

The help-seeker journey: pathways to justice for 'housing' and 'special educational needs' in the Administrative Justice System (AJS)

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Introduction

This report provides the context for a mapping exercise that forms a part of our wider research project about the court and tribunal reform programme and the response to the pandemic¹. The project as a whole seeks to understand how access to the justice system has been affected by the Covid-19 pandemic and what lessons can be drawn from this experience. The pandemic has dramatically influenced how people interact with the administrative justice system (AJS). Under these circumstances, and as we move out of the pandemic, how is a siloed AJS landscape of tribunals, ombudsman schemes, advice organisations and NGOs able to provide access to justice? What lessons about digitalisation and pathways to justice can be learned? How can trust in justice – the belief that justice system is fair, effective and open to all – be maintained?

Covid-19 has forced the justice system, where possible, to go digital at a rapid pace. By empirically understanding what has worked well and what needs improvement, there is a huge opportunity to draw positive (potentially radical) lessons from this crisis. This project extends existing research by examining the effect of rapid digitalisation on the delivery of justice in the areas of **housing** and **special educational needs and disability** (SEND). Lessons learned from delivering remote justice during the pandemic need to be evaluated and translated into practice. This includes documenting what works well and what can be changed to improve access for those further side-lined as a result of the pandemic.

Existing research based on legal needs surveys has demonstrated that those experiencing the greatest social and economic disadvantage and marginalisation are often the least likely to take any action in response to a rights-based problem². In particular, many marginalized and excluded people do nothing in response to a problem experienced, and this is relatively common in both housing and SEND contexts.

As a first step, we have mapped help-seekers' journeys³ in the areas of housing and SEND. The process of putting this guide together involved assembling information from various sources, including documents (previous research, statistics and reports from government, representative organisations, charities, relevant tribunals, local authorities) and expert opinions, classifying and sorting the data into something that can be stored and used as a detailed guide accompanying the visualisation process (map and animation). Any gaps in the data/ information were filled by contacting relevant stakeholders about types of problems that the SEND tribunal, the Property Chamber, the Housing Ombudsman and the LGSCO encompass.

This mapping exercise therefore presents the 'ideal case' of pathways for people seeking help, broken down into distinct steps. In reality, the process of help-seeking is not straightforward: steps do not

¹ <https://www.nuffieldfoundation.org/project/delivering-administrative-justice-after-the-pandemic>

² Gill, Chris, and Naomi Creutzfeldt. "The 'Ombuds Watchers' Collective Dissent and Legal Protest Among Users of Public Services Ombuds." *Social & legal studies* 27.3 (2018): 367-388; Hertogh, Marc. "What's in a handshake? Legal equality and legal consciousness in the Netherlands." *Social & Legal Studies* 18.2 (2009): 221-239; Gibson, James L., and Gregory A. Caldeira. "The legal cultures of Europe." *Law and Society Review* (1996): 55-85; Genn, Hazel, and Sarah Beinart. *Paths to justice: what people do and think about going to law*. Hart Publishing, 1999.

³ Inspired by the 'Australian Justice Connect' map: <https://joiningupjustice.org.au/>

always happen in a clear sequence as we portray them in our map; some people do not pursue a problem; others give up, some jump steps, etc. What the map provides, however, is a starting point for us to explore what is supposed to happen when a person needs help with a problem relating to housing or SEND. We will use the map as a point of departure for our empirical inquiry into how the system works in reality and how it is experienced by its users and those that administer it.⁴ In sum, this report is a contextual report that will frame the rest of the project. The accompanying map, booklets and animations can serve as a guide for users of the system. They can be found [here](#).



In the following section we introduce a guide to the map and the help-seeker journey.

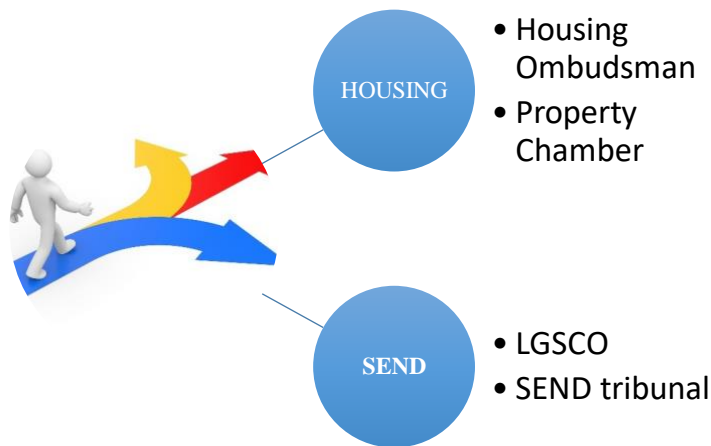
Acknowledgments

We are very grateful to Diane Sechi who helped us create our case study of Marta (who needs help with both housing and SEND issues) to illustrate our map and its pathways. Also, we extend our thanks to the participating Ombuds/tribunal pairs (LGSCO / SEND Tribunal and Housing Ombudsman / Property Chamber) for feedback on this report. The images that bring the map alive were created by Shermain Philip. The animation was a team effort (by our teenagers and Alexandros Charovas) and we thank Sally Hunt for lending her voice.

The Nuffield Foundation is an independent charitable trust with a mission to advance social well-being. It funds research that informs social policy, primarily in Education, Welfare, and Justice. It also funds student programmes that provide opportunities for young people to develop skills in quantitative and scientific methods. The Nuffield Foundation is the founder and co-founder of the Nuffield Council on Bioethics, the Ada Lovelace Institute and the Nuffield Family Justice Observatory. The Foundation has funded this project, but the views expressed are those of the authors and not necessarily the Foundation. Visit www.nuffieldfoundation.org.

⁴ The next step of our project will entail surveying users and providers of the four ombuds/ tribunals; and interviewing judges, ombuds, user groups, including marginalized individuals.

Mapping pathways to justice



We look at pathways to justice in the Administrative Justice System in England across two areas: housing (Property Chamber and the Housing Ombudsman) and special educational needs and disabilities (First-tier SEND tribunal, the Local Government and Social Care Ombudsman (LGSCO)). The selection of these two sites of partnerships are pragmatic: they are the first of their kind. During the pandemic, the Housing Ombudsman and the Property Chamber started an informal referral system (after an Administrative Justice Council [event](#) introducing the idea in 2020) and the SEND tribunal and LGSCO are in discussion to set up a MOU and start a partnership. This is a welcome and exciting step towards joining up the Administrative Justice System, and among other things this project seeks to help formalize this connection. This means that we have unprecedented access to two pairs of settings that support the research and are keen to implement the findings and recommendations. These two settings will also be used as pilot studies for other potential future collaborations and partnerships.

The Housing Ombudsman and the Property Chamber provide redress for housing problems; the LGSCO, and the SEND Tribunal provide redress for special educational needs and disability problems. These four institutions could be involved in providing redress in a number of different ways (depending on the problems presented to them) and different redress pathways and outcomes could be pursued by an individual (i.e. formal access routes to justice (advice services, ombudsman schemes and tribunals)).

The following guide, designed to accompany (a) the help-seeker's journey [maps](#), and (b) the [animation](#) of the help-seeker's journey, sets out:

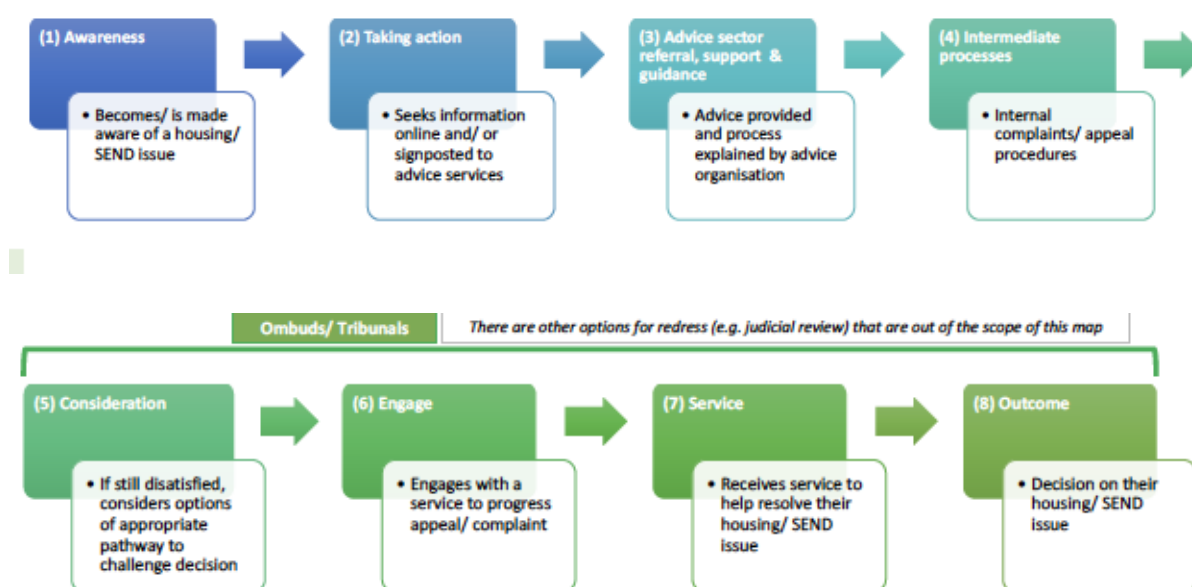
- The 8-step help-seeker journey;
- the aims, challenges and actions associated with each of the steps; and,
- a closer look at Housing and SEND, which includes:
 - the complaint categories that should be referred to the different Ombudsman and Tribunal services;
 - the 8-step help-seeker journey specific to each of the two areas;

- two case studies as ideal-case help-seeker journeys in the areas of housing, and SEND respectively. The case studies take a person on each of the two pathways, outlining the complaints/ appeal process for the different Ombudsman and Tribunal services.

For **housing** we have focused on the pathways to redress through the advice sector, Housing Ombudsman and the Property Chamber, while for **SEND** we have focused on the pathways to redress through the advice sector, LGSCO and the SEND Tribunal. We do, however note, that there are other redress mechanisms that the help-seeker can pursue, such as mediation or via other bodies such as the courts.

The help-seeker journey

The full version of our map can be found [here](#). In the following, we present parts of the map and explain them through the lens of the help-seeker journey. Our map was inspired by the legal help Australian journey map *Joining up Justice Project*⁵ which followed a similar process of ‘steps’ for legal issues in Australia. We adapted their 5 steps of *Awareness – Consideration – Engage – Service – Outcome*; to create an 8-step help-seeker journey consisting of: (1) Awareness – (2) Taking action – (3) Advice sector referral, support & guidance – (4) Intermediate processes – (5) Consideration – (6) Engage – (7) Service – (8) Outcome. It was necessary to adapt the legal help Australian journey map from a simpler ‘problem, response, outcome’ process of receiving legal advice which is linear, to a non-linear two-part process – the first maps getting advice, and the second maps the dispute resolution channel. Another difference to the Australian help-seeker journey is that advice is referred to as a ‘service’, which is not the case in the UK, here we look at the use of advice, Ombuds and Tribunals.



We also built on the Ministry of Justice visual representation of the steps and ‘pain points’ users go through when seeking legal advice⁶. These eight steps represent the ideal-case of a person going through the system to seek help for their problems. Although the representation is linear, in reality the help-seeker may navigate the process differently, missing out or repeating stages. The help-seeker might engage with the process actively or passively, and the help-seeker's circumstances can affect their decision making. Therefore, even though the eight steps represent the ‘ideal case scenario’, the steps are still dauntingly complex, with a number of essential prerequisite steps that have to be taken before the next stage can be proceeded to, or time that has to elapse before the next step can be taken.

⁵ <https://joiningupjustice.org.au/story.php?p=helpseeker&s=consideration&b=one>

⁶ Ministry of Justice (MOJ). Journey map: a visual representation of the steps and pain points users go through when seeking legal advice. Early legal advice: seek legal support. Also see: HMCTS/MoJ insight work.

Each of these eight stages is divided into aims, challenges and actions. The aims set out the purpose or intention of the help-seeker (in our example the individual that seeks access to the described pathways); the challenges highlight the difficulties and/ or obstacles that might come in the way of achieving that aim; and the actions outline what the help-seeker needs to do to achieve that aim.

1. Awareness

When the help-seeker becomes aware of/ is made aware of a housing/ SEND issue, they are:

AIMS	Trying to understand and clarify the nature of the housing/ SEND issue
CHALLENGES	Understanding that there is a problem Not knowing how to stop the problem from happening
ACTIONS	Talking to friends, family, community networks, GPs, health and social workers & searching online using a range of search terms in their own vernacular

2. Taking action

When the help-seeker seeks information online and/ or signposted to advice services, they are:

AIMS	Working out how to look for services and finding out what services available to them
CHALLENGES	Difficulties knowing how and where to look for help, and knowing which service is the most appropriate
ACTIONS	Gaining knowledge of where to go for help & confidence in being able to do that

3. Advice sector referral, support & guidance

When advice is provided and processes explained by the advice organisation, the help-seeker is:

AIMS	Trying to become empowered with language to describe the housing/ SEND issue Finding out what the relevant institution options available are to help them with their housing/ SEND issue
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CHALLENGES

Difficulties in identifying legal dimension of a problem and knowing, or engaging with, the relevant terminology

ACTIONS

Engaging with advice services

4. Intermediate processes: making a complaint

When the help-seeker completes the internal complaints/ appeal procedures, with or without support from the advice sector organisation, they are:

AIMS

Trying to understand the intermediate complaint process. Making a complaint to the local authority or decision-making body

CHALLENGES

Finding it difficult to proceed without appropriate support

ACTIONS

Completing the intermediate complaint process with support.

5. Consideration of alternative pathways

If the help-seeker is still dissatisfied with the outcome of the intermediate processes (i.e. if the complaint is not resolved), he/she considers options of appropriate pathway to challenge the decision. The help-seeker is then:

AIMS

Understanding the relevant institution options available and the differences between the options and their limits;
Choosing an institution to engage with

CHALLENGES

Information about housing / SEND issues is often not specific enough for the help-seeker's situation, or information about housing / SEND issues may not be user-friendly nor accessible or up to date;
Institutions might use inconsistent language and terminology making difficult to compare institutions; institutions might also not have their eligibility criteria available online, making it difficult to assess which service is most appropriate for the help-seeker's situation

ACTIONS

Understanding and evaluating avenues for progressing the housing / SEND issues; Comparing and evaluating available institutions within those avenues

6. Engage

When the help-seeker engages with a redress mechanism to progress an appeal/ complaint, the help-seeker is:

AIMS

Finding the contact details of the redress mechanism or appealing/engaging through the advice sector organisation;
Engaging with the right entry point or application process easily;
Finding out quickly if eligible and getting guidance on where else to look for help;

CHALLENGES

Inconsistent information about service eligibility, or no information about eligibility guidelines;
Help-seekers must wait for intake assessments to take place to be advised of whether they can be assisted, and for some, they will be told they are ineligible after spending significant time on the intake process;
Online application forms can be lengthy and difficult to understand or complete (for those who are less digitally literate);

ACTIONS

Understanding the institution's complaint's process;
Completing the application online or offline

7. Service

When the help-seeker receives service to help resolve their housing/ SEND issue, they are:

AIMS

Understanding how institution/ redress mechanisms will progress the issue and what next steps to take

CHALLENGES

Redress mechanisms/ institutions are slow, and many cannot assist with urgent requests

ACTIONS

Receiving direct assistance

8. Outcome

When the help-seeker receives a decision on their housing/ SEND issue, the help-seeker is:

AIMS

Resolving issue with best possible outcome

CHALLENGES

The outcome did not meet help-seeker's expectations or improve the help-seeker's situation;
Help-seeker does not understand the outcome

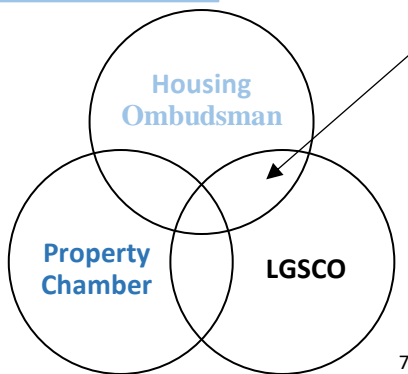
ACTIONS

Receiving the outcome from the organisation

The above aims, challenges and actions apply to the help-seekers journey in the areas of both housing and SEND. However, the steps to redress differ by area. In the next sections we will describe the pathway through both housing and SEND avenues separately.

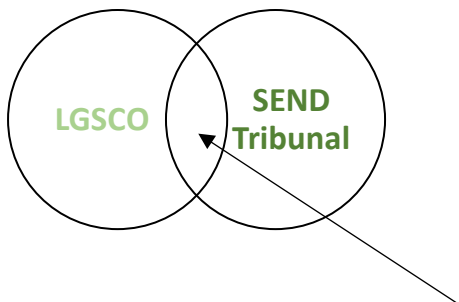
Overlaps in pathways to redress for housing and SEND problems

HOUSING



Residential complaints overlap, differences are: Housing Ombudsman considers complaints about housing associations and local housing authorities vs. LGSCO considers complaints about local authorities.

SEND



SEND issues overlap:

SEND issues relating to failures to follow policies and procedures, flaws in decision making, poor administrative justice, and not considering an individual's specific circumstances might be dealt with by either the LGSCO or the SEND Tribunal but the LGSCO cannot consider matters where the parent or carer has a right of appeal to the Special Educational Needs and Disability (SEND) tribunal. Additionally, the LGSCO doesn't have the ability to investigate academies or school decisions or actions .

⁷ LGSCO also has jurisdiction over some housing matters – e.g. Homelessness and allocations. In terms of mapping, it is important complainants get signposted to the correct ombudsman otherwise they can waste significant amounts of time waiting for their complaint to be considered to be told they have approached the incorrect body. The split in jurisdiction between LGSCO and the Housing Ombudsman relate to subject areas and are not as straightforward as the Housing Ombudsman looks at housing associations and LGSCO look at councils. So, for example, LGSCO will deal with homelessness and allocation complaints. Housing disrepair are matters for the Housing Ombudsman (even if these relate to properties owned by councils). LGSCO have the ability to conduct joint investigations with the Housing Ombudsman where issues overlap their respective jurisdictions.

Housing

Housing problems can be varied and complex. The scope of our project limit these to the housing issues that the Housing Ombudsman and the Property Chamber deal with. They can relate to residential property, land registration, and agricultural and drainage matters. Common housing issues include, but are not limited to:

- **Residential property:** repairs and tenant behaviour;
- **Land registration matters:** disputes over a change to the land register;
- **Agricultural land & drainage matters:** disputes between agricultural tenants and landlords in relation to certain farming tendencies.

Complaints/ appeals about residential property, land registration and agricultural land and drainage

Table 1 outlines the proportion of cases, by problem area outlined above, for the Housing Ombudsman and the Property Chamber. The Housing Ombudsman deals predominately with residential property issues, where the most common problem area is repairs, followed by tenant behaviour. The Property Chamber deals predominately with disputes between lessors and lessees, appropriate levels of rent payable by tenants and action to ensure compliance by landlords with various obligations within the jurisdiction of the tribunal, and registration and agricultural land and drainage matters. Appendix 1 provides contextual data for these complaint types, including the number of complaints and enquiries received per year. Appendix 1 also provides service performance data for the Housing Ombudsman and Property Chamber, including the number of complaints and enquiries signposted to other organisations per year.

Table 1: Number of cases by problem area for the Housing Ombudsman and the Property Chamber

The complaint categories that Ombudsman and Tribunal services cover			
	Problem area	Type of problem	Average % of total complaints 2019-2021
Housing Ombudsman	Residential property	repairs	36%
		tenant behaviour	15%;
		complaints handling	9%
		Other (property condition, estate management, compensation, home ownership issues, occupancy rights, health & safety)	39% (between July and December 2020, COVID related complaints made up 8% of cases)
		appeals against legal notices & banning orders and rogue landlords & charges	89%

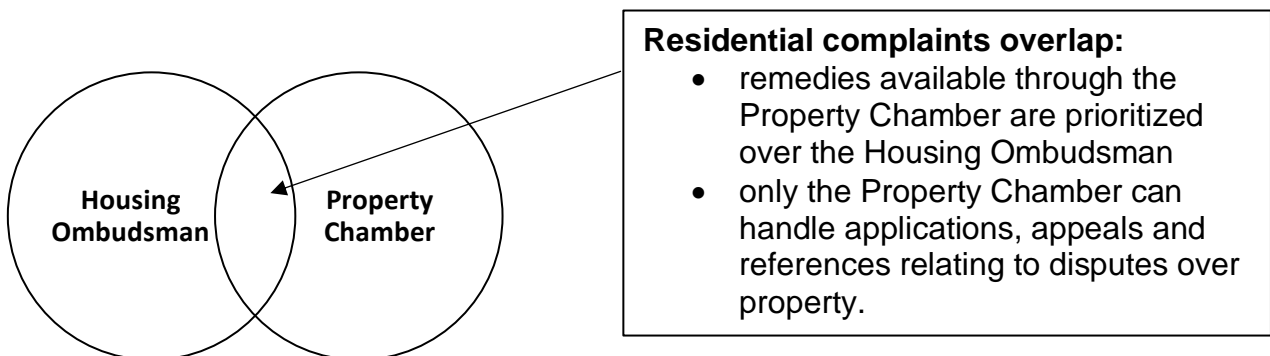
Property Chamber	<i>Land registration</i>	disputes over a change to the land register, applications to correct or cancel certain documents relating to registered land.	7%
	<i>Agricultural land & drainage</i>	disputes between agricultural tenants and landlords in relation to certain farming tenancies, applications in respect of certain drainage disputes between neighbors	3%

Housing issue overlaps: Housing Ombudsman vs. Property Chamber

Although the problem areas might appear to be distinct, there are overlaps in the kinds of housing issues the Housing Ombudsman and the Property Chamber deal with.

Figure 1 depicts the overlaps in the kinds of housing issues the Housing Ombudsman and the Property Chamber deal with.

Figure 1. Overlaps



Similar types of housing issues might be dealt with by either the Housing Ombudsman or the Property Chamber but the Housing Ombudsman will not consider complaints which concern matters where the Ombudsman considers it quicker, fairer, more reasonable, or more effective to seek a remedy through the courts, a designated person, other tribunal or procedure, such as the Property Chamber. Moreover, the Property Chamber (but not the Housing Ombudsman) handles applications, appeals and references relating to disputes over property (e.g. appeals against legal notices, banning orders & rogue landlords, and charges).

Complaints/ appeal process: Housing Ombudsman and the Property Chamber

This part presents the steps a person has to take when dealing with the Housing Ombudsman and the Property Chamber. The processes presented here are as described on each institution's website.

Making a complaint to the Housing Ombudsman⁸

(1) Tell the landlord about the problem⁹

The first step for complaints is to report the problem to their landlord. They may be able to put things right.¹ If the complainant has difficulty reporting the issue or are dissatisfied with the service they received in response, the Housing Ombudsman can help the complainant and their landlord resolve the issue. All landlords have complaint's procedures that should be easy to use, fair and designed to put things right. If the complainant thinks their complaint is not being dealt with correctly, for example if they receive a delayed or no response, the Housing Ombudsman can help ensure their complaint is responded to by their landlord.

(2) Complain to a designated person

If the complaint is unable to resolve their complaint through their landlord's complaints procedure, they can contact a designated person¹⁰ who can also help find a solution. The designated person can be an MP, a local councilor or a Tenant Panel. Their role is to help resolve disputes between tenants and their landlords which they can do in whatever way they think is most likely to work. If the designated person cannot help, they can refer a complaint to the Ombudsman. If the complainant has decided not to contact a designated person, they can go directly to the Ombudsman eight weeks after their landlord has given them its final response to their complaint.

(3) Escalate your complaint to the Ombudsman¹¹

Before the individual make a complaint, they will need to answer a few questions online. The complainant will then be taken to the online complaint form, or signposted to other helpful information.¹²

⁸ Housing Ombudsman Service website: <https://www.housing-ombudsman.org.uk/residents/understand-complaints-process/>

⁹ This series of videos will help you make a complaint to your landlord: reporting an issue to your landlord https://youtu.be/ZwbvkhHD_zY; making a complaint to your landlord <https://youtu.be/guTXv-1L1uo>; escalating your complaint: <https://youtu.be/9YpVUzriz0g>; the final stage of your landlord's internal complaints procedure <https://youtu.be/so3HPzkkzp8>.

¹⁰ A designated person can be an MP, a local councilor, or a recognized Tenant Panel. Also see the factsheet on designated persons: <https://www.housing-ombudsman.org.uk/useful-tools/fact-sheets/3123-2/>.

¹¹ This series of videos will explain how to make a complaint to the Housing Ombudsman if you remain dissatisfied after complaining to your landlord and a designated person: referring your complaint to the Housing Ombudsman Service <https://youtu.be/wozFIG6Q37I>; how the Ombudsman can help to resolve your complaint https://youtu.be/9kgj_oWUu18; summary of the process <https://youtu.be/JxogqlrtEyo>; what early and local resolution are <https://youtu.be/QM8zyVDFj00>.

¹² Online complaint form: <https://www.housing-ombudsman.org.uk/residents/make-a-complaint/>.

(4) Consideration of complaint

The Housing Ombudsman will deal with each complaint to find the best outcome for the specific circumstances involved. Once they receive the complaint they may:

Refer the case to a different organisation if it is an issue they cannot make a decision about because it is not in their jurisdiction

Work with the complainant and their landlord to resolve the dispute under their early resolution procedure. For example, the Ombudsman can use their experience of resolving complaints to make suggestions to the landlord and/or the resident if they believe there is a way to resolve the complaint¹³

Carry out an investigation; the Ombudsman service only do this for those complaints where they decide an investigation is proportionate to the circumstances and evidence before them, for example complex complaints involving many issues.¹⁴

Applying to the Property Chamber involves a different set of steps. We outline these below.

Applying to the Property Chamber¹⁵

(1) Get help and advice before you apply

The applicant should contact Leasehold Advisory Service or Citizens Advice or another advice sector organisation. The complainant can also get legal advice, including from a lawyer.

(2) Consider mediation

The applicant should consider whether they can use other methods of settling the dispute, such as alternative dispute resolution.¹⁶ Mediation is a way of resolving disputes through effective communication and compromise. Mediation involves a third party¹⁷ acting as a go-between to ensure the parties are able to communicate with one another.

¹³ See the factsheet on early resolution: <https://www.housing-ombudsman.org.uk/useful-tools/fact-sheets/early-resolution/>.

¹⁴ See the factsheet on investigation: <https://www.housing-ombudsman.org.uk/useful-tools/fact-sheets/investigation/>.

¹⁵ Application to the First-tier Tribunal (Property Chamber): <https://www.lease-advice.org/advice-guide/application-first-tier-tribunal-property-chamber/>.

¹⁶ More information on alternative dispute resolution can be found here: <https://www.lease-advice.org/advice-guide/alternative-dispute-resolution-2/>.

¹⁷ A lease is usually made between two parties: a landlord and a tenant. However, it is also common for there to be a third party to the lease, such as a management company.

(3) Apply to the Property Chamber

In order to apply to the Tribunal, the applicant will need to fill in an application form¹⁸. Forms can also be obtained from a regional rent assessment panel. If no specific form exists for the applicant's case category, then the applicant should write to the tribunal including specified information. There is a fixed fee of £100 for most applications to the tribunal. There are arrangements in place for the fee not to be charged in some circumstances, for example if the applicant is receiving certain benefits.

(4) Consideration of your application

Once an application is received, it will be assessed to check that the form is correctly completed and that the required attachments are present. If something is missing the Property Chamber will request this from the applicant and the application will not be accepted until all the required information and attachments are provided. If the required information is not provided, the application will not be accepted by the Property Chamber and the case will be closed. The applicant will be advised of this, and informed that they may submit a fresh application when they have all the required information and documents. Complete applications will be passed to the member with delegated powers within the Property Chamber, who will consider the application. The Property Chamber will decide how best to progress the case. The Property Chamber will write to the applicant and any other parties to notify them of what will happen next (including information on the hearing).

Appendix 1 provides service performance data for the Housing Ombudsman and Property Chamber, including the outcomes of complaints and enquiries and details around implementation per year.

Case study: the help-seeker's journey

Taking all of the above together, we next provide a case study of the housing pathway from step 1 (awareness) to step 8 (outcome). We created a fictional case study to help illustrate some of the problems that people have and what they are required to do in order to access the system to seek advice, help and resolution.

Marta is 40 years old, a single mother of two living in social housing, who has been struggling to pay her housing costs since Covid-19 hit.

Problem: Because Marta lives in social housing; her landlord is a housing association. She has experienced difficulties with paying her rent since Covid 19 hit, which caused her to lose her job. She was able to continue with most of her regular payments. She has now found a part-time job and been able to clear some of her arrears; and pay the ongoing rent. However, her landlord has now given notice that the rent is to be increased and Marta cannot afford it.

***This scenario is fictional**



¹⁸ A list of available forms can be found here: <https://www.lease-advice.org/downloadable-form/forms/?topic=administration-charges>.

Marta travels through the **HOUSING** pathways:

Step 1 (**Awareness**): Marta wants to know what she can do about this. She asks her friends and searches online. She wants help to deal with the proposed rent increase by her landlord.

Step 2 (**Taking Action**): Marta comes across an advice sector organisation and arranges an appointment with them to find out how they can help her with her problem.

Step 3 (**Advice sector referral, support & guidance**): The advice organisation provides Marta with advice and explains where she can apply for extra support.

Step 4 (**Intermediate Processes**): Marta also talks to her housing association landlord about her situation. They are very unhelpful. They tell her that they are short of staff and that she has no choice but to pay the increase to the rent. They say that, if she refuses to pay, they will consider repossessing her home. Marta raises a complaint to her landlord about how she was treated.

Now Marta has several options to seek help. The advice organisation will assist Marta to choose the pathway that is best for her specific problem. We discuss two: she can take her problem to the property chamber OR to go to the Housing Ombudsman.

First we will accompany Marta to the HOUSING OMBUDSMAN.

Step 5 (**Consideration**): Marta feels that her complaint is not being dealt with correctly by her landlord. She goes to the advice organisation for help. An advisor explains that the Housing Ombudsman can help and make sure that her complaint is dealt with properly.

Step 6 (**Engage**): Marta needs to wait for 8 weeks before she can complain to the housing ombudsman. After having tried to solve her problem with the housing association. She submits her form online to the Housing Ombudsman. Marta can also go through her MP, a local councilor or a tenant panel to reach the Ombudsman but Marta decides to skip this step and go straight to the Ombudsman.

Step 7 (**Service**): After the complaint handlers at the Ombudsman have checked Marta's complaint, the Housing Ombudsman works with Marta and her landlord to resolve the dispute. Marta waits for a decision from the Ombudsman.

Step 8 (**Outcome**): After a few months, the Housing Ombudsman makes a decision. It makes suggestions to the landlord to resolve the issue. It encourages the landlord to give Marta longer to pay the arrears and to reduce the increase in rent to the original rent. In this example, Marta has a successful outcome and she is happy that she no longer needs to pay a higher rent.

The other option for Marta is to bring her complaint to the **PROPERTY CHAMBER**.

Step 5 (**Consideration**): Marta's complaint to the housing association landlord is unsuccessful. So, the advice organisation helps her figure out what to do next. She can take her problem to the Property Chamber which is a Tribunal, but first she tries mediation to see if they can agree without the need for a judge. A housing mediation service tries to help Marta and her landlord reach an agreement, but they are unsuccessful.

Step 6 (**Engage**): Marta appeals to the Property Chamber for a decision about the proposed rent increase. Marta needs to fill in a form to make the appeal. She downloads the form from the "HM Courts & Tribunals Service" website. She fills it in and posts it. Usually there is a fee of £100 to pay, but there is a "fee waiver" available for those who need it. The advice organisation help Marta get the fee waiver, so she does not have to pay the £100.

Step 7 (**Service**): Marta waits to hear back from the Property Chamber. The Property Chamber checks Marta's form and the extra attachments she sent with it. It then gets back to Marta with a timetable for her case, the date of her hearing, and some extra information about the hearing. The hearing is arranged to take place by video. Marta is confident with computers so she is happy with this. But she is told that can go to the tribunal in person if she would prefer. Marta attends the hearing at the tribunal. The people who are in charge of the hearing and who will decide the case are there. They are called the "panel", and are made up of one judge and one or two other people who know about housing issues. A local authority representative is also at the hearing.

Step 8 (**Outcome**): The Property Chamber write to (or email) Marta to tell her their decision and send a copy of their decision to the landlord. The Property Chamber decides that the increased rent is more than it would be for similar properties and that the increase would be unreasonable. It is decided her current rent is accurate and Marta therefore does not need to pay the increased rent.

Note that at step 5 Marta has several options to seek help. The advice sector will assist Marta to choose the pathway that is best for her specific problem. We discussed two: she can take her problem to the property chamber OR to go to the Housing Ombudsman. One of the differences between these two processes is that the outcome of a tribunal is legally binding, whereas that of the Ombudsman is a recommendation that the authority complained about can choose to comply with (anecdotally there is compliance). We will explore the differences in duration, satisfaction and compliance with the processes in the next part of our project (through surveys and interviews).

Special Educational Needs and Disabilities (SEND)

SEND problems can be multiple and complex. The scope of our project limit these to the SEND issues that the LGSCO and the SEND Tribunal deal with. These can be complaints about the council or a school or a health care service. Common SEND issues include, but are not limited to:

- **Health:** Complaints about health services;
- **Education:** Complaints about schools and provision which the council are responsible for securing;
- **Social care:** Complaints about social care providers and the council¹⁹

Complaints/ appeals about the Education, Health and Care (EHC) process and the delivery of provision in EHC plans

Table 2 outlines the proportion of total cases, by problem area outlined above, for the LGSCO and SEND Tribunal. The LGSCO deals predominately with the council²⁰, whereby it is alleged the council (or school) has failed to appropriately address a child’s SENs. The SEND Tribunal also deals with councils and schools²¹, but unlike the LGSCO the SEND Tribunal deals only with *decisions* local councils make about children and young people with SEND; and with schools that discriminate against a *disabled* young person specifically. Appendix 2 provides contextual data for these complaint types, including the number of complaints and enquiries received per year. Appendix 2 also provides service performance data for the LGSCO and SEND Tribunal, including the number of complaints and enquiries signposted to other organisations per year.

Table 2. Number of cases by problem area for LGSCO and the SEND Tribunal

The complaint categories that should be referred to the different Ombudsman and Tribunal services				
Problem area	Type of problem		LGSCO ¹ (average % of total complaints 2019-2021)	SEND Tribunal (average % of total appeals registered 2019-2021)
Council	Failure of council to appropriately address a child’s SENs	Complaint about a council’s failure to adhere to, or delay in reaching a decision about whether to implement a, SEND tribunal decision	18% ²	NA
		How the council carried out the EHCP assessment or how long they took		Appeals against a refusal to assess: N unknown
		How the council gives your child or a		NA

¹⁹ Even if councils commission a provider they would still be acting on behalf of the council. In some circumstances a parent may choose to engage their own social care provision through the use of direct payments. But, for example, the LGSCO Part 3A jurisdiction relates only to adult social care providers for self-funders. LGSCO would not be able to look at any self-funded provision for children.

²⁰ LGSCO do not deal with schools (other than occasionally making 3rd party enquiries). LGSCO do not have jurisdiction.

²¹ But in two distinct types of cases. The Tribunal considers challenges to councils’ decisions about the assessment and identification of special educational needs and provision. Separately, it considers claims of disability discrimination against individual schools and responsible bodies.

		young person the support the EHC plan says they need		
	Decisions local councils make about children and young people with SEND	Where a council refuses to carry out an EHC assessment, does not issue or amend/ decides to end an EHC plan	NA	98%
School	Failure of school to appropriately address a child's SENs	How the school or college gives your child or a young person the support the EHC plan says they need	18% ²	Appeal against the placement: N unknown
	Failure of school to appropriately address a child's disabilities	A school that discriminates against a disabled child or young person	NA	2%
Health care services	Complaints about child support institutions	NHS organisations	NA	Extended appeals against health needs and provision: N unknown
		UK government departments	NA	NA

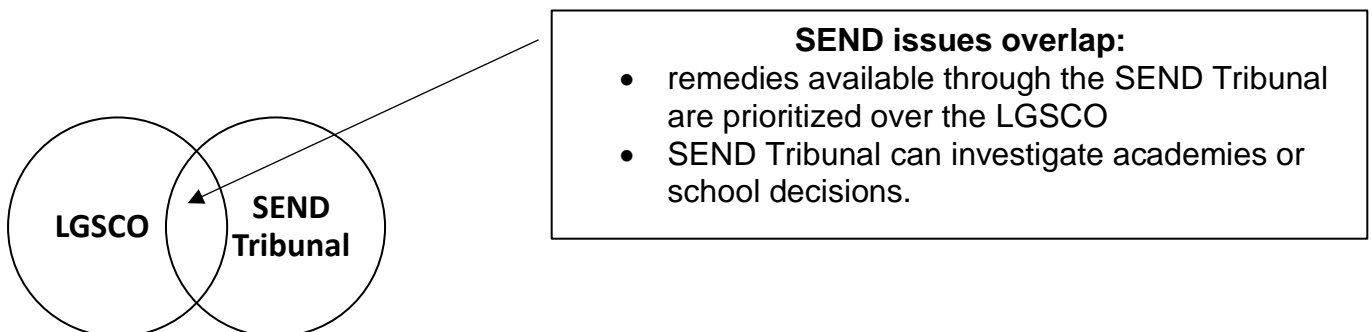
1. The law generally prevents LGSCO from investigating complaints for which a remedy is available through an appeal to the First Tier Tribunal (Special Educational Needs and Disability) (SEND).
2. The data available in the annual reports does not provide a composition of complaints under the broad area of 'Education and Children's Services' so the 18.3% is the average number of **total** cases in this area. **LGSCO can only look at school activity through the lens of a council and cannot investigate failures of schools directly. They would therefore be investigating the council rather than the school in this problem area.**

Although the problem areas might appear to be distinct, there are overlaps in the kinds of SEND issues the LGSCO and the SEND Tribunal deal with.

SEND issue overlaps: LGSCO vs. SEND Tribunal

Figure 2 depicts the overlaps in the kinds of SEND issues the LGSCO, and the SEND Tribunal deal with.

Figure 2. Overlaps



SEND issues relating to failures of the local council to follow policies and procedures, flaws in decision making, unjust administrative outcomes, and not considering an individual's specific circumstances

might be dealt with by either the LGSCO or the SEND Tribunal²², but the LGSCO cannot consider matters where the parent or carer has a right of appeal to the Special Educational Needs and Disability (SEND) tribunal. Additionally, the LGSCO doesn't have the ability to investigate academies or school decisions, LGSCO can only look at school activity through the lens of a council and cannot investigate failures of schools directly. They would therefore be investigating the council rather than the school in this problem area.

Complaints/ appeal process: LGSCO and the SEND Tribunal

This section presents the steps a person has to take when dealing with the LGSCO and the SEND Tribunal. Note that it would also be worth the complainant getting advice/ checking legal aid eligibility via the Civil Legal Advice (CLA) gateway.²³ The processes presented here are as described on each institution's website.

Making a complaint to LGSCO²⁴

(1) Complain to the organisation involved²⁵

The first thing the complainant should do is complain to the responsible council to give them a chance to sort out their problem. The complainant should go through all stages of the organisation's complaints process.

(2) Have a look at the things LGSCO can and cannot look at²⁶

The complainant's complaint must be about something LGSCO can investigate. LGSCO look at complaints about most council services, all types of adult social care services even if it is paid for privately, and some other organisations providing local services.

(3) Check it is the right time to complain to LGSCO²⁷

If the complainant has completed the organisation's complaints process but are not happy with its response the complainant can put in a complaint to LGSCO. If the complainant has complained to the organisation but have not had a response within a reasonable time (up to 12 weeks) the complainant can also put in a complaint to LGSCO.

²² caveat: The Tribunal will not consider administrative failures and a failure to follow LA's policies, but will apply the statutory framework.

²³ see <https://www.gov.uk/civil-legal-advice> for more info on this pathway.

²⁴ LGSCO website: <https://www.lgo.org.uk/make-a-complaint>.

²⁵ Some tips on how to complain to the council or care provider before going to LGSCO: <https://www.lgo.org.uk/make-a-complaint/top-tips-for-making-a-complaint>

²⁶ More information on the services LGSCO investigate: <https://www.lgo.org.uk/make-a-complaint/what-we-can-and-cannot-look-at>; Guidance on the common types of complaint LGSCO receive: <https://www.lgo.org.uk/make-a-complaint/fact-sheets>

²⁷ Answers to the common questions about making a complaint: <https://www.lgo.org.uk/make-a-complaint/faqs>

(4) Register a complaint²⁸

The complainant must register an account on the LGSCO website and complete the online complaint form. LGSCO have procedures to provide assistance if there is a need for reasonable adjustments etc.

(5) How LGSCO will look at your complaint²⁹

LGSCO will take a look at the complainant's complaint and advise on the next steps. Then they will assess whether they can and should investigate. If they investigate, they may ask the complainant and the organisation for more information. LGSCO will ask the complainant if they need extra help to use their service and do their best to communicate with the complainant in the way they have requested. This is predominately a desk-based exercise rather than face to face contact.

(6) What the outcome will be³⁰

LGSCO will make an evidence based decision on the complainant's complaint. If they decide the complainant suffered because of the organisation's faults, they will recommend how it should put things right for the complainant and potentially other people in the same situation. LGSCO publish their decisions, but don't use real names or reveal the identity of those involved. They do this to be transparent, increase accountability for what happened, and to share the learning from complaints to help others improve.

Applying to the SEND Tribunal involves a different set of steps. We outline these below.

Applying to the SEND Tribunal³¹

(1) Mediation

The applicant should think about mediation before they appeal. This is when someone independent tries to help applicant and the council resolve their problem. Even if the applicant does not use mediation, in most cases, the applicant will need a certificate from a mediation service before they appeal. The applicant must ask for this within 2 months of the date on their letter from the council. The applicant has 30 days after the date on the mediation letter to appeal to the SEND Tribunal.

²⁸ More information on how to register a new complaint and what to do if you cannot use our online form: <https://www.lgo.org.uk/make-a-complaint/how-to-register-a-complaint>

²⁹ More information on how the complaints process works: <https://www.lgo.org.uk/make-a-complaint/how-we-deal-with-your-complaint>

³⁰ What will happen to your complaint: <https://www.lgo.org.uk/make-a-complaint/possible-outcomes>

³¹ HM Courts & Tribunals Service leaflet: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/831386/send37-easyread-eng.pdf

(2) Making an appeal

The applicant must appeal to the SEND Tribunal within 2 months of the date on the letter telling them the council's final decision. The SEND Tribunal is free and the applicant can claim money to pay for their travel to a hearing. The applicant might need to collect evidence to prove why they think the school or council is wrong. Some people can get money to help pay a solicitor for help with this. The Law Society or Citizens Advice can tell the applicant more about this.

(3) Starting an appeal (the 'appeal form')

The applicant will need to download the right form from the website Court and Tribunal forms for: appeals against a decision not to carry out an Education, Health and Care (EHC) assessment or appeals against any other local council decision.

When the applicant appeals, they must tell the SEND Tribunal the date of the letter from the council and which of the decisions the applicant disagrees with. The applicant cannot just say they disagree with the decision. The applicant does not have to provide a lot of detail, but it is important they explain the grounds of their appeal. This means: why the applicant thinks the decision is wrong; what they want the SEND Tribunal to do.³²

Post the appeal form/ submit it electronically as attachment to email. If anything is missing, the Tribunal will send the form back to the applicant. They might not be able to look at the applicant's appeal. They will tell the applicant what else they need to send them. The applicant must send them in within 10 working days. The applicant can ask for more time. But if the applicant sends it back late and does not tell the Tribunal why, the applicant's appeal will end.

(4) Before the hearing³³

The Tribunal will check the applicant's form to make sure their appeal meets their rules. They will do this in 10 working days. They will write to say they received the applicant's form and give the applicant an appeal number to use if they talk to them about their case. They will tell the applicant the fortnight when they will arrange their hearing. They will tell the applicant when the applicant needs to send the council and Tribunal information for the hearing. They will send a copy of the applicant's appeal to the council and ask them to reply within 30 days. If the council agrees with the applicant's appeal to change e.g. the EHC plan the applicant can stop the appeal. If the council agrees to do anything else the applicant asked for then the appeal ends. The council have a set time to do what they say they will.

³² More information on how to fill in the sections of the appeal form can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/831386/send37-easyread-eng.pdf

³³ More information on the process before the hearing can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/831386/send37-easyread-eng.pdf

(5) The hearing³⁴

About 10 days before the date, the SEND Tribunal will send confirmation of the date and time of the applicant's hearing and tell the applicant where it will be. The SEND Tribunal try to make sure the hearing is less than two hours away from the applicant's home. A judge will lead the tribunal and there will be one or two other people who know about children with SEND, health and social care matters. The judge will explain what will happen at the hearing. The applicant can agree to a hearing where they do not attend. If it helps if the tribunal hear what the applicant thinks and ask questions, then the Tribunal will not agree to a hearing on the papers.

(6) After the hearing

The tribunal will write to tell the applicant their decision and send a copy to the council. The applicant should get this within 10 working days after the hearing has finished. The council must do what the SEND Tribunal says within a set time. There are different times for different decisions. If the council do not start when they should, the applicant can ask the Secretary of State for Education of the High Court to make them do it. When the tribunal writes to tell the applicant their decision they will also say how to appeal. If the applicant is not happy with the decision, they must write back to them to tell them within 28 days of the decision. The applicant must tell them what they think was wrong and why they want a new decision. If the applicant does it later than this, they must explain why. A judge can decide whether the appeal can go ahead although it is late.

From research on their websites, appendix 2 provides service performance data for the LGSCO and SEND Tribunal, including the outcomes of complaints and enquiries and details around implementation per year. Appendix 2 also provides user experience data for the LGSCO and SEND Tribunal, including how easy the services were to use, and how fair they were perceived to be per year.

Taking all of the above together, we next provide a case study of the SEND pathway from step 1 (awareness) to step 8 (outcome).

³⁴ There is a film on YouTube that shows what happens at a hearing of a special educational needs tribunal: <https://www.youtube.com/watch?v=ExNEpi-E4XI>; HMCTS YouTube page: https://www.youtube.com/playlist?list=PLORVvk_w75Py6JClMOiiltyTjI2gyc81g

Case study: the help-seeker's journey

*This case study uses the same fictional scenario as above (Marta)

Problem: Marta's son, Thomas, has special educational needs (SEN). Thomas has been struggling to learn at school and has also been experiencing bullying by other children. Marta wants to find help for her son, so she asks his school for assistance. She speaks to the Special Educational Needs Coordinator but is still not happy with the school's response, so she looks elsewhere for support.



Marta travels through the SEN/D pathways:

Step 1 (**Awareness**): Marta wants to know what she can do about this. She asks her friends and searches online. She wants help to find out how she can get extra support for Thomas.

Step 2 (**Taking action**): Marta found specialist advice organisations online that might be to help with her problem. She contacts them to find out how they can help.

Step 3 (**Advice sector referral, support & guidance**): One organisation tells her that Thomas might be entitled to an Education, Health Care plan. An Education Health Care Plan is a document that sets out a child's special educational, health, and social care needs. They give Marta advice and explain how to apply for an assessment by the local authority.

Step 4 (**Intermediate Processes**): Marta asks her the local authority to carry out an Education, Health and Care needs assessment so that Thomas might receive help at school. The local authority writes to Marta to say it has decided not carry out the assessment. This means Thomas will not receive the extra help at school that Marta thinks he needs.

Marta reaches out again to the advice organisation. She is told she has several options to seek help. The specialist organisation will assist Marta to choose the pathway that is best for her specific problem. We discuss two options: she can take her problem to the SEND Tribunal OR to go to the LGSCO.

First we will accompany Marta to the **Special Educational Needs and Disability Tribunal** otherwise known as the SEND tribunal.

Step 5 (**Consideration**): Marta goes back to the advice organization for more help. They tell her that she could appeal to the SEND Tribunal or try mediation with the local authority first. In the letter Marta received from the local authority, there are contact details for a local, independent mediation service. Marta contacts the mediation service to see if they can help. The mediation service sets up an appointment for Marta with the local authority.

Unfortunately, the mediator is unsuccessful in helping Marta and the local authority resolve the dispute. Marta is given a mediation certificate. If Marta now wishes to appeal to the Tribunal she must do so within the deadline - two months from the date of the local authority's letter or one month from the date of the mediation certificate - whichever is later.

Step 6 (**Engage**): Marta goes to the HM Courts and Tribunals website and downloads the appeal form. She fills the form in and posts it to the Tribunal, enclosing the local authority's decision letter and her mediation certificate. She also has the option to email the form but Marta feels more confident completing the form by hand.

Step 7 (**Service**): The SEND Tribunal receives Marta's papers and checks they are correct and in time. They write to Marta and the local authority with a timetable for her case and a hearing date. The letter explains that Marta can choose to have a hearing or let the Tribunal make a decision on written evidence only. Marta decides she would like to have a hearing.

Marta attends the hearing. There is a two-person panel made up of a judge and one other person who knows about children with Special Educational Needs. A representative from the local authority also attends. With the help of the advice organization, Marta has already explained in her Tribunal hearing application from why she thinks Thomas needs an EHC plan.

Step 8 (**Outcome**): The SEND tribunal emails Marta and the local authority once they have made their decision. The SEND tribunal has agreed with Marta and orders the local authority to carry out a needs assessment on Thomas. Once the assessment has been completed, the local authority decides Thomas needs an EHC plan which includes extra support for him at school.

We will now discuss the path to the Ombudsman (**LGSCO**) which Marta can take with a slightly different problem relating to the EHC plan.

Step 5 (**Consideration**): Thomas now has an EHC plan, but Marta doesn't think his school is providing the support set out in the plan. Marta asks for help from the advice organization she spoke to before. She is told to make a complaint to the local authority about Thomas' support. The complaint isn't resolved, so Marta is advised to take her complaint to the Local Government and Social Care Ombudsman.

Step 6 (**Engage**): Marta makes her complaint online at the Local Government and Social Care Ombudsman's website.

Step 7 (**Service**): The Ombudsman investigates the issue asks Marta and the local authority to provide information. The investigator considers the evidence received and gives Marta and the local authority the chance to comment on their initial views about whether the local authority has been at fault and the impact this has had on Thomas.

Step 8 (**Outcome**): After a few months, the Ombudsman has made a decision. It decided that the local authority had not made sure that the school was following Thomas' plan. And so it recommends that the local authority works with the school to make sure the plan is followed in the future. The Ombudsman also asked the local authority to make a payment to Marta and Thomas to recognise the provision he has missed out on. In this example, Marta was successful. Thomas receives the extra support he needs and is much happier. He is much better supported, able to achieve more and able to fit in with his peers enabling him to thrive at school.

What next?

This short guide to our map of the pathways to seek help for housing and SEND issues has showed the *ideal-case* of how advice and justice can be accessed. It is not straightforward; most people do not know how to access these pathways which leaves the system [more] accessible for those who are savvy and can navigate it. It is important to look at the role of community support, the role of the advice sector, as well as overlaps in Ombuds / Tribunals because it is often unclear which service a help-seeker needs to access and how the two can work together to sign-post/cross refer to each other. The complex and siloed system leaves the help-seeker in a vulnerable position if they are not able to navigate it.

This is one of the aims for the next part of our research, to explore what the overlaps between Ombuds and Tribunals are in practice and what the benefits / drawbacks (time spent, money invested, outcome received) are for each pathway. Finally, what about those people who do not access these pathways at all? Our project seeks to explore, in its next phase, how those who are vulnerable might access these pathways, as well as how those people who go through the process experience it. We will bring our findings together in a final project report in 2023.

For any queries you might have, please get in touch with Naomi Creutzfeldt
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Appendices

Appendix 1. HOUSING

Existing contextual, performance, and user experience data underlining the Ombudsman and Tribunal services

Contextual data³⁵

Organisation	Time period	omplaints & enquiries received	Composition of complaints & enquiries
Housing Ombudsman	2020/21 ³⁶	4,167 enquiries; 5,976 complaints	top 3: Repairs: 43%; Tenant behaviour: 13%; Complaint handling: 9%
	2019/20 ³⁷	2,119 enquiries; 3,700 complaints	top 3: Repairs: 33%; Tenant behaviour: 19%; Complaint handling: 7%
	2018/19 ³⁸	5,467 enquiries; 9,449 complaints	top 3: Repairs: 36%; Tenant behaviour: 14%; Complaint handling: 14%
Property Chamber	2020/21 ³⁹	5,992 (total tribunal disposals)	Residential property: 91.2%*; land registration: 5.8%; agricultural land & drainage: 1%
	2019/20 ⁴⁰	8,829 (total tribunal disposals)	Residential property: 87.6%**; land registration: 11.6%; agricultural land & drainage: 1%
	2018/19 ⁴¹	9,071 (total tribunal disposals)	Residential property: 87.3%***; land registration: 11.3%; agricultural land & drainage: 1.4%

*7,876 applications received (R), 5,992 disposals (D); made up of rents (824 R, 541 D), leasehold management & enfranchisement (5516 R, 4315 D), right to buy cases (32 R, 23 D), housing & planning act 2016 (611 R, 392 D), park homes (160 R, 166 D), housing act cases (677 R, 548 D), tenant association and other small jurisdictions (8 R, 7 D), tenant fees act (48 R, 35 D)

**9,075 applications received, 8,829 disposals; made up of rents (888 R, 882 D), leasehold management & enfranchisement (6419 R, 6103 D), right to buy cases (38 R, 38 D), housing & planning act 2016 (559 R, 363 D), park homes (499 R, 485 D), housing act cases (1214 R, 945 D), tenant association and other small jurisdictions (17 R, 13 D), tenant fees act (n/a R, n/a D)

³⁵ Housing Ombudsman and Property Chamber annual reports/ data tables 2018-2021.

³⁶ <https://www.housing-ombudsman.org.uk/wp-content/uploads/2021/06/Insight-report-issue-6-final.pdf>; <https://www.housing-ombudsman.org.uk/wp-content/uploads/2021/02/Insight-report-issue-5-draft-final.pdf>

³⁷ <https://www.housing-ombudsman.org.uk/wp-content/uploads/2020/12/Insight-report-issue-4-final.pdf>; <https://www.housing-ombudsman.org.uk/wp-content/uploads/2021/01/Insight-report-Issue-3.pdf>

³⁸ <https://www.housing-ombudsman.org.uk/wp-content/uploads/2020/11/Insight-report-issue-2.pdf>; <https://www.housing-ombudsman.org.uk/wp-content/uploads/2020/11/Insight-report-Issue-1-Jan-2020.pdf>

³⁹ https://docs.google.com/spreadsheets/d/1KVNfYJWL-QLNjvbT311_4wRG058D6YN/edit?usp=sharing&oid=112507306475984212890&rtpof=true&sd=true

⁴⁰ https://docs.google.com/spreadsheets/d/1KVNfYJWL-QLNjvbT311_4wRG058D6YN/edit?usp=sharing&oid=112507306475984212890&rtpof=true&sd=true

⁴¹ https://docs.google.com/spreadsheets/d/1KVNfYJWL-QLNjvbT311_4wRG058D6YN/edit?usp=sharing&oid=112507306475984212890&rtpof=true&sd=true

***9, 258 applications received, 9,071 disposals; made up of rents (1159 R, 1173 D), leasehold management & enfranchisement (6661 R, 6719 D), right to buy cases (44 R, 45 D), housing & planning act 2016 (181 R, 116 D), park homes (520 R, 419 D), housing act cases (679 R, 586 D), tenant association and other small jurisdictions (14 R, 13 D), tenant fees act (n/a R, n/a D)

Service performance data⁴²

Organisation	Time period	Complaints & enquiries signposted to other organisations (outside remit)	Outcomes (orders, recommendations, decisions) & implementation
Housing Ombudsman	2020/21	1,414 residents signposted to other organisations, with the most frequent ones being: Local Government and Social Care Ombudsman 29%, The Property Ombudsman 22%, Citizens Advice 19%, Shelter 15%	Outcomes of determination: maladministration (25%), mediation (4%), no maladministration (29%), outside jurisdiction (9%), partial maladministration (21%), reasonable redress (12%), withdrawn (2%); Orders & recommendations: issued a total of 1,943 orders and recommendations, made up of 1,127 orders and 808 recommendations. **
	2019/20	908 residents signposted to other organisations, with the most frequent ones being: Local Government and Social Care Ombudsman 26%, The Property Ombudsman 20%, Citizens Advice 13%, Shelter 21%	Outcomes of determination: maladministration (30%), mediation (2%), no maladministration (26%), outside jurisdiction (11%), partial maladministration (18%), reasonable redress (13%), severe maladministration (1%); Orders & recommendations: issued a total of 1,409 orders and recommendations, made up of 1,577 orders and 1055 recommendations. **
	2018/19	Not reported for earlier years	Outcomes of determination: maladministration (26%), mediation (2%), no maladministration (33%), outside jurisdiction (11%), partial maladministration (13%), reasonable redress (15%), severe maladministration (1%); Orders & recommendations: issued a total of 2,315 orders and recommendations, made up of 1,397 orders and 918 recommendations. *
Property Chamber	2020/21	NA	NA
	2019/20	NA	NA
	2018/19	NA	NA

*Made up of the following orders & recommendations: apology, case review, compensation, policy review, process change, repairs, staff training, take specific action (non-repair).

⁴² Housing Ombudsman and Property Chamber annual reports/ data tables 2018-2021. Same links as above.

User experience data⁴³

Organisation	Time period	Easy use ¹	Fairness ²	Improving local service
Housing Ombudsman	2020/21	NA	NA	NA
	2019/20	100% of cases were determined within 12 months	89% of customers said the HO treated them well at the local resolution stage; 75% said they helped at local resolution stage; 85% said they were treated well at formal resolution stage; 73% said they helped at formal resolution stage	97% level of compliance with orders within 3 months; 100% compliance with orders within 6 months
	2018/19	100% of cases were determined within 12 months; average time for determination within formal remit were below 8 months	93% of customers said the HO treated them well at the local resolution stage; 77% said they helped at local resolution stage; 89% said they were treated well at formal resolution stage; 73% said they helped at formal resolution stage	95% of orders implemented within 3 weeks; 100% of orders implemented within 6 weeks
Property Chamber	2020/21		NA	NA
	2019/20		NA	NA
	2018/19		NA	NA

1. Easy use: speed of investigations + complaints/ customer satisfaction about the service
2. Fairness: quality of decisions, review requests
3. Improving local services: impact of outcomes

⁴³ Housing Ombudsman and Property Chamber annual reports/ data tables 2018-2021. Same links as above.

Appendix 2. SEND

Existing contextual, performance, and user experience data underlining the Ombudsman and Tribunal services

Contextual data⁴⁴

Organisation	Time period	complaints & enquiries received	Composition of complaints & enquiries
LGSCO	2020/21 ⁴⁵	19,625 complaints & enquiries dealt with; 9,257 cases dealt with by initial check; 5,914 cases dealt with by initial investigation; 4,455 cases dealt with by detailed investigation; 2,742 upheld	Education and Children's Services (19%); Adult case services (16%); Environment and Public Protection (11%); Highways and Transport (11%); Housing (10%); Planning and Development (10%); Other or null (10%); Benefits and Taxation (9%); Corporate and other services (5%)
	2019/20 ⁴⁶	18,482 complaints & enquiries dealt with; 8,709 cases dealt with by initial check; 5,315 cases dealt with by initial investigation; 4,458 cases dealt with by detailed investigation; 2,588 upheld	Education and Children's Services (18%); Adult case services (16%); Planning and Development (12%); Housing (11%); Environment and Public Protection (11%); Benefits and Taxation (10%); Highways and Transport (10%); Other or null (7%); Corporate and other services (6%)
	2018/19 ⁴⁷	31,664 complaints & enquiries dealt with; 9,460 cases dealt with by initial check; 5,031 cases dealt with by initial investigation; 4,331 cases dealt with by detailed investigation; 2,468 upheld	Adult case services (16%); Benefits and Taxation (11%); Corporate and other services (5%); Education and Children's Services (18%); Environment and Public Protection (9%); Highways and Transport (12%); Housing (12%); Planning and Development (12%); Other or null (6%); Health (less than 1%)
SEND Tribunal	2020/21 ⁴⁸	8,092	Councils: 97.8%; Schools: 2.2%
	2019/20 ⁴⁹	7,174	Councils: 97.6%; Schools: 2.4%
	2018/19 ⁵⁰	5,817	Councils: 97.6%; Schools: 2.4%

⁴⁴ LGSCO and SEND Tribunal annual reports/ data tables 2018-2021.

⁴⁵ <https://www.lgo.org.uk/assets/attach/5960/Annual-Report-2019-20-FINAL-web-accessible.pdf>

⁴⁶ <https://www.lgo.org.uk/assets/attach/5644/Annual-Report-2018-19-vF-Access.pdf>

⁴⁷ <https://www.lgo.org.uk/assets/attach/4356/Annual-Report-2017-18-FINAL.pdf>

⁴⁸ https://www.dropbox.com/scl/fi/msh4ph4tuv5ml8egzu81g/Tribunals_SEND_19-20_Tables.ods?dl=0&rlkey=s0pe81g1r8jvtitm8q80b2wa

⁴⁹ https://www.dropbox.com/scl/fi/msh4ph4tuv5ml8egzu81g/Tribunals_SEND_19-20_Tables.ods?dl=0&rlkey=s0pe81g1r8jvtitm8q80b2wa

⁵⁰ https://www.dropbox.com/scl/fi/msh4ph4tuv5ml8egzu81g/Tribunals_SEND_19-20_Tables.ods?dl=0&rlkey=s0pe81g1r8jvtitm8q80b2wa

Service performance data⁵¹

Organisation	Time period	Complaints & enquiries signposted to other organisations (outside remit)	Outcomes (orders, recommendations, decisions) & implementation
LGSCO	2020/21	9, 257*	Decisions by category: Education & children’s services 1,862 decisions; Adult care services 1,842 decisions; Highways & transport 1,527 decisions; Benefits & tax 990 decisions; Housing 808 decisions; Environmental, public protection & regulation 1,080 decisions; Planning & development 1,579 decisions; Corporate & other 779 decisions 99.1% of recommendations were implemented this year.
	2019/20	8, 709*	Decisions by category: Education & children’s services 1,732 decisions; Adult care services 1,785 decisions; Highways & transport 1,291 decisions; Benefits & tax 955 decisions; Housing 761 decisions; Environmental, public protection & regulation 965 decisions; Planning & development 1,579 decisions; Corporate & other 763 decisions 99.4% of recommendations were implemented this year.
	2018/19	9, 460*	Decisions by category: Education & children’s services 1,633 decisions; Adult care services 1,625 decisions; Highways & transport 1,187 decisions; Benefits & tax 888 decisions; Housing 778 decisions; Environmental, public protection & regulation 869 decisions; Planning & development 1,534 decisions; Corporate & other 706 decisions 98% of recommendations were implemented this year.
SEND Tribunal	2020/21	82%**	Outcomes decided: 3,770; decision upheld: 190; decision in favour of appellant: 3, 577; decision revised against appellant: 3

⁵¹ LGSCO and SEND Tribunal annual reports/ data tables 2018-2021. Same links as above.

	2019/20	36%**	Outcomes decided: 2,614; decision upheld: 197; decision in favour of appellant: 2, 416; decision revised against appellant: 1
	2018/19	97%**	Outcomes decided: 2,298; decision upheld: 260; decision in favour of appellant: 2,035; decision revised against appellant: 3

*These are the number of cases dealt with by initial check which include cases in which people needed to go to another organization for help; but also where people had not completed the council or care provider's complaints process

**This is the total number of applications received/ total number of disposals presented as a %.

User experience data⁵²

Organisation	Time period	Easy use ¹	Fairness ²	Improving local services
LGSCO	2020/21	<p>Speed of investigations: Cases completed by 13 weeks: 78%; 26 weeks: 89%; 52 weeks: 99%</p> <p>Complaints about service: received 240 complaints about service. In 77 of these cases, LGSCO acknowledged they could have done something better and apologised. This compares with similar numbers the previous year (235 complaints received and 74 upheld).</p> <p>Customer satisfaction about service: 94% of customers were satisfied or neutral with the service, and 94% were satisfied or neutral about the outcome of their complaint; 21% of customers were satisfied or neutral with the service, but dissatisfied about the outcome of their complaint.</p>	<p>Quality of decisions: between 90% and 96% of decisions met key standard for being reasonable and defensible</p> <p>Review requests: received 688 requests to review decisions; LGSCO decision not up to the expected standard in 57 cases.</p>	<p>Impact of outcomes: 99.1% of recommendations were implemented.</p>
	2019/20	<p>Speed of investigations: Cases completed by 13 weeks: 78%; 26 weeks: 90%; 52 weeks: 99%</p> <p>Complaints about service: received 235 complaints about service. In 74 of these cases, LGSCO acknowledged they could have done something</p>	<p>Quality of decisions: between 89% and 95% of decisions met key standard for being reasonable and defensible</p> <p>Review requests: received 752 requests to review decisions; LGSCO decision not up to the</p>	<p>Impact of outcomes: 99.4% of recommendations were implemented.</p>

⁵² LGSCO and SEND Tribunal annual reports/ data tables 2018-2021. Same links as above.

		<p>better and apologised. This compares with 165 complaints about service received, and 45 upheld, in the previous year.</p> <p>Customer satisfaction about service: 95% of customers were satisfied or neutral with the service, and 95% were satisfied or neutral about the outcome of their complaint; 22% of customers were satisfied or neutral with the service, but dissatisfied about the outcome of their complaint.</p>	<p>expected standard in 39 cases.</p>	
	2018/19	<p>Speed of investigations: Cases completed by 13 weeks: 79%; 26 weeks: 91%; 52 weeks: 99%</p> <p>Complaints about service: received 165 complaints about service, which was fewer than in the previous year (183). In 45 of those cases, LGSCO acknowledged they could have done something better and apologized for the error.</p> <p>Customer satisfaction about service: 95% of customers were satisfied or neutral with the service, and 95% were satisfied or neutral about the outcome of their complaint; 20% of customers were satisfied or neutral with the service, but dissatisfied about the outcome of their complaint.</p>	<p>Quality of decisions: Up to 85% of decisions met key standard for being reasonable and defensible</p> <p>Review requests: received 698 requests to review decisions; LGSCO decision not up to the expected standard in 54 cases.</p>	<p>Impact of outcomes: 98% of recommendations were implemented.</p>
SEND Tribunal	2020/21	<p>Appellant satisfaction with the overall process of appealing under the national trial was mixed, with appellants as likely to be dissatisfied as satisfied.</p>	<p>NA</p>	<p>Appeal rate⁴: 1.7 Analysis of LA and CCG response to recommendation letters showed that, in the vast majority of instances (89%), the LA or CCG had agreed to</p>

				implement the Tribunal's recommendations in relation to health and/or social care
	2019/20	Around two in five of all appellants reported being satisfied with the process of appealing about the health and/or social care aspects of their or their child's EHC plan (40%)	Ministry of Justice data shows that councils contested 5,000 SEND tribunals over the 12 months. MoJ's data revealed that 4,738 of the 5,000 cases were lost, withdrawn or conceded by local authorities.	Appeal rate⁴: 1.8
	2018/19	while just over a third expressed dissatisfaction with the process (35%) ⁵³	NA ⁵	Appeal rate⁴: 1.6

1. Easy use: speed of investigations + complaints/ customer satisfaction about the service
2. Fairness: quality of decisions, review requests
3. Improving local services: impact of outcomes
4. This is the total number of SEND appeals registered with the Tribunal in the calendar year, expressed as a proportion of appealable decisions.
5. These are not published figures and whilst the tribunal may know the number of applications made for permission to it, there will be instances of applications made directly to the Upper Tribunal about which the First-tier Tribunal has no knowledge.

⁵³ see report for the independent evaluation of the SEND Tribunal process:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1004123/SEND_tribunal_national_trial_independent_evaluation_July_2021.pdf

Appendix 3. Map

Overview map preview, for a larger version of the map, as well as the housing and SEND pathways, please click [here](#).

