

TITLE OF REPORT: **Housing Complaints Procedure – compliance with Housing Ombudsman Service Complaint Handling Code**

REPORT OF: **Mike Barker, Strategic Director, Corporate Services and Governance**

Purpose of the Report

1. To ask Cabinet to consider and recommend to Council the changes to the procedure for dealing with housing complaints to ensure the Council is acting in line with the Housing Ombudsman Service Complaint Handling Code. The process would reduce from a 3-stage to a 2-stage process as set out in appendix 2.

Background

2. This report explains the context for proposing the change to the housing complaints procedure.
3. Presently, any tenant wishing to make a complaint against the Council as the landlord for their property, will follow the Council's corporate complaints procedure which involves an established 3 stage process.
4. The Housing Ombudsman Service Complaint Handling Code sets out the following recommendation at section 5.17:
Two stage landlord complaint procedures are ideal. This ensures that the complaint process is not unduly long. If landlords strongly believe a third stage is necessary, they must set out their reasons for this as part of their self-assessment. A process with more than three stages is not acceptable under any circumstances.
5. In bringing the procedure in line with the Housing Ombudsman Service Complaint Handling Code, the timescale for providing an initial response from the Council is halved from 20 days to 10 days.

Proposal

6. It is proposed that the change to a two-stage process, with a new timescale for answering complaints of 10 days, is implemented with immediate effect.

Recommendations

7. Cabinet is asked to recommend Council to approve the change in the housing complaints procedure from a 3-stage process in line with the corporate complaint procedure, to a 2-stage process as set out in appendix 2.

For the following reason:

To have an effective and timely complaints procedure in compliance with the Housing Ombudsman Service Complaint Handling Code.

CONTACT: Angela Simmons-Mather

extension 2110

APPENDIX 1

Policy Context

1. The proposed change to the management of housing complaints is intended to bring the Council in line with the requirements of the Housing Ombudsman Service Complaint Handling Code, as per the compliance requirement at section 9 of the Code.

Background

2. The Council aims to respond positively to all complaints. The Council operates the corporate complaints procedure to make it easier for members of the public to raise issues of concern, ensure that complaints are responded to quickly and in a consistent manner and to enable the Council to learn from the issues raised and amend procedures and practices as necessary.
3. The Council is conscious that industry standards may develop over time and will take note of the recommended standards for the handling of complaints.
4. In 2020 the Housing Ombudsman Service introduced the Complaint Handling Code. Initially the code was provided to set out good practice to allow landlords to respond to complaints effectively and fairly.
5. In April 2022, the provisions were strengthened as part of the Ombudsman's new powers in the revised Housing Ombudsman Scheme.
6. The new procedure proposes the following two steps (in summary – please see Appendix 2 for full details): -
 - a) Stage 1 – Landlords must respond to the complaint within 10 working days of the complaint being logged. Landlords must confirm the following in writing to the resident at the completion of stage one in clear, plain language:
 - the complaint stage
 - the complaint definition
 - the decision on the complaint
 - the reasons for any decisions made
 - the details of any remedy offered to put things right
 - details of any outstanding actions
 - details of how to escalate the matter to stage two if the resident is not satisfied with the answer
 - b) Stage 2 – Landlords must only escalate a complaint to stage two once it has completed stage one and at the request of the resident. The person considering the complaint at stage two, must not be the same person that considered the complaint at stage one. Landlords must respond to the stage two complaint within 20 working days of the complaint being escalated. Landlords must confirm the following in writing to the resident at the completion of stage two in clear, plain language:
 - the complaint stage

- the complaint definition
- the decision on the complaint
- the reasons for any decisions made
- the details of any remedy offered to put things right
- details of any outstanding actions and
- details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied

7. As a member landlord of the Housing Ombudsman Scheme, the Council is required to comply with the terms of the scheme. At section 9 of the Housing Ombudsman Service Complaint Handling Code, the Council “must”:

9.1

- *establish and maintain a complaints procedure in accordance with any good practice recommended by the Ombudsman*

8. This proposal will reduce the bureaucratic process, halving the response time from 20 days to 10 days, and will streamline the procedure to the benefit of Council tenants.

9. It is acknowledged that this creates two differing complaints processes between individuals making a corporate complaint and those making a housing complaint (which may be one and the same person), therefore work has commenced to review the corporate complaints process to bring it in line with the proposed housing complaints procedure.

Consultation

10. There has been no external consultation undertaken in the preparation of this report.

Alternative Options

11. The Council could maintain its 3 stage complaints process for dealing with housing complaints, however this would bring the Council in conflict with the recommended good practice as set out in the Housing Ombudsman Service Complaint Handling Code. The Council would be required to justify the use of a 3-stage procedure in its self-assessment, however the Council can see the benefit of a 2-stage process and therefore could not justify the continued use of the 3-stage procedure.

Implications of Recommended Option

12. **Resources:**

- Financial Implications** – The Strategic Director, Resources and Digital confirms that there are no financial implications arising from this report.
- Human Resources Implications** – The Strategic Director, Corporate Services and Governance confirms that there are no human resources implications arising from the report.

- c) **Property Implications** – The Strategic Director, Corporate Services and Governance confirms that there are no property implications arising from this report.
13. **Risk Management Implication** – Potential failure to comply with the Housing Ombudsman Service Complaint Handling Code is minimised through the immediate introduction of these changes.
14. **Equality and Diversity Implications** – The new complaints procedure contributes to the implementation of the Council’s Equal Opportunities Policy.
15. **Crime and Disorder Implications** – There are no crime and disorder implications arising from this report.
16. **Health Implications** – There are no health implications arising from this report.
17. **Climate Emergency and Sustainability Implications** – There are no climate emergency or sustainability implications arising from this report.
18. **Human Rights Implications** – There may be human rights implications in a number of housing complaints made to the Council (eg Right to respect for Family Life). Therefore, having a formal complaints procedure will assist the Council in carrying out its duties under the Human Rights Act 1988.
19. **Ward Implications** – None.
20. **Background Information** –
The Housing Ombudsman Service Complaint Handling Code
[The Housing ombudsman's Complaint Handling Code \(housing-ombudsman.org.uk\)](https://www.housing-ombudsman.org.uk)