

The NFA submitted the following responses to the Housing Ombudsman consultation on its draft Business Plan 2020-2021:

Question 1: Do you have any comments on our performance indicators and whether these achieve a good balance between timeliness, quality, customer feedback and impact?

We welcome the proposed key performance indicators which should, in theory, balance the speed with which cases are determined with the quality of service provided. As with any performance indicators, these should be monitored and reviewed to make sure that quality is not being compromised to get a faster response. It would also be good to see a mechanism for capturing feedback from the casework which is assessed as not acceptable or better (e.g. the 5% on casework, and 15% on resident and landlord satisfaction) so that this can drive continuous improvement.

Question 2: Do you have any thoughts on how else we can support more complaints to be resolved earlier?

Feedback from members on the improvements to the Housing Ombudsman processes over the last 18 months has been positive, and we agree that supporting more complaints to be resolved earlier should be a priority. It would be useful to increase the sharing of best practice and learning outcomes across the sector to drive up standards for all landlords. Landlords should also be supported to be self-reflective and self-critical in reviewing complaints and understanding why they are being escalated and, if applicable, upheld.

Question 3: Do you have any comments on our proposed approach to formal resolution, in particular the provision of information to us?

In principle, the proposed approach to formal resolution is sensible, although there are areas where it would be good to provide more detail and clarity:

- Elements of the approach are likely to be more expensive, such as mediation, and this needs to be factored in (although mediation is a useful tool);
- A clear criteria for 'complexity' needs to be established to enable fair and consistent triaging of cases;
- 15 working day timescales are considered reasonable in the main, however there may be cases where more time is required where external contractors are used to deliver services. It would be good generally to have more detail about what constitutes 'exceptional circumstances'.

• Question 4: Do you have any comments on strengthening our sector development and engagement activities?

We welcome the approach outlined in Stage 3 – learning and development. Annual, individual reports for landlords will be useful and should drive more proactive prevention and resolution of complaints. Being able to compare against landlords of a similar cohort (e.g. quantity of housing stock) would be helpful. This should also provide evidence to the Regulator on the performance of landlords over time, acting as a ‘can opener’ to explore issues.

Working with landlords with higher complaint volumes or issues is a sensible preventative approach – landlords should already be looking at, and reporting to their boards, the numbers of complaints that go to the Ombudsman and how many are upheld, and this should be driving improvement plans. Individual support from the Ombudsman in cases where numbers are high should support/ encourage an organisation to improve their internal processes and governance.

It is also important to make sure that tenants are aware of the Ombudsman and for the Ombudsman to be assured that where an organisation has low or no referrals to the Ombudsman this is actually the sign of a good service, rather than being due to a gap in tenants’ knowledge about the existence of the Ombudsman.

Question 5: Do you have any comments on the business plan overall?

It would be good to see a mechanism for review of the business plan to ensure that it is meeting the proposed objectives.

Currently the cost of the Ombudsman service falls equally on those landlords who have effective processes and are working hard to prevent escalation of complaints, and those landlords which do not have their house in order and are using the Ombudsman service more. Ultimately, the cost of the service is being taken from tenants and from resources which help contribute to service improvement. Whilst it is probably administratively difficult to have different fee structures to reward good organisations (and could drive perverse behaviour), working with the Regulator more closely should add the element of accountability which is missing.