



## **Housing Ombudsman Service - Our plans and budget for 2017-18 - Consultation paper**

### **CONSULTATION RESPONSE**

**February 2017**

#### **ABSTRACT**

TAROE Trust is a charity formed in 2013 out of the former national tenant representative organisation, Tenants and Resident Organisations of England (TAROE). It has been established to further charitable objects which can be summarised as follows:

- The relief of financial hardship by providing free advice and assistance on housing issues to persons who would otherwise be unable to obtain it.
- To promote social inclusion for the public benefit among people who are excluded from society or part of society by:
  - Providing advice and assistance and building capacity on housing matters
  - Working to promote the needs of people who are socially excluded and to raise awareness of those needs among housing providers, service agencies and the general public
  - Researching links between housing and social exclusion and publishing the useful results thereof
- To develop capacity and skills among members of socially and economically disadvantaged communities which evidence deprivation in such ways that they are better able to identify, and help meet, their needs in housing related matters in particular and to participate more fully in society.

#### **EXECUTIVE SUMMARY**

Overall, the key issues recommended by TAROE Trust may be summarised as follows:

- Further work needs to be done to reduce the average dispute resolution times for formal complaints failing within the remit of the HOS. An increase in the levy would be welcomed by tenants where this achieves this overall service improvement.
  - Wider changes in the sector, and the shift to back-stop regulation, means that the increase in complaints lodged with the HOS are likely to continue to increase. The performance of the HOS both in terms of efficiency of case handling and the implementation of determinations made justifies a reasonable increase in the levy proposed.

- It is imperative that the availability of the HOS for tenants is maintained as a valuable resource in ensuring tenants are able to seek recourse to remedy poor housing services. The shift to backstop regulation means that safeguards for tenants are being eroded and avenues that enable tenants to hold their landlord to account are limited.
- Some account needs to be made in the evaluation of responses received from this consultation to the imbalance of resources in the landlord / tenant relationship. Despite the best efforts of tenant bodies to highlight the consultation exercise, many tenants will be unaware that it is taking place.
- Whilst landlords are facing pressures to become more efficient, any calls from landlords to constrain and/or reduce the levy for the HOS also serves to inhibit the role of the HOS to hold landlords to account when things go wrong. The HOS fulfils a valuable role in driving up standards across the sector, through the lessons they identify from individual cases that can be applied on a wider scale. The value this can bring to landlords in efficiency terms should also not be underestimated.
- Whilst recourse to the housing courts remain a theoretical route available to tenants when things go wrong, the practical realities of securing access means there are many barriers to the legal system. Consideration should be given to extending the role of the HOS into the resolution of other housing law related matters beyond the narrow resolution of complaints.
- TAROE Trust would encourage the HOS to maintain a broad range of channels, including telephone, to access HOS services.

## **SUBSTANTIVE RESPONSE**

1. Do our predictions about casework volumes match your expectations?

1.1. TAROE Trust believes that the predictions for increasing casework volumes are reasonable based on current trends experienced by the Housing Ombudsman Service (HOS) to date, and its awareness of continuing and future changes in the sector.

2. How long do you think it is reasonable to wait on average for a decision?

2.1. TAROE Trust applauds the positive work that has been undertaken to reduce the backlog of cases with the HOS, and eliminate those cases that are aged over 12 months.

- 2.2. Whilst there has been positive work to reduce processing times of complaint resolutions, overall even an average target resolution time of 6 months is considered excessive. It is recognised that some cases may be complex in nature, and require significant investigation, but an average processing target time of say 2-3 months is much more reasonable.
- 2.3. In many instances, the current processing times can be aggravated by changes to landlord staffing and/or structures which remove continuity of service and dispute resolution.

### 3. Which aspects of our work do you find most useful in helping you to resolve disputes?

- 3.1. TAROE Trust believes that there is currently a good balance in the division of resources and services between dispute resolution and sector development. The latter works in a preventative way to improve service provision and landlord complaints handling.
- 3.2. TAROE Trust also welcomes the HOS' focus on local based and early resolution of complaints wherever possible. This frees up resources to focus on the most complex cases.
- 3.3. The broad range of access points to the HOS, and the acceptance to deal with enquiries alongside the narrower formal role of the HOS is welcomed by TAROE Trust. This supports tenants to identify appropriate resolution avenues open to them.

### 4. Which aspects of our work do you find most useful in helping you to improve your complaint handling processes or approach?

- 4.1. TAROE Trust considers the sector development work of the HOS as helpful in guiding landlords to improve their complaint handling processes.
- 4.2. TAROE Trust recognises that the HOS accepts a broad range of channels through which tenants can seek to access their services. This includes direct access to the HOS via telephone to discuss complaints and seek to achieve an early resolution. We would encourage the HOS to maintain a range of channels for tenants to access HOS' services.

5. Which aspects of our work do you find most useful in helping you to develop your policies, procedures and service delivery?

5.1. See response to Question 4.

6. Do you think we think we get the balance right between casework and sector development activities?

6.1. See response to Question 3.

7. Do you have any other ideas for the future development of our service?

7.1. The HOS contains a wealth of knowledge on a broad range of housing law related matters. Whilst the housing courts remain a theoretical avenue available to tenants, the practical realities often make them unavailable.

7.2. Consideration should be given to where the role of the HOS could be extended so that tenants may be able to benefit from the knowledge and expertise with the HOS on housing law related matters that are beyond the narrow definition of complaint resolution.

## CONTACT INFORMATION

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