

Report for: HOMES POLICY DEVELOPMENT GROUP

Date of Meeting:	13 June 2023
Subject:	MID DEVON HOUSING COMPLAINTS HANDLING ANNUAL REPORT 2022-23
Cabinet Member:	Councillor Simon Clist, Cabinet Member for Housing
Responsible Officer:	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing
Exempt:	None
Wards Affected:	All Wards
Enclosures:	<p>Annex 1 contains the outcome of MDH's self-assessment against the revised HOS Complaints Handling Code.</p> <p>Annex 2 provides examples of lessons learned from complaint handling during the financial year 2022-23.</p> <p>Annex 3 (i) shows MDH's performance relating to complaints during the financial year 2022-2023.</p> <p>Annex 3 (ii) shows MDH's complaints closed by category during the financial year 2022-23.</p>

Section 1 – Summary and Recommendation(s)

In summary, the report provides the following information as set out below and contained in Annexes 1, 2 and 3.

- An annual update of Mid Devon Housing's (MDH) complaint handling data for the financial year 2022-23 to Members as required under the Housing Ombudsman's Complaints Handling Code
- An annual update of the regulatory requirements as governed by the Regulator of Social Housing (RSH) in response to published Tenant Satisfaction Measures (TSM's) and any other relevant updates. This is provided for initial evaluation purposes ahead of formal TSM reporting in 2024
- An annual review of MDH's self-assessment against the Housing Ombudsman's Complaints Handling Code.

Recommendation(s):

Members of the PDG are asked to note the report and enclosures.

Section 2 – Report

1.0 Introduction

1.1 Increased tenant satisfaction is at the heart of major changes to the regulatory landscape for social housing that have been implemented by the Government. Central to this change is an enhanced complaints handling approach required of social housing providers by the Regulator for Social Housing (RSH). Overall, it puts in place one of the most comprehensive, proactive consumer regulation regimes covering local government and private social landlords.

1.2 In more detail, this report provides:

- An overview of relevant regulatory requirements as issued by the RSH;
- An initial evaluation and early benchmark for future comparison against the Regulator's new Tenant Satisfaction Measures (TSM's) which landlords have to start collecting data from April 2023 for reporting in April 2024
- An overview of recent news and changes implemented by the Housing Ombudsman Service (HOS)/RSH to improve complaint handling;
- An update MDH's compliance with the Housing Ombudsman Service (HOS) Complaints Handling Code;
- Information on how MDH uses reports on complaint handling to drive service improvement forward from lessons learnt; and
- An overview of recent pilot Baseline Tenant Satisfaction Survey results in response to surveying tenants on how satisfied or dissatisfied they were with services provided by MDH as applicable to complaints

1.3 Annex 1 contains the outcome of MDH's self-assessment against the revised HOS Complaints Handling Code. The length, detail and format of the self-assessment are fixed by the HOS and provides the core, transparent basis of measuring compliance with the Code. Landlords are required to review the Code annually.

- 1.4 Annex 2 provides examples of lessons learned from complaint handling during the financial year 2022-23.
- 1.5 Annex 3 (i) shows MDH's performance relating to complaints during the financial year 2022-2023.
- 1.6 Annex 3 (ii) shows MDH's complaints closed by category during the financial year 2022-23.

2.0 The role of the Regulator

- 2.1 The RSH operates the regulatory framework which contains a number of standards which set out the required outcomes and specific expectations associated with the performance of registered social landlords.
- 2.2 The Tenant and Empowerment Standard contains provisions relating to how landlords shall offer a range of ways for tenants to express a complaint. It sets out clear standards for responding to complaints and details of what to do if they are unhappy with the outcome of a complaint.
- 2.3 The Social Housing White Paper: Charter for Social Tenants (the White Paper), published in November 2020, placed a greater emphasis on tenants being treated with respect, backed by a strong consumer regulator and improved consumer standards for tenants.
- 2.4 Following publication of the Social Housing White Paper in late 2020, the Social Housing Regulation Bill is currently on its way through Parliament. The RSH anticipates the Social Housing Regulation Bill will soon receive Royal Assent. The Bill changes the regulator's objectives with a new focus on safety, transparency and energy efficiency. The regulator will be expected to work closely with the HOS in protecting tenants' interests, in the housing sector.
- 2.5 The regulatory framework for social housing will introduce a new proactive, consumer regulation regime focussed on meeting the needs of tenants. One aim of the legislation and regime is to ensure that providers of social housing have a clear focus on complaint handling ensuring that complaints was dealt with promptly and fairly.

3.0 Tenant Satisfaction Measures

- 3.1 The RSH has consulted with landlords and residents on a wide range of TSMs. They have now confirmed the list of new measures that will be make up the new approach to consumer standards.
- 3.2 As part of the new consumer regulation regime, from April 2023, the RSH has introduced 22 mandatory TSMs, covering five themes. 10 of these will be measured by landlords directly and 12 will be measured by landlords carrying out tenant perception surveys. Three of the specific questions to be asked relate to complaint handling as set out below:

- TP09: Satisfaction with the landlord's approach to handling complaints
 - CH01: Complaints relative to the size of the landlord
 - CH02: Complaints responded to within Complaint Handling Code timescales
- 3.3 The new TSM's apply to both housing associations and local authorities and will come into force through a new Tenant Satisfaction Measure Standard. Landlords are expected to have systems and processes in place to start collecting data from April 2023 on an annual basis with data provided to the RSH from April 2024.
- 3.4 The new TSMs will form part of the key benchmark for all major registered providers of social housing including MDH. The emphasis behind these measures is clearly on tenant experience or satisfaction, and how tenants feel we are performing alongside management information on repairs, safety, complaints and anti-social behaviour.
- 3.5 MDH have made changes to their reporting mechanisms to accommodate the above changes. In the future, MDH will be reporting on the number of complaints received within the Code timescales rather than reporting when a complaint has been closed. Performance figures shown in Annex 2, highlight the number of closed complaints in the financial year 2022-23 not the number of complaints received during the year.

4.0 Housing Ombudsman Service

- 4.1 The role of the HOS is to resolve disputes involving members of the Scheme including making awards of compensation or other remedies when appropriate and supporting effective landlord-tenant dispute resolution by others.
- 4.2 The HOS expects landlords to have in place an effective and positive complaint handling process. This facilitates landlords having insight into the services provided by them and how they are perceived and received by others.
- 4.3 The lessons learned from a complaint can improve the quality and focus of services provided, whether this is to the individual tenant or to a collective group of tenants. The learning process can strengthen landlord and tenant relationships as well as provide a mechanism for encouraging positive tenant engagement
- 4.4 Following changes in legislation, the HOS introduced changes to their complaint escalation process. As a result of these changes, their service has improved. The 'democratic filter' was removed at the end of September 2022 so residents no longer have to contact a designated person or wait eight weeks before referring their complaint to the HOS. The rationale behind this decision was to give the ability to support residents earlier in the complaints process.
- 4.5 Other significant changes that have been seen since the HOS published their spotlight report on Damp and Mould in October 2021. Following the tragic death of 2 year old Awaab Ishak who died as a direct result of mould in his home,

there is now a greater emphasis on landlords investigating complaints relating to damp and mould.

- 4.6 The Government announced a new “Awaab’s law” that will set deadlines for social landlords in England and Wales to tackle reported hazards such as damp and mould. Awaab’s law has now been added as an amendment to the Social Housing Bill.
- 4.7 The Secretary of State wrote to all landlords in November 2022 stating that he expected landlords to be undertaking assessment of:
 - Damp and mould issues affecting properties, including the prevalence of Category 1 and 2 damp and mould hazards; and
 - Action that landlords have identified that may need to be taken in relation to damp and mould issues affecting their properties.
- 4.8 The Social Housing Regulation Bill supports a rigorous new regime that will make landlords accountable for the services they provide tenants ensuring that their homes are decent and fit for purpose. The RSH will inspect landlords and will have the power to issue fines and name and shame landlords for poor quality of service. In severe cases, they have the power to instruct landlords properties are brought under new management where the landlord fails to acknowledge and action repairs following investigations by the HOS and RSH.

5.0 Complaints Handling Code

Changes and self-assessment

- 5.1 The HOS introduced the Housing Complaints Handling Code in July 2020. The Code sets out good practice that allows landlords to respond to complaints effectively and fairly. The Code was introduced as part of the HOS’s new powers in the revised Housing Ombudsman Scheme under the wider consumer-led changes to regulation of the social housing section as set out above.
- 5.2 Following a review one year after the Code was introduced, the HOS also strengthened the provisions in the Code to support a positive complaint handling culture. These changes took effect from 1 April 2022 and landlords were required to self-assess against the Code and become compliant by 1 October 2022. MDH carried out its first a self-assessment of the Code in 2022 to comply with the new requirements.
- 5.3 Landlords including MDH must carry out an annual assessment against the Code. This is to ensure their complaint handling is in accordance with the requirements of the Code. Non-compliance of the Code could result in the landlord being issued with a Complaint Handling Failure Order by the HOS.
- 5.4 The Code acts a guide for tenants which sets out what they can and should expect from their landlord when they raise a complaint. The requirements of the Code also provides tenants information about MDH’s complaint handling

and the different stages on how to progress their complaint through the internal complaints procedure.

- 5.5 Our self-assessment is set in full as required in Annex 1. The length, detail and format of the self-assessment are fixed by the HOS and provides the core, transparent basis of measuring compliance with the Code. Landlords are required to review the Code annually.
- 5.6 Our self-assessment shows a comprehensive level of compliance with the Code across both the mandated requirements and best practice elements. This means our processes should be considered effective when it comes to handling MDH complaints. Due to the nature of the Code requirements, how MDH handle and evaluate complaints is at the highest, most robust level across the Council as a whole.

Impact and comparing data

- 5.7 The code was directly introduced to drive up the number of complaints received through direct and indirect engagement with tenants by the HOS and the introduction of progressive and open complaints handling cultures within registered providers. This has proven successful with the changes achieving heightened awareness and significant increases in complaint numbers and where the HOS expects a higher volume of complaint casework to continue.
- 5.8 In early March 2023, the UK Government launched a further publicity campaign in England to 'empower social housing residents to raise complaints and make things right'. More information is available at

<https://www.gov.uk/government/news/new-government-campaign-to-empower-social-housing-residents-to-raise-complaints-and-make-things-right>

By the end of March 2023, national data has shown formal complaint volumes had increased across the sector by almost 19% compared to February. Within the national picture, the data further highlighted that 1 in 5 landlords recorded an increase in complaints volumes of over 50% between February and March – all of these landlords were based in England.

- 5.9 While this rise cannot be wholly attributed to a government campaign and will also be linked to several high-profile national cases of poor housing conditions in social housing such as that of Awaab Ishak, like other providers we recorded some significant increases in complaint volumes during the financial year with a noticeable spike in March's volumes compared to the same point in 2022. Nationally this point-on-point increase for March was 78% compared to 62% for MDH specifically.
- 5.10 MDH complaints numbers rose from 171 in 2022/23 to 200 in 2022/23 (15% overall increase) and equates to 68 complaints per 1,000 units. National reporting by Housemark (who benchmark hundreds of social landlords big and small) shows complaint levels are likely to be around 50 per 1,000 units in the

coming year placing our complaint volumes above average but challenging to compare against national peers or local trend for reasons set out below.

- 5.11 MDH have also run several recent promotions on our web and Facebook space as well as through our housing newsletter and direct engagement with tenants. All this has been aimed at directly promoting our complaints handling process and highlighting specific issues which may be of concern such as damp and mould. This may be a further factor in driving up our complaints volume where not all registered providers will go beyond the Complaints Handling Code in this way to encourage tenants to speak to us and submit complaints as required.
- 5.12 A positive consequence of these changes are improvements in our ability to listen and understand tenants concerns with greater insight into collective learning in order to continue to improve how we do things (see learning below). It does however make comparisons with our latest complaints data with statistics obtained before the new code was in place hard challenging. Caution therefore needs to be exercised as a result. As we gain future year's data under a settled code and the sector nationally begins to consistently mirror our own, local best-practice approach to tenant engagement then benchmarking and consideration of trends will become more meaningful.

Learning

- 5.13 Landlords are expected to learn from complaints. The lessons learned from a complaint can improve the quality and focus of services provided, whether this is to the individual tenant or to a collective group of tenants. The learning process can strengthen landlord and tenant relationships as well as provide a mechanism for encouraging positive tenant engagement.
- 5.14 The HOS expects landlords to consider their dispute resolution principles and to learn from complaint outcomes.
- 5.15 The Code reinforces the importance of learning from complaints and does this by stating that the self-assessment should be completed as an annual exercise.
- 5.16 MDH's annual self-assessment against the HOS's Complaints Handling Code is included in Annex 1.
- 5.17 MDH consulted with tenants on their online Consultation Hub the proposed changes to the annual self-assessment form. No responses or comments were made.
- 5.18 The main changes to the self-assessment form compared to the previous year include the following:
- The removal of the "mind to letter" at Stage 1;
 - The removal of the "mind to letter" at Stage 2;
 - MDH can use their discretion to implement a "mind to letter" at both stages where it deems necessary;

- Provided additional examples of how MDH are raising awareness of complaint handling through campaigns and social media;
- Clearer guidance on how MDH deal with complaint handling; and
- MDH's compliance with the Tenant Satisfaction Measures.

6.0 Lessons Learned

- 6.1 The report in Annex 2 shows an overview of types of complaints the landlord has received, identifies the specific lessons learned and provides an example of service improvement as a result of complaints during the financial year 2022-23.
- 6.2 Within the upheld complaints, some 13 specific lessons learnt were identified and actioned as a result of the service review and continuous improvement process.

7.0 Performance relating to Complaints 2022-23

- 7.1 MDH have seen an increase in both Stage 1 and 2 complaints during the financial year 2022-23 in comparison to the previous financial year, 2021-22 as set out in Section 5.10.
- 7.2 Overall, of the 200 complaints which were closed during the financial year 2022-23, 138 or 69% were completed at the first Stage 1 of our complaints process and 62 or 31% progressed to Stage 2 complaints before closure. This compares to 144 or 84% at Stage 1 and 27 or 16% at Stage 2 in 2021-22.
- 7.3 Some 36.5% or 73 Stage 1 complaints were upheld (or partially upheld) and 63.5% or 127 Stage 1 complaints not upheld.
- 7.4 Furthermore, 24.2% or 15 Stage 2 complaints were upheld (or partially upheld) and 75.8% or 47 Stage 2 complaints were not upheld.
- 7.5 The majority of complaints received during the financial year 2022-23 were in response to work carried out by the repairs and maintenance functions of the service and is the area of highest volume of service requests. This is also a common theme across social landlords nationally.
- 7.6 To provide context, the 200 complaints received in 2022-23 equate to around 6.8% of our housing units with 93.2% of properties therefore having no recourse to make a complaint. We have nearly 4,000 formal tenants living in our properties and estimate the overall number of residents (including wider families) living in an MDH property approaches 5,000 at any one time.
- 7.7 Alongside the national context set out in Section 4.0 and the new overall regulation regime and in Section 5.0 with regards to changes introduced by the Government to drive up complaint volumes and improve handling, many social landlords have been impacted by the aftermath of the Covid pandemic on mental health and wellbeing services which may have also underpinned the national/local trend regards to complaints and certainly as a landlord we are

seeing more complex complaints driven by probable mental health outcomes for which only a minority can be fully upheld but require a significant level of resource to manage and are more likely to reach Stage 2 in our complaints process.

7.8 Performance information data is provided in more detail in Annex 3 as required under the Complaints Handling Code.

8.0 Housing Ombudsman Landlord Performance Data 2021-22

8.1 The HOS publishes an annual review of complaint handling. This runs behind our specific local reporting by an annual year, hence data is only now available from the HOS for 2021-22. The report relating to individual landlords shows an expected correlation between the number of complaints received by the HOS and landlord size.

8.2 During the year 2021-22, MDH had just one case investigated by the HOS i.e. out of 171 complaints overall that year one complainant wished to exercise their right to escalate the matter to the Ombudsman having exhausted our internal process. The outcome of this complaint identified no maladministration, however did identify several service improvements which have been fully implemented.

8.3 Given that the HOS only reports landlord data for the previous year e.g 2021-22 and does not expect to publish more comparable data until the start of next financial year we cannot provide official performance information from the Ombudsman for 2022-23 at this stage. However, MDH is not aware of any cases that have been investigated by the HOS during 2022-23.

9.0 Baseline Tenant Satisfaction Measures Survey

9.1 In response to the new RSH TSMs, MDH ran a pilot project relating to the collection of data during late 2022-23 with a view to understanding the current position in terms of tenant satisfaction.

9.2 The aim of the survey was to get an indication of the level of satisfaction from tenants about the services we provide. By evaluating the results, this enabled MDH to review our service and gain a greater understanding of where service improvements were needed.

9.3 The survey was carried out independently by a third party contractor which ensured that the process was open and transparent.

9.4 MDH received 822 completed surveys out of the 2128 invites sent, representing a very strong 36.63% response rate for surveys of this nature.

9.5 The pilot survey was designed to be able to gauge these indicators and provide early data for benchmarking ahead of the formal implementation of the TSM's from April 2023.

- 9.6 Tenants were asked a number of questions about how satisfied or dissatisfied they were about a range of services provided by MDH. The questions that were asked coincide with the same questions asked in the TSMs which landlords are required to feedback to the RSH.
- 9.7 In response to complaint handling, tenants were asked how satisfied or dissatisfied they were with MDH's approach to complaint handling. MDH received an overall 30% response rate to tenants being satisfied. The sample base for this question was 229 replies which resulted in 12.2% tenants stating that they were very satisfied, 17.9% fairly satisfied, 21.8% neither satisfied nor dissatisfied, 20.5% fairly dissatisfied and 27.5% very dissatisfied.
- 9.8 Feedback received from our contractor highlighted that the question on complaint handling received a low satisfaction and was the only question where the percentage of dissatisfied respondents, 49%, was higher than the percentage of satisfied respondents. It is to be noted that because there was a screening question, the survey only asked respondents who confirmed that they made a complaint in the last 12 months, as a result this question was only asked of 229 respondents.
- 9.9 From further contractor feedback, we understand that the score for the complaints handling question was not unusually low for a question of this nature. We believe that tenants are very likely to be strongly influenced by the outcome of their complaint, which may not have been what they were hoping for, rather than on their perception of the procedures relating to the investigation of matters raised. This reflects a potential weakness in this particular national TSM metric which we are required to report against and future benchmarking against national data (when available) will provide more context.

10.0 Recommendation

- 10.1 That Members note the report and enclosures.

Financial Implications

The activity of Mid Devon Housing (MDH) is funded through the Housing Revenue Account (HRA). The HRA is ring fenced and subject to specific financial controls. The Housing Ombudsman Service (HOS) charges a mandatory membership fee based on the number of homes in the management of the registered provider of social housing.

Legal Implications

The tenancy agreement defines MDH's relationship with tenants and sets out the rights and responsibilities of both parties. This takes account of legal and regulatory requirements.

The Council is a registered provider of social housing (RP) and therefore is required to comply with the regulatory framework operated by the Regulator for Social Housing (RSH). The regulatory framework has been reviewed. The Tenant Involvement and Empowerment Standard contains provisions relating to the management of complaints.

There is also a requirement for MDH to manage complaints in accordance with the Complaints Handling Code (the Code) which is issued by the Housing Ombudsman Service (HOS). Landlords are expected to self-assess against the Code. Landlords are required to use the learning from complaints to drive service improvement.

Following publication of the Social Housing White Paper in late 2020, the Social Housing Regulation Bill is currently on its way through Parliament and once implemented, this will impact the regulatory framework for social housing with the aim of giving tenants a greater say in service delivery and satisfaction. This Bill is expected to go into statute during 2023.

Risk Assessment

The Complaint Handling Code provides a framework which supports effective complaint handling and prevention alongside learning and development. The Code ensures complaint handling data is being used consistently across landlord functions, promotes engagement and sets out expectations for boards or equivalent governance, senior executives and frontline staff. The Code contains good practice and is designed to assist landlords with responding to complaints effectively and fairly.

Impact on Climate Change

None directly arising from this report.

Equalities Impact Assessment

MDH has a collection of housing related policies. The use of these helps to ensure that service delivery is consistent and fair. These are currently being reviewed with the aim of aligning them more closely with the Regulatory Standards. There is a regulatory requirement for registered providers of social housing to tailor their services to meet the needs of tenants. MDH requests diversity data from tenants to enable compliance to be monitored.

MDH is required to work with people from all sections of society and having an agreed policy ensures that all tenants and other stakeholders are treated in the same way with adjustments being made to meet their needs, as necessary. The Code requires landlords to have an awareness of accessibility so residents can easily be able to access the complaints procedure via several routes.

Relationship to Corporate Plan

Homes and the Environment are a priority for the Council and this includes increasing the supply of affordable homes in the District and also supporting and growing active tenant engagement.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 30 May 2023

Statutory Officer: Maria De Leiburne
Agreed on behalf of the Monitoring Officer
Date: 30 May 2023

Chief Officer: Simon Newcombe
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 29 May 2023

Performance and risk:
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 05 June 2023

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Helen Carty, Complaints Officer or Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing
Email: hcarty@middevon.gov.uk / snewcombe@middevon.gov.uk.
Telephone: 01884 255255

Background papers:

The Regulatory framework for social housing:
<https://www.gov.uk/government/collections/regulatory-framework-requirements>

Tenant Satisfaction Measures
<https://www.gov.uk/government/news/regulator-of-social-housing-to-introduce-tenant-satisfaction-measures-from-1-april-2023>

Complaint handling code
<https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/>

White Paper – The Charter for social housing residents
<https://www.gov.uk/government/publications/the-charter-for-social-housing-residents-social-housing-white-paper>

MDDC policy and procedures relating to complaints and feedback:
<https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/>

Dispute resolution principles: Learning from outcomes
<https://www.housing-ombudsman.org.uk/landlords-info/principles-dispute-resolution/dispute-resolution-principle-learn-from-outcomes/>