

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Housing Services Committee

Date: 04 February 2021

Reporting officer: Jody Bulman, Service Manager (Housing Landlord Services)

Subject: Housing Ombudsman Complaint Handling Code

Purpose and summary of report:

To inform the Housing Cabinet Committee of the introduction of the Housing Ombudsman Complaint Handling Code and the contents the Council's self-assessment form against the Code.

Recommendations:

1. For Housing Cabinet Committee to note the introduction and contents of the Housing Ombudsman Complaint Handling Code and self-assessment form.

1. Introduction

- 1.1 The Housing Ombudsman published a new Complaint Handling Code in July 2020, setting out good practice that will allow landlords to respond to complaints effectively and fairly.
- 1.2 The Ombudsman's Complaint Handling Code promotes the progressive use of complaints, providing a high-level framework to support effective handling and prevention alongside learning and development.
- 1.3 The Code is also intended to create a positive complaint handling culture amongst both staff and residents and move landlords away from perceiving complaints as negative feedback.
- 1.4 The Code also allows the Ombudsman to issue a complaint handling failure order where a landlord is failing to comply with its membership obligations of the Scheme and/ or Code. Where the Ombudsman becomes aware of a landlord that is not dealing with complaints in accordance with the obligations of membership, the Ombudsman will notify the landlord of those concerns and give them the opportunity to put things right.
- 1.5 Failures under the Scheme and Code which would result in a complaint handling failure order include, but are not limited to:
 - 1.5.1 non-compliance with the Complaint Handling Code

- 1.5.2 failure to accept a formal complaint in a timely manner or to exclude a complaint from the complaints process without good reason
 - 1.5.3 inaccessible complaints process and procedure or unreasonable restrictions as to how a complaint can be made.
 - 1.5.4 not managing complaints from residents in accordance with the complaints policy
 - 1.5.5 failure to progress a complaint through the complaints procedure
 - 1.5.6 failure to respond to a complaint within the set timescales without good reason
 - 1.5.7 failure to keep the resident informed and updated
 - 1.5.8 failure to notify the resident of the right to refer the complaint to the Ombudsman
 - 1.5.9 failure to provide evidence to support investigation by the Ombudsman.
- 1.6 From January 2021, each quarter the Ombudsman will publish the total number of complaint handling failure orders issued, the names of the landlords and reasons for the orders. This information will also be shared with the Regulator of Social Housing.

2. Self- Assessment Form

- 2.1 The Ombudsman expects landlords to carry out a regular self-assessment against the Code and take appropriate action to ensure their complaint handling is in line with the Code. The initial self-assessment needed to be completed by 31 December 2020 and then kept under regular review.
- 2.2 Once the self- assessment form had been completed the Ombudsman expects landlords to report the outcome of their self-assessment to their elected members and publish it to residents.
- 2.3 In order to meet some of the requirements of the Code, it has been necessary for the Service Manager (Town Centre and Cultural Services) to make some minor amendments to the Council's Corporate Complaints Policy.
 - 2.3.1 A complaint about an issue older than 12 months or that has already been investigated and where no fresh evidence is provided will not be considered.
 - 2.3.2 Social Media has been included within the accepted method of complaining.
 - 2.3.3 Emphasising that a complainant can raise their complaint through a representative at all stages.
 - 2.3.4 Making it clearer how a tenant can contact the Ombudsman and the timescales involved.
- 2.4 A copy of the Council's self-assessment form can be found at Appendix 2 and is now published on the Council's website.

3. Improving Complaint Handling in the Future

- 3.1 Whilst undertaking the self-assessment against the Code, it has been recognised by the senior managers within Housing, that the new Code is an excellent document which will help support officers in dealing with complaints and feed in to the Tenant Engagement Strategy. It has also been noted that there are a number of services that the Housing Ombudsman provide as part of the Council's membership that are not being utilised, such as early intervention support, which would greatly benefit the service. This will be taken forward in the new year.
- 3.2 The Social Housing White Paper was recently published on 17 November 2020 by the Ministry of Housing, Communities and Local Government. The white paper makes seven key promises to tenants in social housing, some of which focus on an improved complaints process and the revised Housing Ombudsman Complaint Handling Code fulfils this promise.
- 3.3 In addition to this, in July 2020 the government published a draft building safety bill, with measures to give tenants a stronger voice over safety issues. The draft bill proposes speeding up access to the Ombudsman by removing the need for residents to go through a 'designated person' or wait eight weeks before approaching the Ombudsman directly, and again the changes made to complaint handling will help to address this.
- 3.4 Therefore it will mean that the Corporate Complaints Policy will need to be kept under regular review in the next 12 months to ensure that the necessary changes are made.

4. Background Papers

- 4.1 None

IMPLICATIONS		APPENDIX 1
There are no negative implications		
Legal	There are no legal implications	
Finance and Value for Money	N/A	
Risk Assessment	N/A	
Data Protection Impact Assessment	<i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i>	
	a. Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data ? A definition of each type of data can be found on the Information Commissioner's Office website via the above links.	
	b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? N/A	
	c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk . N/A	
Equality Impact Assessment	a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No.	
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No.	
	<i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i>	
Corporate Plan	#1 People Provide A Proactive, Supportive & Financially Efficient Housing Service: high quality tenant management experienced through a service making full use of its assets. Put our customers first	
Climate Change	N/A	
Crime and Disorder	N/A	

Digital and website implications	The self-assessment form will be published on the Council's website
Safeguarding children and vulnerable adults	N/A