

Consultation response on the Revised Housing Ombudsman Scheme

Colchester Borough Council

Improving accessibility to the complaints procedure

- Strengthen the requirement for member landlords to establish and maintain a complaints procedure by adding that it should be in accordance with Housing Ombudsman best practice (this will be developed by the Ombudsman working in partnership with others). This will help to increase consistency of practice across landlords and ensure that residents know what to expect when a complaint is made, irrespective of their landlord.
- Specify how landlords should inform residents of their right to complain to us ie on their websites and in correspondence with resident. This will better support residents' access to, and knowledge of, our service.
- Increase compliance with landlords' complaints procedures by adding that complaints must be dealt with in accordance with published procedures or within a reasonable timescale so residents are clear about how their complaint will be treated.

Do you have any comments on the changes proposed to improve accessibility to the complaints procedure?

Best practice guidance should be helpful to the sector – the regulatory consumer standards may need amending to reflect this specific new requirement.

Helping landlords and residents to resolve complaints themselves

- To clarify that residents can contact the Housing Ombudsman Service at any point and we do not require the landlord's complaints procedure to be completed before we can help. We know that resolving complaints locally, preferably within the landlord's own process, provides better outcomes for residents and improves relationships between residents and landlords.
- In order to ensure complaints don't get lost if then referred back to the landlord, we propose a new power requiring the landlord to report their actions and the outcome of the complaint to the Ombudsman.
- We carry out a range of activities with the sector to promote and support effective dispute resolution by landlords and residents through training, website tools and promote shared learning. We propose incorporating this into the Scheme.

Do you have any thoughts on the proposed changes to help landlords and residents to resolve complaints themselves?

There is already confusion in accessing the Ombudsman service, including the complicated and unnecessary requirement to wait 8 weeks after the final decision of the social landlord's complaints procedure before approaching the Ombudsman, unless done so via an MP or local councillor. Unless this requirement is removed it is likely to remain a confusing system for tenants.

Use of the proposed power to intervene where a landlord's complaints process is not being implemented in a timely manner would be a better solution to tackling landlords who do not deal with complaints promptly. If landlords are not providing a fair, easily accessible and prompt complaints service then action from the Ombudsman to take action to ensure they do (including a joined up approach with the Regulator for Social Housing) is welcome.

Whilst the proposal to provide a dispute resolution service is welcome, the methods suggested (training, website tools and shared learning) fall some way short of what an effective dispute resolution service would need to offer.

Raising the visibility of complaints

- Residents' complaints should be dealt with fairly, swiftly and effectively. Many landlords are already delivering this but where it is not happening we propose new powers to help residents whose complaints have got stuck in the process and to compel landlords to provide evidence to us in a timely manner.
- When neither a resident or the Ombudsman are able to progress a complaint or when a landlord fails to provide information we have requested, it causes delay for residents and can contribute to the length of time we take to complete an investigation. The revised Scheme includes a new determination of complaint handling failure and an order to provide a resident with an outcome. This will help improve accessibility and speed up redress for residents.
- These changes would give landlords oversight of where and when complaints are not being actively resolved and how frequently this is happening as well as ensuring residents are able to get an outcome to their complaint within a reasonable timescale.
- New powers allowing us to set a reasonable timescale for landlords to provide information to the Ombudsman to support an investigation. Where the landlord does not comply the Ombudsman could determine the case on the information available.

Do you have any comments on the proposals to raise the visibility of complaints?

The proposed powers seem reasonable, and their effectiveness should be enhanced by the proposed detailed guidance to be issued to Landlords on how their complaints policy and procedures should operate.

A maximum of 20 working days would seem a more appropriate length of time to allow for the provision of information to the Ombudsman. This still allows a further 3 to 4 months for the case to be reviewed and still meet the Ombudsman's proposed 4 to 5 month target for issuing determinations.

Extending the reach of Ombudsman investigations

- We are seeking new powers enabling us to use the information gathered from our investigations more effectively and to be more proactive.
- These include being able to conduct further investigations beyond the initial complaint to establish whether any evidence of service failure is indicative of systemic failing. Any systemic failing found will be referred to the regulator.
- New powers would also enable us to provide information about a landlord's complaint handling failure to the Regulator and/or to the landlord's internal scrutiny function. In addition, we would be able to publish information about a landlord's complaint handling determination and finding, and name them.
- We want to extend our existing power for joint working with the Local Government and Social Care Ombudsman to other Ombudsman schemes. This will strengthen consumer redress across the housing sector, as joint working with other redress schemes, such as the New Homes Ombudsman (when created) will help to streamline the customer complaint journey.
- We propose adding 'severe maladministration' as a possible finding to clarify that there is a range of maladministration from service failure to maladministration to severe maladministration.
- We also want to add an obligation that when complying with our orders, it is done within a reasonable timescale to ensure swift redress for residents. In case of non-compliance we want to strengthen the action that we can take by being able to issue a further order for complaint handling failure. As mentioned in 'Raising visibility of complaints' new powers would enable us to provide information in these cases to the regulator and to publish the finding.
- In previous consultations on our business plan there has been broad support for publishing decisions so we are proposing additional powers in the Scheme enabling us to do that, with regard to the need for confidentiality as required.
- We also want to it clearer that the actions of landlords' subsidiary companies and associates are in our remit.

Do you have any thoughts on the changes outlined to extend the reach of i

The proposals to investigate an organisation more widely for potential systemic failures are a potentially powerful intervention. Careful consideration will need to be given as to what factors would trigger such an investigation, for example the seriousness of the impact of any service failure not only on the complainant but the potential for harm to the wider customer/resident/tenant population. It would therefore be helpful for the Ombudsman to publish guidance on what may trigger an investigation into systemic failure.

Publishing decisions is welcomed, but should be balanced by including a summary of the actions taken by the landlord to deal with any finding of maladministration.

The Ombudsman may want to consider how it monitors and follows up on the actions/changes required by its determinations to give a further degree of assurance that landlords are responding positively in putting right failings in service delivery.