



## Housing Select Committee

### **Report title: Annual Statutory Housing Ombudsman Reports 2023-24**

**Date:** 4 September 2024

**Key decision:** No

**Class:** Part 1

**Ward(s) affected:** All wards.

**Contributors:** Dewbien Plummer, Interim Strategic Lead Complaints (Housing). Carol Hinvest Director of Resident Engagement and Services.

### **Outline and recommendations**

The purpose of this report is to present the first annual submission against the statutory Housing Ombudsman Service Complaint Handling Code 2024. This consists of the annual self-assessment against the Code, the annual complaints report and service improvement report.

The Housing Select Committee are asked to note the contents of the report.

### **Timeline of engagement and decision-making**

This report was reviewed by:

- The Executive Management Team

## **1. Summary**

- 1.1. The London Borough of Lewisham is dedicated to ensuring that our complaint handling processes are transparent, efficient, and aligned with the highest standards.
- 1.2. This report provides an overview of the reports submitted to meet the requirements of the statutory Complaint Handling Code 2024 and relate to complaints specific to landlord services provided by Lewisham that are within the remit of the Housing Ombudsman Service.
- 1.3. This consists of the annual self-assessment against the Code, the annual complaints report and service improvement report.

## **2. Recommendations**

- 2.1. Housing Select Committee are asked to endorse the Cabinet Member for Better Homes, Neighbourhoods and Homelessness performing the role of Member Responsible for Complaints for the purposes of the Housing Ombudsman Complaint Handling Code and associated guidance.
- 2.2. In accordance with the Housing Ombudsman's Complaint Handling Code and in compliance with the scrutiny and oversight requirements, Housing Select Committee are asked to receive the Councils Annual Complaints Performance, Service Improvement report and the outcome of our Annual Self-Assessment against the Code as set out in Appendices A, C and D, and the work taking place to improve our performance.
- 2.3. In line with statutory requirements, the Member Responsible for Complaints is asked to respond.

## **3. Policy Context**

- 3.1. The contents of this report are consistent with the Council's policy framework. It supports the achievements of the Corporate Strategy objectives:
- 3.2. The contents of this report support the achievement of the following Housing Strategy 2020-26 objectives:
  - Delivering the homes that Lewisham needs.
  - Improving the quality, standard and safety of housing.
  - Supporting our residents to live safe, independent, and active lives.

## **4. Background**

- 4.1. The Social Housing Regulation Act 2023 introduced new consumer standards and a proactive consumer regulation regime. This Act has enhanced the powers of the Housing Ombudsman, including the introduction of a statutory Complaint Handling Code, a compliance framework, and a duty to monitor.
- 4.2. To enable monitoring against the Code, there are statutory governance and reporting requirements for landlords which came into effect on the 1st of April 2024.

## **5. Governance arrangements**

- 5.1. The Code mandates the appointment of a Member Responsible for Complaints (MRC) on the governing body.
- 5.2. The MRC's responsibilities include:
- 5.3. Providing assurance to the governing body on the effectiveness of the complaints system.
- 5.4. Challenging the data and information provided to the Board or equivalent body.
- 5.5. Ensuring the governing body receives regular updates on complaints to gain insights into the landlord's complaint handling performance.
- 5.6. By appointing a Member Responsible for Complaints, we aim to meet these statutory requirements and enhance our complaint handling framework, ultimately improving our service to residents.
- 5.7. The Housing Ombudsman Service has provided guidance on assigning the role as a

lead member or Councillor who has oversight for the Cabinet for Housing.

- 5.8. For Lewisham Council this is the Cabinet Member for Better Homes, Neighbourhoods and Homelessness, Councillor Will Cooper.

## **6. Statutory Reporting Requirements**

- 6.1. Landlords must also produce, submit to the Housing Ombudsman Service, and publish online by the 30<sup>th</sup> of June 2024 the following:

- A self-assessment against the Code.
- An annual complaints performance report.
- A service improvement report.
- A response from the governing body

- 6.2. The annual complaints performance report must include:

- Qualitative and quantitative analysis of complaint handling performance.
- Summary of types of complaints refused.
- Findings of non-compliance by the Ombudsman.
- Service improvements from complaint learning.
- Annual report on performance from the Ombudsman.
- Other relevant reports or publications from the Ombudsman.

- 6.3. All three reports have been submitted on time and published. They are available to view on our website, link here [Lewisham Council - Self-assessment](#).

- 6.4. This year, due to the pre-election timetable and subsequent restrictions, we are seeking a review and response from the Mayor and Cabinet outside of the June submission deadline. The Housing Ombudsman service are aware that this position is the same for many local authorities across the country.

## **7. Regulator for Social Housing**

- 7.1. The Council took back the housing management function in-house from Lewisham Homes, its former Arm's Length Management Organisation (ALMO) on 1st October 2023. Following this transition, the Council's new housing leadership team conducted a comprehensive review of housing management service delivery and performance.

- 7.2. The review revealed several failings that have led to an increase in complaints, particularly related to repairs, leaks, damp and mould, and disrepair.

- 7.3. Due to the issues identified during the review, the Council made a self-referral to the Regulator of Social Housing in December 2023. The self-referral highlighted breaches of the Consumer Standards in the following areas:

- Management of Decent Homes
- Failure of the Repairs Service: There were 18,000 works in progress repairs, with delays in completing both emergency and non-emergency repairs, significant call waiting times for tenants, and a high rate of abandoned calls.
- Priority actions identified in fire risk assessments.

- 7.4. The Regulator issued a Regulatory Notice on 26th March 2024 and has decided not to take statutory action at this stage, as it has assurance that the issues are being remedied. They will continue to work with Lewisham Council, maintaining regular engagement and reviewing progress.

## **8. Housing Ombudsman Investigation**

- 8.1. On the 30<sup>th</sup> of July 2024, the Housing Ombudsman announced the launch of a special investigation into Lewisham Council under paragraph 49 of the Housing Ombudsman Scheme.
- 8.2. Paragraph 49 of the Scheme states, “*The Ombudsman may conduct further investigation beyond the initial complaint or member to establish whether any presenting evidence is indicative of a systemic failing. Where this is the case, it will be referred to the appropriate regulatory body.*”
- 8.3. The investigation is due to a high maladministration rate, including a significant number of severe maladministration findings, and compliance issues relating to complaints handling. The areas to be reviewed are Lewisham’s handling of leaks, damp and mould, complaints, and repairs.
- 8.4. An initiation meeting was due to be held in August 2024 to discuss the process but has been postponed to 16<sup>th</sup> September 2024. More information will be provided on the investigation following this meeting.
- 8.5. The Housing Service intends to cooperate fully with the Housing Ombudsman and welcomes the additional insights this will provide in improving the service our residents receive.
- 8.6. A copy of the letter sent by the Housing Ombudsman to initiate the investigation can be seen in Appendix E.

## **9. Self-Assessment against the Complaints Handling Code**

- 9.1. According to the 2024 Code Compliance Framework published by the Housing Ombudsman, landlord compliance with the Code is assessed in three areas, and the requirements in all three areas must be met:
- 9.2. *Compliance in Scrutiny and Oversight:* Ensuring that the landlord has produced the statutory reports and that they have been scrutinised appropriately by the relevant governing body, in this case by the Mayor and Cabinet.
- 9.3. *Compliance in Policy:* Ensuring that the landlord’s complaints and remedies policy meets the expectations of the Code.
- 9.4. *Compliance in Practice:* Ensuring that the landlord’s complaints handling meets the expectations of the Code in practice. This assessment is based on the landlord’s own reported performance, data, and insights from the Ombudsman’s casework and information from external data sources.

## 10. Overview of Compliance

- 10.1. Our self-assessment indicates that Lewisham is partially compliant with the 2024 Complaint Handling Code with areas of non-compliance.
- 10.2. *Lewisham Scrutiny and Oversight:* We have carried out a self-assessment, produced an annual complaints performance and service improvement report, though there were restrictions in obtaining the appropriate amount of scrutiny due to the pre-election timetable. The draft reports were shared with the Member Responsible for Complaints prior to submission.
- 10.3. *Lewisham Compliance in Policy:* While most of our policies are up to date, the Compensation, Reimbursement, and Remedies policy requires finalisation along with comprehensive staff training on the updated procedures. This is scheduled for completion by September 2024.
- 10.4. *Lewisham Compliance in Practice:* Complaints and Housing Ombudsman casework show that we are not consistently meeting our targets for complaints handling. In 2023/24 we received 23 determinations from the Housing Ombudsman of service failure and maladministration, 17 of which were for failures in complaint handling. Further, we received four Complaint Handling Failure Orders for failure to progress a complaint, and failure to provide evidence to the Ombudsman of compliance with an order.
- 10.5. Results from surveys and resident engagement shows that resident satisfaction with complaints handling is low at 19%. Lastly, poor record keeping has been a recurring theme in Ombudsman casework.
- 10.6. The full self-assessment can be found in Appendix A and a summary in Appendix B.

## 11. Annual Complaints Performance Report

- 11.1. Throughout 2023/2024, several recurring themes and trends emerged from the analysis of our complaint casework, resident feedback, and Housing Ombudsman casework. These insights have been crucial in identifying areas for improvement and shaping our service transformation initiatives.
- 11.2. Key themes from 2023/2024 casework include:
  - Repairs and Maintenance: Predominantly issues with leaks, damp, mould, and disrepair.
  - Communication and Follow-Up: Delays in responses and poor record-keeping.
  - Complaint Handling Process: Inconsistent policy application and poor-quality responses.
  - Anti-Social Behaviour (ASB): Significant concerns over handling and resolution.
  - Resident Feedback: Low satisfaction rates in surveys, with issues in resolution times and response quality.
  - Housing Ombudsman Casework: High volume with frequent findings of maladministration in repairs and complaint handling.

- 11.3. The full Annual Complaints Performance Report for Housing can be found in Appendix C.

## 12. Engagement with Residents

- 12.1. Resident feedback is pivotal to our service delivery, and we have actively engaged with our residents to understand their concerns and expectations. This year, our feedback channels included surveys, complaints workshops, focus groups, and direct communication via our contact centre and online platforms.
- 12.2. The Lewisham Council Housing Service (LCHS) Resident Scrutiny Panel assessed our approach to complaints handled by the repairs team. Their performance review was published in a report in October 2023. The recommendations from this report were agreed upon and formed the basis of an action plan, with progress regularly reported by Lewisham.
- 12.3. We have carefully considered all the feedback provided by our residents and have integrated their insights into our Service Improvement Plan. The Service Improvement Plan outlines specific actions to address the issues identified in the self-assessment and through resident feedback. Key areas of focus include:
- Updating complaints and compensation policies
  - Improving reporting and monitoring systems
  - Enhancing staff training and resource allocation
  - Developing better communication and information management strategies.

## 13. Service Improvement Activity

- 13.1. Lewisham Council is committed to learning from complaints to drive meaningful service improvements. By analysing our self-assessment against the Complaint Handling Code, feedback from residents, complaints casework and determinations from the Housing Ombudsman Service (HOS), we have developed a comprehensive Service Improvement Plan.
- 13.2. This plan focuses on enhancing our governance, policies, and practices to ensure we meet the highest standards in complaint handling. Our commitment to listening to residents and engaging with the HOS is central to these efforts. By adhering to our core values of being ambitious, inclusive, collaborative, accountable, and trustworthy, we aim to transform our services and provide better outcomes for our residents.
- 13.3. Further Lewisham Council have launched two key initiatives designed to transform housing services and enhance complaint handling:
- 13.4. **Lewisham Complaints Handling Improvement Project (CHIP).** Lewisham Council now has a complaint-handling improvement project underway. This project aims to embed compliance with the complaint-handling code within the culture and practice of the Council. It involves revision of policies, changes to software and templates, creation of clear operating instructions, and an extensive programme of staff training. The project is due to complete before the end of the 2024-25 financial year.

13.5. **Housing Transformation Programme.** The Housing Transformation Programme launched in November 2023 is aimed at addressing the issues identified in our housing services. The four workstreams are:

- Complaints Handling: Improving our complaints process to be more responsive and transparent.
- Repairs: Streamlining processes, improving response times, and ensuring quality repairs with a focus on reducing the backlog of outstanding jobs, damp and mould and disrepair.
- IT Transformation: Upgrading our IT systems to support better service delivery and communication.
- Reduction of Temporary Accommodation: Implementing strategies to reduce reliance on temporary housing solutions.

## 14. Service Improvement Plan

14.1. The plan is structured around four themes, governance and reporting, policies, people, and systems. Each theme is intended to bring us into full compliance with the Code in governance, policy, and practice. The improvements in systems and comprehensive staff training will help to embed the positive changes. The activities in our service improvement plan and the CHIP are due to complete before the end of the 2024-25 financial year where we expect to see significant improvements in complaint handling.

14.2. However, the cases currently being dealt with by the Housing Ombudsman refer to 2023/24 and we expect to receive high numbers of determinations and maladministration findings this financial year.

14.3. Activities include:

- Governance & Reporting: Enhance/improve our reporting and transparency to ensure Lewisham and its key stakeholders can scrutinise and challenge performance.
- Policies: Finalising key policies, updating procedure and guidance documents, reviewing key processes, and developing a Knowledge and Information Management strategy.
- People: Ensuring complaints handling teams are adequately resourced and staff training is delivered.
- Systems: Completing improvements to the complaints case management system

14.4. These themes align with the Code Compliance Framework, ensuring compliance in Scrutiny and Oversight, Policy, and Practice. Our initiatives reflect our commitment to improving services and ensuring that residents receive the highest quality of service. Resident feedback has been instrumental in shaping our plans, and we will continue to engage with residents to meet their needs and expectations. The improvements in systems and training, developed in collaboration with the Complaints Handling Improvement Project (CHIP), underpin these efforts and ensure sustainable and effective service delivery.

14.5. Full details of our Service Improvement Plan can be found in Appendix D

## 15. Financial implications

- 15.1. It's not possible at this stage to objectively quantify the financial impact of the complaint's improvement plan. This is because most of the interventions that are discussed in the plan are changes to policies, working practices etc. that use the existing staffing fixed cost base (so no additional direct cost). Also, the backlog in WIP and the effect of the stock condition survey are already factored into the current operating forecast, so there is no additional direct cost because of the new complaints process.
- 15.2. If there are any additional resources that are required (e.g., extra administrators or operatives) to shoulder extra complaints work, these will be brought in at a later stage, but the scale of the resource requirement will be determined at that point. This is an operational decision which will be made some 6-12 months down the line when the effects of the new complaints' procedure are known.

## 16. Legal implications

- 16.1. The Council's legal requirements are set out in this report. The purpose of this report is to demonstrate how the Council is complying with these requirements.

## 17. Risk implications

- 17.1. Mention relevant implications.

Risk	Mitigation
Continued increase in maladministration rates and high levels of compensation awards.	As the casework relates to performance in previous years, we will continue to see high levels of casework and maladministration findings. The Service Improvement Action Plan and Complaints Handling Improvement Project (CHIP). Service improvement work currently underway and is due to complete before the end of the 2024-25 financial year.

## 18. Equalities implications

- 18.1. Lewisham residents represent a wide range of protected characteristics. Social housing is a tenure type reserved for those households who are often vulnerable, have disabilities or poor health and are on lower incomes. Lewisham Council tenants are therefore more likely to be overcrowded, experiencing poor health and on lower incomes than the wider population.
- 18.2. Within the council's stock, 25% of lead tenants are aged over 65, 28% of lead tenants report having a disability, 63% of lead tenants are female and 51% of lead tenants report their ethnicity to be Black, Asian or mixed.
- 18.3. The council's vulnerable resident's policy sets out how the council will identify, assess, and record information regarding Council tenants, leaseholders, and others accessing our services who may have vulnerabilities. This enable us to provide



services which may be adjusted to consider such needs, where practicable. In assisting residents to sustain tenancies and access services, officers comply with the Equality Duty.

- 18.4. Officers record known vulnerabilities, disabilities, circumstances, as well as communication or access needs that we are made aware of. Officers encourage residents to share this information with us and keep it up to date. This in turn enables residents to better access services and enable officers to make appropriate adjustments when delivering services.
- 18.5. Appropriate adjustments could include providing translation or interpretation services, carrying out repairs more urgently, sending communication in large text or braille, providing minor adaptations to properties, carrying out a home visit or arranging a meeting over the phone or online or allowing longer for a resident to come to the door, for example.
- 18.6. Lewisham Council is working to provide high quality services that are accessible, deliver outcomes and continuously improve. The stock condition survey will help to identify any issues arising within properties that may have been previously unreported, including instances of damp and mould. The works to ensure the fire safety compliance of blocks have included a range of communication methods, including the provision of fire safety information in many different languages.
- 18.7. The Council will involve residents in shaping the design and delivery of services. Any improvement works as noted above, means that those affected will see service improvements and benefit from future investment programmes.

## **19. Climate change and environmental implications**

- 19.1. There are no anticipated climate change and environmental implications.

## **20. Crime and disorder implications**

- 20.1. There are no anticipated crime and disorder implications.

## **21. Health and wellbeing implications**

- 21.1. Social housing is a tenure type reserved for those households who are often vulnerable, have disabilities or poor health and are on lower incomes. The health implications of poor-quality housing are well documented and include respiratory diseases and poor mental health. Improved housing conditions can reduce ill-health, increase quality of life and reduce the impact of fuel poverty.
- 21.2. In 2023/2024, the management of damp, mould, leaks and repairs, and the subsequent complaint handling were the top causes of complaints. The insights gained from have informed and shaped our service transformation initiatives.
- 21.3. The information set out in this report describes the ongoing work to combat the immediate HHSRS concerns which have been identified through the stock condition survey, to ensure the most serious matters are dealt with as a priority. Tackling these hazards will make Lewisham's social housing healthier and safer to live in.

## **22. Report author and contact**

- 22.1. Dewbien Plummer, Interim Strategic Lead Complaints (Housing),  
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## **23. Appendices**

- 23.1. Appendix A: Self-Assessment against the Complaint Handling Code 2024 ([link Lewisham Council - Self-assessment](#))

- 23.2. Appendix B: Self-Assessment Summary
- 23.3. Appendix C: Annual Complaints Report Housing Services 2023/24  
(<https://lewisham.gov.uk/-/media/0-housing/self-assessment/lewisham-council-housing-services---annual-complaints-report-2024.pdf>)
- 23.4. Appendix D: Service Improvement Plan (link <https://lewisham.gov.uk/-/media/0-housing/self-assessment/lewisham-council-housing-services---service-improvement-plan.pdf>)
- 23.5. Appendix E: P49 Investigation Letter