

15 August 2024

Housing
Ombudsman Service

SENT VIA EMAIL ONLY

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Dear Stephen Brown

DETERMINATION - COMPLAINT HANDLING FAILURE

The Social Housing (Regulation) Act 2023 gave powers to the Housing Ombudsman to issue a statutory Complaint Handling Code (implemented 1 April 2024). In turn, the Ombudsman has a duty to monitor compliance against this Code.

The Housing Ombudsman Scheme (revised 1 April 2024) sets out the conditions for all members. As such, the landlord is obliged to establish and maintain a complaints procedure in accordance with the Code and provide evidence of compliance with this Code.

The Scheme also details the powers and steps the Ombudsman can take if a landlord is failing to comply with these obligations.

One of these steps is to issue and publish a Complaint Handling Failure Order where there is evidence that a landlord has failed to comply with the conditions of membership of the Scheme.

The purpose of Complaint Handling Failure Orders is to ensure that a landlord's complaint handling process is accessible, consistent and enables the timely progression of complaints for residents, in line with the Code.

I have determined that there has been a complaint handling failure for as the landlord has not provided evidence to demonstrate compliance with the Code.

As such, I am issuing a Type 3a Complaint Handling Failure Order under Paragraph 13 of the Scheme.

Please note that details of all Complaint Handling Failure Orders formally issued will be published 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/

Reasons

On 8 February 2024, the Ombudsman published the Code 2024, and associated guidance that set out the requirements for all members of the Scheme. The guidance confirmed that large landlords (those with more than 1,000 homes) were required to provide their annual submission by 30 June 2024.

In recognition of this being the first year of new requirements, the Ombudsman has taken considerable steps to raise awareness and support landlords to meet these timescales. This includes regular updates in the electronic newsletters, webinars hosted via the Centre for Learning and an email to all CEOs on 4 June 2024.

Following the deadline, it was identified that Slough Borough Council had not provided the submission as required.

The Duty to Monitor team subsequently contacted the landlord on 24 July 2024 and asked the landlord to provide the relevant information by 31 July 2024 in order for the Ombudsman to complete an assessment of compliance against the Code.

The landlord was contacted using the email address complaints@slough.gov.uk. This is the most update contact held by our membership team.

We explained that if the landlord did not provide the information within 5 working days, we may issue a Type 3a Complaint Handling Failure Order. We also asked the landlord to contact the team if further information was required, or there were any difficulties in achieving the timescale set.

On 24 July 2024 we received an automatic acknowledge from the landlord stating “Your concerns will now be forwarded to the relevant department to answer. We aim to reply to all written correspondence within 15 working days for a stage 1 complaint, and 20 working days for any stage 2 complaints”

To date, this Service has not received the information requested or been provided with acceptable reasons for not providing this information within the timescale.

This constitutes a failure to adhere to Paragraph 10 of the Scheme which states:

The member must provide copies (without charge) of any information requested by the Ombudsman that is, in the Ombudsman’s opinion, relevant to the complaint or assessment of compliance with the Complaint Handling Code. This may include the following records and documents:

- a. the member’s policies and procedures*
- b. any internal files, documents, correspondence, records, accounts or minutes of meetings, in hard copy or electronic form. This includes records relating to similar cases where the Ombudsman needs them to establish consistency of practice*
- c. a self-assessment against any good practice issued by the Ombudsman when ordered to do so*

Orders

Within the next 5 working days, and no later than **22 August 2024**, the landlord is ordered to complete the annual submissions form, and when doing so, provide a copy of the following documents:

- Annual electronic submissions form;
- Complaints policy;
- Self-assessment;
- Annual complaints performance and service improvement report;
- The governing body response to the annual complaint's performance and service improvement report.

Failure to comply with this order within this timescale may result in the Ombudsman taking further action. This may include publishing a special report detailing the fact and circumstances surrounding non-compliance or reporting the landlord to any appropriate regulatory agency, Board or committee.

If there are particular difficulties that the landlord is experiencing in complying with this order, it must contact the Ombudsman, setting out the reason(s) in writing within the next five working days by emailing compliance@housing-ombudsman.org.uk.

Reviews

In the event that the landlord wishes to appeal this determination, a review request should be made within the next five working days of receipt of this letter. A review can be requested on the following grounds:

- There is new and relevant information that was not previously available and that affects the decision
- we made our decision based on important evidence that contains facts that were not accurate, and the landlord can show this using readily available information.

Yours sincerely

Verity Richards
Head of Duty to Monitor