

Complaints

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Workshop overview

- Social landlords and complaints handling - Sharing our experiences and good practice
- Regulatory framework for complaints about social housing
- The potential role of involved tenants and tenant panels
- Examples of complaints, and how they might be handled

Group discussions

Thinking of *any* service-providers (shops, utilities, banks, leisure, public services...), what experiences have you had of making complaints and having them dealt with?

- ☺ Experiences of complaints handled well?
- ☹ Experiences of complaints handled badly?

The context – *The Regulatory Framework for Social Housing*

- **Regulator's priority** is to ensure housing providers are well governed, financially viable, and achieving value for money
- No longer actively monitoring **standards of service**
- **New roles** for involved tenants



The Housing Ombudsman

- The **sole ombudsman** for all complaints relating to social housing – repairs, property condition, transfers, occupancy rights, ASB, estate management...
- *Includes* leasehold and other forms of tenure



Local Government Ombudsman remains responsible for...

- Allocations by local housing authority
- Homelessness assistance
- Housing benefit handling
- Statutory noise nuisance
- Planning & building control
- Non-housing services



The 3-stage process – *from April 2013*

The social landlord's
complaints procedure

Referred to “designated
persons” to resolve locally

Referred to the Housing
Ombudsman

What is a complaint?

Any expression of dissatisfaction, however made, about the standard of service, actions or lack of action



Why do people complain?

- To put right a perceived wrong - get a service, or level of service, we've been denied
- To receive an apology for, or acknowledgement of, poor service
- To be compensated for poor or inadequate service
- To improve systems or standards

What would you expect from a good complaints system run by a social landlord?



Regulatory standard on tenant involvement and empowerment

Registered providers shall have an approach to complaints that is clear, simple and accessible that ensures that complaints are resolved promptly, politely and fairly

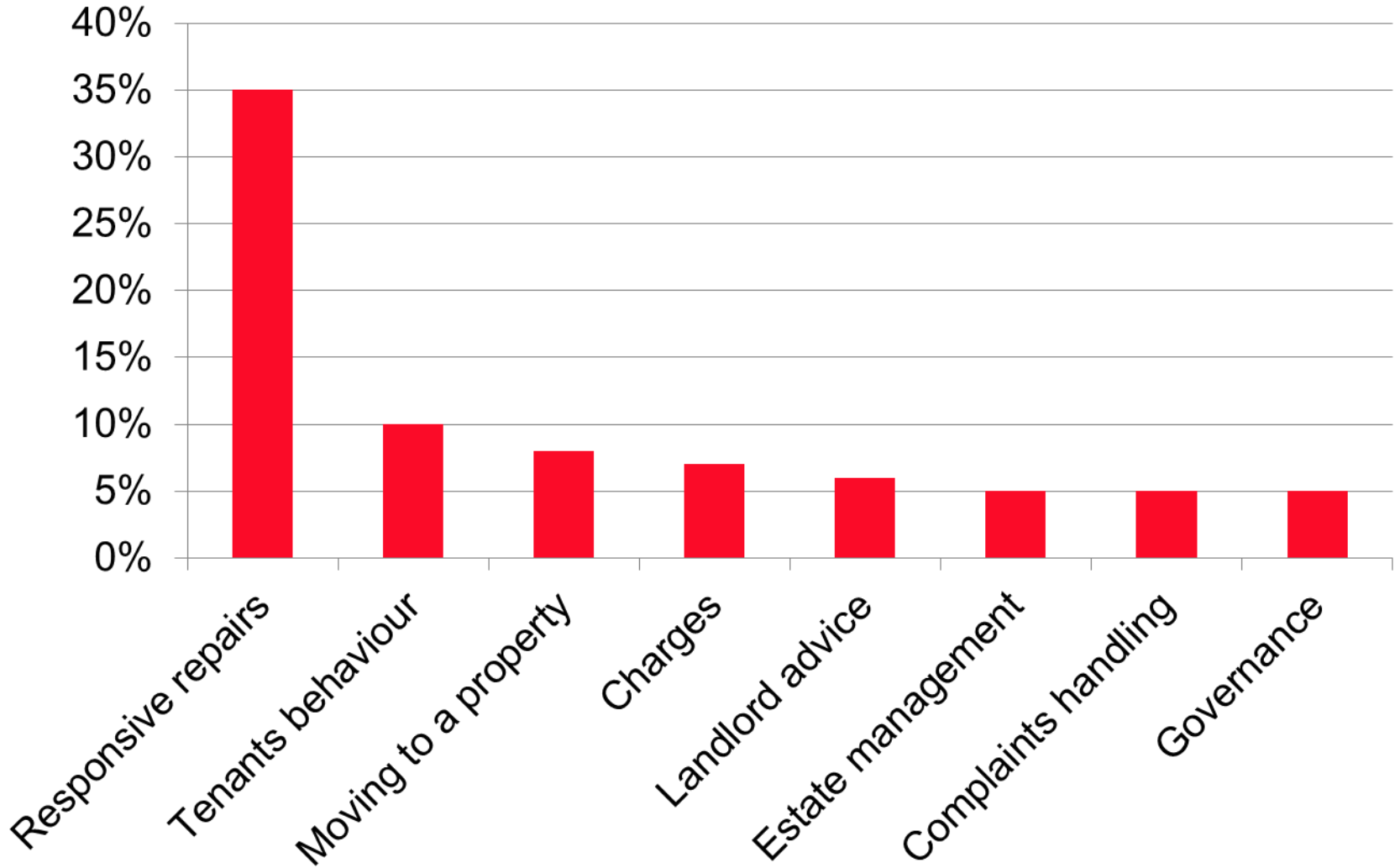
Dispute resolution principles – Housing Ombudsman



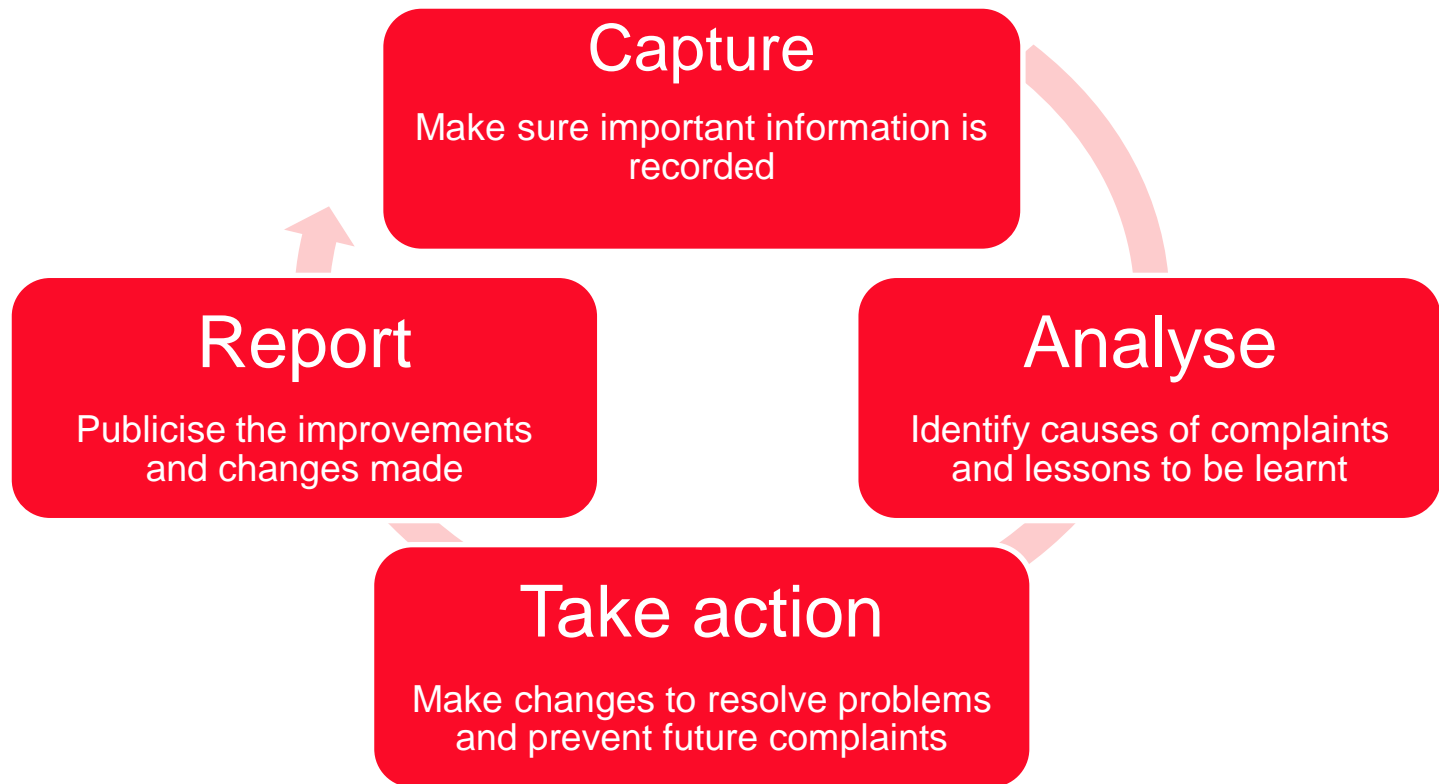
Chartered Institute of Housing – *Complaints charter*

- **Positive** approach, embedded in the organisation
- An **open and accessible** system
- **Timely and effective** – ‘Right first time!’
- Tackling the **causes** of complaints
- **Working with customers** to shape service
- **Monitoring performance** and **continual** improvement

Types of complaint



Learning from complaints



Complaints procedures

- Plain language / Visual
- A range of ways for people to make complaints
- Time commitments for acknowledging complaints made
- Clarity about types of possible action
- Opportunities for advocacy / support
- Opportunities for meeting / representation

Good practice examples

- Complaint champion on Board
- Deadlines for acknowledgement
- Easy read procedures
- Rant line
- Home visits
- Staff discretion to offer compensation
- Journey mapping
- Analysing underlying causes of complaints
- Quality checks to follow up
- Lessons learned log

The pitfalls

- Obsession with procedures – a box-ticking exercise, rather than fair dispute resolution
- Making complaints ‘go away’, rather than learning how to improve services
- Complainants seeing the stages as automatic and inevitable – an ‘endurance test’



“Designated persons”



MP



Local councillor



Tenants panel

Role of “designated persons”

- To help resolve problems locally
- Use local knowledge, contacts & relationships
- Challenge landlords and tenants – a ‘critical friend’
- Provide fresh, independent, common sense perspective
- Build local knowledge and help landlords improve complaints handling

“Designated persons” can...

- Work with one another
- Give **advice** to tenants *before* the landlord has investigated a complaint
- Take **action** once the landlord’s complaints procedure has been exhausted
- Try to **resolve** the complaint or refer it straight to the Ombudsman



Access to the Ombudsman

Tenants can contact the Ombudsman directly **8 weeks** after the landlord's complaints process has been exhausted



MPs and local councillors

- Become designated automatically when term of office starts
- Councillors must be from the local housing authority where the complainant lives
- Councillors could choose to identify one or more to act in the designated person role

Possible roles of involved tenants

- Part of **landlord's complaints procedure**:
 - Members of review panels
 - Impartial advice and support
- **Designated tenants panel**, between landlord & Ombudsman
- **Monitoring and scrutinising** effectiveness of landlord's complaints system

Tenant Panel(s) designated to deal with complaints

- Landlords are required to support the formation of 'tenant panels'
- Becomes *designated* when landlord recognises it for purposes of referring complaints
- Should be agreed between tenants and landlord as part of a set of arrangements
- Landlords must register panels with the Ombudsman
- Legal power of Panel is to refer complaints to the Ombudsman

Options for designated tenant panels

- Part of broader tenant panel arrangements or complaints only
- Can have one, several, or no tenant panels dealing with complaints
- Operating across whole landlord or in particular geographical areas
- One landlord or multi-landlord

Designated tenant panels must...

- Get **written authorisation** from the complainant to deal with the complaint and see personal information
- Manage **confidential information** carefully
- Ensure **complainant** remains in control
- Avoid **conflicts of interest**
- When referring complaints to the Ombudsman, get complainant's **consent** & refer in writing

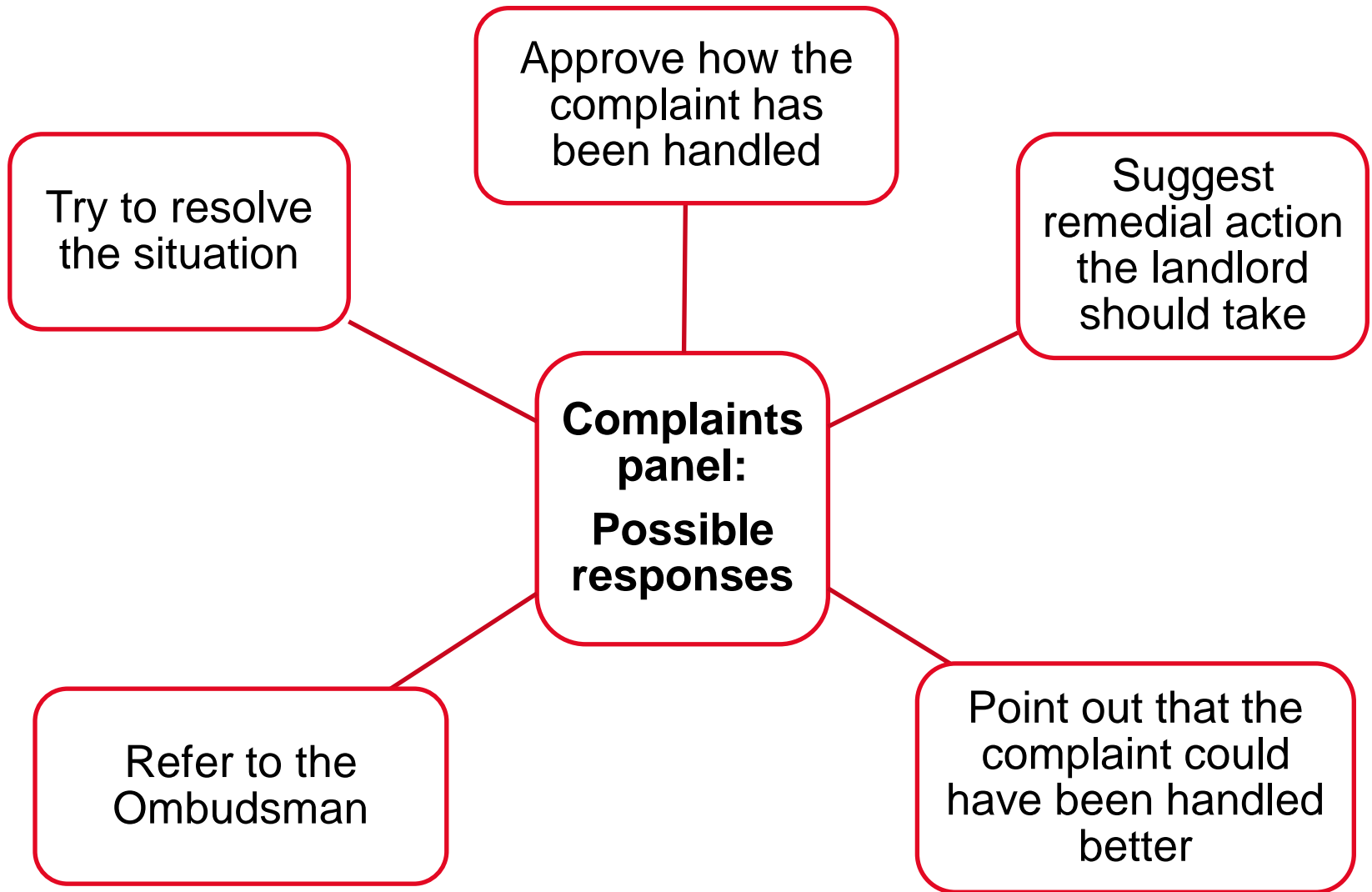
Possible approaches

- Review how complaint has been handled – including identifying systemic issues
- Advocate for the complainant
- Give advice to the complainant
- Liaise with local agencies & specialist expertise, or refer complainant to them
- Facilitate negotiation between both parties
- Mediate

Mediation

- Used to try to **resolve ‘stuck’ situations** between 2 parties
- Aims for **workable agreement**
- Maintains **parity** between parties and encourages **participation**
- Enables difficult feelings / views to be **expressed** in relative safety
- Must be **voluntary**





Remedies – what can the landlord do?

- Put right a failing
- Apologise
- Pay compensation
- Show it has learnt from mistakes
- Review policies and procedures



Case Study 1 – Transfers

HOS response

Found that the landlord had

- not been obliged to transfer Mr X
- considered all the circumstances of Mr X's situation, and exercised discretion
- acted fairly in offering alternative properties and significant financial assistance

Case study 2 – Service charges

HOS response

- The landlord had met all of its formal obligations
- However, in the interest of encouraging a constructive and open relationship with residents, measures could be introduced to improve the standard of information available in future

Case study 3 – Gas safety, complaint handling: HOS response

- The landlord's management of the gas safety check had been unsatisfactory, but it had apologised
- Although Mr Y did not receive the paper-work, this may have been due to the postal service
- The landlord's offer to postpone the hearing was a reasonable response
- Mr Y did not provide any evidence of costs, and the landlord acted reasonably in declining the request for compensation
- Financial redress can, however, be offered by way of apology for inconvenience