

PlaceShapers response to Complaint Handling Code consultation 2023

Introduction

This response to the consultation on the Complaint Handling Code is on behalf of PlaceShapers, the national network of place-based housing organisations. The social housing sector is diverse. Providers differ based on their size, the profile of their homes, their geographical focus, social missions, and operating models.

PlaceShapers have over 100 members – ranging from small housing associations with less than 1,000 homes to large housing associations with over 40,000 homes. Our members operate locally, focused on helping residents and communities thrive. They are not-for-profit businesses committed to improving places through long-term social, economic and physical regeneration.

Our response to the consultation has been informed by conversations with, and input from, our housing association members.

We are grateful for the open and constructive way the Housing Ombudsman has engaged with our members on the Complaint Handling Code and welcome the opportunity to respond to this consultation.

We recognise the importance of housing associations having clear and effective policies and procedures for dealing with complaints and welcome the clarity that the Complaint Handling Code brings. We also agree that housing associations need to have a positive complaints culture and an willingness to learn from previous complaints and best practice in the sector.

We have not responded to every question in the consultation but have instead just set out the areas where we think further clarity or amendment would help meet the aim of bringing further transparency and consistency to landlord's complaint handling in general.

Are the provisions in the Code sufficient to raise awareness and improve access to landlords' complaints processes?

We support the proposed changes relating to awareness and access, and in particular the clarification that landlords should not stop their efforts to resolve a service request when a complaint is logged.

However, we believe clarity on whether a decision to log a complaint should be automatic or resident led would be helpful. For example, it would be useful to understand what the expectations are of a landlord in a situation when a resident is clear that they are just seeking to raise a concern and would not welcome going through the formal steps of a complaints process.



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We also support extending the time a resident has for bringing a complaint from 6 months to 12 months but think it would be helpful to place greater emphasis on residents raising issues as soon as they are aware, so landlords can address them in a timely manner.

We agree that landlords should not take a blanket approach to excluding complaints but think over time it would be useful to share examples via their publications, of where the Housing Ombudsman is satisfied it was appropriate to exclude certain cases from being recorded as a complaint.

Are the provisions of the Code sufficient to extend fairness through consistent complaint handling?

We support the proposed changes to ensure the Code promotes fairness through consistent complaint handling, and in particular there being less prescription about the attributes of complaint handling staff.

However, we think the proposal to clarify that a complaint cannot be recorded as partially upheld by a landlord needs further thought. For example, our members tell us that residents frequently raise complaints that cover more than one problem and it is not unusual to uphold some aspects of the complaint but not others.

Landlords have been clearly guided previously by the Housing Ombudsman to break down the factors that make up a complaint, and to respond fully to each issue raised within a complaint (if there is more than one). We believe that responding to each element in turn leaves little room for ambiguity.

As long as a landlord is clear why a complaint has been partially upheld, we do not believe this change to the Code is necessary and has the potential to lead to confusion for residents.

Do the provisions of the Code increase landlords' transparency and accountability to their residents?

We agree that the provisions in the Code increase transparency and accountability to residents.

We support the confirmation of the appointment of a Member Responsible for Complaints and the intention to provide more information about this role. However, we believe it is important that individual landlords can still determine how best to meet this objective, rather than be overly prescriptive, and it would be useful, over time, to see different examples of how this role has been carried out effectively.

Do you have any other relevant comments you would like us to consider?

Overall, we are supportive of the changes proposed to the Complaints Handling Code and the proposals for monitoring compliance as the Code becomes statutory. However, we think further clarity and examples of where the Housing Ombudsman would intervene where there hasn't been an

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individual complaint would be helpful to ensure the clear distinction between the roles of the Housing Ombudsman and Regulator of Social Housing is maintained.

In addition, we'd think it would be helpful for the Housing Ombudsman to support the adoption of the Code through:

- Continuing to share good practice.
- Continuing their programme of engagement and providing advice and support for the sector in a timely well-resourced manner.
- Providing clarity on expectations of full compliance with the Code by 1 April. Our members tell us that there may be some changes they need to fully implement to be confident of compliance and this may require further consultation and engagement with residents and staff, as well as with their boards, and understandably this may take some time.
- Providing landlords and residents with clear guidance on the agreed timeline for support and / or adjudication activity once a case has been referred to the Housing Ombudsman.
- Aiming, where possible, to shorten the timeframe for the Housing Ombudsman to consider a complaint.
- Providing examples of self-assessments that give the level of detail and type of response that the Housing Ombudsman considers appropriate and helpful.
- Providing a clear timeline of expected interaction in relation to reporting and self-assessment, and how this will be managed across the remainder of 2023 and early 2024, which may be considered as a 'transition period'.