

Report To:	CABINET
Date:	17 JUNE 2024
Heading:	HOUSING COMPLAINTS – ANNUAL PERFORMANCE REPORT AND COMPLAINT HANDLING CODE SELF-ASSESSMENT
Executive Lead Member:	CLLR A MEAKIN, EXECUTIVE LEAD MEMBER FOR COUNCIL AND SOCIAL HOUSING AND CLLR S DEAKIN, EXECUTIVE LEAD MEMBER FOR CUSTOMER EXPERIENCE (LEAD MEMBER FOR COMPLAINTS)
Ward/s:	ALL
Key Decision:	YES
Subject to Call-In:	YES

Purpose of Report

To provide Cabinet with an overview of the Housing Ombudsman Service’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 and submit this to the Housing Ombudsman Service, in line with our statutory requirement.

To seek comment from Cabinet, as the Council’s Governing Body, on the Annual Housing Complaints Performance and Service Improvement Report 2023/24, prior to publishing this and submitting to the Housing Ombudsman Service, in line with our statutory requirement.

Recommendations

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 and submission to the Housing Ombudsman Service.

- Make comment on the Annual Housing Complaints Performance and Service Improvement Report 2023/24, prior to submission to the Housing Ombudsman Service and publication. It is recommended that comments consider the following:
 - The Council's approach to understanding the importance of complaints and instilling a culture of welcoming complaints to ensure that the best possible services are provided to residents.
 - The Council's open, accessible, and transparent complaints process.
 - The Council's compliance with the Complaint Handling Code and an acknowledgement of our failure to comply with providing acknowledgements and responses within the required timescales, in a small number of cases, along with the improvements made in this area, as the year progressed.
 - The Council's understanding of the importance of complaints as a learning opportunity and the adoption of a culture where learning outcomes should be maximised and implemented as quickly as possible to improve services to residents.

Reasons for Recommendations

Membership to the Housing Ombudsman Service's (HOS) Scheme is mandatory for all social housing landlords and compliance with their Complaint Handling Code forms part of the membership obligations. Landlords must comply with all requirements of the Code or offer an explanation to HOS for any areas of non-compliance. Following the introduction of the Social Housing (Regulation) Act 2023, the Complaint Handling Code, is now a statutory instrument and failure to comply with it effectively amounts to regulatory failure.

The Act also placed a requirement on the HOS to monitor compliance with the Code, social housing landlords have until 28 June 2024 to publish and submit their Self-Assessment and Complaint Performance and Service Improvement Report to the HOS and publish it publicly.

Alternative Options Considered

There is no alternative option, adoption of all requirements of HOS' Complaint Handling Code is a mandatory statutory requirement. Failure to comply would result in the HOS issuing a Complaint Handling Failure Notice, due to a breach of membership obligations. It is also likely that the HOS would report the regulatory failure to the Regulator of Social Housing (RSH). RSH has the ability to apply sanctions and unlimited fines on landlords failing to adhere to their regulatory obligations.

Detailed Information

On 08 February 2024 the HOS published the outcome of their consultation on their proposed revised Complaint Handling Code. The new Complaint Handling Code came into effect from 01 April 2024. The Code was revised following the introduction of the Social Housing (Regulation) Act 2023, which made the Code a statutory instrument. The Code was initially intended to be shared with the Local Government and Social Care Ombudsman; however, two separate Codes were introduced with shared principles.

The Code sets out the HOS' expectations on members of their scheme, which is mandatory for social housing landlords, to ensure that complaints from their residents are dealt with fairly, consistently and in line with good practice. The Code also ensures that landlords have an accessible and transparent complaints process, to ensure that tenants can hold their landlord to account, where they are dissatisfied with their service provision.

The full Complaint Handling Code can be found at:

<https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/the-code-2024/>

The Code requires landlords to publish a Self-Assessment and Complaints Performance and Service Improvement Report annually, so their residents can scrutinise their complaint handling activities. Both reports must also be submitted to the HOS, to enable them to fulfil their statutory obligation to monitor compliance with the Code.

The Code supports the regulatory approach to complaints ensuring that landlord's complaint processes are clear, simple, accessible and that complaints are resolved promptly, professionally and fairly.

The Housing Ombudsman works in conjunction with the Regulator for Social Housing, who are leading on reforms in the sector following the Grenfell Disaster 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 can issue unlimited fines, which will present a potentially significant financial and reputational risk to the Council.

Upon publication of the new Complaint Handling Code a review was undertaken of the [Corporate Complaints and Compliments Policy](#). Amendments to the Policy were proposed to the Corporate Leadership Team, who approved these. The new Policy was published to the Council's website on 01 April 2024 and has been adopted for complaints received since this date.

Following the amendments to the Complaints Policy, the [Housing Complaints Procedure](#) has been amended, distributed to relevant officers and uploaded to the Council's internal intranet. The revised procedure has been adopted for all complaints received since 01 April 2024.

The Complaint Handling Code stipulates that both a Self-Assessment and Complaint Performance and Service Improvement Report must be reported to the landlord's Governing Body, prior to publication and submission to the HOS. The Governing Body's response to the Performance Report, must also be published and submitted to the HOS.

The Council's position against the Code

The self-assessment against the HOS' Complaint Handling Code can be found in appendix 1 of this report. The review found that the Council's Complaints and Compliments Policy and Housing Complaints Procedure ensure the Council is fully compliant with the requirements of the Code. The Policy and Procedure have been shared with officers handling complaints to ensure compliance is achieved and expectations met. It is noted in the Housing Complaints Performance and Service Improvement Report that a small number of stage one complaints were not responded to in line with the HOS' then Complaint Handling Code.

Previously the Tenant's Gateway group have undertaken a review of the complaint handling practices and have been asked to feedback as part of the self-assessment process. Whilst changes to the Policy/Procedure have been discussed with the Gateway, they have not formally been involved in the self-assessment process, due to the timescales to approve and implement changes, then reporting these to Cabinet and the HOS. Prior to the next self-assessment, consultation will be made with the Gateway group regarding their view of the Council's housing complaint handling practices and compliance with the Complaint Handling Code.

Annual Housing Complaints Performance and Service Improvement Report

The Annual Housing Complaints Performance and Service Improvement Report details information relating to the complaints received during the 2023/24 financial year, including analysis of the complaint handling and outcomes.

The Report also details information relating to the learning outcomes identified and the position relating to their implementation. Complaints are a valuable source of information, and officers are encouraged to maximise the learning opportunities, to ensure that service improvements can be driven forward to minimise resident dissatisfaction moving forwards.

The Report also looks at trends around complaints, so this can be used to review working practices to ensure that the complaints process is as accessible and transparent as possible.

Cabinet should note that the Report also highlights where it has been identified that complaints have not been responded to within the guidelines set out in the Complaint Handling Code. Where these have been identified, guidance and training has been provided to the relevant officers or teams, to mitigate against future recurrence. As the financial year progressed, performance has improved, resulting in all complaints responded to within Q4 being responded to within the timescales set by the HOS.

The report has been distributed to the Tenant's Gateway group and was discussed at the latest meeting on Wednesday 29 May 2024.

The full Report can be found in Appendix 2.

Implications

Corporate Plan:

Fully meets the Corporate Plan priority of leading a customer focussed service, which engages our tenants and adheres to all of our regulatory requirements.

Legal:

The report and its recommendations ensures statutory compliance as detailed in the report. [RLD 29/05/2024]

Finance:

No direct financial implications arising from this report. [PH 22/05/2024].

Budget Area	Implication
General Fund – Revenue Budget	See above
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

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. 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 policies/procedures/self-assessments related to housing services must be consulted on and be reviewed by tenants as part of regulation.</p>	<p>Full compliance with the Complaint Handling Code as set out by the Housing Ombudsman Service. Small number of exceptions noted around acknowledgement and response times, guidance has been provided to relevant officers and performance has improved.</p> <p>The Code and potential changes to the Policy and Procedure have been discussed with Tenant’s Gateway. The Complaints Performance and Service Improvement Report has been distributed to the Tenants Gateway and discussed with the group at the meeting on 29 May 2024.</p>

Human Resources:

There are no direct HR implications contained within the report (KH 21.05.24)

Environmental/Sustainability:

N/A

Equalities:

This is strengthened by the continued requirement to publish the Council’s Reasonable Adjustments Policy on the website. The Council’s Complaints and Compliments Policy sets out information around how tenants can access support to access the complaints process, if required. The Housing Complaints Procedure sets out guidance to officers around making adjustments for complainants and assessing any vulnerabilities to ensure access is provided and tenants are able to engage with the complaints process.

Other Implications:

N/A

Background Papers

Appendix 1 - Self-Assessment - Complaint Handling Code – May 2024

Appendix 2 – Annual Housing Complaints Performance and Service Improvements Report 2023/24

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