



Briefing

Role of Housing Ombudsman, Complaints Team and Tenants in addressing dissatisfaction and learning from experience

17 November 2023

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We will look at...

- Vision for centralised complaints handling service.
- Role of Housing Ombudsman - how it links with regulation.
- Housing Ombudsman's Complaint Handling Code.
- Determinations.
- Activity monitoring and delivery.
- Learning and Service Improvement.
- How tenants inform, test and challenge.



Vision - Where we need to get to...

- In responding to Complaints, we will be fair, and we will seek to put things right at the earliest opportunity. Our responses will address all aspects of the complaint, be of consistently high quality and delivered within agreed service standards.
- We will adhere to the Housing Ombudsman's Code of Practice for Complaints Handling and we will systematically learn from practice, engaging our involved customers routinely to test and challenge the delivery of our service improvement commitments.



- Housing Ombudsman works closely with Regulator for Social Housing (RSH). Different but complementary roles.
- Regulator has agreed Consumer Standards and Torus is required to report any breaches / failures to meet these.
- Regulator assesses providers and publishes ratings for Governance and Viability. The ratings can affect Torus's credit rating.
- Torus is rated G1 / V1 which is the highest grading possible.

A graphic showing the ratings G1 and V1 in a large, outlined, sans-serif font. The letters are arranged in two rows: G1 on top and V1 on the bottom. The background behind the text is a light grey semi-circle.

The Housing Ombudsman

Housing Ombudsman investigates complaints by requesting evidence from the resident and landlord, and determining what is fair in all the circumstances of the case.

- When investigating complaints, the Ombudsman considers whether the landlord failed to comply with relevant legal obligations or codes of practice;
- Failed to apply its own policies and/or procedures; delayed unreasonably in dealing with the matter;
- Behaved unfairly, unreasonably or incompetently; treated the complainant in a heavy-handed, unsympathetic or inappropriate manner.



The Ombudsman's Findings

- The Ombudsman can find maladministration or not; decide whether the landlord has already provided reasonable redress; and make orders or recommendations depending on their findings
- **Orders** aim to put things right for the complainant and landlords are obliged to comply. Orders can include requiring the landlord to apologise or pay compensation to the complainant or to undertake repairs
- **Recommendations** are made where the Ombudsman considers that wider changes - for example staff training or record keeping - could improve the landlord's services for the benefit of other residents

The Complaint Handling Code



- Universal definition of a complaint
- Providing easy access to the complaints procedure and ensuring residents are aware of it, including their right to access the Housing Ombudsman Service
- The structure of the complaints procedure - only two stages and clear timeframes set out for responses
- Ensuring fairness in complaint handling with a resident-focused process
- Taking action to put things right and providing appropriate remedies
- Creating a positive complaint handling culture through learning and improvement
- Demonstrating learning in annual reports
- Annual self-assessment against the Code

Role of tenant and the LOC

- Compliance with Complaint Handling Code is a requirement of the Ombudsman's Scheme.
- The Complaints Panel comment on policy or procedure reviews incl. proposed changes and the annual self-assessment against the Code. LOC receive and sign off these documents and receive Quarterly Performance information including details of all Determinations.
- The Code sets out expectations for Boards, executive management and frontline staff, and helps Torus customers to know what to expect when they make a complaint.
- The Ombudsman may escalate any compliance concerns to the landlord's Board and may refer the matter to the Regulator for Social Housing.



Any Questions?

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Peter Harrison, Service Lead

- Torus operates a two-stage process. Historically criticised for blurring the edges.
- Extensions of time should be used in limited circumstances and must be agreed with the resident.
- Additional issues raised during the investigation can be incorporated before the letter is issued
After, a new complaint must be raised.
- Escalation to Stage 2 can only be done after the Stage 1 process and must be with the resident's agreement.
- While efforts to find an appropriate resolution can continue after the Stage 2 response, we must be clear that this is not a Stage 3, our process has been exhausted and the resident can seek the intervention of the Ombudsman..

The complaints customer journey



Customer raises a complaint, it is registered by the Customer Hub as a Stage 1 complaint with a unique complaint reference

Complaint is acknowledged and first contact made with customer within 48 hours

Complaint is investigated and formal written response provided within 10 working days (unless maximum of 10 day extension agreed)

If customer remains dissatisfied, the complaint is escalated to Stage 2 stating reasons for dissatisfaction

NB: There are currently two complaint procedures
- HMS and Torus

The complaints customer journey



Stage 2 complaint is investigated, and formal reply made within 20 working days (unless a max of 10 day extension agreed)

Stage 2 complaint is monitored and tracked to ensure commitments made are delivered

If customer remains dissatisfied they can refer their complaint to the Housing Ombudsman (once complaints process has been exhausted after the formal two stages)

Ombudsman will determine if it is within their remit to investigate

The complaints customer journey



If within remit and they choose to investigate Ombudsman will instigate a formal investigation and request evidence to be provided within 3 weeks

Customer will also be advised at same time that complaint is being investigated. Ombudsman may contact customer for further information

After evidence provided (history, timeline of events, relevant policies/procedures, correspondence etc) there may be supplementary evidence requests

Ombudsman publishes a draft report to Landlord with proposed determination usually including both Orders and Recommendations. There is no time scale for this

NB: Landlord has three weeks to consider a challenge

The complaints customer journey



Both landlord and customer have three weeks in which to lodge a challenge to the report findings

Landlord has to confirm to the Ombudsman within four weeks it has complied with the Orders made and often a later timescale is prescribed by the Ombudsman to confirm if recommendations have been implemented

GEMT informed. Severe Maladministration judgements immediately escalated via CX to Board. LOC is advised of findings at next meeting.

Britain's Housing Shame: A story of shocking conditions and tenants' despair at a lack of action

HOUSING | Sunday 12 September 2021, 6:30am



Daniel Hewitt
Political Correspondent



The proposals in this White Paper will make clear the standards that every social tenant in England is entitled to expect from their landlords.

They will ensure that people feel safe and secure in their homes, can get problems fixed before they spiral out of control, and see exactly how good their landlord is at dealing with complaints.

– the idea that social tenants are less worthy of respect or can be ignored when their views are inconvenient – remains all too prevalent today.

England's big social housing landlords ignoring official complaint warnings

Calls for government to get tougher after record number of non-compliance on orders to improve handling of tenants' complaints



Human beings who need homes are complex. Our solutions to the housing crisis must be similarly intricate

A "one size fits all" solution to the housing crisis will inevitably leave those with more complex needs behind

Ashley Horsey • Monday 30 September 2019 14:57 • Comments



September 2023 - update on government's work to improve the quality of social housing

The government is committed to improving the quality of social housing in England. In response to the tragic death of 2-year-old Awaab Ishak, we are reforming the sector so that every tenant has a decent, safe and secure home. We report our progress every month.

Awaab Ishak: Thousands of homes found with damp and mould

Statutory guidance

Improving access to social housing for victims of domestic abuse

Updated 25 January 2022

Housing Ombudsman Activity - UK wide & Torus

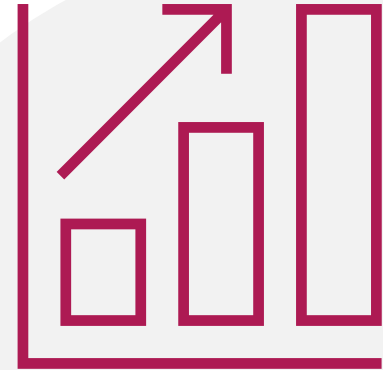


- Between 21/22 and 22/23 the Ombudsman service experienced a four-fold increase in referrals
- In the same period the service has seen a ten-fold increase in Severe Maladministration findings
- Torus received 13 Determinations in 22/23
- To date in 23/24 we have already received 18 notifications of investigations and 51 requests for information from the service



Rise in complaints & maladministration findings

- There has been a steady increase in the proportion of maladministration findings, rising from 48% in Q1 to 61% in Q4 2022/23
- The main complaint types were property condition and complaint handling
- This aligns with Torus's experience. In the 18 investigation findings in the year to date four have included a finding of maladministration and one (Bexhill) a finding of severe maladministration



18 Investigations since April 2023 to date

Within these investigations;

- 43 Orders
(four weeks to comply with)
- 29 Recommendations
(some with timescales usually six weeks,
others without timescale)
- The central team coordinate responses
and establish an audit trail resulting in
service improvement.



Nature of Orders

- Pay compensation – 13 cases totalling £16,622
- Arrange repairs
- Make an apology
- Train staff in complaints handling
- Review Torus complaints procedure
- Produce specific action plans with timescales
- Produce/review specific processes
- Write to tenant and Ombudsman to confirm compliance in all cases



Responding to Determinations

- Record and monitor each order/ recommendation.
- Meet and agree owners with timescale for compliance.
- Action the orders – often involving multiple parts of the business.
- Write to the tenant apologising and summarising key learning points and orders complied with.
- Write to the Ombudsman within timescale evidencing compliance with orders.
- Continue to monitor and track recommendations and follow up actions.

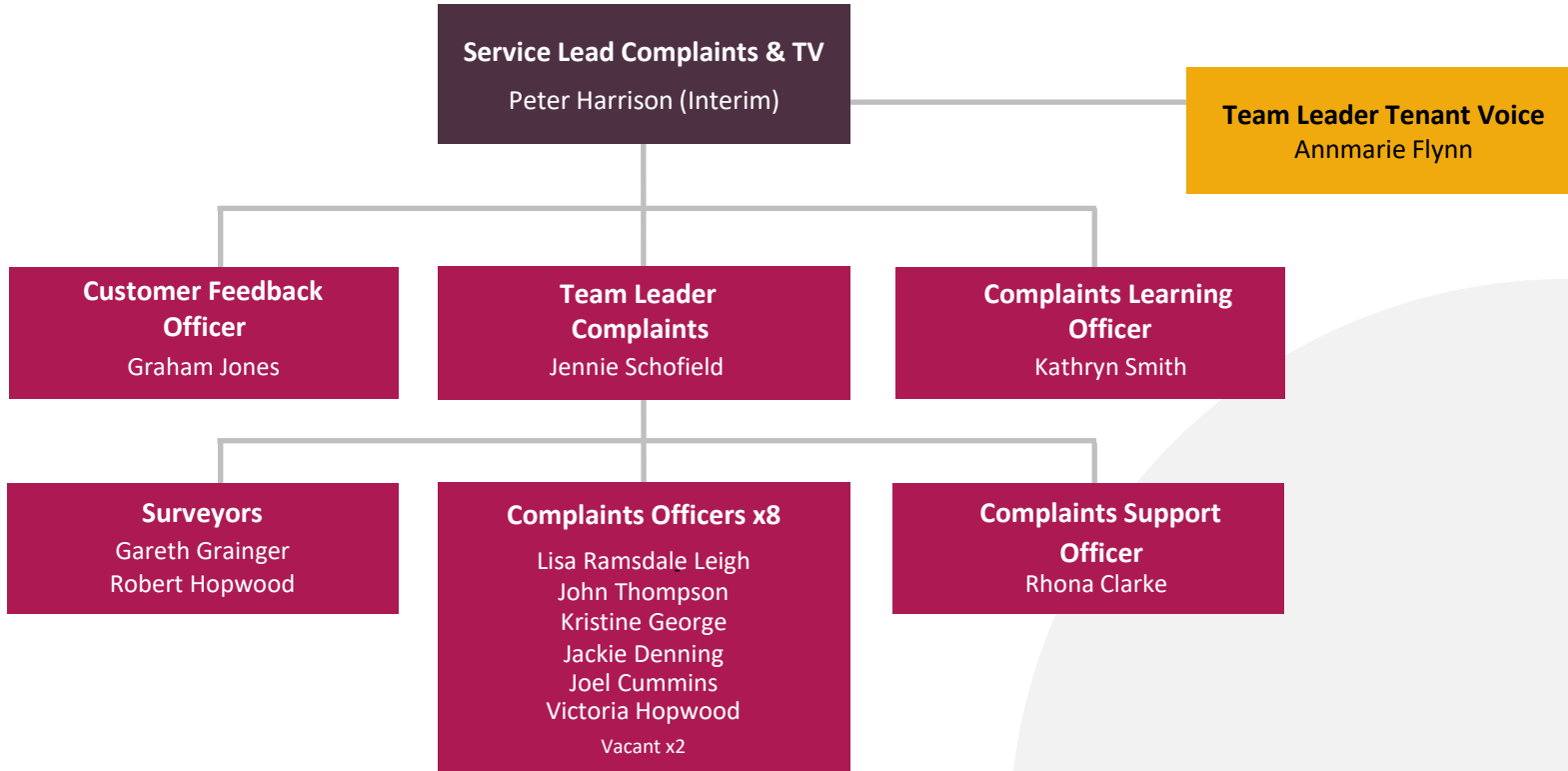




Any Questions?

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The Team - Jennie Schofield, Team Leader



Introduction - Jennie Schofield



- 11 years managing complaint teams within the financial services industry.
- Managed a variety of teams, operations and workstreams within LBG and Barclays.
- Team leader role in Torus - use skills and knowledge of complaint handling.



Daily Measures / Standards

- Ensuring timescales are adhered to - 10 days for Stage 1, 20 days for Stage 2.
- Triage.
- Putting things right at the earliest opportunity – 48 hour contact.
- Communication with internal and external customers.
- Consistent high quality of responses - clear and detailed.
- Letter audits.



How workflow is monitored

- Daily dashboard provides a snapshot each day of complaints in progress.
- Daily BI report provides more detailed information on open complaints - age profile, number of cases assigned at each stage.
- Daily prompts sent out via email on cases overdue, due and upcoming.



Quality and Feedback

- Quality checking of letters.
- Post Stage 2 monitoring of cases to ensure we have delivered on committed actions.
- Weekly meetings to ensure consistency.
- Learning Circle.
- Complaint handling checklist.
- Staff support; Induction and Progression to Competency.



Early resolution principles

- Allows both parties to form solutions when attempting to resolve a dispute.
- Complaint ownership and expectations are managed.
- Fair and thorough investigation.
- If a suitable resolution cannot be found, the customer can seek the intervention from the Housing Ombudsman.



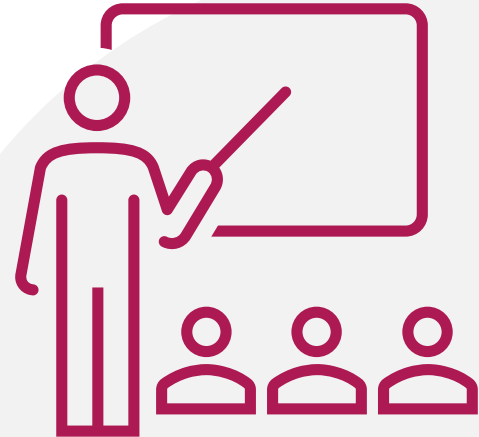


Any Questions?

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The Code requires Torus to:

- Examine themes or trends to identify potential systemic issues, serious risks or policies and procedures that require revision.
- Use this to inform staff and contractor training.
- Examine complaint responses to help improve.
- Undertake case studies where needed.
- Embed improvements related to Recommendations.



- **Learning Circles**
- **Reviewing** determinations and recommendations and ensuring improvements are embedded.
- **Reviewing** stage 2 complaints proactively where learning can be implemented in real time.
- **Building** a working catalogue of documents which we can use in future cases to evidence learning.
- **Driving change** with service teams; ensuring actions are assigned to responsible managers, owned by Accountable Directors/Heads of Service, documented and monitored on Pentana.

- **Agreeing** SLAs for recommendation tasks.
- **Actively using** 'Delighted' feedback and engaging tenants specifically in the Complaint Panel but others too.
- Governance and Risk Committee – report on complaint trends and SARs.



Purpose

- Fantastic tool to drive thematic learning.
- Deliver learning to relevant departments.
- To strengthen accountability for improvement.

Themed

- Increases impact.
- Focused feedback.



Determinations and Recommendations



- Reviewing relevant determinations and recommendations from Housing Ombudsman service to ensure delivery of service improvements and achieving measurable (improved) outcomes.
- Ensuring better working model and ensuring there is both responsibility and accountability.
- Ensuring that recommendations are delivered in time and that the service improvements happen. Actions are agreed with responsible managers and owned by accountable Heads or Directors of Service.

- A review of 'Delighted' and how we can best interpret this important feedback so we can improve our complaint service to help tenants.
- Follow up features to ensure that feedback is utilised to drive change.
- Real time reporting on any relevant data and changes.





Any Questions?

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Tenant Voice Team Leader, Annmarie Flynn

- Started in Speke Housing Office, as a temp on 23rd March 1985.
- 30 years' experience of, and passion for social housing.
- 1st hand experience of almost every type of job.
- NHS, co-ordinating a multi-disciplinary team for the Adult Congenital Heart Disease Service.



Complaints & Scrutiny Panel Roles

- Complaints Panel; role in shaping our complaints service.
- Performance monitoring - dashboard data, your job in reviewing (and challenging) our performance.
- Keeping our commitments.
- Recommendations.
- Orders.
- Practice improvement.
- Learning - trends and themes, policy / procedure changes.
- Scrutiny Panel work programme - may direct deep dive by Tenant Inspectors.

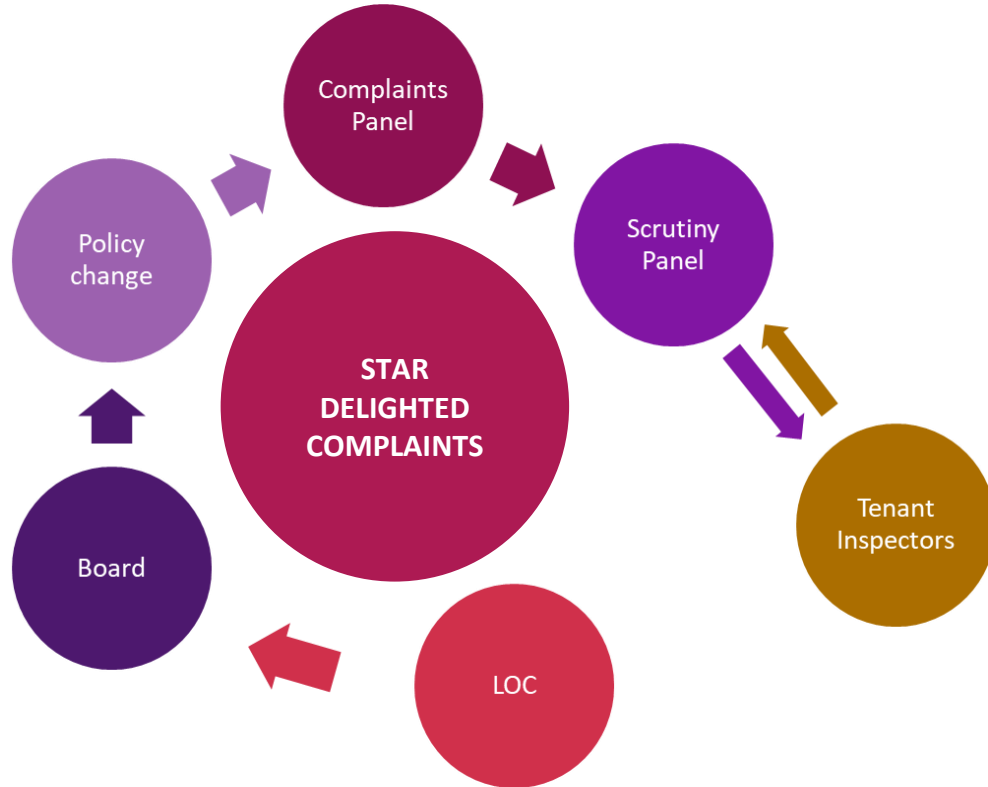


Feedback comes in many forms

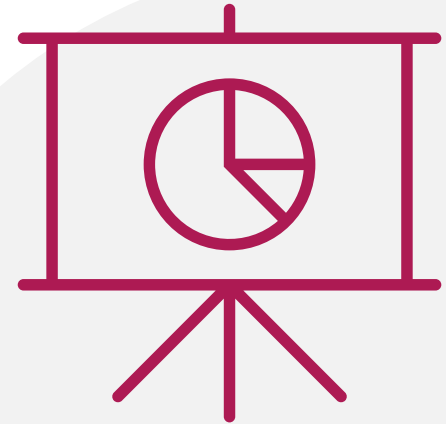
- STAR – annual satisfaction survey – incorporates Regulators Tenant Satisfaction Measures (TSM's) – *how are we doing overall?*
- Delighted – satisfaction surveys after a service has been used eg. a repair, a customer hub contact – *tell us how your last contact went.*
- Complaints – formal process – *something's gone wrong, how do we put it right?*



Learning & Continuous Improvement



- **Solution focused**
When things go wrong, we put them right, as quickly as possible.
- **Learn**
We learn from mistakes (and don't repeat).
- **Communicate**
We're open and honest in telling people how we're doing.
- **Improve**
We use this to improve services.
- **Review**
Always something to learn and ways to improve.



Jargon buster



word / phrase	meaning
Early Resolution	alternative to formal investigation. seeks to resolve issues as quickly and fairly as possible. looks at what landlord's already agreed with complainant. looks at any outstanding issues. if both parties agree, Ombudsman will set out terms in a determination
Reasonable redress	evidence of service failure or maladministration, but the landlord has identified and acknowledges this either as part of the Ombudsman early resolution process, or without being told to. the landlord has taken steps, and/or made an offer of compensation, that puts things right.
Determination	the Ombudsman's decision on a case
Order	aims to put things right to resolve an individual complaint. landlords are obliged to comply with Ombudsman orders.
Recommendation	wider learning or an improvement that can be introduced across the landlord for the benefit of other residents.
Service Failure	An identified failing with limited impact
No Maladministration	evidence finds that the landlord has followed and delivered on its obligations and there is no evidence of any significant failing or harm/loss to residents
Partial Maladministration	maladministration is found in relation to one or more elements of a complaint, but not all
Maladministration	A failure which adversely affected the resident. The LL has failed to acknowledge its failings and/or has made no attempt to put things right, or The LL has acknowledged failings and/or made some attempt to put things right but failed to address the detriment to the resident and/or the offer was not proportionate to the failings identified by our investigation
Severe maladministration	There have been serious failings by the LL. There was a single significant failure in service or a series of significant failures which have had a seriously detrimental impact on the resident. The LL's response to the failures (if any) exacerbated the situation and further undermined the landlord/resident relationship. The LL repeatedly failed to provide the same service which had a seriously detrimental impact on the resident; demonstrating a failure to provide a service, put things right and learn from outcomes



Thank you

Any Questions?