

**HOMES POLICY DEVELOPMENT GROUP
16 MARCH 2021**

**HOUSING OMBUDSMAN SERVICE COMPLAINTS HANDLING CODE – REVIEW
OF COMPLIANCE**

Cabinet Member(s): Cllr Bob Evans
Responsible Officer: Simon Newcombe, Corporate Manager for Public Health,
Regulation and Housing

Reason for Report and Recommendation: The Housing Service was required to undertake an assessment against the Complaints Handling Code published by the Housing Ombudsman Service and to publish the outcome before 31 December 2020. This report contains information on this exercise and an update on the service improvements identified as a result of the findings. The report is for noting on the basis that the Cabinet Member for Housing and Property Services used his delegated authority to authorise publication of the findings ahead of the deadline.

Recommendation: Members are asked to note the report

Financial Implications: The activity of the Housing Service spans both General Fund and the Housing Revenue Account (HRA). The HRA is ring fenced and subject to specific financial controls.

Budget and Policy Framework: Policies agreed by the Homes Policy Development Group govern the work of the Housing Service

In line with the Tenant Involvement and Empowerment Standard within the Regulatory Framework for Social Housing, registered providers of social housing are required to have an approach to complaints that is clear, simple and accessible that ensures that complaints are resolved promptly, politely and fairly. The Housing Service manages complaints in line with the Corporate MDDC Complaints and Feedback Policy.

Legal Implications: Tenancy management is funded through the Housing Revenue Account. The tenancy agreement defines the Council's relationship with tenants and sets out the rights and responsibilities of both parties. This takes account of legal and regulatory requirements. The Housing Act 1985, the Localism Act 2011 and the Anti-social Behaviour, Crime and Policing Act 2014 contain many provisions which must be taken into account by the Housing Service.

The Housing Ombudsman Service (HOS) was set up by law to look at complaints about the housing organisations which are registered with them.

Risk Assessment: Failure to publish the outcome of the self-assessment against the Complaints Handling Code by 31 December 2020 could have resulted in the HOS issuing a complaint handling failure order. Failure to manage complaints properly and in a timely way could result in reputational risk; the HOS now publishes the outcomes of complaints where there have been failures identified.

Equality Impact Assessment: There is a suite of housing related policies. The use of these helps to ensure that service delivery is consistent and fair. There is a

regulatory requirement for registered providers of social housing to tailor their service to meet the needs of the tenants and the Housing Service requests diversity data from tenants to enable compliance to be monitored.

Relationship to Corporate Plan: Homes and the environment are a priority for the Council and this includes ensuring that the retained stock is well-managed.

Impact on Climate Change: None directly arising from this update report. In wider terms, we recognise that the provision of sustainable communities is important. As part of our commitment to meeting the provisions of the Tenant Involvement and Empowerment Standard within the Regulatory Framework for Social Housing, the Council offers a menu of involvement which provides opportunities for tenants to get involved in service delivery. We use social media to promote sustainability and publish information relating to a variety of topics including fuel efficiency, recycling and healthy living.

1.0 Background

1.1 The Housing Ombudsman Service (HOS) takes responsibility for the investigation of complaints relating to housing service delivery associated with the Council's role as a social landlord.

1.2 The role of the HOS is being strengthened and the Charter for Social Housing Residents which was set out in the recent Social Housing White Paper contains information on the measures which will be taken by Central Government to achieve this. In the White Paper, which was published during Autumn 2020, there is a commitment to strengthen the power and resources of the HOS in Chapter 3. The aim as stated is to ensure that complaints made by tenants of social housing will be dealt with in a fair and prompt way.

1.3 The HOS has a set of dispute resolution principles and consider any complaints referred to them in accordance with these. They encourage landlords and residents to work together to resolve complaints at the earliest possible opportunity and recommend early, local, resolution as the best possible outcome.

2.0 The Complaint Handling Code

2.1 The HOS published a new Complaint Handling Code (the Code) in July 2020. This contains good practice and was designed to assist landlords with responding to complaints effectively and fairly.

2.2 On the HOS website, there is a statement setting out the benefit of the Code for housing association boards or equivalent governance including local Councillors. This notes that the Code supports culture setting and intelligence for assurance exercises, using complaint data alongside other management information to provide insight into the organisation.

2.3 The HOS also states that: "It is important for governance to understand the complaints their organisation are receiving and the impact of their complaint handling on residents."

- 2.4 The HOS has identified the need for landlords to have a person or team assigned to take responsibility for complaint handling. The Code refers to that person or team as the “complaints officer” and specifies some requirements which need to be met with regard to that role.
- 2.5 The Code states that Complaints officers should:
- Be able to act sensitively and fairly
 - Be trained to receive complaints and deal with distressed and upset residents
 - Have access to staff at all levels to facilitate quick resolution of complaints
 - Have the authority and autonomy to act to resolve disputes quickly and fairly
- 2.6 The Code notes that residents are more likely to be satisfied with complaint handling if the person dealing with their complaint is competent, empathetic and efficient.
- 2.7 Social landlords were asked to undertake a self-assessment against the Code by 31 December 2020 and to publish the results. The HOS stated that non-compliance could result in the issuing of a complaint handling failure order.
- 2.8 The Housing Service undertook a review of compliance with the Code and this was published on the Council’s website before the deadline.
- 2.9 Publication of the assessment was authorised by the Cabinet Member for Housing and Property Services who exercised delegated authority in relation to this decision. This was on the basis that a report on complaints would be added to the agenda for this meeting of the Homes Policy Development Group and that this would include more information on our approach to the management of housing related complaints, the self-assessment, outcomes and lessons learnt to provide an update to Members.
- 3.0 The Management of Housing-Related Complaints**
- 3.1 Housing-related complaints are managed in accordance with the Corporate Complaints and Feedback policy.
- 3.2 In line with this policy, complaints are investigated by the relevant service manager. If a complainant remains dissatisfied with the outcome, the matter will be escalated to the relevant Operational Manager, the Officer with responsibility for the day to day running of services.
- 3.3 Housing-related complaints are currently administered by Officers in the Housing Finance and Performance team and records relating to the investigation are held in secure files. This is especially important due to the need for confidentiality if a complaint has been received about a particular staff member. Performance is monitored using the corporate customer relationship management (CRM) tool.

- 3.4 Those Officers responsible for investigating housing-related complaints need to interview all relevant individuals, check relevant records and review relevant policy and procedure to ensure that action taken was appropriate. The investigation must be open and transparent and the complainant should be notified about what has been reviewed as part of the work to look into matters raised.
- 3.5 Officers who are responding to housing-related complaints are expected to formally record any issues where lessons can be learnt. Quite often, a relatively small service improvement can reduce the risk of the same issues which impacted the complainant occurring again. As a result of this process, policy and procedure may be changed as a result of systemic failings which were only identified as a result of a complaint.
- 3.6 The monthly housing performance document which is published on the housing pages of the Council's website contains information on performance relating to complaints.
- 3.7 During the period from April to December 2020, 59 complaints were investigated at stage 1. They were all responded to on time although the target date for completion may have been extended in some cases to provide more time for investigation of matters raised.
- 3.8 Of these complaints, 34 were upheld. This equates to 57.6% of all those received and closed at stage 1. In comparison, 45.4% of those received were upheld during the same period in 2019. A willingness to uphold complaints can be seen as a commitment to delivery of an open and transparent complaints process. The HOS expects landlords to accept that mistakes have been made where appropriate and to review working practices to ensure that the same issues are unlikely to impact service delivery again.
- 4.0 The Self-Assessment Against the Code**
- 4.1 As a result of the self-assessment undertaken to check compliance with the Code, it was noted that the Council's Corporate Complaints and Feedback policy met the requirements to a large extent.
- 4.2 However, a number of changes required to ensure full compliance with the Code were identified. These will be implemented in coming months. This project was delayed due to issues associated with conflicting priorities arising from the pandemic.
- 4.3 The corporate Complaints and Feedback policy will be amended. In addition, as we continue to develop our approach to tenant involvement, we will make some changes to give tenants more involvement in monitoring performance on complaints; and reviewing the effectiveness of any changes made as a result of issues identified through the lessons learnt process.
- 4.4 A major change required in line with the Code relates to the definition of a complaint. Officers have been made aware that complainants do not need to state explicitly that they wish to make a complaint in order for it to be treated

as such. The Corporate policy will be reviewed during 2021 to take this into account and a number of stakeholders will be involved, including staff. It is proposed to publicise a number of customer-related projects to our tenants with the intention of recruiting some volunteers to get involved.

- 4.5 Our self-assessment, as published on our webpages, also states that in order to deliver the requirements of the Code, training to those who are likely to receive or be involved in the investigation of complaints will be provided to enable them to correctly identify complaints.
- 4.6 However, it should be noted that all customer-facing staff have already been trained to respond to distressed and upset residents in all circumstances.
- 4.7 Subject to further discussions and agreement of the proposal to develop a “One Housing” Service bringing the Housing and Building Services into one combined landlord service, Officers will seek approval to increase the establishment to include a new post. The role will be known as the Complaints Officer and, if approved, this Officer would be responsible for investigating all complaints made in relation to the work of the Landlord Service. The self-assessment included reference to this.
- 4.8 In line with the Code, landlords are expected to investigate and respond to housing-related complaints within 10 working days. Our timescales for completion of investigations in our existing policy are slightly different giving a longer period in which to resolve complaints. It is proposed that relevant information is updated to advertise and to reflect the provisions of the Code and to show that if this is not possible, we will provide an explanation and a date by when the stage one response should be received. Landlords are expected to respond to the complaint within the next 10 days after that and not to exceed that target without good reason.
- 4.9 In order to achieve compliance with the Code, we are in the process of introducing an additional step as part of the procedure for responding to complaints. We are now issuing a “minded to” letter once the investigation is complete in order to inform complainants about the findings and the outcome of it; and to provide an opportunity for them to respond and to challenge any areas of dispute before the final decision.
- 4.10 The HOS expects landlords to publish more information about complaints which have been investigated including lessons learnt and going forward we will publicise more data and information on outcomes on social media and on our webpages.

5.0 Conclusion

- 5.1 In line with the recommendation, Members are asked to note the report.

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Circulation of the Report:

Members of the Housing PDG
Cllr Bob Evans, Cabinet Member for Homes
All Leadership Team
All Corporate Management Team
Group/Operations Managers
Legal Services

List of Background Papers:

The Social Housing White Paper: <https://www.gov.uk/government/publications/the-charter-for-social-housing-residents-social-housing-white-paper>

The Tenant Involvement and Empowerment Standard, one of the Regulatory Standards operated by the Regulator for Social Housing: <https://www.gov.uk/government/publications/tenant-involvement-and-empowerment-standard>

The Complaint Handling Code, operated by the Housing Ombudsman Service: <https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/>

The Council webpage containing the link to housing-related performance documents: <https://www.middevon.gov.uk/residents/housing/council-housing/our-performance/council-housing-performance/>

The Council webpage containing information on the Corporate Procedure relating to complaints and feedback: <https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/how-our-complaints-procedure-works/>