



Northern Ireland

**Public Services**

Ombudsman

# **Investigation of a complaint against the Northern Ireland Housing Executive**

**Report Reference: 202004479**

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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: 202004479**

**Listed Authority: Northern Ireland Housing Executive**

## **SUMMARY**

This case was about the Northern Ireland Housing Executive's (the NIHE) handling of a complaint a woman made on behalf of her brother. The complainant said that following her dissatisfaction with the NIHE's response to her First Stage complaint, she submitted a Final Stage complaint on 3 June 2023.

As the NIHE did not provide this office with any documentation as part of its investigation despite numerous requests, the investigation relied on records and information the complainant provided. The investigation established that more 12 months after the complainant submitted her Final Stage complaint, the NIHE has yet to respond. The investigation found this delay unacceptable and not in accordance with timescales outlined in the NIHE's Complaints Policy. It established that this constituted maladministration, causing the complainant to sustain the injustice of frustration, uncertainty, and the time and trouble of bringing her complaint to this office.

This report recommended that the NIHE apologise to the complainant for the failures and injustice identified. It also recommended that the NIHE issues to the complainant its written response to the Final Stage complaint within two weeks of the date of this report. It further recommended actions for the NIHE to take to prevent the failures identified from recurring.

## **THE COMPLAINT**

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

### **Background**

2. The complainant raised concerns with the NIHE prior to December 2022 (specific date unknown). These concerns related to how the NIHE dealt with prospective tenants who lacked the capacity to sign tenancy agreements.
3. In April 2023, the complainant raised a complaint about the NIHE's handling of her concerns. The NIHE acknowledged her complaint on 24 April 2023. On 27 June 2023, it notified her that it progressed her complaint to the Final Stage of the complaints process.
4. On 15 January 2024, having not received a response to her Final Stage complaint, the complainant contacted this office. To date, the NIHE has not issued its Final Stage response.
5. I enclose a full chronology of the complaints process at Appendix three to this report.

### **Issue of complaint**

6. I accepted the following issue of complaint for investigation:
  - **Whether the Northern Ireland Housing Executive handled the complaint in accordance with its policy and relevant standards.**

## **INVESTIGATION METHODOLOGY**

7. The Investigating Officer sought to obtain from the NIHE all relevant records, together with its comments on the issues the complainant raised. However, the NIHE did not provide any records to NIPSO at any stage during the investigation of this complaint.
8. This office sent investigation enquiries to the NIHE. While there was some email correspondence with the NIHE, it did not respond to this office's investigation enquiries.

## Relevant Standards and Guidance

9. 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 Principles<sup>1</sup>:

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

10. 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 (Complaints Policy)

I enclose relevant sections of the guidance considered at Appendix three to this report.

11. In investigating a complaint of maladministration, my role is concerned primarily with an examination of the NIHE administrative actions. It is not my role to question the merits of a discretionary decision. That is unless my investigation identifies maladministration in the NIHE's process of making that decision.
12. 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.
13. 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.

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

## **THE INVESTIGATION**

### **Whether the Northern Ireland Housing Executive handled the complaint in accordance with its policy and relevant standards**

#### **Detail of Complaint**

14. The complainant said the NIHE did not provide her with a Final Stage response to her complaint. She explained the response remains outstanding since July 2023.

#### **Evidence Considered**

##### **Legislation/Policies/Guidance**

15. I considered the following policy:

- The Complaints Policy

#### **The NIHE's response to investigation enquiries**

16. As noted at paragraph seven, the NIHE did not respond to my enquiries, other than to offer 'holding responses'. Nor did it provide any of the requested information or documentation for consideration in respect of this complaint.

#### **Relevant records**

17. The complainant provided this office with copies of correspondence she had with the NIHE, in which she requested a response to his complaint.

#### **Responses to the Draft Investigation Report**

18. 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*

19. The Complainant said she was satisfied with the contents of the Draft Investigation Report,

#### *The NIHE Response*

20. The NIHE failed to respond to the Draft Investigation Report. My office sent the Draft Investigation Report to the NIHE on 19 July 2024 and indicated it should respond by 5 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**

21. 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 this complaint, I noted the assurances the NIHE gave to the complainant that it prepared its response and would issue it shortly. However, the response did not materialise. I also noted the time taken to respond to the complaint well exceeded the NIHE’s own timeframe set out in its Complaint Policy. As NIHE did not take its opportunity to address the matter, I used my discretion to accept the complaint.
22. 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.
23. I note the complainant raised several concerns with the NIHE. When the NIHE failed to resolve those concerns by April 2023, she complained to it about its lack of action. The NIHE’s complaints process reached its Final Stage in June 2023.
24. 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 27 July 2023. However, the NIHE did not respond within this timeframe and the response remains outstanding.



25. The NIHE's failure to respond to the complainant was compounded by its failure to respond to requests for information from my office. My office made repeated attempts to engage with the NIHE regarding this case between January and April 2024. However, apart from emails to acknowledge our correspondence, the NIHE failed to provide any information or documentation my office requested. It also failed to respond to the issues raised. In the absence of this information, I only considered the records the complainant provided.
26. The NIHE's failure to act in accordance with its Complaints Policy, in its management of the Final Stage process, is unequivocal. Its repeated failures to either respond to the complaint, or engage with my office, deeply concern me. I consider this a breach of the Principles of Good Complaint Handling.
27. Given its failure to engage with my office, I am unable to substantiate the NIHE's reasons for the delay. However, the delay itself demonstrates an absence of arrangements that would allow the NIHE to deal with complaints quickly and effectively. More worryingly, I also consider it demonstrates a culture in which valuing complaints and dealing with them quickly and effectively as a means to improve service and 'put things right', does not appear to be a priority. I find it alarming that any public body, especially one that delivers such an important service to its users within Northern Ireland, takes such an approach to complaint handling.
28. The Principles of Good Complaint Handling require bodies to deal with people helpfully, promptly, and sensitively, bearing in mind their individual circumstances. However, the NIHE's actions in dealing with the Final Stage complaints process failed to demonstrate that it dealt with the complaint in this manner. I can see no evidence to suggest the NIHE put the complainant at the heart of its process and sought to address her concerns promptly. I find this disappointing.
29. I am satisfied the NIHE's actions constitute maladministration and I uphold this complaint. I consider the failures identified caused the complainant to sustain injustice in the form of frustration, uncertainty, and the time and trouble of bringing her complaint to this office.

## CONCLUSION

30. I received a complaint about the actions of the Northern Ireland Housing Executive (the NIHE). The complainant raised concerns about how the NIHE managed her complaint, specifically in relation to its provision of a Final Stage response, in accordance with its policy.
31. I am satisfied the NIHE did not act in accordance with its Complaints Policy 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 frustration, uncertainty, and the time and trouble of bringing her complaint to this office. I uphold this complaint.

## RECOMMENDATIONS

32. 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.
33. I recommend the NIHE provides to the complainant and her brother 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 (within **one month** of the date of this report).
34. Since 2022, my office has received numerous complaints about the NIHE's failure to adhere to its Complaints Policy. I cannot ignore the emerging pattern of complaints raised about the NIHE's poor response to concerns raised by its service users. I therefore 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.
35. 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.

36. I also feel I need to address the NIHE's resistance to engage with my office. It is the purpose of my office to uphold complaints standards and ensure accountability for public bodies. It is both disappointing and frustrating that by not participating in my office's investigation process, the NIHE failed to take the opportunity to demonstrate its accountability. I have highlighted my concerns about the NIHE's failure to engage meaningfully with my office during a number of recent investigations. Therefore, I recommend the NIHE reviews how it has engaged with my office, in relation to this investigation, 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.