



Northern Ireland

Public Services

Ombudsman

Investigation of a complaint against the Northern Ireland Housing Executive

Report Reference: 202005280

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The Role of the Ombudsman

The Northern Ireland Public Services Ombudsman (NIPSO) provides a free, independent and impartial service for investigating complaints about public service providers in Northern Ireland.

The role of the Ombudsman is set out in the Public Services Ombudsman Act (Northern Ireland) 2016 (the 2016 Act). The Ombudsman can normally only accept a complaint after the complaints process of the public service provider has been exhausted.

The Ombudsman may investigate complaints about maladministration on the part of listed authorities, and on the merits of a decision taken by health and social care bodies, general health care providers and independent providers of health and social care. The purpose of an investigation is to ascertain if the matters alleged in the complaint properly warrant investigation and are in substance true.

Maladministration is not defined in the legislation, but is generally taken to include decisions made following improper consideration, action or inaction; delay; failure to follow procedures or the law; misleading or inaccurate statements; bias; or inadequate record keeping.

The Ombudsman must also consider whether maladministration has resulted in an injustice. Injustice is also not defined in legislation but can include upset, inconvenience, or frustration. A remedy may be recommended where injustice is found as a consequence of the failings identified in a report.

Reporting in the Public Interest

This report is published pursuant to section 44 of the 2016 Act which allows the Ombudsman to publish an investigation report when it is in the public interest to do so.

The Ombudsman has taken into account the interests of the person aggrieved and other persons prior to publishing this report.

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Case Reference: 202005280

Listed Authority: Northern Ireland Housing Executive

SUMMARY

The complainant raised concerns about how the Northern Ireland Housing Executive (the NIHE) handled his complaint. The complainant said that following his dissatisfaction with the NIHE's response to his First Stage complaint, issued on 7 June 2023, he progressed it to the Final Stage on 14 June 2023. To date, the NIHE is yet to respond to the Final Stage complaint. This caused him to experience extreme frustration.

The investigation identified maladministration in the NIHE's handling of the complaint. It found the NIHE did not act in accordance with its Complaints Policy (2018), as it failed to achieve the target timeframes set out in that policy and process. It also found that NIHE's approach to complaint handling demonstrated a culture in which dealing with complaints quickly and effectively, as a means to improve service and 'put things right', appeared unimportant. I found this, and the NIHE's failure to engage meaningfully with my office during the investigation, concerning.

I recommended that the NIHE apologise to the complainant for the failures and injustice identified. I also recommended action for the NIHE to take to prevent these failures from recurring.

THE COMPLAINT

1. This complaint was about how the Northern Ireland Housing Executive (the NIHE) handled a complaint it received in May 2023.

Background

2. The complainant contacted the NIHE in late 2022 to enquire about its provision for emergency accommodation in the Armagh City, Banbridge and Craigavon council area.
3. The complainant was dissatisfied with the NIHE's response and contacted its central complaints department on 16 May 2023 to raise a complaint.
4. NIHE accepted it as a First Stage complaint and responded to the complainant on 7 June 2023.
5. The complainant remained dissatisfied with the response and raised a Final Stage complaint with NIHE on 14 June 2023.
6. At the time of writing this report, the NIHE has yet to issue its Final Stage response.

Issue of complaint

7. I accepted the following issue of complaint for investigation:
 - **Whether the Northern Ireland Housing Executive managed the complaint raised on 16 May 2023 appropriately and in accordance with relevant guidance**

INVESTIGATION METHODOLOGY

8. To investigate this complaint, the Investigating Officer sought to obtain from the NIHE all relevant records, together with its comments on the issues the complainant raised.

9. The NIHE provided a chronology of the complaint, as well as its complaints policy. However, it did not respond to investigation enquiries by this Office regarding its handling of the complaint.

Relevant Standards and Guidance

10. In order to investigate complaints, I must establish a clear understanding of the standards, both of general application and those specific to the circumstances of the case. I also refer to relevant regulatory, professional, and statutory guidance.

The general standards are the Ombudsman's Principles¹:

- The Principles of Good Administration
- The Principles of Good Complaints Handling

11. The specific standards and guidance referred to are those which applied at the time the events occurred. These governed the exercise of the administrative functions of those individuals whose actions are the subject of this complaint.

The specific standards and guidance relevant to this complaint are:

- The Northern Ireland Housing Executive's Complaints Policy, 2018 (the Complaints Policy).

12. In investigating a complaint of maladministration, my role is concerned primarily with an examination of the administrative actions of the authority. It is not my role to question the merits of a discretionary decision unless my investigation identifies maladministration in the process of making that decision.

13. I did not include all information obtained in the course of the investigation in this report. However, I am satisfied I took into account everything I considered relevant and important in reaching my findings.

¹ These principles were established through the collective experience of the public services ombudsmen affiliated to the Ombudsman Association.

14. A draft copy of this report was shared with the complainant and the NIHE for comment on factual accuracy and the reasonableness of the findings and recommendations.

THE INVESTIGATION

- **Whether the Northern Ireland Housing Executive managed the complaint raised on 16 May 2023 appropriately and in accordance with relevant guidance**

Detail of Complaint

15. The complainant said the NIHE did not handle his complaint in keeping with NIHE policy. He explained the Final Stage response remained outstanding since August 2023, despite numerous contacts from the complainant to the NIHE.

16. The complainant highlighted his extreme frustration at the NIHE's failure to respond to his complaint.

Evidence Considered

Legislation/Policies/Guidance

17. I considered the following policy:
 - The Complaints Policy

The NIHE's response to investigation enquiries

18. As noted at paragraph nine, the NIHE provided a copy of its complaint file and the relevant complaints policy. However, it did not respond to my enquiries about its handling of the complaint.

Relevant records

19. The complainant provided this office with copies of correspondence he had with the NIHE, in which he requested a response to his complaint. Within its correspondence, the NIHE documented its intention to issue the Final Stage response.

20. The NIHE corresponded with NIPSO in relation to the case on over 25 occasions between August 2023 and June 2024. On eight of these occasions, the NIHE gave assurances it would issue its Final Stage response imminently. On one occasion, the NIHE advised it would issue the response within one week. To date, the NIHE has yet to issue its response.

Responses to the Draft Investigation Report

21. Both the complainant and the NIHE were given an opportunity to provide comments on the Draft Investigation Report. Where appropriate, comments have been reflected in changes to the report.

The Complainant's Response

22. The Complainant said he was "*generally satisfied*" with the report. He wanted it referenced he was a "*well informed*" member of the public, yet the NIHE still treated him "*with contempt*".

The NIHE Response

23. The NIHE failed to respond to the Draft Investigation Report. My office sent the Draft Investigation Report to the NIHE on 9 July 2024 and indicated it should respond by 3 August 2024. On 1 August 2023, my office contacted the NIHE to remind it of the due response date and it indicated it would respond "as soon" as it could. On 12 August 2024 my office advised the NIHE it was extending the due response date until 23 August 2024. By 29 August 2024, the NIHE had failed to provide a response to the Draft Investigation Report or seek an extension by which to do so.

Analysis and Findings

24. Section 24(1) of the 2016 Act allows me to investigate a complaint if I am satisfied the complainant has exhausted the listed authority's internal complaints procedure. There is, however, a discretion under Section 24(2) of the 2016 Act which I can use, where the complainant has not exhausted the

complaints procedure, but I consider there are special circumstances to accept the complaint. The absence of a Final Stage response in this case meant the complainant had not yet exhausted the NIHE's complaints procedure before raising his concerns with my office. Upon receipt of his complaint, I noted the number of assurances the NIHE gave to the complainant that it prepared its response and would issue it shortly. The offered dates passed regularly without any response. I also noted the time taken to respond to the complaint well exceeded the NIHE's own timeframe set out in its Complaint Policy. I was satisfied the NIHE had more than sufficient opportunity to address the matter and therefore used my discretion to accept the complaint.

25. The issue raised to this office related only to complaint handling and therefore the investigation did not examine the substantive issues the complainant raised to the NIHE.
26. The complainant initially submitted an enquiry to the NIHE in late 2022. He was dissatisfied with its response and submitted a complaint in May 2023. The NIHE issued its First Stage response on 7 June 2023.
27. The complainant was dissatisfied with NIHE's response to his complaint and submitted a Final Stage complaint on 14 June 2023. The NIHE agreed the issues of complaint with the complainant on 21 June 2023. This timeline was in keeping with the Complaints Policy.
28. The Complaints Policy requires the NIHE to respond to the Final Stage complaint within 20 working days from the date it agreed the issues of complaint. This should have been on 19 July 2023. However, the NIHE did not respond within this timeframe. Instead, it told the complainant on 26 July 2023, to '*expect [the] response next week*'.
29. The records evidence that from this date until November 2023, NIHE gave the complainant repeated assurances it would issue a Final Stage response. It also assured my office on numerous occasions that its written response was in its '*final stages*'.

30. I also note the NIHE said it would agree to meet with the complainant in person. To date, the NIHE has not contacted the complainant to arrange a meeting.
31. It is abundantly clear that the NIHE has not acted in accordance with its Complaints Policy in its management of the Final Stage process. I am both concerned and disappointed that as of the date of this report, the NIHE has yet to issue its Final Stage response. This is a delay of over 11 months. I find this delay significant and wholly unacceptable.
32. The NIHE's failure to respond to the complainant was compounded by its failure to respond to requests for information from this office. My office made repeated attempts to engage with the NIHE regarding this case. I accept there was email correspondence between the Investigating Officer and the Complaints team. However, as outlined above, it did not provide any of the information or documentation my office requested. It also failed to respond to the issues raised.
33. The First Principle of Good Complaint Handling '*getting it right*', requires bodies to act in line with internal guidance. While the Complaints Policy sets out governance arrangements, its achievement against those arrangements in this case is poor. I consider the NIHE breached the timeframes detailed in its Complaints Policy. The NIHE should have issued a Final Stage response by mid July 2023, in accordance with its policy. I am satisfied its failure to do so is a breach of the First Principle of Good Complaint Handling.
34. I note from the records the complainant provided that the NIHE at times explained the delays were due to '*awaiting senior management approval*'. The First Principle of Good Complaint Handling also requires bodies to have clear governance arrangements where '*staff are equipped and empowered to act decisively to resolve complaints.*' While I am unable to substantiate the NIHE's reason for the delay, I consider the delay itself demonstrates the absence of such arrangements that would allow the NIHE to deal with complaints quickly and effectively. I also consider it demonstrates a culture in which dealing with

complaints quickly and effectively as a means to improve service and 'put things right', appears to be unimportant. I find this both concerning and disappointing.

35. The Second Principle of Good Complaint Handling, '*being customer focused*', requires bodies to deal with people helpfully, promptly and sensitively, bearing in mind their individual circumstances. In this case, I do not consider the NIHE dealt with the matter helpfully or promptly. Despite the involvement of this office, it has yet to complete the Final Stage of the process.
36. I do not consider the NIHE acted in accordance with the above principles when managing the complainant's concerns. I am satisfied this constitutes maladministration and I uphold this complaint. I also consider this caused the complainant to sustain injustice in the form of frustration, uncertainty, and the time and trouble of bringing his complaint to this office.

CONCLUSION

37. I received a complaint about the actions of the NIHE. The complainant raised concerns about how the NIHE managed his Final Stage complaint.
38. I uphold this complaint. I am satisfied the NIHE breached its Complaints Policy and did not act in accordance with the Principles of Good Complaints Handling for the reasons outlined in this report. I am satisfied this constitutes maladministration. I am also satisfied that the failures identified caused the complainant to experience extreme frustration, uncertainty, and the time and trouble of bringing his complaint to this office.

Recommendations

39. I recommend the NIHE urgently completes and issues its Final Stage response to the complainant. The NIHE should keep me advised of the progress of this action and provide me with a copy of the final response. Given the time that has already elapsed, it is my firm view the NIHE should issue its response within **two weeks** from the date of my final report.

40. I recommend the NIHE provides to the complainant a written apology in accordance with NIPSO's 'Guidance on issuing an apology' (July 2019), for the injustice caused as a result of the maladministration identified.
41. I also recommend a senior member of the NIHE management team meet with the complainant in person to provide that written apology. That meeting should take place within **one month** of the date of this report.
42. I find it concerning that despite clear recommendations I made following investigations my office conducted in 2023 about the NIHE's poor complaints handling, the NIHE again failed to put the complainant at the heart of its complaints process. I recommend the Chief Executive conducts a review of how the NIHE approaches complaints. The NIHE should work to develop a culture where it values and welcomes complaints as a way of putting things right and improving service. It should provide this office with an action plan outlining its approach to this review within **three months** of the date of this report.
43. I further recommend the NIHE provides training to relevant staff on effective complaint handling. This training should provide awareness to staff, using case studies if appropriate, of the impact a prolonged complaints process has on complainants. The NIHE should provide evidence that it has delivered this training within **three months** of the date of this report.
44. When making enquiries of the NIHE, I noted its resistance to participate fully in my investigation. I should highlight that it is unusual for any listed authority in jurisdiction to fail to provide this office with documentation and information when requested to do so, particularly when such information requests are repeated. However, despite raising similar concerns with the NIHE in 2023, its continued resistance to engage with my office increases my concern.
45. When investigating complaints, I have a responsibility to consider the complainant and to progress the investigation in a timely manner. This is for the benefit of all parties involved. My office again made allowances for the NIHE to ensure its participation in the investigation, which inevitably prolonged

the process. However, it failed to respond to enquiries made, or provide any documentary evidence, that would have assisted my investigation. Ultimately, I had to make the decision to proceed with my investigation without input from the NIHE. I would ask the NIHE to review how it has engaged with my office and provide me with its comments within **one month** of the date of this report.

Margaret Kelly
Ombudsman

September 2024

Appendix 1

PRINCIPLES OF GOOD ADMINISTRATION

Good administration by public service providers means:

1. Getting it right

- Acting in accordance with the law and relevant guidance, with regard for the rights of those concerned.
- Acting in accordance with the public body's policy and guidance (published or internal).
- Taking proper account of established good practice.
- Providing effective services, using appropriately trained and competent staff.
- Taking reasonable decisions, based on all relevant considerations.

2. Being customer focused

- Ensuring people can access services easily.
- Informing customers what they can expect and what the public body expects of them.
- Keeping to its commitments, including any published service standards.
- Dealing with people helpfully, promptly and sensitively, bearing in mind their individual circumstances
- Responding to customers' needs flexibly, including, where appropriate, co-ordinating a response with other service providers.

3. Being open and accountable

- Being open and clear about policies and procedures and ensuring that information, and any advice provided, is clear, accurate and complete.
- Stating its criteria for decision making and giving reasons for decisions
- Handling information properly and appropriately.
- Keeping proper and appropriate records.
- Taking responsibility for its actions.

4. Acting fairly and proportionately

- Treating people impartially, with respect and courtesy.
- Treating people without unlawful discrimination or prejudice, and ensuring no conflict of interests.
- Dealing with people and issues objectively and consistently.
- Ensuring that decisions and actions are proportionate, appropriate and fair.

5. Putting things right

- Acknowledging mistakes and apologising where appropriate.
- Putting mistakes right quickly and effectively.
- Providing clear and timely information on how and when to appeal or complain.
- Operating an effective complaints procedure, which includes offering a fair and appropriate remedy when a complaint is upheld.

6. Seeking continuous improvement

- Reviewing policies and procedures regularly to ensure they are effective.
- Asking for feedback and using it to improve services and performance.
- Ensuring that the public body learns lessons from complaints and uses these to improve services and performance.

Appendix 2

PRINCIPLES OF GOOD COMPLAINT HANDLING

Good complaint handling by public bodies means:

1. Getting it right

- Acting in accordance with the law and relevant guidance, with regard for the rights of those concerned.
- Ensuring that those at the top of the public body provide leadership to support good complaint management and develop an organisational culture that values complaints.
- Having clear governance arrangements, which set out roles and responsibilities, and ensure lessons are learned from complaints.
- Including complaint management as an integral part of service design.
- Ensuring staff are equipped and empowered to act decisively to resolve complaints.
- Focusing the outcomes for the complainant and the public body.
- Signposting to the next stage of the complaints procedure in the right way and at the right time.

2. Being customer focused

- Having clear and simple procedures.
- Ensuring that complainants can easily access the service dealing with complaints, and informing them about advice and advocacy services where appropriate.
- Dealing with complainants promptly and sensitively, bearing in mind their individual circumstances.
- Listening to complainants to understand the complaint and the outcome they are seeking.
- Responding flexibly, including where appropriate co-ordinating responses with any other bodies involved in the same complaint, where appropriate.

3. Being open and accountable

- Publishing clear, accurate and complete information about how to complain, and how and when to take complaints further.

- Publishing service standards for handling complaints.
- Providing honest evidence-based explanations and giving reasons for decisions.
- Keeping full and accurate records.

4. Acting fairly and proportionately

- Treating the complainant impartially, and without unlawful discrimination or prejudice.
- Ensuring that complaints are investigated thoroughly and fairly to establish the facts of the case.
- Ensuring that decisions and actions are proportionate, appropriate and fair.
- Ensuring that complaints are reviewed by someone not involved in the events leading to the complaint.
- Acting fairly towards staff complained about as well as towards complainants

5. Putting things right

- Acknowledging mistakes and apologising where appropriate.
- Providing prompt, appropriate and proportionate remedies.
- Considering all the relevant factors of the case when offering remedies.
- Taking account of any injustice or hardship that results from pursuing the complaint as well as from the original dispute.

6. Seeking continuous improvement

- Using all feedback and the lessons learnt from complaints to improve service design and delivery.
- Having systems in place to record, analyse and report on learning from complaints.
- Regularly reviewing the lessons to be learnt from complaints.
- Where appropriate, telling the complainant about the lessons learnt and the changes made to services, guidance or policy.

