

<b>Report To:</b>	<b>CABINET</b>
<b>Date:</b>	<b>18<sup>TH</sup> SEPTEMBER 2023</b>
<b>Heading:</b>	<b>HOUSING COMPLAINTS</b>
<b>Executive Lead Members:</b>	<b>CLLR A MEAKIN, EXECUTIVE LEAD MEMBER FOR COUNCIL AND SOCIAL HOUSING CLLR V HESLOP, EXECUTIVE LEAD MEMBER FOR CUSTOMER SERVICES AND COMMUNICATIONS</b>
<b>Ward/s:</b>	<b>ALL</b>
<b>Key Decision:</b>	<b>NO</b>
<b>Subject to Call-In:</b>	<b>YES</b>

## **Purpose of Report**

To provide a summary of the complaints received by the Council regarding services that fall under the remit of the Housing Ombudsman Service (HOS), including any learning that has been identified as a result of the investigations during the 2022/23 financial year.

The report is presented to Cabinet as the body with final accountability for Housing Regulation.

## **Recommendation(s)**

**To note the complaints information contained within the report.**

**To note the learning that has been identified as a result of complaint investigations.**

**To note the emerging trends in housing complaints.**

## **Reasons for Recommendation(s)**

To provide Cabinet with information regarding the volume, nature and outcomes of housing complaints received during the 2022/23 financial year. Complaints are a valuable source of learning to improve service provision for tenants and leaseholders. This report provides information on the learning identified from the complaint investigations conducted. Awareness of complaints and learning from them is a requirement of HOS' Complaint Handling Code.

## Alternative Options Considered

No alternative – the Council has a statutory obligation to operate an accessible complaint handling process and comply with all mandatory requirements of the HOS' Complaint Handling Code. Membership to the Housing Ombudsman Scheme is mandatory for social housing landlords and compliance with the Code has recently become a statutory obligation, following the introduction of the Social Housing (Regulation) Act 2023. Failure to comply with our statutory regulatory obligations may carry both sanctions (including the removal of the housing stock), fines (unlimited) and reputational damage for the Council.

## Detailed Information

### 1. Summary

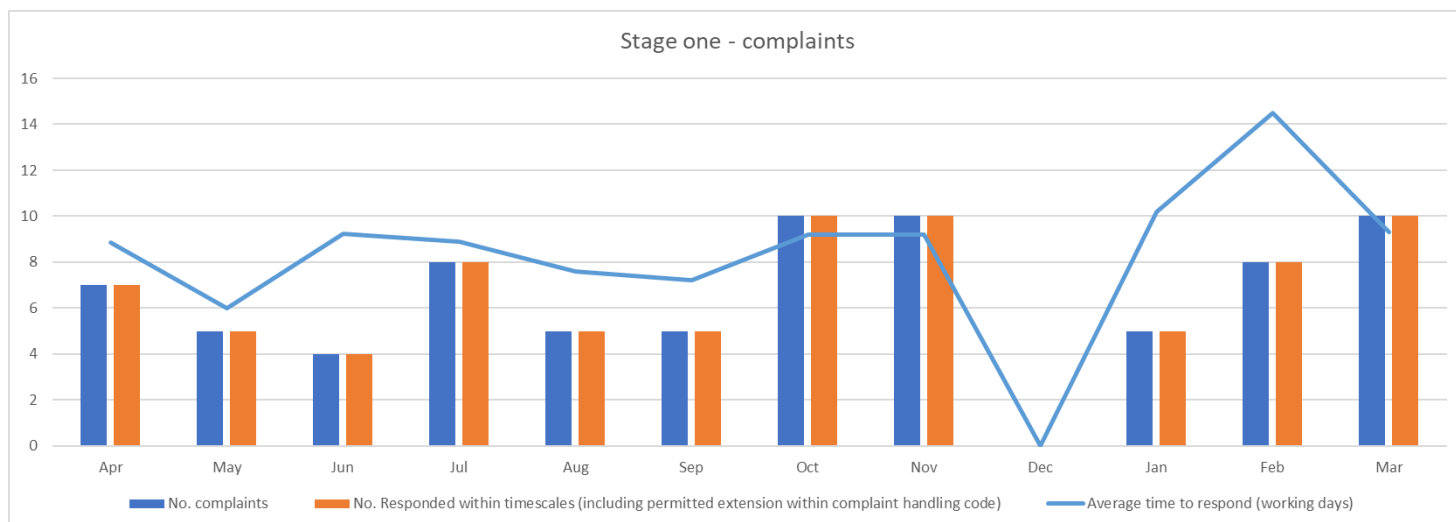
This report sets out a summary of the complaints received by Ashfield District Council that fall within the remit of HOS during the 2022/23 financial year. These are broken down and analysed by stage, service, complainant's ethnicity, compensation award and type. Customer feedback is also set out alongside the learning from complaints, along with any changes we have made to services following complaints received during 2022/23.

### 2. Complaint Analysis

#### 2.1 Number of complaints

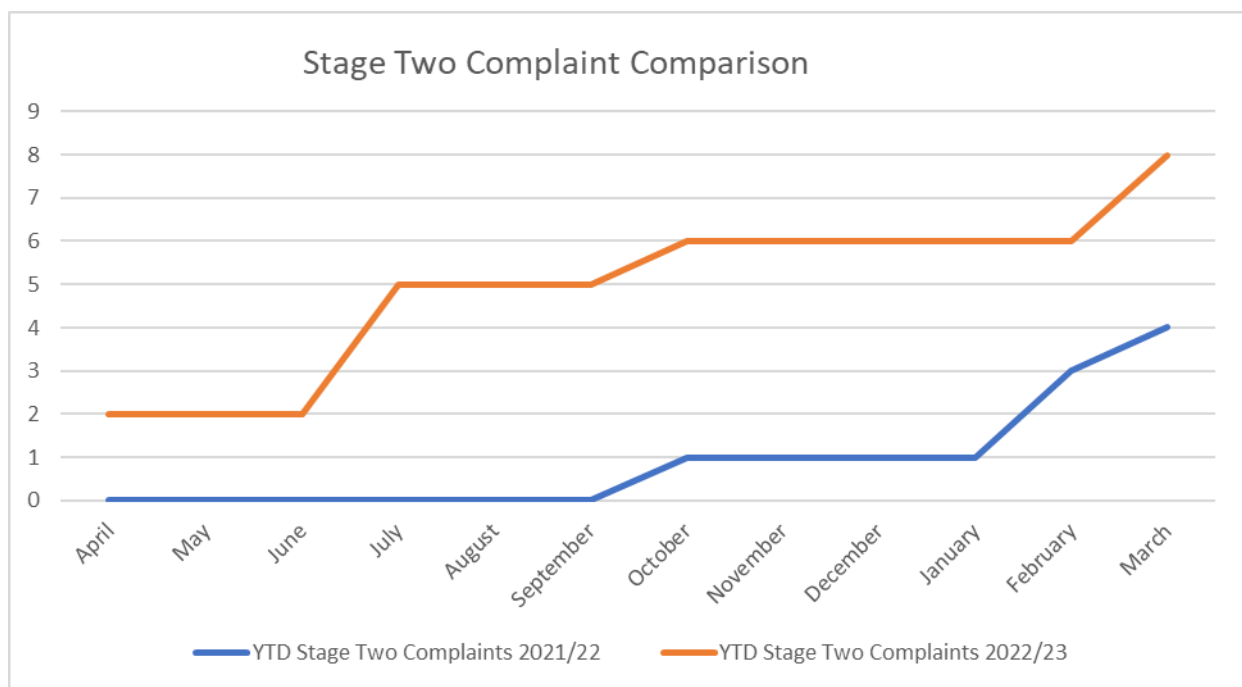
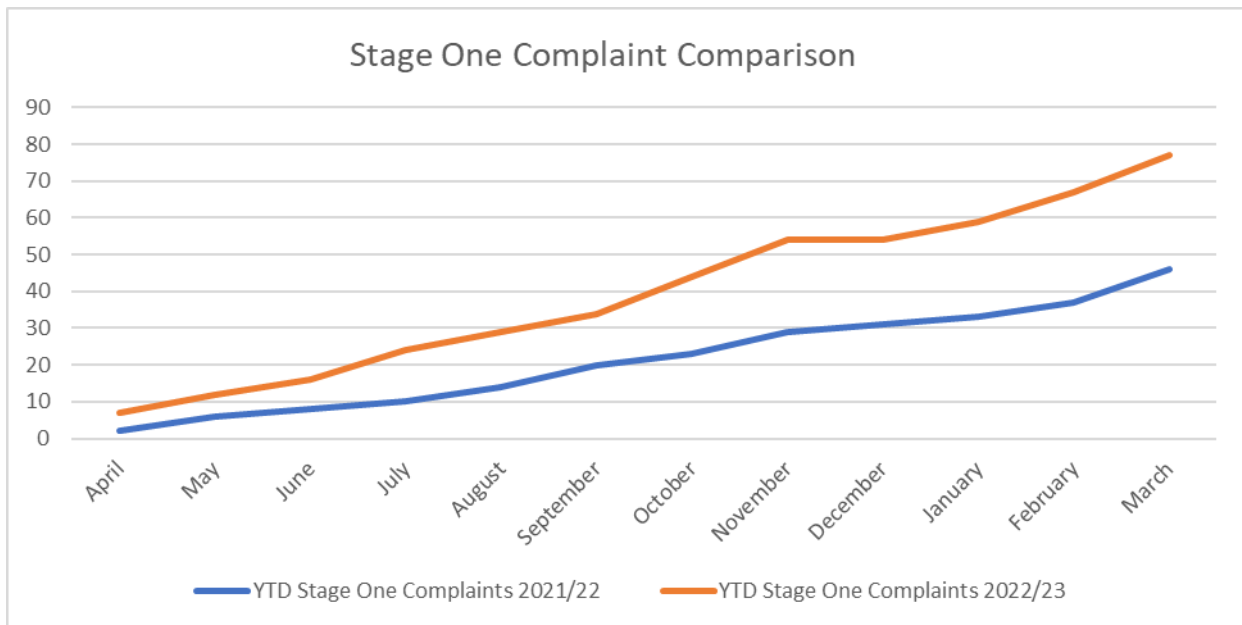
During 2022/23, Housing Services received 77 stage one formal complaints. We also received 8 stage two formal complaints. 3 complainants requested that their complaint be reviewed by the Housing Ombudsman Service.

Shown below is a breakdown of the stage one complaints received during 2022/23 and the average time taken to respond.



#### 2.2 Performance

There was a 75% increase in the number of stage one complaints received in 2022/23, compared to the previous financial year. Throughout the year the Ombudsman has been advertising their service and also placed a duty on Housing providers to promote the scheme. Complaint volumes have also increased at all other levels, with stage two complaints increasing by 100% and 3 Housing Ombudsman referrals compare to 0 referrals in the previous financial year.



In 2022/23, stage one complaints took an average of 9.32 days to respond to, which is within target (10 working days), but is 19% longer on average, compared to the last financial year. Average stage two response times also increased by 45%. The increased time to respond to complaints is attributed to both the increased levels of detail required to determine the complaint (in line with Ombudsman expectation) along with the increased complaint volumes, impacting on the capacity of investigating officers to expedite investigation and finalise a response.

All of the complaints received within the financial year were responded to within timescales, based on the Tenant Satisfaction Measures calculation criteria (including permitted extension within the Housing Ombudsman Services' Complaint Handling Code). However, 22% of all complaints responded to within the financial year required an extension to the deadline to the relevant target response time. Reasons for requiring an extension include accommodating the availability of the complainant to meet to discuss dissatisfaction and the complex nature of the complaint. The service area with the highest volume of complaints requiring an extension was Housing Management, with 13 complaints, however, 6 of these complaints related to tenancy related to persistent or serious anti-social behaviour and were investigated by the Community Safety Team.

52% of the stage one complaints received in 2022/23 were found to be upheld or partially upheld, which is relatively similar to the position in the previous financial year.

In addition to the stage one complaints received in 2022/23, a further 95 contacts were received through complaint channels, which we classified and responded to as service requests.

### 2.3 Stage one complaints/service requests by service area

Service Area	Number received	Average time to respond (working days)	% responded to within timescale	% requiring extension to response deadline	Justified/Part Justified complaints	Number of Service requests
Assets	10	8.6	100%	10%	6	1
Housing Management (incl. tenancy related ASB)	30	11.63	100%	40%	15	34
Lettings and Strategic Housing	2	13	100%	50%	1	3
Responsive Repairs	25	7.32	100%	8%	10	55
Planned & Cyclical	6	8.17	100%	17%	5	2
Support Services	4	6.25	100%	0%	3	0
Total	77	9.32	100%	22%	40	95

### 2.4 Stage two complaints

We received 8 stage two complaints during 2022/23, of which 1 complaint was found to be partially upheld.

- Former Tenant, Kirkby – continued collection of Former Tenant Arrears.
- Tenant, Hucknall – handling of alleged ASB in block and actions/attitude of Officer.
- Tenant, Sutton – handling of alleged ASB from neighbour, condition of neighbour’s garden, transfer application and lack of acknowledgement of complaint.
- Tenant, Sutton – alleged harassment from Housing Officer and stress caused by contact regarding excess accumulation of belongings.
- Tenant, Hucknall – alleged issues with loft space in block.
- Tenant, Hucknall – alleged damage to flooring following a leak and impact of waste being left by contractor following leak.
- Tenant, Sutton – handling of alleged ASB from neighbour
- Tenant, Sutton – allegations that stage one response did not address all issues raised in complaint and that officer had misled the stage one complaint investigation.

### 2.5 Housing Ombudsman Complaints

During 2022/23 3 complainants requested that the Housing Ombudsman Service investigate their complaint, following our complaints process being exhausted. The position with each case is as follows:

#### Resolved Cases

Tenant, Kirkby – Response to concerns regarding hedge – no service failure

Former Tenant, Kirkby – Continued collection of Former Tenant Arrears - Service Failure, following appeal of maladministration determination. Orders were made to review the case and pay £200 compensation. Recommendations were made to review the rent arrears procedure and ensure that assessments are undertaken of vulnerable tenants falling into arrears and the results documented. Following rectification of the process and reviewing the vulnerability of the tenant the arrears were subsequently recovered.

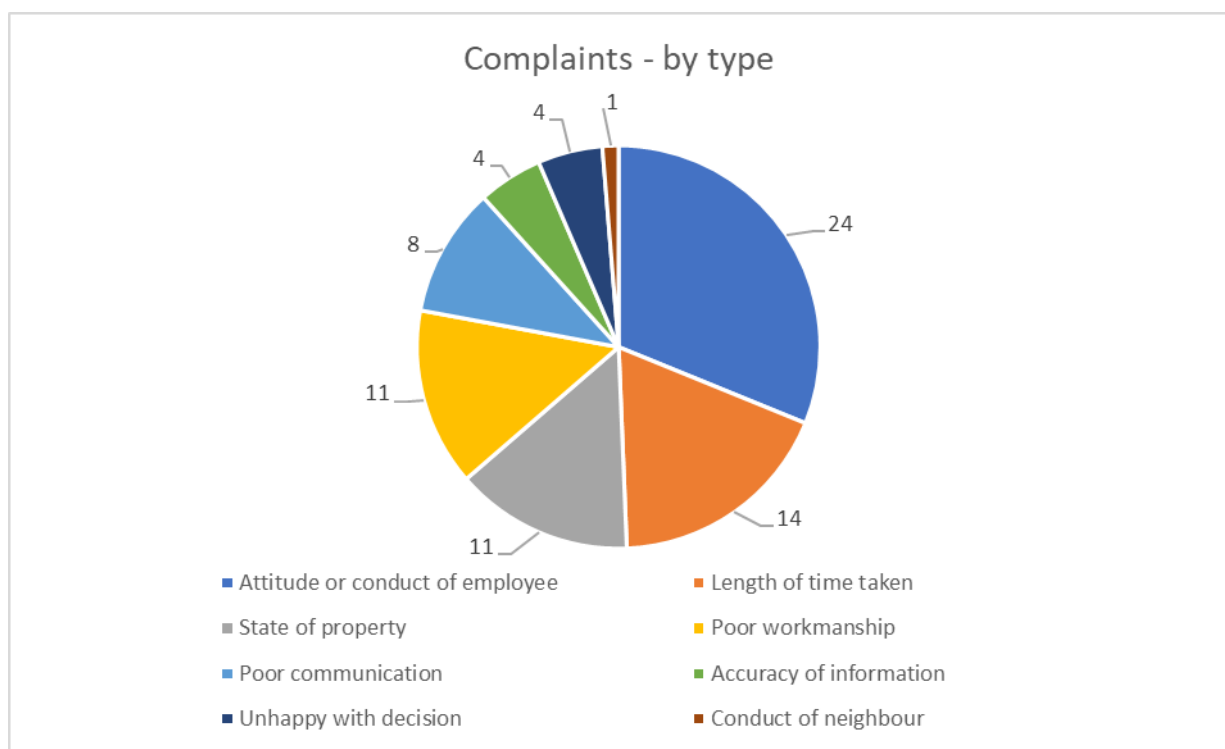
### Cases being investigated

Tenant, Hucknall – Response to concerns regarding ASB, security of communal loft hatch, conduct of Housing Officer and decision to contact GP regarding welfare concerns. A further complaint was received from the tenant during Q3, in relation to serious allegations about the conduct of officers at the authority and the Police. The complaint was investigated and found to be unjustified, details of the complaint have been shared with the Housing Ombudsman Service, as it was believed to be relevant to their ongoing investigations. The investigation was estimated for completion in January 2023, but is yet to be completed.

During 2022/23 we also received a number of general/informal enquiries from the Housing Ombudsman Service, in relation to tenants who are currently within or wish to access the complaints process.

## **2.6 Breakdown by type of complaint**

The stage one complaints received within the financial year were broken down as follows:

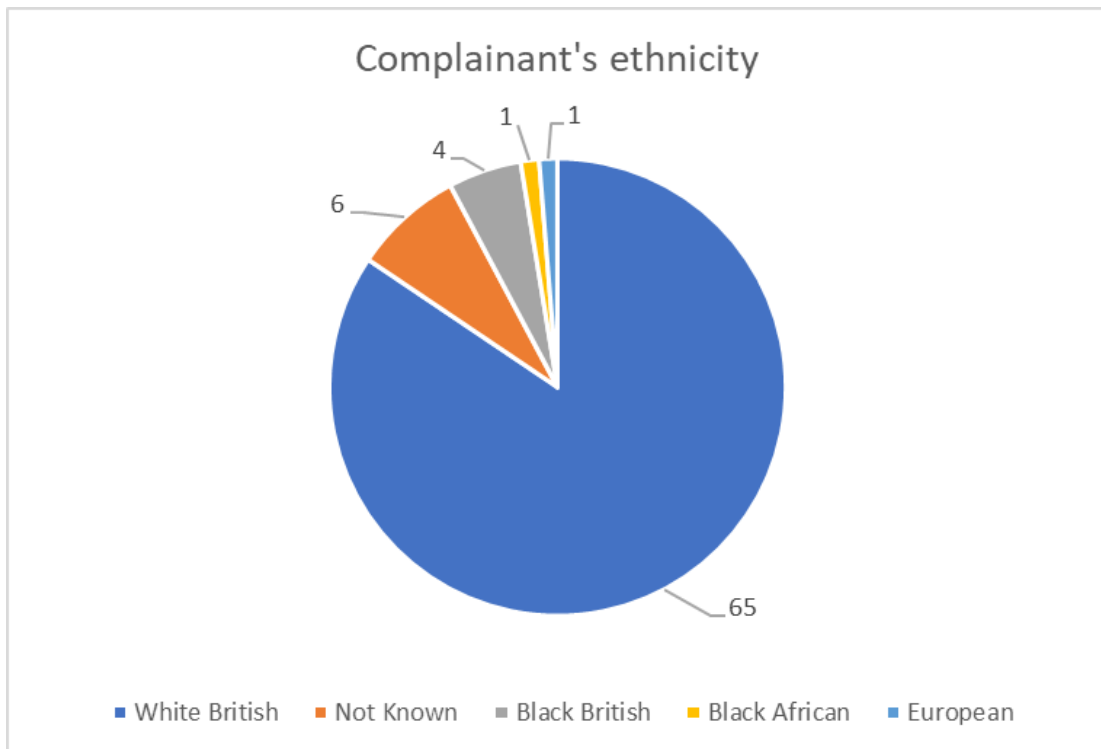


The percentage of complaints by type remain relatively consistent with the previous financial year. The top three complaint types were 'attitude or conduct of employee', 'length of time taken' and 'state of property'. A comparison against the previous financial year can be found below.

Complaint Type	% of complaints within financial year	
	2022/23	2021/22
Attitude or conduct of employee	31%	24%
Length of time taken	18%	20%
State of property	14%	24%
Poor workmanship	14%	9%
Poor communication	10%	7%
Accuracy of information	5%	2%
Unhappy with decision	5%	9%
Conduct of neighbour	1%	2%

### 2.7 Breakdown of complaints by complainant's ethnicity

The ethnicity of the complainant is monitored based on the information held in the Capita OpenHousing system, at the time of making the complaint and is not collected as part of the complaints process. The breakdown is relatively consistent with the tenant base.



### 2.8 Compensation awards as part of complaint outcomes

A total of £775.56 has been offered to tenants, in compensation or ex-gratia payments, as a remedy for resolving the complaints. This incorporates complaints at all levels, including awards made by the Housing Ombudsman service.

## 3. Customer Feedback

A complaints satisfaction survey is sent to all stage one complainants as part of the resolution documentation for their complaint. We also provide complainants with the option to complete an online survey, where they can send feedback online about the process and learning from the complaints process.

Only 5 complainants actively returned a completed satisfaction survey of their own accord, which is a response rate of 6.5%, this is consistent with the response rate from 2021/22, which was 4%.

The majority of the respondents used the survey as an opportunity to express that they were dissatisfied. 3 respondents requested that their complaint be escalated to stage two of the complaints process. One respondent advised that they were very satisfied with all questions in the satisfaction survey.

Due to the historically low response rates to the complaint satisfaction survey, it is now the intention to undertake a follow up attempt to complete the survey over the phone. We have undertaken this exercise for stage one complainants from Q4 2022/23, to complete the survey over the telephone.

39% of the complainants we contacted agreed to complete the survey. The majority of the complainants were satisfied with the handling of the complaint. Of the small number of complainants that continued to feel dissatisfied, only one complainant expressed that they wished to escalate their complaint to stage two of the process. The full results can be found below:

	Number of responses				
	Very Satisfied	Fairly Satisfied	Neutral	Fairly Dissatisfied	Very Dissatisfied
Overall, how satisfied are you with the handling of your complaint?	3	1	1	1	1
How satisfied are you that the staff who dealt with your complaint were helpful and polite?	5	2	0	0	0
How satisfied are you that the complaints process is easy to access and understand?	3	2	0	2	0
Overall, how satisfied are you with the outcome of your complaint?	4	0	0	0	3
How satisfied are you that all areas of your complaint were addressed?	3	2	0	1	1
How satisfied are you that the reasons for the outcome of your complaint were fully explained?	5	1	1	0	0

#### 4. Learning

## 4.1 Actions from learning from complaints

We record any learning outcomes from complaints that require further action or changes to policy, process, or procedure.

A colour coded risk rating for each of the actions coming out of complaints is assigned to each action. This is based on the level of potential risk of the Authority for not addressing the action and a future complaint relating to these actions occurring, which may result in a service failure or maladministration finding from the Housing Ombudsman.

From the complaints investigated this financial year, 94 learning outcomes were identified, 91% of the learning outcomes have been implemented.

The remaining outstanding actions will continue to be monitored, to ensure all learning outcomes are implemented.

Below is a breakdown of learning outcomes by risk:

Risk Level	Number of Learning Outcomes	% implemented
Red	27	96%
Amber	45	93%
Green	22	86%

Complaint Learning Outcomes included the following:

- Officers have been reminded of the importance of keeping files notes – a customer relations management system has recently been implemented to log interactions with tenants
- Officers have been reminded of the procedure for sending personal information to professionals and that all correspondence is accessible through subject access requests
- Officers have been reminded not to mark emails as complete, until contact has been made with the sender
- The approach for handling reports of pests has been outlined and shared with officers in a Pest Policy.
- Officers have been reminded that tenants should be notified in advance of planned visits
- Officers have been reminded that case updates should not be provided to third parties without the relevant consent from the subject. Measures have been implemented to ensure that all relevant departments are notified when a tenant withdraws authority to disclose matters relating to their tenancy with third parties
- Contractors have been reminded not to take photos inside tenant's homes, without first seeking their consent
- Wherever possible, tenants will be present during major works handover inspections
- Regular discussions have taken place to facilitate better communication between the Council and our major works contractor
- Officers have been reminded about data protection obligations when undertaking home visits and to refrain from discussing personal information on the doorstep/via smart door bells
- Officers have been reminded about the different methods available to tenants and leaseholders to make a complaint, ensuring that the process is accessible to all
- Additional training has been provided to call centre officers around repairs priority timescales
- New processes have been implemented to ensure that out of hours repairs are prioritised, without delay, once the service re-opens



- Resident Liaison Officers are to ensure tenants are reminded of the post-handover defects process
- Major works contractors have received additional guidance around cleanliness standards
- Officers have been reminded of the permission process including ensuring that responses are provided within timescales, tenancy files are checked/site inspected before making a decision and that decision letters are adapted to reflect the individual case
- Officers have been reminded to ensure messages to contact tenants are passed to the relevant officer and where a tenant advises that they have left multiple messages, but not received a response, this should be raised with the relevant Team Leader/Manager
- Officers have been reminded of the requirements set out in the succession procedure
- Officers have been reminded to minimise the number of officers attending the same visit, in order to be as efficient as possible and to minimise the impact on the tenant
- Officers have been reminded to ensure that allegations are investigated prior to issuing warning letters to tenants
- Officers have been reminded that a multi-agency approach should be adopted, where possible, and any considerations/adjustments made due a tenant's vulnerabilities should be documented
- Officers have been reminded to ensure that communication is maintained with colleagues to ensure that joint inspections are arranged within target/deadline timescales
- Officers have been reminded to have a consistent approach when offering support to tenants
- The major works contractor has been reminded to ensure that works are completed in line with specifications to prevent defects
- Procedures have been implemented to ensure that discussions and assessments are to be had with new tenants to ensure that they are capable of maintaining hedges/trees at the time of being offered a new tenancy, ensuring that every new tenant receives a garden plan highlighting their area of responsibility
- Operatives have been reminded that if they need to use an occupied electrical socket in a tenant's home, they should seek permission from the tenant before unplugging any equipment

A number of housing complaint handlers also undertook the 'High quality written responses to complaints' training, delivered by Housing Quality Network on 01 December 2022.

## **4.2 Changes to complaints process**

### **HOS code**

On 01 April 2022 the revised Housing Ombudsman Complaint Handling Code came into effect for members of the scheme. Members were given until 01 October 2022 to comply with the code and publish a self-assessment to demonstrate this.

A gap analysis was undertaken and the necessary amendments made to policies and procedures to ensure compliance.

The self-assessment was completed and approved for publishing by Cabinet on 27 September 2022 and was published on the website in readiness for the 01 October 2022 deadline.

### **Housing complaints procedure**

To assist with compliance with the Complaint Handling Code, a Housing Complaints Procedure was introduced. The procedure sets out the requirements and expectations for the handling of housing complaints.

The procedure includes standard letter templates to ensure that key information is provided to complainants at the relevant stage of the process.

The housing complaint procedure has most recently been updated to reflect the changes following the implementation of the Decision-Making Accountability Review.

### **Decision codes**

During a discussion held with complaint handlers, it was identified that the decision categories being used for Housing Complaints were leading to some conflict between complainants and complaint handlers.

They advised that the use of the word 'unjustified' had led to complainants being disgruntled, as they felt this was dismissive of their experience and decision to make a complaint, even if they accepted the findings of the investigation. Therefore, the decision has been made that following complaint outcomes will be used as an alternative 'upheld', 'partially upheld' and 'not upheld'. The change has been communicated to all departments handling housing complaints and the procedure/letter templates updated to reflect this.

### **4.3 Emerging themes from complaints**

Analysis has taken place across the themes/types of complaints we have received. The main areas and lessons emerging for services are:

- **Increasing complaint volumes** – During last financial year we saw a considerable increase in complaint volumes at all levels. The proportion of complaints by service area has been relatively consistent for Lettings/Strategic Housing and Housing Operations. However, Housing Management including ASB (39% increase) and Assets (199% increase) have seen significant increases to the portion of housing complaints received, which relate to their service area, principally due to one large contractor scheme involving re-roof and unseasonal weather.

Complaints are often complex in nature, which result in complaint handlers having to invest considerable time to thoroughly investigate, respond and implement learning/actions. All of which moves officers away from their typical 'day to day' activities. If complaint volumes continue to increase, it is likely that current service provision will not be able to be sustained and additional resources will be required to either bolster the individual teams to compensate for the time taken for complaint handling or to provide a dedicated resource to investigate and respond to the complaints in line with the expectations of the Housing Ombudsman. Many Housing providers now have dedicated complaint handling teams.

Complaint outcomes remain relatively consistent, which does offer some reassurance that complaint volumes are not due to service provision declining, but is likely attributed to the increased publicity around the complaints process by the Council and other agencies/government departments.

- **Increasing contact from the Housing Ombudsman** – throughout the financial year we have seen a considerable increase in the number of tenants contacting HOS. Three complaints have been escalated to the Ombudsman for investigation and a number of tenants have contacted them before and during exploring our complaints process, resulting in contact/requests for information from HOS. The increasing involvement of HOS in our complaint cases presents a significant potential reputational and financial risk to the Council.

HOS continues to publicly name landlords who have been identified to have committed service failure and will often increase the levels of compensation offered by landlords. Co-ordinating and responding to Housing Ombudsman case referrals is resource intensive and it is possible that additional resources will be required if this demand continues.

- **Increased complaint volumes relating to major works programme** –a significant increase in the number of complaints received, which were handled by the Assets Team was noted this financial year, in comparison to the previous financial year. The Assets team typically receive lower than average complaint numbers, compared to the rest of the service areas. The nature of the programmes of work undertaken during the financial year, particularly significant works to flat roofed bungalows, coupled with unseasonal weather, supply issues of labour and materials within the construction industry, will have contributed to this. Concerns were raised with J.Tomlinson, prior to them entering administration. It is important that learning outcomes in this area are shared with the new major works contractor, to minimise future complaints. Complaint volumes for the Assets team will be closely monitored in the future, to ensure that this is not representative of a service failure.
- **Increasing number of complaints requiring an extension to respond** – the Housing Ombudsman Services' complaint handling code, allows for complaint handlers to extend the deadline to respond to complaints, in exceptional circumstances. Complaint handlers should be mindful that general workload, would not typically be considered exceptional circumstances by HOS and extensions should only be utilised where the nature of the complaint requires additional time to investigate or a complainant's availability to provide additional details is limited. Complaint handlers need to ensure that investigations are prioritised to ensure that a response is provided within the initial 10 or 20 working day deadline wherever possible.

## **5 Ombudsman Complaint Code**

The Council's Complaints and Compliments Policy and Housing Complaints Procedure is currently in line with the Housing Ombudsman's complaint handling code. This follows the revision of the Complaint Policy and the implementation of the Housing Complaints Procedure in September 2022.

The Council's obligation to complete and publish an annual assessment against the code has been satisfied. Following authorisation at Cabinet in July 2023, the self-assessment has been updated on the Council's website.

## **Implications**

### **Corporate Plan:**

Fully meets the Corporate Plan priority of leading a customer focussed service, which engages our tenants and adheres to all regulatory standards.

## Legal:

There are no significant legal issues identified in the report which is for noting. [RLD 22/08/2023]

## Finance:

No direct financial implications arising from this report. [PH 22/08/2023]

Budget Area	Implication
General Fund – Revenue Budget	N/A
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

## Risk:

Risk	Mitigation
<p>Significant reputational risk – A 'complaints handling failure order' could be served on the Council. This is an order to rectify within a given timescale and referral to The Regulator of Social Housing.</p> <p>An adverse inspection by the Regulator of Social Housing could result in the removal of the Council's housing stock or the levy of an unlimited fine.</p> <p>Key policy/procedure/self-assessments related to Housing Services must be consulted and reviewed by tenants as part of regulation.</p>	<p>Full compliance with the Complaint Handling Code as set out by the Housing Ombudsman Service.</p> <p>Relevant documents reviewed and consulted with tenants Gateway March/May 2023.</p>

## Human Resources:

There are no direct HR implications contained within the report. [KH 30/08/2023]

## Environmental/Sustainability:

None

**Equalities:**

None

**Other Implications:**

N/A

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