

Report to: Board

Report by: CEO/Tony Price Board Member Responsible for Complaints (MRC)

Subject: Annual Complaints Performance and Service Improvement Report
- April 2024 (2023/24 Q1-Q4)

Item Number: ##

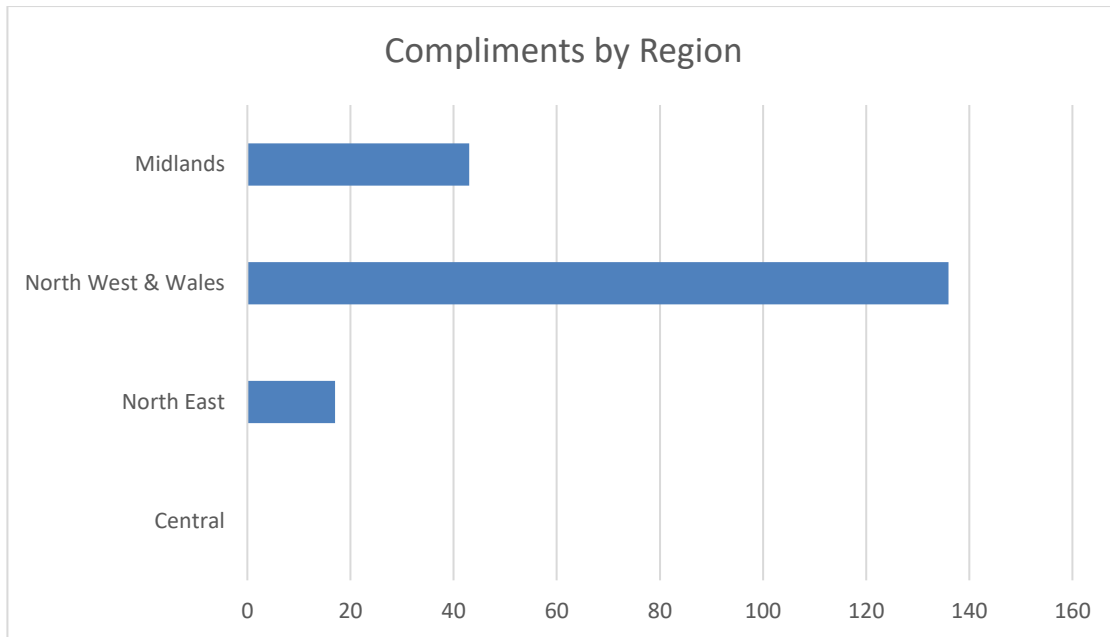
Date: 14/5/24

1. Introduction.

- 1.1. The complaints & feedback policy was last reviewed and implemented December 2023. The policy and guidance had been reviewed to ensure compliance of the Housing Ombudsman Service “Complaint Handling Code” to end of March 2024. Much additional work was done to ensure ease of access and information availability on our website in relation to making a complaint. A full staff briefing was circulated and the policy and procedure with associated template letters were reissued on Policy Hub.
- 1.2. There have been 177 complaints and 196 compliments received during the period 1 April 2023 to 31 March 2024. (Q1-Q4)
- 1.3. Data analysis shows that the number of complaints has decreased and the number of compliments as a percentage have increased significantly.

2. Compliments

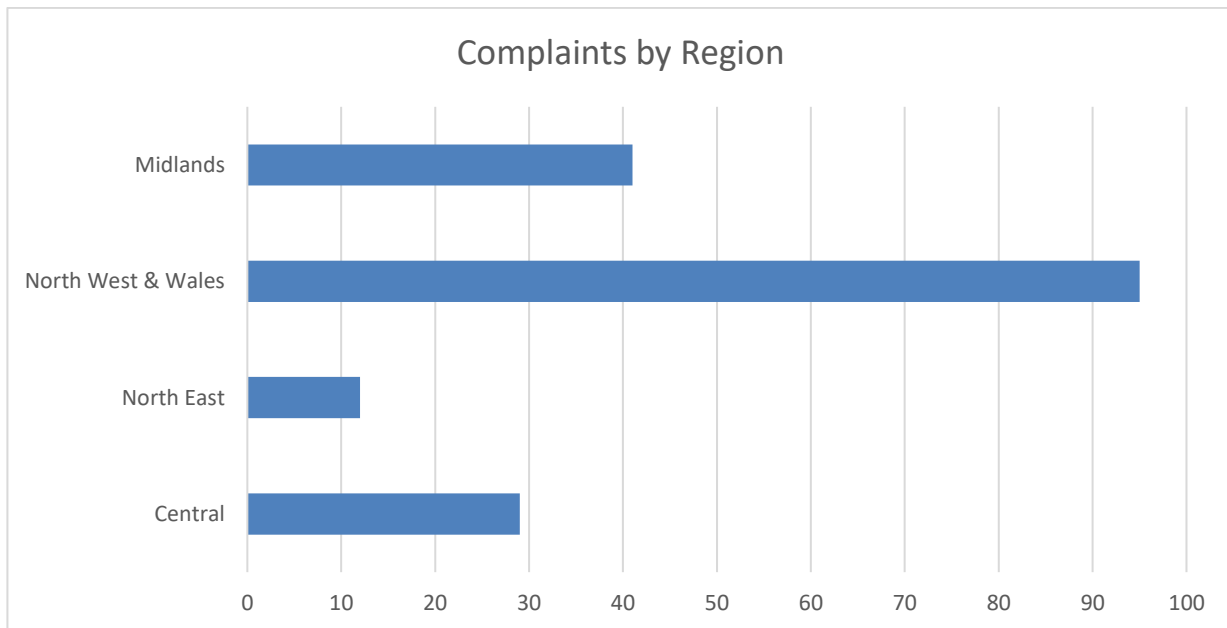
- 2.1. There were 196 compliments received across all regions including central. Training and awareness campaigns run alongside and promotional events with our internal comms team. 44% increase from last year on that recorded.
- 2.2. The charts below show the breakdown by region and by project. A notable increase in compliments received in the Northwest & Wales notably Denbighshire.



2.3. The most common themes for compliments were staff member followed by support provided.

3. Complaints

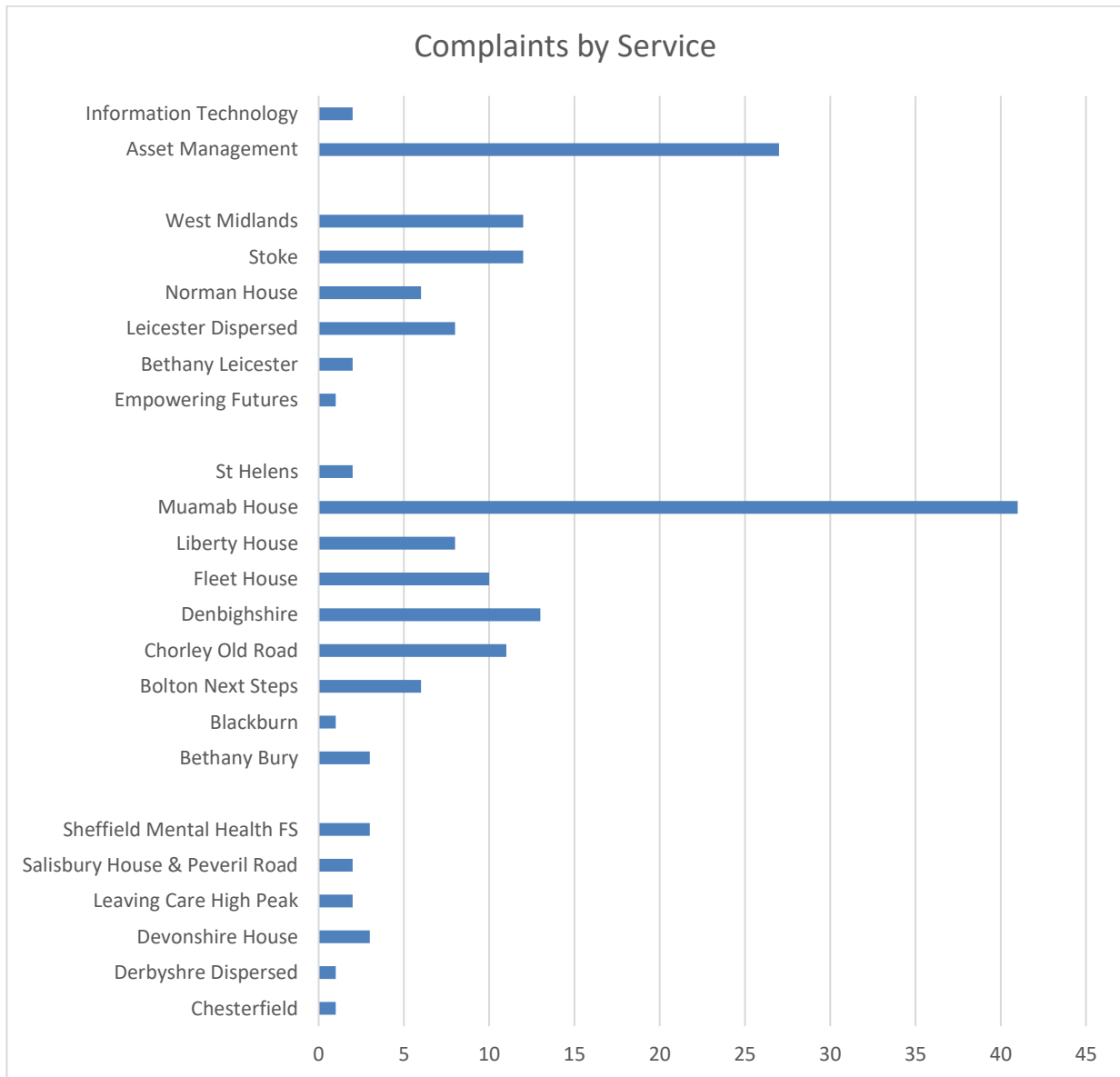
3.1. From the 177 complaints received the chart below shows the breakdown of complaints by region.



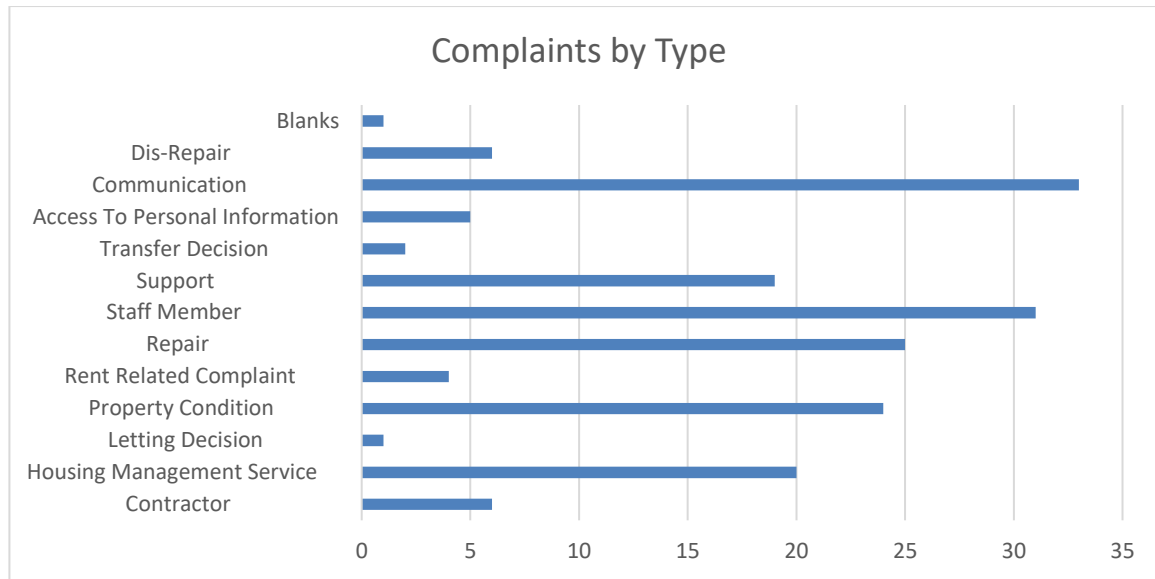
3.2. Central has seen a 38% rate of increase of complaints recorded for the previous

year. The 3 remaining regions have all seen between a 14% and 34% decrease in complaint recorded compared to 2022/23.

3.3. The chart below shows the breakdown of complaints by service. The data indicates that a higher proportion of complaints were captured for Asset Management and at larger accommodation-based services where the superior landlord was SAHA.

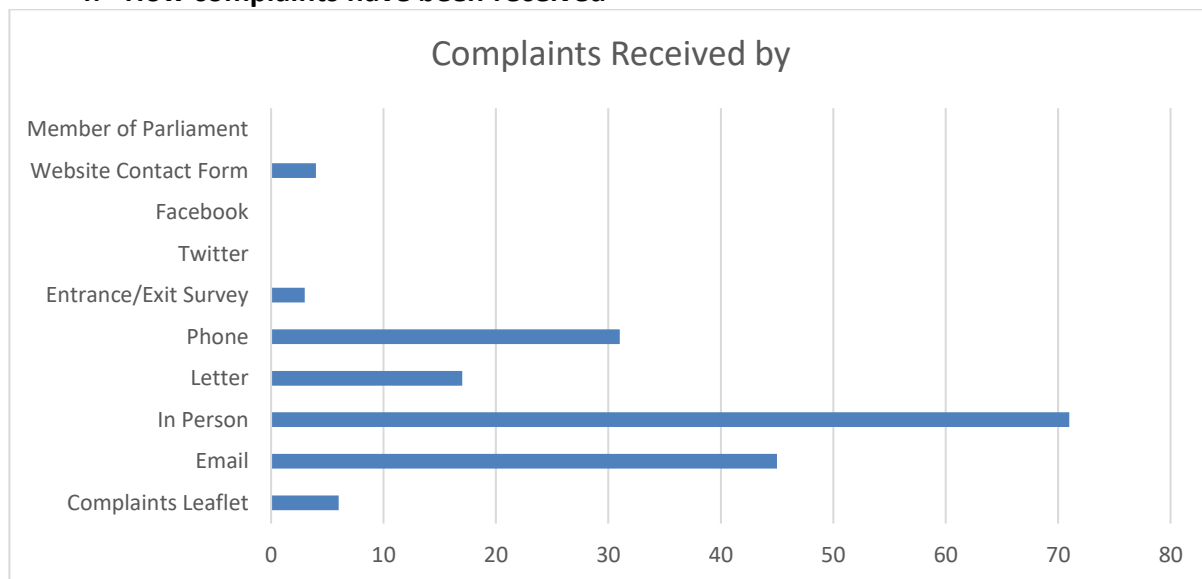


3.4. The chart below shows the breakdown of data by complaint types.



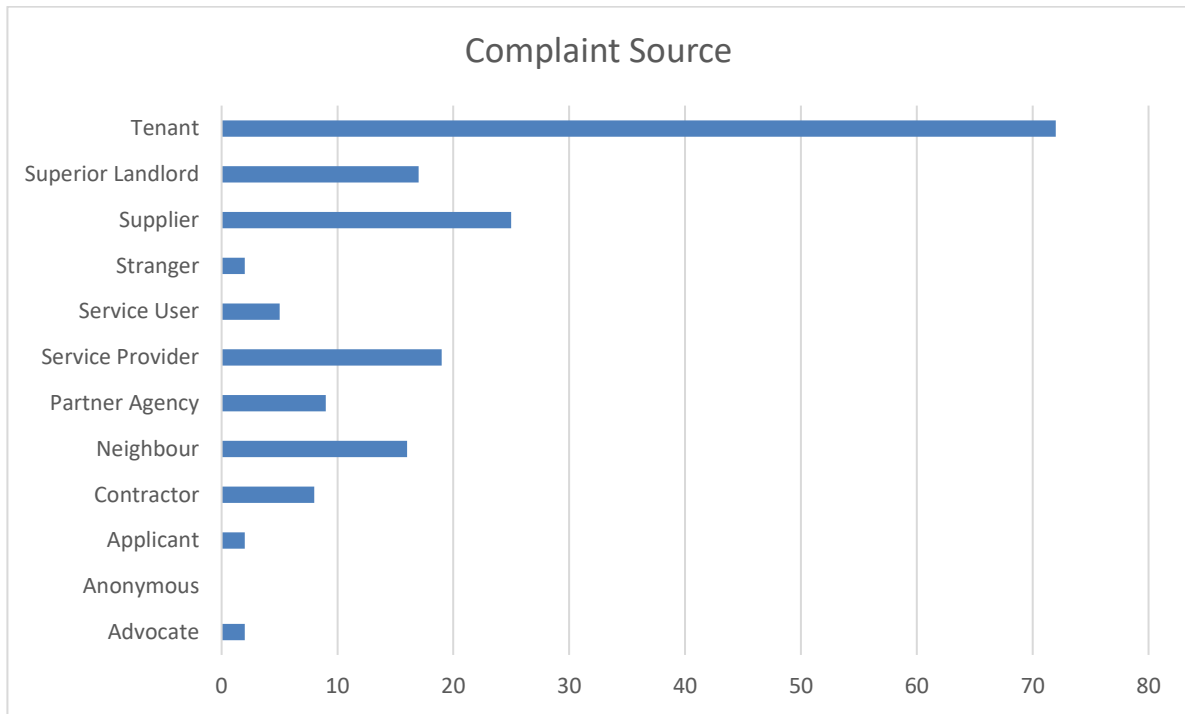
- 3.5 The data shows staff related complaints and communication were the highest type of complaint received, although the highest type of complaint remained steady in line with 2022/23 reporting. Themes for staff related complaints were under investigation with the quarterly working group to assist remedy and solutions for improvement although a vast majority were closed unfounded.
- 3.6 Dis-Repair and Communication related complaints have significantly increased year to date from previous analysis. Whilst staff related complaints have reduced by circa 40%.
- 3.7 There was an opportunity to cross reference entrance & exit surveys to understand themes indicating areas of improvement for operations and housing/asset teams.

4. How complaints have been received

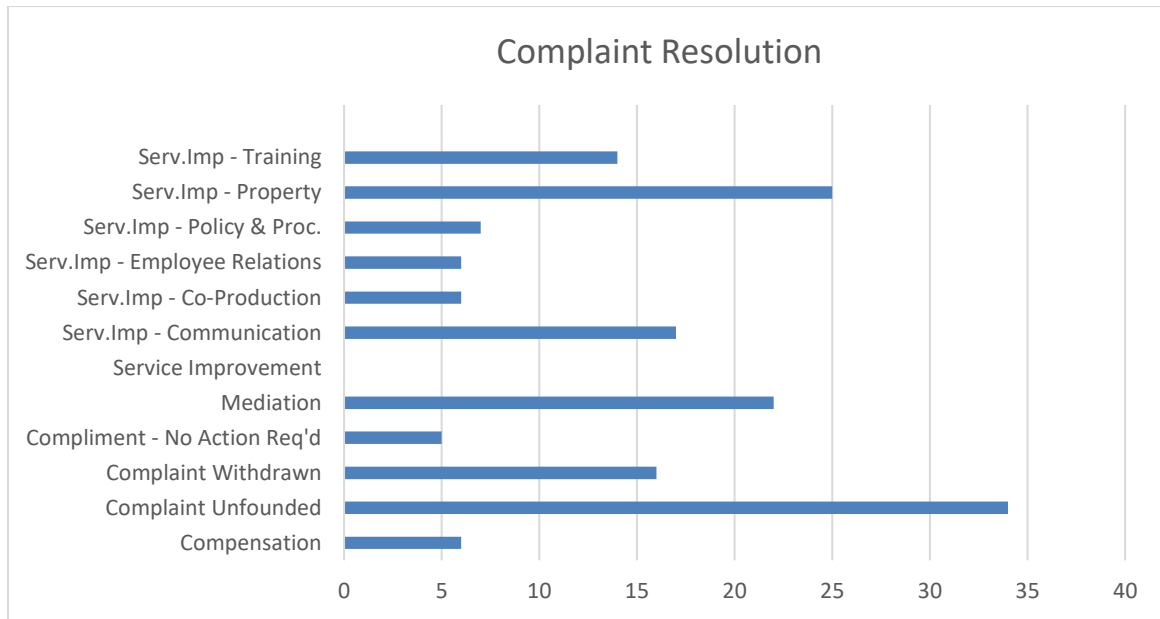


4.1 Reporting complaints in person and via email were the top methods used but a variety of methods remain equally available and utilised. The new website was introduced in December 2022, but figures recorded do not reflect this option being utilised. Further investigation requested.

4.2 Tenant, resident and service users' groups remain the main complainant source.



5. Resolving complaints



- 5.1 Complaint unfounded was the largest outcome response to complaints recorded. Service improvement (property) and mediation were the top resolution outcomes where a complaint was progressed under the new policy.
- 5.2 Data suggests that only 2 complaints escalated beyond regional manager status and 1 to the Housing Ombudsman Service. Issues have been identified with the administration of complaint stage on closure. This will be addressed in Q1 working group. The majority of complaints were resolved at first stage response which is a positive indicator.
- 5.3 Complaints were resolved within an average of **7.59** days showing a decrease on the average of **10.92** days in 2023/24. The implementation of a complaints handling officer role and persistent audit has reaped benefit to ensure robust administration of all complaints.
- 5.4 79% of complaints were resolved within the 10 days policy target. Only 51% of the 21% over target recording a delayed reason. This is an area of risk to maladministration under the complaints handling code if the system and evidence of delayed reason is not sufficient.
- 5.5 On audit the quality of records in most cases needed improvement. The evidence of complaint outcomes/resolution and procedural requirements to record delayed reason with use of templated letters was overall poor. A key action area noted in the RSM audit and inherent issue with the Omni system and lack of automated safeguards available to alert staff/managers when policy is not being adhered to through workflows.
- 5.6 **Ombudsman Complaint Handling Code Compliance** - On the 9th of November 2023 Adullam Homes were contacted by the Housing Ombudsman Service (HOS) as part of their work on compliance with their Complaint Handling Code. The HOS had reviewed the Adullam Homes website in relation to a complaint

ongoing at that time and the current complaints policy against the complaints handling code updated October 2022. They stated that Adullam Homes did not appear to be compliant with key areas in the current Code and indicated a release of a new code from April 2024. Instruction was to amend the website and complaints policy to resolve the issues described by 8 December 2023. Feedback and guidance outlined areas of non-compliance with the Code and in what circumstances they would issue a Complaint Handling Failure Order.

A meeting was arranged with Nicola Bruch (Complaints and Systemic Lead - Ombudsman) on the 28th of November with Dave Moore Assistant Director of Quality & Assurance and Phil Gardiner Quality Assurance Manager to discuss the contents of the email and address actions going forward.

See below and actions taken against each of the Ombudsman service findings:

- Section 2.4 of the Code requires landlords' websites to include information on how to raise a complaint. The complaints process must be easy to find on the website. The full policy is difficult to find on the website. We had to use the web browser's search function to find it and cannot see how to navigate to it using the website menus. The link to information about complaints in the website footer information leads to a page with little detail and refers to a leaflet which is not linked to. Please review the content of your website and ensure that information about how to complain, including the full policy document and any accompanying leaflet, is easily accessible online and in full to residents. – Website reviewed with third party website development partner "Clear" to address changes and improved accessibility of complaints form. **Completed 15/12/23 with new call to action button on landing page and updated information.**
- Section 2.8 of the Code requires landlords to provide residents with early advice regarding their right to access the Housing Ombudsman throughout their complaint. The current website content includes a reference to 'the Ombudsman,' but does not specify which one, and does not include our contact details or link to our website. Please include clear signposting information on the Housing Ombudsman Service on your website and in the complaint policy. – **HOS contact details and complaints escalation pathways now added to website with correct signposting information.**
- Section 4.13 of the Code requires the complaint policy to include a timescale for a resident to request escalation of a complaint. The current policy does not include this information. Please ensure the revised policy does include this timescale. – **Amendments made to the policy, guidance and complainant letters clearly identifying the timescales for escalation timeframe at each stage of a complaint.**
- Section 5.13 of the Code requires landlords to respond to the Stage 2

complaint within 20 working days. The current complaint policy does not include reference to this timescale. Please ensure the revised policy includes this timescale. - **As above. We do have a stage 3, so this has been expanded on why under the current code.**

- Paragraphs 9.1 and 9.2 of the current complaint policy refer to the designated person, and to the 8-week waiting period. As of 1 October 2022, the requirement for a person to wait 8 weeks or appoint a designated person prior to approaching the Housing Ombudsman was removed. A resident can now bring their complaint to us following the Stage 2 response. Please remove references to the designated person and the 8-week waiting period. – **Statement as per code pre October 2022 is deleted in the policy and from letters. Policy, complaints flowchart and complaint stage letters amended to reflect the ability of complainants to contact the HOS at much earlier stages and timeframe than pre October 2022 update of code.**

Subsequent further action taken by Adullam Homes –

- RSM (Internal Auditors for Adullam) were commissioned to complete a review of Adullam Homes current complaints policy and procedures against the new Ombudsman Complaint Handling Code. The review was completed in January 2024 and looked at any areas of weakness/non-compliance against the policy, its workflows and general procedure and guidance stages and Adullam Homes compliance against this moving forward.
- In response to the initial contact from the Ombudsman a full and detailed email was sent back to the Ombudsman lead officer on the 4th of December noting actions taken against each recommendation attaching the newly amended policy and guidance per the requirements of the Ombudsman. **Website changes went live on 15th December.**

5.7 Complaint Handling Failure Orders issued October to December 2023 –

This report from the Ombudsman notes a complaints handling order issued to Adullam Homes on the 11/11/23 (case reference 202229939) which was considered to be non-compliant:

The landlord refused to accept a complaint from the resident. The landlord's decision to not accept the complaint was not in line with the code and was deemed to be unreasonable, so an Order was issued. As the landlord did not comply with this, the case was accepted for investigation

This case has been reported to Adullam Finance and Risk Management Committee/Operations Committee and Board who are aware of the complaint which relates to a former tenant.

This individual had racially abused the Birmingham Housing team and posted on Instagram that another member of staff was a Paedophile whereby Adullam sought legal advice.

The thrust of his complaint was that he had requested a SAR which, after consulting with the ICO, we declined (under their guidelines) as Manifestly Excessive. He also sighted the conduct and performance of Housing staff, which was investigated and was found malicious.

Finally, he wanted any monies we had claimed from HB returned to him due to a lack of support being provided, however, he would close the complaint down providing Adullam paid him the sum of £1800. Adullam Homes have challenged this with the Housing Ombudsman for the past 8 months and have acted in good faith throughout this time.

A formal complaint has been made by the Executive Director of Housing and Support against their complaints handling process as it makes no allowances for an individual's mental capacity to reasonably deal with a complaints process. Adullam Homes offered mediation, which was declined, and have provided the Ombudsman with pages of information and responses all either dismissed or not acknowledged resulting in repeat requests for the same information.

Complaint: 202342533 - Stage 1 service complaint about the Housing Ombudsman Service

The Housing Ombudsman internal complaints team have acknowledged our concerns and Adullam Homes have agreed to work together to provide better outcomes for vulnerable tenants.

Adullam Homes have also instructed our solicitors last summer to represent us in this case but there are no harassment laws against a business only an individual, so have not pursued this. Also, we were concerned about the effects any legal action would have on the individual's mental health.

Adullam Homes have in place a vexatious complaints policy directly attributed to this case but still receive emails threatening Adullam and its staff. Adullam has re-instructed Solicitors to represent us in this matter and the complaint has been passed to a dispute examiner:

Complaint: 202229939

Adullam Homes treat every complaint on its individual merits and recognise the challenges some of our tenant's face. We appreciate and are sympathetic that

sometimes people cannot (or do not) behave in a rational way but that never deters us from offering the help and support they need.

During this reporting period contact has been made with the ICO in relation to this vexatious complaint that came from the original SAR request in 2023 which was refused due to it being excessive. The DPO for Adullam Homes spoke to the ICO case officer who had dealt with this case in 2023 and provided a brief summary of what has happened since i.e. now subject to complaints made to the Ombudsman.

Adullam Homes were advised to include some considerations to make on whether to apply the manifestly unfounded and manifestly excessive exemptions in this case. A new case reference file has been set up by the ICO per this enquiry. See below definition which has been passed to the Executive Director of Housing and Support who is dealing with the Ombudsman complaint.

Can we refuse to comply with a request?

- Yes. If an exemption applies, you can refuse to comply with a SAR (wholly or partly). Not all exemptions apply in the same way, and you should look at each exemption carefully to see how it applies to a particular request.

You can also refuse to comply with a SAR if it is:

- manifestly unfounded; or
- manifestly excessive.

What does manifestly unfounded mean?

A request may be manifestly unfounded if:

- the individual clearly has no intention to exercise their right of access. For example, an individual makes a request, but then offers to withdraw it in return for some form of benefit from the organisation; or
- the request is malicious in intent and is being used to harass an organisation with no real purpose other than to cause disruption. For example, the individual:
 - explicitly states, in the request itself or in other communications, that they intend to cause disruption;
 - makes unsubstantiated accusations against you or specific employees which are clearly prompted by malice;
 - targets a particular employee against whom they have some personal grudge; or
 - systematically sends different requests to you as part of a campaign, e.g. once a week, with the intention of causing disruption.

Advice provided by the ICO suggests that in this instance we can apply the exemption of this request as being manifestly unfounded.

6. Conclusion & recommendations

- 6.1 There were a large increase of compliments from the previous year. Expansion of services, introduction of the website and the promotion of complaints/compliments across the association was having positive effect increasing numbers. Exit & Entrance satisfaction survey completion was improving, with positive results due to higher engagement under co-production and support. Complaints capture through poor exit reviews have increased which is a positive indicator.
- 6.2 Compliments received were up on 22/23, logging positive interactions was much improved this year. Consideration to remove compliments out of the complaints module in pyramid was needed. Staff find this confusing and reporting was awkward. It also impacts on data quality and reporting efficiency.
- 6.3 Data suggests access to making a complaint was well promoted by the range of methods used and touch points evidenced.
- 6.4 Central complaints were now captured but need to follow the policy and procedure timeframes. Central services for this reason have seen a sharp increase in complaints received on the year 22/23. Operational Managers/customer services have been more assertive in allocating suitable complaints to central departments. Awareness and understanding are improving but the administration of central complaints has been identified as a concern and needs to be holistic in compliance timeframes. (Repairs and ICT Wi-Fi main themes.) Long delays identified are when litigation is apparent e.g. solicitor
- 6.5 A high proportion of complaints received across the association were from larger accommodation-based services where a superior landlord is in situ. There have been ongoing issues at Muamba House & Stoke Life House in relation to our management agreement with SAHA. A lack of address and action to complaint raised with this superior landlord is well documented and noted. The lack of response is not only in violation of the complaints handing code but also impacts on our local staff teams through verbal abuse and low morale.
- 6.6 Complaint's data suggested a high proportion of complaints are unfounded. Understanding themes for this need's further investigation. This will be tasked to the quarterly working group and tenant engagement & satisfaction lead.
- 6.7 Data from pyramid was good in providing basic statistical requirements via suitable fields when completed but poor in evidencing quality of our complaints journey for complainants. The poor completion of certain fields e.g. delayed reason, closed stage, resolution, identified a need for a more suitable system, more intuitive, less reliant on manual input with options for improved functionality. Sample audits were to be completed by quality assurance team each quarter.

- 6.7 Complaints training is available via ASE but needs review to ensure the new complaints handling code is embedded accordingly in Q1 2024.
- 6.8 To date quarterly action reports have been provided to SLT via the complaints & compliments working group, making good progress over the last 12 months reviewing themes and responding to operational requirements.

The “Complaints handling code” has been updated further from April 2024 and issued by the Housing Ombudsman Service. Next steps should be noted and referenced from the compliance report submitted at January 2024 board meeting. The commissioned RSM audit has been reviewed and actions set against the recommendations progressed.

Service Improvement - Follow on work for 2024 completed/under way:

- Complaints Tracker Group – consists of lead officers throughout Adullam Homes who meet every quarter to review and monitor performance
- Complaints policy and guidance reviewed per new code
- Key SLT and departmental leads sign up to the Housing Ombudsman Service information and alert e-newsletter.
- Introduction of new code January/February 2024 – RSM review compliance against code from April 2024 with action plan
- Appointment of dedicated Complaints officer role with administrative review of data / complaint stages established.
- Staff Training and engagement workshops - rolling out the new Complaints Policy and Guidance and we will hold Teams sessions with managers in the week leading up to this to go through the changes
- Effective communication plan
- Establish TRS annual reporting identifying learning and feedback quarterly to the website/via Scrutiny Champions
- Completed new “Complaints Self-Assessment” and submitted to the Senior leadership Team

In the event of any queries please contact the report author prior to the meeting.

Report Author:

Email:

Mobile: