

# Learning from the Ombudsman

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# Bill Gill



- Over 30 years' sector experience
- Consultant working mostly with small providers
- Delivering audit, assurance, governance and risk services
- Experienced NED, currently Chair of Group Audit & Risk Committee at Bolton at Home

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# Session

- The objectives of the Housing Ombudsman
- Their approach
- Complaint handling
- Lessons from the Ombudsman
- Links to the new consumer standards

# Housing Ombudsman's Vision

Improving residents' lives and landlords' services  
through housing complaints

How far are they achieving this?

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# Housing Ombudsman Scheme

- Established by the Housing Act 1996
- All RPs have to be members
- Enables residents to have complaints about members investigated by the Ombudsman
- Role is to:
  - Resolve disputes
  - Make awards of compensation or other appropriate remedies
  - Support effective landlord and tenant dispute resolution by others

# Provider Obligations

- Agree to be bound by the Scheme
- Establish and maintain a complaints procedure in accordance with the Complaint Handling Code
- Inform residents of their right to bring complaints to the Ombudsman under the Scheme
- Publish complaints procedure and membership of the Scheme and make both easily accessible
- Manage complaints in accordance with the published procedure

# Complaint Handling Code

- Came into effect from 1 April 2022
- Landlords had to be compliant from 1 October 2022
- Need to carry out an annual assessment against the Code
- Results have to be published – usually on website
- Non-compliance could result in a complaint handling failure order being issued
- Has your organisation complied with these requirements?

# Ombudsman Powers

- Review any documents relevant to the complaint
- Interview any officers or board members
- Require a representative to attend meetings
- Help the Ombudsman get information from third parties
- Issue complaint-handling failure orders and recommendations
- Report the failure to the Regulator
- Publish details of the failure
- Time consuming & reputationally damaging!



# Memorandum of Understanding

Between Housing Ombudsman and the RSH

Revised 2020 – more sharing of information

Referral of cases broadened to include repeated complaint handling failure or potential systemic failure

Increased role for the Ombudsman in the regulatory landscape

# Ombudsman reports

Quarterly Insight Reports – data & case studies to show learning

Spotlight Reports – cover specific issues such as damp & mould

Case studies and other resources

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# Ombudsman Insight Report

- Issue 13 - October – December 2022
- 8,123 enquiries & complaints in quarter, up 24%
- 1,544 entered Ombudsman's formal remit
- 796 orders & 467 recommendations issued following investigation
- 54% increase on previous quarter
- Maladministration found in 55% of cases
- Property condition rose from 41% to 51% of all complaints made to the Ombudsman

# The future for the Ombudsman

- Ombudsman gearing up to deliver more
- Expect to be able to undertake more than 10,000 investigations annually
- Recruiting more caseworkers
- Cases becoming more complex, resulting in more findings and remedies
- Ombudsman promoting value of complaints over legal claims
- Become an integral part of the regulatory regime

# Changes in Consumer Regulation

Social Housing  
Regulation Bill

New Consumer  
Standards and  
Code of  
Practice

Consulted on  
summer 2023  
& published  
March 2024

Consumer  
inspections  
second pilots

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# Tenant Satisfaction Measures

- Providers should be collecting data from 1<sup>st</sup> April
- Data collected through management information (MI) or tenant perception surveys (TPS)
- Small providers exempt having to submit TSMs to the Regulator
- TSM data must still be published for residents
- More details in this afternoon's breakout session!

# Back to school

- Late amendments to Social Housing bill
- Mandatory qualification for senior managers and executives
- New professional competency standards for the sector
- RSH drawing up new competence and conduct standards



# Want to make front page news?

*Failures found at London council after newborn left living in damp and mould*

*Child left in unsuitable housing by London council suffered irreversible harm*

*Landlord fined £5k after 21-month delay to fix leaking roof left vulnerable resident's home uninhabitable*

*Body of second Peabody resident went undiscovered for months*

*Clarion residents feel 'ignored, trapped and anxious' following major cyberattack*

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# Is this how you handle complaints?

- 2020/21 English Housing Survey
- Almost a third of all social renters considered making a complaint
- 27% chose not to
- Stated that they did not believe anything would be done in response
- Ombudsman annual survey 2021/22 – 17% decline in residents who thought making a complaint would make a difference



# Echo chamber

- Sector sees itself doing a good job in demanding circumstances
- Focusing on the challenges faced can influence our attitude
- Easy to miss the issues at a granular level
- Can anyone categorically state that they have no tenants with valid reasons for being dissatisfied?
- Clearly some providers have let their tenants down
- Issue for the Ombudsman is how this is handled
- Remember, no one expects you to be perfect...

# Ombudsman's Special Investigation into RBH

**“It is highly unlikely that this endemic behaviour of ‘othering’ is isolated to a single landlord and the social housing sector should consider whether they also need to turn over the stone and do a deep dive into their culture and whether they are living their social purpose.”**



# Issues identified at RBH

- Issues of skills, systems and resources
- Staff– disrespectful, dismissive and derogatory
- Questions over attitude
- Report highlighted that RBH not an outlier
- Acceptance that also dedicated staff in sector but trust eroded by the minority
- Spotlight report on culture and attitude to be issued

# Just an issue for large landlords?

- Insight Report 13, small providers had:
  - Maladministration rate of 53%
  - Complaint handling made up 17% of the complaints
  - 47% of complaints related to property condition
- Lack of detail within the reports to analyse data on small providers further – request it?
- Complaint volumes will be smaller but not a reason to be complacent
- Calculation of maladministration rates not helpful to small providers - could end up with 100% rate on one complaint

# Is it a trend?

- Analysis of RSH's Regulatory Judgements since 2015
- G1/V1 rating has fallen from 78% to 40%
- Judgements against small providers also increased during period
- Includes lease-based providers
- Major media stories about failings in sector more common
- Heightened resident awareness, systemic poor service or just isolated incidents?

# Stand up and be counted

- Ombudsman highlighted poor initial response from Rochdale following Awaab's death
- Similar comments made about other providers in the media spotlight
- Ombudsman contacted providers with the highest level of complaints
- Looking for a change in approach – could this apply to your organisation?
- Strong leadership needed to change the culture within these organisations

# Ombudsman's approach

- Things go wrong
- Fix the issue
- Apologise
- Offer appropriate compensation
- Show that learnt from errors



# Learn lessons

Use complaints as tool  
for learning

Embed learning culture

Don't dismiss issues as  
historic or isolated

Prepare for higher  
volumes of complaints

Consider vulnerabilities  
of complainants

Use Ombudsman's case  
studies

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# Role of the Board

- What information does the Board receive on complaints?
- High-level metrics?
- Performance information against targets?
- Analysis of themes?
- Deep dives?
- A snapshot or trends?
- What can a Board member glean from this?

# Ask yourself...

- Could this happen to us?
- Do we have some of these issues?
- Do we challenge ourselves to identify where we're failing?
- Do we address any failings identified properly?
- Do we have a cultural issue ourselves?



# Conclusion

- Complaint handling is a new strategic risk
- The Ombudsman has been clear in its approach and helpful in its guidance
- Sector needs to listen and learn from it
- Customer service is often a strength of small providers
- Don't fall into the traps of others
- The Ombudsman is now a key element of the regulatory landscape – don't overlook it!

# For more information contact

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