

Report To:	CABINET
Date:	31ST JULY 2023
Heading:	HOUSING OMBUDSMAN SERVICE – COMPLAINT HANDLING CODE – REVISED SELF-ASSESSMENT
Executive Lead Member:	CLLR A MEAKIN, EXECUTIVE LEAD MEMBER FOR COUNCIL AND SOCIAL HOUSING
Ward/s:	ALL
Key Decision:	YES
Subject to Call-In:	YES

Purpose of Report

To provide Cabinet with an overview of the Housing Ombudsman’s Complaint Handling Code, the requirements for the Council to ensure full compliance and explain how the Council meets these. To seek approval from Cabinet to publish the revised Complaint Handling Code Self-Assessment to the Council’s website.

Recommendation(s)

Cabinet is requested to:-

- Acknowledge the requirements and obligations on the Council under the Housing Ombudsman Service’s Complaint Handling Code
- Approve the revised annual self-assessment and its publication on the Council’s website

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. Once the Social Housing (Regulation) Bill receives Royal Assent, compliance with the Complaint Handling Code will also become a regulatory requirement for social housing landlords.

Compliance with the Code had to be demonstrated by 30th September 2022, by means of the publishing of a completed self-assessment on the Council's website, then by a minimum of an annual self-assessment thereafter.

Alternative Options Considered

There is no option to not adopt the mandatory expectations within the Housing Ombudsman's Complaint Handling Code. Failure to comply would result in the Housing Ombudsman issuing a complaint handling failure notice on the Council, due to a breach of their membership obligations.

Due to the close working relationship between the Housing Ombudsman Service and the Regulator of Social Housing, this could also result in concerns being raised with the Regulator regarding the Council's practices/potential systemic failures, which could result in the Regulator undertaking further investigations. The Regulator of Social Housing has the ability to apply sanctions and fines on landlords failing to adhere to their requirements.

Detailed Information

On the 9th March 2022 the Housing Ombudsman published a revised Complaint Handling Code. The Housing Ombudsman provided member landlords with a deadline of 1st October 2022 to demonstrate compliance with the Code by means of a published self-assessment. The Housing Ombudsman also stipulated that the self-assessment should be conducted annually or following any significant changes within the landlord e.g. following a re-structure.

The full Complaint Handling Code can be found at:

<https://www.housing-ombudsman.org.uk/wp-content/uploads/2022/03/Complaint-Handling-Code-Published-March-2022-1-1.pdf>

The Complaint Handling Code sets out the requirements for member landlords, to facilitate complaints being responded to effectively and fairly. The purpose of the Code is to enable landlords to resolve complaints raised by their tenants and leaseholders quickly and to use the data/learning gained from complaints to drive up service improvements/satisfaction. It is also intended to create a positive complaint handling culture amongst officers and residents.

Compliance with the Code forms part of the membership obligations set out by the Housing Ombudsman Service. Failure to comply with the Complaint Handling Code could result in action being taken against the Council. The Housing Ombudsman Service routinely publish details of their action against landlords.

The Code has essential guidance, which is indicated with the word 'must' and areas at the landlord's discretion that are considered best practice by the Ombudsman, which are indicated with the word 'should'.

The Housing Ombudsman operates a 'comply or explain' model for the Code. Non-compliance could result in the Housing Ombudsman issuing complaint handling failure orders against the landlord, as per the terms of membership.

The Code also acts as a guide to tenants and leaseholders, setting out what they should expect from their landlord, when they make a complaint, how to make a complaint and how to escalate a complaint through their landlord's complaint procedure.

The Code supports the regulatory approach to complaints ensuring that a landlord's approach to complaints is clear, simple, accessible and ensures that complaints are resolved promptly, politely and fairly. The Housing Ombudsman works in conjunction with the Regulator for Social Housing and can report concerns of non-compliance to the Regulator, which could trigger inspections/interactions with the landlord. The Regulator for Social Housing has the authority to apply sanctions on Social Housing Landlords and issue unlimited fines, which will present a potentially significant financial and reputational risk to the Council.

On 27 September 2022 Cabinet were presented with the first self-assessment against the current Complaint Handling Code and approved its publication to the Council's website by 30 September 2022. The self-assessment was added to the Council's website by the deadline and has been available to be viewed publicly since, in line with the Ombudsman's requirements.

2023 Annual Self-Assessment

On 29 March 2023 the Tenant Gateway group were asked to review the following documents and consider their own (and known associates) experiences of the complaints process, to obtain feedback on the current self-assessment and whether this is reflective of the Council's handling of housing complaints.

Documents reviewed by Tenants Gateway:

- Complaints and Compliments Policy
- Housing Complaints Procedure
- Housing Ombudsman Service Complaint Handling Code Self-Assessment

On 31 May 2023 the Tenant Gateway group were asked to provide feedback on any areas of the self-assessment, which they felt did not reflect the Council's handling of housing complaints. No comments or concerns were received from members of Tenant Gateway group.

Taking key tenant facing documents such as the complaints policy and procedure along with obtaining feedback from them pertaining to a self-assessment forms part of the housing regulatory standards and is an expectation of the Housing Regulator.

The Council's position against the Code

A review of the previous self-assessment has been undertaken and some minor amendments have been made, to strengthen the evidence/commentary information. No compliance decisions have been amended and the Council remains compliant with the Complaint Handling Code.

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:

Current best practice expectations and proposed legal requirements are set out in the body of the report. [RLD 04/07/2023]

Finance:

No direct financial implications arising from this report. [PH 07/07/2023].

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. This is an order to rectify within a given timescale and referral to The Regulator of Social Housing.</p> <p>An adverse inspection by the Regulator of Social Housing could result in the removal of the Council’s housing stock or the levy of an unlimited fine.</p> <p>Key policy/procedure/self-assessments related to Housing Services must be consulted and reviewed by tenants as part of regulation.</p>	<p>Full compliance with the Complaint Handling Code as set out by the Housing Ombudsman Service.</p> <p>Relevant documents reviewed and consulted with tenants Gateway March/May 2023.</p>

Human Resources:

There are no direct HR implications contained within the report. [KH – 10/07/2023]

Environmental/Sustainability:

N/A

Equalities:

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

Other Implications:

N/A

Background Papers

Appendix 1 – Self-Assessment - Complaint Handling Code – July 2023

Report Author and Contact Officer

Peter Curry
Consumer Standards Lead Officer
peter.curry@ashfield.gov.uk
01623 608903

Sponsoring Executive Director

Paul Parkinson
Executive Director Operations
paul.parkinson@ashfield.gov.uk
01623 608891