

Key Decision Required:	No	In the Forward Plan:	Yes
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HOUSING PORTFOLIO HOLDER

APRIL 2024

A.1 REVISED HOUSING COMPLAINTS POLICY

(Report prepared by Emma Norton)

PART 1 – KEY INFORMATION

1.1 PURPOSE OF THE REPORT

To obtain the Portfolio Holder responsible for Housing’s approval to revisions to the Council’s Housing Complaints Policy 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 landlord’s 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 was revised in 2022 to make it explicit about what was mandatory and where it was appropriate for landlords to use their discretion to achieve best practice in complaint handling.

Prior to the implementation of these revisions, complaints against the Council, as a landlord, were dealt with under the Corporate Complaints Policy. However, the revision of the Code and subsequent self-assessment 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.

Following the implementation of the Social Housing Regulation Act 2023, the Housing Ombudsman’s Complaint Handling Code becomes statutory from 1st April 2024. This has been accompanied by a further revision of the Code and our Housing Complaints Policy has been amended to take account of these changes.

1.3 RECOMMENDATION(S)

That the Portfolio Holder responsible for Housing:

a) Approves the revisions to our Housing Complaints Policy to meet the requirements of the Housing Ombudsman’s revised Complaints Handling Code.

PART 2 – IMPLICATIONS OF THE DECISION

2.1 DELIVERING PRIORITIES

The operation of the Housing Complaints Policy and compliance with the Housing Ombudsman’s Complaints Handling Code contributes towards the following priorities in the Council’s Corporate Plan for the period 2024 to 2028:

- Pride in our area and services to residents
- Championing our local environment
- Working with partners to improve quality of life

2.2 FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The cost of operating and monitoring the agreed stand-alone Housing Complaints Policy for the Council’s tenants and leaseholders is met from existing resources and budgets. The provision of information for staff to raise their awareness and understanding of complaint handling procedures is facilitated internally within existing resources and tenants and leaseholders are kept informed via existing means of communication.

Risk

The Housing Ombudsman believes that all members should comply with all provisions in the Code as this represents best practice in complaint handling. The Social Housing (Regulation) Act also placed a duty on the Ombudsman to monitor compliance with their code.

Where a landlord does not meet the requirements of the Code in any areas and does not move into compliance within a reasonable timescale, the Ombudsman will issue a Complaint Handling Failure Order and publish this.

There are three types of Complaint Handling Failure Orders:

Type 1: A CHFO may be issued in relation to failings in an individual case where the Ombudsman has taken reasonable steps to seek engagement from a landlord, but the resident remains unable to progress a complaint through the landlord’s process

Type 2: A CHFO may also be issued on an individual case where the landlord has failed to provide information, either at the outset of the investigation or to confirm compliance with our orders, to the Ombudsman as requested.

Type 3: A CHFO may be issued where a landlord fails to comply with its membership obligations under paragraph 9 of the Scheme.

In addition to this, the Housing Ombudsman has powers to carry out wider investigation where there is evidence of a ‘systemic failing’ and where this the case, it will be referred to the Regulator of Social Housing.

2.3 Legal

Membership of the Housing Ombudsman Scheme is compulsory for social landlords – primarily housing associations and Local Authorities, who are or have been registered with the Regulator of Social Housing (RSH).

A mandatory membership covers all housing activity considered to be about the landlord and

tenant relationship and covers all types of tenure.

Following the implementation of the Social Housing Regulation Act 2023, the Housing Ombudsman's Complaint Handling Code becomes statutory from 1st April 2024. This has been accompanied by a further revision of the Code.

Under the Act, there will now be a legal duty on Scheme members to comply with the Code, as well as a duty on the Ombudsman to monitor compliance with it, regardless of whether complaints are received.

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

The revisions to the Housing Complaints Procedure has been subject to consultation with members of the Council's Tenants Panel and the review of complaints and self-assessment will be reported to tenants and leaseholders through existing means of communication.

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. This code was subsequently revised in 2022 and again in 2024 following consultation.

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

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.

Following a self-assessment against the revised Code in 2022, a stand-alone policy was implemented for handling complaints received regarding the Council in its capacity as a landlord that meets all of the requirements of the code.

The specific areas included in the Housing Complaints Policy which vary from the Corporate Complaints Procedure are as follows:

- Incorporation of the Housing Ombudsman's specific definition of a complaint;
- Complaints are accepted in various forms and staff advised accordingly so that complaints are identified and accepted via all contact channels;
- Procedure refers to reasonable adjustments;
- Information about how to escalate complaints is included in each response letter;
- Response time scale for Stage 1 complaints was altered to 10 working days
- The Housing Ombudsman complaint response template has been adopted to ensure consistent, comprehensive and clear responses are provided;
- General feedback is provided to customers about action taken in response to complaints.

A further self-assessment has recently been carried out against the now statutory Complaints Handling Code and this will be presented to the Council's Cabinet in May.

3.2 BACKGROUND PAPERS FOR DECISION

None

3.3 APPENDICES

Complaints Policy for Council Tenants and Leaseholders