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| Board/Committee: | Policy & Organisation Board |
| Date of meeting: | 03 July 2024 |
| Title: | Housing Service Complaints Policy |
| Author: | Head of Housing |
| Status: | FOR DECISION |

Purpose

The purpose of the report is:

- 1) To set out the requirements for the Housing Service to comply with the Housing Ombudsman Complaint Handling Code,
- 2) To seek Board approval of the draft Housing Service Complaints Policy.
- 3) To make the Board aware of the outcome of the Housing Service self-assessment against the Housing Ombudsman Complaint Handling Code.

Recommendation

That the Board approves:

- 1) The draft Housing Complaints Policy (Appendix 1)
- 2) Gives delegated authority to the Head of Housing to implement the policy, and
- 3) Notes the outcome of the Housing Service self-assessment against the Housing Ombudsman Complaint Handling Code

1.0 Background

1.1 The Housing Ombudsman is an executive, non-departmental public body, sponsored by the Department of Levelling Up, Housing and Communities.

1.2 The role of the Ombudsman is to resolve disputes involving members of its Housing Ombudsman Scheme (the Scheme), including making awards of compensation or other remedies when appropriate, as well as to support effective landlord/ tenant dispute resolution by others, such as the Regulator for Social Housing.

1.3 All local authorities that are registered providers of social housing must be members of the Scheme. A condition of the Scheme is that members must establish and maintain a complaints procedure in accordance with any good practice recommended by the Ombudsman, including its Complaint Handling Code (the Code).

This supports the Charter for Social Housing Residents requirement for landlords to be responsible and accountable for the management of complaints relating to landlord functions.

1.4 In October 2022, the Housing Ombudsman Service published an updated

Code, setting out how it expects social landlords to manage landlord specific complaints. The Code describes best practice, supports landlords in responding to complaints effectively and fairly, and using any learning from complaints to drive service improvements.

- 1.5** The Social Housing (Regulation) Act passed in July 2023, placed the Code on a statutory footing, requiring members of the Scheme to comply with the terms of the Code. The Housing Ombudsman has a duty to monitor and ensure compliance with the Code, regardless of whether a complaint is received or not.
- 1.6** An initial self-assessment against the Code was undertaken by the Head of Housing in October 2023, and highlighted significant areas of non-compliance.
- 1.7** In order to comply with the Code, the Charter for Social Housing and the Social Housing (Regulation) Act 2023, it has been necessary to change the existing process for managing landlord specific complaints, and introduce a stand-alone Housing Service Complaints Policy that is separate from the Corporate approach to complaint handling.

2.0 Report

2.1 The key points set out in the Policy are:

- A clear definition of a complaint, including reasons for not accepting a complaint.
- Details as to how a complaint can be made to the Housing Service, including guidance around anonymous complaints and vexatious complaints.
- The two stage complaint process, expected response times, and details of how customers can expect their complaint to be managed within the two stages. This includes information regarding how complaints relating to contractors will be managed.
- All responses to a complaint will make reference to the right to access the Housing Ombudsman Service at any stage.
- How the Housing Service will put things right for the customer, including examples of the types of remedies that could be expected.
- Information on how the process will be monitored and reviewed, as well as offering assurance of ongoing compliance in relation to all relevant guidance and legislation.

2.2 Landlords are required to re-assess compliance against the Code following a significant restructure and/or change in procedures or following a formal investigation with the Housing Ombudsman if there are significant concerns over complaint handling.

2.3 Following the changes in the management of Housing Service complaints and the introduction of a new, stand-alone complaints policy, a reassessment against the Code was undertaken in March 2024 (Appendix

2).

This demonstrated full compliance with the Code.

3.0 Consultation

3.1 The policy was reviewed by the Resident Opinion Panel reading group, made up of Gosport Borough Council social housing residents, in March 2024.

3.2 No amendments were suggested and the content of the policy was positively received.

3.3 An Integrated Impact Assessment has been completed (Appendix 3)

4.0 Risk Assessment

4.1 Compliance with the Social Housing (Regulation) Act 2023 is a statutory requirement. Compliance will be monitored by the Housing Ombudsman.

4.2 Failure to comply could lead to the Housing Ombudsman issuing a Type 1 or Type 2 Complaint Handling Failure Order (CHFO). A Type 3 CHFO may be issued following assessment by the Ombudsman through duty to monitor activities.

4.3 The Ombudsman will publish details of all CHFO's issued on a quarterly basis. This information will also be reported to the Regulator for Social Housing who could take enforcement action.

4.4 There needs to be a continued focus on meeting the requirements of the Social Housing (Regulation) Act 2023, and the Housing Ombudsman Complaint Handling Code, which will likely require additional resource to ensure compliance across a range of areas, including collating and analysing the complaints performance data.

4.5 Lack of resource could result in non-compliance and enforcement action against the Council. This also poses a reputational risk.

5.0 Conclusion

5.1 Effective complaint handling is of paramount importance to residents and the Council. The Housing Service is committed to ensuring compliance with the Code and responding to complaints effectively and fairly, in accordance with policy.

5.2 The Policy is fully compliant with the Code and has been scrutinised by residents.

5.3 Ensuring compliance with the Policy and the Code will be the responsibility of the Head of Housing.

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| Financial Services comments: | Contained within the report |
| Legal Services comments: | Contained within the report |
| Equality and Diversity: | Refer to the Integrated Impact Assessment – Appendix 3 |
| Climate Change implications: | N/A |
| Crime and Disorder: | N/A |
| Corporate Plan: | Priority 6: Being a council that works together with our partners and communities to get things done: listening, innovating, and delivering value for money for the people of Gosport. |
| Risk Assessment: | Contained within the report |
| Background Papers: | None |
| Appendices: | Appendix 1 – Draft Housing Service Complaints Policy Appendix 2 – Self-assessment against the Code, March 2024 Appendix 3 – Integrated Impact Assessment |
| Report Author/Lead Officer: | Julie Smith |