

Key Decision Required:	No	In the Forward Plan:	No
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CORPORATE DIRECTOR (OPERATIONS AND DELIVERY)

10 JUNE 2022

A.1 INTRODUCTION OF A REVISED COMPLAINTS POLICY FOR THE COUNCIL'S TENANTS AND LEASEHOLDERS

(Report prepared by Emma Norton)

PART 1 – KEY INFORMATION

1.1 PURPOSE OF THE REPORT

To obtain the approval of the Corporate Director (Operations and Delivery), in consultation with the Housing Portfolio Holder, to introduce a revised and stand-alone Complaints Policy for the Council's tenants and leaseholders to meet the requirements of the Housing Ombudsman's revised Complaints Handling Code.

1.2 EXECUTIVE SUMMARY

In July 2020, the Housing Ombudsman published a new Complaint Handling Code that provided a framework for high-quality complaint handling and greater consistency across landlords complaint procedures. Its aim was to enable landlords to resolve complaints raised by their residents quickly and to use the learning from complaints to drive service improvements.

This Code has recently been revised and is now explicit about what is mandatory, where the Ombudsman believes clear and consistent practice by all landlords is essential. It also requires landlords to carry out an annual self-assessment against the Code on a 'comply or explain' basis.

Complaints against the Council as a landlord have previously been dealt with under the Corporate Complaints Policy. However, the revision of the Code and subsequent self-assessment has resulted in a stand-alone procedure being developed for handling complaints received regarding the Council in its capacity as a landlord to ensure that it meets all of the requirements of the code.

1.3 RECOMMENDATION(S)

That the Corporate Director (Operations and Delivery), in consultation with the Housing Portfolio Holder, agrees to the introduction of the proposed revised Complaints Policy for the Council's tenants and leaseholders as attached to this report as Appendix A.

PART 2 – IMPLICATIONS OF THE DECISION

2.1 DELIVERING PRIORITIES

The introduction of a policy to assist the Council's tenant's will contribute towards the following priorities in the Council's Corporate Plan for the period 2020 to 2024:

Delivering high quality services

Effective regulation and enforcement

Building sustainable communities for the future

Building and managing our own homes

2.2 FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The design, production and implementation costs of a revised and stand-alone Complaints Policy for the Council's tenants and leaseholders can be met from existing resources and budgets. Awareness sessions can be facilitated internally within existing resources and information will be made available to tenants and leaseholders via existing means of communication.

Risk

Compliance with the Code forms part of the membership obligations set out in the Housing Ombudsman Scheme and failure to adhere to the revised Complaints Handling Code could result in interventions and sanctions, including the issue of a Complaints Handling Failure Order.

Failures under the Scheme and Code which could result in a Complaint Handling Failure Order include:

- Where an individual complaint is not being progressed through the landlord's complaint process;
- Where the landlord has failed to provide information to the Ombudsman, as requested; and
- Where a landlord fails to comply with its membership obligations, including compliance with the Complain Handling Code and self assessment.

In addition to this, the Housing Ombudsman has the power to carry out wider investigation where there is evidence of a 'systemic failing' and where this the case, it will be referred to the appropriate regulatory body (Regulator of Social Housing). This could, ultimately, lead to the housing stock being removed from landlords

2.3 LEGAL

Compliance with the Housing Ombudsman Service is a mandatory requirement for the Council in its capacity as a landlord.

2.4 OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and there are not considered to be any significant issues.

Crime and Disorder / Equality and Diversity / Consultation/ Climate Change

None

The procedure has been the subject of consultation with members of the Council's Tenants Panel and their comments taken into account.

Wards

All.

PART 3 – SUPPORTING INFORMATION

3.1 BACKGROUND

The Housing Ombudsman Service (the Ombudsman) is set up by law to look at complaints about housing organisations that are registered with them. The Ombudsman resolve disputes involving tenants and leaseholders of social landlords (housing associations and local authorities) and voluntary members (private landlords and letting agents). The Council is a registered member.

The Ombudsman considers complaints using dispute resolution principles and encourages landlords and residents to use these principles so they can resolve complaints together at the earliest possible opportunity.

In July 2020, the Housing Ombudsman published a new Complaint Handling Code setting out good practice for landlords in handling complaints effectively and fairly and this has recently been revised.

The purpose of the Code was to enable landlords to resolve complaints raised by their residents quickly and to use the learning from complaints to drive service improvements. It also aimed to help create a positive complaint handling culture amongst staff and residents.

In 2022, this code was revised and it is now explicit about what is mandatory and where it is appropriate for landlords to use their discretion to achieve best practice in complaint handling. Where landlords do deviate from the Code, the reasons for this must be clearly explained in their self assessment.

The benefits from having an effective and efficient complaints process are stated as:

- Complaints allow an issue to be resolved before it becomes worse. Those not resolved quickly can take significant resource and time to remedy;
- Involvement in complaint resolution develops staff decision making and engagement;
- Complaints provide senior staff with a window into day to day operations allowing them to assess effectiveness; and
- Good complaint handling promotes a positive landlord and resident relationship.

Key areas of the Code include:

- Universal definition of a complaint
- Providing easy access to the complaints procedure and ensuring residents are aware of it, including their right to access the Housing Ombudsman Service
- The structure of the complaints process, which covers stages and timeframes for responses
- Ensuring fairness in complaint handling with a resident focused process
- Taking action to put things right and appropriate remedies
- Creating a positive complaint handling culture through continuous learning and improvement
- Demonstrating learning from complaints.

Accompanying the revised Code is a requirement for landlords to carry out an annual self-assessment of their complaint processes against the Code and to publish the findings.

A self-assessment has now been carried out and it is proposed to introduce a stand alone Housing Complaints Policy which meets the requirements of the Code and differs from the Council's Corporate Complaints Policy in the following ways:

- Incorporation of the Housing Ombudsman's specific definition of a complaint;

- Complaints will be accepted in various forms and staff are advised accordingly so that complaints are identified and accepted via all contact channels;
- Information about how to escalate complaints is included in each response letter;
- Response time scale for Stage 1 complaints is 10 working days
- A system for obtaining and recording customer satisfaction is introduced;
- The Housing Ombudsman complaint response template is adopted to ensure consistent, comprehensive and clear responses are provided;
- A lessons learned log is implemented as part of complaints recording; and
- General feedback is provided to customers about action taken in response to complaints.

3.2 BACKGROUND PAPERS FOR DECISION

None

3.3 APPENDICES

Complaints Policy for Council Tenants and Leaseholders