

Serving the “Omnibus” Man

opening doors since 1971

The Housing Executive’s Chief Executive Paddy McIntyre reflects on the relationship between his organisation, housing and the Commissioner for Complaints over 40 years.

Background

The origins of the Commissioner and the Housing Executive lie in the civil unrest of 1968 and 1969. Housing, its allocation and the distribution of housing resources became the lightning rod for the unrest which had flared two years earlier at Caledon.

In September 1969 the Cameron Commission reported that housing grievances were the first general cause of the civil unrest. Cameron’s conclusions were not accepted by everyone. Some believed that he had failed to provide convincing evidence to support his conclusions.

The pre-eminent political scientist Professor Richard Rose concluded that there was no evidence of systematic discrimination. But against this a number of well documented cases were brought to public notice at the time.

In October 1969 a Joint Communiqué was issued by the two governments, in Northern Ireland and Westminster. It had three strands.

1. It established a local government Ombudsman as the mechanism for the investigation of grievances – making the Office the first of its kind in the UK. Interestingly it limited its powers to grievances which occurred after November 1968. Clearly there was to be no forensic examination of old sores. This was the opportunity to wipe the slate clean.
2. It set out a radical new approach to housing. ‘Governments’ it said ‘had concluded that this is an emergency situation requiring emergency measures...and that the best hope of success lies in the creation of a single-purpose, efficient and stream-lined central housing authority.’
3. It dealt with changes in public employment recruitment, which will not be covered here.

The fact that we both came out of the Joint Communiqué has, during 40 years, created a symbiotic relationship between the Commissioner, housing and the Northern Ireland Housing Executive. Both organisations designed to breathe new confidence and visible equality into public administration and, in particular, to the administration of housing. Seamus Heaney says every now and then hope and history rhyme!

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history rhyme ”

Seamus Heaney

Lest we forget

40 years ago responsibility for housing rested with 67 different administrations, councils and commissions. Many ran their own housing allocation schemes and at best this was a recipe for confusion.

Some housing authorities appear to have been less conscientious in applying the approved housing allocation schemes. In his first report, the Commissioner used surprisingly un-parliamentary language to describe the last time a particular local council allocated public housing. He says: “they appeared to have decided to have a last fling”. They decided not to apply the points’ allocation scheme to the letting of four houses and took no advice from the housing manager as to which applicants were entitled to housing. Needless to say the Commissioner found maladministration.

But it would be wrong to infer that everything was rotten in the state of housing 40 years ago. The first Commissioner commented

“The Northern Ireland Housing Trust introduced not only high standards of estate layout and design but modern standards of estate management. I found little to fault in the standards of administration in housing management operated by the Trust”.

Obviously the housing activities of local authorities, outside Belfast, were very much smaller in scale than the Trust. But the Commissioner records his abiding impression as being one of “hard-pressed officers many with very little training doing their best to satisfy, from scarce resources, and often in times of great stress and difficulty, what continued almost everywhere to be an insatiable demand for housing.”

My personal view is that the majority of the 67 organisations responsible for housing at that time did not consciously or deliberately discriminate but the minority that did discredited the whole.

Perhaps the shortage of good housing rather than systematic religious bias was the main reason for complaints about housing. Whatever the cause the administration of housing in Northern Ireland did not inspire the confidence of the entire community. This did not necessarily arise because of overt or extensive maladministration or mismanagement but through the belief that it existed, and the loss of confidence which followed.

The Housing Executive has since it was formed allocated some 560,000 homes and, while the Commissioner has found evidence of mistakes or maladministration in a few cases, he has in no instance to date found the Housing Executive guilty of political or religious discrimination.

Indeed the existence of the Commissioner provides a welcome safeguard for staff responsible for allocations. Such protection is very necessary.

Today, with over 20,000 applicants in acute housing need on the housing waiting lists, the allocation of housing and housing resources remains a deeply emotive and potentially divisive issue and housing is still capable of raising passionate feelings of grievance and indignation.

The Housing Legacy

Although one of the main reasons for taking housing away from local government responsibility was to ensure fair allocations, at the same time it was recognised that there was a need to accelerate house building and to make the most efficient use of all available resources.

40 years ago Northern Ireland had broken all housing records but there was nothing to celebrate. We had the highest level of housing unfitness in Western Europe - nearly one in every five homes was unfit for human habitation. Widespread overcrowding and long waiting-lists left people who needed housing disempowered, frustrated and angry. The modern housing forms which replaced the back to back housing at Divis, Rossville and the T- Blocks at Turf Lodge provided better living conditions. But these were alien housing forms and they soon alienated the people living in them.

On 4 October 1971 the Northern Ireland Housing Executive became the sole public body charged to provide, allocate and maintain houses. Its responsibilities extended to redevelopment, slum clearance, house improvement grants and loans, and public advice on all aspects of housing.

But these were dark days and on 17th October 1971 the Housing Executive’s Headquarters were blown up. In a three week period over 2,000 families fled their homes in fear and the new Housing Executive was called upon:

- to make emergency provision for the suddenly homeless;
- to repair constant bomb damage;
- to grapple with intimidation and squatting
- to cope with the aftermath of rioting, robberies and armed attacks on rent collectors and
- to deal with a rent and rates strike affecting a third of the public sector.

By the end of our first year emergency repairs had been needed to over 5,000 houses damaged by bombing and other forms of violence. In some cases this diverted repair squads from the normal maintenance and repair programmes.

Despite all of this the Commissioner gave no quarter and set a very high bar for the new Housing Executive to reach.

“It should be easier” he concluded “for the Housing Executive

- to equate numbers and types of accommodation to local demand,
- to secure consistency of practice in relation to allocations,
- to ensure an effective and systematic programme for dealing with repairs,
- to provide good communications with tenants and
- to develop an efficient and sensitive structure for receiving and investigating complaints at an early stage.

“This” he decided “would go a long way towards removing many of the shortcomings of the system.”

No circumstances could have been more difficult and less conducive to the achievement of the Commissioner’s aspirations. It would be fair to say the new Housing Executive was operating under the duress of expectations and events. With the benefit of hindsight this was probably no bad thing!.

The Ombudsman’s influence on housing policies.

Understandably people struggled to make a clear distinction between our respective roles. This was illustrated well in 1972 when a tenant complained to the Ombudsman that the heating in her flat was not working. The complaint was rejected. The Ombudsman reported that he could not entertain a complaint of maladministration because the complainant had still to report the repair to the Housing Executive.

In his first 13 months the Ombudsman had received 1,200 complaints and 43% (516) of the cases investigated were housing related. 28% (336) were about housing allocations and 15% (180) from the alleged failure to carry out repairs. This gave him a very powerful insight and voice in the development of housing policy.

Housing Mix

A few councils operated allocation schemes which included a separate category for small families but failed to build homes for allocation to these applicants. Furthermore their local rules prohibited the allocation of three-bed roomed houses (about 90% of the housing stock) to two or three person families.

The Commissioner described it as ‘highly desirable’ that the Housing Executive should provide a sufficient mix of house types to cater for the different categories of applicant included in the allocation scheme.

Transfers and Exchanges

The housing allocation scheme provided an objective standard for assessing the relative needs of applicants. But applications for transfer, a relatively large area of housing management, were not included in the allocation scheme. This left them open to the weaknesses of the previous regime. There were no guidelines laid down for deciding housing transfers or exchanges.

The Commissioner accepted that to do so would overly complicate the administration of the scheme or restrict the judgement of the housing manager. But he demanded consistency in a local area and evidence of how the housing manager evaluated competing needs against established criteria.

He made it clear the needs of transfer applicants must be weighed against the needs of those on the general list. He wanted to avoid circumstances where an undue proportion of houses in a particular estate were reserved for transfer applicants to the exclusion of applicants in acute housing need on the general waiting list. Soon after, it became the Housing Executive’s policy to use transfers in a way which benefits whole chains of tenants **and** applicants, by meeting the respective needs of each.

Local Preference

Another issue was the measure of preference given to local people. In one case the Ombudsman found that no steps had been taken to include such a clause in the scheme which had been approved and published, and no indication had been given to applicants from outside the area that they were in effect wasting their time applying for a house. This was soon remedied.

Incoming Workers

In the same way he suggested the need for consistency in the definition and treatment of incoming workers. He made it clear that he would regard it as maladministration and subversion of the housing allocation scheme to deliberately mis-classify persons as emergency cases or as incoming workers for the purpose of enabling them to qualify for tenancies.

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BEFORE

AFTER



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Progress to date

Fast forward nearly forty years. The housing landscape has been transformed.

Housing unfitness has gone from near 20% to 3.4%;

Over 80,000 public sector homes have been built;

The Housing Executive has improved more than 500,000 homes in the private and public sectors and enabled more than 110,000 of its tenants to become home owners;

In June 2009 a study by Savills, the international firm of property consultants, reported that Housing Executive homes were ‘in better condition than anywhere else in the United Kingdom’.

Divis has been replaced and Rossville flats have gone. Bad housing has been replaced and stronger communities have been built in the process.

We have nurtured the development of local residents groups and currently are working in partnership with 600 of these;

We allocate some 8,000 Housing Executive homes annually and, because our responsibilities for housing extend beyond the building fabric, we employ 70 Neighbourhood Wardens to support the Housing Executive’s work in some of the most disadvantaged areas.

The Housing Executive is delivering shared housing through the new build programme where 4 schemes have been delivered and another 5 are underway and through the Shared Neighbourhood Programme which aims to nurture and support 30 shared neighbourhoods.

Two weeks ago we became the first housing body in the UK to win the UK Excellence Award. This award shows the Housing Executive can compete with the best from across the UK and come out top.

For all of this progress there are 40,000 people today waiting for a home of their own and relying on the Housing Executive to provide it.

At the same time the Housing Executive is facing the largest shortfall ever in its budget brought on by the collapse in the housing market.

The divisions which have existed over 40 years in our community are most visible in the social housing sector and will need to be tackled.

40 years have brought positive change but these are major issues and must be tackled.

Handling Complaints

Looking back many of the Commissioner’s complaints seem to have come, not because of maladministration, but from the failure to communicate and the absence of an effective internal system for handling complaints.

Time and time again the recurring themes are “if people had only been told.”
“If apologies had only been sincere”.

When discretion is used time needs to be taken to explain either why it is not possible to make an exception, or why the applicant has been treated exceptionally.

In one of the Commissioner’s cases, a complainant who had been turned down for an improvement grant some years before, saw work which he had proposed, being carried out under an improvement grant to similar property in the area. In the interim the law had been changed and substantially eased the eligibility criteria but this had not been explained properly to the complainant.

There can scarcely be said to be a typical case. New factors are frequently uncovered during the Commissioner’s investigation. Cases tend to be particularly complex and long drawn out – marathon investigations involving lengthy research and scores of interviews and discussions. Against this, some are completed in a few days and most within a few weeks.

A few complaints have raised a smile.

- Many a customer has indicated they were not happy and were taking their complaint to the “Omnibus man”;
- Or the tenant who wanted a bungalow because his elderly mother was “combined” to a wheelchair;
- Or the lady who was “dramatised and flustered” by her neighbour’s children;
- Or the applicant who objected to being re-housed in a house which he said, had no lumber room. He was asked what a lumber room was “well it’s for lumbering in what you think?” It was not obvious!

In 1984 the Housing Executive introduced its first complaints scheme. The objective was to avoid pushing complainants to seek a resolution outside the organisation. Within a year the number of Commissioner complaints fell by 35% (332 to 214).

Given the scale of the business dissatisfied customers are inevitable. The Housing Executive is Northern Ireland’s largest public sector body, manages a budget in excess of £700million, has 3000 staff and is the landlord of over 90,000 homes.

Over twelve months the Housing Executive’s landlord Division recorded:

- 1.7 million telephone calls
- 39,000 housing applications
- 360,000 home visits
- 406,000 repair requests and inspections

In recent years complaints to the Housing Executive and the Commissioner have related to:

Housing Issues such as processing Homeless applications, length of time on waiting lists, and succession to tenancy. Indeed, the Housing Executive is currently establishing a protocol on succession to tenancy with the Health Boards where tenants are vacating their home due to Health/Social care needs.

Land and Property sales; these complaints may relate to boundary issues or a tenant’s eligibility to purchase their home; For example, Housing Executive policy excludes the sale of specialist house types, but following complaints around this, the Housing Executive now advises all its tenants if the home being allocated is excluded from the House Sales scheme.

While we aim to carry out all repair and improvement work to our homes to a high standard, sometimes there are problems and complaints result, usually around standard of workmanship.

Following the introduction of a new computer system for processing Housing Benefit

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applications, there was a number of teething problems, resulting in an increase in complaints. Fine tuning of our systems rectified the problems.

More recently there has been an upsurge in the number of complaints relating to improvement grants following the Housing Executive’s introduction of a restricted grants policy due to the funding shortfall.

The Housing Executive sees and uses its Complaints Scheme as an opportunity to improve its services. Last year the Housing Executive dealt with almost 500 complaints through its Complaints Scheme, while only 7 were referred to the Housing Executive from the Commissioner.

The Commissioner provides the opportunity to resolve grievances before the formal investigation stage. But this brings different challenges. Big organisations have an overwhelming tendency to take up a position and stick to it.

In an overhaul of the complaints system in 2001 and review in 2007, the emphasis was shifted to empowering local managers and encouraging them to apologise when mistakes were made. For some sorry really is the hardest word.

Complainants are given guidance about how to make their complaints and encouraged to exhaust the remedies available within the Housing Executive.

The principle is would I expect my mother to be treated like this?” The emphasis is on early intervention and home visits are an important part of this. Response times and the quality of the response are closely monitored. Deadlines are important but a timely response is not issued at the expense of a full and thorough investigation.

The Housing Executive’s performance is important and each response is accompanied by a feedback request. Not everyone is satisfied with our response but many are happy when their complaint has been taken seriously.

If this all sounds a bit ‘mum and apple pie’ it has to be said that some grievances are more welcome than others. There have been a lot of serial complainers over the years – from people who are often physically or verbally abusive - to those who will never be satisfied. These cases can be the most difficult and staff have had to adopt a variety of coping strategies.

Conclusion

It could be said that in 40 years the volume of housing complaints has been reduced by

- better communications
- an effective system for complaints and redress and
- the participation of service users in service development.

But fundamentally it is because more people are living in better housing and there is less to complain about than there was 40 years ago.

Today with 20,000 applicants in acute housing need on the housing waiting list, and too many families still living in bad housing; and with questions over the level of protection afforded to private sector tenants the Commissioner can expect to be busy with housing for the foreseeable future.

Sometimes the Commissioner can appear to be merely adding to the troubles of hard-pressed Housing Executive officials but housing decisions must be capable of withstanding external tests and the organisation is healthier having grievances objectively investigated.

The Commissioner provides the opportunity for genuine grievances to be remedied, and for false and exaggerated claims to be exposed.

Historians no doubt will reflect on the relationship between the Commissioner and the Housing Executive.

I would simply pose the question:

Could the ambitions of one strand of the Joint Communiqué all those years ago have been delivered without the others?





INVESTOR IN PEOPLE

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