

# Independent Complaint Reviewer's Annual Report 2009-2010



## About the Independent Complaints Reviewer

Jodi Berg is the Independent Complaints Reviewer (ICR) for The Homes and Communities Agency (HCA) and other public bodies, including the Tenant Services Authority and the Audit Commission. Her service is free to complainants. Mrs Berg is a non-practising solicitor, a Fellow of the Chartered Institute of Arbitrators and a mediator. She is a Council member of the Administrative Justice and Tribunals Council and a corporate member of the British and Irish Ombudsman Association.

## Foreword

I am pleased to present my first Annual Report as Independent Complaints Reviewer for the Homes and Communities Agency. HCA was formed from an amalgamation of the investment arm of the former Housing Corporation, English Partnerships and the Academy for Sustainable Communities. It is responsible for major delivery programmes for the Department of Communities and Local Government.

Joining together different organisations, each with its individual role, systems and cultures, is challenging. The HCA Board has had to develop a new strategic vision and management has had to establish new ways of working in a collegiate manner to achieve organisational goals. It is easy in situations of substantial change to lose sight of the importance of placing 'customers' at the heart of the new organisation's systems. Good public and stakeholder communication is an essential component of successful change and, essential to this are robust procedures for capturing both positive and critical views about service delivery.

I am pleased to report that early signs are good. The HCA has set up an internal complaint handling section, managed by dedicated staff whose role is to respond to complaints that have not been settled at local level. Since its inception HCA has received 70 complaints, approximately 10 of which have progressed through to stage 2 of HCA's complaints process. I was appointed to provide a final stage independent and impartial complaint review service for people or organisations whose complaints have not been resolved through the internal process and, in this way, to add to public confidence in HCA and its commitment to good customer service. There is no barrier to referral to me.

Since my appointment, only 2 complainants have found it necessary to refer complaints to me, although we have dealt with several contacts by giving advice and assistance to help people take matters forward. These complaints were originally made to the Housing Corporation but when the Corporation closed, as the agency taking on responsibility for funding and regeneration on behalf of Government, the HCA agreed to take responsibility for complaints and to take on board any lessons learned that would promote good practice. The issues raised are described later in my report

As ICR, I am able to look into complaints about poor service, rather than HCA decisions, although I can consider the way in which decisions are made. When a complaint is referred to me, I try to achieve an agreed solution between the complainant and HCA. Where this cannot be done, following investigation, I will decide whether or not the complaint is justified and set out the reasons for my decision in a report. I am able to recommend redress for the complainant, such as an apology or a small consolatory payment, or improvements to HCA's service. Complainants may not always get the outcome they hope for, but they will get a clear explanation of what happened in their case and whether required standards were met.

A significant part of my role is to help HCA improve internal complaint handling through systemic recommendation. Good complaints handling requires commitment at every level of the organisation and across all offices, if complaints are to be valued for their contribution to good service. I am keen to encourage interest in and ownership of complaints at regional levels, to give assurance to the HCA Board that all expressions of dissatisfaction are properly recorded as complaints and, where necessary, moved forward through the complaints process. In this way too, members of staff who are able to settle complaints locally will receive management recognition for their efforts. I look forward to working with HCA over the coming year to help achieve this objective.

**The following are examples of complaints referred to me since HCA's inception.**

**Complaint 1** Shortly before the closure of the former Housing Corporation, a housing association Chair complained to me about specific funding decisions. He raised concerns about the way that the decision to reject a funding application had been made, and complained about poor communication, including that contradictory messages were given. My review highlighted several shortcomings in administration, particularly concerning record keeping and communication. I am pleased to report that HCA's Chief Executive accepted my recommendations and gave an assurance that the report findings would be used to inform emerging systems and procedures. In addition, he confirmed that HCA staff would be made aware of the organisation's expectations in relation to good administrative practice. I was satisfied that these steps would help establish appropriate procedures and systems.

**Complaint 2** A local resident complained to the Housing Corporation about its failure to properly regulate her local housing association, which she said had sold properties that failed to meet strict building regulations. The Corporation contacted the association and as it was satisfied that it was taking action to address the issues, saw no cause to intervene. Following further correspondence and having checked its records, the Corporation advised that there was no cause for regulatory intervention in relation to the association's activities. The complainant's contact with HCA was sparked by more recent events, in particular, a building survey identifying breaches in planning and building regulations that adversely affect the value of her property. She was dissatisfied with HCA's response and referred her complaint to me.

I explained to Mrs B that HCA had no direct responsibility for the way in which building projects were carried out in past years, nor could it reverse previous decisions made by the Housing Corporation. However, all public bodies have a duty to respond to contact from members of the public in a helpful way, and this is particularly true when a new body takes over the functions of a previous organisation. In this case, I noted that HCA made internal enquiries and contacted the new regulator, the Tenant Services Authority, prior to responding to the complainant that it could not take matters further. I found that the letter from HCA suggested that it could not act because of a lack of information, rather than because it had no remit to do so. I was critical of this lack of clarity and felt that it would also have helped if the complainant could have been pointed towards other ways of taking matters forward. However, whilst the letter could have been clearer, this would not have changed things for the complainant, who hoped that referral to me might lead to an investigation by HCA and disclosure of information previously held by the Housing Corporation. I explained to her that this result could not be achieved and why I had found no evidence of maladministration on HCA's part.

## ICR Service principles

The ICR service works to the Principles of Good Complaint Handling published by the British and Irish Ombudsman Association, which are:

**Clarity of purpose** I ensure that people understand the purpose and limitations of my role and how I go about our work. Information about this is published on the ICR website and in our publications, and is reinforced with personal explanations.

**Accessibility** Complainants can refer a complaint directly or via a representative or advocate.

**Flexibility** We recognise that people who contact us have differing needs and tailor responses and communication to the individual.

**Openness and transparency** The ICR process is described in our leaflet 'Seeking a Fair Resolution' and in information on our website [www.icrev.org.uk](http://www.icrev.org.uk)

**Proportionality** We recognise that a 'one size fits all' approach is not necessarily appropriate and tailor our responses to suit individual circumstances.

**Efficiency** We measure case performance against agreed speed of service of service targets.

**Quality outcomes** The aim of ICR review is to bring about closure for the complainant and to make a positive difference for the HCA.

Information about BIOA and other complaint handling bodies can be found at: [www.bioa.org.uk](http://www.bioa.org.uk)

## Confidentiality

Whilst it is necessary to share information with the HCA in order to obtain relevant documents, or to find out important facts about the complaint, we do not divulge sensitive personal information. I have the right of access to all relevant HCA files and data. This documentation is loaned for the purposes of conducting a review and I have no authority to release any information from the files. All requests for information temporarily held by the ICR office must be made directly to the HCA. Both during and following review, I respect the privacy of individuals and do not discuss specific cases with the media or any third party. I do not publish information about complainants or members of HCA staff, however, I may publish information about the kind of issues an investigation has brought to light, to encourage understanding of the causes of complaints and how they can be avoided.

## Contact the ICR team

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