

Report to: Housing Review Board



Date of Meeting 16th March 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Learning from complaints

Report summary:

As a follow up to the report on complaints presented to the January meeting of the Housing Review Board, this report sets out a more in-depth analysis of the complaints with an overview of our failures that led to the Ombudsman determining maladministration in all four cases. Areas for improvement are also identified as a direct result of the four cases.

The report makes a recommendation that we approve funding for an additional Complaints Officer in the Corporate Complaints team for a 12 month period in order to help us improve our response times and to help us resolve complaints.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That the Housing Review Board note the learning points from the report and the areas of improvement identified.

That the Housing Review Board recommends to Cabinet the appointment of an additional Complaints Officer (Housing) for a fixed 12 month period who will work within the Corporate Complaints team.

That the Housing Review Board recommends that Cabinet recommends to Council that additional funding in the sum of £25,409 plus on costs is approved to fund an additional Complaints Officer (Housing) for a fixed 12 month period.

Reason for recommendation:

This report is further follow up to the recent letter received from the Housing Ombudsman and the publication of the performance tables. It also gives the Board information on performance, the learning from the complaint outcomes to date and the improvements we need to make.

Officer: Amy Gilbert-Jeans – Assistant Director - Housing

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning

- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: High Risk; Compliance with the Housing Ombudsman code and the Consumer standards

Links to background information .

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

1. Background

- 1.1 At the January 2023 meeting of the Housing Review Board, we outlined and updated Members on the Councils process for dealing with formal complaints. The report summarised performance of this area looking back over the last 5 years and identified areas of the housing service that are receiving the highest levels of complaints.
- 1.2 The report highlighted and contained information from the Housing Ombudsman following their 21/22 annual performance report on providers and outlined that as a result we had received a letter from the Ombudsman highlighting a high maladministration rate. This related to 5 complaints that had been referred with 4 being determined against us for maladministration. Breaking down the 4 cases, 2 were related to anti-social behaviour (ASB) and 2 related to property condition.
- 1.3 As highlighted by the Assistant Director for Housing at the January meeting, we take the findings of the Housing Ombudsman very seriously and as part of this, the Service Managers have conducted a detailed review into the learning that we must take from each one of these cases. In addition to this and as approved by the Board at the January meeting, 15 individual recommendations were also approved and each one of these actions is now being monitored by the Housing Leadership team.
- 1.4 This report is based on recommendation 11: *Report to the Housing Review Board on Ombudsman cases detailing learning and areas for improvement.*

2. Individual case studies

- 2.1 Each box below summarises the findings from the 4 cases detailing what the complaint was, information on the findings, the determination detail by the Ombudsman and the level of compensation that was given to the tenant.

Case Number 1- Anti-social behaviour

The complaint was about:

- Our response to the residents reports of anti-social behaviour
- Our response to the residents reports of an odour from his neighbours property
- Our general handling of the complaint

Findings:

- Our complaint response was deemed reasonable, insofar as it complied with our ASB policy by way of seeking evidence through diary sheets.
- A failure was that we did not retain good enough file notes on the case that we were able to provide to the Ombudsman in order to evidence the detail of all actions we took.
- In relation to the resident reporting an odour from his neighbour's property, although we had acknowledged this issue from the resident, there was a failure from us to demonstrate how we were actively dealing with this despite the resident escalating the matter through our environmental health team and social services. This was deemed as a failure of communication with our resident.
- With regards to how we handled the complaint, it was found that we had dealt with previous issues from the tenant regarding similar issues and had previously closed a formal complaint. When new issues were raised, it was found that we should have started the formal complaint process again as opposed to referring back to previous correspondence/previous complaints.

Determination

- Maladministration in our response to the issues regarding ASB.
- Service failure in our response to the reports of an odour from a neighbour's property.
- Service failure in our handling of the complaint.

Compensation

- We were ordered to pay the tenant an amount of £300 in compensation.

Case Number 2- Property Condition

The complaint was about:

- Our handling of the replacement of the tenants kitchen prior to her occupation of the property.
- Our general handling of the complaint.

Findings:

- We did not provide sufficient evidence to back up our claim that the kitchen was usable and suitable for everyday needs prior to the tenant moving in.
- We presented contracting evidence from two different parts of the housing team- in short we were unclear and confused about the condition of the kitchen.
- When the kitchen was replaced, the tenant was satisfied that this was done although claims to have incurred additional costs as had to live elsewhere whilst the kitchen was being refurbished and this delayed her ability to move into the property.
- Our records/file notes were not sufficient in terms of what had been agreed with the tenant, we made reference to verbal discussions that we and the tenant claimed to have taken place but we could not produce the evidence.

- It was found that generally our communication was poor with the resident.
- The Ombudsman found our timeframe for fitting the kitchen reasonable based on the health and safety issues including the presence of asbestos in the property that had to be removed.
- Our audit trail of evidence was poor and we were unable to satisfy the Ombudsman that our investigation was thorough enough.

Determination

- Maladministration in how we handled the kitchen replacement.
- Service failure in our handling of the complaint.

Compensation

- We were ordered to pay the tenant an amount of £500 in compensation

Case Number 3- Property Condition

The complaint was about:

- Our handling of external repairs to the property, including:
 - External painting, rendering and fascias
 - Low water pressure and concerns about a leak under the property
 - Soakaway

Findings

- It was found that following concerns raised to us by the tenant, our obligation to inspect the issues were met albeit in the first instance they were not inspected for over a month. The Ombudsman, although acknowledging the delay ruled that this was not unreasonable due to the ongoing back log of repairs relating to the covid pandemic and on the basis that this was not an emergency repair.
- Following a site visit where the tenant was reassured of the actions we would take, we did not provide the tenant with any reassurance on timescales and no written confirmation of what actions we would take.
- When our Contractor arrived to complete the works, they were unaware of all the work that we had told the tenant was going to be completed. When the tenant challenged us on this, we were vague and did not reassure the tenant of when the additional works would be completed.
- Our formal response to the complaint did apologise for the poor communication that the tenant had received.
- Our response to deal with the issues was deemed to be slow.
- There was a lack of evidence in us being able to prove that we gave the resident notice of when the repairs would be carried out. It was acknowledged that on one of these occasions there was minimal notice given due to a cancellation of another appointment so we tried to bring an appointment forward with the resident to complete a repair sooner.
- Some of our verbal communication was found to be unhelpful and this impacted the tenant.
- Our response to the issues generally was slow and at the time of the Ombudsmans report, the works had still not been completed.

- There was a lack of evidence of how the issue with the water connection was dealt with by us.
- We were too slow to deal with the issues relating to the water connection.
- Following our stage 1 complaint where we apologised for poor communication, we didn't act quickly enough on this and this was further highlighted as part of the stage 2 complaint.

Determination

- Maladministration in relation to how we handled all external repairs.

Compensation

- We were ordered to pay the tenant an amount of £350 in compensation

3. Learning points

3.1 The Housing Services Manager and the Property and Asset Manager have undertaken a detailed analysis of the cases above, the results of which have been shared with the Officers directly involved as well as the wider teams in order to highlight the failures and learning points from each of the cases.

3.2 As part of reviewing these cases, there are stand-out themes that we can take from these 4 cases that identify clear areas of improvement for us. These are centred around;

- Poor communication with a failure to ensure tenants are kept up to date with progress on matters that relate to them.
- A failure to reassure tenants around matters that are impacting on them (particularly in relation to the ASB cases)
- Lack of thorough case notes that evidence and back-up our position, actions taken and how we are progressing matters.
- Lack of case notes that detail how we have communicated with tenants.
- Us progressing matters too slowly or not responding to complaints quickly enough.

3.3 The themes identified here are familiar with the outcomes of the majority of housing complaints which continue to identify poor record keeping and poor communication as being two major areas for improvement.

3.4 As a way of addressing this, the Service Managers are implementing a number of actions, including;

- A review of all procedures that relate to our ASB Policy to ensure absolute clarity on what records and file notes must be kept and how this should be done.
- A review of all procedures that relate to how Property and Asset/responsive repairs cases are handled to ensure clarity on exactly what information must be captured and how this should be done.
- Refresher training for all Officers in record keeping that relate to their specific areas, recognising that this will look different for different areas of the service.
- A review of how contractor information is being held in the system in order for us to be able to access as and when required, an audit on what information contractors are holding and whether this is detailed enough.

- The Property and Asset Manager is refreshing expectations on how we expect complaint issues/correspondence to be dealt with by our main contractor in order to ensure awareness of role and what we expect from them.
- Recruitment of the Housing Repairs Customer Service Manager role, this is a critical role to enhance customer care practices across the Property and Asset team.
- Spot checks by Managers on cases across the service to ensure we are making the improvements required.
- Ensuring and re-iterating the responsibility and ownership of individual Officers, undertaking spot checks in advance of performance discussions in order to ensure clarity on improvements required and a structured and formal way of dealing with this (via PER/1:1 process).
- Spot checks on repairs calls to pro-actively monitor how we are handling calls that relate to repairs.
- Customer service training for all Housing Officers.
- 'Learning from case studies' approach where actual complaints received are fed back to teams as a way of highlighting unacceptable performance.

3.5 An internal focus group of Officers from the Corporate Complaints team as well as the Senior Housing Managers has been set up in order to monitor the actions set out above as a way of driving this forward with urgency.

3.6 It has been acknowledged for some time that due to the significant volume of housing complaints received, we often do not meet our target response times that we set out to tenants. This is unacceptable and has also been highlighted to us by the Ombudsman as a failure with regards to general complaint handling. In order to help address this we are therefore proposing that the Housing Revenue Account fund an additional Complaints Officer who will work within the Corporate Complaints team. We are suggesting this is a full time, fixed term post that we put in place for a period of 12 months with a review point built in to determine whether this needs to become a permanent post. The post holder will focus only on housing complaints and will work closely with the Senior Managers to ensure target complaint response times are met.

4. Conclusion

4.1 Although it is widely acknowledged that due to the front-line nature of the housing service, complaints will generally be higher than some other areas of the Council, we are seeing an unacceptable number of complaints that could be avoided.

4.2 This report sets out that with improvements particularly in relation to record keeping and communication, the number of complaints we are handling could be significantly reduced and the actions set out in this report will be driven by the Housing Leadership team and the progress being taken will continue to be reported back to the Housing Review Board. Success will be measured by way of a reduction of complaints at every stage, the internal focus group will continue to monitor this.

4.3 Following these recommendations being considered by the Board, it is suggested that a briefing is undertaken for the Tenant Complaints panel in order to brief them on the issues raised in the report.

4.4 As highlighted recently by the Social Housing Regulator and as part of the new legislation within the Social Housing Act, we must as a social landlord use the learning from complaints to

recognise where service failures exist in our service and work to put these right as a service priority in order to continue to improve our services to tenants.

Financial implications:

The financial implications of complaints are two fold; firstly the issue of compensation and secondly the impact on officers time to deal with and record complaints appropriately.

Legal implications:

The legal issues are covered in the report