

16 November 2021**TITLE OF REPORT: Complaints Policy Update****REPORT OF: Mike Barker - Strategic Director Corporate Services and Governance**

Purpose of the Report

1. To seek formal approval of changes to the Council's Complaints policy.

Background

2. Prior to the Housing Review, Gateshead Council and Gateshead Housing Company had separate complaint policies. Whilst there were similarities between the two there were a small number of differences.
3. In addition, the Housing Ombudsman Service published a Complaint Handling Code in July 2020. The new code aims to enable landlords to resolve complaints raised by their residents quickly and to use the learning from complaints to drive service improvements. Landlords must comply with some elements of the code and it is recognised that this will mean adapting complaints policy and practice to ensure compliance.
4. The Housing Company carried out a self-assessment against the new Complaint Handling code identifying areas that needed to be updated in order to fully comply. A report was presented to the Company's Board in November 2020, requesting a joint Council and Company review of complaints policy and processes to ensure compliance with the new code.
5. This work was put on hold pending the transfer of Housing services to the Council. In the meantime, the self-assessment was published on the Company's website.
6. Following reintegration of Housing Services into the Council it was agreed that a single policy that incorporates the requirements of the Housing Ombudsman complaint code would be required. An exercise was undertaken to review the existing Council policy against the code and the Housing Company policy to identify any changes required.
7. Following completion of this exercise a draft updated Complaints policy was produced and discussed at Group Management Team (HEHC) 12.08.21 and Senior Management Group - Housing 06.09.21
8. A copy of the updated policy is included in Appendix 2

Proposal

9. The main changes are summarised below.
10. Definition of a complaint has been updated to reflect the more recent Housing Ombudsman version.
11. Timescales for Step 2 complaints are aligned with the existing Council target of 20 working days. The Housing Company had a target of 10 working days but allowed for a longer response time if a holding letter was sent to the customer. The 20 days target provides sufficient time to respond to more complex complaints without the need for a holding letter.
12. The section covering what is excluded have been expanded and for example includes reports of Anti-Social Behaviour which would be dealt with through a separate procedure.
13. Reference to specific job titles have been removed as job titles and responsibilities can change over time, which would require the policy to be updated.
14. Additional information has been added about the Housing Ombudsman service alongside existing information about the Local Government and Social Care Ombudsman.
15. A section has been added relating to Redress and Remedies.
16. The section relating to Learning from Complaints has been expanded to reflect the value of customer feedback.
17. To comply with the Tenant Involvement and Empowerment regulatory standard the updated policy will be published on the Council website alongside performance information.
18. An appendix on how we manage unreasonable complainant behaviour has been included. Historically unreasonable behaviour has been considered on a case-by-case basis, the appendix is intended to help officers make consistent and fair decisions on these difficult to manage cases.

Recommendations

19. It is recommended that Cabinet recommend to full council the changes to the Council's Complaints policy.

For the following reason(s)

- (i) To ensure a consistent service is provided to all residents.
- (ii) To ensure that the Council is compliant with the requirements of the Housing Ombudsman's Complaint Handling Code.

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APPENDIX 1

Policy Context

1. The Complaints policy demonstrates the Council's commitment to listening and learning from resident feedback and ensures that we comply with the requirements of both the Local Government and Social Care Ombudsman and Housing Ombudsman services.

Further Background

2. The transfer of Housing services back to the Council provided the catalyst for a review and update of the existing Complaints policy.

Consultation

3. The Housing Ombudsman Complaint Handling Code was drafted following extensive consultation with members, stakeholders, and social landlord tenants.
4. The Housing Company prior to transfer consulted on the Complaint Handling Code self-assessment with tenants and leaseholders.

Alternative Options

5. None.

Implications of Recommended Option

6. Resources:

- a) **Financial Implications** – There are no financial implications arising directly from this report.
- b) **Human Resources Implications** – There are no Human Resource implications arising directly from this report. The implementation of the updated policy will require briefing sessions to be delivered to employees.
- c) **Property Implications** -There are no property implications arising directly from this report.

7. **Risk Management Implication** - Failure to comply with the requirements of the Housing Ombudsman membership could result in an Ombudsman's determination of complaint handling failure and an order to rectify.
8. Each quarter the Ombudsman will publish the total number of complaint handling failure orders issued, the names of the landlords and reasons for the orders and will share this information with the Regulator of Social Housing. The number of complaint handling failure orders issued against a landlord will form part of the Ombudsman's annual landlord performance reports and will be available on the Ombudsman's website.

9. **Equality and Diversity Implications** - the Complaints policy is accessible to all residents.
10. **Crime and Disorder Implications** – No direct crime and disorder implications.
11. **Health Implications** - No direct health implications
12. **Climate Emergency and Sustainability Implications** - None
13. **Human Rights Implications** - No direct human rights implications.
14. **Ward Implications** - the updated Complaints policy is cross tenure and therefore applies in all wards.

Background Information

15. The Housing Ombudsman Complaint <https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/>