

Part I

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All Wards

WELWYN HATFIELD BOROUGH COUNCIL  
STANDARDS COMMITTEE – 30 NOVEMBER 2020  
REPORT OF THE CORPORATE DIRECTOR (HOUSING AND COMMUNITIES)

**COMPLAINTS POLICY**

**1 Executive Summary**

- 1.1 This report provides an update on the how complaints will be handled across the council following a review of the council's current Complaints Policy. The review of the current policy, which was previously approved by the Corporate Management Team (CMT) in December 2018, was brought forward due to updates released by the Housing Ombudsman Service (HOS).
- 1.2 An updated Housing Ombudsman Scheme and a new Complaint Handling Code (Appendix A) was released by the HOS in July 2020.
- 1.3 The council, through the housing (landlord) service is required to adhere to the requirements of the HOS scheme and new Code, although it is acknowledged that there is no requirement for non-housing related services to adhere to the Code.
- 1.4 Failure to adhere to the requirements of the HOS scheme and new code puts the council at risk of being served with a failure order and referred to the Regulator of Social Housing.
- 1.5 In the interests of One Welwyn Hatfield, it is agreed that the council continues to have a single corporate complaint policy, with a ringfenced process for housing related complaints to ensure the council adheres to the Code.
- 1.6 Adopting this approach will ensure we can still deliver a consistent approach in the definition of a complaint, performance reporting and recording, monitoring and implementing lessons learned as good practice and contribute to an effective complaint handling culture across all teams.
- 1.7 The policy will be updated and consulted on with tenants before the end of December 2020 to reflect the requirements of the Code and the updated approach to complaint handling across the council.
- 1.8 A refreshed performance management framework will be formalised to ensure consistent and effective monitoring of complaints and performance across the whole council. This will include corporate KPI's monitored through the performance clinic, including how trends and lessons learned are captured/actioned.
- 1.9 A self-assessment (Appendix A) has been completed against the Code, comparing the current policy to the requirements of the Code, with any gaps to be addressed through the review and changes to the current policy.
- 1.10 The findings of the assessment will also be reported to all councillors via the Members' Information Hub before the end of December 2020.

## 2 **Recommendation(s)**

- 2.1 It is recommended that the Committee note the contents of the report and the outcome of the self-assessment and proposed changes to the complaints policy.

## 3 **Explanation**

- 3.1 The current Complaints Policy was approved by Corporate Management Team (CMT) in December 2018, with the policy effective from April 2019. The policy was due to be reviewed in April 2021, however recent changes released by the Housing Ombudsman Service (HOS) has prompted an earlier review of the policy.
- 3.2 An updated Housing Ombudsman Scheme and the new Complaint Handling Code was released by the HOS in July 2020.
- 3.3 The policy needs to be updated to ensure the council adheres to the updated HOS scheme and new Code.
- 3.4 The current policy, in some instances exceeds the required standard, i.e. response times, but in other areas is not compliant and needs to be updated.
- 3.5 Failure to adhere to the requirements of the HOS scheme and new Code puts the council at risk on any housing related complaint<sup>1</sup>, being served with a failure order and referred to the Regulator of Social Housing.
- 3.6 The revised Housing Ombudsman Scheme allows the HOS to issue a determination of complaint handling failure (a complaint handling failure order) where a landlord is failing to comply with its membership obligations. Guidance on the HOS failure orders are shown in Appendix B.
- 3.7 A self-assessment against the Code has been carried out with any gaps in the policy identified ready to be addressed when the policy can be updated. The policy will be updated and appropriate consultations completed.
- 3.8 A summary of the main gaps in the existing policy/procedure compared to the Code is shown in table form below:

<b><u>Service Related</u></b>	<b><u>Current Policy</u></b>	<b><u>Suggested changes to comply with the Code</u></b>
All council services	Definition of complaint	Update to reflect the code definition
All council services	Social media complaints loosely defined.	Need to be more prescriptive about steps we take to manage such complaints
All council services	Ombudsman details provided at stage two response only	Details of ombudsman service to be provided at all stages of complaint response
Housing related only	Final response sent after investigation completed	Complaint handling procedure to be changed to give complainant fair opportunity to discuss the complaint (if they wish) before a final decision or

<sup>1</sup> i.e. the council in its capacity as a landlord

		outcome is issued – suggested approach would be a phone call to discuss complaint and likely outcome/resolution before formal response is sent.
All council services	<p>Lesson learned is in the current policy, but framework not in place for housing related complaints - was going to be part of the wider process review.</p> <p>The annual report from the Local Government and Social Care Ombudsman is reported to Standards Committee each year, where members enquire into lessons learned.</p>	<p>Need to evidence how we report back on wider learning and improvements from complaints to residents, managers and staff. Feedback also needs to be regularly provided to relevant scrutiny panels, committees or boards and be discussed, alongside scrutiny of the Ombudsman's annual landlord performance report.</p> <p>Suggest reporting to Performance Clinic, Standards Committee and CHP (or Members Information Hub as necessary), with learning and improvement from complaints included in the landlord's Annual Report.</p>
All council services	Performance reporting in current policy, but framework not in place – being picked up as part of the digital review.	Need to report on complaint performance to allow trend analysis, identify and address issues and learn from feedback.
All council services	No resident consultation carried out as agreed at the time, policy was approved through Customer Service Strategy	A good culture should also recognise the importance of tenant involvement, through the formation of resident panels, consulting with tenants on the formulation of complaints policies and procedures and through including them in panel hearings as part of the dispute resolution process, where appropriate.

3.9 The Code ensures complaint handling data is being used consistently across social housing landlords, recognising that complaints can provide essential insight for governance and sets out clear guidance on what monitoring of complaint performance should be implemented.

3.10 When carrying out the review of the policy, the updated policy will be cross referenced against the Local Government and Social Care Ombudsman's 'Good Administrative

Practice' guide (Appendix C). This is purely from a good practice perspective rather than a formal requirement.

- 3.11 The HOS expects landlords to carry out an assessment against the Code by 31 December 2020 with the outcome reported to elected members. It is proposed that the outcome is reported to members on the Standards Committee and Cabinet Housing Panel (CHP), including, the Executive Member for Housing and Communities and the Chair of CHP.
- 3.12 Reporting arrangements of complaints handling performance will be reported corporately through the following meetings or the Members Information Hub where appropriate:
- 1) Corporate Performance Clinic - Quarterly
  - 2) Cabinet Housing Panel – Six Monthly
  - 3) Standards Committee - Annually
- 3.13 Performance Reporting will include (subject to system capabilities):
- Number of complaints by category, broken down by Head of Service area and drilled down to service team level.
  - Outcome of complaints (upheld / not upheld).
  - Average complaint handling response times (by complaint stage).
  - Number, type and outcome of Ombudsman complaints.
  - Lessons learned from complaints and actions taken.

### **Implications**

#### **4 Legal Implication(s)**

- 4.1 There are numerous legislative acts that set out the main statutory functions for the two Ombudsman services with regards to investigating complaints against local authorities and social housing landlords.
- 4.2 This policy will be compliant with the relevant acts and good practice guidance on effective complaint handling.
- 4.3 Failure to adhere to the statutory requirements set out by the HOS could put the council at risk of sanction from HOS and the regulator.
- 4.4 The Standards Committee's terms of reference include maintaining oversight of the council's arrangements for dealing with complaints.

#### **5 Financial Implication(s)**

- 5.1 There is likely to be a small financial cost associated with changes required to Jadu CXM. Costs at this time are unknown.

#### **6 Risk Management Implications**

- 6.1 Failure to adopt the prescribed HOS Complaint Handling Code for housing related complaints could put the council at risk of being issued with a complaint handling failure order.
- 6.2 Should the council be issued with a failure order, the details would be made available publicly and reported to the Regulator of Social Housing.

- 6.3 Being issued with a failure order would have a negative reputational impact as well as the council potentially being referred to the Regulator of Social Housing should actions set out in an order not be addressed.

## **7 Security and Terrorism Implication(s)**

- 7.1 There are no security implications arising from this policy.

## **8 Procurement Implication(s)**

- 8.1 There are no procurement implications arising from this policy.

## **9 Climate Change Implication(s)**

- 9.1 There are no climate change implications arising from this policy.

## **10 Human Resources Implication(s)**

- 10.1 There are no human resources implications arising from this policy.

## **11 Health and Wellbeing Implication(s)**

- 11.1 There are no health and wellbeing implications arising from this policy.

## **12 Communication and Engagement Implication(s)**

- 12.1 Once the policy is agreed, updated briefing document to be circulated to senior managers to brief their respective teams.
- 12.2 Consultation with tenants on the new policy is required to ensure compliance with the Code. It is proposed that this is done through the Resident and Leaseholder Scrutiny Panel before the end of December 2020.

## **13 ICT implications**

- 13.1 Consideration will need to be given to changes required to the Jadu CXM platform which has recently gone live with a new digital process for complaint handling.

## **14 Link to Corporate Priorities**

- 14.1 The subject of this report is linked to the Council's Corporate Priorities:
- 1) **Our Council** and specifically to the achievement of putting our customers first'
  - 2) **Our Housing** and specifically to the achievement of 'being a high quality landlord'.

## **15 Equality and Diversity**

- 14.1 An EqIA was not completed because this report does not propose a relevant change to existing service-related policies that impacts how services are delivered to any of the protected groups.

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**Appendices:**

Appendix A – Housing Ombudsman Complaint Handling Code and Assessment

Appendix B – Housing Ombudsman Guidance to Failure Orders

Appendix C – Local Government Good Administrative Practice