

Performance Report

**For Statutory Housing Complaints
within the jurisdiction of the Housing
Ombudsman**

June 2024

VERSION HISTORY

Version	Date Issued	Brief Summary of Change	Author
V1	27/6/2024	Annual performance report for statutory housing complaints.	Salv Barbato

DOCUMENT APPROVAL

Version	Date Approved	Description of Approval	Approver
V1	19/6/2024	LBWF Governance Board	Mark Hynes

DOCUMENT LOCATION

Document Location	File Name

Foreword

The Council's Governance Board members reviewed and approved the Statutory Housing Complaints - Performance Report on the 19 June 2024. Governance Board acknowledged that there has been a lot of corporate and service-level work to enhance complaints handling in accordance with the Housing Ombudsman code. They observed that complaint handling has improved significantly in the past year and the council has achieved a lot of positive outcomes. They also recognise that there is more work to be done and expressed confidence that complaints handling will continue to improve.

Mark Hynes
Director of Governance & Law

1 Introduction and background

- The Housing Ombudsman Service introduced a [new complaints handling code](#) in 2022 to apply to housing complaints received **before** 1 April 2024 onwards.
- The information set out below represents the quantitative and qualitative outcomes of an analysis of the Council's performance in responding to statutory housing complaints, i.e. those complaints which are reportable within the new tenant satisfaction measures.
- We are required to report on our performance for complaints in relation to Low Cost Rental Accommodation (LCRA) which includes our general needs and independent living homes and Low Cost Home Ownership (LCHO) which includes our shared ownership homes.¹

- The code:

- defines a complaint in the following specific terms:

an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.

- specifies that landlords must have a two-stage complaints process for handling statutory complaints with responses expected to meet the following timescales:

Stage	Timescale for response
Stage 1	<i>Landlords must respond to the complaint within 10 working days of the complaint being logged.</i>
Stage 2	<i>Landlords must respond to the stage two complaint within 20 working days of the complaint being escalated.</i>

¹ Sections 69 and 70 of the Housing and Regeneration Act 2008 set out the full definitions of LCRA and LCHO homes.

- For the purposes of this report, Housing Management is inclusive of the following housing services:

Tenancy Management
 Rents/income services
 Place and Estate Management
 Independent Living service
 Housing resident engagement

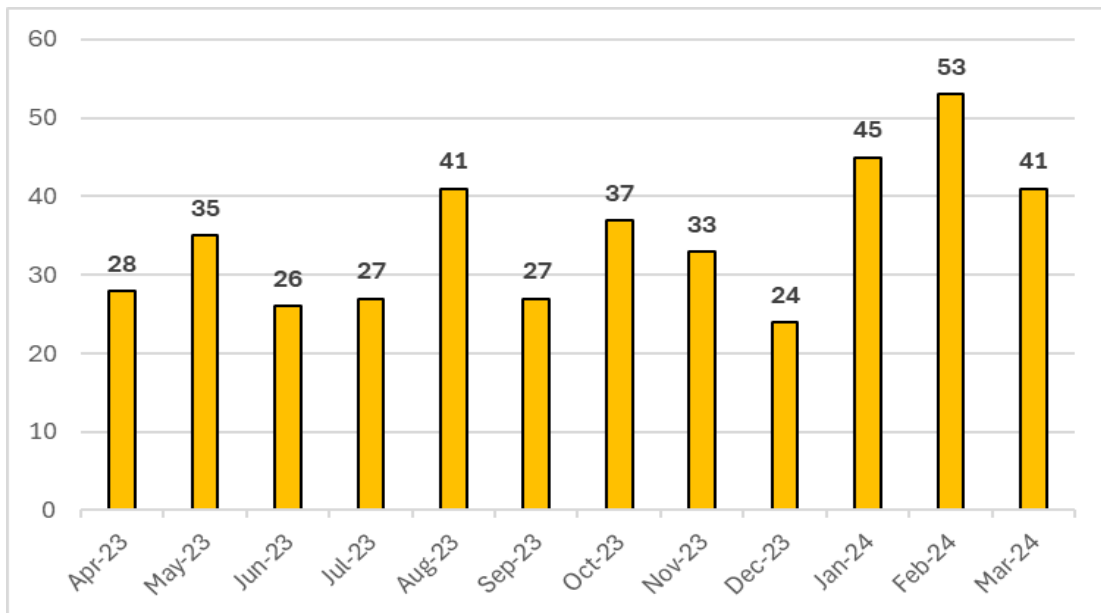
2 Stage 1 Statutory Housing Complaints

Volumes and responsiveness

Total received	Responded on time*	% responded on time
417	356	85%

*Within 10 working days

Breakdown of volumes by month



Breakdown by service area

Service area	Total received	Responded on time	% responded on time
Assets & Repairs	350 (84%)	307	87%
Housing Management	67 (16%)	49	73%
Total	417	356	85%

Outcomes

Outcome	Total
Upheld	173 (42%)
Partially upheld	143 (34%)
Not upheld	101 (24%)

Breakdown by service area

Service area	Total	Not upheld	Partially upheld	Upheld
Housing Assets & Repairs	350	80 (23%)	128 (37%)	142 (40%)
Housing Management	67	21 (31%)	15 (23%)	31 (46%)
Total	417	101	143	173

Initiatives to improve Stage 1 complaints handling

- A new complaints and enquiries function was introduced into housing assets in April 2023. This was done to support the Council's move from a 20 to a 10-day timescale for complaints handling. As a result of this, performance has improved from approximately 7% of complaints handled within 10 days in 2022/2023 to 85% in 2023/2024.
- Quarterly complaints analyses are produced for Housing Management and Housing Assets & Repairs complaint to:
 - examine the reasons which are compelling residents to complain.
 - identify themes, trends, and lessons learned.
 - provide recommendations for service improvement, including complaints handling.
- Mandatory training was delivered to all complaints handling staff. The session was delivered by HQN (The Housing Quality Network) and covered the following theme:

Framework for social housing complaints

Importance of complaint handling

Complaint Handling Code

Effective complaint handling: key aspects

Insurance claims and the Pre-Action Protocol for housing conditions

Things to consider, what to include and creative solutions

Effective written responses and guidelines

Learning from complaints

Recent, current and future developments in complaint handling

- During 2024/2025, the Council is planning to roll out a residents' complaints review panel to work with us to review complaints and identify improvements to enhance the resident experience.
- The guidance provided in **Appendix A** was circulated to all complaints-handling staff and prescribes the strictly limited number of cases in which a complaint should be processed through an alternative route.

Stage 1 complaints rejected or handled through different routes

There are some legitimate circumstances in which a complaint is not subsequently processed as a formal stage 1 complaint. For the most part, this includes correspondence where there is no discernible expression of dissatisfaction with landlord services contained within the complaint.

The full list of reasons which explain why complaints may subsequently be handled through different routes are listed in **Appendix A**.

A total of **94 housing assets & repairs** statutory housing cases initially raised as complaints were rejected or handled through alternative routes.

- **31 (33%)** were straightforward service requests containing no discernible expression of dissatisfaction.
- **19 (20%)** were effectively duplicates of existing complaints or contained additional information relevant to an already active complaint.
- **14 (15%)** were already being handled through alternative proceedings, for instance legal disrepair or Stage 2.

A total of **76 housing management** statutory housing cases initially raised as complaints were either rejected or handled through alternative routes.

- Almost all rejections were handled as service requests because they were judged to contain no discernible expression of dissatisfaction with Council services.
- **27 (36%)** of those complaints rejected were allegations of anti-social behaviour which made no complaint against council services. These requests for action were pursued outside of the complaints process as service requests.

3 Stage 2 statutory housing complaints

Volumes and responsiveness

Total complaints received	Responded on time*	% responded on time
50	22	44%

*Within 20 working days

Breakdown by service area

Service area	Total received
Assets & Repairs	48 (86%)
Housing Management	8 (14%)
Total (As proportion of Stage 1s)	56 (13%)

Outcomes

Service area	Total	Not Upheld	Partially upheld	Upheld
Assets & Repairs	42	24 (58%)	12 (29%)	6 (14%)
Housing Management	8	4 (50%)	3 (38%)	1 (12%)
Total	50	28 (56%)	15 (30%)	7 (14%)
Out of time	6			

Initiatives to improve Stage 2 complaints handling

The Council's Stage 2 responses are investigated and produced at a corporate level to ensure the investigation is genuinely independent. To help overcome some of the challenges created by the volume of Stage 2 complaints received at corporate level, the Council has introduced, or is introducing, the following improvements:

- Procurement of a new case management system to better support staff in managing individual cases, including complaints and ombudsman determination orders.
- Appointing and training additional interim staff to improve triaging and handling complaints performance.
- Piloting the use of AI software to support in complaints production.

Further information on work underway to [improve the Councils performance in handling complaints](#) can be found on our website.

4 Themes and trends in Stage 1 statutory Housing complaints: Assets & Repairs

Breakdown by category

Category	Total	Not upheld	Partially upheld	Upheld
Building Safety	2	1	1	0
Contaminates, eg asbestos	2	1	1	0
Customer service standards	47	9	19 (40%)	19 (40%)
Damages/compensation	17	6	4	7
Damp and mould	47	5	19 (40%)	23 (49%)
Doors/windows	31	6	13 (42%)	12
Electrical	6	1	3 (50%)	2
Gas, including boilers	12	4 (33%)	5 (42%)	3
Groundsworks	5	1	1	3
Infrastructural, including pointing	9	1	2	6
Kitchens & bathrooms	25	7	7	11 (44%)
Leaks & plumbing	82	16	33 (40%)	33 (40%)
Lift maintenance	2	0	1	1
Multi trade	21	5	6	10 (48%)
Painting, plastering, decorative	11	3	5 (45%)	3
Pest control	12	5 (42%)	4 (33%)	3
Planned works	1	0	0	1
Staff/Operative conduct	16	7 (43%)	4	5
Void properties	2	2	0	0
Total	350	80	128	142

Breakdown by reported service failure

Reported failure	Total	Not upheld	Partially upheld	Upheld
Not accommodating disabilities	1	0	1	0
Compensation – claim	7	4	0	3
Compensation - delay to payment	7	1	2	4
Compensation - inadequate award	3	1	2	0
Delayed and/or incomplete works	207	41	81 (39%)	85 (41%)
Missed or cancelled appointment(s)	16	3	8 (50%)	5
Non-compliance	1	1	0	0
Poor conduct or behaviour	18	8 (44%)	3	7 (39%)
Sub-standard works	40	9	16 (40%)	15 (37%)
Unsatisfactory communications	48	10	15	23 (48%)
Void management	2	2	0	0
Total	350	80	128	142

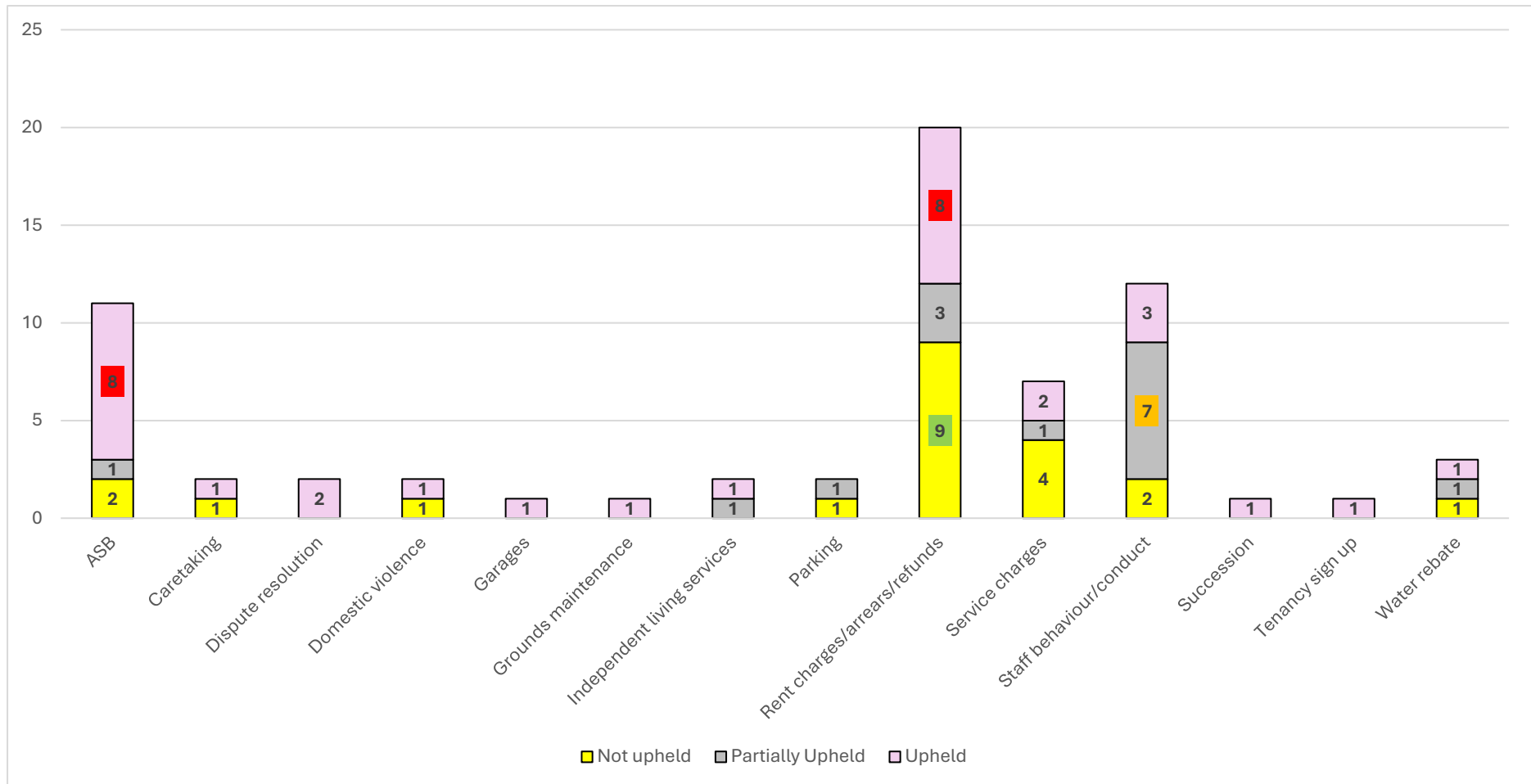
Analysis of upheld complaints and service improvement initiatives

Finding(s)	Service improvements
<p>The majority of complaints received were regarding leaks or plumbing (24%) with 39% upheld. For the most part this was because works had stalled, typically not owing to issues following the initial appointment or inspection. These issues were generally because of:</p> <ul style="list-style-type: none"> • Issues with accessing neighbouring or adjoining properties where the council had created avoidable delays. • a failure to coordinate effectively among the multi-disciplinary teams and other suppliers required to detect and resolve the leak. <p>A failure to coordinate effectively where a repair requires multi-trade or multi-supplier intervention is further reinforced by complaints outcomes with 10 of 21 complaints raised in the multi trade category upheld.</p>	<p>The Council rolled out a new “no access” process in December 2023, including the appointment of a new access officer to negotiate access into properties.</p> <p>A complex case management infrastructure has been implemented to support coordination of efforts to resolve leaks. This includes weekly case management meetings with our contractors and buildings surveyors.</p>
<p>A high proportion (42%) of complaints reporting damp and mould were upheld, typically owing to:</p> <ul style="list-style-type: none"> • challenges in coordinating suppliers but also because • a historical failure to consider underlying causes or root-cause factors, eg ventilation, thermal boarding, windows. 	<p>The Council implemented a Damp and Mould task force in early 2023, with specialist surveyors and a dedicated business support function.</p> <p>Residents can complete an e-form to report issues with damp and mould directly to the taskforce. Damp and mould guidance for council tenants London Borough of Waltham Forest</p> <p>A leaflet has been produced to support residents in maintaining properties successfully to prevent the spread of damp and mould</p>

	WF_DampandMouldLeaflet_A4_FINAL.pdf (walthamforest.gov.uk)
<p>Customer service standards feature highly among the legitimate reasons for complaint (13%) with nearly 50% of complaints upheld which cited poor communications. In a significant number of cases, this was because of a failure by Council officers to respond to resident's repeated requests for support.</p>	<p>A generic mailbox has been introduced in housing assets and repairs to strengthen business continuity and mitigate against single points of failure. (housingrepairsenquiries@walthamforest.gov.uk)</p>
<p>A growing proportion of complaints are being upheld citing the sub-standard quality of works, are during execution of works orders or once the works have apparently been completed)</p>	<p>The Council is continuously working with our contractors to strengthen the quality inspection regime to ensure that issues are picked up promptly and made right.</p>
<p>Reports of boiler disrepair accounts for only 12 out of 350 (3%) of all complaints raised, with only 25% of the 12 related complaints upheld.</p>	<p>The findings generally reflect well on the Council's Mechanical & Electrical service, with electrical complaints also representing a low proportion of complaints raised.</p>

5 Themes and trends in Stage 1 statutory housing complaints: Housing Management

Breakdown by category



Analysis of upheld complaints and service improvement initiatives

Finding	Service improvements
<p>The majority of complaints reporting ASB were upheld (73%) almost exclusively owing to a lack of responsiveness from council officers and/or because of insufficient progress made on progressing an existing case.</p>	<p>A new ASB policy and procedure was co-produced with HQN and rolled out in November 2023. The new procedure more clearly defines responsibilities and expectations in pursuing ASB.</p>
<p>Just over one-third of complaints raised regarding rent accounts (37%) were upheld, generally owing to:</p> <ul style="list-style-type: none"> • issues with processing refunds promptly • a lack of responsiveness from officers which had contributed to delays in processing refunds or in settling disputes around rent accounts. 	<p>Continuous improvement work is underway with the Council’s finance team to improve approaches to processing refunds through new finance system.</p> <p>Service improvements have been made to accelerate time taken to process payments made in error by residents.</p> <p>Officers have been reminded of the importance of responding promptly to residents’ enquiries, with housing coordinators now assigned to specific service areas to support with mailbox management and refunds.</p>
<p>The single complaint raised regarding succession was upheld.</p> <p>The Council also received a finding of severe maladministration in a Housing Ombudsman determination relating to succession.</p>	<p>The Council has reviewed its death of a tenant procedure and is currently reviewing its succession procedures to ensure that cases are managed appropriately and proactively through to conclusion introducing target timescales and additional performance monitoring.</p>

6 Housing Ombudsman case determinations 2023/2024

The Housing Ombudsman publishes their decisions on their website www.housing-ombudsman.org.uk/decisions/ as part of their commitment to being open and transparent. The decisions are anonymised so residents' names are not used, but landlords are named. In some cases, the Housing Ombudsman may decide not to publish a decision if it is not in the resident's or landlord's interest, or if the resident's anonymity may be compromised.

For 2022/23 the Housing Ombudsman produced individual landlord performance reports for landlords with 5 or more findings. The report for the Council can be accessed on the Housing Ombudsman website www.housing-ombudsman.org.uk/landlords/ by using the search function. The report for 2023/24 is not yet available but is anticipated to be published by the Housing Ombudsman in the Autumn of 2024.

The Housing Ombudsman has also recently published several spotlight reports on the sector identifying key complaint themes, including damp and mould, knowledge and information management, vulnerabilities. Responding in a comprehensive way to the recommendations of these reports is an important means by which the council can protect against future complaint escalations.

Housing Ombudsman Complaints handling findings

The table below shows:

1. the total number of determinations received by Waltham Forest Council from the Housing Ombudsman over 2023/24.
2. the total determinations in which failings were identified specifically on complaints handling, and the extent of those failings.

Total determinations	Volume and extent of complaints handling failures				
	N/A*	No failure	Service failure	Maladministration	Severe maladministration
19	3 (16%)	1 (5%)	5 (26%)	9 (47%)	1 (5%)

****Cases involving no investigation into complaints handling***

Themes in Housing Ombudsman complaints-handling findings

Most determinations received in 2023/24 resulted in findings of maladministration or service failure regarding complaints handling. This is generally because one or more of the following failures, because we:

- took too long to respond to complaints in breach of the Ombudsman's guidance.
- investigated complaints as service requests rather than as formal complaints.
- failed to offer a proper apology and/or explanation in our response.
- failed to follow our own complaints policy.
- did not communicate effectively with complainants.
- Should have investigated the case more thoroughly before responding.
- our responses lack clarity and/or sufficient depth.
- did not award appropriate compensation and/or were insufficiently flexible when considering claims for damages.

More recently, the Housing Ombudsman has recognised the progress we have made as a council in handling Stage 1 complaints, but we still have some significant performance issues around Stage 2 complaints.

Severe Maladministration findings 2023/24

Case Ref	Date received	Severe maladministration finding(s)
201900229	16/05/2023	Response to reports of ASB
202127859	10/11/2023	Response to succession application
202217685	13/12/2023	Resolving damp and mould
202200694	29/01/2024	Handling repairs Complaints handling

Appendix A – Why complaints may be rejected or processed through alternative routes

Reason for rejection	Explanation
Request for action	<p>Resident uses complaints route to raise a straightforward request for action.</p> <p>Resident makes no discernible expression of dissatisfaction with council services.</p> <p>Resident contacted & confirms they're happy to progress as service request.</p>
Anti-social behaviour	<p>Resident raises ASB concerns about another resident(s).</p> <p>Resident makes no discernible expression of dissatisfaction with council services.</p> <p>No evidence these specific concerns have been raised previously.</p> <p>Demonstrable that the resident has, in effect, bypassed the standard service route for raising ASB.</p>
Parallel proceedings	<p>Resident's substantive issue(s) is already being investigated outside of the Stage 1 complaints process, e.g. as a Stage 2 complaint or a legal disrepair claim.</p> <p>Resident raises nothing new in this complaint which may differentiate it from what is already being investigated elsewhere.</p>
Anonymity	<p>Resident cannot be identified despite every possible effort being made to use the information supplied as a basis for investigation.</p> <p>This is most likely in cases of ASB in which a resident may be fearful of repercussions from other residents should they be identified.</p>
No authority to act	<p>Complaint raised on behalf an LBWF resident, eg a son on behalf of their mother.</p> <p>The complainant supplies no authority to act.</p> <p>Wherever it is possible and appropriate to do so, you must take steps to validate the complaint and secure the necessary authority to act.</p>