

# Arun District Council

<b>REPORT TO:</b>	<b>Housing and Wellbeing Committee – 20 March 2025</b>
<b>SUBJECT:</b>	<b>Housing services complaints performance and determinations Q3</b>
<b>LEAD OFFICER:</b>	<b>Sasha Hawkins – Business Improvement Manager</b>
<b>LEAD MEMBER:</b>	Councillor Carol Birch – Chair of Housing and Wellbeing Committee
<b>WARDS:</b>	<b>All</b>

## **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 third quarter of 2024/25 (October to December).

## **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 Q3 we offered £22,457 compensation as part of our Stage 1 and Stage 2 responses which is an increase from £11,400 in Q2.

We also paid £3210.73 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 Q3 (October to December).

## **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 3 for the period 1 October 2024 to 31 December 2024.

3.2 We received 5 determinations from the Housing Ombudsman in Quarter 3 of which we received the following outcomes:

- a) 5 maladministration
- b) 5 service failures
- c) 2 no maladministration

3.3 These determinations relate to complaints made during the period 2022-2024, three of the five maladministration determinations relate to one complaint.

3.4 All orders and recommendations have been complied with; it is worth noting that four of the five determinations are from cases over 18 months ago but due to backlogs with the Ombudsman have only just been determined.

3.5 For the period 1 October 2024 to 31 December 2024, 94 formal complaints were received, the highest volume of complaints was seen in our repairs service which accounted for 66 of formal complaints received. For the same period in 2023/24 we received 130 complaints, of which 79 were for our repairs service. This is a significant improvement compared to last year's performance.

3.6 On average for quarter 2 we responded to 67% of Stage 1 complaints within agreed extended timescales this is a decrease on our Q2 performance of 72%. For Stage 2 complaints we responded to 65% of complaints within agreed extended timescales, representing a decline on quarter 2's performance of 67%.

3.7 This quarter's performance places us below the target level, which is the mean value of other similar sized local authorities.

3.8 Our response times to stage 2 complaints for December declined, with more complaints being responded to outside of deadline, however in November we responded to 100% complaints within timescale.

- 3.9 The reason for the decline in response times for Q3 was staff leave and operational demands, this performance has been addressed by the Group Head of Housing, Wellbeing and Communities and the importance of complaint deadlines reemphasised to the whole service.
- 3.10 Mandatory complaints training has been delivered for all housing, wellbeing and communities staff.
- 3.11 For quarter 3 we received 90 compliments which is an increase from 87 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 October to 31 December 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 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 (October 2024)**

4.2.1 This complaint was made in June 2023

4.2.2 The complaint was about the following:

- a) An electrical safety inspection, including the actions of our officer and the consideration of the residents' vulnerabilities.
- b) The installation of a new front door, including the actions of our officer and its consideration of the residents' vulnerabilities.
- c) The resident's related complaints

4.2.3 Determination (decision)

4.2.4 The Ombudsman found service failure in respect of our handling of the electrical safety inspection, including the actions of its officer and its consideration of the residents' vulnerabilities.

4.2.5 This was because the Ombudsman determined we had not used the terms of our tenancy agreement correctly when sending the letter warning of legal action, and that we had not considered reasonable adjustments.

4.2.6 There was no maladministration in respect of our handling of the installation of a new front door, including the actions of its officer and its consideration of the resident's vulnerabilities

4.2.7 There was maladministration in respect of our handling of the resident's related complaints, as we had combined multiple complaints into our stage 2 response.

4.2.8 Orders

- a) Apologise to the resident for the findings
- b) Pay the resident compensation of £350

4.2.9 Lessons learned, following this determination we have put in place the following actions

- a) Committed to reviewing the suite of letters we use for when we require access.
- b) Adopted a new access policy
- c) Added a reasonable adjustments policy to our policy development programme

4.2.10 The full determination is attached at Appendix 1

### **4.3 Determination 2 (6 November 2024)**

4.3.1 This complaint was made in March 2023

4.3.2 The complaint was about the following:

- a) Our attempts to gain access to the property to carry out essential electrical works
- b) The resident's complaint.

4.3.3 Determination (decision)

4.3.4 They found service failure in our handling of the attempts to gain access to the property to carry out essential electrical works as we had not kept records of all attempts to gain access to the property, although the Ombudsman state we acted within our legal obligations.

4.3.5 They found service failure in our handling of the resident's complaint

4.3.6 Orders

- a) Pay the resident £150 compensation

4.3.7 Lessons learned, following this determination we have put in place the following actions

- a) We are developing further guidance on good record keeping, including key principles for all staff to uphold

4.3.8 The full determination is attached at Appendix 2

### **4.4 Determination 3 (14 November 2024)**

4.4.1 This complaint was made in September 2022

4.4.2 The complaint was about the following:

- a) The resident's reports of anti-social behaviour (ASB) from the adjoining neighbour (neighbour A)
- b) The allegations of ASB made against the resident by the downstairs neighbour (neighbour b)
- c) The resident's reports of ASB from neighbour B
- d) Our complaint handling

- e) The resident's concerns about the landlord's attitude towards her reports of ASB and complaints

#### 4.4.3 Determination (decision)

4.4.4 They found maladministration in our handling of the resident's reports of ASB from neighbour A

4.4.5 They found maladministration in our handling of the allegations of ASB made against the resident by neighbour B

4.4.6 They found maladministration in our handling of the resident's reports of ASB from neighbour B

4.4.7 They found service failure in our handling of the complaint

4.4.8 They found no maladministration in the handling of the resident's concerns about the landlords attitude towards her reports of ASB and complaints.

#### 4.4.8 Orders

- a) Provide a written apology
- b) Write to the resident confirming why it did not consider the residents reports of noise and abusive language
- c) Contact the residents to confirm if they have any further issues, they would like to raise in relation to neighbour B
- d) Contact the resident regarding their reports of ongoing ASB from neighbour A and confirm the status of their ASB case. This should include completing an up-to-date risk assessment
- e) Provide the resident with the contact details for making a complaint to Environmental Health, should they want to do so
- f) Pay the resident £800 compensation

4.4.9 Lessons learned, following the determination we have put in place the following actions

- a) Further training for neighbourhood teams on dealing with reports of anti-social behaviour
- b) Regular drop-in sessions for neighbourhood housing officers with specialist anti-social behaviour staff

4.4.10 The full determination is attached at Appendix 3

### **4.5 Determination 4 (28 November 2024)**

4.5.1 This complaint was made in February 2024

4.5.2 The complaint was about the following

- a) Our handling of reports of damp and mould at the residents property

#### 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 handling of damp and mould due to the time taken to carry out repairs to the property to address the damp and mould following the survey carried out.

#### 4.5.6 Orders

- a) Carry out all recommended work listed in the damp and mould inspection within 6 weeks of the date of the report, and provide evidence when done
- b) Pay the resident £1,810.73 compensation.

#### 4.5.7 Recommendations

- a) To review our planning and scheduling of repairs works, to ensure minimal disruption, that household vulnerabilities are taken into consideration and that residents are clearly advised of any loss of facilities, so their expectations are managed.

4.5.8 Lessons learned, following the determination we have put in place the following actions

- a) Damp and mould policy was adopted, which outlines our approach to addressing damp and mould
- b) A case is being developed on our new housing management system, so the tracking of damp and mould is improved.

4.5.9 The full determination is attached at Appendix 4.

### **4.6 Determination 5 (31 January 2025)**

4.6.1 This complaint was made in June 2023

4.6.2 The complaint was about the following:

- a) Our handling of the residents annual leasehold service charges and their subsequent complaint

#### 4.6.3 Determination (decision)

4.6.4 They found service failure in our handling of the residents service charge concerns and queries

4.6.5 The Ombudsman found that in the main, we had taken steps to remedy the residents complaint, but we could have taken a more robust and resolution focused approach in our response

#### 4.6.6 Orders

- a) Apologise to the resident
- b) Pay the resident £100 compensation

#### 4.6.7 Lessons learned

Following the determination we have put in place the following actions

- a) Further training to be delivered to staff on Section 20 and the coding of charges to properties, this will be delivered in Q1 of 2025/26
- b) Ongoing quality assurance checks of invoices before they are issued
- c) Establish a voice of leaseholders residents group
- d) Reviewing the leaseholder handbook and leasehold website pages
- e) A lessons learnt paper has been compiled for leaseholder service charges, and key recommendations have been agreed, which will be published on our website for residents to see

4.6.8 The full determination is attached at Appendix 5.

### **4.7 Complaint performance**

4.7.1 Appendix 6 sets out our performance for quarter 3 and reports on key measures such as response rate, volume of complaints, and root causes.

4.7.2 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.

4.7.3 For quarter 3 we responded to 67% of Stage 1's and 65% of Stage 2's within time which still fall within target when compared to other authorities of a similar size.

4.7.4 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 delivered, 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.

4.7.5 In Q3 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.



4.7.6 When we then look at our complaint decisions, we see that a large proportion of complaints are being fully upheld 48%, however this is a reduction on Q2 performance of 56%.

4.7.7 We also carry out deep dives into systemic issues and issues highlighted as part of complaints and have carried out a lesson learnt exercise on leaseholder complaints and agreed a set of recommendations which will be published on our website for our residents to see.

#### **4.8 Continued performance monitoring**

4.8.1 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.

4.8.2 Our housing management team receive performance updates every month 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.

4.8.3 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.

4.8.4 The Group Head of Housing, Wellbeing and Communities has also reemphasised the importance of responding to complaints in line with the Complaint Handling Code and will continue to have oversight of the performance across housing services.

#### **4.9 Compliments**

4.9.1 For quarter 3 we received 90 compliments, some of these compliments are set out below.

4.9.2 “Thank you for all your help I appreciate it very much in resolving these very much needed repairs to my home and to make it safe and liveable without causing me future health problems. The damp surveyor is coming Tuesday thank you “

4.9.3 “Thank you once again for your quick response and returning my call, and as always being very helpful and thorough with resolving the question and issues I have had. It’s reassuring that I now know that I can contact someone who will always help, it’s very much appreciated.”

4.9.4 “I will make sure I get everything sorted but I just wanted to thank you we can never repay your kindness and professionalism. You have no idea what you have done for us after everything we went through”

4.9.5 “I have just been allocated a house. My mum has been able to find the Identity. I just want to say thank you so very much for all the help you have given me. I cannot thank you enough”

## **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