



Post-legislative review of the Public Services Ombudsman (Wales) Act 2019

Community Housing Cymru response to the Finance Committee Inquiry.

Of the four new powers granted to the PSOW under the 2019 Act, two have currently impacted housing associations:

- 1) Complaint Handling Standards
- 2) Accepting Oral Complaints

1) Complaint Handling Standards

PSOW has gradually started including housing associations in its complaint handling standards, and has also begun collecting data on housing association complaints. Currently, around half of the sector is included in this data collection.

Complaints are encouraged by both PSOW and housing associations. They provide valuable opportunities to learn, improve, and enhance services. They offer insights into areas where performance could have been better, and therefore lead

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to positive changes for housing associations and tenants.

The first (and so far, only) data publication took place in December 2024. Unfortunately, CHC, nor the sector, were informed of the publication. This led to teething issues which we feel could have been resolved were better engagement undertaken prior to the publication.

Since the publication of this data, CHC has had good engagement with PSOW. We have spoken through the challenges that were faced throughout the collection and are pleased to see PSOW take on board our concerns. We are confident improvements will be made for the next publication.

We believe that the data collection process can improve and strengthen relationships between housing associations and PSOW, which will in turn, drive better complaint handling processes.

We have outlined the lessons learnt during this process below:

- Data accuracy
 - The data collection in December 2024 included data on 'population'. It was unclear whether this referred to the number of tenants or the number of households. PSOW did not request this data from housing associations, but rather undertook desk-based research. For some housing associations, the number published did not refer to either their tenant or household numbers.
 - **We have requested that PSOW collect this data directly from housing associations for the next collection. We would also like PSOW to share its final data results with CHC and housing associations prior to release to ensure accuracy.**

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- A 'League Table'
 - The data was published in a format which resembled a league table, listing housing associations in order of the most complaints. PSOW itself states that complaints and engagement with tenants should be encouraged, as they are a valuable tool for enhancing services. Publishing the data in this way could lead the public to believe that the most number of complaints is negative and should be reduced, and so act as a disincentive to PSOWs own view on handling complaints well. | League tables fail to capture the nuances of individual cases and instead lead to a focus on superficial metrics.
 - **We would like to see PSOW present the data in a way that does not rank housing associations, and instead offers meaningful reflection on complaint resolution and encourages the sharing of good practice.**

- Press release
 - The press release which accompanied PSOW's data release failed to make clear that most of the complaints were dealt with by early resolution (ER). We also believe it should have done more to demonstrate that complaints are encouraged by PSOW as a mechanism for improving services.

- Purpose of the data
 - It is not yet clear to all housing associations how the data that is collected is going to be used by PSOW.

- Stage One Timeframe
 - One of our members has expressed dissatisfaction with the restriction to extend the timeframe of stage one complaints. Sometimes, residents aren't able to respond in the given timeframe, and sometimes cases are complicated and need more time to

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respond.

- Once the complaint has exceeded two stages, the recourse is to go to the Ombudsman. This can extend the complaint and delay rectifying the situation. It is in the interest of the tenant for a resolution to be found as soon as possible, and we believe the ability to extend stage one would better allow for this.

Accepting Oral Complaints

It is a positive step forwards that housing association tenants can complain orally. It allows those who do not wish to, or can't, complain in a written format to allow their voice to be heard.

Own Investigation

PSOW's own investigation (OI) reports have not yet impacted housing associations, although they could in the future. We think it would be constructive if the process used the data collection exercise to identify recurring issues which can then recommend changes to procedures and practices to better complaint handling, and improve service delivery.

Housing associations welcome the Act as an avenue for residents to submit complaints, as it allows them to address any issues in a transparent and open way.

Classification

Housing Associations are independent businesses with social good as their core purpose. They work in partnership with the Welsh Government to provide social homes, additional support services, to tackle homelessness and to deliver health and care provision.

The ONS has classified housing associations as Private Non-Financial Corporations meaning they are not public bodies. PSOW often refers to housing associations as

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public bodies, which can give the perception that PSOW does not fully understand how housing associations are financed and how they operate. We think it is important that PSOW recognises that housing associations are independent organisations that provide public good as a fundamental basis for defining their approach to investigations.

For more information, please contact [REDACTED]