

Report To:	CABINET	Date:	1 December 2020
Heading:	THE HOUSING OMBUDSMANS COMPLAINT HANDLING CODE		
Portfolio Holder:	CLLR TOM HOLLIS		
Ward/s:	N/A		
Key Decision:	YES		
Subject to Call-In:	YES		

Purpose of Report

To provide Cabinet with an overview of the Housing Ombudsman's new Complaint Handling Code and the requirements for the Council to ensure full compliance.

Recommendation(s)

Cabinet is requested to :-

- Acknowledge the requirements within the Housing Ombudsman Complaint Code
- Approve the introduction of a Housing Complaints Policy
- Authorise the self-assessment to be published on the Council's website by the 31st December 2020

Reasons for Recommendation(s)

Compliance with the Complaint Handling Code forms part of the statutory membership obligations set out in the Housing Ombudsman Scheme. Landlords must comply with the requirements of the Code or offer an explanation to the Ombudsman as to why they do not.

A self-assessment has been undertaken against the Complaint Handling Code which the Housing Ombudsman published in July 2020. Currently the Council is not meeting all of the requirements of the Code; therefore the new policy and a number of actions are required to be implemented in readiness for the requirement to publish the self-assessment by the 31st December 2020.

Alternative Options Considered

To not comply with the Housing Ombudsman's Complaint Handling Code.

Not recommended, as the requirement is mandatory for the Housing Department as a regulated service to follow and adhere to.

Failure to follow and adhere to the code could result in interventions and sanctions by the Regulator of Social Housing including the Housing Ombudsman issuing complaint handling failure orders. In addition to this, the Ombudsman has a new 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 lead to the housing stock being removed from landlords.

Detailed Information

Following on from the tragic events at Grenfell in June 2017, it has been evidenced that some Social Housing Landlords do not take sufficient notice, action or learning from complaints made to them by their customers. The Government and Regulator of Social Housing have made it clear to Housing Providers that they must improve the quality of their complaints handling and resolution and indicated the need for change in the Housing Green Paper published in 2018.

Following on from this the Housing Ombudsman Service has published a new Complaint Handling Code in July 2020. This provides a high-level framework to support effective handling and prevention of complaints alongside learning and development.

The Code is part of the new powers in a revised Housing Ombudsman Scheme and sets out the requirements to ensure that landlords respond effectively to complaints effectively and fairly. As well as setting out expectations for boards, senior executives and front line staff, the Code will help tenants in knowing what to expect from their landlord when they make a complaint and how to progress their complaint.

All Landlords have been asked to self-assess against the Code by the 31st December 2020 and publish their results.

This differs considerably from the Local Government Ombudsman best practice and is a mandatory requirement placed on housing providers, introduced to ensure greater consistency across landlords' complaints procedures following the five core themes in the Government's Social Housing Green Paper (a new deal for social housing).

Whilst this policy does not in any way impact on how the Council wishes to operate its complaint procedure, it is mandatory for the Housing Department to follow it or risk intervention by the housing regulator which could ultimately lead to the stock is removed from the Council.

The key areas of the Code are:

- Universal definition of a complaint
- Providing easy access to the complaints procedure and ensuring that tenants are aware of it, including their right to access the Housing Ombudsman Service
- The structure of the complaints procedure – only two stages necessary and clear time-frames set out for responses

- Ensuring fairness in complaint handling with a tenant-focused process
- Taking action to put things right and appropriate remedies
- Creating a positive complaint handling culture through continuous learning and putting things right
- Demonstrating learning in Annual Reports

A self-assessment has been undertaken against the Complaint Handling Code which the Housing Ombudsman (HOS) published in July 2020 alongside the current Council's complaints policy.

Some of the differences between the requirements of the new Code and the existing policy include:-

- The current definition of a complaint is different to that of the new definition
- Timescales for stage 1 and 2 are different
- There is no reference to the Housing Ombudsman in the Council's policy
- The complaints policy must be available online
- A persistent and unreasonable complaints policy must be available to set out how persistent and unreasonable complaints will be managed
- A reasonable adjustments policy is required to comply with the Code and the Equality Act 2010. This should be published alongside the complaints policy
- Social Media - Facebook/twitter must be used as an additional complaint channel
- Complainant satisfaction levels need to be measured via a survey to identify any issues or trends and service improvements
- A report must be presented to Cabinet on an annual basis alongside the Housing Ombudsman's landlord report
- Learning and improvements collected and actioned need incorporating into the annual Housing Report to tenants.
- An officer responsible for dealing with complaints must be identified and empowered
- A complaint handling failure order can be served on the Council if it fails to follow its complaints procedure.
- The Housing Ombudsman has the ability to refer the Housing Provider to the Regulator of Social Housing based on the gravity and pattern of complaints being made.

Implications

Corporate Plan:

Fully meets the corporate plan priority of leading a customer focussed service, which engages our tenants and adheres to all regulatory standards.

Legal:

Compliance with the Housing Ombudsman Service is a mandatory requirement for the Housing Department.

Finance:

Design and production of the housing complaints policy and associated documents can be met from existing resources and budgets. Awareness sessions can be facilitated internally within existing resources.

Budget Area	Implication
General Fund – Revenue Budget	N/A
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Risk:

Risk	Mitigation
<p>Significant reputational risk - A 'complaints handling failure order' could be served on the Council.</p> <p>This is an order to rectify within a given timescale and referral to the Regulator of Social Housing</p> <p>This could result in the removal of the housing stock from the Council.</p>	<p>Full compliance with the Complaint Handling Code as set out in the Housing Ombudsman Scheme.</p>

Human Resources:

n/a

Environmental/Sustainability

n/a

Equalities:

This is strengthened by the requirement to publish the Council's Reasonable Adjustments Policy on the intranet.

Other Implications:

(if applicable)

Reason(s) for Urgency

n/a

Reason(s) for Exemption

n/a

Background Papers

Please refer to the Housing Ombudsman Complaint Handling Code self-assessment form.

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