

<b>Subject:</b>	<b>ANNUAL HOUSING COMPLAINTS PERFORMANCE AND SERVICE IMPROVEMENT REPORT INCLUDING SELF-ASSESSMENT AGAINST THE HOUSING OMBUDSMAN'S COMPLAINT HANDLING CODE</b>
<b>Decision to be taken by:</b>	<b>Councillor S B Blair, Portfolio Holder for Finance, Governance, Climate Change and Environment</b>
<b>Report of:</b>	<b>Rebecca Brough, Head of Corporate Services and Democracy</b>
<b>Portfolio Holder:</b>	<b>Councillor S B Blair, Portfolio Holder for Finance, Governance, Climate Change and Environment</b>
<b>Decision Type:</b>	<b>Executive Non-Key Decision</b>
<b>Call-In to be Suspended:</b>	<b>No</b>
<b>Classification:</b>	<b>UNRESTRICTED</b>
<b>Delegated Authority:</b>	Paragraph 12 (General Responsibilities Delegated to all Members of the Executive) of Section 3C of Part 3 (Responsibility for Functions) of the Constitution.
<b>Purpose of the report:</b>	To approve the self- assessment and authorise its publication and submission to the Housing Ombudsman.
<b>Recommendation:</b>	<p>(a) That in accordance with the Housing Ombudsman's Complaint Handling Code the Annual Complaints Performance and Service Improvement Report, which includes the Annual Self-assessment against the Code, as set out in Appendices 1 and 2 be received and approved.</p> <p>(b) That the Portfolio Holder for Finance, Governance, Climate Change and Environment approve the proposed response, as set out in Appendix 3, on behalf of the Cabinet for the Annual Complaints Performance and Service Improvement report, for publication.</p> <p>(c) That the Head of Corporate Services and Democracy be authorised to publish the report and the response from the Portfolio Holder for Finance, Governance, Climate Change and Environment on behalf of the Cabinet.</p> <p>(d) That the Head of Corporate Services and Democracy be authorised to submit the self-assessment to the Housing Ombudsman by 30 June 2024.</p>

## 1. Summary

- 1.1 This report seeks to approve the Housing Ombudsman's Self-Assessment concerning the Council's complaints handling processes for publication and

submission and issue a response from the Cabinet in respect of the Council's complaint handling arrangements.

## **2. Introduction and Background**

2.1 The Housing Ombudsman Complaint Handling Code made under The Social Housing (Regulation) Act 2023 imposes a duty on the Council as landlord to monitor its compliance.

2.2 This report sets out the details of the self-assessment and the annual complaints performance and service improvement report for housing management, repairs and rents in its appendices.

## **3. Identification of Options**

3.1 Option 1: To approve and authorise publication of the Annual Complaints Performance and Service Improvement Report, which includes the Annual Self-assessment against the Code, as set out in Appendices 1 and 2, prior to 30 June 2024 and to issue the governing body response on behalf of the Cabinet. This is the recommended option.

3.2 Option 2: To not approve and authorise the publication of the Annual Complaints Performance and Service Improvement Report or to approve and authorise publication after the 30 June 2024.

## **4. Evaluation of Options**

4.1 Option 1: The Council's Annual Self-Assessment sets out how it complies with the Housing Ombudsman's Complaint Handling Code and provides evidence to support this position. This is required to be published and submitted by no later than 30 June 2024.

4.2 Option 2: The Housing Ombudsman is required to ensure that the Council as landlord meets the standards set out in the Code for complaint handling. As part of this the Council is required to submit its Annual Self-Assessment to the Housing Ombudsman by 30 June each year with effect from 2024. If this was to not be completed or submitted, the Council would risk non-compliance with the Housing Ombudsman's Complaints Handling Code.

4.3 Non-compliance will risk intervention from the Housing Ombudsman in order to bring the Council back into compliance. In the event of on-going failures with compliance, the Housing Ombudsman can issue a Complaint Handling Failure Orders (CHFO). The Housing Ombudsman's Self-Assessment Guidance states a landlord's failure to provide their submission may be issued with a Type 3 CHFO (non-compliance with the statutory Complaint Handling Code).

## **5. Resource Implications**

5.1 There are no resource implications arising from this report.

## **6. Climate Change and Environmental Implications**

6.1 There are no direct climate change or environmental implications arising from this report.

## 7. **Corporate Implications**

7.1 Comment from the Director of Finance (linked to the MTFP): Accountancy has been consulted on the report and has no further comments to add.

7.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make

7.3 Comment from the Equalities Officer: The self-assessment demonstrates the Council has given due regard to those with a protected characteristic in line with the public sector equality duty. The Equality Officer has no further comments to make, other than to remind Members that are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

## 8. **Appendices**

Appendix 1 – Annual Complaints Performance (Housing)

Appendix 2 – Response of the Governing Body

Appendix 3 – Annual Housing Ombudsman Self-Assessment

## 9. **Background Papers**

Joint Complaint Handling Code

Contact Officer: Rebecca Brough, Head of Corporate Services and Democracy

## Annual Complaints Performance (Housing)

### 1. Summary

- 1.1 This appendix outlines the complaints received in relation to housing services during the financial year 1 April 2023 to 31 March 2024 and covers the following points:
- Number of complaints received
  - Number of complaints handled at each stage of the process
  - Complaints by type/service area
  - Complaints performance
- 1.2 In addition to this appendix, an annual report covering all areas of complaints, including housing, will be submitted to the Governance Committee in September 2024.

### 2. Introduction and Background

- 2.1 The Social Housing (Regulation) Act 2023 introduced new social housing consumer standards that contain specific expectations that registered providers of social housing must comply with and detail the outcomes that providers are expected to achieve.
- 2.2 In relation to complaints, the Transparency, Influence and Accountability Standard states that the registered provider (the Council) must:
- Ensure their approach to handling complaints is simple, accessible and publicised.
  - Provide accessible information to tenants about:
    - (a) how tenants can make a complaint about their landlord;
    - (b) the landlord's complaints policy and complaints handling process;
    - (c) what tenants can do if they are dissatisfied with the outcome of a complaint or how a complaint was handled; and
    - (d) the type of complaints received and how they have learnt from complaints to continuously improve services
- 2.3 In the event that the Council cannot resolve a matter to the tenant's satisfaction, they have the option of complaining to the Housing Ombudsman Service and asking they investigate the matter.
- 2.4 The Housing Ombudsman published a new statutory Joint Complaint Handling Code that came into effect on 1 April 2024. A similar non-statutory Code was also introduced by the Local Government and Social Care Ombudsman at the same time.

- 2.5 The statutory guidance provides for a single, robust set of standards for complaints procedures that are accessible, efficient and fair. These will facilitate the development of a framework for high-quality complaint handling that will enable the Council (as landlord) to resolve complaints raised by its residents as efficiently and effectively as possible and imbed lessons learning from complaints to drive service improvements.
- 2.6 A legal duty is also placed on the Ombudsman to monitor compliance with the Code, regardless of whether it receives individual complaints from residents about a landlord.
- 2.7 The revised Complaint Handling Code requires landlords to produce an annual complaints performance and service improvement report for scrutiny and challenge, which includes a self-assessment against the Code.
- 2.8 Dover District Council has always viewed complaints as an opportunity to learn and improve services for its residents and actively encourages tenants and customers to raise comments and complaints. All expressions of dissatisfaction represent a positive opportunity to learn and provide insight that will help the Council improve its service delivery.
- 2.9 In accordance with the Ombudsmen's Joint Complaint Handling Code, the Member Responsible for Complaints (known as the 'MRC') and the governing body (or equivalent) must receive the following:
- (a) Regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance;
  - (b) Regular reviews of issues and trends arising from complaint handling;
  - (c) Regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings; and
  - (d) Annual complaints performance and service improvement report.
- 2.10 The Head of Corporate Services and Democracy will work with the MRC to determine the best method of delivering this requirement. Currently, the Council provides quarterly updates on Stage 2 complaints to Cabinet and Overview and Scrutiny Committee and an Annual Report to the Governance Committee.
- 2.11 It is intended that the Governance Committee will continue to monitor complaints handling and Ombudsman investigations and, in relation to non-executive functions, to make payments or provide other benefits in cases of maladministration.
- 2.12 This will not change the role of individual Portfolio Holders who will continue to receive updates as normal on the performance of their respective service areas including in relation to complaints.

### **3. Complaints Handling 2023/24**

- 3.1 The Council has historically reported on complaints on the basis of complaints closed during a given quarter. However, in keeping with other reporting requirements for housing complaints, the Council is now reporting on the dates that complaints were

received at each stage in the process. The figures below apply to the period 1 April 2023 to 31 March 2024.

3.2 For the purposes of this report, complaints relating to the following housing services are provided:

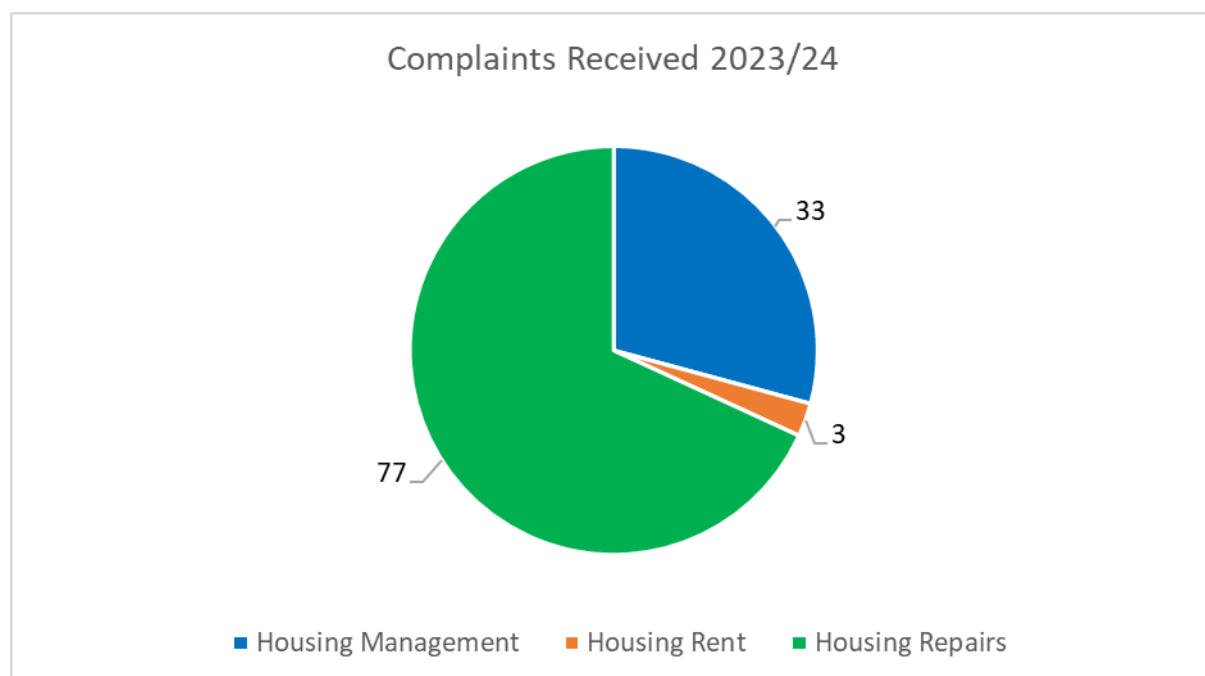
- Housing Management
- Housing Rents
- Housing Repairs

3.3 Complaints relating to other services within the Council will be reported to the Governance Committee as part of the Annual Complaints report due to considered by the Governance Committee in September 2024. This includes Housing Needs/Options which falls under the Local Government and Social Care Ombudsman so these figures will be reported as part of the full Annual Complaints report covering all Council services.

3.4 The Council operates a two stage complaints process in accordance with the Joint Complaint Handling Code. The details of the Council's Housing Complaints Handling for 2023/24 is set out below:

#### **Complaints Received 2023/2024**

3.5 Overall, the Council has seen an increase in complaints year-on-year between 2022-23 and 2023-24. For the three housing services referred to above, this has seen the number increase from 90 to 113 complaints, although this is with the caveat that for 2022-23 the figures are based on complaints closed rather than complaints received.



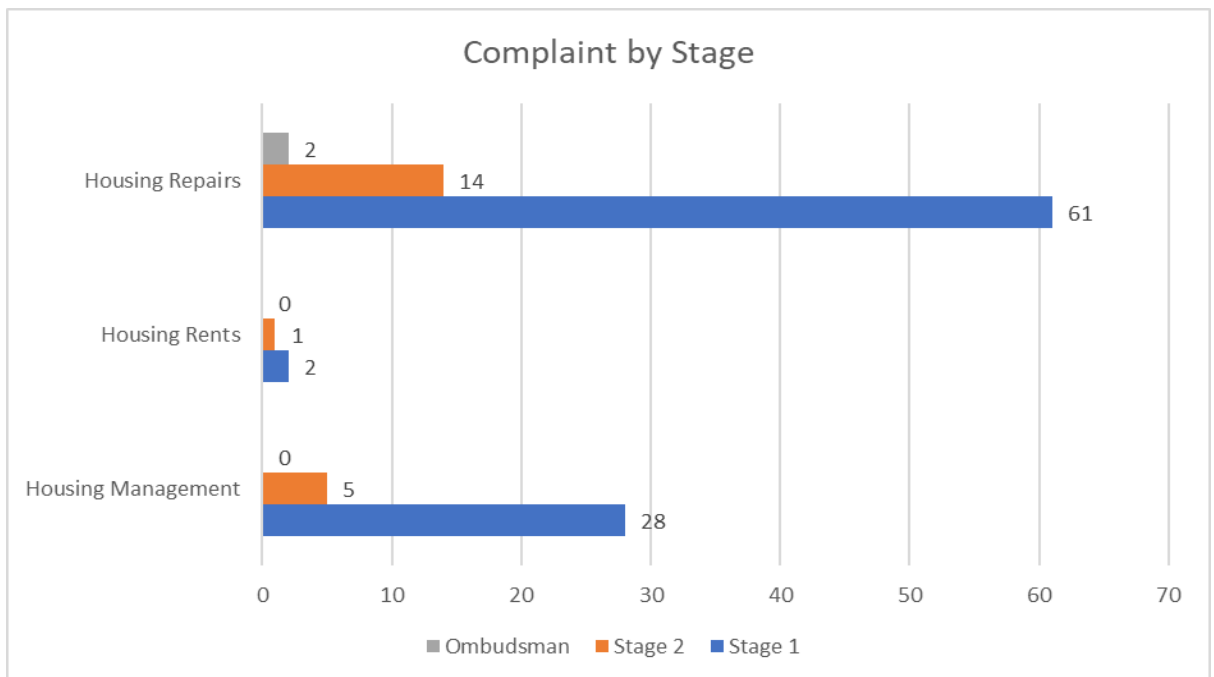
#### **Complaints the Council Refused to Accept**

3.6 The complaints that we refused to accept that related to the Council's role as landlord were for the following reasons in 2023/24 were in line with those set out in our Complaints Policy. They were:

- Contacts considered to be a request for service and not a complaint.
- Complaints relating to staff behaviour as these engage a separate procedure

3.7 If the Council takes the decision not to accept a complaint, a detailed explanation will be provided to the complainant setting out the reasons why the matter is not suitable for the complaints process and the right to take the decision to the appropriate Ombudsman. Where the Ombudsman does not agree the Council may be instructed to accept the complaint.

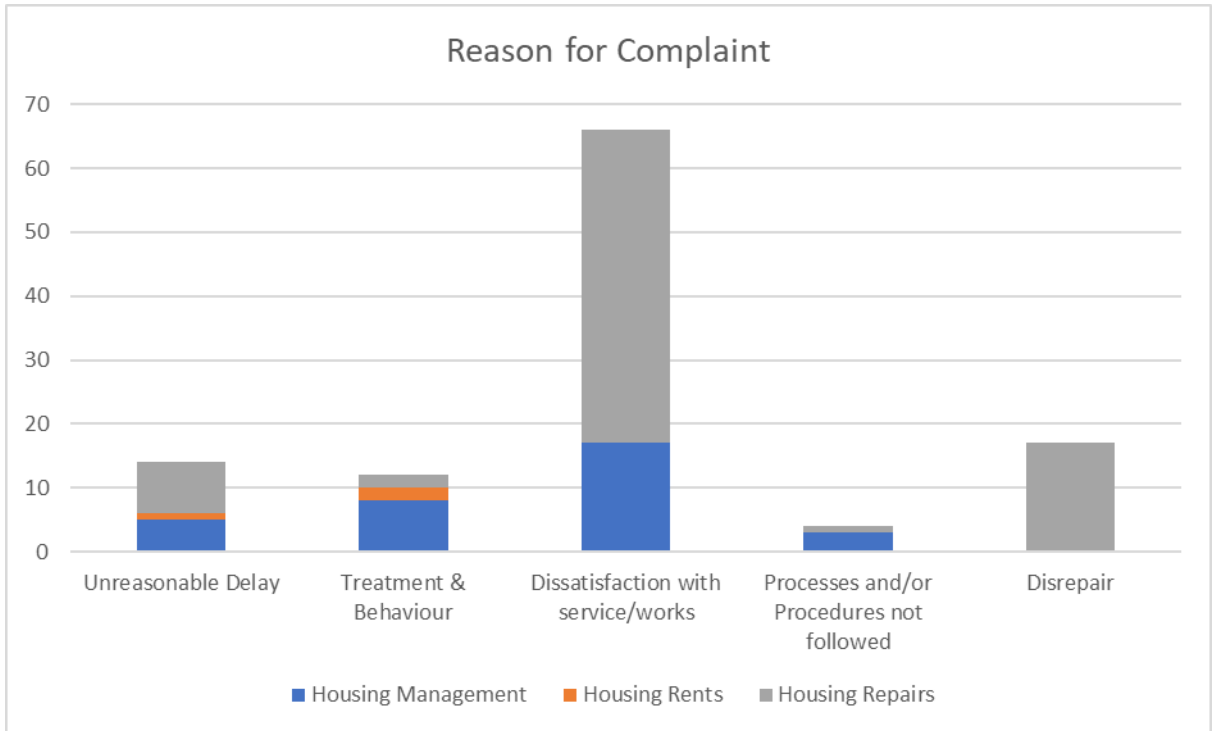
### Complaint Received by Stage and Service Area 2023/24



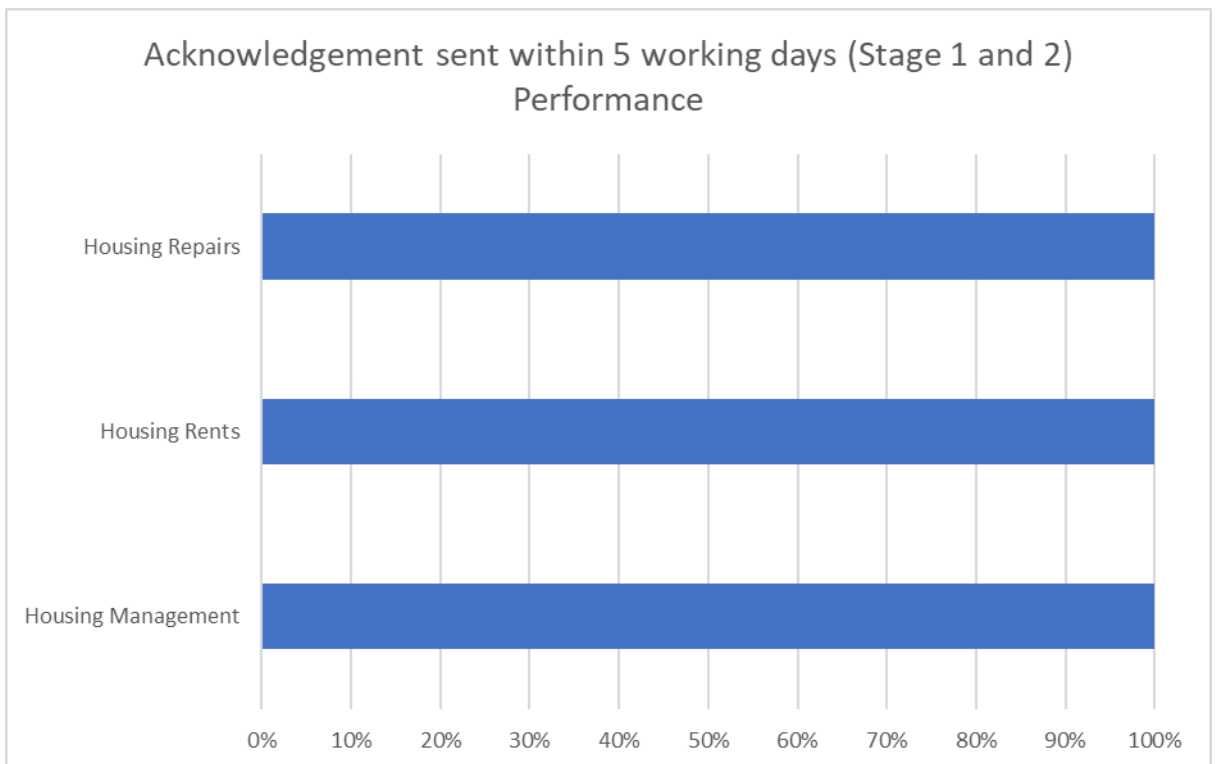
### Reason for Complaints

3.8 In respect of the 113 housing related complaints received, we have identified five main reasons for the complaint. The majority of complaints received related to dissatisfaction with the service provided or works undertaken by the Council with disrepair claims and unreasonable delay being the second and third biggest reasons. That complaints relating to dissatisfaction with the service or works are the main reason for complaints is not unexpected and is consistent with other local authorities.

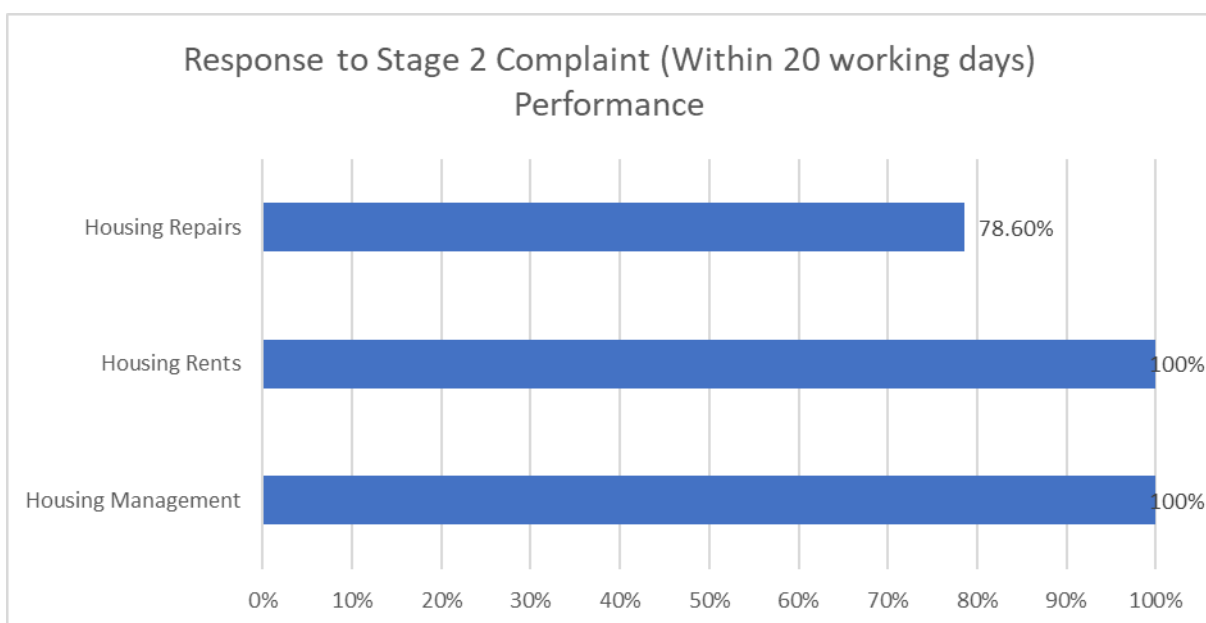
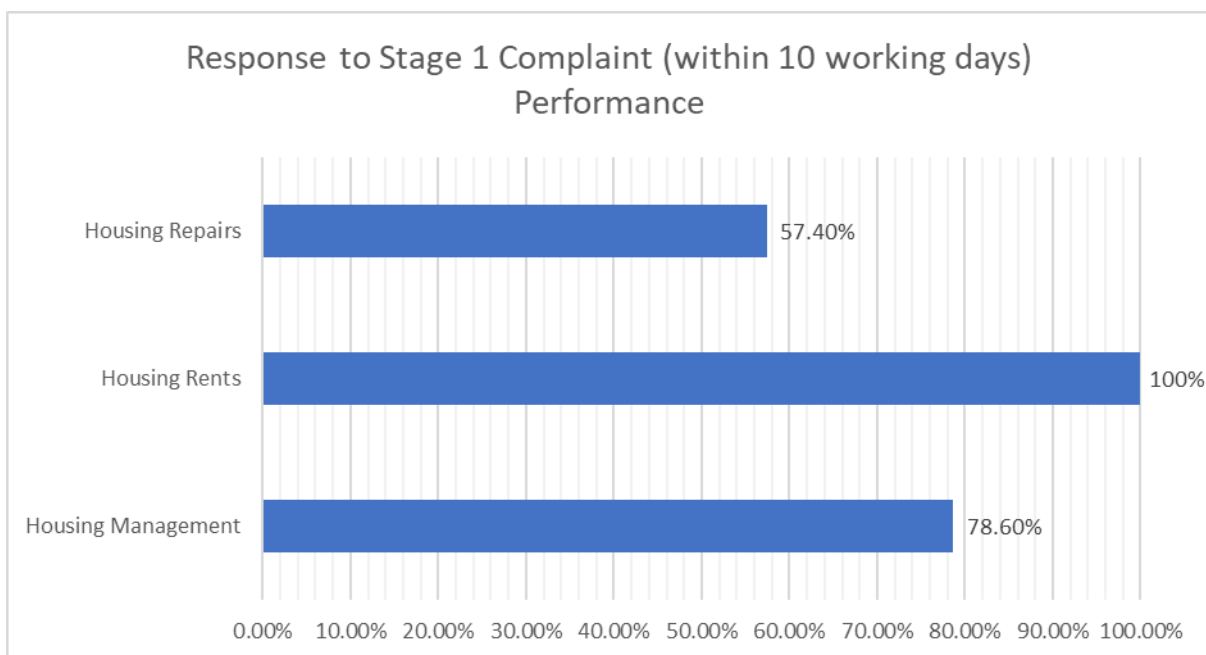
3.9 The Annual Complaints report to the Governance Committee will go into further detail on any lessons learnt arising from complaints across all Council services.



### Complaint Response Times







- 3.10 Where complaints have not been responded to within the time period for each stage in 100% of cases the need for an extension has been advised in accordance with the Council's Complaints Policy.
- 3.11 The Stage 1 response time for Housing Repairs includes a number of complex disrepair cases that enter the complaints system. If these are removed from the figures there is a significant improvement in performance.

#### **Housing Ombudsman 2023/24**

- 3.12 For the period 2023/24, none of the complaints received have resulted in a decision from the Housing Ombudsman in respect of Housing Management, Rents or Repairs.

- 3.13 However, the Council has two currently open cases dating from 2023/24 with the Housing Ombudsman, both these cases primarily relate to Housing Repairs, although Housing Management and Corporate Services also have involvement. Once a decision on these cases has been reached by the Housing Ombudsman it will be reported to Members as part of the Annual Complaints report covering all services (not just housing).

#### **4. Looking to the Future – Changes to Better Manage the Complaints Process**

- 4.1 There are a number of on-going activities intended to improve how the Council reports on complaints for the future. These include:

##### **Improving Our New In-House Complaint Management System**

- 4.2 In January 2024 the Council implemented a new in-house complaint management system that streamlines the complaint-handling process, provides for complaints data to be held in a single location and enables better reporting on data. There is further on-going work following the implementation of the complaints management system to deliver robust and effective data analysis.

- 4.3 This will see the end of reliance on excel documents that were used in the previous complaints processes prior to January 2024.

##### **Improving Data Quality on Complaint Categories**

- 4.4 As part of the new Complaints Management System, the Council will review the categorisation of complaints to ensure they reflect the range of complaints received and to improve data insight and learning. This should also improve the quality of the data that can be provided to Members and Management.

##### **Monitoring and Reporting**

- 4.5 The Council has established reporting arrangements for Members to the Governance Committee, Cabinet and Overview and Scrutiny Committee. This sees an Annual Complaints report go to the Governance Committee each year in the third quarter and quarterly statistics on Stage 2 performance provided to Cabinet and Overview and Scrutiny Committee.
- 4.6 Following the appointment of the Portfolio Holder for Finance, Governance, Climate Change and Environment as the Member Responsible for Complaints, there will be discussions held as to how the Council should report on complaints during the municipal year 2024/25. This will include the continuation of quarterly complaints reporting to Cabinet although this may be in a different form from that undertaken currently.
- 4.7 The Council remains committed to further strengthen opportunities for learning and service improvement through review and self-assessment.

## Appendix 2

### **Response on behalf of the Cabinet to the Annual Complaints Performance and Service Improvement Report**

Councillor S B Blair, Portfolio Holder for Finance, Governance, Climate Change and Environment:

“The first Strategic Priority of the Council’s Corporate Plan is ‘Improving our Housing’ and the Cabinet is committed to delivering on that objective. As part of this, the Council will

- Drive continuous improvement of our housing services in line with legislative reform.
- Undertake refurbishments and improving the energy efficiency of our existing Council housing to at least decent home standard, as resources allow.
- Carry out a stock condition survey and developing a new Housing Revenue Account (HRA) Business Plan framework for long-term strategic planning, maintenance, maximising rental income, and investment in and increasing our housing stock.
- Proactively manage our neighbourhoods and supporting our tenants through community engagement, community safety initiatives, regulation, and enforcement.

As a Cabinet we are committed to providing good quality housing and how we respond to and learn from complaints is an important part of that objective.

As the designated Member Responsible for Complaints (MRC), I fully support and adopt the Housing Ombudsman’s revised complaint handling code and I am committed to high quality complaint handling. As the MRC, I will work with the Head of Corporate Services and Democracy to ensure that we as a Cabinet we continue to receive regular information and updates on complaints, in particular, what they tell us about our services, what we have learnt from them and what we have done to put things right.

As an organisation it is important that we learn from all complaints and use this information to drive service improvements across the Council.”