

Equality Impact Assessment (EqIA)

The purpose of the Equality impact assessment is to consider the equality implications of your strategy, policy, project or other activity on different groups affected by it and consider if there are ways to proactively advance equality.

The EqIA will need to be completed by the project manager, policy author etc and approved by a Head of Service or Director. For guidance, please refer to the training material and example forms.

Name of activity

Consultation on the Complaint Handling Code and placing it onto statutory footing.

Activity purpose

Placing the Complaint Handling Code for use by all members of the Housing Ombudsman Scheme onto a statutory footing.

To carry out a consultation with member landlords, residents, RSH and DLUHC in preparation for putting the Code onto a statutory footing. The activity is via digital Microsoft application Customer Voice, downloadable forms and email, and paper forms via telephone request.

The consultation is reaching out to landlords, asking them to share the consultation survey with residents.

Consultation starting 28/09/2023.

Activity owners

Daniel Wright Verity Richards

Assessment date

25/09/2023

Assessment completed by

Helen Bradford, Accessibility and Inclusion Manager and HOS Equality, Diversity and Inclusion Group.

1. Please describe what evidence, data and intelligence you have used to assess the impact of this activity.

Resident customers and representatives

- Diversity profile of social housing tenants - English Housing Survey (EHS)
- Diversity profile of residents accessing the Housing Ombudsman – WorkPro
- [Exploring the UK's digital divide - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk)

2. List who this activity affects.

| | |
|---------------------------|---|
| Resident customers | Yes |
| Resident representatives | Yes |
| Service complainants | Yes |
| Resident Panel | Yes |
| Landlord employees/agents | Yes |
| Colleagues | Yes |
| Others, please specify | Regulator of Social Housing (RSH) Department of Levelling up Housing and Communities (DLUHC) |

3. Describe how these groups are likely to be affected.

Resident Customers and Representatives

Complaint Handling Code:

The Code, once it attains a statutory footing, will affect complaint handling services across the c4.7 million social housing households. Therefore, it is important to ensure that the provisions of the Code do not inadvertently disadvantage any groups of residents and representatives.

Code Consultation

The statutory consultation is with regards to the Code and Self-assessment which will affect the complaint-handling service that landlords will be required to comply with from April 2024. Therefore, it is important that a suitably diverse group of residents and

representatives have the opportunity to feedback on the Code, so that impacts and concerns can be addressed following the consultation period.

Awareness, participation and responses may be affected by the consultation questions and methodology.

The focus on a digital approach to the consultation will affect digitally excluded residents and their opportunity to raise concerns regarding the proposed changes to the code.

Service complainants

Individuals who have complained about the Housing Ombudsman Service will very likely to be social housing residents and therefore be affected by the Code as their landlord will be a member of the Scheme. Members of the Scheme are required to comply with the Code.

Resident Panel

Complaint Handling Code

Members of the Resident Panel are all social housing residents, and therefore will be affected by the provisions of the Code once implemented.

Code Consultation

Similarly to residents and their representatives, the Resident Panel will be affected because they are tenants of member landlords. The outcome of the consultation will lead to a statutory Code which will impact on the complaint handling services of member landlords.

For those who choose to participate as social housing tenants, participation and responses may be affected by the consultation questions and methodology.

Member Landlord employees/third parties acting on their behalf

Complaint Handling Code

The Code and Self-assessment will affect the complaint handling service that landlords will be required to comply with from April 2024. This will include landlord agents (such as contractors, management agents and/or other third parties). This is because they will be required to handle concerns from residents and their representatives in line with the Code.

For third parties (such as contractors or independent adjudicators), the Code specifies that they must comply with its provisions. Therefore, these individuals may be affected by the Code as they must deliver the outcomes set out in each section.

Consultation

The consultation methodologies and the question style and structure are both likely to impact on participation, although it should be noted that landlord employees and/or agents will be participating as individuals/residents only. Organisations will be asked to submit a corporate response.

Colleagues

Complaint Handling Code

Colleagues within the organisation may be affected by the provisions of the Code should they be residents of social housing themselves.

In addition, those who are required to use the Code in their day to day duties, such as intervening on complaints where there is evidence that the Code has not been complied with or in individual case investigations, will be proactively assessing landlords' services against the Code.

Consultation

Colleagues will be informed of the intended consultation, and may decide to participate in the formal consultation if they are residents of social housing. Alongside the formal consultation, colleagues will be given the opportunity to feed into the Complaint Handling Code, including the published frequently asked questions.

For those who choose to participate as social housing tenants, participation and responses may be affected by the consultation questions and methodology.

For those not participating in the formal consultation, their views will be captured through a variety of more informal methods including an internal consultation questionnaire, team meetings and feedback channels.

4. What consultation have you undertaken, detail who you have engaged and consulted with.

The Housing Ombudsman Equality, Diversity and Inclusion group have been consulted and invited to comment on the proposed methodology and consultation questions.

5. Does this activity affect one group more or less favourably than another, on the basis of the Equality protected characteristics.

Age

Proportionally the 65+ age range access the service and complain less than the EHS population. However, 28% of social renters are 65+ years (EHS).

Since 2011, adults over the age of 65 years have consistently made up the largest proportion of the adult internet non-users, and over half of all adult internet non-users were over the age of 75 years in 2018.

Digital exclusion: 17% of social rented households (around 700,000 households) had no internet access at home (EHS).

| Impact | Detail the impact, who's affected, the proportion of individuals, and the actions taken to mitigate impact and advance equality, diversity, and inclusion |
|-----------------|--|
| Positive Impact | <p data-bbox="468 873 835 903"><u>Complaint Handling Code</u></p> <p data-bbox="468 946 1968 1050">The Complaint Handling Code specifies at 3.1 that <i>organisations must make it easy for individuals to complain by providing different channels to complain</i> which minimises the risk of adults over 65 from being restricted from making a complaint as a result of digital exclusion.</p> <p data-bbox="468 1093 1995 1235">In addition, the Code goes on to specify that <i>Organisations must consider their duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of individuals who may need to access the complaints process</i>. This further promotes accessibility for those over 65 as landlords will be required to ensure that they are identifying and responding to the needs of their residents.</p> |

| Impact | Detail the impact, who's affected, the proportion of individuals, and the actions taken to mitigate impact and advance equality, diversity, and inclusion |
|--|---|
| Negative impact of those over 65+, due to digital exclusion. | <p><u>Consultation:</u></p> <p>The Resident Panel has a higher proportion of older residents and may not be representative of younger residents – who are likely to complete the online survey.</p> <p>With the Resident Panel participation, this may lead to a representative group within the 65+ age group.</p> |

Disability

54% of resident households have recorded a disability as part of the EHS. In the ONS housing and disability data, 76% of social renters are recorded as having a disability within their household. Those with a disability are accessing/using the service less when we compare this with the ONS data, but it is comparable if we use the EHS data on disability.

| Impact | Detail the impact, who's affected, the proportion of individuals, and the actions taken to mitigate impact and advance equality, diversity, and inclusion |
|-----------------|--|
| Positive Impact | <p><u>Complaint Handling Code</u></p> <p>In Section 3 of the Complaint Handling Code, it specifies that landlords must <i>consider their duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of individuals who may need to access the complaints process</i>. This aims to ensure that residents with a disability are treated fairly and consistently by landlords, in line with their duties under the Equality Act 2010.</p> <p>This is further supported by provisions under section 5.8 which states <i>Organisations must make reasonable adjustments for individuals where appropriate under the Equality Act 2010. Organisations must keep a record of any reasonable adjustments agreed, as well as a record of any disabilities an individual has disclosed. Any agreed reasonable adjustments must be kept under active review.</i></p> |

| Impact | Detail the impact, who's affected, the proportion of individuals, and the actions taken to mitigate impact and advance equality, diversity, and inclusion |
|---|--|
| Negative impact due to digital exclusion. | <p><u>Consultation</u></p> <p>Though the percentage of disabled adults not using the internet has been declining, in 2018, it was 23.3% compared with only 6.0% of those without a disability.</p> <p>Using the online methodology may lead to lower participation by those that are disabled, who account for just over 50% of complainants to HOS.</p> |

Ethnicity

| Impact | Detail the impact, who's affected, the proportion of individuals, and the actions taken to mitigate impact and advance equality, diversity, and inclusion |
|---------------|--|
| Neutral | <p><u>Complaint Handling Code</u></p> <p>Based on the current data, the Code will have no significant impact.</p> |
| Neutral | <p><u>Consultation</u></p> <p>Based on the current data, the proposed consultation approach will have no significant impact.</p> |

Gender

Women make up 63% of residents approaching the Ombudsman which is broadly in line with the proportion of residents in social housing (EHS survey and HOS internal case management system).

| Impact | Detail the impact, who's affected, the proportion of individuals, and the actions taken to mitigate impact and advance equality, diversity, and inclusion |
|---------------|--|
| Neutral | <p><u>Complaint Handling Code</u></p> <p>Based on the current data, the Code will have no significant impact.</p> |
| Neutral | <p><u>Consultation</u></p> |

| | |
|---------------|---|
| Impact | Detail the impact, who's affected, the proportion of individuals, and the actions taken to mitigate impact and advance equality, diversity, and inclusion |
| | 2019 report by ONS indicate that women account for more than half of the non-internet users, potentially putting them experiencing a negative impact of participating via an online survey. |

Gender reassignment

| | |
|---------------|--|
| Impact | Detail the impact, who's affected, the proportion of individuals, and the actions taken to mitigate impact and advance equality, diversity, and inclusion |
| Unknown | This information is not collected for residents contacting the Housing Ombudsman Service. |

Marriage or civil partnership

Proportionally individuals not married or in a civil partnership made more complaints. This may be reflective that more households are single/lone persons. It may also be indicative of the number of complaints from London Boroughs, where smaller accommodation exists i.e. high rise flats.

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| Impact | Detail the impact, who's affected, the proportion of individuals, and the actions taken to mitigate impact and advance equality, diversity, and inclusion |
| Neutral | <u>Complaint Handling Code</u> Based on the current data, the Code will have no significant impact. |
| Neutral | <u>Consultation</u> ONS Data: Although the percentage of households without an internet connection has generally been declining, those who live alone are less likely to have an internet connection at home, than their peers. 41% of households with a single adult aged 65 years and over had no household internet connection compared with 13% of households with two adults, at least one of whom was 65 years or older. 99% of contact is from those married or in a civil partnership is digital. |

Pregnancy and maternity

| Impact | Detail the impact, who's affected, the proportion of individuals, and the actions taken to mitigate impact and advance equality, diversity, and inclusion |
|---------|---|
| Unknown | This information is not collected for residents contacting the Housing Ombudsman Service. |

Religion or beliefs

64% of the cases don't have an EDI record for religion / belief and 19% of those who provided data opted to record "prefer not to say".

| Impact | Detail the impact, who's affected, the proportion of individuals, and the actions taken to mitigate impact and advance equality, diversity, and inclusion |
|---------|---|
| Neutral | <u>Complaint Handling Code</u> Based on the current data, the Code will have no significant impact. |
| Neutral | <u>Consultation</u> Based on known resident data, Hindus and Sikhs indicate preferred contact method is telephone, with less than 35% of contact being done digitally. The judgement is that those individuals are not as digitally active. The assessment has determined the impact neutral, with the option of requesting a survey via the telephone. Proportionally those of a Hindu or Muslim religion, and those who recorded no religion or belief, raised more service complaints. |

Sexual orientation

64% of the cases don't have an EDI record for sexual orientation, compared with 41% for age. 16% of those who provided data opted to record "prefer not to say".

| Impact | Detail the impact, who's affected, the proportion of individuals, and the actions taken to mitigate impact and advance equality, diversity, and inclusion |
|---------|---|
| Neutral | <u>Complaint Handling Code</u> |

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|---------------|---|
| Impact | Detail the impact, who's affected, the proportion of individuals, and the actions taken to mitigate impact and advance equality, diversity, and inclusion |
| | Based on the current data, the Code will have no significant impact. |
| Neutral | <u>Consultation</u> Based on known data, 57% of contact from the LGBTQ+ community is digital. The assessment has determined the impact neutral, with the option of requesting a survey via the telephone. Proportionally gay/lesbians have raised more service complaints. |

Other non-protected characteristics to be considered

Caring

| | |
|---------------|--|
| Impact | Detail the impact, who's affected, the proportion of individuals, and the actions taken to mitigate impact and advance equality, diversity, and inclusion |
| Unknown | This information is not collected for residents contacting the Housing Ombudsman Service. |

Socio-economic status (by law Scotland & Wales)

| | |
|---------------|--|
| Impact | Detail the impact, who's affected, the proportion of individuals, and the actions taken to mitigate impact and advance equality, diversity, and inclusion |
| Unknown | This information is not collected for residents contacting the Housing Ombudsman Service. |

Literacy

| | |
|---------------|---|
| Impact | Detail the impact, who's affected, the proportion of individuals, and the actions taken to mitigate impact and advance equality, diversity, and inclusion |
| Positive | <u>Complaint Handling Code</u> Within Section 3.2, the Code states <i>Individuals must be able to raise their complaints in any way and with any member of staff.</i> This promotes awareness and access for individuals who are less confident in expressing themselves in writing. |

| | |
|---------------|--|
| Impact | Detail the impact, who's affected, the proportion of individuals, and the actions taken to mitigate impact and advance equality, diversity, and inclusion |
| | Provisions within Section 6.10 and 6.21 state that <i>Organisations must confirm the following in writing to the individual at the completion of stage 1 in clear, plain language</i> . This requires landlords to ensure that their responses meet the needs of the complainant, including using appropriate language when responding in writing. |
| Negative | <p><u>Consultation</u></p> <p>This data is not collected, however, the judgement that the proposed consultation process will have a negative impact as participants will need to engage with written documents, even where translated or in plain English. This may be a barrier to participation.</p> |

6. If there is a negative impact on any equality target groups, can this impact be legally and objectively justified? Detail the actions that will be taken to reduce any negative impact.

Complaint Handling Code

No negative impacts have been identified.

Consultation:

Due to the potential negative impact on those digitally excluded, telephone and written options should be extended and simplified access to the survey.

The publications and the announcement of consultation should focus on landlords informing residents via their non-digital channels.

7. Assess and detail any potential for dual impact, based on more than one characteristic.

Complaint Handling Code

No negative impacts have been identified.

Consultation:

The approach needs to consider the dual impact on the visually impaired, especially those over 65+ years to take into account the digital exclusions of the 65+ and those with a disability.

8. If the impact unknown, describe the assessment for reaching that conclusion

Gender reassignment, pregnancy and maternity, caring responsibilities and socio-economic status are all identified as unknown.

This conclusion has been reached as this information is not collected for individuals contacting the Housing Ombudsman. When reviewed, no potential impacts were identified by the Equality, Diversity and Inclusions group.

9. Recommend alternatives to achieving the activity without having an impact.

Not applicable.

10. Considering wider accessibility and inclusion, and those affected by the activity, what other alternative recommendations would support this activity to ensure that it is accessible and inclusive to all.Complaint Handling Code

Non identified

Consultation

Those digitally excluded:

- Provide paper copies of the consultation.
- Provide an extended telephone service officer.
- Produce the consultation in different non-digital media, for example braille.
- Provide guidance to landlords to promote the consultation.
- Consult and approach smaller / specialist housing organisations.
- Reach out to advocacy services.

11. Please give a brief description of how this activity promotes equality.

If there is no evidence that this promotes equality, what changes, if any, could be made to achieve this.

Complaint Handling Code

The Complaint Handling Code sets out provisions for landlords to take action to ensure that residents are treated fairly. Sections 3, 5 and 6 set out clearly that landlords are responsible for meeting their duties under the Equality Act 2010, and in addition, sets out how landlords must proactively identify and respond to the needs of its residents as a collective (Section 3.1) and as individuals (3.2 / 5.8).

Throughout the Code, the intention to ensure consistency in approach whilst ensuring sufficient flex to ensure individual circumstances are considered is clearly stated. This is supported throughout the communications developed for the consultation.

Consultation

Digital exclusion is a strong theme in resident responses, HOS Spotlight reports and is reflected in the English Housing Survey findings referred to above.

Taking a 'one size fits all' approach doesn't promote equality. Expanding to incorporate the wider considerations recommended will enable non-digital access and awareness.

12. Outcome

| Outcome | Supporting comments |
|---|---|
| A – No change required. There is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken. | n/a |
| B – Adjustments required. This involves taking steps to remove any barriers, to better advance equality. | <u>Complaint Handling Code</u> The Code sets out several ways that barriers to access, awareness and experience must be minimised by landlords. It also sets the expectation that beyond the provisions of the |

| Outcome | Supporting comments |
|--|--|
| | <p>Code, landlords are responsible for proactively understanding and responding to the needs of its residents.</p> <p>Following the consultation, the Ombudsman will review and update its Equality Impact Assessment, taking into account the responses and comments by participants in the consultation activities. This will be published alongside the Complaint Handling Code and regularly reviewed.</p> <p><u>Consultation</u> Steps have been taken to address the barriers around digital exclusion in the communications plan for the consultation.</p> <p>This includes providing the option for telephone responses; printed copies of the consultation; large print and Braille; and working with partners to raise awareness of the exercise.</p> <p>Further work is being undertaken to interrogate potential impacts on groups where we have gaps in data.</p> |
| <p>C – Continue. There is the potential that the activity has an adversely impact some groups or help some groups more than others. The reasons for this can be well justified and the activity can continue without amendments.</p> | <p>n/a</p> |
| <p>D – Cease. The assessment shows that the activity is having a discriminatory effect and should not continue.</p> | <p>n/a</p> |

13. Reviewed and approved by (Head of Service or Director)

Daniel Wright, Head of Communications and Stakeholder Engagement | 26/09/2023

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