, steps are being taken to ensure that Stage 1 complaints are not ordinarily investigated by senior officers so that they are available to carry out stage 2 investigations.
- 4.8.4 For Q2 we responded to 72% of Stage 1's and 67% of Stage 2's within time which still fall within target when compared to other authorities of a similar size.
- 4.8.5 We responded to 100% of Stage 2's in time in July but performance declined in August and September, we are working to address the officers we have available for Stage 2 investigations so our performance is not impacted.
- 4.8.6 We want to continue improving our response and steps are taken to monitor our performance:
- a) Weekly reminders are sent to all investigating officers of their current complaint deadlines
 - b) Complaint performance is discussed monthly at housing management team meetings
 - c) Where required escalation is made to the service manager where complaint deadlines are being missed in their departments
 - d) Mandatory complaints training for all staff has been arranged, which covers all areas of complaint investigations and the importance of responding within Ombudsman timescales. Appendix 1 sets out some further data on root causes and the complaint decisions made.
- 4.8.7 In Q2 service not provided was the largest root cause of complaints followed by staff complaints. Service not provided consistently remains a top root cause of our complaints, and we are using the data we receive from complaints and satisfaction surveys to improve our services.
- 4.8.9 We have seen a reduction in staff complaints for Q2 with 15 staff complaints received compared to 23 in Q1. The actions we have put in place have had the desired effect in starting to reduce staff complaints, however this will be closely monitored to ensure they continue to decrease.

4.8.10 When we then look at our complaint decisions, we see that a significant proportion of complaints are being fully upheld (56%).

4.8.11 We also carry out deep dives into systemic issues and issues highlighted as part of complaints and will shortly be carrying out a lesson learnt exercise on leaseholder complaints.

4.9 Continued performance monitoring

4.9.1 Our complaints co-ordinator monitors our performance on a weekly basis and works closely with Infomanagement to ensure complaints are dealt with in line with our policy.

4.9.2 Our housing management team receive performance updates every fortnight and monitor the progress of any actions committed to. They also receive regular information on trends, root causes and lessons learnt so they can take action to address any systemic issues.

4.9.3 We also invite residents who have been through the complaints process to carry out a survey to give us their views on our complaint handling, and any areas we can improve on.

4.10 Compliments

4.10.1 For quarter 2 we received 87 compliments, some of these compliments are set out below.

4.10.2 "Thank you for all your help during this nightmare for us you're a credit to the council so thank you again from the whole family".

4.10.3 "I spoke to you yesterday. I just want to say thank you so much for putting my mind at rest yesterday. That was really kind of you. I really appreciate your help and support. So, I just want to say thank you for getting that sorted. So have a nice day and thank you."

4.10.4 "Thank you from the bottom of my heart for everything you have done for me, you have been so amazing and kind and helpful so the biggest thank you"

4.10.5 "I wanted to say, I very much appreciate your help. I always find council staff professional, polite and very helpful."

4.10.6 "In my opinion you are an asset to the organisation - prepared to go the extra mile to try and make a difference."

4.10.7 "Thank you so much for all your help over the last couple of months. Your help

and support have made a difficult time a little easier to weather. “

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 can be funded within the existing housing revenue 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 highlights 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 as this is a performance monitoring 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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BACKGROUND DOCUMENTS:

None