

28 May 2021

Housing Ombudsman Service

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Ms Katherine Kerswell
Chief Executive
Croydon Council
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Dear Ms Kerswell

Determination - Complaint handling failure

The new Housing Ombudsman Scheme (the Scheme) came into effect on 1 September 2020 and granted the Ombudsman new powers. As part of these new powers, the Housing Ombudsman Service issued a Complaint Handling Code. The Code sets out our complaint handling standards for landlords and compliance with the Code is a requirement of Scheme membership.

Following correspondence with your officers, I have determined that there has been a complaint handling failure. As such, I am issuing a Complaint Handling Failure Order under paragraph 13 of the Scheme.

Reasons

The obligations of membership are set out in paragraph 9 of the Housing Ombudsman Scheme and include the following:

- A member must establish and maintain a complaints procedure in accordance with any good practice recommended by the Ombudsman.

In this instance the landlord has failed to comply with the Ombudsman's Complaint Handling Code as it has not presented its completed self-assessment to its elected members. Whilst the Ombudsman accepts that Covid-19 resulted in the scrutiny panel being delayed, there were opportunities for the self-assessment to be subjected to the appropriate levels of governance. The landlord's intention to present the self-assessment to its scrutiny panel in late 2021 is an unreasonable delay given the 31 December 2020 deadline.

Details

The Complaint Handling Code was published in July 2020 and landlords were asked to complete a self-assessment against the Code by 31 December 2020. The Code states:

- The Ombudsman expects landlords to report the outcome of the self-assessment to their ... elected members, and
- The Ombudsman expects landlords to publish the outcome of their assessments.

On 10 May 2021, the Housing Ombudsman Service wrote to the landlord as its self-assessment was not published on its website and the response times for complaints fell outside of the timescales stipulated in the Code.

In its response dated 14 May 2021, the landlord advised that the self-assessment had been completed in November 2020 and actions identified were to be reviewed throughout the year. The landlord also explained a further assessment will be completed in late 2021 "once this has been taken to our ELT and Scrutiny Panel." The revised self-assessment is due to be published once it has been approved by the relevant panels.

On 27 May 2021, the Housing Ombudsman Service sought further clarification from LB Croydon. The landlord advised that the self-assessment had not been presented to its scrutiny panel as the panel had been rescheduled several times due to Covid-19. However, the landlord also advised that other scrutiny panels had been held throughout the pandemic for specific matters.

Action required

The Ombudsman requires the landlord to present its full and final self-assessment to its elected members, and publish this on its website, by 31 August 2021.

As the Housing Ombudsman, we offer a range of learning and support tools to landlords whose complaint handling is not operating effectively. I would be happy to discuss these with you to identify any that could help in your circumstances.

Please note that details of all Complaint Handling Failure Orders issued from 1 January 2021 will be published quarterly on our website and form part of our regular information sharing with the Regulator of Social Housing.

To find out how we use your personal data together with your rights under the Data Protection Act 2018 go to www.housing-ombudsman.org.uk/about-us/your-data/.

Yours sincerely



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cc: Chris Buss (Director of Finance, Investment and Risk)