

**CONSULTATION**

**ON THE**

**HOUSING  
OMBUDSMAN  
SCHEME**

**16 OCTOBER 2012**

<b>Title</b>	Consultation on the Housing Ombudsman Scheme
<b>Please respond by</b>	15 December 2012
<b>Please respond to</b>	<p>scheme@housing-ombudsman.org.uk</p> <p>If you would like to discuss any issue raised in this document before sending your response, please contact us at the above email address in the first instance.</p>
<b>Why we are asking for views</b>	<p>The Localism Act 2011 introduces a number of changes in the way complaints against social landlords are processed, including:</p> <ul style="list-style-type: none"> <li>• The creation of Designated Persons to consider complaints locally; these Persons being Members of Parliament, District Councillors, and Tenant Panels.</li> <li>• The extension of the jurisdiction of the Housing Ombudsman to include complaints against Local Authority landlords.</li> </ul> <p>The Housing Ombudsman has been working with the Department for Communities &amp; Local Government to implement the changes. Part of the work is to prepare a new Scheme, containing the key jurisdictional and operational features for the discharge of his functions under the relevant statutory provisions.</p>
<b>The context for consultation</b>	The Scheme has to be approved by the Secretary of State for DCLG as prescribed by the Housing Act 1996. It will supersede the current Independent Housing Ombudsman Scheme which has been in operation since 1 April 1997.
<b>Who is being consulted</b>	We welcome views from any stakeholder who has an interest in the process of handling complaints in social housing in England.
<b>How we are consulting</b>	<p>We are consulting through this document. The draft Scheme is available in a separate Word document at:</p> <p><a href="http://www.housing-ombudsman.org.uk">www.housing-ombudsman.org.uk</a></p> <p>All submissions must be made in writing. If anybody needs help with their submissions please contact us at the email address above.</p>
<b>Taking account of your views</b>	<p>Once the consultation ends we will consider the responses and we will amend the Scheme as required should we need to take into account any substantive issue not already included.</p> <p>The Scheme will then be submitted to the Secretary of State for his approval and for its commencement on 1 April 2013.</p>
<b>Key question</b>	Does the Scheme as drafted support the policy intention and clearly reflect the Ombudsman's position?

<p>Key policy intentions</p>	<p>Whilst we encourage views on all aspects of the new Scheme we would like to highlight a number of key policy intentions:</p> <p><u>Local resolution</u></p> <p>Complaints are always best resolved as soon as possible and through the efforts of the landlord. We will focus on helping the parties to reach resolution themselves through the available local procedures (primarily the landlord’s internal complaints procedures and also the designated persons). Complaints should not simply be passed through the complaint process with a view to reaching the Ombudsman. Instead of focusing advice on how to complete the complaints process we will advise the parties on how to take steps to resolve a particular dispute.</p> <p><i>See paragraphs 34 and 35.</i></p> <p><u>Designated persons</u></p> <p>We will encourage positive relationships between the Ombudsman, landlords and tenants and designated persons. If necessary we will refer cases to designated persons if that increases the chance of achieving local resolution. We recognise that some complaints are better dealt with by the designated person and not by us.</p> <p>We do not have any jurisdiction over designated persons, their decisions or processes. We will feed back on referrals from designated persons to enable good practice in complaints handling. We will not comment on the merits of designated persons’ decisions but our challenge will be to support the improvement of process and approach.</p> <p><i>See paragraph 23(c).</i></p> <p><u>Service failure and maladministration</u></p> <p>In addition to findings of maladministration and severe maladministration we will introduce a finding of service failure to reflect the lower end of maladministration. This will allow for a more proportionate way of describing a wider range of what’s gone wrong and will give us the flexibility to be more appropriate in our criticism. We will take a problem-solving approach in our findings and will expect landlords to play an active role in resolving the disputes that we investigate.</p> <p><i>See paragraph 42.</i></p>
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Outcomes focus

In parallel with our support for local resolution of complaints, we will only investigate complaints where we can add value that will not be achieved through local resolution. We will, therefore, consider the possible outcomes of investigation when deciding whether, or how, to consider a complaint. Specifically, we will investigate cases where there is some evidence that the complainant has experienced 'significant adverse affect'.

At the end of our process we may make orders and recommendations. The purpose of our orders is to put things right for the individual complainant either through specific performance or compensation.

The purpose of our recommendations is to add value. This can be by addressing wider issues than those raised by the individual complaint. Our recommendations will be outcome based to allow landlords to find their own solutions to problems identified through our investigations.

*See paragraphs 23(q) and 42.*

Time limits

Reducing the length of the entire complaints process is beneficial to all parties. For customers the time taken to resolve a complaint is seen as a whole, whether it happens in the landlord's internal complaint process or the Ombudsman's process. In future, for some complainants there will be the added stage of the designated persons' process. Time limits prevent excessive delay in dealing with complaints at any stage of the process and are particularly important if it is anticipated that the case will eventually be referred to the Ombudsman. They will provide both landlord and complainant with resolution as early as possible.

*See paragraphs 23 (d) and (e).*

**END**

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**HOUSING  
OMBUDSMAN  
SCHEME**

OCTOBER 2012

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## INTRODUCTION

The Housing Ombudsman Scheme is approved by the Secretary of State under section 51 of and Schedule 2 to the Housing Act 1996. The Act requires social landlords, as defined by s.51(2) of the Act, to be members of an approved scheme. Others may join the Scheme on a voluntary basis. The purpose of the Housing Ombudsman Scheme is to enable tenants and other individuals to have complaints about members investigated by a Housing Ombudsman. The Scheme comes into effect on 1 April 2013 and replaces the Independent Housing Ombudsman Scheme that had been in operation since 1996. The role of the Ombudsman is to resolve disputes involving members of the Scheme, including making awards of compensation or other remedies when appropriate, as well as to support effective landlord-tenant dispute resolution by others.

## PART 1

### General terms and definitions / Membership / Financing arrangements

#### The approved Scheme

1. The Scheme is approved by the Secretary of State under the terms of section 51 of the Housing Act 1996. It also applies to others who apply to join the Scheme and meet the conditions for membership.
  
2. In the Scheme:
  - a. 'the Secretary of State' means the Secretary of State with responsibility for housing;
  - b. 'the Ombudsman' means the person appointed to that office by the Secretary of State;
  - c. 'members' means social and private landlords, lessors, licensors, managing agents, and other providers of housing services which are members of the Scheme either on a mandatory or voluntary basis;
  - d. 'social landlords' has the meaning given by section 51(2) of the Housing Act 1996;
  - e. 'registered providers' has the meaning given by section 80 of the Housing and Regeneration Act 2008 and include for-profit as well as not-for-profit bodies;
  - f. 'the Regulator of Social Housing' has the meaning given by section 92 of the Housing and Regeneration Act 2008.
  
3. The Scheme will normally be reviewed by the Ombudsman every five years, but any proposed changes must be approved by the Secretary of State. From time to time between these formal reviews the Ombudsman or the Secretary of State may propose amendments to the Scheme. Significant amendments may only be made following consultation as determined by the Secretary of State.

## Members

4. A person who applies to become a member of the Scheme must do so to the Ombudsman in such form and with such supporting information as he may require.
5. As a condition of membership of the Scheme, a member must:
  - a. agree to be bound by the Scheme;
  - b. establish and maintain a complaints procedure;
  - c. as part of that procedure, inform complainants of their right to bring complaints to the Ombudsman under the Scheme; and
  - d. publish its complaints procedure and its membership of the Scheme, and make information about them available to those entitled to complain to the Ombudsman.

## *Mandatory members*

6. All bodies, other than Local Housing Authorities, which are or at any time have been social landlords must be members of the Scheme (which is the only scheme currently approved by the Secretary of State) in respect of all their housing activities. Local Housing Authorities in England which are registered providers of social housing are social landlords and must be members of the Scheme in connection with their housing activities in so far as they relate to the provision or management of social housing. In addition, those Local Housing Authorities must be members of the Scheme in connection with the management of dwellings which they own and let on a long lease.
7. Social landlords who become members of the approved Scheme must give notice of that fact to the Regulator of Social Housing within 21 days of joining.

## *Voluntary members*

8. In addition to social landlords the Ombudsman may admit to the Scheme other members who meet the conditions of paragraph 5.

## *Removal or withdrawal of a member*

9. A social landlord may withdraw from the Scheme if it complies with the requirements set out in paragraphs 5 (1) and (2) of Schedule 2 to the Housing Act 1996, and with any conditions that the Ombudsman may require according to the circumstances of each case.
10. A voluntary member may withdraw from the Scheme if it complies with the conditions that the Ombudsman may require according to the circumstances of each case.
11. The Ombudsman may end the membership of a voluntary member if it has not complied with the Scheme or with undertakings given to the Ombudsman as a term of admission.

## Financing the Scheme

12. The Scheme will be financed by a subscription payable on demand to the Ombudsman by each member or, in respect of Local Housing Authorities only, by grant-in-aid from the Secretary of State.
13. The total amount to be recovered from members who pay a subscription will be decided by the Ombudsman and payable on demand.
14. The subscription will be the amount that the Ombudsman decides is enough to meet all the expenses of the Scheme having taken into account any grant-in-

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aid from the Secretary of State. The Ombudsman will have regard to forecasts of the likely demand on the Scheme and any performance targets, past and future liabilities, and the provision of reasonable reserves.

15. The basic principle for calculating the subscription is that each member must pay an amount decided by reference to the number of units of accommodation covered by the Scheme and which it owns or manages. The unit charge will be calculated by dividing the amount to be recovered by the total number of units of accommodation covered by the Scheme. Each member's subscription will be calculated by multiplying the total number of its units of accommodation by the unit charge.
16. Any increase in the subscription must be approved by the Secretary of State.
17. A member must calculate the number of its units of accommodation in the Scheme on a day to be determined each year by the Ombudsman. The principal officer of the member must certify the number in writing.
18. The subscription will be due and payable on a date specified in the demand. The Ombudsman may require payment of interest calculated at the rate of 2% above the base rate (or its equivalent) of a clearing bank nominated by the Ombudsman from the date that such sums become due until payment.

## PART 2

### Complaints about members – dispute resolution

#### People who can use the Scheme

19. The following people can make complaints to the Ombudsman about members:
- a. a person who is or has been in a landlord/tenant relationship with a member. This includes people who have a lease, tenancy, licence to occupy, service agreement, or other arrangement to occupy premises owned or managed by a member;
    - if the complaint is made by an ex-occupier they must have had a legal relationship with the member at the time that the matter complained of arose;
  - b. an applicant for a property owned or managed by a member;
  - c. a representative of any of the people above who is authorised by them to make a complaint on their behalf;
  - d. a representative of any of the people above who does not have the capacity to authorise a representative to act on their behalf. The Ombudsman must be satisfied that the representative has the legitimate authority to act on the person's behalf; or
  - e. a person with the legal capacity to make a complaint on behalf of any of the people above who is deceased.
20. The following people (designated persons) can refer complaints about members to the Ombudsman:
- a. a member of the House of Commons;
  - b. a member of the local housing authority for the district in which the property concerned is located; or

- c. a designated tenant panel for a social landlord.
21. The referral of a complaint to the Ombudsman by a designated person must be made in writing.

## What can be complained about

22. The Ombudsman will consider complaints about the actions or omissions of a member, which is a Local Housing Authority, in connection with its housing activities so far as they relate to the provision or management of housing and of other members in respect of all their housing activities. The person complaining or on whose behalf a complaint is made must have been, in the Ombudsman's opinion, adversely affected by those actions or omissions in respect of their application for or occupation of property.

## Complaints which the Ombudsman will not consider

23. The Ombudsman will not consider complaints which, in his opinion:
- a. are made prior to having exhausted a member's complaints procedure;
  - b. are made within 8 weeks of having exhausted a social landlord's complaints procedure;
    - unless a designated person has refused to refer the complaint to the Ombudsman or has agreed to the complaint being brought to the Ombudsman and the refusal or agreement is in, or has been confirmed in, writing;
  - c. concern the operation, process or decisions relating to the designated persons referral system;
  - d. were brought to the Ombudsman's attention more than 6 months after they exhausted the member's complaints procedure;

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- e. were not brought to the attention of the member as a formal complaint within a reasonable period which would normally be within 6 months of the matters arising;
- f. concern policies which have been properly decided by the member in accordance with relevant and appropriate good practice, unless the policy may give rise or contribute to a systemic service failure;
- g. concern the level of rent or service charge or the amount of the rent or service charge increase;
- h. concern matters that are, or have been, the subject of legal proceedings and where a complainant has or had the opportunity to raise the subject matter of the complaint as part of those proceedings;
- i. concern matters where the Ombudsman considers it quicker, fairer, more reasonable, or more effective to seek a remedy through the courts, a designated person, other tribunal or procedure;
- j. concern the terms and operation of commercial or contractual relationships not connected with the complainant's application for, or occupation of, a property for residential purposes;
- k. concern terms of employment or other personnel issues, or the ending of a service tenancy following the ending of a contract of employment;
- l. concern matters raised by a complainant on behalf of another without their authority; unless sub-paragraphs 19 d. or e. apply;
- m. fall properly within the jurisdiction of another Ombudsman, regulator, or complaints-handling body;
- n. are being pursued in an unreasonable manner including frivolous or vexatious complaints;
- o. seek to raise again matters which he or any other Ombudsman has already decided upon;
- p. are about matters which relate to the processes and decisions concerning a member's governance structures;
- q. concern matters which, in the Ombudsman's opinion, do not cause significant adverse affect to the complainant; or
- r. where the complainant is seeking an outcome which is not within the Ombudsman's authority to provide.

## How the Ombudsman will consider complaints

24. The Ombudsman must determine whether a complaint comes within his jurisdiction under the terms of the Scheme.
25. The Ombudsman must investigate any complaint duly made to him and not withdrawn, and may investigate any complaint duly made but withdrawn.
26. The Ombudsman will decide how to consider and investigate complaints subject to the Scheme taking account of the evidence of service failure presented.
27. The Ombudsman may accept an individual's complaint as a test case if its facts equally affect others. He may also accept one complaint from more than one complainant about the same member if the issues and facts are the same, without carrying out multiple investigations.
28. The Ombudsman will make any enquiries that he considers necessary to decide if a complaint comes within jurisdiction or to resolve a complaint.
29. The Ombudsman will, subject to his confidentiality policy:
  - a. tell the member the nature of the complaint and the allegations and evidence against it; and
  - b. tell the complainant the member's case in reply.
30. The Ombudsman is not bound by any legal rule of evidence.
31. The Ombudsman will make provision for a review of his determination of a complaint subject to the parties:
  - a. providing new facts and/or evidence; or

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- b. making comments on or challenging the facts and/or evidence on which he has made his determination.
32. At any time the Ombudsman may suspend or stop his investigation of a complaint if:
- a. the parties begin litigation on the same matter;
  - b. the member makes redress to the complainant which, in the Ombudsman's opinion, resolves the complaint satisfactorily;
  - c. he considers the complainant has refused an offer which, in the Ombudsman's opinion, resolves the complaint satisfactorily; or
  - d. he decides that any of the reasons in paragraph 23 apply.
33. The Ombudsman may establish arrangements for resolving disputes with the consent of the parties whether by the use of local resolution, mediation, arbitration or otherwise. The Ombudsman must publish details of the arrangements for alternative dispute resolution that he has established.
34. The Ombudsman may at any time promote local resolution of a dispute by either
- a. referring the complaint back to the complainant and member and/or a designated person; or
  - b. providing assistance to the complainant and member and /or a designated person to resolve the dispute.
35. The Ombudsman may decide to suspend or not to progress an investigation if he thinks there is opportunity to resolve the dispute locally.
36. At any time a complainant may withdraw the complaint but the Ombudsman must satisfy himself as to the circumstances before stopping his consideration of the complaint.

37. The Ombudsman must publish and make available full information about his procedures for carrying out investigations.
38. If the complaint is referred by a designated person the Ombudsman must inform the designated person of the result of the investigation and any determination made. Likewise, if the Ombudsman decides not to investigate or to discontinue an investigation he will inform the designated person of the reasons for his decision.
39. At any stage during the investigation of a complaint the Ombudsman may decide that the complaint relates partly to a matter which could be within the jurisdiction of the Commission for Local Administration (Local Commissioners). If he does so decide, he must consult with a Local Commissioner and may then either:
  - a. inform the complainant, representative or designated person how to bring a complaint to a Local Commissioner; or
  - b. conduct an investigation jointly with a Local Commissioner with the consent of the complainant or complainant's representative.
40. If the Ombudsman decides that a complaint already subject to an investigation by a Local Commissioner relates partly to a matter within the jurisdiction of the Ombudsman, he may conduct an investigation jointly with a Local Commissioner with his agreement.
41. If the Ombudsman conducts an investigation jointly with a Local Commissioner:
  - a. the requirements of paragraphs 25 may be satisfied by a report made jointly with a Local Commissioner; and
  - b. a joint report must distinguish the determinations of the Ombudsman from other findings or recommendations.

## What the Ombudsman's investigation seeks to establish

42. When investigating, the Ombudsman is concerned to establish whether the member has been responsible for maladministration (which includes service failure) which may include, but not exclusively, circumstances where the member:
- a. failed to comply with any relevant legal obligations;
  - b. failed to comply with any relevant codes of practice;
  - c. failed to apply its own procedures;
  - d. delayed unreasonably in dealing with the matter;
  - e. behaved unfairly, unreasonably, negligently, or incompetently; or
  - f. treated the complainant personally in a heavy-handed, unsympathetic or inappropriate manner.

## What the Ombudsman can do following investigation

43. The Ombudsman will determine complaints by what is, in his opinion, fair in all the circumstances of the case. In his determinations he may reject the complaint or make orders or recommendations including that the member;
- a. apologise to the complainant;
  - b. pay compensation to the complainant;
  - c. does not exercise or performs of any of the contractual or other obligations existing between them and the complainant;
  - d. undertakes or refrains from undertaking works or takes or does not take such other reasonable steps to secure redress within the legal powers of the member.

## Compliance with determinations of the Ombudsman

44. Members are expected to comply with the determination of the Ombudsman following his consideration of a complaint.

45. The Ombudsman may require a member to report to him on compliance with a determination in such a way and at such a time as he may specify.
46. The Ombudsman will report a member to any appropriate regulatory agency and/or the board or scrutiny panel of the member, if it fails to comply with his determination.
47. The Ombudsman may order a member or former member which fails to comply with his determination to publish that it has failed to comply, in such a way as the Ombudsman sees fit.
48. The Ombudsman may himself publish the fact and circumstance of non-compliance by any member, or former member naming the member in his annual report or elsewhere.

## Providing information – obligations of members

49. The Ombudsman may ask a member to provide information that is, in the Ombudsman's opinion, relevant to the complaint. The member must provide copies (without charge) or allow examination of the following records and documents:
  - a. the landlord's policies and procedures;
  - b. any internal files, documents, correspondence, records, accounts or minutes of meetings, in hard copy or electronic form. This includes records relating to similar cases where the Ombudsman needs them to establish consistency of practice.
50. When the Ombudsman gives reasonable notice the member must (without charge):

- a. allow the Ombudsman to interview the member's staff or board or committee members;
- b. require a representative to attend any meetings convened by the Ombudsman;
- c. use its best and reasonable efforts to help the Ombudsman get information from third parties who may know about the subject-matter of the complaint or from the member's former members of staff; and
- d. provide such other reasonable help as the Ombudsman may request.

## Publication of Reports of Investigations

51. The Ombudsman will make an annual report including such summaries of his determinations and any conclusions which he wishes to bring to the attention of a wider audience. He will submit the report to the Secretary of State who in turn will lay it before Parliament.
52. The Ombudsman may from time to time publish other reports arising from his work or research.

## Access to information and confidentiality

53. The Ombudsman must publish his procedures for giving public access to information held by him, how he handles information he obtains and its confidentiality, and his practice in publishing determinations.
54. The Ombudsman must
  - a. ask a complainant for consent to process their personal details, the complaint, or any other information or documents relating to the complaint for the purpose of sharing it with:
    - i. the member
    - ii. others involved in resolving the complaint;
    - iii. others with an interest in its outcome;

- iv. others carrying out research into, or surveys of, the performance of the Scheme.
  - b. If the complainant withholds consent to (i) or (ii) the Ombudsman cannot continue with his consideration of the complaint.
- 55. The Ombudsman may include in a determination any statements, communications, reports, papers, or other documentary evidence obtained during his investigation. The Ombudsman will decide what detail to include in any determination.
- 56. In publishing any determination, the Ombudsman must maintain, as far as practical, the anonymity of the complainant and of any third parties, and he must exclude, any matter which relates to:
  - a. the private affairs of an individual where publication would seriously prejudice the interest of that individual; and
  - b. the affairs of a member where publication would seriously prejudice the interests of that member unless the inclusion of the matter is necessary for the purposes of the determination.
  - c. The Ombudsman may name a member against which a complaint has been made.
- 57. For the purposes of the law of defamation absolute privilege attaches to any communication between the Ombudsman and any person by whom or against whom a complaint is made under the Scheme.

## PART 3

### **The Ombudsman's appointment, role and responsibilities / Scrutiny of the Scheme / Complaints about the Scheme**

#### Appointment, terms & termination

58. The Housing Ombudsman is a corporation sole.
59. The Secretary of State will appoint the Ombudsman on such terms as he thinks fit.
60. The Ombudsman must not during his appointment:
- a. be an agent, shareholder or officer of a member;
  - b. take up a tenancy or any other form of occupation provided by a member without the consent of the Secretary of State;
  - c. be an employee of or act in any professional or advisory capacity for a member; or
  - d. without the consent of the Secretary of State, be an employee or hold any office or place of profit under a person who provides services or goods to a member or any person associated with a member.
61. The Ombudsman's appointment must be terminated if the Ombudsman resigns by notice in writing to the Secretary of State.
62. The Secretary of State may give notice to, and terminate the appointment of, the Ombudsman, including on the following grounds:
- a. grave misconduct;
  - b. gross mismanagement;
  - c. because illness has prevented the Ombudsman from carrying out his responsibilities for more than 6 months in any consecutive period of 12 months; or
  - d. any of the circumstances in paragraph 60 apply.

63. If the Ombudsman is indisposed or otherwise prevented for whatever reason from carrying out his duties, the Secretary of State may appoint any person or people to be Acting Ombudsman for such period and on such terms as the Secretary of State may decide. This appointment will be on the basis that the Scheme will apply to the Acting Ombudsman as if he were the Ombudsman.

#### Responsibility for dispute resolution & determining complaints

64. The Ombudsman will be solely responsible for the conduct of dispute resolution and the determination of complaints under the Scheme.

#### Responsibility for the administration of the Scheme

65. Prior to the start of each financial year, the Ombudsman will publish a business plan including projected annual budget, performance criteria, and targets. The Ombudsman must have regard to the number of disputes being or likely to be submitted to him and to the proposed performance criteria, and targets, and the need to have appropriate and adequate resources to enable him to carry out his functions effectively, in a timely manner, and in accordance with the Scheme.
66. The staff, contractors, consultants or agents employed by the Ombudsman will be appointed and dismissed by the Ombudsman. Within the approved budget and the established terms and conditions of employment, he will decide upon their numbers and terms of service or engagement, including remuneration, taking into account the annual Treasury guidance on public sector pay.

#### Audit and advice to the Ombudsman

67. The Ombudsman must appoint, following consultation with such persons as he considers necessary and with the approval of the Secretary of State, an Audit

and Risk Committee. The Committee will scrutinise aspects of the operation of the Scheme as set out in its terms of reference in the Framework Document for the Housing Ombudsman.

68. The Ombudsman may from time to time decide, following consultation with such persons as he considers necessary, to appoint an Advisory Panel. The Panel will assist him in such matters as he considers relevant and as set out in its terms of reference in the Framework Document for the Housing Ombudsman.

### Complaints about the Service

69. The Ombudsman must make arrangements for receiving and dealing with complaints from individuals or member landlords about how an original complaint against a member landlord was handled within the Scheme, and must publish such arrangements.

**COMMUNITIES AND LOCAL GOVERNMENT COMMITTEE**  
**INQUIRY INTO THE ROLE OF THE HOUSING OMBUDSMAN**  
**WRITTEN SUBMISSION FROM THE HOUSING OMBUDSMAN**

**31 AUGUST 2012**

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7. The impact of the Ombudsman's work on social landlords, particularly whether it leads to better administration and improved quality of service.

**1. Executive summary**

- Our mission is to provide impartial dispute resolution in rented housing.
- We welcome the extension of our role to that of single ombudsman for housing by virtue of the Localism Act 2011.
- Accordingly, we have an ambitious change programme underway to support Parliament's intention that, where possible, complaints should be dealt with simply and quickly at local level and that an effective service is provided to those cases which are escalated to the Ombudsman.
- This new role will be reflected in changes to our strategic outcomes, revisions to the Scheme which regulates the service, re-engineered core process, new Dispute Resolution Principles, new learning media, and a re-focussed stakeholder management strategy.
- Changes and initiatives since 2008 have led to year-on-year improvements in performance in spite of annual increases in demand and no appreciable increase in staff.
- The combination of the most recent increases in volumes and the inability to recruit enough caseworkers has adversely affected performance.
- We are engaged in a fundamental review of all aspects of the organisation in order to be able to fulfil the Ombudsman's new role on 1 April 2013; a priority is to re-align resources to focus on front-end delivery.
- We shall be introducing efficiencies through new processes, re-structuring, and out-sourcing but we shall still need external expertise and additional staff.

- The success of our change programme is critically dependent on obtaining exemptions from the spending freeze in a timely way particularly in terms of recruiting necessary staff and expert external assistance, establishing an effective web-site, and enabling accessibility through other appropriate media.
- We are keen that, from April 2014, the Scheme be funded by a subscription from all members and we welcome the Department's support for that.
- Our resource modelling indicates that there will be a substantial increase in demand after April 2013.
- New governance arrangements will be in place best suited to the Ombudsman's new role and jurisdiction.
- Monitoring customer satisfaction will become an integral part of our core process.
- We are developing a performance management framework.
- We shall continue with the actions that have enabled us to make an impact so that all landlords and tenants in the extended jurisdiction will benefit from them; we shall also enhance that impact through a strategic approach to shared learning and new initiatives related to local solutions, Tenant Scrutiny Panels, and findings of service failure.

## **2. The purpose, function, and remit of the Housing Ombudsman Service**

### **2.1 Purpose:**

To fulfil the role set out in the Housing Act 1996<sup>1</sup> which is to enable tenants and other individuals to have complaints against social landlords investigated in accordance with a Scheme approved by the Secretary of State.

### **2.2 Function:**

Our mission is to provide impartial dispute resolution in rented housing.

We aim to provide an escalated complaint-handling and dispute-resolution service which is trusted, valued, and respected because it is fair, independent, impartial (free of bias and prejudice), effective, efficient, transparent, appropriate, proportionate, and relevant.

Our vision is to work with others to increase trust in dispute resolution and to improve landlord and tenant relations.

The primary outcomes of our vision and mission are that, in 2016:

- Tenants and landlords have increased trust in dispute resolution;
- Tenant and landlord relations are improved;

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<sup>1</sup> S. 51(1) and Sch. 2. as amended, in particular, by the Localism Act 2011, ss.180-182.

- Landlords have a positive view of complaints;
- Designated persons are playing their part in resolving disputes fairly.

### 2.3 Remit:

Until 31 March 2013, the Ombudsman’s remit will continue to cover those social landlords who must join the Scheme in respect of “all his housing activities”<sup>2</sup> and other landlords and managing agents who<sup>3</sup> may join the Scheme. Currently, there are 2,115 members of the Scheme of whom 93 are voluntary from the private rented sector.

From 1 April 2013<sup>4</sup>, a local authority which is a registered provider of social housing will also be obliged to be a member of the Scheme<sup>5</sup> in respect of action which is taken by or on its behalf in its capacity as a registered provider of social housing, and is action in connection with its housing activities so far as they relate to the provision or management of social housing. Such an authority will also be required to join the Scheme in respect of action taken by or on its behalf in connection with the management of dwellings which it owns and lets on long leases.

About 1.8m units are owned and managed in the local authority sector and some 300,000 leaseholds. From 1 April 2013, therefore, there will be about 5m units in jurisdiction.

## 3. The volume and nature of complaints made to the Ombudsman and expected trends

### 3.1 Nature of complaints:

The nature of complaints has remained constant since 1997; the headline causes being disrepair, anti-social behaviour, charges, allocations, complaint-handling, occupancy rights, estate services, and behaviour of providers’ staff. Volumes are shown in the table below<sup>6</sup>.

	2008-09	2009-10	2012-11	2011-12	2012-13
<b>Allocations</b>	10%	10%	11%	7%	9%
<b>Anti-social behaviour</b>	18%	17%	14%	16%	17%
<b>Charges/Rent</b>	10%	7%	10%	10%	12%
<b>Complaints-handling</b>	5%	4%	5%	3%	3%

<sup>2</sup> This is the phrase used in the Housing Act 1996, Sch. 2., para. 1(1).

<sup>3</sup> By virtue of the Housing Act 1996, Sch. 2., para. 1(3).

<sup>4</sup> Subject to the order commencing the relevant provisions of the Localism Act 2011.

<sup>5</sup> Localism Act 2011, s. 181.

<sup>6</sup> And graph in Appendix 1.

<b>Estate Services</b>	3%	3%	1%	3%	3%
<b>Home Ownership</b>	2%	1%	2%	3%	3%
<b>Miscellaneous Service Delivery</b>	11%	10%	6%	6%	3%
<b>Occupancy Rights</b>	3%	3%	5%	5%	4%
<b>Repairs</b>	38%	45%	46%	46%	43%
<b>Staff</b>	1%	1%	1%	2%	2%

### 3.2 Volume of complaints:

There has been a steady increase in the volume of new complaints and enquiries as shown in the table below<sup>7</sup>:

Year	Enquiries	Complaints	% Difference cf. previous year
<b>2007-08</b>	2895	3206	+ 11%
<b>2008-09</b>	2884	3870	+ 21%
<b>2009-10</b>	2841	4837	+ 25%
<b>2010-11</b>	3266	5377	+ 11%
<b>2011-12</b>	3166	5844	+ 9%
<b>2012-13</b>		<b>6428</b>	<b>+ 10% (estimated)</b>

In spite of this annual rise in demand, and with no appreciable change in the number of casework staff in the past five years, the Service has demonstrated huge continuous performance improvements. For instance, as is shown in the table below<sup>8</sup>, between 2007 and 2012:

- a) We managed an 84% increase in new complaints;
- b) The number of determinations rose by 77%;
- c) The average time taken to investigate a complaint reduced by 37% (i.e. 10 weeks, from 27 to 17 weeks);
- d) The number of reviews of decisions and complaints against the Service has reduced;
- e) The number of determinations completed within 43 weeks has risen to 100%;
- f) The percentage of cases in receipt of a substantive response within 15 days has risen to 98%.

<sup>7</sup> And graph in Appendix 1.

<sup>8</sup> And the graphs in Appendix 1.

Year	No. of determinations	Average length of determinations (weeks)	No. of reviews	No. of complaints against HOS	No. of determinations within 43 weeks (%)	Response to complaint within 15 days (%)
2007-08	283	27	-	-	-	-
2008-09	398	21	317	69	95	76
2009-10	458	23	258	81	95	98
2010-11	559	15	305	55	100	98
2011-12	501	17	249	28	100	98

This sustained improvement in performance has resulted from re-engineering our core process in 2008 together with the development of people. In the last 2 years, however, the rising volume of demand has necessitated the recruitment of additional staff because the current team is working at capacity. Securing approval to recruit additional staff has proved challenging and has resulted in short staffing that has, in turn, adversely affected our service provision.

There is currently unprecedented demand for the Service with particularly high volumes of cases being referred for investigation. Periods of short staffing due to delays in the recruitment exemption process have caused deterioration in our service provision, reflected in all of our key performance indicators. We have submitted a further recruitment exemption to employ more caseworkers to meet demand post April 2013. Until then we continue to suffer from casework staff shortage and will meet the challenges of April 2013 with a significant workload of historical investigations.

As set out below (3.3 - expected trends), we expect demand to increase significantly after 1 April 2013 especially in terms of enquiries. We shall mitigate the impact by providing improved information on our website, at the front line, and, with 'digital by default' as a driver, including a link into our casework management system and a degree of self-service for enquiries (subject to website exemption being granted).

We shall monitor actual demand against our assumptions and revise our models as necessary but, for now, we are not seeking to increase resources in the casework team in direct line with the anticipated rise in demand because we shall mitigate it in other ways. We shall introduce a more flexible process and focus more resources on supporting effective resolution of complaints at the stage of the landlord's internal complaints process (ICP). We shall exercise more discretion over whether or not to carry out investigations.

### 3.3 Expected trends:

We have modelled future demand trends against a background of continuous pressure on budgets for all parties. We have identified the drivers for increased demand as:

- The addition of more than 1.8 million LHA units (plus 300,000 leasehold units) to jurisdiction with effect from 1 April 2013;
- Historical trends indicate year-on-year increases in the numbers of new complaints to the Service. If volumes show a 10% increase by end 2012 – 2013, as expected, there will have been an increase in the order of 102% since 2007 – 2008;
- Increasing tenant expectations of housing;
- Lower availability of housing;
- An increasing pressure for greater efficiency;
- Changes to legal aid reducing tenants access to legal recourse;
- Welfare reform and changes to housing law creating increased dissatisfaction among tenants;
- Potential lack of investment in repair and upkeep of property driven by lack of funding.

We have identified the drivers for decreased demand as:

- The impact of the designated persons referral process (although we expect that it will take some time for everyone to get used to the new arrangements);
- Improving quality in dispute resolution;
- The lower availability of housing (making tenants resigned to what they have);
- The impact of co-regulation causing landlords and tenants to work better together.

The changes to the overall complaint-handling process will generate an increase in the number of people contacting the Ombudsman to make enquiries, these changes affect both current and new landlord members and their tenants and those involved as designated persons.

We have modelled scenarios for the future demand for the Service and capacity of the new process. The three most significant variables are:

- Whether the trend of increasing complaints (established over the last 5 years) continues. Interim figures for 2012-13 support an assumption of continued growth;
- Whether complaint volumes will rise in line with new units;
- Impact of the designated persons referral process.

We have based our resource planning (and request for recruitment exemption) on these drivers. Given the uncertainty around future demand we shall monitor closely volumes and trends and respond rapidly should demand far exceed our current predictions.

## **4. The arrangements for handling complaints**

### **4.1 Current Core Process:**

As the process map at Appendix 2 shows, we manage enquiries, cases in gateway, and investigations.

When an enquiry is made we establish whether a party has made a complaint to a member landlord or is simply seeking information. We provide:

- Information on the role and remit of the Service;
- Information on our process;
- Details of other complaint-handling bodies; and
- Signposting to other agencies for assistance.

We provide guidance to customers to facilitate better complaints handling and speedier resolution of complaints. It also helps us to manage the expectations of the parties particularly regarding the options available to them, the obligations of a landlord in respect of complaints handling, and the remit of the Service.

If, however, the complaint has completed a landlord's internal complaints process (ICP), we register the case for investigation.

In the determination stage we define the nature of the complaint and any jurisdictional aspects. We investigate the complaint: and make our decision together with any appropriate orders or recommendations.

Either party to the complaint may seek a review of our decision on a question of fact or new evidence provided. Any new facts or evidence may be referred to the parties, as appropriate, for their comments.

### **4.2 New Core Process:**

To incorporate the changes made by the Localism Act and lessons learnt from our experience since 2008, our core process has undergone another major re-engineering to reflect the principles of demand, value and flow:

- **Demand** identifies why the customer has contacted the organisation and ensures that the process is customer focussed.
- **Value** is defined by what matters to the customer at their point of contact with the service. This ensures that value is defined by the needs of the customer.
- **Flow** ensures that we deal with the work in the most efficient way. (see map at Appendix 3)

Our new complaints-handling process reflects:

- The role of the designated persons in local resolution;
- Our emphasis on proactive local resolution; and
- Our discretion over whether or not to carry out an investigation.

Proactive, early intervention between the parties to facilitate resolution is important, among other things, to preserve the on-going relationship between landlords and tenants. This means taking steps that will enable the parties to reach resolution themselves through the available local procedures.

This is a significant change of mindset away from simply processing complaints through to us. For example, instead of focusing our advice on how to complete the complaints process we will advise the parties on how to take steps to resolve a particular dispute.

We have, however, reserved the discretion to decide which cases will go forward for investigation so that only those which add value will progress. Our decisions on these options will be clearly explained and evidenced to the parties.

Data will be captured throughout our workflow to provide evidence of the success of the measures we shall set for improved performance and service delivery. We understand that customer satisfaction is more than simply a timely outcome. We want to know how we deliver the service at the point of transaction. We shall, therefore, have a quality measure in place to enable our customers to let us know how well we deliver the service at the point of contact.

The workflow is designed to deal with individual complaints as well as to extract information to identify the wider themes of systemic failure and learning opportunities. This, in turn, will allow us to apply and disseminate learning from complaints for internal performance and service-delivery improvements and for landlords to use to improve the services they provide.

## **5. The adequacy of arrangements**

### **5.1 Ombudsman and staff:**

Including the Ombudsman, there are 43 people in the office currently of which the Executive Management Team, led by the Ombudsman, accounts for 5. There are 28 caseworkers, including three new recruits due to join in September 2012.

Caseworkers are divided into four teams each led by a Dispute Resolution Manager. Another manager is responsible for service user relations and stakeholder management. In support, the Resources Team comprises 9 members. The Resources Team manage the functions of administration, procurement, compliance, secretarial, finance, IT, and company secretariat.

## **5.2 Restructuring:**

We are re-structuring the organisation. Following the principle “form follows function” we audited all of the functions necessary to ensure that the organisation will be fit for its purpose and designed a structure to support the primary outcomes of our vision. Of particular importance in this context was the identification of the particular functions of the Ombudsman in order to fulfil his statutory and other roles (that is, Ombudsman, Accounting Officer, and Chief Executive) and the assurance that they were all covered in the delegated responsibilities and accountabilities within the structure

## **5.3 People and Organisational Development:**

A major factor in individual and organisational performance improvement over the past five years has been work to ensure that people, resources, and support systems better aligned with the redesigned dispute resolution process. This involved several initiatives but, principally, we introduced a range of contemporary people management practices to modernise our HR policies and procedures, and establish better performance management centred on quarterly performance and development reviews with employees that are dialogue and expectations driven based on achievement of our primary outcomes, our values, personal development needs, and employee contribution, competence, and commitment. A consequence of these initiatives is that employee engagement has risen over the same period each time we conducted a staff survey (71% (2009), 75% (2010) and 80% (2012)).

## **5.4 Funding:**

The Service is funded by a subscription. Currently, members of the Scheme pay £1.47 per unit per annum. In the year 2012 – 2013 this will generate revenue of £4,236,014. From 1 April 2013, under the terms of the Localism Act, any increase in the subscription whether by changing the charging methodology or otherwise will have to be approved by the Secretary of State.

For the year 2013 – 2014, we shall receive grant-in-aid from the Department towards the costs of managing the transfer of jurisdiction from the Local Government Ombudsmen. We and the Department are keen that, from 2014, it will be possible to apply the same subscription charging mechanism to all members of the Scheme.

## **5.6 Governance:**

The Housing Act 1996<sup>9</sup> provides for the Ombudsman’s Scheme to be administered by a body corporate or by a corporation sole. Currently, there is a body corporate, IHO Limited, a company limited by guarantee and not trading for profit which, in 2006, was designated as an eNDPB. The Board comprises equal numbers of tenants, landlords, and independents (the ‘constituency model’). Ministers have

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<sup>9</sup> Sch.2., para. 10.

agreed in principle that, from 1 April 2013,<sup>10</sup> the Secretary of State will, by order<sup>11</sup>, provide that the Housing Ombudsman shall be a corporation sole and, in that capacity, shall be the independent person who will administer the Scheme in accordance with the 1996 Act.<sup>12</sup> The Ombudsman will be supported by an Advisory Panel and an Audit and Risk Committee.

The principal reasons for this change in governance are:

- To support the Ombudsman's independence in the discharge of his statutory function;
- To remove 'double governance';<sup>13</sup>
- To reduce the costs (direct and indirect) of servicing two full governance structures;
- To remove the potential for conflict arising from the Ombudsman's three roles;<sup>14</sup>
- The extension of jurisdiction under the Localism Act 2011;<sup>15</sup>
- To reflect the Ombudsman's status as an office holder not an employee;
- To align with the organisational models of the other public services ombudsmen in the UK.<sup>16</sup>

### **5.7 Internal audit:**

We outsource our internal audit to DCLG's Internal Audit Service. Since this arrangement was put in place in 2009 we have received an opinion of full assurance (the highest possible) or substantial assurance (the second highest possible) in all audits undertaken. We have also been described as exemplars of good practice by our internal auditors to other bodies.

### **5.8 Statutory audit:**

We have had an unqualified audit opinion every financial year, whether from accountancy practices appointed by the Board as auditors or, with effect from 2009, the National Audit Office.

### **5.9 Out-sourcing:**

We have out-sourced the following activities in order to achieve value for money:

- IT infrastructure and support;

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<sup>10</sup> Subject to the order commencing the relevant provisions of the Localism Act 2011.

<sup>11</sup> Under Housing Act 1996, Sch.2., para. 10(2)(b).

<sup>12</sup> Sch.2., para. 2(1)1.

<sup>13</sup> As described by the NAO referring to requisite compliance as a private company as well as an eNDPB.

<sup>14</sup> For example, while the Accounting Officer is bound by Government restrictions on spend, the Board has a duty to resource the Ombudsman as a statutory appointee and, as a limited company, expects autonomy in income and spend.

<sup>15</sup> The current 'constituency' model does not fit with the proposed extended remit.

<sup>16</sup> The full proposal for this change in governance that was accepted, in principle, by Ministers can be made available to the Committee if required.

- Internal audit;
- Payroll;
- Telephony call-reception.

We plan to out-source:

- Accounts payable;
- Financial accounting;
- Risk management;
- Management of enquiries by telephone.

## **6. The impact of the extension of jurisdiction to include complaints from tenants of Local Housing Authorities in 2013**

From 1 April 2013<sup>17</sup>, a complaint against a social landlord, its internal complaints procedure having been exhausted, will not be “duly made” to the Ombudsman unless it is made in writing by a designated person by way of referral of that complaint that will first have been made to that designated person.<sup>18</sup> The designated person will seek to resolve the complaint before, if needed, referring the issue to the Ombudsman.

According to the Government’s regulatory impact assessment for the Localism Bill, the objective of establishing a single housing ombudsman dedicated to and specialising in social housing complaints is to:

- Provide a common route of redress for social housing tenants;
- Ensure consistency in the treatment of complaints;
- Locate the expertise for dealing with housing complaints within the remit of a single ombudsman focussing on housing.

We are very pleased to have been entrusted with this extended role in a re-shaped environment for complaint handling and dispute resolution in the social housing sector. We have redrafted the Scheme, our core process, and our strategy to fit with localism, co-regulation, and the designated persons. We have consciously set out to support Parliament’s intention that only appropriate cases should escalate to the Ombudsman.

Our strategy is to make a positive difference by providing excellent public value by:

- i. Being a catalyst for change in the rented-housing sector by fundamentally re-engineering once again our dispute resolution process with particular emphasis on the customers’ perspective;

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<sup>17</sup> Subject to the order commencing the relevant provisions of the Localism Act 2011.

<sup>18</sup> Provisions in the Localism Act 2011, s. 180.

- ii. Being the champion of good practice and the source of excellence in complaint handling and dispute resolution in housing through appropriate and proportionate methods of dissemination
- iii. Demonstrating that we are making an impact by collecting more data that provide evidence of the success of the measures we shall set for organisational performance, service delivery, and monitoring improvement in dispute resolution practice in the sector;
- iv. Applying our resources proportionately to the ombudsman functions of investigation, systemic failures, and knowledge dissemination.

There will be no change in the Housing Ombudsman's statutory duty to investigate any complaint "duly made" to him and not withdrawn and no change in his power to investigate any complaint "duly made" but withdrawn. Also, he will continue to have a duty to determine investigations by reference to what is, in his opinion, fair in all the circumstance of the case.

The introduction of the role of designated persons represents an important opportunity for effective local dispute resolution. This is a concept that the Service has fostered and supported since its inception and for which, over the years, we have invested resources to help develop - for example, by providing free training to landlords and to tenants, especially those who are involved in landlord governance, on how better to deal with complaints through the internal procedures.

Drawing on our experience and expertise, we are developing some Dispute Resolution Principles primarily for landlords, tenants, and designated persons to serve as guidance on the necessary culture, processes, and skills needed effectively to resolve disputes between landlords and tenants.

As required by the Localism Act, we shall keep a register of recognised Tenant Panels.

## **7. The impact of the Ombudsman's work on social landlords, particularly whether it leads to better administration and improved quality of service**

We are currently developing a performance management framework which will include, in measuring organisational performance, some measures of the impact we have on the customers we serve. We will introduce this with the new service in April 2013 and in future will be better able to evidence the impact we have on the administration and service delivery of our member landlords and better outcomes for their tenants.

The impact of our work is illustrated under paragraphs 7.1 to 7.9 below.

### **7.1 The output of our decisions add value**

The outputs of our investigations where maladministration is found are in the form of recommendations or orders, or both. They may require landlords to:

- Give, or restore to, tenants their entitlements under statute or contract;
- Introduce, amend, or properly apply their policies;
- Make an apology;
- Pay compensation.

Whether or not we find maladministration our principal aims in composing decisions are to:

- Put tenants into the position in which they should have been but for their landlord's failure;
- Enable landlords to learn from our findings and apply that learning to the improvement of the quality of the service they provide;
- Help sustain a positive relationship between landlords and tenants.

## **7.2 Landlords comply with our recommendations and orders:**

There have been very few instances in the past 15 years where landlords have failed to comply with our recommendations or orders. They recognise the 'political or moral pressure'<sup>19</sup> on them to put things right following a decision of the Ombudsman. They are also confident that the Ombudsman is independent and operates an impartial, quality-managed process that draws conclusions only from careful analysis of available evidence.

## **7.3 We provide advice, assistance, and signposting:**

As shown in the table below, about 90% of cases are closed without investigation.

Year	Total complaints received	Total investigations	Total closed without investigation
2008-09	7047	715	6332
2009-10	8280	716	7564
2010-11	9792	864	8928
2011-12	9951	750	9201

On many occasions people contacting us have not completed their landlord's ICP. In most cases we advise completion of the ICP because the current Scheme provides that usually the Ombudsman will not consider complaints which in his opinion could still be pursued through the landlord's complaints procedures.

Many other cases are outside jurisdiction (OSJ) (e.g. the landlord may not be a member of the Scheme) or we will give information or advice on process and, where possible, signpost people to other agencies that may be able to help them. The table<sup>20</sup> demonstrates this activity. We expect the proportionate profile for 2012 – 2013 to be similar.

<sup>19</sup> As the Law Commission put it (Consultation Paper 196).

<sup>20</sup> And graph in Appendix 1.

Gateway Outcomes	2008-09	2009-10	2010-11	2011-12
Assist ICP	63%	64%	62%	51%
Info given	14%	16%	24%	36%
OSJ	21%	18%	12%	12%
Other	2%	2%	2%	2%

#### **7.4 We give an external perspective:**

Often, we ‘shine a light’ into areas that are obscured from the view of landlords. Usually, they accept our findings, acknowledge their failings, and put them right. Even when they may be displeased by the discovery that their systems or management procedures are not as good as they thought they were, landlords still tend to accept our decisions recognising that they are fair and un-biased and that the Ombudsman has a unique perspective on the way their organisations operate in practice.

#### **7.5 We make ‘gratis’ recommendations:**

Even where we do not make a finding of maladministration we sometimes make suggestions to landlords for them to consider as part of their customer care and service provision. How they deal with those suggestions is a matter for them but we consider this to be part of the value that we can add to landlords and their tenants to enrich their service provision and customer care.

#### **7.6 We identify service failure:**

From April 2013 we shall formulate our decisions as maladministration or service failure. A finding of maladministration or, indeed, severe maladministration will still be available to us and will be made in appropriate circumstances but extending the spectrum of maladministration will enable us make findings where we would not have done so before. Moreover, landlords are more likely to react with good grace to, and tenants will, accordingly, benefit from, such findings which can be expressed in more conciliatory and positive terms.

#### **7.7 We encourage local solutions:**

We also intend to draft many more of our orders and recommendations in terms that will set out the presenting issues and then require landlords to design appropriate remedial actions. This will encourage landlord’s to take responsibility for resolving disputes and will be more likely to produce an outcome that suits local conditions and meets the particular needs of tenants especially if landlords work with tenant scrutiny panels.

## **7.8 We can refer cases to tenant scrutiny panels:**

In future, although we expect that incidents of non-compliance with our decisions will continue to be limited, it may be appropriate, in some instances, to inform tenant scrutiny panels of non-compliance and allow them to take follow-up action as they see fit as part of their work programmes.

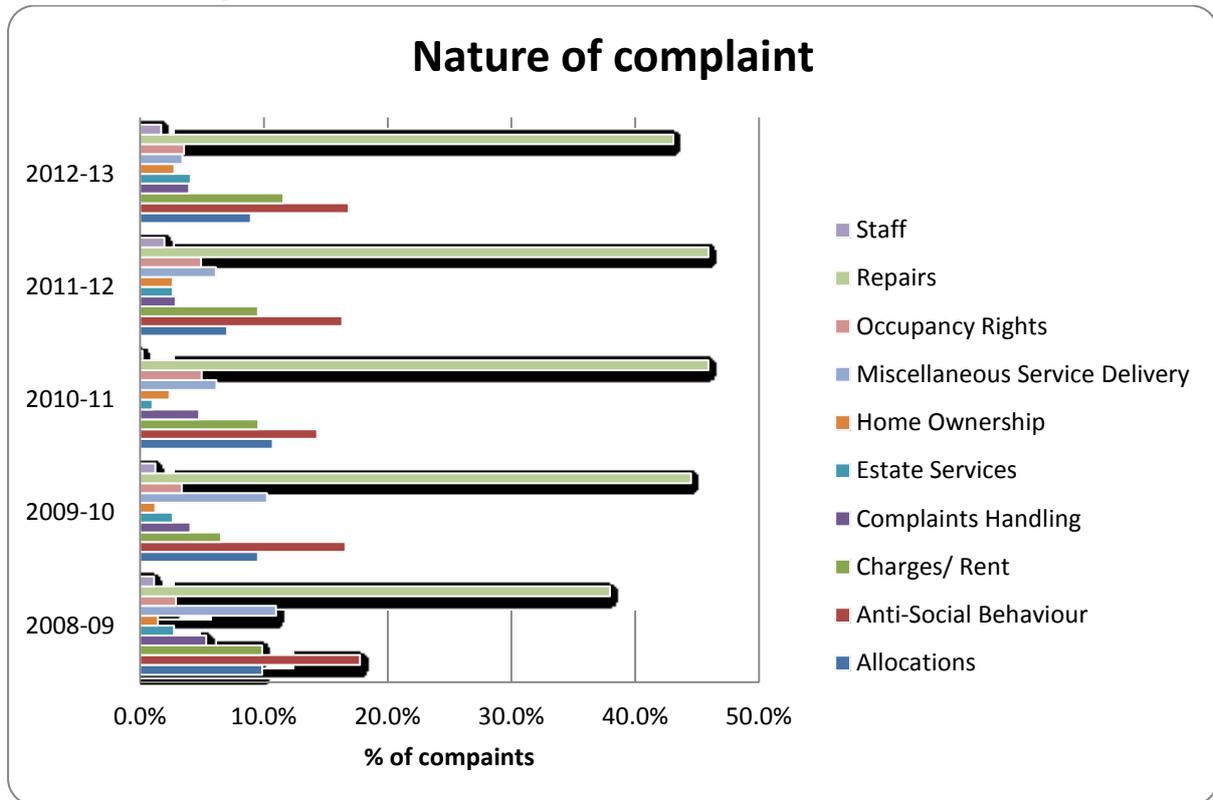
## **7.9 We will share our learning:**

An important objective of the Service has always been to share lessons learnt not only with landlords but also with others with an interest in the outcomes of our core process. Traditionally, we have done this by publishing reports, speaking at conferences and seminars, and providing training for Board members, front-line staff, and tenants. Landlords, in particular, have fed back to us that these initiatives have helped them to change and to design policies and practices in respect of complaint-handling in particular and wider customer service in general. We have suspended our training programme but when it was running it was so well-valued and respected that we were frequently approached by landlords and landlord and tenant bodies to deliver it for them by special request.

To deliver our vision and mission we intend to work with landlords and tenants to resolve disputes that come to us impartially using processes that are fair, evidence-based, and free of bias and prejudice. These principles of dispute resolution will be the basis of our work with landlords, tenants, MPs, councillors, and tenant panels. We are developing an extended set of dispute resolution principles which will be augmented by complementary learning media. Working with all interested parties, we aim to achieve accessible dispute resolution that will be of benefit to both landlords and tenants and encourage landlords to use these outcomes to improve the services they provide.

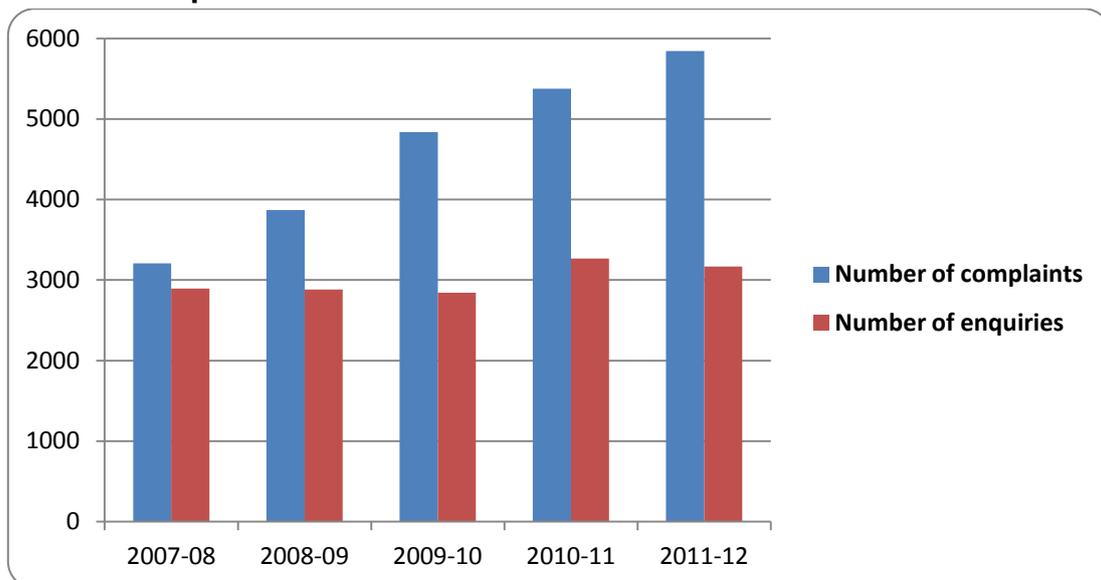
## APPENDIX 1 – CASEWORK PERFORMANCE (GRAPHS)

### Nature of complaints:



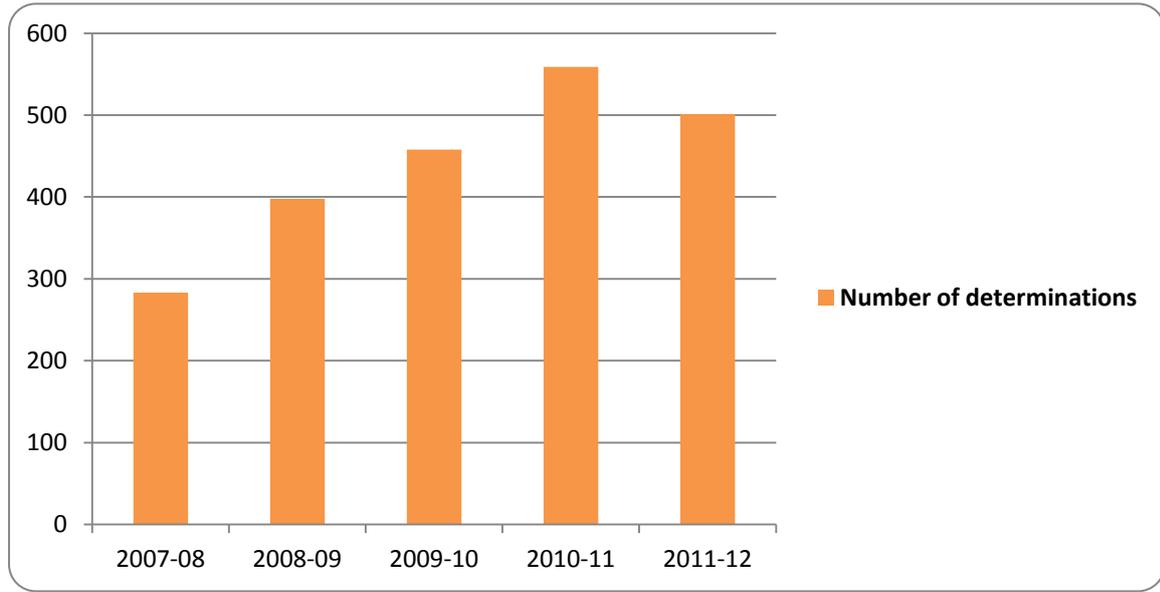
This table shows the percentage of all complaints falling within the 10 main complaint categories, year by year

### Number of complaints:



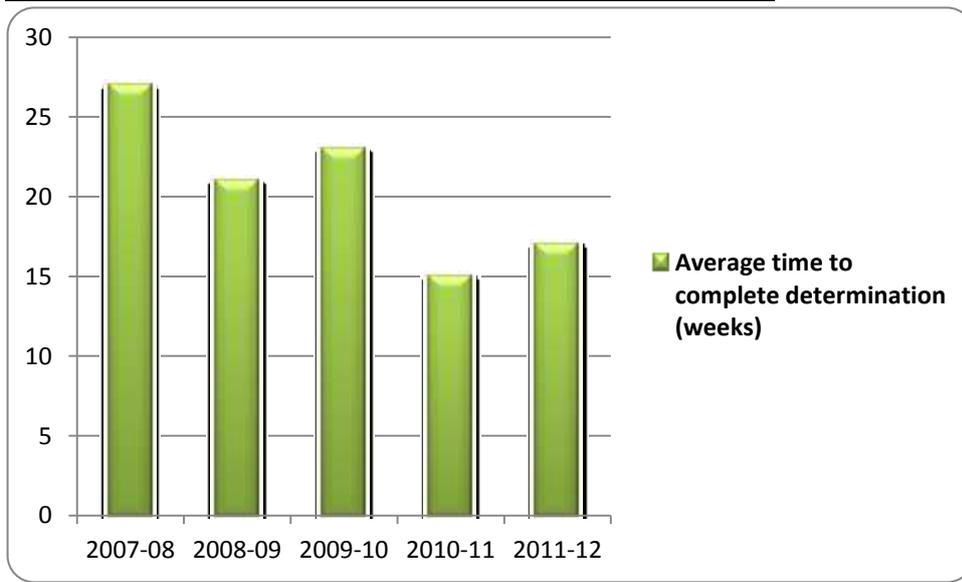
This table shows the total number of new complaints and the number of new enquiries, year by year.

**Number of determinations:**



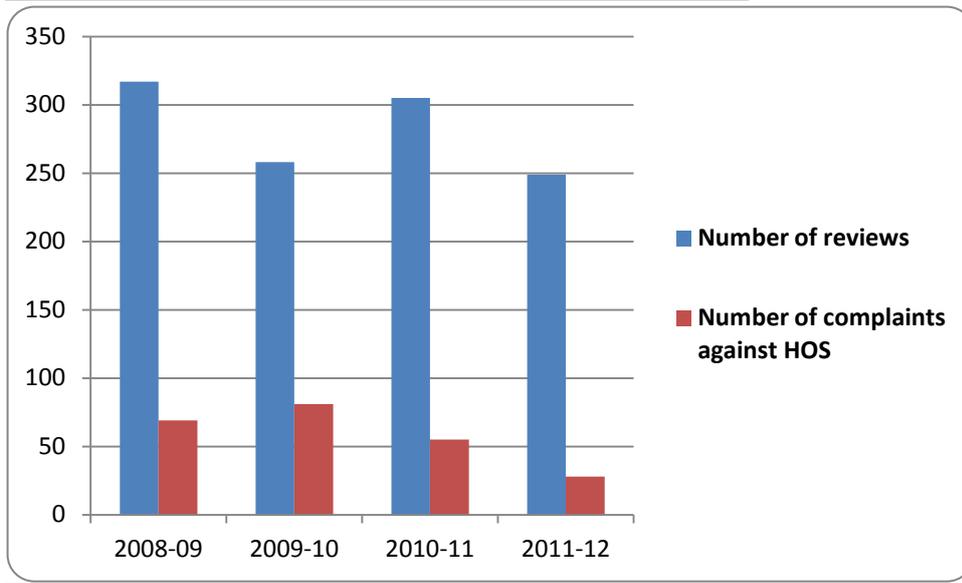
This table shows the number of cases determined by way of investigation year by year.

**Average time to complete determinations (weeks):**



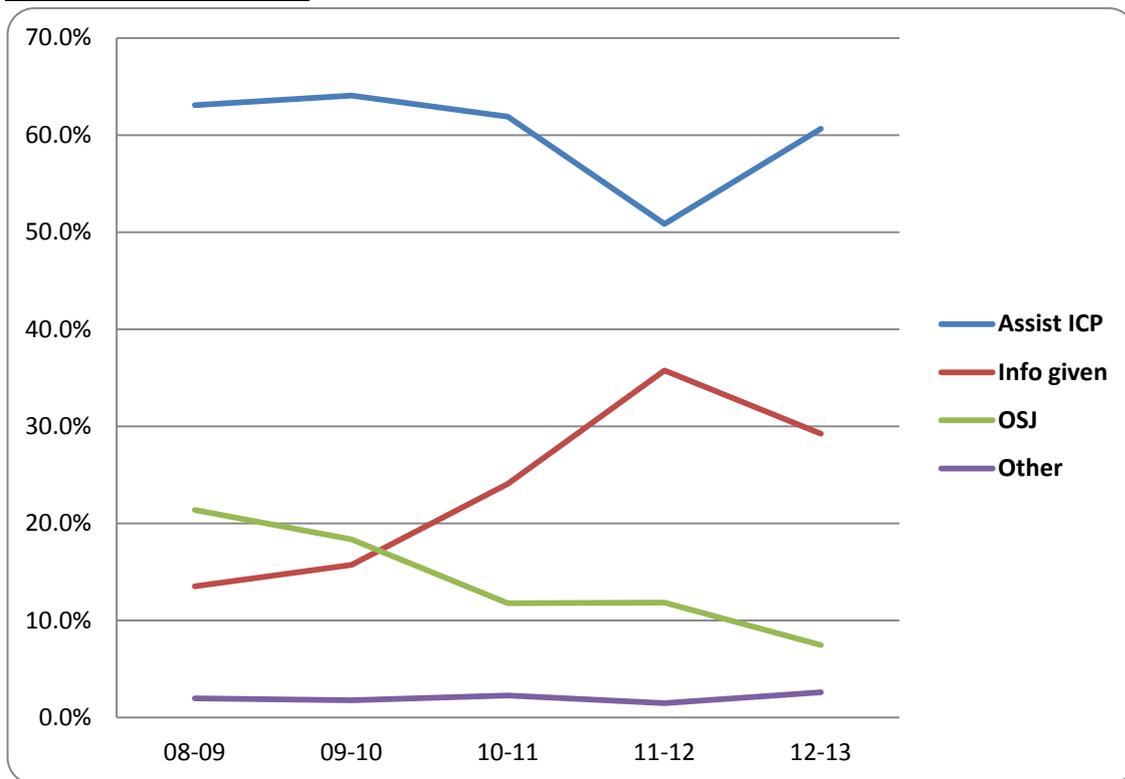
This table shows the average number of weeks taken to determine a case by way of investigation, year by year.

**Number of reviews and complaints against HOS:**



This table shows the total number of reviews requested and conducted, and the total number of complaints received against the Service, year by year.

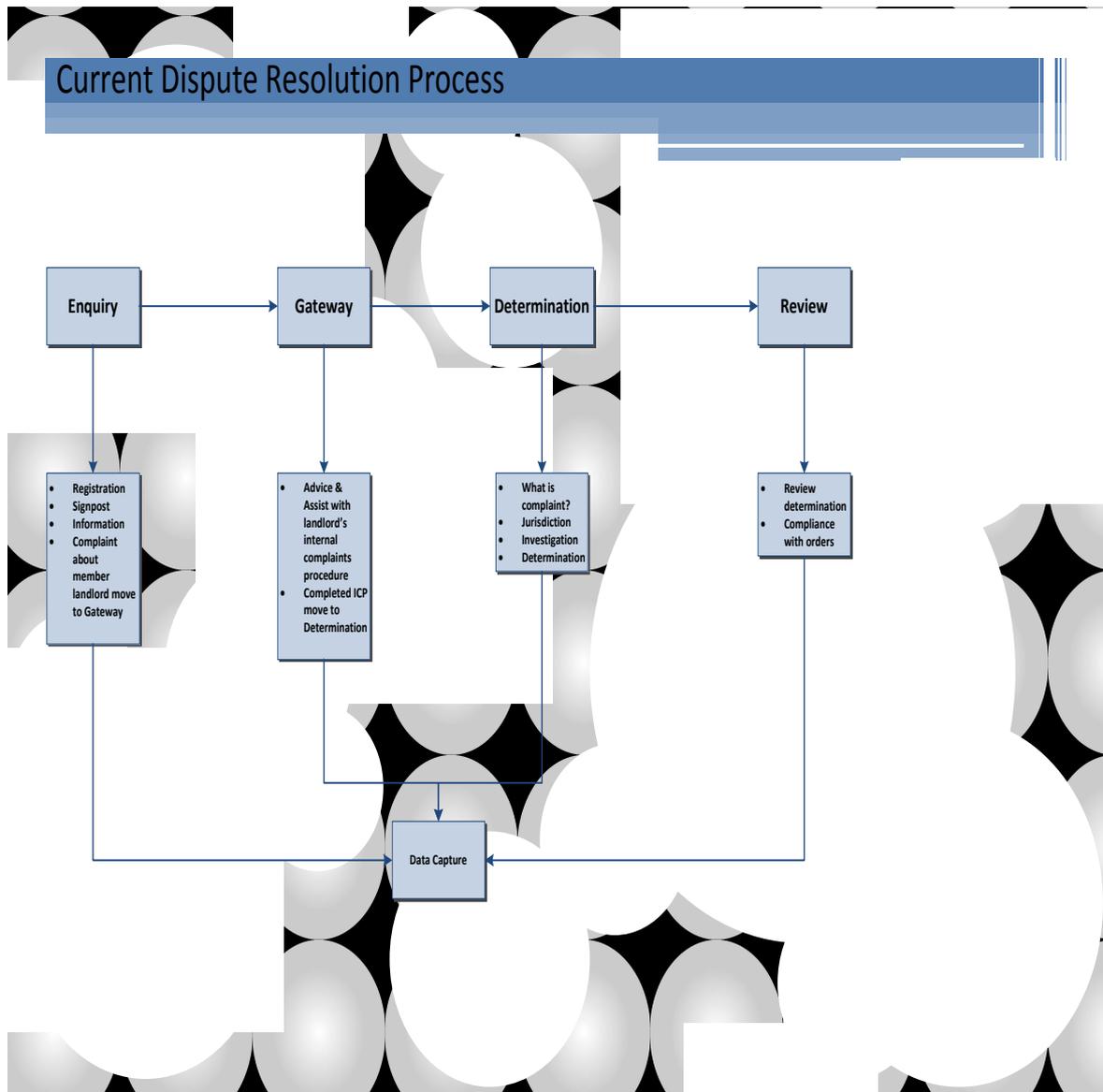
**Gateway outcomes:**



This table shows the percentage of complaints handled in the gateway (first contact) where we assist the parties with the landlord’s internal complaint process, provide information, or the complaint is outside the Ombudsman’s jurisdiction.

## APPENDIX 2

### MAP OF CURRENT DISPUTE RESOLUTION PROCESS WORKFLOWS



### APPENDIX 3

## MAP OF DISPUTE RESOLUTION PROCESS WORKFLOWS – POST 2013

