

## **Somerset West and Taunton Council**

**Tenants' Strategic Group – 25<sup>th</sup> July 2022**

### **Housing Ombudsman Complaint Handling Code - Self-Assessment update**

This matter is the responsibility of Executive Councillor Member for Housing.

Report Author: Claire Reed, Case Management Lead – Housing Performance and Improvement

#### **1. Executive Summary / Purpose of the Report**

The report is to update the Tenants' Strategic Group on work currently being undertaken by the Housing Performance team, to ensure that the directorate is compliant with the Housing Ombudsman's revised Complaint Handling Code by 1<sup>st</sup> October 2022.

#### **2. Recommendations**

The Tenants' Strategic Group is asked to note this report and are invited to ask questions.

#### **3. Background and Full details of the Report**

The Complaint Handling Code sets out good practice that will allow landlords to respond to complaints effectively and fairly. The Code was introduced as part of the Ombudsman's new powers in the revised Housing Ombudsman Scheme. Key areas of the code include a universal definition of a complaint, providing easy access to a landlord's complaints procedure and ensuring fairness in complaint handling. The Code also helps landlords to take steps to put things right and offer appropriate remedies, as well as creating a positive complaint handling culture through continuous learning and improvement and putting an audit trail in place to demonstrate learning and compliance.

In March 2021 the Housing Performance team started overseeing, coordinating and responding to all complaints received by the directorate, to provide accountability and ownership of the process and to improve the service we provide to residents. The recruitment of a Senior Case Manager (who has been tasked with driving our complaint performance forward), has helped the directorate to own, prioritise and learn from the complaints we receive.

The Housing Ombudsman launched the Complaint Handling Code in July 2020, with revisions in January 2021 and most recently in April 2022. The amended Code aligned with the Government's Social Housing White Paper. Until its revision in April, we had been fully compliant with the

Complaint Handling Code. The recent review of the Code has created a number of action points that we now need to address, so that we are once again fully compliant. The Housing Ombudsman expects landlords to be aligned with the new Complaint Handling Code by 1<sup>st</sup> October 2022.

The Housing Ombudsman acknowledges that there may be reasons why a landlord is unable to fully comply with the Code for reasons which are beyond their control. For example, as a local authority landlord, our complaints handling falls under the Council's Complaints Policy. The terms of the wider Complaints Policy are not as 'housing centred' as the Code prescribes, and the policy is subject to greater democratic controls. However, it is acceptable to the Ombudsman for the landlord to explain in their self-assessment why compliance cannot be achieved under these circumstances.

To evaluate compliance, landlords need to complete a self-assessment of the Complaint Handling Code annually, which should be made accessible to the public and tenants, and which can be scrutinised by the Housing Ombudsman at any time. The Housing Performance team have committed to carry out a self-assessment against the Code every six months, to facilitate best practice and ensure continued compliance.

The revised self-assessment document sets out *mandatory 'must' requirements* (whereby compliance with the Complaint Handling Code is only achieved where the landlord can answer all mandatory requirements in a positive regard); and *best practice 'should' requirements*, which are not mandatory, but compliance with these criteria will demonstrate a robust complaints handling culture.

In June 2022, the Council's Customer Experience Manager and the Performance team's Senior Case Manager carried out the first self-assessment since the Complaint Handling Code's revision. Following completion of the self-assessment, we have set out a list of actions that require completion between now and 1<sup>st</sup> October 2022 to ensure that we are compliant.

The completed copy of the self-assessment document can be found at Appendix B and should be read in conjunction with this report.

#### Findings of the self-assessment (June 2022):

Following completion of the self-assessment, we are pleased to report that the Housing directorate are already 84% compliant with the *mandatory 'must' requirements* of the Housing Ombudsman Complaint Handling Code, and 74% compliant with the *best practice 'should' requirements*.

The actions we have identified are as follows:

#### 1. Definition of a complaint:

<b>Code section</b>	<b>Mandatory / best practice</b>	<b>Action</b>
1.7	<i>m</i>	We are already compliant, but as a service improvement we will add wording to website that we will accept a complaint unless there is a valid reason not to.
1.9	<i>m</i>	We are already compliant, but we will include wording on website about the right to seek advice from the HO.

1.5	<i>bp</i>	We will ask Acuity to add wording to our surveys that where a survey respondent is dissatisfied, they can pursue the matter as a complaint if they wish.
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## 2. Accessibility and awareness:

<b>Code section</b>	<b>Mandatory (m) / best practice (bp)</b>	<b>Action</b>
2.3	<i>m</i>	We are compliant but as an improvement, we will add wording to website to say the policy is available in different formats upon request.
2.4	<i>m</i>	We are compliant, but as an improvement we will add further links from the Housing pages of the website to the Complaints Policy.
2.6	<i>m</i>	Work is already ongoing as we are now including complaint and HO information in our tenant communications. We will add web links to the Complaint Handling Code and self-assessment and include information in future correspondence. First report will be presented to TSG July 2022.
2.8	<i>m</i>	We currently advise at stage 2 that residents can access the HO but we will amend wording as part of stage 1 template.

## 4. Complaint handling principles:

<b>Code section</b>	<b>Mandatory (m) / best practice (bp)</b>	<b>Action</b>
4.2	<i>m</i>	We are not able to add extra text to our acknowledgement as current Council IT system restricts characters. We are unable to comply with this part of the Code at present. We currently include complaint understanding and outcome sought as part of complaint response or during complaint investigation. Plans are in place as part of LGR to change the complaints handling IT system. We will revisit this clause in Autumn 2022 with a view to incorporating a more in depth complaint acknowledgement at that point.
4.13	<i>m</i>	We are not able to comply with this clause of the Code as the Housing service currently sits under the wider Council's Complaints Policy, and timescales are not included. The new Somerset Council Complaints Policy is currently in draft form. We will ensure that the Housing Addendum incorporates timescales and will revisit this in the Autumn.
4.4	<i>bp</i>	We have identified an action that a 'Put Things Right' informal complaints process would further improve our performance. We will include this in the new Somerset Council Housing Addendum section of the Complaints Policy.

4.17	<i>bp</i>	We will consider the guidance available from the LGO on supporting staff who have been complained about, and apply this to Housing to ensure staff are supported and engaged.
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#### 5. Complaint stages:

<b>Code section</b>	<b>Mandatory (m) / best practice (bp)</b>	<b>Action</b>
5.1	<i>m</i>	Our Complaints Policy and handling procedures are compliant (stating stage 1 is 10 working days) but we recognise we still have work to do in this area as our performance figures have not met our target. Currently being worked on by the Performance team. We will also incorporate a 5 day complaint acknowledgement time into our complaint handling process (in line with the Complaint Handling Code) in addition to the 10 working day response time.
5.3 & 5.15	<i>bp</i>	We will include in our processes that we will provide HO contact details where an extension period cannot be agreed at stage 1 or stage 2.
5.8	<i>m</i>	We are compliant at stage 2 as we ensure that the bullet points in this clause are included. We recognise that we need to be more consistent at stage 1. We will add details into response templates with immediate effect and advise complaint managers of the HO expectations. We are already working on training which will set out a good complaint response.
5.10	<i>bp</i>	It is part of the Senior Case Manager's project work to set out an understanding of issues and outcomes sought at stage 2 and become consistent in our approach.
5.13	<i>bp</i>	As 5.1, our Complaints Policy and procedures are compliant (stating stage 2 is 20 working days to respond) but our performance figures do not reflect this. We will continue to focus on improving.

#### 7. Continuous learning and improvement:

<b>Code section</b>	<b>Mandatory (m) / best practice (bp)</b>	<b>Action</b>
7.3	<i>bp</i>	We will liaise and agree the appointment of someone with lead responsibility for complaints, to support a positive complaint handling culture. Likely to be fulfilled by the Housing Portfolio Holder
7.4	<i>bp</i>	We have identified that more work is needed on reviewing trends as the data is not yet available apart from on an ad hoc basis – this work is ongoing with the Senior Case Manager's project work. We will share the HO annual report with TSG and Housing Briefing.

7.5	<i>bp</i>	We recognise that we need to tighten our processes and the logging of themes. At the moment this is on an ad hoc basis (for example. fencing and pest control) but we recognise that a better audit trail to identify and track systemic issues is needed.
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## 8. Self-assessment and compliance

Code section	Mandatory ( <i>m</i> ) / best practice ( <i>bp</i> )	Action
8.3	<i>m</i>	The self-assessment will be reported to TSG and the Portfolio Holder for Housing. We will include the assessment in our newsletters, 6 monthly and annual reports and Housing Briefing.

Many of the actions that we have identified above are considered 'simple fixes', in that we need to revise some of the wording on the website, or work is already being carried out by the team to improve our processes in line with the Code.

The creation of a new Complaints Policy as part of the Local Government Review will give us the opportunity to include some of the Housing Ombudsman Complaint Handling Code requirements into the new policy, by means of a Housing Addendum.

Additionally, with the creation of the Senior Case Manager role in November 2021 and the recent appointment of a dedicated complaints handling Case Manager, we are confident that we will be compliant with all mandatory elements of the Complaint Handling Code by October 2022.

We will provide a further report to TSG with an update on this matter in November.

### 4. **Risk Assessment (if appropriate)**

A risk assessment is not required to accompany this report.

### 5. **Are there any Finance / Resource, Legal implications directly to do with this report?**

There are no financial implications directly to do with the recommendations in this report

### 6: **Are there any Equality and Diversity Implications?**

There are no equality implications directly to do with this report

### 7. **Are there any Data Protection Implications?**

There are no equality implications directly to do with this report

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