

## **HOUSING IMPROVEMENT BOARD**

**13<sup>TH</sup> FEBRUARY 2025**

### **COMPLAINTS UPDATE**

## **1. SUMMARY OF REPORT**

- 1.1 This report provides an update on complaints management in the Housing Directorate and information on the wider strategic context.
- 1.2 It provides information on:
  - Complaints and regulation
  - Complaints management structure
  - Performance and trends
  - Housing Ombudsman Service Severe maladministration determinations
  - The complaints improvement plan
  - Development of a complaints learning framework

## **2. RECOMMENDATIONS**

- 2.1 Housing Improvement Board are asked to discuss and note this report.

## **3. BACKGROUND**

### **3.1 Complaints and Regulation**

- 3.1.1 The Social Housing Regulation Act became law in 2023 and introduced proactive consumer regulation from April 2024 which included giving more powers to the Housing Ombudsman Service (HOS).
- 3.1.2 The HOS complaint handling code became statutory from 1 April 2024:
  - There is a legal duty for Croydon to comply with the Code and a duty on the HOS to monitor compliance with it
  - The RSH and the HOS have a memorandum of understanding and meet regularly to discuss landlord concerns and risks
- 3.1.3 In Consumer Standard judgements published by the Regulator of Social Housing (RSH), a common theme of non C1 judgements is poor complaints management and particularly not being able to evidence learning from complaints. In HOS maladministration cases and individual cases learning takes place. However, this is an area to be strengthened including how we report on learning. We are developing a complaints' learning framework as part of our complaints' improvement plan.

### **3.2 Croydon Regulatory Notice and Voluntary Undertaking**

- 3.2.1 The independent investigation by ARK published in 2021 found there were serious failings in our response to complaints handling and the Regulatory Notice issued by the Regulator of Social Housing identified that we had failed to provide an effective process for tenants to raise complaints.
- 3.2.2 Addressing these failings are actions within the Voluntary Undertaking agreed with the RSH and positive progress is being made.

## **4. CURRENT STRUCTURE FOR MANAGING COMPLAINTS**

- 4.1 The responsibility for managing complaints cuts across both the corporate complaints team and teams within housing.

Initial triage of new complaints is undertaken by the Corporate Call Centre with the majority of complaints raised by email or webform.

Stage One – All stage one investigations and responses for the housing landlord service are managed by the business areas. Housing Asset and Repairs have dedicated officers to manage the complaints while managers within the Tenancy Management division manage stage one complaints.

Stage Two and HOS responses – The Corporate Complaints Team administer the stage two and HOS process. The investigation is completed by the Housing Teams under direction of the Corporate Complaints Team who ensure that all points are investigated before issuing their response.

## **5. COMPLAINTS IMPROVEMENT PLAN**

- 5.1 We have been reviewing our approach to complaints handling in order to improve our performance which has included:
- Feedback sessions with residents who have been through the complaints process
  - A review of our performance in line with the Housing Ombudsman Code
  - In conjunction with the Corporate Complaints Team, we have process mapped Stage One and Stage Two and jointly identified areas for improvement
  - Working closely with the high-volume Asset and Repairs division to improve joint working and complaints management
  - Attending meetings with the Chief Executive to provide updates on the plan and progress

5.2 There was consistent feedback on key issues across the feedback sessions with residents:

- **Ease of contact:** website and online forms generally accessible
- **Acknowledgement and follow up:** some did not get an acknowledgement within the timescales
- **Staff knowledge and empathy:** the need for staff to better understand the residents' vulnerabilities, demonstrate empathy, and improve customer service skills
- **Communication Preferences:** Email and web forms were the recommended methods for submission. There was a strong preference among residents for personalised communication methods, such as phone calls or in-person visits, especially for complex cases
- **Complaint Resolution and Timeliness:** Many residents reported dissatisfaction with how complaints were handled, citing delays, a lack of accountability, and incomplete resolutions. Timelines for resolutions were often not met, and they frequently had to chase updates
- **Compensation and Resolution Quality:** Compensation was sometimes offered, but residents felt it was insufficient relative to the impact of the issue
- **Impact on Residents:** Delays and lack of updates were particularly challenging for vulnerable residents
- **Resource and Training Needs:** Concerns were raised about the adequacy of staffing levels and training
- **Positive Feedback on Engagement:** Residents appreciated the opportunity to provide feedback and co-produce improvements

5.3 All these key points of feedback have been addressed in developing the updated Complaints Improvement Plan which includes:

- Resourcing and the right structure to; manage complaints and provide effective resolution; manage HOS cases; learn from complaints to prevent the same mistakes happening again; provide a range of training to the team
- Clearing the backlog of overdue complaints
- Making changes to the complaints system to:
  - enable the allowed timescales on the HOS complaints handling code – a five-day acknowledgement and the ability to expend complaints for ten days at stage 1 and 20 days at stage 2 where this is required
  - provide tracking of actions in HOS cases
  - have appropriate categorisation of the reason for complaints for each service area
- Complex case reviews

- Joint working with the Repairs and Assets teams with processes in place for escalation of high-risk cases, tracking of the delivery of actions agreed as part of the complaint response and support on complex cases

5.4 Please see appendix 1 for the Complaints Improvement Plan.

## **6 PERFORMANCE AND TRENDS**

- 6.1 Complaint volumes continue to increase across all divisions with the highest percentage increases seen in Housing Management with an increase on 61% against Housing Asset and Repairs 24% and Housing Needs at 21%
- 6.2 A review of the complaint category across the divisions shows that delays to service is the highest driver of dissatisfaction across the divisions.
- 6.3 The same review has also highlighted the need for the complaint category to be reviewed before closure to reduce the number of complaints where the category is N/A and none. The removal of these categories will ensure that we can improve insight from our complaints.
- 6.4 Since November 2024 there has been a significant improvement in the number of overdue housing complaints at stage 1 of the complaints process, reducing from 180 overdue cases in November 2024 to 38 at the end of January 2025.
- 6.5 Escalation from stage 1 to stage 2 has reduced from a peak of 18% in September 2024 to 11% in December 2024.
- 6.6 Please see Appendix 2 for further information.

## **7 HOUSING OMBUDSMAN SERVICE SEVERE MALADMINISTRATION DETERMINATIONS**

- 7.1 When a resident refers a complaint to the HO there are a range of findings the HO may arrive at following an investigation. The most serious of these potential findings is Severe Maladministration for the most serious failings.

### **7.2 Governance of Severe Maladministration cases**

- 7.2.1 The initial administration and governance of determinations by the Housing Ombudsman Service (HOS) sits with the Council's Central Complaints Team. Responses to complaints from residents are drafted by this team based on information provided by the relevant officers in the Housing Directorate.

Cases of severe maladministration are all reported to Housing's Departmental Management Team (DMT) to ensure that lessons from these cases are learned, and the appropriate actions and responses put in place.

In turn these cases are summarised in reports to the Council's Corporate Management Team (CMT). The Council's Monitoring Officer has deemed that severe maladministration determinations should also be reported to Cabinet either bi-annually or annually (to be determined).

Appendix 3 summarises our determinations since April 2024.

### **7.3 Service improvement and learning from complaints**

7.3.1 The root cause of negative determinations by the Housing Ombudsman is historic poor housing service performance which has often been exacerbated by inadequate complaints handling and record keeping. The service failures in these reports took place in 2022 and 2023.

7.3.2 Clearly, the Housing Transformation Programme, which reports to the Housing Improvement Board, CMT and Cabinet regularly, is addressing the foundations of the service. For example, with new repair contractors, NEC, the Repairs Contact Centre, Stock Condition Surveys, a new complaints team, customer care training and so on, but there is naturally an expectation from the HOS that social housing landlords learn from the Housing Ombudsman's reviews and Orders. In all of these cases, there was an order for a review to be conducted by a senior manager into the case to consider the failings identified in the report by the HOS and to set out how it can reduce the risk of similar failings happening again. These reviews have been conducted as part of the delivery of the HOS Orders in these cases.

7.3.3 As an example, a review into the service's existing approach to damp and mould took place as part of the HOS's Orders in the first two of these cases (202227185 and 202320212). This resulted in rapid and significant change including investing in the development of a dedicated Damp and Mould Team. This new structure is based on five key principles:

- We will respond in an urgent and timely manner to any report of leaks, condensation, damp and mould
- We will fully investigate and treat the root cause of every reported case in an urgent and timely manner
- In the event of an extensive case, we will temporarily move the household whilst we complete our treatment of the property
- We will keep complete and extensive records of each case, including photographic records, during each visit
- We will keep the customer updated at every stage of the repairs journey and provide a single point of contact

7.3.4 Our new approach has five strands:

- Proactive case review
- Reactive case management
- Proactive identification
- A Damp and Mould Plan
- Disrepair Improvement Plan

7.3.5 Following the case (202227737) a review conducted by a senior officer was completed within the 10 weeks deadline specified by the HO. This review made several changes to our response to noise nuisance and the record keeping in these cases. These included:

- All actions of tenancy officers and operations managers are now being documented and uploaded onto Caseworks and SharePoint.
- An additional manager has been appointed to oversee cases monthly with each Tenancy Officer.
- Operations Managers review all ASB cases within 1-1s. Reports can be obtained from Caseworks to evidence these reviews.
- The additional manager is in place to ensure that the actions agreed are taken and this includes improving contacts with residents.
- Tenancy Services staff have all attended the Customer Care training.
- Operations Managers and Tenancy Officers are sending noise app details to all tenants with Noise Nuisance cases.
- The service is in the process of an independent deep dive to evaluate application of the ASB procedure and policy.

We will continue to learn from these determinations as reviews are conducted.

## **7.4 Compensation**

- 7.4.1 The HOS sets out guidance on levels of compensation that it regards as appropriate.
- 7.4.2 The levels of compensation in HOS determinations have been rising, especially for discretionary payments.
- 7.4.3 Discussions have taken place with the Central Complaints Team to review compensation awards, with a view to reviewing compensation and bringing it more into line with the HO compensation advice. Increased offers of compensation, more in keeping with the Housing Ombudsman's expectations have subsequently been made. This offers fair compensation for service failure, but also the Housing Ombudsman has made clear that if there is evidence of maladministration, but the landlord has identified and acknowledged this prior to the HO's formal investigation and has taken steps and/or made an offer of compensation, that puts things right, then the HO determination is more likely to be Redress rather than Severe Maladministration. This is fair to the resident, saves in senior officer time overseeing the resolution of a severe maladministration finding, and reduces reputational damage to the local authority.

## **8 COMPLAINTS LEARNING FRAMEWORK**

- 8.1 A transformation project has been set up to develop a framework for learning from complaints: service failures that have a severe impact, themes from stage 1 and 2 complaints, and HOS determinations.
- 8.2 An evaluation has been carried out, looking at our current learning performance and mechanisms against HQN's 'learning from complaints' framework headings.

The framework covers:

- Record keeping
- Clear structure and responsibility for learning from complaints
- Reporting and systems
- Quality of response, not just speed of response
- Getting feedback on the complaints handling process
- Identifying trends, themes, risks and areas of improvements
- Reporting and sharing learning
- Benchmarking

8.3 The actions identified will be added to our Complaint Improvements Plan if not already included.

## **9 CONCLUSION**

9.1 There is high focus on improving the management of complaints in housing, including learning and feeding back issues to change processes in service delivery and prevent the same mistakes happening again.

9.2 We have been working closely with corporate colleagues and are seeing positive improvements and expect to continue these improvements once the new complaints management structure is in place.

## **APPENDICES**

Appendix 1 - Complaints Improvement Plan

Appendix 2 - Performance and trends

Appendix 3 – Severe Maladministration