

## **Appendix 1 - Housing Services Complaints**

### 1. Context

As members will be aware the Housing Services function was provided by Nottingham City Homes up until 2 April 2023. Up until that date reporting on complaints went to the NCH Boards. Some reference would be reported to the Council through the Partnership Forum. This would particularly relate to higher level complaints such as Independent Housing Ombudsman determinations.

As the Landlord, the Council always retained responsibility for the Housing Service, even whilst it was delivered by an Arm's Length Management Company. It was therefore recognised that by taking delivery of the service back into direct management as we did in April 2023, it strengthens the opportunity for the Council to properly monitor complaints and act on the issues and trends that emerge.

### 2. Reporting

NCH and now Housing services produce quarterly analysis of complaints and an annual report. This used to be reported to the NCH Boards, including the ALMO Board which was made up of tenants. At Appendix 2 is the 2022/23 annual report as previously presented to the NCH Boards. As the NCH Boards are now dissolved, we are working with Constitutional Services to agree the correct Council vehicle for complaints reporting to be presented. We have established a new Housing and City Development overview and scrutiny committee, and it is likely that performance and complaints information will also underway be reported at this committee. Work is also underway to ensure a tenant input to any considerations that relate to the customer experience, service aspirations and policy and procedure considerations.

The annual report provides a thorough summary of the 2022/23 year where complaints were handled under the new complaints process adopted in 2021. As part of the annual report there is an analysis of compliance with the Housing Ombudsman's (THO) code of practice. The self-assessment tool is at Appendix 3. The annual report and self-assessment tool were produced in September 2023 and is due to be presented for governance scrutiny.

The quarterly reports are still being produced and the Q1 report for 2023/24 is at Appendix 4.

A new framework of Tenant Satisfaction measures (TSM's) was introduced in 2023 as part of the new Social Housing Regulations Act (2023). This requires all social landlords to ask a standard set of 22 questions to assess tenant's genuine satisfaction with aspects of the service. One of those areas is satisfaction with complaint handling. In order to ensure a genuine view of tenants we now employ an external agency to make 550 calls per quarter to ask the 22 questions of the TSM's. The tenants are chosen at random. It is felt that by contacting 2200 different tenants per annum and using an external agency and allowing anonymity that we will have more accurate satisfaction data than under previous processes. We have now concluded the first two quarters of TSM's and satisfaction for complaint handling is showing satisfaction at only 37% at Q2. This is up from only 21% at Q1 but remains

below the bottom quartile of performance on complaints. This clearly is a matter of concern and a priority action for our service improvement programme.

The full year of TSM's have to be reported to the Regulator for Social Housing (RSH) and published to tenants. However, in the interests of improved transparency and governance we are providing our tenants with a half year summary in the tenants' newsletter in November. This will include an invitation for tenants to be more actively involved in working with us to drive up performance and standards.

### 3. Current issues

Since the transfer of direct management of the housing service into the council we have had two major items of correspondence that require action on behalf of the council.

In August 2023 Nottingham City Council received a letter from the Secretary of State for the Department of Levelling up, Housing and Communities (DHLUC). This letter was one of thirteen issued to various social housing providers, expressing the Secretary of State's concern at Nottingham City Homes handling of a repair's complaint determined as severe maladministration in September 2022. The tenant in question was a vulnerable tenant and NCH failed to both take into account the tenants' vulnerabilities, properly follow NCH's own repairs process and effectively deal with the complaint. This letter was acknowledged and a full commitment to deliver improvements in these areas.

On 12 October the council were one of 91 social housing landlords who were written to by the Housing Ombudsman about complaint performance in 2021/22. In Nottingham's case of 33 investigations related to NCH 66.7% resulted in a determination of maladministration.

All of this correspondence is in the public domain and both DHLUC and THO issued press releases at the point of the correspondence.

These items of correspondence, in addition to the low level of tenant satisfaction are clear indications that management of complaints in the housing service prior to transfer was not reaching the required standards. This has come at a time when expected standards are increasing and THO is regularly releasing publicly critical severe maladministration determinations about the sector. In 2021/22 the number of maladministration determinations in the social housing sector increased by 323%.

### 4. Regulatory changes

The housing sector is facing a package of regulatory changes aimed at raising standards and protecting and empowering tenants. These are enshrined in the Social Housing Regulations Act which gained royal assent on 23 July 2023. This extends and strengthens the role of the regulator and will have a specific impact on the management of complaints.

- A new Memorandum of Understanding between the RSH and THO means that ombudsman findings can trigger regulatory investigations. The SHRA

means that the RSH will inspect landlords on a four yearly cycle but the prioritisation may be led by data such as complaints.

- The THO now has extended powers to broaden their investigations beyond the presenting issue if they see patterns of poor response. This can include intrusive investigations and special reports.
- There is a proposal for greater collaboration between the THO service and the Local Government and Social Care Ombudsman. There is consultation on a new code of conduct for compliance to cover both Ombudsman services. This is because there are occasions where the tenants of Local Authorities complaints' have issues related to both landlord and council services. Nottingham has already received one joint determination from the joint ombudsman services in regard to a homeless case and the lettings process.
- Focus on damp and mould. There is a significant focus on the response to issues of damp and mould in social housing and SHRA includes a clause known as "Awaabs Law" which makes the existence of damp and mould a breach of the terms of tenancy and calls for an almost instantaneous response from landlords.

It is evident that this new regulatory framework, coming as it does so soon after NCC has insourced its landlord services, constitutes a significant challenge and needs to be a priority for what is a growing service improvement agenda for housing.