

Report for:

HOMES POLICY DEVELOPMENT GROUP

Date of Meeting: 11 June 2024

Subject: **MID DEVON HOUSING COMPLAINTS
HANDLING REPORT 2023-24**

Cabinet Member: Councillor Simon Clist, Cabinet Member for
Housing & Property

Responsible Officer: Simon Newcombe, Head of Housing & Health

Exempt: None

Wards Affected: All

Enclosures: Annex A shows how Mid Devon Housing (MDH) is performing under the Regulator of Social Housing Regulator (RSH) management data Tenancy Satisfaction Measures (TSMs) for complaint handling

Annex B shows the MDH results under the RSH perception survey TSMs for complaint handling

Annex C contains the outcome of the required MDH self-assessment against the revised Housing Ombudsman Service (HOS) Complaints Handling Code (the Code).

Annex D provides a summary of lessons learned arising from complaint handling

Annex E (i) shows MDH data relating to complaints received and closed during the financial year

Annex 5 (ii) shows MDH complaints data category during the financial year

Annex F shows the outcome of Ombudsman Determinations

Section 1 – Summary and Recommendation(s)

In summary, the report provides the following information as set out below and contained in Annexes A, B, C, D, E and F.

- 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);
- An annual review of how MDH is performing against the RSH's TSMs in complaint handling;
- An overview of recent recommendations, updates and legislative requirements implemented to improve complaint handling;
- An annual review of MDH's self-assessment against the HOS's Code;
- An overview of how MDH uses reports on complaint handling to drive service improvement forward from lessons learnt;
- The outcome of MDH's Perception survey TSMs results in complaint handling;
- An annual update of MDH's complaint handling data for the financial year 2023-24 to Members;
- An overview of determinations of cases investigated by an Ombudsman; and
- An update of the Council's new complaint handling system.

Recommendation:

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

Section 2 – Report

1 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 RSH. Overall, it puts in place one of the most comprehensive, proactive consumer regulation regimes covering local government and private social landlords.
- 1.2 The Social Housing (Regulation) Act 2023 (the Act) places the Code onto a statutory footing. It also puts a duty on the HOS to monitor compliance with the Code. With a statutory Code there will be a legal duty on landlords to comply with it. The HOS will be able to intervene with a landlord on the Code even when the HOS have not received a complaint.
- 1.2 This report sets out:
 - An overview of the Act;
 - An overview of relevant regulatory requirements as issued by the RSH;

- The RSH's new TSMs which landlords had to start collecting data from April 2023 to be compliant with the Tenant Satisfaction Measure Standard;
- An overview of recent recommendations, updates and legislative requirements implemented to improve complaint handling;
- An update on MDH's compliance with the HOSCode;
- How MDH uses reports on complaint handling to drive service improvement forward from lessons learnt;
- An overview of MDH's performance against the RSH's TSMs in complaint handling;
- An overview of MDH tenants satisfaction against the TSMs in complaint handling;
- An annual update of MDH's complaint handling data for the financial year 2023-24 to Members;
- Determinations of cases investigated by the Ombudsman; and
- An update on the Council's new complaint handling system.

1.3 Annex A shows how MDH is performing against the RSH's TSMs.

1.4 Annex B shows MDH's tenant satisfaction against the TSMs.

1.5 Annex C contains the outcome of MDH's self-assessment against the revised HOS 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.

1.6 Annex D provides examples of lessons learned from complaint handling during the financial year 2023-24.

1.7 Annex E (i) shows MDH's performance relating to complaints during the financial year 2023-2024.

1.8 Annex E (ii) shows MDH's complaints closed by category during the financial year 2023-24.

1.9 Annex F shows the outcome of Ombudsman Determinations.

2 Social Housing (Regulation) Act 2023

2.1 The Act received royal assent in July 2023.

2.2 The new legislation:

- Strengthens the powers of the RSH to tackle failing social landlords and tenants living in unsafe homes;
- Provides the RSH the power to carry out regular inspections of the largest social housing providers and the power to issue unlimited fines to rogue social landlords;

- Provides additional HOS powers to publish best practice guidance to landlords following investigations into tenant complaints;
- Provides powers to set strict time limits for social landlords to address hazards such as damp and mould, health & safety;
- Introduces new qualification requirements for social housing managers (known as the Competency & Conduct Standard);
- Introduces stronger economic powers to follow inappropriate money transactions outside of the sector; and
- Introduces new enforcement powers that will be made available to tackle failing social housing landlords who are not pulling their weight in taking swift action to address damp issues and unsafe homes.

2.3 These changes will drive forward significant change in holding poor landlords to account, ensuring the needs of tenants are at the heart of government reforms and to improve the quality of life for those living in social housing across the country.

2.4 Following the tragic death of Awaab Ishak in 2022, the Government introduced Awaab's Law where all landlords must fix reported health and safety hazards within a strict timeframe.

2.5 Overall, this new legislation addresses systemic issues identified following the Grenfell Tower tragedy, not just on the safety and quality of social housing, but about how tenants are treated by their landlords.

2.6 The Act provides for a rigorous new regime that will make landlords accountable for the services they give to 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.

3 The role of the Regulator

3.1 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.

3.2 The RSH launched a consultation on a new set of standards for all social landlords in 2023 which was designed to protect tenants and improve the service they received. The new standard requirements will be even stronger and will give tenants greater power to hold their landlord to account when they are under performing. The standards came into force from 1 April 2024.

3.3 The standards will:

- Protect tenants by strengthening the safety requirements that all social landlords will be expected to meet;
- Require landlords to know more about the condition of their tenant's homes and the individual needs of the people living in them. Landlords will be expected to use this evidence to provide safe and decent homes with good quality landlord services;
- Make sure landlords listen to tenants complaints and response quickly when they need to put things right; and
- Require landlords to be open and accountable to their tenants and treat them with fairness and respect.

3.4 The Transparency, Influencing and Accountability Standard contains provisions relating to how landlords must be open with tenants and treat them with fairness and respect. This is so that tenants can access services, raise complaints when necessary and influence decision-making and hold their landlord to account.

3.5 What this means for MDH, is that we will be expected to comply with specific requirements of the new standards in relation to complaint handling. Landlords will need to ensure their approach to handling complaints is simple and accessible. The standard requires landlords to be transparent with tenants, treat them fairly and respectfully so they can access services. Tenants must be able to voice concerns where necessary, influence decisions and hold the landlord accountable for their actions.

4 Tenant Satisfaction Measures

4.1 Registered providers of social housing (RPs) are now required to collect and provide information to support effective scrutiny by tenants of their landlord's performance in managing their homes and neighbourhoods.

4.2 As part of the new consumer regulation regime that was introduced in April 2023, the RSH introduced 22 mandatory TSMs, covering five themes. 10 of these measure by landlords directly and 12 are measured by landlords carrying out tenant perception surveys. Three of the specific questions asked relate to complaint handling.

4.3 The TSMs will form part of the key benchmark for all major RPs, 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 handling and anti-social behaviour.

4.4 MDH are required to submit TSMs data relating to complaint handling to the RSH as shown 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

- 4.5 Annex A outlines how MDH is performing against the RSH's TSMs in complaint handling. The CH01 measure based on the number of complaints the landlord receives for each 1000 homes they own shows that MDH have received 77 Stage 1 and 2 complaints for every 1000 properties. CH02 measure based on the number of complaints responded to within the Code highlighted that MDH responded to 177 (98.3%) of Stage 1 complaints and 40 (93%) Stage 2 complaints in accordance with the Code.
- 4.6 The above figures will differ, as at the time of reporting, there were complaints pending investigations. In addition, we may see an increase of complaints escalated to Stage 2 over the next year. The above figures only show complaints that come under the remit of the RSH's TSMs and do not include non-housing ombudsman complaints.
- 4.7 Annex B shows MDH's tenant satisfaction against the TSMs in complaint handling. TR09 sets satisfaction with the landlord's approach to handling complaints. MDH sent a perception surveys to all tenants during autumn 2023. The outcome of this survey shows 22.2% of tenants were satisfied with MDH's approach to complaint handling. Although this result is low, this result was as expected.

5 Housing Ombudsman Service (HOS)

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 Following the Act receiving royal assent in July 2023, the new legislation now provides additional HOS powers to publish best practice guidance to landlords following investigations into tenant complaints.
- 5.5 Other significant changes sees it being mandatory for members of the Housing Ombudsman Scheme to comply with the requirements of the Code. Landlords will be expected to comply with the Code, assess against it yearly, publish their findings and submit this to the HOS.

HOS Spotlight reports

- 5.6 The HOS have concentrated on key areas of service provision where they see a high amount of failure in through their casework. They examine the issues and set out recommendations and good practice within their Spotlight reports. Below are some examples of Spotlight reports that the HOS have focussed on during the last year.

HOS Spotlight on Knowledge and Information Management Report

- 5.7 In May 2023, the HOS released their Knowledge and Information Management Spotlight Report. Unlike previous reports which has been concentrated on particular areas of service provisions, such as heating and hot water, damp and mould or noise reports, the HOS focused on the underlying reasons to what leads to service failures within landlord functions. The HOS took the opportunity to look at the data and information needed to allow landlords to provide an effective and efficient service to their tenants and residents, looking at missing, incorrect or misused data.
- 5.8 The HOS noted that they have seen a repeated theme within their investigations work where landlords are failing their tenants/residents due to poor knowledge and information systems. For this reason, these are the key factors to why a landlord fails to provide an adequate service, particularly in the repairs service and in complaint handling.
- 5.9 The lack of good record keeping, not having an adequate system to record and store information has an impact on landlords being able to identify risks, address hazards such as fire safety, asbestos and damp and mould. In addition, it adds barriers to being fully compliant with legal and regulatory requirement. Furthermore, landlords are not able to provide evidence based practice and a high quality service to tenants and residents.
- 5.10 The HOS has noted that good knowledge and information management is crucial to any organisations ability to perform and achieve its end goal. Going forward, there will be a greater emphasis on landlords to ensure their knowledge and information management systems are fit for purpose and can provide the data and information required to provide an efficient and effective housing service.

HOS Spotlight on Attitudes, Respect and Rights

- 5.11 In January 2024, the HOS released their Spotlight report on Attitudes, Respect and Rights - Relationship of Equals. This report focused on attitudes, respect and rights, assesses what it means to be “vulnerable” in social housing in 2024, what “vulnerable” means and how social landlords can better respond to the needs of their tenants.

- 5.12 The report recognises that some vulnerabilities may be seen as short term, for example grief or financial distress, whilst others are long term.
- 5.13 As part of the HOS recommendations, they are looking to define and understand what vulnerable means. The report calls for a statutory definition of vulnerability.
- 5.14 Some examples of recommendations made by the HOS to improve standards include the following:
- Implement a vulnerability strategy in accordance with the Equality Act, Human Rights Act and Care Act;
 - Implement a reasonable adjustments policy;
 - Introduce minimum staff training in areas of dementia friends, customer care, mental health, learning disabilities, sight and hearing loss.
 - That landlords raise awareness about accessibility in regards to tenants accessing their complaints procedure.
- 5.15 The report highlighted that tenants were reporting to them that their landlord did not make reasonable adjustments despite asking their landlord. There were also issues surrounding communications and relationships with the landlord which was broken down to people and processes.
- 5.16 Furthermore, attitudes, belief system, tone and approach by staff were barriers. As well as landlords having a lack of understanding of their landlord obligations under the Equality Act, Care Act as well as statutory obligations within the Landlord & Tenants Act. Furthermore, landlords were failing to make reasonable adjustments on adaptations, communications and when carrying out appointments. Finally, it highlighted that some staff were making unreasonable and insensitive comments when communicating with tenants.
- 5.17 In response to the HOS findings, they have also taken steps to make changes within their own organisation and policies.

6 Vulnerable tenants

- 6.1 The Equality Act 2010 provides a legislative framework to protect the rights of individuals and to advance equality of opportunity for all.
- 6.2 Under the Equality Act 2010 the legal duty to make reasonable adjustments arises in three circumstances:
- Where there is a provision, criterion or practice which puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled
 - Where a physical feature puts a disabled person at a substantial disadvantage in comparison with persons who are not disabled

- Where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in comparison with persons who are not disabled.

6.3 RPs are expected to make reasonable adjustments when providing services, for example:

- Adapting communications preferences;
- Providing aids and adaptations to live independently;
- Using the customer's communication preference throughout the duration of the complaint;
- Not requesting a complaint to be made in writing where this presents a barrier or disadvantage to the resident due to their disability or additional needs; or
- Provide information in alternative formats e.g. Braille, large print or on coloured paper.

6.4 The HOS has put a greater emphasis on landlords to get to know their tenants vulnerabilities, whether these are temporary or permanent to ensure that they are not being discriminated or disadvantaged due to their vulnerabilities. There is a requirement for landlords to make reasonable adjustments in accordance with legislation requirements and their own policies on vulnerabilities.

6.5 The above coincides with the requirement for landlords to have an effective and efficient knowledge and information system in place as explained above to capture information about tenant's vulnerabilities.

6.6 In response to this, MDH have reviewed their internal guidance on vulnerabilities and flagging of accounts.

7 Complaints Handling Code

7.1 The HOS introduced the Code in July 2020. The Code sets out guidance so that landlords 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 social housing.

7.2 Since then the Code has been reviewed and recommendations were made by both the HOS and Local Government & Social Care Ombudsman (LGSCO) to strengthen the provisions in the Code to support a more joined up approach to complaint handling as well as to support a positive complaint handling culture. Both Ombudsman's will continue to adhere by their own Code's.

7.4 During the consultation period 28 September – 23 November 2023 the HOS and LGSCO consulted with private RPs, local authority RPs, voluntary member so the Housing Ombudsman Scheme, tenants and residents and any other

stakeholder who had an interest in social housing in England to seek views on the proposed changes to the Code.

7.5 The main proposed changes were to seek views about:

- The Code and whether any further improvements could be made to the HOS and LGSCO outlined proposals for monitoring compliance and whether these were transparent, proportionate and fair; and
- What else they might need to consider in fulfilling their new duty effectively and efficiently.

7.6 Following consultation, the HOS published their findings from the consultation. The changes to the Code came into force from April 2024.

7.7 The Code itself did not change dramatically following consultation in the autumn of 2023 but it was an opportunity for the Code to be strengthened and provide clarity to landlords and residents following feedback received. More significantly, the effect of making it a legal requirement means the Code assumes even greater importance. This will lead to the HOS putting in place an approach to monitoring landlord's compliance with the Code.

7.8 The main changes to the Code are set out below:

- There will be a legal duty placed on the HOS to monitor compliance with the Code;
- Landlords have a duty to self-assess against the HOS Code yearly and submit a copy to the HOS by 30 June 2024;
- The self-assessment must also be published on the landlord's websites so that residents are able to easily access it;
- The structure of the complaint's procedure - only 2 stages necessary and clear times set out for responses;
- Landlords are expected to create a positive complaint handling culture through continuous learning and improvement; and
- Landlords are expected to provide easy access to the complaints procedure and ensuring residents are aware of it, including their right to access the HOS.

7.9 In addition, it should be noted that there is a Memorandum of Understanding between the HOS and the RSH which allows the transfer of information with the aim of ensuring that any regulatory failings associated with service delivery as performed by RP's are identified and dealt with appropriately.

Self-assessment against Code

7.10 Landlords including MDH are required to 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.

- 7.11 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.
- 7.12 MDH's annual self-assessment against the HOS's Complaints Handling Code is included in Annex C. The length, detail and format of the self-assessment are fixed by the HOS and provides core transparent basis of measuring compliance with the Code. Landlords are expected to review the Code annually or when there has been a major change such as a restructure or merge.
- 7.13 MDH consulted with tenants on their online Consultation Hub and social media pages on the proposed changes to the annual self-assessment form. No responses were received.
- 7.14 Guidance sheets have been provided to staff and contractors working on MDH's behalf on the main changes to the HOS Code.
- 7.15 MDH's self-assessment shows a comprehensive level of compliance with the Code. This means our processes should be considered effective when it comes to handling complaints. Due to the nature of the Code requirements, how MDH handle and evaluate complaints is presently at the highest, most robust and most in-depth level across the Council as a whole.
- 7.16 As a result of MDH's self-assessment against the revised Code, the corporate Complaints and Feedback Policy has been reviewed to take into account changes of the HOS Code and those changes identified by the recent changes to the LGSCO Service Complaint Code. A report went to Cabinet on 4 June 2024 for approval.

8 Learning

- 8.1 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.
- 8.2 The HOS expects landlords to consider their dispute resolution principles and to learn from complaint outcomes.

Lessons Learned

- 8.3 The report in Annex D shows an overview of the types of complaints the landlord has received, identifies the lessons learned and provides an example of service improvement as a result of complaints closed during the financial

year 2023-24. This list does not include common lessons learned such as improving communications, compliance with policy and procedure or staff/contractor relations.

- 8.4 Within the upheld complaints, some 12 specific lessons learnt were identified and actioned as a result of the service review and continuous improvement process.
- 8.5 MDH also carry out monthly strategic insight/focus meetings to discuss new complaints, identify themes alongside reviewing progress on implementing lessons learnt. Outputs from these meetings are feedback into a structured performance management process which all services managers and team leaders participate in.
- 8.6 During the year, we have also promoted the improvements we have made via our social media pages. In future we will also promote lessons learnt on our webpages.

9 Performance relating to Complaints 2023-24

- 9.1 As set out above, complaint handling performance is reviewed each month at a strategic level with the aim of identifying:
- Any high risk areas of work;
 - Any systemic issues; and
 - Any issues which need to be escalated for discussion at a more senior level.
- 9.2 MDH have seen an increase in Stage 1 and a decrease of Stage 2 complaints during the financial year 2023-24 in comparison to the previous financial year. This means we were able to resolve more complaints at Stage 1 than before i.e. at an earlier stage to the satisfaction of the tenant.
- 9.3 Overall, of the 219 Stage 1 complaints and 53 Stage 2 complaints which were received during the financial year 2023-24 - as at 5 April 2024, 207 or 99.0% of complaints were completed at Stage 1 and 46 or 92.0% were completed at Stage 2. These figures includes all complaints (both HOS complaints and non housing complaints) This compares to 200 or 100% at Stage 1 and 76 or 92.1% at Stage 2, closed in 2022-23.
- 9.4 Some 48.8% or 102 of Stage 1 complaints were upheld during 2023-24. Furthermore, 28.0% or 14 Stage 2 complaints were upheld during 2023-24. Therefore, overall 116 out of 219 complaints were upheld during 2023-24 which is 53.0%. This compares to 44% in 2022-23 and 55% in 2021-23 so remains broadly consistent.
- 9.5 To provide context, MDH have a housing stock of 2,956 properties, of the 219 complaints received in 2023-24 these equate to around 7.41% of our housing properties with 92.59% of properties therefore having no recourse to make a complaint.

- 9.6 We have 3,589 formal tenants living in our properties (2,847 lead tenants and 742 joint tenants) and estimate the overall number of residents (including wider families) living in an MDH property approaches 5,850 at any one time.
- 9.7 A full breakdown of complaints across sixteen categories is provided in Annex E, however a summary of the top and lowest five categories / reasons for complaints is provided below.

Top 5 (most common) complaints categories

1. Non-housing matters from MDH tenants – 16.9%
2. Communication – 14.6%
3. Routine repairs – 14.2%
4. Planned maintenance contractors – 9.6%
5. Tenancy management e.g. communal areas – 9.5%

Bottom 5 (least common) complaints categories

1. Emergency repairs – 0.5%
2. Disabled adaptations – 0.9%
3. Nuisance – 1.8%
4. Allocations and lettings – 2.7%
5. Voids – 2.7%

Aside from complaints which do not directly relate to housing matters (though are still managed by MDH given they originate from tenants), communications complaints, often arising failure to provide a timely update or call back is the most common type of complaint and arguably the most avoidable. Whilst resources and overall pressures within individual roles is a factor this issue requires particular attention given failures typically take greater time to address than the missed communication in the first place and provides a poorer service to the tenant in the first place.

As a consequence there are specific actions identified in a draft MDH Impact Improvement Plan that focus on communication with a focus on time/process and approach.

Routine repairs are the next most common complaint, however this is largely reflective of the volume of activity with many thousands of repairs completed annually. Nonetheless, tenant satisfaction surveys provide additional data and enable specific attention is focused on this key area which run alongside contract management approaches to intervene early in a systematic issues arising from external contractors

- 9.8 There are several functions within MDH that received no complaints in 2023-24, these include largely internally facing support functions as well as some tenant facing services, for example tenant involvement and internal planned maintenance and health and safety related activities.

- 9.9 Further performance information data is provided in more detail in Annex E as required under the Code.

Overall trend

- 9.10 MDH complaint numbers increased from 200 in 2022/23 to 219 in 2023/24 (9.5% overall increase) and equates to 74 complaints per 1,000 properties. Nationally, complaints have continued to increase across the entire social housing sector driven by the regulatory changes and new Code alongside an increase in the national profile of the HOS in particular, with an expectation these will continue to rise during the new financial year.
- 9.11 MDH have also run several recent promotions on our social media pages 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 as MDH encourage residents to speak to us and submit complaints as required. Nonetheless, proactively demonstrating a transparent and open approach to complaints and learning from these is important to MDH and identified as best practice by both the HOS and RSH.
- 9.12 During May 2024, we also held a joint venture with East Devon District Council, Exeter City Council and other RPs and welcomed the Housing Ombudsman, and our tenants to a “Meet the Ombudsman” event. This was a great opportunity to raise awareness of complaint handling and understanding the service that the HOS provides. Tenants were also given the opportunity to ask the Ombudsman about the service and the work they do.
- 9.13 A positive consequence of these changes are improvements in our ability to listen and understand residents’ concerns with greater insight into collective learning in order to continue to improve how we do things.
- 9.14 To provide further context, nationally complaints across the housing sector continues to rise. The HOS reported in March 2024 that they had seen a 91% increase in cases coming to them in the first 9 months of 2023-24, compared to the same period for 2022-23.
- 9.15 In addition, they have seen a maladministration rate of 72% by quarter 3 compared to 59% in 2022-23. They have awarded compensation of £3.7 million by quarter 3 compared to £1.1 million for the whole of 2022-23. Furthermore, the HOS has made more than 14,000 remedies following their investigations by quarter 3 compared to 6,500 remedies in 2022-23. This compares an overall Ombudsman maladministration rate of 20% for MDH (see Section 10).
- 9.16 Overall, the HOS expects 2024-25 to be a further challenging year for RPs and as a result, the HOS anticipates demand will continue to increase by between 50% and 80% compared to 2023-24. Therefore, MDH can expect to see a continuous increase in complaints received and those escalated to the HOS for

investigation. In turn, this will result in an increase a continued number of tenants exercising their right to refer complaints to the Ombudsman.

10 Ombudsman Determinations

- 10.1 The HOS provides landlord performance data for individual landlords with 5 or more cases determined each year. The data shows an expected correlation between the number of complaints received by the HOS and landlord size.
- 10.2 The landlord performance data provided by the HOS for the financial year 2023/24 will likely not be available until next year.
- 10.3 During 2023/24, we have seen 11 complaints escalated to the HOS and 1 complaint escalated to the LGSCO. This is a significant uplift from a zero or single-figure baseline in previous years and may be reflective of the concerted drive to promote the overall complaints process and Ombudsman role both nationally and locally.
- 10.4 It can take up to a year for MDH to receive the outcome of any complaints escalated to the HOS or the LGSCO - for non-housing matters. Therefore, we can only report the outcome of Ombudsman complaints where we have been provided with a determination to date (5no). Of these:
- 1 at HOS was upheld in full (MDCMS 590) – heating and hot water in the property - moderate level of compensation required:
 - £1,385 compensation (of which £350 already offered by MDH to pay for excess costs of temporary heaters – the remainder for time and trouble and complaints handling)
 - 2 further HOS cases (MDCMS 5762 and 5420) no maladministration found
 - 1 HOS case (MDCMS 6022) where HOS advised that this case does not come under their remit. Tenant could escalate complaint to LGSCO
 - 1 LGSCO case (MDCMS) where the LGSCO have determined they will not investigate the complaint
- 10.5 Therefore, of the Ombudsman cases for 2023-24 determined to date just one (20%) resulted in a determination of maladministration with no severe maladministration identified. Whilst this is one moderate case too many, it currently compares favourably with national maladministration rates for the sector of between 50-70% as set out above. The MDH specific Ombudsman determination data is provided in more detail in Annex F.
- 10.6 In response to HOS determinations, those cases where an outcome of maladministration or severe maladministration was identified, landlords will be held to account. Therefore MDH will be publicly named as a landlord that mishandled how they dealt with one of their formal complaints. In response to this, MDH have complied fully with the Order made by the HOS and apologised to the tenant for their mishandling of their case.

11 New CRM system

11.1 During 2023/24, Mid Devon District Council (the Council) have implemented changes to how residents can access information about the services provided by the Council through a new platform called My Account. Following the implementation of this new system, a new CRM system function is being incorporated to improve complaint handling corporately across the Council. This will be implemented in the financial year 2024-25.

12 Recommendation

12.1 That Members note the report and annexes.

Financial Implications

The activity of MDH is funded through the Housing Revenue Account (HRA). The HRA is ring fenced and subject to specific financial controls. The HOS charges a mandatory membership fee based on the number of homes in the management of the RP.

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 RP and therefore is required to comply with the regulatory framework operated by the RSH. The regulatory framework has been reviewed. The Transparency, Influencing and Accountability Standard contains provisions relating to the management of complaints.

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

Risk Assessment

The 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. Landlords have an obligation to comply with the Code. The Code contains guidance 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 RPs 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: Paul Deal
Agreed by or on behalf of the Section 151
Date: 31 May 2024

Statutory Officer: Maria De Leburne
Agreed on behalf of the Monitoring Officer
Date: 31 May 2024

Chief Officer: Simon Newcombe
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 17 May 2024

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 22 May 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Mr Simon Newcombe, Head of Housing & Health
Email: snewcombe@middevon.gov.uk
Telephone: 01884 255255

Background papers:

The Regulatory framework for social housing:

<https://www.gov.uk/guidance/regulator-of-social-housing-and-housing-ombudsman-service-factsheet>

Complaint handling code

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

The Council's current policy and procedures relating to complaints and feedback:

<https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/>

Dispute resolution principle: Learn from outcomes

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

Principles of Dispute Resolution

<https://www.housing-ombudsman.org.uk/landlords-info/principles-dispute-resolution/>

Early resolution

<https://www.housing-ombudsman.org.uk/useful-tools/fact-sheets/early-resolution/>

Complaint Handling Code consultation 2023

[Complaint Handling Code consultation 2023 | HOS \(housing-ombudsman.org.uk\)](#)

Tenant Satisfaction Measures

Tenant Satisfaction Measures Standard - from 1 April 2023 (accessible version) - GOV.UK (www.gov.uk)

HOS Insight Reports

Reports | Housing Ombudsman Service (housing-ombudsman.org.uk)

Meet the Ombudsman Events

<https://www.housing-ombudsman.org.uk/residents/mto/>