

AUDIT COMMITTEE

26 JUNE 2025

REPORT OF ASSISTANT DIRECTOR CORPORATE POLICY AND SUPPORT

A.3 **PROPOSED NEW CORPORATE AND HOUSING COMPLAINTS POLICY – AND ADOPTION**

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The Committee is provided with a proposed new combined Corporate and Housing Complaints Policy for the Council, following a review of the current separate policies and assessment of the requirements of the parallel Housing Ombudsman's Complaint Handling Code and the Local Government and Social Care Complaint Handling Code. While both codes have many areas of common expectations it is worth remembering that the Housing Ombudsman's Code has a statutory footing which means that social housing landlords (such as this Council in respect of its housing stock) are obliged by law to follow its requirements.

EXECUTIVE SUMMARY

In April 2024, the Local Government and Social Care Ombudsman published a new Complaint Handling Code that provided the framework for an improved complaint handling service. This mirrors to a significant degree the requirements also set out in the Housing Ombudsman's Complaint Handling Code.

The Council's current Corporate Complaints Policy has been in need of review for a little while to ensure that it reflected the current arrangements at the Council. The introduction of a new Complaint Handling Code by the LGSCO provided the impetus for this. The Council had previously adopted a dedicated Housing Complaints Policy and this was required to comply with the Housing Ombudsman's Complaint Handling Code and the transition of that Code to being a statutory requirement on the Council to follow the Code in respect of its social housing stock.

In view of the two Ombudsman Services now having very similar Complaint Handling Codes it would appear to be efficient to adopt a new Corporate and Housing Complaints Policy. In this way we can demonstrate that whichever service someone complains about that we will handle it in a consistent way and that the national Codes are followed throughout the Council.

The adoption of the new Policy will provide the opportunity for training and support for Services in the use of complaints as a means of addressing service standards and embed a lesson's learned approach.

RECOMMENDATION(S)

It is recommended that the Committee:

- (a) reviews the proposed new Corporate and Housing Complaints Policy set out in this report at Appendix A and, if satisfied, recommend to Cabinet that the new policy be adopted; and**

(b) notes that Officers will be providing training for staff on the new Policy (once adopted) to embed understand and good practice on the new Policy.

REASON(S) FOR THE RECOMMENDATION(S)

The Council's existing Corporate Complaints policy does not meet the Local Government and Social Care Ombudsman's Complaint Handling Code. The opportunity has been taken to discontinue the operation of two separate Complaints Policies (one for Corporate Complaints and one for Housing).

ALTERNATIVE OPTIONS CONSIDERED

Consideration was given to not updating the Corporate Complaints Policy. However, it was discounted as the existing Policy does not comply with the LGSCO Code of Complaint Handling. The option of not combining the Corporate Complaints Policy and the Housing Complaints Policy into a single unified Policy was also considered and discounted. The overlap between the two Ombudsman Services, the consistency of the two Ombudsman's Codes and the support for a unified Council Policy by the Tenants' Panel led to this decision.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The launch of the new unified Corporate and Housing Complaints Policy by the Council will assist both the Council's tenants and residents. It is considered that it will contribute to the following themes of the Council's Corporate Plan 2024-28:

- Pride in our area and services to residents.
- Raising aspirations and creating opportunities

As advised in the Local Government and Social Care Ombudsman's Complaint Code, good complaint handling promotes a positive relationship between the organisation and the residents. Complaints allow an issue to be resolved before it becomes worse, and those issues not resolved promptly can take significant resource to remedy.

Data collected about complaints can be analysed and used to inform key business decisions to drive improvement in service provision. As such, the adoption of the new unified Policy will support the 'Getting the basics right' approach also set out in the Council's Corporate Plan.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Compliance with the Local Government and Social Care Ombudsman is not a legal requirement. The LGSCO's powers include to provide 'guidance about good administrative practice' to organisations under section 23(12A) of the Local Government Act 1974.

The Local Government and Social Care Ombudsman has the authority to make a finding of maladministration where Councils' policies and procedures depart from the code without sufficient explanation. The Local Government and Social Care Ombudsman may also make a finding of maladministration where a Council, without good reason, does not meet the standards in the Code when responding to an individual complaint.

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

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 became statutory from 1st April 2024. This has been accompanied by a further revision of the Code.

Under the 2023 Act, there is now a legal duty on Housing Ombudsman Scheme members to comply with the Code, as well as a duty on the Housing Ombudsman to monitor compliance with it, regardless of whether complaints are received.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Finance and other resources

There are no significant financial implications associated with the implementation of a combined Corporate and Housing Complaints Policy. As referenced in the legal requirements section of this report, findings by the two Ombudsman Services for failure to follow the national Complaint Handling Codes have implications for the Council (including in particular cases financial consequences).

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	Not directly applicable
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The proposals in the new unified policy seek to ensure there is robustness in consideration of complaints and that lessons learned are addressed. This will, in turn, support good decision making going forward.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	Not directly applicable

MILESTONES AND DELIVERY

The submission of this report to this Committee is a key milestone in itself. It will, in turn, lead to a recommendation to Cabinet and the decision by Cabinet will be a further milestone. The implementation of the Policy will be timed to ensure that training on its requirements is provided to officers across the Council.

ASSOCIATED RISKS AND MITIGATION

The proposed Corporate and Housing Complaints Policy for the Council seeks to comply with the Complaint Handling Code of the LGSCO and by the Housing Ombudsman. This means that organisations who fall under the jurisdiction of both Ombudsman Services should be able

to provide a consistent and co-ordinated complaint handling process across services covered by both codes.

The Council would be left open for criticism if its approach to complaints did not comply with either of the two Ombudsman Service Codes. This review and the proposed unified complaints policy seeks to avoid this situation.

OUTCOME OF CONSULTATION AND ENGAGEMENT

During the review referenced in this report, consultation took place within the Council with colleagues who manage and respond to complaints. All comments received have helped to shape the version of the Policy now submitted to this Committee as part of this report (at Appendix A).

The Council's Tenants Panel were consulted on the proposed unified Complaints Policy for the Council in March 2025, and the Panel supported its adoption. The Tenants Panel commented that the policy would allow for customers to receive the same quality of response within the same response times irrespective of which service the complaint was about.

The Local Government and Social Care Ombudsman were consulted; they were in agreement with policy and confirmed that it reflected their Complaints Handling Code. The Housing Ombudsman were consulted and made no comment of the contents.

EQUALITIES

The implementation of a Corporate and Housing Complaints Policy aims to deliver fairness, transparency and consistency to all customers and stakeholders.

In preparing this report, due consideration has been given to the Council's statutory Equality Duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, as set out in Section 149(1) of the Equality Act 2010.

SOCIAL VALUE CONSIDERATIONS

Not applicable to the content of this report.

IMPLICATIONS RELATED TO DEVOLUTION AND/OR LOCAL GOVERNMENT REORGANISATION

There are no direct implications associated within this report in regard to Appendix A. However, given that both Ombudsman Service Codes will, to one degree or another, also apply to other Councils which could be reorganised into successor unitary Councils in place of the current Districts and County Council, the operation of the proposed unified Complaints Policy should mean a smoother transition/experience for staff and residents to any new Complaints Policy arrangement adopted by the relevant Unitary Council.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050

There are no direct implications associated within this report.

OTHER RELEVANT IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below:

Crime and Disorder

Not applicable

Health Inequalities	Not applicable
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	Not applicable
Area or Ward affected	The proposed new policy would apply to all District Council Wards.

PART 3 – SUPPORTING INFORMATION

BACKGROUND
<p>The standard objective in relation to complaint handling for all Directorates within the Council will be to:</p> <ul style="list-style-type: none"> • Have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments: • Take collective responsibility for any shortfalls identified through complaints, rather than blaming other; and • Act within the professional standards for engaging with complainants as set by the relevant professional body. <p>The Corporate Complaints policy now requires updating to meet the requirements of the of the LGSCO's Complaints Handling Code. The current Tendring District Council's Corporate Complaints policy has been reviewed in line with the Local Government and Social Care Ombudsman's Complaint Handling Code (published in April 2024).</p> <p>The Housing Ombudsman Service is required by law to assess complaints regarding housing organisations that are registered with it. This Council is so registered. The Housing Ombudsman resolves disputes involving tenants and leaseholders or social landlords. This information is already provided in the Housing Complaints Policy of April 2024 which is reflected into this policy.</p>
PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.
<p>Corporate Complaints procedure was previously updated in February 2021.</p> <p>The Housing Complaints procedure was previously agreed by Cabinet.</p>
BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL
<p>The background papers for this report are the:</p> <ul style="list-style-type: none"> • Local Government and Social Care Ombudsman Complaints Handling Code Complaint Handling Code - Local Government and Social Care Ombudsman • Housing Ombudsman Complaints Handling Code The Complaint Handling Code Housing Ombudsman Service

APPENDICES
Appendix A – Proposed Corporate and Housing Complaints Policy

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