

**Effective Involvement of  
Governing Bodies:  
Best Practice Guidance for  
Landlords**

**Published 6 July 2021**

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## Introduction

The Housing Ombudsman improves residents' lives and landlords' services through complaints, by resolving disputes and promoting learning. We:

- set standards for complaint handling in the social housing sector and for our voluntary members
- provide independent, impartial and fair dispute resolution
- proactively investigate potential systemic issues either within a landlord or across the sector
- seek to support landlords' to improve their complaint handling through a range of sector development tools.

Housing complaints should perform a strategic role, providing an essential source of intelligence on evolving risks and performance, potentially identifying issues which are not being picked up elsewhere, as well as the insight and learning that are essential to improving resident services.

Board members and councillors have a critical role in making this happen and ensuring a positive complaints culture within their organisation. We know many board members and councillors are doing this successfully already, thereby strengthening their organisation's relationship with residents.

In this guidance we share some of the best practice we have seen, as well as outline our expectations of governing bodies and how complaints information can support them to improve service delivery.

## Housing Ombudsman's powers

The Housing Ombudsman has a dual role – to resolve disputes and support dispute resolution by others. Our decisions are binding and, depending on the outcome of an investigation, landlords are obliged to comply with our orders.

Our revised Scheme came into effect on 1 September 2020, strengthening our powers to promote accountability, transparency and fairness. This includes increasing awareness of resident rights, accessibility to redress and complaint resolution speed. The revised Scheme also enables the Ombudsman to be more proactive on systemic issues and to notify or refer cases to the Regulator of Social Housing, including repeated complaint handling failure, potential systemic failure and severe maladministration findings.

The revised Scheme also enables the Ombudsman to report any significant concerns or findings to a landlord's governing body.

## Complaint Handling Code

Published in July 2020, the Complaint Handling Code sets standards for complaint handling in the social housing sector and for voluntary members. It is a condition of membership that

landlords comply with the Code and landlords are required to self-assess against it, reporting the outcome to their governing body or councillors before publishing it.

The Code is designed to assist governing bodies in the fulfilment of their duties in relation to resident services and resolution of disputes: delivering its mission and values, devising its strategy and delivering its plans. The Housing Ombudsman supports the four core principles of good governance promoted by National Housing Federation (NHF) and believes complaints and their resolution have an important part to play in best practice governance. We also support the advice to councillors set out in the Local Government Association's workbook on complaints.

## Complaints as a barometer

Complaints can help governing bodies effect change. They can help manage risks, enrich resident insight and engagement, reduce the cost of failure and evidence compliance. Effective handling can also support a landlord's environmental, social and governance credentials.

- Mission – the governing body leads the organisation in pursuing its social purpose and values. Complaints can provide an unfiltered source of insight to councillors and board members on how well the landlord is meeting its purpose.
- Resident Focus – complaints provide insight into what is important to residents and can inform how an organisation responds to its residents.
- Equality, Diversity and Inclusion – complaint themes can give specific insight. Are any of your policies resulting in unfair outcomes for particular groups of residents? Are there any groups of residents who are not accessing the complaint process, and if so, why not?
- Risk Management - ensuring key risk areas, particularly regulatory, financial and reputational, are properly managed and mitigations are put in place.

## Positive complaints culture

Governing bodies have a powerful role to promote a positive complaints culture within their organisations. Achieving this is essential to fulfilling the landlord's social purpose and strengthening the resident and landlord relationship. They have an important role seeking assurance that their organisation has a learning culture which manages risk, that there are robust learning processes in place and that service improvements are being implemented. For housing associations, this has been reinforced by the NHF Code of Governance.

We see that in those organisations delivering high quality services, complaints are valued as an opportunity to learn, give an early warning of flawed processes, policies or behaviours, and to identify areas for improvement.

The Ombudsman's Complaint Handling Code promotes accessibility to the complaint procedure and high numbers of complaints should not necessarily be viewed as negative.

Governing bodies can support that learning culture by:

## Compliance

- Ensuring their organisation is compliant with membership obligations under the Housing Ombudsman Scheme and meets the standards set out in the Complaint Handling Code through continuous self-assessment and implementation of adjustments. This self-assessment process can also be an opportunity for resident involvement and scrutiny, something we have seen many landlords successfully do.
- Ensuring their organisation complies with Complaint Handling Failure Orders and orders made where maladministration has been found.
- Cooperating with Ombudsman investigations if they are referred to the governing body.

## Awareness

- Tasking the organisation with ways to improve awareness of the complaint process, making sure it is accessible and effective to build confidence in complaint handling among residents as a core part of a positive resident and landlord relationship.
- Ensuring every employee supports effective complaint handling, ensuring complaint handlers have the authority within the organisation to help put things right when they go wrong. This should extend to where landlords use contractors and other service providers.
- Ensuring openness and transparency with residents about complaints.

## Learning

- Encouraging cross-organisational learning and sourcing learning from other organisations.
- Using intelligence provided by the Ombudsman to develop and improve services, ensuring recommendations are actioned and, where necessary, reviewing policies, procedures and approach following Ombudsman reports.
- Reviewing the Ombudsman's annual landlord complaint performance report and considering performance against peers.
- Demonstrating learning from complaints through the commentary in the annual Financial Statements.

## Governance reporting

Information on complaints can provide essential insight for governance and our experience suggests that governing bodies can benefit from receiving:

- Internal complaint performance reports - to identify, understand and challenge where necessary, presenting trends or concerns, recognise success, as well draw insight and learning to make future service improvements. These reports may include:
  - complaint type and volume by stages, including with the Ombudsman
  - timeliness of complaints including reference to Code timescales
  - complaint findings and outcomes – including Ombudsman findings

- comparisons to previous years reports and, where possible benchmark with 'peer' landlords
- compliance with Housing Ombudsman determinations, recommendations and orders.
- Housing Ombudsman annual landlord performance reports – these provide data, information and insight on the landlord's complaint handling performance. These can be used to identify, understand and challenge where necessary, presenting trends or concerns, recognise success, as well draw insight and learning to make future service improvements.
- Updates on any significant actions resulting from complaints – to provide assurance that these actions have been successfully implemented.
- Resident feedback – to enable discussion of key themes or concerns for residents, recognise success and identify further actions that may be required.
- Horizon scanning – this should include key changes in the social housing sector that will impact on residents and the delivery of housing services. This will include legislation and regulation.

Member landlords will govern their services differently and the Housing Ombudsman has a diverse membership, from councils to cooperatives, ALMOs to alms houses, as well as housing associations. Where information on complaints is reported will vary, whether to the main board or cabinet, or delegated to a committee, and how the main governing body seeks assurance is a matter for individual landlords.

## Good questions to ask

In supporting, challenging and seeking assurance from executive teams, board members and councillors can enable high quality debate and reflection by asking critical questions such as:

- How are we raising awareness of our complaints procedure?
- How would we know if particular groups within our residents were finding it hard to complain, or to achieve a satisfactory resolution of their complaint?
- What assurance do we have that we comply with the Ombudsman's Complaint Handling Code?
- Why did we receive a Complaint Handling Failure Order and what have we done to avoid a recurrence?
- How does our complaint performance compare to other similar landlords?
- How do we use the Ombudsman's thematic reports and determinations to improve our own services?
- How do we triangulate our complaint information, other sources of customer feedback and service quality indicators by geography and other characteristics to inform our strategies?
- What did we learn from the complaints we received last year/quarter?
- How is this learning being disseminated to staff? And to residents?

## Tools for governing bodies

The Ombudsman provides several tools to support board members and councillors to achieve this:

- **Landlord performance reports** – these online reports provide data, information and insight on complaint handling performance.
- **Complaint Handling Failure Orders** – we publish the total number of failure orders issued, the names of the landlords and the reasons for the orders.
- **Spotlight reports** – thematic reports on the issues identified through the complaints the Ombudsman has investigated and resolved, such as heating and hot water, leaseholders and shared owners.
- **Annual complaint performance report** – this will provide an overview of complaints handling performance in the sector, with analysis and insight. These reports are usually published in the autumn and cover the previous financial year.
- **Governing bodies webinars** – these webinars focus on the role of governing bodies in delivering effective complaint handling services.
- **Insight reports** – these provide insight into the Ombudsman’s casebook and contain information on complaint handling data and trends.
- **Published decisions** – we publish our investigation decisions every two weeks.
- **E-newsletter** – we have a quarterly e-newsletter that you can subscribe to.

## Useful links

Sign up to our e-newsletter to keep up-to-date with Housing Ombudsman activity:

<https://www.housing-ombudsman.org.uk/landlords/>

Follow us on Twitter @HousingOmbuds

Follow us on LinkedIn

Complaint Handling Code – to see the Code in detail and associated FAQs:

<https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/>

Spotlight reports such as heating and hot water, and cladding:

<https://www.housing-ombudsman.org.uk/about-us/corporate-information/publications/spotlight-on-reports/>

Other publications such as: quarterly reports on complaint handling failure orders, Insight reports and reports on severe maladministration findings:

<https://www.housing-ombudsman.org.uk/useful-tools/>