

The Housing Ombudsman Service

HUMAN RIGHTS PROGRAMME

Impact Report

“I have very much enjoyed the sessions. I found them informative and can see how the rights practically can apply to our cases.”

- HOS Participant, May 2024

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The British Institute
of Human Rights 

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EXECUTIVE SUMMARY

This impact report will cover the work that The British Institute of Human Rights have done with the Housing Ombudsman Service throughout 2024 to deliver human rights staff capacity building workshops. It will use data that has been gathered before, during, and after the workshops to look at the impact that this work has had on the human rights knowledge and confidence levels of HOS staff, as well as an overview of the programme itself.

This data is a brief snapshot of the key data throughout the programme:

Knowledge of the Human Rights Act: X/5

Before training:



During training:



After training:



Relevance of the Human Rights Act to HOS: X/5

Before training:



During training:



After training:



Confidence in using the Human Rights Act: X/5

Before training:



During training:



After training:



PROGRAMME CONTEXT & AIM

In 2023, The Housing Ombudsman Service (HOS) commissioned the British Institute of Human Rights (BIHR) to deliver a human rights capacity building programme for their staff in a range of roles across the service.

We worked together to create a two-part workshop series. These workshops would serve to compliment HOS's new internal guidance on using the Human Rights Act 1998 and the Equality Act 2010 in their work. They would introduce the Human Rights Act 1998 (HRA), how it works, what legal duties it places on public bodies, as well as focus on key rights in the HRA and how they are relevant to HOS's work.

As a public authority, HOS has legal duties to uphold human rights (section 6 HRA). As part of their work, they deal with complaints about social housing providers that sometimes perform public functions and are therefore also likely to have legal duties under the Human Rights Act. This means that HOS wanted staff human rights capacity building focussing on how to fulfil their own legal duties, as well as assisting other organisations to understand their own.

Alongside the two-part workshop series, we also created a three-part "additional learning" set of workshops to provide deeper practice-based learning and discussion for sixteen senior HOS staff to embed human rights across different areas of HOS.

The key aims of the workshops were to increase the knowledge and understanding of the Human Rights Act across HOS staff in a variety of different roles. This includes understanding how the Human Rights Act works, who has legal duties, and learning about key rights most relevant to HOS.

A further aim specific to the additional learning sets was to better equip more senior members of HOS to embed human rights into HOS more broadly as an organisation so human rights form a key consideration in their work.

BIHR'S INVOLVEMENT

2.1 Workshop Development and Evaluation Process

Research Process:

The programme was researched and developed extensively to create a bespoke set of human rights workshops for HOS. We did this through a consultation call with HOS to identify information and topics most relevant to their work and by running a mapping workshop.

We facilitated an initial mapping meeting with a select number of HOS staff, including senior staff members. In this workshop, we provided a brief introduction of the Human Rights Act to provide context. We then went into mapping where we asked participants about their knowledge level, and what areas they would like us to focus on.

Here are some examples of the mapping questions we asked along with some of the responses:

What is one area of your work that you would like support with using Human Rights?

— “ “ —

“assessing a landlord's decision making- applying the 3 part test for qualified rights. particularly examples of what are good reasons for legitimate aim and factors to consider for proportionality”

— ” —

— “ “ —

“know how to explain to what extent we can look into the human rights implication in our decisions.”

— ” —

— “ “ —

“Disputes between resident's and a landlord's Human Rights responsibilities.”

— ” —

What are the most common issues that you come across in your work?

— ““ —

“Repairs delays,
communication issues.”

— ” —

— ““ —

“residents with a wide
range of needs and
vulnerabilities”

— ” —

— ““ —

“Residents stating that a landlord has
breached their human rights as they live
in what they deem to be unfit properties.
Residents advising of discrimination in
landlord's failing to adhere to
reasonable adjustments - relating to
Equalities Act and human rights.”

— ” —

— ““ —

“How a landlord has handled complaints concerned with
disrepair, anti-social behaviour, tenancy management, service
requests, their complaint itself”

— ” —

— ““ —

“Residents that are struggling to engage with their landlord
through their complaints procedure”

— ” —

In the mapping session, we also asked participants to rank which rights they were most interested in learning about in order of importance. Here are the top four:

1. Article 8 – The right to family and private life, home, and correspondence
2. Article 14 – The right to be free from discrimination.
3. Article 1, Protocol 1 – The right to peaceful enjoyment of possessions
4. Article 6 – The right to a fair trial

We took the key rights that HOS staff said were relevant to them and covered each of them in the workshops.

Development and Delivery

BIHR developed:

- A half day introductory session to increase knowledge and awareness of human rights in practice (Workshop A).
- A follow up session to build staff's capacity and confidence to embed a human rights approach in their practice (Workshop B).
- An 'additional learning' set consisting of three two-hour long workshops for senior HOS staff to reflect on embedding human rights on a systematic level.

We used examples from the HOS database of decisions to create case studies that were relevant to HOS across all the staff roles so that the participants could think about applying Human Rights to situations they would come across in their work. This included sharing practical human rights decision-making frameworks such as the FAIR model that staff could use.

The content and activities were tailored to HOS staff working across a variety of roles including adjudication, decision making, frontline staff, and triage services. All staff would interact in some way with residents and landlords.

Delivering the capacity-building programme in two parts is part of BIHR's learning model. The aim of the first workshop is to build staff's knowledge of their legal human rights duties and what this looks like in the Housing Ombudsman Service. There is then a time gap between the A and B workshops to enable staff to reflect on their learning and link it to their practice before staff return for the follow up workshop.

We provided HOS staff with a takeaway 'human rights journal' so they could reflect on using human rights in their work using specific examples between the first and second workshop. These examples were then shared in the workshops so people could discuss their specific roles and where they felt human rights fit into it.

The second workshop provides staff with a space to recall what they learned in the first workshop, to ask any questions which have come up in their practice since the first session and to build confidence to use their knowledge. This workshop introduces some new content and focuses on discussions with colleagues and practicing human rights-based decision making.

Building human rights knowledge across staff is crucial, but it is also important to increase the confidence to practically embed that human rights knowledge into different roles within HOS. This means exploring and building upon how staff use their knowledge to inform responses complaints and their interactions with both tenants and social landlords.

The content we covered in the workshops are outlined in a snapshot below, the Additional Learning Sets covered these topics in more detail with a focus on using practical case studies:

A and B Workshops:



Snapshot: Topics covered in Workshop A:

- An introduction and overview of the Human Rights Act 1998 and how it works.
- Who has legal duties to respect, protect, and fulfil our Human Rights
- What is a public authority and hybrid public authority
- Absolute and non-absolute rights
- Focus on Article 14 – the right to be free from discrimination and reasonable adaptations
- Focus on Article 8 – the right to a private and family life, home and correspondence and repair of accommodation



Snapshot: Topics covered in Workshop B:

- Recap on the A session, including reflections from participants on how they've considered human rights in their work.
- Focus on Article 1, Protocol 1 – The right to peaceful enjoyment of possessions – items in communal areas and disposal of tenant's property.
- Focus on Article 6 – The right to a fair trial – landlord complaints procedures
- Top tips for using human rights practically
- Sharing the FAIR model for participants to use in their work.

Workshop Reach

In total, we delivered 25 workshops, this was made up of 11 workshop A's, 11 workshop Bs as part of the two-part staff capacity building workshops, and three additional learning set sessions as part of a three-part series. All these workshops were held online between January and May 2024.

There was an average of 23.7 attendees per workshop, with each workshop never falling below 20 attendees. Each of the workshops went ahead as planned and we even added two additional A and B workshops (included in the figure of 25 workshops delivered) at HOS's request.

The total attendance was 297 staff across A and B workshops and additional learning sets.

EVALUATION

To evaluate the impact of the A and B workshops, BIHR created three surveys. The purpose of the three surveys is to map the journey travelled by staff during the human rights programme. This allows us to see where knowledge and confidence to use human rights increases and to report this back to HOS.

1. One that attendees were asked to fill in before the first session.
2. One they were asked to fill in after the first session.
3. The final one which attendees were asked to fill in after attending both sessions.

We also created two additional surveys to map the impact of the three additional learning sets.

We provided the surveys to participants by way of a QR code and link at the start and end of workshop A, and the end of workshop B. We also provided links in the chat bar of the workshop. The first survey was also sent to HOS ahead of the workshops to give participants the chance to complete it ahead of time.

We incentivised completion of the surveys by providing downloadable slides of the workshop at the end of the survey. Aside from that, we have little control over the number of staff who then complete the surveys. When all of surveys are not completed, this can impact the overall data trends quite significantly. Nevertheless, the data still provides important insights for both the impact of this work, and next steps that will support HOS staff to embed human rights decision-making across their work.

The data we have collected throughout the programme demonstrates an overall increase in knowledge and confidence across the programme. However, this is also reflected in our observations as the facilitators of the workshops, seeing that development in real time whilst delivering A and B sessions and additional learning sets. Across all our programmes, the HOS staff have showed amongst the highest levels of engagement and consistency with their learning and application, which shows a real foundation to build on.

OUTCOMES

Knowledge of the Human Rights Act: X/5

Before training:



During training:



After training:



— “

“I had basic knowledge of a few of the rights but the training has given me a more in-depth knowledge of these rights as well as info on other rights I did not know about.”

— ” —

— “

“I know a lot more than I did before. Jacob’s real world examples really helped me to understand how people’s rights are affected and how this applies to my casework.”

— ” —

— “

“We only covered a few of the main rights. However, after having the training I will definitely be looking to expand my knowledge further.”

— ” —

— “

“Very informative and easy to understand/ follow.”

— ” —

Confidence in using the Human Rights Act: X/5

Before training:



During training:



After training:



— “

“My role can involve checking whether a landlord has treated tenant fairly through its complaint process and while HOS doesn't directly adjudicate on human rights it enables me to identify and signpost appropriately where I have concerns”

— ” —

— “

“More confident. I understand them better and this is the first time any company I have worked for actually provided training surrounding this when handling disputes.”

— ” —

Relevance of the Human Rights Act to HOS: X/5

Before training:



During training:



After training:



In our survey that we provided to attendees upon completion of both parts of the two-part workshop, we asked them how they would apply human rights in their work. This is what they said:

— “

“I'll be considering the rights as part of any decisions I make or when determining actions the landlord has made.”

— ” —

— “

“Consider if the LL has due regard, use HRA to inform decisions, not rule out a complaint, think about our approach.”

— ” —

— “

“More relevant to our particular area of work than you might expect, and the trainer really knows her stuff!”

— ” —

Furthermore:

- 72.41 % of survey participants said they would “Consider if a landlord has given due regard to its obligations under the Human Rights Act”
- 17.24% of survey participants said they would use human rights to inform their determinations.

Additional Learning Sets

We also received the following survey responses from participants in the Additional Learning Sets:

Before training:



After training:



After the workshop are you more likely to take any of the following actions to uphold people’s human rights?

— “ —
“In reviewing our own policies and guidance, we can make positive steps to embed human rights in our casework. This will also then impact on landlord's services through our decisions and orders.”
— ” —

— “ —
“Challenging how landlords have handled HR issues”
— ” —

GOALS & NEXT STEPS

The goal of our work with HOS was to increase knowledge and understanding, and to stress the relevance of the Human Rights Act across HOS staff. It is clear from the quantitative and qualitative data we have gathered and presented that this goal has been achieved. For example, the knowledge of the Human Rights Act across participants increased from an average rating of 2.7/5 to 3.6/5, and a confidence in discussing human rights in their work rose from 3.0/5 to 4.1/5. During workshops, participants also shared that they have started using the language of human rights in their work since they started the workshops.

— “ —

“Excellent sessions providing relevant practical examples, finding out further information where necessary to help.”

— ” —

Similarly, senior staff at HOS have shared that they have started internal conversations about embedding human rights in their work on a systematic level throughout the service.

In terms of next steps, the key is to build on our relationship with HOS. HOS have done fantastic groundwork to start to embed human rights within the organisation and it is promising to see senior staff internally discussing how they can build on this work and integrate human rights learning across different parts of HOS.

Similarly, HOS participants spoke on more than one occasion about how they could share information about human rights with residents and landlords alike outside of decision making.

We hope to continue our partnership with HOS and for this, we have considered some next steps such as a human rights resource for HOS staff to provide the full range of different HOS roles with clear and easy to use resources so that they can feel more confident in understanding human rights, their legal obligations, and how they can use them in their role. We are also considering refresher workshops for previous participants as well as for new staff, and policy sessions. When we asked what further support participants might need to further embed human rights in their work, participants said:

— “ “ —

“Case examples, pulling off data from the case management system that could be used for this purpose, looking at possible standard paragraphs. Also sharing the models for use by colleagues.”

— ” —

— “ “ —

“Greater awareness of HOS case examples where we have applied human rights”

— ” —

— “ “ —

“The more examples the better, we can add to the Casework list”

— ” —

We are also considering the possibility of future ‘top-up’ or ‘refresher’ sessions where we can include new staff, or to help build on current staff knowledge and hear feedback about how they have found implementing it into their work. This was echoed in some of the responses from participants during the workshops, for example, when we asked what further support participants might need to further embed human rights in their work, participants said:

— “ “ —

Some refresher sessions and any new specific to our casework updates.

— ” —

Across our work together, HOS has clearly shown a commitment to improving their internal policies and guidance to include the Human Rights Act and the Equality Act, so there is the possibility for policy focused sessions as well.

— “ —

“There needs to be an internal discussion about how we articulate these rights in our investigation reports. My approach to date has been to raise the HRA if the resident does of it there is no other way of articulating the failing or I wish to emphasise any failing.”

— ” —

Recommendations



A human rights culture is:

“... one that fosters basic respect for human rights and creates a climate in which such respect becomes an **integral part of our way of life** and a **reference point for our dealing with public authorities** ... in which all our

institutional policies and practices are influenced by these ideas...The **building of a human rights culture ...[depends] not just on courts** awarding remedies for violations of individuals' rights, but **on decision-makers in all public services internalising the requirements of human rights law**, integrating those standards into their policy and decision-making processes, and ensuring that the **delivery of public services in all fields is fully informed by human rights considerations.**”

UK Parliament's Joint Committee of Human Rights (our emphasis)

This is what the duties in the HRA are supposed to look like in practice, HOS is proactively and positively working to this, and to continue building on this work, we recommend the following:

- Produce a human rights resource that is specific to the Housing Ombudsman Service and their staff, considering relevant case studies and job roles so that staff can have something to refer to in their work.
- Have periodic refresher courses for staff that took part in the A and B workshops and Additional Learning Sets.
- Renewing the A and B workshops periodically for new staff.
- Internal meetings with senior management to consider ways to continue embedding human rights throughout the service.
- Considering further the use of human rights legal language across HOS policies.

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