



Joint Audit and Governance Committee  
July 2024

## ADUR & WORTHING COUNCILS

Key Decision No

Ward(s) Affected: All

### **Housing Complaints and Feedback Policy and Procedures**

#### **Report by the Assistant Director for Housing and Homelessness Prevention**

#### **Executive Summary**

##### **Purpose**

- This report provides an overview of the proposed feedback and complaints policy and procedure in respect of Adur and Worthing Council housing services, including Adur Homes.
- This follows the report presented to this Committee in March 2024: [Creating a positive complaints culture: a new code for complaints handling](#), setting out the new requirements for complaints handling.
- This proposed feedback and complaints policy and procedures requires formal adoption in accordance with the implementation of the Housing Ombudsman's (HO) Complaint Handling Code which became statutory on the 1 April 2024 the implementation of Local Government and Social Care Ombudsman (LGSCO) Complaint Handling Code which comes into force on the 1 April 2026.

##### **Recommendations**

###### **2.1 Recommendation**

- Members are asked to approve the proposed Housing Feedback and Complaints Policy and Procedure for the Housing Service, to include Adur Homes.

## 1. Context

- 1.1. Our Councils believe that all of our residents should have access to a safe, secure and sustainable home and that people need to be at the heart of a strategic approach. We are working through a number of areas to continue the development of the service and support for residents who need our housing services.
- 1.2. The housing service is made up of a range of services including homelessness, housing allocations, private sector housing and stock management of permanent homes and temporary accommodation. Given the breadth of services there are a number of formal entities and organisations that oversee the sector. The proposed Housing Feedback and Complaints Policy and Procedures encapsulates the standards and expectations required by these organisations.
- 1.3. The Regulator of Social Housing has published Housing Standards against which housing organisations are required to ensure compliance. These standards are:

The Economic Standards

  - Governance and Financial Viability Standard
  - Value for Money Standard
  - Rent Standard
- 1.4. The Consumer Standards:
  - The Home Standard sets expectations for registered providers of social housing to provide tenants with quality accommodation. Key elements include the provision of decent homes and cost effective repairs and maintenance.
  - The Tenancy Standard sets expectations for registered providers of social housing to let their homes to tenants in a fair, transparent and efficient way.
  - The Neighbourhood and Community Standard sets expectations for registered providers of social housing to keep the neighbourhood and communal areas associated with the homes they own clean and safe, co-operate with relevant partners to promote the wellbeing of the local area and help prevent and tackle anti-social behaviour.

- The Tenant Involvement and Empowerment Standard sets expectations for registered providers of social housing to provide choices, information and communication that is appropriate to the diverse needs of their tenants, a clear approach to complaints and a wide range of opportunities for them to have influence and be involved.

1.5. As members are aware, Adur District Council referred themselves to the Regulator of Social Housing in February 2023. Following this a comprehensive and robust improvement plan has been implemented and progress reported monthly with the Regulator.

The plan set out a number of key priorities for the service, which primarily addressed the concerns of the Regulator (around compliance and decent homes) and also included wider-ranging priorities to ensure the whole service is transformed, including: systems, workforce, governance, asset management, health and safety compliance issues, tenancy management and engagement, complaints and FOIs.

1.6. We have taken a wider whole systems approach to addressing complaints to ensure we can meet the requirements of current and future legislation. This will see joint working between the housing and resident services teams as well as the Housing Ombudsman to address the handling and processing of complaints. This will also include the temporary accommodation that is owned and leased in Worthing.

1.7. Work has been progressing in relation to improving the approach to complaints to address the backlog and develop a much improved process to responding to enquiries and complaints.

In addition two new, aligned, complaints codes have been published:

- The [Housing Ombudsman Complaint Handling Code](#) (HO Code) 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 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.

- 1.8. Last Summer officers undertook a self assessment audit of its Adur Homes and housing complaints processes in line with the Housing Ombudsman statutory Code of Practice. This focused on a number of areas including policy and procedure, website changes, customer/resident engagement, customer satisfaction, process and training.
- 1.9. Following this self assessment an action plan has been developed to address each of the requirements of these codes for housing and this will be rolled out across the councils. This plan addresses a number of areas of practice including:
- Ensuring training is rolled out to those officers that we will be dealing with complaints;
  - Addressing the staff capacity to respond to complaints as part of the organisational redesigns;
  - Developed a draft Housing Complaints Policy to reflect the Housing Ombudsman’s Code of Practice
  - Developing a focus on the complaints process for the team
  - Updated communications to help residents make complaints more easily including the Housing Ombudsman’s contact details and their role in complaints intervention
  - Developed a new approach as required by the Ombudsman to agree resolutions with tenants before sending a formal response.

The Housing and Communities directorate has seen a year on year increase in stage one complaints with:

<b>Directorate</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>
<b>Housing and Communities</b>	99	166	188	250

In respect of stage two complaints:

<b>Directorate</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>
<b>Housing and Communities</b>	5	6	20	71

A number of compliments are also received which have seen an upward trend:

Directorate	2020-21	2021-22	2022-23	2023-24
Housing and Communities	104	172	208	305

At the time of writing there is a backlog of complaints that are being worked through. Work will be undertaken to differentiate the root cause of a complaint to inform changes that need to be implemented in specific areas.

- 1.10. Officers have been in contact with the Housing Ombudsman service to advise of the timeline for this policy to be adopted which was delayed as a result of local elections in May 2024. The Housing Ombudsman Service was satisfied that the draft Complaints and Feedback Policy and procedure would be considered for approval at the earliest committee date post local election.

## 2. Customer feedback - Complaints

- 2.1. A complaint is defined 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”*.
- 2.2. Council officers have thousands of interactions with residents on a daily basis in the community, on the phone, in our receptions and digitally. Contextually, the number of complaints we receive is low, but increasingly more complex.
- 2.3. Complaints can be about a process or interaction. In both cases we use insight from complaints to identify processes that need improvement. We have an obligation to demonstrate to the regulator that we learn from complaints, and a duty to our residents to mitigate the risk of recurrence.
- 2.4. The Housing and Communities directorate has since a year on year increase in complaints
- 2.5. The proposed policy and procedure aligns with the wider councils approach to complaints which has a two stage process. Since

adopting the new code on April 1st 2024 the following response times must be adhered to.

**Stage 1** - Complaints must be acknowledged, defined and logged at stage 1 within 5 working days of the complaint being received. A full response to stage 1 complaints must be given within 10 working days.

**Stage 2** - If all or part of the complaint is not resolved to the resident's satisfaction at stage 1, it must be progressed to stage 2 of the complaint procedure. Stage 2 is the final response. Requests for stage 2 must be acknowledged, defined, and logged at stage 2 of the complaint procedure within 5 working days of the escalation request being received. A full response to stage 2 complaints must be given within 20 working days.

If the customer is not satisfied with the Stage 2 response they can contact either the Local Government Ombudsman or the Housing Ombudsman Service to ask for an independent review.

### **Financial Implications**

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

Finance Officer: Emma Thomas

Date: 03/07/2024

### **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 became statutory from 1 April 2024 meaning that landlords are 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 organisations 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.
- The Housing Ombudsman Complaint Handling Code confirms that a Member of the authority must be appointed to have lead responsibility for complaints to support a positive complaints handling culture. This person is referred to under the code as the Member Responsible for Complaints, referred to under the Code as the MRC. This MRC is to ensure that the governing body receives regular information on complaints that provides insight on the Landlord’s complaint handling performance and must have access to suitable information and staff to perform this role and report on findings. The appointed MRC’s are the portfolio holders for Housing & Citizen Services. The portfolios within the constitution have been updated accordingly, so too the terms of reference for the Joint Audit & Governance Committee to receive regular reports on the Housing Ombudsman’s Complaints Handling Code.
- The councils should produce a complaints performance and service improvement report every year about the councils’ complaint handling performance.

Legal Officer: Joanne Lee

Date: 03/07/2024

### **Background Papers**

- [Housing Ombudsman Complaint Handling Code](#)
- [Local Government and Social Care Complaint Handling Code](#)
- [Creating a positive complaints culture: a new code for complaints handling](#)
- [Corporate complaints procedure](#)

### **Officer Contact Details:-**

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## 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](#)