

Richard Blakeway, Housing Ombudsman

Hello, my name is Ric Blakeway, the Housing Ombudsman.

Residents shouldn't face a postcode lottery when making a complaint. So the Housing Ombudsman's Complaint Handling Code performs a crucial role to drive consistent, fairer and higher standards of complaint handling across the social housing sector. The Code is also a crucial tool for landlords to assess whether they are delivering a positive complaint handling culture. This culture should promote learning and empower complaint handling teams to ensure they have the resources and respect to do the job, as well as raising expectations of them.

It is twenty months since we published the Code. Following the tragic events at Grenfell, many residents expressed concerns about complaints management. This included issues around access, awareness and timeliness. Ultimately, residents felt that they were not being heard and were unable to hold their landlords to account. The Code aimed to address those concerns directly as well as some of the concerning aspects of complaints management that had come to light through our own casework.

The original version of the Code reflected some of the best practice that was already in existence in the sector. We also used it as an opportunity to channel the considerable insight of complaints management from our own casework and sector engagement activities into one workable document for the benefit of all residents and member landlords. Prior to its publication in June 2020 we consulted with the sector in the form of an external working group and made sure that the views of both residents and landlords were taken into account.

When we published the Code we asked landlords to self-assess and, crucially, to publish this assessment after it had been reported to its governing body. This has both focused senior leaders minds on complaint handling and promoted transparency.

The Code has been downloaded from our website around 12,000 times and we have been encouraged by residents and landlords' positive response to it. Earlier this year we reviewed our experience of it, and the feedback we received.

The fundamentals of the Code remain unchanged. However, we did identify ways it could be strengthened to further improve complaint procedures. The changes that we have made are a direct result of feedback we have received from both residents and landlords. We also wanted to make sure that stakeholders were provided with a further opportunity to be involved in the process and we again consulted with the external working group prior to the publication of the revised version.

There are no major changes to the Code which will require any significant overhaul of the policies and processes that landlords should already have in place to satisfy the requirements of the original version. However, there are some important changes and new requirements which this podcast will explore in more detail.

To do so, I am joined by my colleagues Rebecca Reed, who is our Head of Insight and Development, and Dave Simmons our Sector Development Lead.

I am also delighted to say we will hear from Gill Mooney, Head of Customer Engagement at Community Homes, as well as Louise Holt, Head of Business Services at Tpas, to hear their perspectives on the Code.

I hope you enjoy; and will now hand over to Dave.

Dave Simmons, Sector Development Lead

Thanks Ric. This podcast is intended as an aid to help landlords adjust to the new requirements set out in the revised version of the Code. We will only focus on the most significant changes to the Code and will not cover every change as many are minor and have not affected the core requirements. Before going into detail about the new content, it's worth pointing out that we have changed the structure of the Code and it is no longer split into Part A, Part B and Part C. We have also made the language more consistent. Where something is mandatory we have used the word 'must' and where the Code says 'should' landlords are to use their discretion to achieve the best possible results. The revised Code also includes Appendixes with case studies and flow charts to help landlords correctly identify and register complaints.

One of the aims of the original version of the Code was to improve access for residents to landlords' internal complaints procedures. In line with this, the original version asked landlords to clearly state in their policies the circumstances under which they would not accept a complaint. It also asked landlords to set out the circumstances in which they would decline to escalate a complaint. Since its publication we have received queries from landlords asking us to be prescriptive about what a reasonable exclusion or reason not to escalate a complaint could be. Also, through our casework and sector engagement activities we have seen some exclusions and reasons not to escalate complaint listed in landlord complaint policies which have given us cause for concern. So how have we addressed this in the revised version Rebecca

Rebecca Reed, Head of Insight and Development

Thanks Dave. The revised version seeks to clarify and standardise reasons for excluding and/or not escalating complaints. Valid reasons can include cases that are subject to legal proceedings, cases that have already been looked at and those that have not been raised within a reasonable timeframe. The Code asks landlords to list their reasons for excluding or not escalating complaints in their complaints policy and to provide a clear explanation to residents in writing when a decision is taken to exclude or not to escalate a complaint.

In addition, we also require details of our service to be provided with that explanation so that a resident can challenge that decision if they think it is unfair. If the resident

brings their complaint to us, and we think the decision to exclude or refuse to escalate the complaint is unfair, then we will instruct the landlord to either register or escalate the complaint accordingly. It's important to note that the default setting for the complaints process should still be to register, consider and escalate a complaint through all stages of a complaints procedure unless there is a valid reason not to.

Dave Simmons, Sector Development Lead

In line with the Code's aspirations of improving access to complaints procedures, it encourages landlords to provide as many routes as possible through which complaints can be raised. It lists a number of examples which includes by email, telephone, letter, in person and online. It is evident from the enquiries we received from residents and landlords since the Code was published, that there is uncertainty over how many of these examples need to be made available for registering complaints to meet the requirements of the Code. What changes have we made to provide some clarity around this Rebecca?

Rebecca Reed, Head of Insight and Development

The new version encourages landlords to provide as many methods as possible to raise complaints, but it is also clear that we do not expect landlords to provide every method listed in the Code if that is not feasible. We do require landlords to provide at least two different channels through which complaints can be raised to ensure accessibility and would encourage landlords to consider how they can further expand their accessibility.

Dave Simmons, Sector Development Lead

Insight from our engagement work and resident surveys also highlighted some of the barriers that prevent residents from accessing our service. Some residents were deterred as they didn't understand our role or processes and in some instances were not even aware that we existed. Our research into other Ombudsman Services indicated that some of them had better measures in place to self-promote both their role and their services and we have taken a lead from this as part of the Code review. Rebecca, what new measures have we put in place to try and help address this?

Rebecca Reed, Head of Insight and Development

To try and promote our service and give residents a broader understanding of our role and processes, we have added a requirement for landlords to publicise the Complaint Handling Code and the Housing Ombudsman Scheme in multiple formats and as part of any relevant correspondence with residents, including our contact details.

Dave Simmons, Sector Development Lead

In the 20 or so months since the Code was published, we received questions from landlords concerning the need to have a dedicated complaints handling team, which for some organisations caused concern as it would have required a significant restructure. This was never the case and we recognised that this aspect of the Code needed to be clarified. What does it say now Rebecca?

Rebecca Reed, Head of Insight and Development

We have reworded this part of the Code to clear up the ambiguity and uncertainty around whether there was a need to have a dedicated complaint handling team so that the revised Code now says there must be a 'complaint officer' responsible for complaint handling to ensure that they receive the necessary attention and appropriate details are reported to the governing body. This does not necessarily mean that they have to be the person or team who does the actual handling of the complaint – we are not requiring a specialist team if that does not suit the particular organisational structure of a landlord. What we do require is that whoever is then appointed to handle the complaint, has the appropriate skills and does not have a conflict of interest with the complaint they are investigating.

Dave Simmons, Sector Development Lead

Resolving issues outside of the formal complaints procedure has also been a common area of discussion since the Code was published with many landlords seeking clarification from us as to whether this was permissible. We made our stance on this matter clear in the frequently asked questions guidance that we published shortly after the original Code and we have incorporated that guidance into the revised version of the Code. Can you talk us through this Rebecca?

Rebecca Reed, Head of Insight and Development

The revised Code makes it clear that there are times when appropriate action to resolve an issue can happen immediately in a service recovery space without having to be recorded as a complaint and the formal procedure commenced. This does need to happen with the resident's full knowledge and understanding, and handling issues in this way must never restrict a resident's access to the complaints procedure if that is what they want. Nor should handling issues within a service recovery space be a reason that there is a delay in resolving an issue – it is really only appropriate where something can be addressed and resolved quickly. There are a number of flow charts that we have included in the Code that take you through common scenarios where this might be appropriate. Extra named stages such as 'Stage 0' or 'Pre-complaint stage' were causing unnecessary confusion as they were not part of the Code and not part of the complaints process, and we have therefore

made it expressly clear that if a complaint is recorded, then it moves to Stage 1 of the complaints procedure and needs to be handled in accordance with the Code.

Dave Simmons, Sector Development Lead

As with the number of stages in a complaints procedure, the Code is also prescriptive about target timeframes for responding. These have not changed in the revised version and landlords still have 10 days to respond at stage 1 and 20 days at stage 2. In exceptional cases, there is still discretion to extend those timeframes but this should ideally not be by more than 10 days. In the revised version of the Code we have put in place an additional safeguard to prevent responses being extended and delayed unreasonably. Can you talk us through this Rebecca?

Rebecca Reed, Head of Insight and Development

We wanted to ensure that complaints are handled right, first time, with the appropriate level of time and resource given to them to ensure that happened. What that means is that for the vast majority of complaints, 10 days should be enough to address them, but there will be instances where more time is needed and we anticipate for most of those complaints, 20 days will be sufficient. However, there will be the exception where more time is entirely appropriate to ensure the complaint is handled right first time. It was important not to put an arbitrary time limit on how long such a complaint might take, but conversely it was also important that there was a safeguard put in place to ensure that complaint timeframes were not unreasonably extended. Accordingly, extensions beyond 20 days, at stage 1, and 30 days at stage 2, have to be agreed to by both parties and, if that agreement cannot be reached, the resident should be provided with our contact details so that the landlord's actions can be assessed and appropriate action taken to progress the complaint where necessary.

Dave Simmons, Sector Development Lead

We have also taken this opportunity to make it a requirement for landlords not to delay in responding to complaints until certain actions or commitments (normally repairs) have been fulfilled. Landlords taking this approach was one of the key reasons as to why complaints were being unreasonably delayed and residents were being denied access to redress. What have we done to strengthen complaints handling in this area Rebecca?

Rebecca Reed, Head of Insight and Development

We have made it expressly clear that the response to a formal complaint must be provided at the point the answer to the complaint is known, not when the outstanding issues, such as repairs or decorating, are completed. This affords the resident the

right to challenge those solutions if they do not feel that they are the right ones, before they are undertaken. The complaint response should clearly set out the actions that a landlord intends to take to resolve the issues together with a clear timeframe showing when they will be completed. Landlords will need to have separate processes in place to monitor those commitments and ensure they are fulfilled to a good standard, in a timely fashion and that residents are kept regularly updated in the interim.

Dave Simmons, Sector Development Lead

The revised Code also reinforces the Ombudsman's view that two stage complaints procedures are ideal to ensure that the complaints process is not unduly long. We do not think that a third stage is necessary, but if a landlord does, they will need to set out their reasons in the self-assessment. It remains the case that one stage and four stage complaints procedures are considered unacceptable and non-compliant with the Code.

Insight from our sector engagement activities tells us that learning from complaints is an area that landlords overlooked prior to the publication of the Code. Landlords have been open and honest about this and we are aware that it is an area where landlords are looking to improve. The results of our landlord survey also highlighted that more needs to be done to engage governing bodies in the management of complaints. The survey indicated that in many cases, landlords were not reporting on complaints regularly to their governing bodies and that engagement did not extend further than the 'one-off' requirement to present the self-assessment. What steps have we taken to strengthen in this area Rebecca?

Rebecca Reed, Head of Insight and Development

We have always required landlords to share learning from complaints widely and for learning to be included in annual reports to residents. To further strengthen the learning aspect of the Code, and to encourage the involvement of governing bodies in complaints handling, we have now asked landlords to appoint a member of its governing body to have lead responsibility for complaints to support a positive complaints culture. That role is responsible for ensuring that the governing body receives regular information on complaints that provides insight to the governing body on the landlord's complaint handling performance. We've also set out in the Code what that regular information ought to contain.

Dave Simmons, Sector Development Lead

Part of the Code's aspirations in setting out best practice complaint handling for the sector includes promoting a positive complaint handling culture. Involving residents wherever possible, learning from mistakes and being open and accountable are all important aspects of this. The revised version seeks to strengthen the focus on

positive cultures even further. It asks landlords to set out standard objectives for employees to encourage collaborative working both within and across teams, as well as to encourage a collective responsibility towards managing and resolving complaints without apportioning blame. It also asks that employees act in line with CIH Professional Standards for complaint handling.

The self-assessment is another aspect of the Code that we have updated and improved. Can you talk us through this Rebecca?

Rebecca Reed, Head of Insight and Development

We think the revised format of the self-assessment is more user friendly and it clearly separates the 'must' aspects of the Code from the 'should' aspects. The revised Code requires landlords to undertake the self-assessment on an annual basis. We have not stipulated when in the year it has to be done so that landlords can do it at a time that best suits their particular annual cycle.

The new Code came into force on 1st April 2022. We are asking landlords to make any necessary changes to their complaint handling practices by October 2022 and the self-assessment process may help landlords with this or they may choose to complete it once any changes have been done.

Dave Simmons, Sector Development Lead

Where landlords do deviate from the 'must' aspects of the Code how should this be addressed in the self-assessment?

Rebecca Reed, Head of Insight and Development

We recognise that there may be instances where a landlord's policy may deviate from some of the 'must' aspects of the Code. This is the case with some local authorities, for example, where they have a universal definition of a complaint across all their departments. In such cases landlords should use the self-assessment to clearly explain why they are not complying and we will then be able to assess whether that is reasonable. To use the example of the universal complaint definition, providing the ethos of their definition broadly aligned with our definition, there would be no issue.

Dave Simmons, Sector Development Lead

We have received questions from landlords about how much detail should be included in the self-assessment and what reporting period should be used. The level of detail and the reporting period is entirely down to the landlord and is not something we are prescriptive about. It should be remembered that the self-assessment is a tool for landlords. They should use it to their best advantage to give them the best opportunity to assess how they are currently performing and to identify

any changes they need to make to make sure their complaints handling is up to standard and aligned to the Code.

To confirm, we do not need to be sent a copy of the self-assessment and will not be following up with each individual landlord to check that they have completed it. We do however proactively monitor compliance with this aspect of the Code through our casework activities and our caseworkers look at landlord websites for evidence that the self-assessment has been completed. Where there is no such evidence, we will make further enquiries with the landlord which may include asking to see a copy.

We have powers to issue a Complaint Handling Failure Order for non-compliance with this aspect of the Code. Landlords should therefore make sure the self-assessment is not only completed but that it published in an easily accessible way to evidence this.

Since the Code was introduced, we have seen some excellent good practice examples of where landlords have gone the extra mile in completing the self-assessment and have used it as a genuine opportunity to improve the complaint handling service that they offer. These examples often include strong resident involvement which is something we would encourage. One such organisation is Community Housing and I will hand over its Head of Customer Engagement, Gill Mooney, who is going to talk us through how Community Housing completed the process. Over to you Gill..

Gill Mooney, Head of Customer Engagement

Thanks Dave. In 2020 in consultation with our strategic customer group we commenced a review of complaints handling. We aligned the new procedure to the new Ombudsman Complaints Handling Code that Community Housing signed up to. The procedure was approved and implemented in January 2020.

We completed a self-assessment of compliance with the new code but had not previously had any robust external validation of our complaint's procedure. So, in 2021 we requested an independent external audit of our new process. Alongside this, our strategic customer group carried out a scrutiny review of complaints.

The results of the audit and work undertaken by our customers highlighted similar issues as well as good practice. Learning from complaints and identifying root cause were the main areas that we needed to strengthen and we have made, and continue to review the procedure as a result of the recommendations that came out of both pieces of work.

Dave Simmons, Sector Development Lead

Thanks Gill. We are also joined on this podcast by Louise Holt from Tpas. Louise is going to explain on behalf of Tim Mills, an involved resident of Ongo Housing and part of Tpas' own Resident Panel, how Ongo Housing involved residents in its self-assessment. Over to you Louise...

Louise Holt, Head of Business Services at Tpas

Thank you Dave. Tim says that Ongo Homes places resident involvement at the very heart of what it does. To the point where the Community Voice panel (the resident operational decision making panel) and its' scrutiny panel are part of the company's governance.

Over the last few months the complaints procedure has been under intense review and change. Part of that was to update policies. This was done with the green paper and the foreseen changes that the Ombudsman was expected to make high on the agenda.

Tenants were involved at every stage, the complaints panel (tenant led) was used to investigate and recommend changes in policy with emphasis on being compliant with the new regulations as we saw them approaching. Fortunately Tim was quite involved with complaints handling at a national level and Ongo were very keen to use his knowledge and skills to help facilitate the changes.

Once the complaints panel reviewed and updated the complaints policies and procedures (including moving to a new two tier complaints process and having a dedicated complaints resolution team put in place) this was brought back to Community Voice for decision.

The self-assessment was brought to the attention of the complaints panel and it was decided to again approach Community Voice. From that group a sub group was set up to go through the self-assessment and its' wording and work out how it would respond to the 7 criteria. This was well attended by tenants and the results were sent back to the complaints panel for final "polishing".

Finally, the completed document was brought back to Community voice for discussion and approval. Tenants have been heavily involved during the whole process and have been instrumental in making the decisions and responses to the self-assessment.

Dave Simmons, Sector Development Lead

Thank you. These are both good examples of how a landlord used the self-assessment exercise as an opportunity to improve complaint handling and make sure that the process was as robust as possible. I hope they will provide other landlords with ideas as to how they can use the self-assessment to their advantage to achieve the best possible results.

In summary, the new Code has strengthened in three specific areas. It has increased the obligations on landlords to raise awareness of the complaints process and of our service. It sets out good practice for a member of the governing body to be identified as having lead responsibility for complaints and for all landlord staff to have a standard objective related to effective complaint handling. It also reinforces the

importance of learning from complaints by being explicit that the self-assessment should be completed as an annual exercise.

This brings us to the end of the podcast. Thank you for listening.