

Good Practice consultation response

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Contents

Foreword from the Housing Ombudsman 3

1. Executive summary 5

2. Consultation approach 6

3. Summary of responses 7

 i. Approach to developing Good Practice - consultation questions 1 and 2..... 7

 ii. How Good Practice will be used - consultation question 3 10

 iii. Good Practice topic areas - consultation question 4 10

 iv. How self-assessments will work – consultation questions 5 and 6..... 13

 v. A final word..... 15

Annex – Housing Ombudsman Service publications..... 16

 Learning reports..... 16

Foreword from the Housing Ombudsman

Almost every day we are asked: what does good look like?

This is a brilliant question to be asked because it recognises the role that complaints play to support the development of effective policy and practice.

This sentiment came across strongly during our consultation on issuing Good Practice, with strong support and clear appetite for it.

By definition, Good Practice must be based on the good we see in our casework: and we do, highlighting regularly where landlords have handled different issues well in the complaints we investigate. But we also know it is a complex and challenging operating environment for landlords and residents, and Good Practice is one way we can support the sector to improve experiences.

We have learnt a lot from the consultation and, based on the feedback on potential topics, will develop our first area of Good Practice for consultation on managing relationships between residents and landlords. This is an area which we know can be complex and difficult, with landlords are telling us more frequently of issues, such as accessing properties, and our casework also repeatedly showing poor communication leading to strained relationships and loss of trust.

Touching on some of the comments arising from the consultation, we cannot stress enough that Good Practice is there for landlords to embrace and use to test yourself and be better. The tool to help with that is the self-assessment. And as with all learning from complaints, the right culture and behaviour will produce the greatest benefits rather than a tick-box exercise. That self-assessment will be especially helpful for the Member Responsible for Complaints on the governing body.

And while Good Practice has a targeted and specific role amongst our other learning tools, it may work best for landlords when considered alongside other materials from the Ombudsman and the Centre of Learning rather than in isolation.

But do not expect Good Practice to provide ‘copy and paste’ policies for landlords; it is about offering a framework to focus on an issue, develop solutions, consider approaches and learn from others, grounded in the real-life experiences of our casework and consultation responses.

We know complaints have a habit of revealing the truth and can be a unique catalyst for positive, lasting change, and Good Practice will help achieve these benefits.

Our thanks to residents and landlords who responded to the consultation, and we look forward to continuing the collaboration as we roll this out in 2025.

Richard Blakeway

Housing Ombudsman

1. Executive summary

The Social Housing (Regulation) Act 2023 (the Act) provided the Housing Ombudsman with a new power to issue Good Practice. Between the dates of 26 March and 21 May 2024, the Ombudsman consulted member landlords, residents and key stakeholders to help shape how we approach using this new learning tool.

We received 163 responses from residents, landlords and key sector bodies. We welcome the positive engagement and have reviewed our proposals on the operation of Good Practice and suggested topics to cover, in light of the responses to this consultation.

Responses to our consultation questions on the use of Good Practice were positive, demonstrating the sector's continued desire to ensure positive change in housing services through sharing learning. There was overwhelming support for the proposal to use learning from complaints and ideas from residents/ landlords to generate Good Practice, and to consult with key stakeholders during development. The proposal to publish a tailored template for each specific Good Practice topic was also strongly agreed.

The consultation question on only using Good Practice when it is the most appropriate tool, was supported. There were queries about the respective purposes of the Ombudsman's reports which we have outlined in the annex to aid understanding. Most respondents also agreed that landlords should be requested to voluntarily self-assess at the point of publication. There were several useful queries about the voluntary nature of the self-assessment and how the Ombudsman's caseworkers would use it when considering complaints. We will provide more information on our approach to using self-assessments in due course, but we do not expect to be ordering them to be completed as standard on each complaint to which they apply.

We asked for views on possible topics to cover in Good Practice publications and received a broad and insightful response, which has been carefully analysed. As a result of this feedback, we have decided that the first edition will focus on Good Practice in managing relations with residents.

We will also use the feedback to inform the development of future learning tools for landlords and residents, available on our website and via our Centre for Learning.

2. Consultation approach

The aims of the consultation were to seek views about:

- our proposed approach to issuing Good Practice guidance
- our approach to requesting self-assessments
- our proposals for potential topic areas, and if respondents had further suggestions
- any other relevant comments respondents might want us to consider in respect to Good Practice and self-assessment

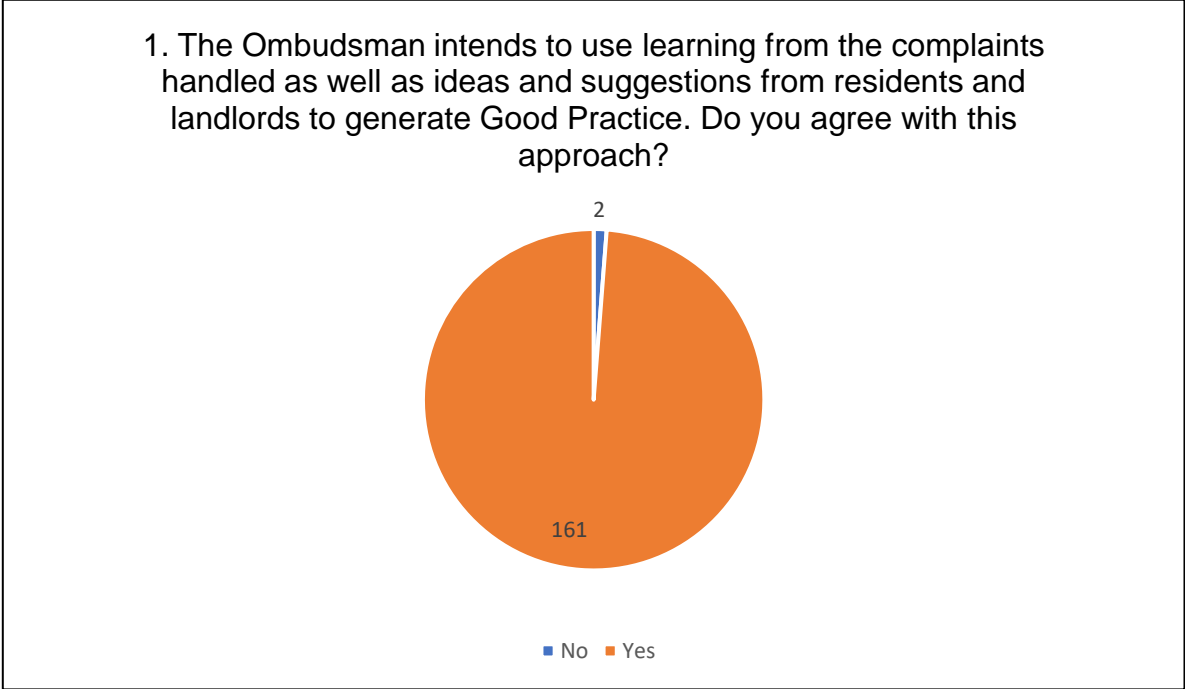
Residents, member landlords and their representative bodies were invited to participate via an online survey, or to provide their response via email, telephone or post. To promote awareness and participation we wrote to member landlords, issued a consultation specific newsletter to all of our subscribers, and set up a dedicated consultation webpage. The Regulator of Social Housing was also asked to provide feedback, as well as key stakeholders such as the National Housing Federation, the Local Government Association and Chartered Institute of Housing.

In total, we received 163 responses and 199 comments. We also incorporated a further 25 related comments from the 2024-25 Business Plan consultation.

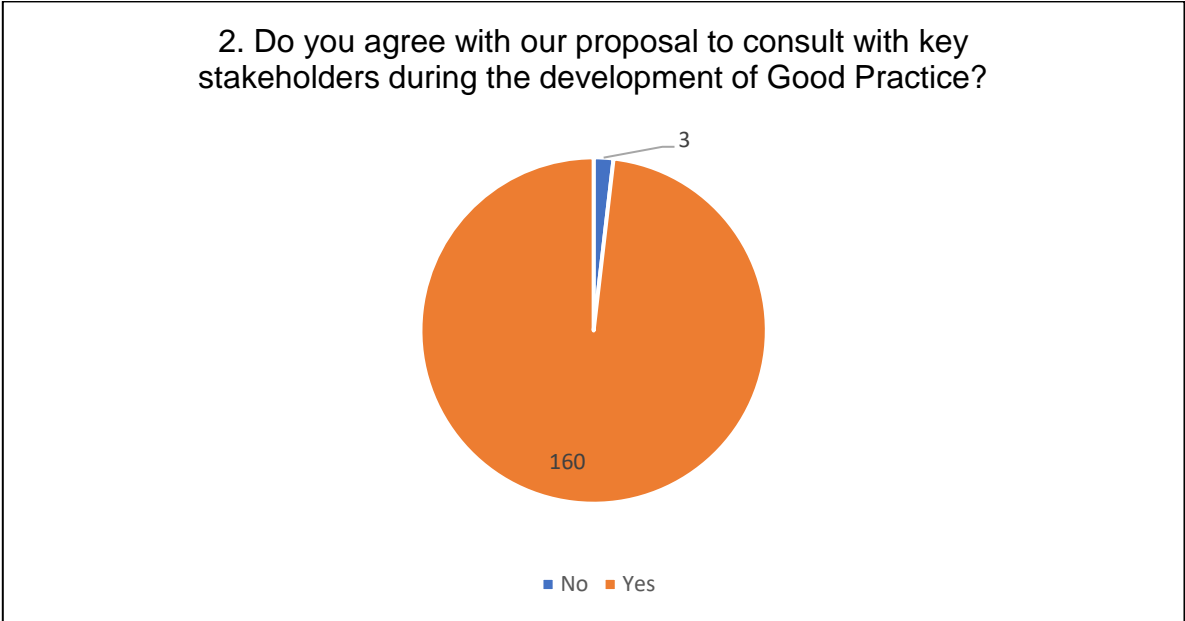
3. Summary of responses

i. Approach to developing Good Practice

Consultation question 1



Consultation question 2



There were some concerns raised by respondents about the crossover between the Regulator of Social Housing's jurisdiction and the Ombudsman's issue of Good Practice. Respondents also raised concern that our guidance should not duplicate existing sector guidance, including the Regulator's consumer standards.

The Regulator is a key stakeholder and Section 41 of the Social Housing (Regulation) Act 2023, sets out that before issuing, revising or replacing guidance, we must consult them, as well as residents and members of the Scheme. The aim of Good Practice is to provide detail on how to achieve good service delivery. This is different to the Regulator's outcome-focussed standards and its Code of Practice. We will work with them to ensure there are no conflicts and our work is complementary.

The Ombudsman and the Regulator agreed a [Memorandum of Understanding](#) in July 2024. Both bodies have a commitment to strengthening the accountability of social landlords for providing safe homes, quality services and treating tenants with respect, and we strive to achieve a compatible approach, while respecting our independent roles, through early and consistent communication.

The Ombudsman will consult on individual issues of Good Practice as required by legislation, but we will also consult with key stakeholders during the drafting process to ensure that the recommendations made are effective, appropriate and feasible. The consultation on each topic will set out an explanation for selecting a subject for Good Practice. This may include information on relevant cases or data to support the basis for the guidance.

Respondents urged the Ombudsman to ensure local authorities are robustly represented during the key stakeholder consultations, as well as the Local Government Association and other membership bodies including the National Federation of ALMOs (NFA) and the Association of Retained Council Housing (ARCH) to provide a national perspective. The Ombudsman will ensure a fair and appropriate balance of all stakeholders.

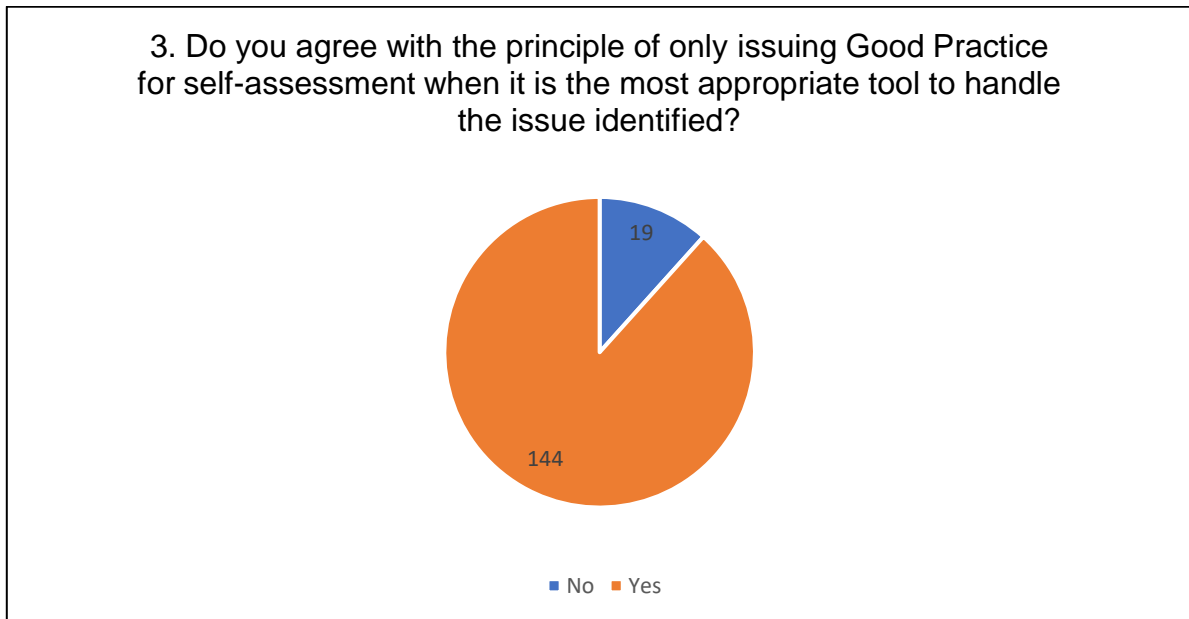
Taking account of areas highlighted by landlords, residents and other stakeholder bodies will help to focus Good Practice reports on those areas where landlords themselves are aware of problems, as well as reflecting residents' priorities.

Indeed, we are keen to ensure consultation on individual issues includes the resident's voice, as we recognise they may have important perspectives about what might work well. We will work with our resident panel to ensure we put the needs and experiences of residents at the heart of the learning. We will also consider other mechanisms to effectively ensure we take resident's views into accounts.

Additional concerns centred on striking the right balance between being overly prescriptive and too vague. The Good Practice guidance aims to establish a framework to help the landlord problem solve in a challenging area that causes complaints. It will define the problem and offer potential approaches grounded in the real-life experiences in our casework. This will allow the landlord to test its current practice against it and identify areas for improvements in policy and practice to deliver better experiences for staff and residents. It will give the landlord the opportunity to learn from others and supplement this with its own casework experiences. It will support landlords to do the right thing, in a digestible format that will help landlords to think through how they compare to the principles covered. It will come with a recommendation that landlords pro-actively self-assess against it and develop improvement plans.

What it will not do is provide a 'copy and paste' policy for landlords drafted by the Ombudsman. Landlords may choose not to follow the guidance due to their specific circumstances but should use the reports to help them think through how they can improve in the area covered and if not this approach, then what might be the right approach for them. This will provide an opportunity for their governing body to ensure they are satisfied with the approach taken.

ii. How Good Practice will be used - consultation question 3



The Ombudsman continuously seeks to share learning and insights from its casework and our engagement with residents, landlords and social housing stakeholders with the sector. We already use several tools to do this, and it was evident from the comments that there was some uncertainty on how Good Practice would complement the reports already produced. There were concerns about duplication; for example, one respondent suggested that Good Practice should not focus on topics already covered in Spotlight reports and requested clarity on how Good Practice reports would differ. We have set out a description of our different reports and publications in the Annex. The Ombudsman will use the Systemic Framework, with our insight from complaints, to identify topics where we need to disseminate learning and give careful consideration to identifying the most appropriate tool.

iii. Good Practice topic areas - consultation question 4

This section represented an opportunity for respondents to influence the topics on which we issue Good Practice.

The consultation proposed areas where the Ombudsman might issue Good Practice, including:

- making an effective apology

- deciding on appropriate levels of compensation
- effective complaint handling during merger or stock transfer
- effective root cause analysis of complaints
- knowledge and information management

Respondents were also able to suggest additional topics they would find beneficial. We received a total of 167 suggestions.

In response to the proposed topics listed in the consultation, several respondents pointed out that our existing remedies guidance, including compensation, were already sufficient and/or were the appropriate publication to draw out what good looked like for apologising or awarding compensation following a complaint.

Similarly, some responses queried why we would issue further guidance on topics such as knowledge and information management, which are already covered in Spotlight reports. There may be times where it is appropriate that a Good Practice issue is related to an area we have previously covered, such as approaching it from a different angle or looking at one of the themes as a distinct, standalone subject.

Analysis of the respondent suggestions and relevant comments from the 2024-25 Business Plan consultation indicated that various aspects of relationship management were the most sought-after Good Practice topic. Those aspects suggested were as follows:

- managing customer relations – 26 requests
- complexity, including safeguarding, multi-agency working and Antisocial Behaviour (ASB) – 23 requests
- vulnerabilities – 14 requests
- handling of unacceptable behaviour – 10 requests; and
- reasonable adjustments – 4 requests

Further suggestions for Good Practice topics include complaint handling (13 requests), remedies (7 requests), damp, mould and Awaab's law (6 requests), disrepair/insurance claims (6 requests) and contractors (4 requests).

Focussing on relationship management strongly supports the Ombudsman's vision – improving the working environment and resident experience of social housing.

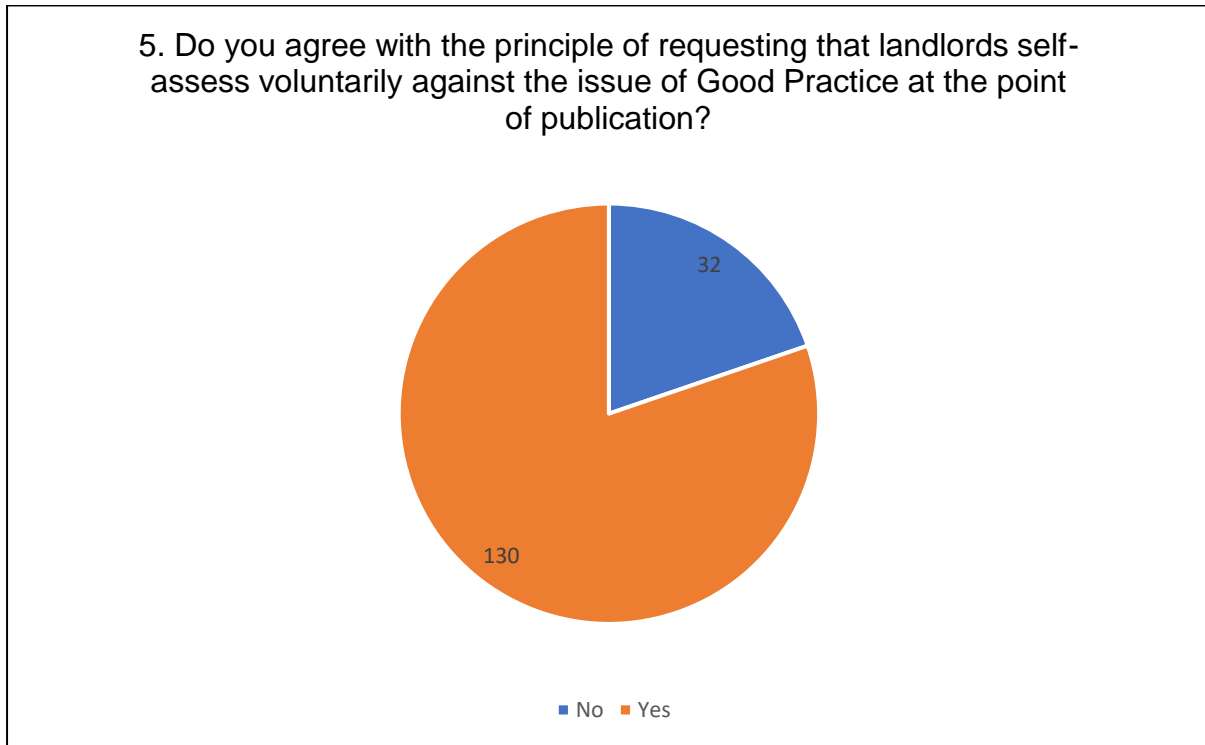
Through our casework and our stakeholder engagement, we are aware that many landlords struggle to balance the need to provide good customer service with dealing with service requests in complex situations and this can lead to relationship breakdowns. We are aware that more landlords are referring to issues accessing properties and, in some cases, experiencing challenging behaviours by residents. However, we are also repeatedly seeing that reasonable adjustments and other complexities around resident needs and vulnerabilities are not considered holistically and the landlord's response can be dispassionate and appear unsympathetic. We sometimes see poor attitudes towards residents driving poor service provision, as explored in our [Spotlight report on attitudes, respect and rights](#). Certainly, the Grenfell Tower Inquiry has brought into stark focus the tragic impact of relationship breakdown where 'relations... were increasingly characterised by distrust, dislike, personal antagonism and anger... The result was a toxic atmosphere fuelled by mistrust on both sides.'

We want to use the first issue of Good Practice to encourage landlords to refocus their attention on embracing all contacts as opportunities to get to know their customers, understand their needs and build relationships. Maintaining effective relationships, and restoring relationships that deteriorate, are fundamental to the experience of residents and the effectiveness of social housing providers. We believe there will be a great appetite from both residents and landlords to raise standards in relationship management to the benefit of both.

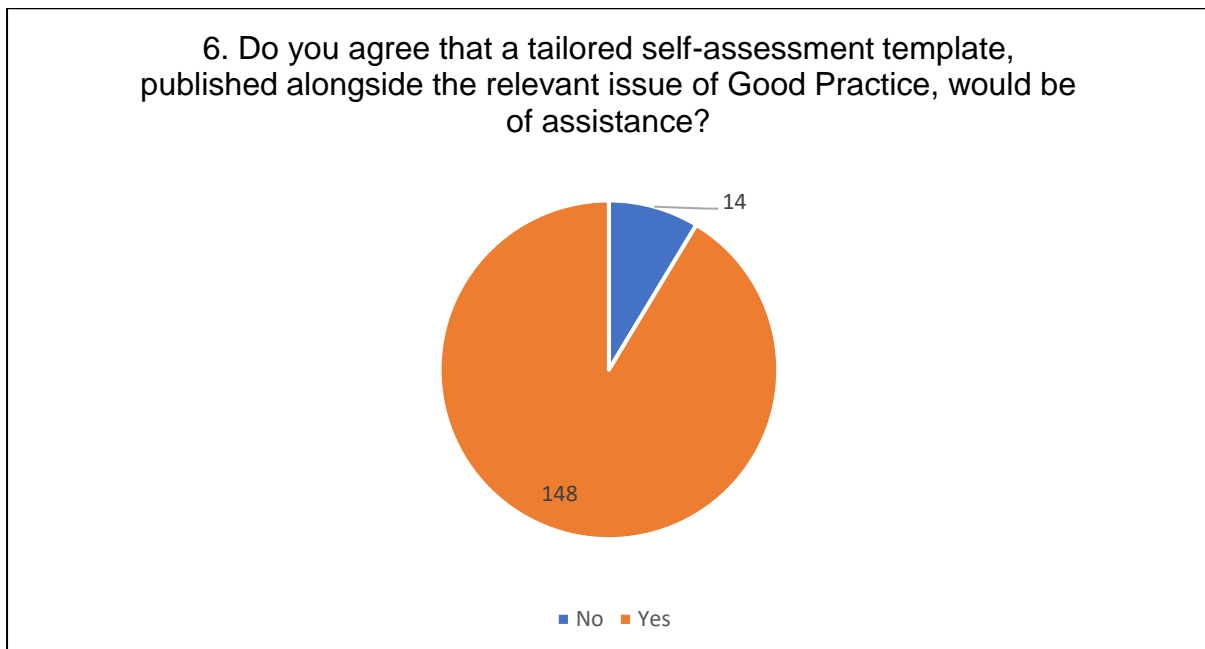
The breadth of respondents' suggestions for future Good Practice topics illustrates the eagerness of both landlords and residents for it to make a positive impact on social housing. The ongoing systemic analysis of complaints and other indicators, including the Ombudsman's resident's panel and landlord workshops, will ensure future proposals for Good Practice are grounded in resident and landlord experience.

iv. How self-assessments will work

Consultation question 5



Consultation question 6



Most respondents supported the suggestion that landlords should self-assess voluntarily at the point of publication and that a tailored template should be published alongside the related Good Practice report. Several comments in the subsequent free text boxes indicated a preference for mandatory self-assessment at the point of publication; however, this is not an option within our powers, and we can only order self-assessment when handling a complaint.

There were also several questions and concerns relating to the voluntary nature of self-assessment. We will use these to support our next stage of developing the detailed approach to requiring self-assessment when handling a complaint, and we have also provided some further clarity below.

The self-assessment template is a tool to support landlords and their governing bodies to assess their current position compared to the Good Practice topic area. It is a reflective document to aid their review and identify any action required. It will also allow them to consider and record rationale as to why any aspects of the Good Practice are not appropriate to implement.

Self- assessment against Good Practice at the point of publication is voluntary. We will not require landlords to submit their self-assessments as a matter of course. This is unlike the Complaint Handling Code self-assessment which is a compulsory requirement of the Scheme for landlords to complete and submit as part of the legal duties to monitor compliance with it.

The reference to self-assessment 'at the point of publication' means to self-assess after the Good Practice report has been published. There is no set timescale as this is voluntary, but we would encourage landlords to self-assess as soon as they are able. We recognise that landlords have a finite resource and will need to make individual decisions on the most appropriate time to complete the assessment. During the individual issue consultations, we will provide an indication of the publication date to support landlords in planning their resources/priorities. We strongly encourage landlords to use our Good Practice publications and the accompanying self-assessment, as this is an opportunity to address important elements of service provision that could later result in a complaint.

As we set out in the consultation, there may be justifiable reasons when a landlord feels unable to implement a specific aspect covered in the Good Practice. The benefit of the self-assessment is to record those reasons and for them to be scrutinised by the governing body.

We received several comments questioning whether landlords would approach the self-assessments candidly and whether they are best placed to complete this task. In common with any internal audit or review, the self-assessment is a proactive measure to encourage senior leaders to look at their business with fresh eyes, identify any issues and learn from them. The outcome of the self-assessments will only be as good as the effort put into them, but we hope that landlords will approach the self-assessment with an open attitude to learning.

Concerns were raised about the burden on landlord resourcing of completing self-assessments; this concern was particularly high for local authorities and smaller landlords. The principles set out in Good Practice reports will be specific and focussed. The template for self-assessment will be tailored to each issue and will be shared during the consultation process to further assist landlords to plan their resourcing. While we recognise the challenges landlords face to navigate competing priorities within budgets, we believe that the impact of making changes to raise standards would more than offset any initial resourcing needs. In acknowledgement of this, we have also committed to not issuing more than 2 Good Practice publications each year.

v. A final word

The final consultation question asked respondents to provide any other relevant comments to issuing Good Practice and self-assessments against it. Where appropriate, we have incorporated those comments within the body of this paper, next to the relevant area.

Our next step is to set out more detail on our approach to requiring self-assessments for the purposes of handling our cases. We aim to provide information on the process alongside the issue of the first Good Practice report.

We will also produce resources within our Centre for Learning hub to support landlords in their self-assessment and the application of Good Practice.

And finally, a huge thank you to all the residents, landlords and other stakeholders that responded to our consultation. We look forward to working with you all on our first publication.

Annex – Housing Ombudsman Service publications

Learning reports

Spotlight

Our Spotlight reports are designed to focus on an area of service provision where we see a high level of failure across our membership. These thematic reports involve extensive research and fieldwork to produce comprehensive thematic reports. They set out learning and recommendations for landlords to avoid further complaints or service failure, and let residents know more about their rights.

Insight

These reports provide insight into emerging themes from our complaints data based on a wider range of findings, from no maladministration to maladministration, providing a selection of valuable case studies, key learning points and recommendations for the sector. These are focussed reports and aim to help landlords deliver better services for residents. These reports exclude findings of severe maladministration.

Learning from severe maladministration reports

These reports look thematically at recent severe maladministration findings. The report groups together several cases, potentially involving different landlords, to examine lessons, including where vital opportunities were missed to improve outcomes for residents.

Annual Complaints Review (ACR)

Each year, we produce individual landlord reports for landlords with 5 or more findings determined. This allows the Member Responsible for Complaints and wider landlord leadership to evaluate their performance and identify areas for improvement. It also gives residents an opportunity to look at their landlord's performance. We also publish the ACR report, which brings all the information together and identifies key issues, giving a comprehensive assessment of complaints over the previous financial year. Our analysis identifies the strategic and operational challenges to be overcome by the sector to achieve a positive complaint handling culture. It also contains a performance comparison by different types and sizes of landlord.

Good practice

This guidance will set out what good looks like in a defined area, based on insight from our cases and feedback from the consultation that will take place before this is issued. The guidance will be designed to be practical and to set out the principles that we hope all landlords will aim to work towards to improve consistency in service delivery across the sector and ensure positive improvements. Good Practice will also be accompanied by a self-assessment tool to help landlords embed the learning.