



Joint Audit and Governance Committee
21st March 2024

ADUR & WORTHING COUNCILS

Key Decision [No]

Ward(s) Affected:

Creating a positive complaints culture: a new code for complaints handling

Report by the Tracey Strutt-Head of Resident Services

Executive Summary

1. Purpose

- 1.1.** This report informs Members about two new complaint handling codes:
 - 1.1.1.** Housing Ombudsman Complaint Handling Code (HOCHC) which becomes statutory from the 1st April 2024 and addresses the issues of complaint handling for housing providers, and the
 - 1.1.2.** [Local Government and Social Care Ombudsman Code](#) (LG & SCO Code), which local councils are encouraged to adopt as soon as possible across all of their services.
- 1.2.** The report sets out the purpose of these aligned codes of creating a more positive complaints culture, process and governance.
- 1.3.** The report sets out one of the key requirements of the HOCHC to appoint a Member Responsible for Complaints (MRC) and asks Members of this committee to note that these roles will be the Cabinet Members for: Housing and Citizen Services (Worthing

Borough Council) and Adur Homes and Customer Services (Adur District Council)

- 1.4. Whilst these appointments are a specific requirement of this statutory HOCHC code at this stage, both of these MRCs will also support the development and implementation of second LG&SCO Code, as part of the roll out across all council services over the next year.

2. Recommendations

Members of this committee are asked to:

- 2.1. To recommend the following to the Meetings of Adur District Council and Worthing Borough Council
 - 2.1.1. Adopt the new (Housing Ombudsman Complaint Handling Code (HOCHC)
 - 2.1.2. To highlight that the Local Government and Social Care Ombudsman Service Complaints Handling Code (LG&SC Code) was launched in February 2024. And that work is underway to ensure compliance with this, which will be required by April 2026.
 - 2.1.3. Note the two Member Responsible for Complaints (MRC) roles: one for Adur District Council and one for Worthing Borough Council, as set out in the attached terms of reference (see appendix 1) relating to the HOCHC code.
 - 2.1.4. Note that these positions of Member Responsible for Complaints (MRC) will be the Cabinet Members for: Housing and Citizen Services (Worthing Borough Council) and Adur Homes and Customer Services (Adur District Council)
 - 2.1.5. Note that the senior responsible person for complaints will be the Head of Resident Services.

1. Context

- 1.1. Two new, aligned, complaints codes have been published:
 - The [Housing Ombudsman Complaint Handling Code](#) (HOCHC) which will come into effect on the 1st April 2024; and the
 - [Local Government and Social Care Ombudsman Code](#) (LG & SCO Code) which was launched in February 2024 and Councils are encouraged to adopt as soon as they are able. The Local Government Ombudsman intends to start considering the LG & SCO Code as part of their processes from April 2026 at the earliest to give Councils the opportunity to adopt the LG&SCO Code into working practices.
- 1.2. The overall purpose of these aligned codes is to build a positive complaints culture, to develop and improve services and ensure that approaches to complaints value justice and fairness. The emphasis across both Codes is on responding and resolving issues early, on strong governance and effective procedures and processes.
- 1.3. Residents' needs are at the heart of this with complaints handling being transparent, accessible and with organisations using data to learn from the issues that are being raised
- 1.4. Whilst these two Codes are aligned, there are two key differences.
 - The HOCHC is a statutory requirement for stock holding authorities to comply with as part of the new Social Housing (Regulation) Act 2023 which becomes statutory on 1 April 2024;
 - The LG&SCO Code is guidance that has been issued under section 23(12A) of the Local Government Act 1974 and this Code will address complaints across all other council services.
- 1.5. Both Codes define a complaint as “an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents”
- 1.6. Landlords must have a person or team assigned to take responsibility for complaint handling to ensure complaints receive the necessary attention, and that these are reported to the governing body. The role is responsible for ensuring that appropriate arrangements are in place for

liaison with the Housing Ombudsman and appropriate cover exists to ensure consistency of service.

- 1.7. The HOCHC requires the Council to:
 - Publish an annual performance report which should include volume, categories and outcomes of complaints, alongside complaint handling performance and learning
 - Carry out and publish an annual self assessment against the Code
 - Appoint a suitable senior person for oversight and governance of the code.
 - Appoint a Member Responsible for Complaints (“MRC”). This should be a lead member or Councillor who has an oversight for Housing.

- 1.8. It should also be noted that as a stock holding authority with social housing, Adur Homes has been subject to an earlier version of the HO Code and work has been underway to meet the requirements of this as part of the Improvement Plan. Ongoing discussions have been taking place with the HO to address this, with an action plan and a complaints policy being agreed, To ensure complaint handling promotes service improvement for residents and learning and business improvement for the organisation.

- 1.9. Policy has been drafted and awaiting approval.

- 1.10. All compliance changes to letter templates, newsletter, and website complete, along with training. (see appendix 2.)

2. Proposals to address these new requirements

- 2.1. Given that both Councils do own some level of housing stock, with Adur Homes and also our owned Temporary Accommodation, both Adur and Worthing Councils will fall under the requirements of being stock holding authorities and therefore subject to the statutory requirements of the HOCHC. The changes in our approach therefore reflect this and the requirements and guidance set out in both codes.

- 2.2. A number of changes are therefore proposed to meet these new requirements. This includes:
 - A new Complaints handling policy
 - Appoint a MRC

- Publish an annual statement
- To have a senior responsible person for complaints (which is the Head of Resident Services)
- To learn from complaints

2.3. Alongside the main requirements and for the purpose of this committee there are a number of requirements around governance:

- The first is the requirement to have a suitably senior lead person as accountable for their complaint handling as set out in section 4 of the Code, under Complaint handling staff guidance. This will be the Head of Resident Services who manages the corporate team.
- Defined accountabilities need to be set out for all employees. Landlords must have a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to:
 - a) have a collaborative and cooperative approach towards resolving complaints, working with colleagues across teams and departments;
 - b) take collective responsibility for any shortfalls identified through complaints, rather than blaming others;
 - c) act within the professional standards for engaging with complaints as set by any relevant professional body.
 - d) Improve our handling of complaints beyond the code as we see valuable learning opportunities which underpin both our adaptive and participative principles.
- As set out in the HOCHC there is a requirement to appoint a MRC who is the member of the governing body (or equivalent) to have lead responsibility for complaints:
 - To support a positive complaint handling culture. To provide assurance to the governing body on the efficacy of its complaints system, including challenging the data and information provided to the Board
 - To seek assurances from the complaints team and where appropriate the operational teams that complaints are being managed, change is happening and that residents are being heard through the process.

- To ensure complaint handling promotes service improvement for residents and learning and business improvement for the organisation.
- The MRCs will have oversight of the development of the second LG&SCO code as this is developed and implemented across the councils, which will be implemented in 2026.

2.4. It should be noted that the Member appointed to this role should be part of the governing body and have oversight in the cabinet for housing. Therefore given that the respective Members with the portfolios for housing (Cabinet Member for: Housing and Citizen Services (Worthing Borough Council) and Adur Homes and Customer Services (Adur District Council)) - both of these Members will assume the respective roles of MRC.

2.5. Finally it is noted that the minimum requirements that the MRC and Joint Audit Governance Committee must receive as part of the Code are as follows:

- Regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance
- Regular reviews of issues and trends arising from complaint handling
- Regular updates on the outcomes of the Housing Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings
- The annual complaints performance report.

3. Financial Implications

3.1 There are no financial implications as a direct result of this report.

Finance Officer: Emma Thomas

Date: 08/03/2024

4. Legal Implications

- The Housing Ombudsman Scheme is approved by the Secretary of State under section 51 of, and Schedule 2 to, the Housing Act 1996 (as amended by the Localism Act 2011 and the Building Safety Act 2022). The Act requires social landlords, as defined by section 51(2) of the Act, to be members of an approved scheme. It is mandatory for all local authorities and registered social housing providers to be members of the Ombudsman Scheme. There have been previous versions of the Complaint Handling Code, however the revised version will become statutory from 1 April 2024 meaning that landlords will be obliged by law to follow its requirements in accordance with the Social Housing (Regulation) Act 2023.
- The Local Government Ombudsman has asserted it has the power to issue “advice and guidance about good administration” to organisation under section 23(12A) of the Local Government Act 1974. Therefore, the LG&SC Code will be considered statutory guidance. The Code will be statutory for all councils. The Code will not apply to other bodies in the Ombudsman’s jurisdiction such as fire and rescue authorities and private care providers.

Legal Officer: Caroline Perry

Date: 12th March 2024

Background Papers

- [Housing Ombudsman Complaint Handling Code](#)
- [Local Government and Social Care Complaint Handling Code](#)

Officer Contact Details:-

Name Tracey Strutt
Role Head of Resident Services
Telephone 07476968906
Email Tracey.strutt@adur-worthing.gov.uk

Sustainability & Risk Assessment

1. Economic

- Matter considered and no issues identified

2. Social

2.1 Social Value

- A robust and easy to access feedback system gives a voice to those who need to complain. Through an equality risk assessment, other channels have been made available for those that need to access the system but don't have access to the online feedback system.

2.2 Equality Issues

- Adur and Worthing collect equality data. This data will highlight queries about access and participation.
- The council is subject to the general equality duty set out in section 149 of the Equality Act 2010. This duty covers the following protected characteristics: age, gender, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation.

2.3 Community Safety Issues (Section 17)

- Better complaints handling and learning will ensure that procedures are robust and adhered to council wide. Community safety issues will be addressed quickly and route cause investigated.

2.4 Human Rights Issues

- Matter considered and the human right to have concerns thoroughly investigated and addressed will be supported throughout the complaints process. Appointing two member champions (MRC's) will create an additional layer to ensure that appropriate action is taken.

3. Environmental

- Matter considered and no issues identified

4. Governance

- There is a risk to Adur and Worthing Councils' reputation by not investigating complaints thoroughly or acting on the lessons learned.
- Non-compliance could result in the Ombudsman issuing complaint handling failure orders.

- [Policy on dealing with non-compliance with the Ombudsman's orders](#)

Appendix 1.

[Terms of Reference](#)

Appendix 2.

[Complaints Action Plan 2024 - Ombudsman Self Assessment](#)