

Report to: **Housing Review Board**

Date of Meeting: 17 September 2020

Public Document: Yes

Exemption: None

Review date for release None



Subject: **Housing Service Complaints April 2019 – March 2020 inclusive**

Purpose of report: This report provides information on formal complaints received in relation to the Housing Service for the period April 2019 to March 2020. We monitor formal complaints carefully, learning from them and using them to improve services wherever possible.

Recommendation: **It is recommended that:**

- **The contents of the report be noted;**
- **The Housing Leadership Team re-iterate the importance of outstanding customer care, considering additional training and awareness opportunities where appropriate.**
- **The Housing Operational Managers group reviews processes to ensure they are effectively co-ordinating responses and updates on formal complaints and councillor enquiries raised with them.**
- **The Housing Services Manager works with the council's Information and Complaints Officer, and customers on the Designated Tenant Complaints Panel, to self-assess against the ombudsman's new code by 31 December 2020.**
- **Better communication is needed from Housing Officers in responding to queries from tenants to effectively manage expectations of customers. Failure to do this causes customers to complain again, and the focus then moves to dealing with complaints rather than delivery of the service.**

Reason for recommendation: To continue to improve the way we handle complaints, to learn from them and to meet agreed local standards.

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Financial implications: Ineffective complaints handling can cost the council significantly through not only associated fees and redress costs but also, and usually more significantly, through resource costs.

Legal implications: Legal Services would echo the Finance comment, that ineffective handling of matters and complaints generates failure demand across the Council's support services as well as within Housing itself. Effective processes, attention to detail and a "right first time" approach throughout the Service would help to reduce that failure demand.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information:

Link to Council Plan: Continuously improving to be an outstanding council.

1 Background

- 1.1 At present the Housing Service deals with formal complaints through the corporate complaints two stage process:
Stage 1 - complaints will be considered by the Strategic Lead
Stage 2 - complaints will be considered by the Deputy Chief Executive/Monitoring Officer
- 1.2 If customers are still not satisfied they can take their complaint to the Housing Ombudsman. They can do this by waiting 8 weeks from the date of our final response letter and then approaching the Housing Ombudsman themselves, or by contacting a Designated Person.
- 1.3 The Designated Person can be an MP, a local district councillor, or the Designated Tenant Complaints Panel (DTCP), which is a group of tenants supported by an administrative officer and the Housing Services Manager.
- 1.4 Most of the complainants who choose to contact a Designated Person will choose the Designated Tenant Complaints Panel, favouring the view of their peers in terms of reviewing the council's decision on their case.
- 1.5 We give tenants information about how we are dealing with complaints in general in the Annual Report to tenants each October.

2. Complaints received during 2019/20

- 2.1 Between April 2019 and March 2020 we received 52 formal housing complaints. 15 of these went on from stage 1 to stage 2.
- 2.2 There is an increase in the number of new stage 1 complaints received but there has been a decrease in the time taken to issue a full response to all stage 1 complaints. The number of complaints about staff and customer service have remained the same, but predominantly the complaints are concerning repairs and maintenance, and allocation of properties.
- 2.3 The complaints have been broken down by service area as shown in the table below with comparisons each year from 2011/12.
 - 2.3.1 It is important to note that figures for 2016/17 represent a shorter time frame as the handling of complaints transferred from Housing to the corporate Complaints team in October 2016, and some of the records for the period were not available.
 - 2.3.2 Staff & Customer Service: the number of complaints in this area has remained consistent despite our efforts to further address this with extra training over the year for every member of staff, provided by the Housing Ombudsman. The Housing Leadership Team is giving serious consideration as to how this will be further addressed to keep up the positive momentum going forward. A consistent response across all teams to unacceptable attitude/behaviour is crucial.
 - 2.3.3 Antisocial behaviour: New procedures were introduced during the year to better manage tenant expectations and improve response times to queries and complaints made to the housing officers, particularly where negative decisions are having to be made. These appear to have been effective in bringing the number of complaints down in this area.

The change in recording makes us more transparent in our dealings with customers and enables us to deal with service failure more quickly.

4. Complaints Panel Feedback

• Service area	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Staff and customer service	10	6	4	6	10	4	3	8	8
Property and contractor issues	3	7	13	13	14	10	5	8	28
Devon Home Choice/Allocations	2	6	1	8	4	2	8	4	9
Estate services/Tenancy Management	0	0	4	3	5	3	6	6	4
Rents and service charges	0	0	0	3	1	2	2	4	1
Antisocial behaviour	1	1	4	0	2	4	0	7	1
Other	2	1	3	4	4	0	4	0	1
No of new stage 1 complaints	18	21	29	37	40	25	28	37	52
No of stage 2 complaints	0	6	6	6*	13*	9	14	15	15
Local Government Ombudsman	0	1	0	2	4	6 LGO 2 HO	8 LGO 4 HO	----- --	0
Average time in calendar days to issue full response to all stage 1 complaints	14	17	23	21	21.5	17.64	24.93	26.85	25.10

4.1 Local Government Ombudsman (LGO) – 2016/17 - 6 (4 not upheld); 2 x Housing Ombudsman both findings of no maladministration

Local Government Ombudsman – 2017/18 – 8 (4 not upheld); 4 x Housing Ombudsman

Local Government Ombudsman – 2018/19 - one complaint was decided by the Housing Ombudsman which incorporated a number of elements, most of which did not fall within the responsibility of the Housing Ombudsman. One element of the complaint was that the

council had not responded properly to the complainant's concerns about the conduct of a member of staff. The Housing Ombudsman concluded that the council had considered and responded to the complaint appropriately and was not required to take any further steps.

There were 4 housing complaint referrals by the LGO during that year and we were found to be at fault in one complaint as follows:

The complainants alleged that the council did not properly inform them of re-sale restrictions on their former council-owned property and that this meant that the property was over-valued at the time of purchase and it refused the number of potential buyers when they came to sell. The Ombudsman concluded that the council was not at fault in the information provided at the time of purchase but that it was at fault for not properly documenting the complainants' request for a review of the restriction. This process is currently being reviewed as part of a wider review of Right to Buy policy.

Local Government Ombudsman – 2019/20 - there were no LGO or Housing Ombudsman decisions for this year

2016/17 figures were published here

https://democracy.eastdevon.gov.uk/Data/Cabinet/20170906/Agenda/060917combinedcabinetagenda_opt.pdf

2017/18 here

https://democracy.eastdevon.gov.uk/Data/Cabinet/20181003/Agenda/031018-cabinet-agenda-combined_redacted-public-version.pdf

2018/19

<https://democracy.eastdevon.gov.uk/documents/s6928/local%20government%20ombudsman%20complaints%202018-19.pdf>

- 4.1 The Designated Tenant Complaints Panel has met quarterly throughout the year, and has had no cases referred for its consideration. One complaint had been received in March this year, but investigation was delayed due to the Covid-19 pandemic which made it impossible for us to prioritise this piece of work during lockdown. However the DTCP has now met twice via Skype and although difficult has started to work on this complaint, identifying areas where further information is required and calling in evidence as appropriate. The outcome of this investigation will be included in the report to the Board in 2021.

5. Lessons learned from other formal complaints

- 5.1 The Designated Tenant Complaints Panel receives a quarterly Summary Report through which it assists in the monitoring of our formal complaints, identifying any recurring themes and ensuring that we are learning from our mistakes.
- 5.2 The main messages revealed by our complaints during 2019/20 were:
- A requirement for consent to install laminate flooring in flats above ground floor level should be included in the next iteration of the tenancy agreement.
 - Mobile Support Officers are not carers; people coming in to sheltered housing sign the agreement that is clear on what is included and references alarm and support charges. Allocations processes must be clear whether applicants require sheltered housing that comes with the support that MSOs can provide, or general needs housing with support from other organisations (mental health or other specialist support, or carers, for example).
 - Better communication is needed from Housing officers in responding to queries from tenants to effectively manage expectations of customers. Failure to do this causes customers to complain again, and the focus then moves to dealing with complaints rather than delivery of the service.
 - The transition to our Integrated Asset Management Contract caused significant distribution as new ways of working were bedded in, this was also coupled with changes to Officers in the team which brought further challenges. The Core Group (made up of Senior EDDC Officers

and Director level at Ian Williams) are monitoring contract improvements carefully, as outlined in the report on today's agenda.

- 5.3 The major emphasis must be that the way we handle first contact is very important, and it is crucial therefore that we get it right first time. This coupled with regular updates to the customer, and writing to them to let them know that we are closing the case or job, are critical to preventing waste within our Housing systems. Waste in our systems means the focus that should be on excellent service delivery first time, shifts to dealing with more complaints, and therefore this waste should be avoided and removed from our systems wherever possible.

6. Additional complaints monitoring

- 6.1 There has been no STAR survey during the year as we have replaced it with a longitudinal survey which we are working on with Birmingham University.
- 6.2 Satisfaction monitoring surveys: Feedback from tenants on our performance is collected for Repairs in the form of satisfaction surveys after the work is completed. Overall satisfaction with the customer's experience of the repairs service for 2019/20 came in at:
- Satisfied 78.13%
 - Not satisfied 12.91%
 - Neither satisfied or dissatisfied 8.96%
- 6.3 Under the new Repairs service which commenced on 1 July 2019 the contractor, Ian Williams collects customer satisfaction via PDAs (hand-held devices used by contractors) and they also leave the EDDC survey forms with the residents for them to return; all complaints are recorded as monthly Key Performance Indicators (KPI's) and reviewed by all relevant parties, actions are taken as required to address any issues highlighted. Since the commencement of the Integrated Asset Management Contract appointments are generally made at first point of contact and this has proved popular and importantly improved the customer experience. As part of ongoing monitoring and additional checks on our contracting arrangement, we are also now undertaking random phone surveys when an operative leaves a property. This gives us an immediate position from the tenant on how the whole experience has been for them.
- 6.4 Service Review Groups for Repairs, Supported Housing, and Estate Management also respond to complaints that come in for their service area, and work to find ways to improve the service as a result of them.

7. New Ombudsman code of conduct

- 7.1 The social housing green paper: a 'new deal' for social housing published on 14 August 2018 aimed to rebalance the relationship between landlords and residents, tackle stigma and ensure social housing can act as a stable base and support social mobility. Residents across the country were asked for their views on social housing; almost 1,000 tenants shared their views with ministers at 14 events across the country, with over 7,000 submitting their opinions, issues and concerns online. The green paper sets out 5 core themes, one of which is 'effective resolution of complaints'.
- 7.2 During the consultation tenants had said it was difficult to raise a complaint as they are not given sufficient information regarding how to complain, and that it took too long and was overly complicated. There was no consistency across the sector, so it was difficult to hold landlords to account.
- 7.3 The white paper was expected in September 2019, but due to first Brexit and then Covid-19 this has not yet emerged; nevertheless the Housing Ombudsman has reviewed current practices and found that there are delays in landlords engaging with tenants, with landlords not accepting or properly escalating complaints, and delays in engaging with the Ombudsman.

- 7.4 After widespread consultation the Housing Ombudsman has come up with a new framework that will promote high quality complaint handling which will be better for both tenants and landlords. The objective is not to punish, but rather to be more accessible, faster, and bring consistency across the sector.
- 7.5 The Housing Ombudsman promotes the use of complaints to drive positive changes in service delivery and to set the right culture, being open and not defensive in our communications. The relevance of this message to Boards, staff and customers is stressed repeatedly; this is not something that staff alone can achieve, especially where a culture change is required.
- 7.6 In general terms a complaint is a complaint no matter how it is made, but must be recognized as not the same as a 'service request' or 'councillor or enquiry'. Landlords should publish procedures widely, and also mention the Housing Ombudsman to complainants at an earlier stage, so that both parties are encouraged to make contact for early advice and assistance.
- 7.7 There must be two stages to the complaint process and a clear time frame, with a recommendation of 20 days for each stage being given although discretion is given to extend these as the landlord sees appropriate. Tenants and staff members should be given the opportunity to give their side and be accompanied if they so wish.
- 7.8 A range of remedies should be considered including putting things right, an explanation, apology, demonstration of learning and repayment for loss where it has occurred.
- 7.9 The aim is to encourage a positive culture and learning from complaints, and reporting to stakeholders annually how we have done this.
- 7.10 As an additional power the Housing Ombudsman will now be able to follow up with landlords where they believe there is a wider issue within the organization that is leading to complaints being raised by customers.
- 7.11 Landlords are being asked to self-assess against the Code by 31 December 2020 and publish the results, so we are working with the authority's corporate complaints handling team and the DTPG to make sure we are compliant before the deadline. Non-compliance could result in the Housing Ombudsman issuing complaint handling failure orders. Guidance on these new orders has also been published and these will be implemented from 1 January 2021.
- 7.12 It is advocated that the 'designated person' provision be removed from complaints processes, but that 'designated complaint panels' such as our own DTPG will be kept where they are proving useful, but not as a mandatory part of the process.