

Annual Submission on Complaints

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Lead Member/Relevant Portfolio Holder	Councillor Margaret Glancy - Portfolio Holder for Governance, Environment and Regulatory Services (Deputy Leader)

Corporate Priority:	Theme 2: High quality council homes and landlord services Theme 5: Right conditions to support delivery
Relevant Ward Member(s):	N/a
Date of consultation with Ward Member(s):	
Exempt Information:	No
Key Decision:	No
Subject to call-in:	No

1 Summary

- 1.1 This report sets out the Council’s annual submission which demonstrates that its complaint handling service complies with the provisions of the Complaint Handling Code (Code) produced by the Housing Ombudsman (HO). It outlines how the Council complies with the nine sections of this Code as a Council and its role as a landlord.
- 1.2 The Council must provide evidence of its compliance with the provisions of the Code within the submission. By setting out clearly how it complies with each provision, the Council can demonstrate that it is being open and accountable to residents.
- 1.3 Self-assessments must be completed annually against the Code and this forms part of the annual submission that needs to be submitted to the HO.

- 1.4 Once noted by Members, this annual submission will be published on the Council's website by the end of June 2024, along with a narrative summary from the member Responsible for Complaints.

2 Recommendations

That Cabinet:

- 2.1 **Approve the Council's complaints annual submission which is made up of a complaints handling self-assessment (Appendix 1) and an annual complaints performance and service improvement report (Appendix 2) as required as part of the Housing Ombudsman Complaints Handling Code.**
- 2.2 **Note that the Portfolio Holder for Governance, Environment and Regulatory Services in her capacity as Member Responsible for Complaints will provide a narrative summary as part of the annual submission.**
- 2.3 **Note that the annual complaints submission will be submitted to the Housing Ombudsman by 30th June 2024.**

3 Reason for Recommendations

- 3.1 It is a requirement that as part of the Council's governance arrangements, Cabinet should consider the information contained in our annual submission to the HO. Cabinet should note the position of the Council against this self-assessment and reflect on the performance on complaints for the Council and specifically for Housing in its role as landlord through the annual complaints' performance and service improvement report.

4 Background

- 4.1 Landlords must carry out an annual assessment against the Code to ensure their complaint handling remains in line with its requirements and publish the results. The Council has a dual role both as a landlord and a key deliverer of other local services.
- 4.2 The Code was introduced as part of the HO's new powers in the revised Scheme. The Code acts as a guide for residents setting out what they can and should expect from their landlord when they complain. The requirements in the Code also provide residents with information about how to make a complaint and how to progress it through the landlord's internal complaints procedure.
- 4.3 Our Customer Feedback and Complaints Policy covers all complaints that we receive under both the Housing Ombudsman (HO) and Local Government and Social Care Ombudsman (LGSCO). The HO covers all complaints about social housing, including the role of councils as social landlords whereas the LGSCO covers all other services including complaints about most council housing services other than social housing. This report covers all complaints dealt with through this single policy along with landlord specific analysis.
- 4.4 Over the last 12 months the Council has refreshed its Customer Feedback and Complaints Policy and associated processes to ensure that we remain fully compliant with the Code. It has been reviewed by the HO in the last 12 months.

- 4.5 To simplify and align the complaints framework for local authorities, the LGSCO recently consulted on the Complaint Handling Code with the HO, which took place in late 2023.
- 4.6 Although originally consulted on as a joint code with the LGSCO, the two Ombudsmen decided to issue separate Codes following analysis of consultation feedback.
- 4.7 Each Code is now based on a unified set of principles and share many of the same approaches in key areas such as response times, timeliness and oversight. But by issuing separate Codes they are able to recognise the differences between the roles and powers in relation to the different approaches individual council services may need to take when responding to complaints.
- 4.8 The new Code became statutory on the 1 April 2024, meaning that landlords will be obliged by law to follow its requirements. The Code aims to achieve best practice in complaint handling and ultimately to provide a better service to residents. Key areas of the Code have not changed, the main points of difference of the new code published relate to:
- That processes must have two stages only (including any 3rd party arrangements).
 - Timescales and requirements for acknowledging complaints at each stage.
 - Timescales for responding to complaints at each stage (including extensions).
 - Exclusions to raising and/or escalating complaints.
 - Resourcing arrangements, including the Member Responsible for Complaints.
 - The requirement to produce and publish an annual complaints performance and service improvement report.

5 Main Considerations

Annual Submission

- 5.1 The purpose of the annual submission is to enable the HO to monitor landlords' compliance with the Code. It ensures that all landlords provide information in a consistent way that allows effective analysis and insight into compliance with the Code.
- 5.2 The annual submission also aims to collect additional information about landlords to ensure that the HO records are current, capture insights into wider complaint handling activities by the sector and to help inform future activities by the HO to extend fairness in complaint handling.
- 5.3 Our submission is split into three sections:
- 5.4 **Section one requires information about the landlord to be provided.**
- 5.4.1 Section one requires landlords to provide key information about their organisation. This ensures the Ombudsman has complete and accurate information that reflects the landlord's status and the roles held by key individuals.
- 5.4.2 As part of section one, landlords are required to provide links to key publications that form part of the requirements of the Code. These are:
- a) The self-assessment against the Code (Appendix 1)
 - b) The annual complaint performance and service improvement report (Appendix 2)
 - c) The governing body's response to the report (Appendix 2)

d) The complaints policy (Council Website)

5.5 Section two requires landlords to confirm compliance with Code provisions.

5.5.1 This section requires landlords to confirm their compliance with each provision of the Complaint Handling Code. By doing so, landlords are confirming they have assured themselves that all complaints made about services provided to residents (directly or indirectly to their residents) in their capacity as a landlord, are handled in line with the Code.

5.5.2 Landlords are not required to provide evidence and information to support their assessment of compliance in the submissions form; this will be detailed in the full self-assessment published on their website and linked in section one of the annual submission

5.5.3 This information will be submitted directly to the HO.

5.5.4 Landlords must complete sections one (5.5) and two (5.6) as part of the annual submission.

5.6 Section three requests the landlord provides further relevant information..

5.7 This section is optional; landlords may choose to answer all or some of the questions included. Feedback and comments captured in this section will not be considered as part of the assessment of compliance with the Code, rather to inform further work by the Ombudsman.

Self-Assessment

5.8 Following the Code becoming statutory on the 1 April 2024, a self-assessment was undertaken of our approach to dealing with complaints, this is shown in Appendix 1, this sets out our responses to the nine sections of the code which is contained in the self-assessment. These sections are:

5.8.1 Definition of a complaint

5.8.2 Exclusions

5.8.3 Accessibility and Awareness

5.8.4 Complaint handling staff

5.8.5 Complaint handling process

5.8.6 Complaint stages

5.8.7 Putting things right

5.8.8 Self-assessment, reporting and compliance

5.8.9 Scrutiny & oversight: continuous learning and improvement

5.9 The purpose of the self-assessment is to demonstrate that we are complying with the Code. Our self-assessment shows us to be compliant with all of the mandatory elements of the HO's Code. The LGSCO does not currently have a self-assessment for the non-Housing related complaints that we receive as a Council, so our corporate approach is captured in the self-assessment shown in Appendix 1. By achieving this compliance, our Customer Feedback and Complaints Policy and associated process are considered fit for purpose.

5.10 The Code requires each landlord to report the findings contained in the self-assessment via their respective governance structures each year. The responsibility for all complaints

at Melton sit under the Portfolio Holder for Governance, Environment and Regulatory Services (Deputy Leader) who is the Member Responsible for Complaints (MRC).

- 5.11 Following the presentation of this report to Cabinet, a narrative from the member responsible for Complaints will be added and the self-assessment will be published on the Council's website by the end of June 2024.

Annual Complaints and Performance Report

- 5.12 The Council is required to produce an annual complaints and performance report as part of annual submission for complaints.
- 5.13 There are two parts to the complaints performance and service improvement report.
- 5.14 The self-assessment (Appendix 1) should form part of the report and is an assessment of our complaints policy against the statutory Code 2024.
- 5.15 The Council will then be expected to include their 2023/2024 performance against the Code in place at that time. This will be a complete picture for the Council but will include specific performance for the Council as landlord, covering the following:
- 5.15.1 A qualitative and quantitative analysis of our complaint handling performance - this must also include a summary of the types of complaints that we have refused to accept.
- 5.15.2 Any findings of non-compliance with the Code by the Ombudsman.
- 5.15.3 The service improvements made as a result of the learning from complaints.
- 5.15.4 Actions following any annual report about our performance from the HO.
- 5.15.5 Actions following any other relevant reports or publications produced by the HO in relation to our work.
- 5.16 The annual complaints performance and service improvement report must be reported to the landlord's governing body (Cabinet) and published on the section of its website relating to complaints. Cabinet's response to the report must be published alongside this.

Governing Body's response

- 5.17 When publishing the self-assessment as part of the annual complaints performance and service improvement report, landlords must include the Cabinet's response to the report. The purpose of publishing the Cabinet's response to the self-assessment is to provide assurance that the self-assessment is a true reflection of the landlord's complaint handling.
- 5.18 The response should set out how the MRC has scrutinised and challenged the self-assessment and how any risks identified as part of the review have been addressed.
- 5.19 We will include this response as a forward to the Annual Complaints and Performance Report.
- 5.20 Landlords should also include any lessons learned through the self-assessment process and actions taken as a result. The response can also highlight areas of achievement and any challenges that the landlord has faced during the reporting year. When doing so, landlords are encouraged to take an open and transparent approach to demonstrate accountability to their residents and other stakeholders.

6 Options Considered

- 6.1 The Council's annual submission for 2024 sets out how we comply with the Code and the evidence to support this position. If this was to not be completed or submitted, the Council would risk non-compliance with the Code.

7 Consultation

- 7.1 No formal consultation has been undertaken, the annual submission was completed by officers reviewing our processes and performance against the principles of the Complaints Handling Code.

8 Next Steps – Implementation and Communication

- 8.1 The current position regarding the annual submission will be communicated to all members and will be placed on the Council's website.

9 Financial Implications

- 9.1 There are no specific financial implications in the report.

Financial Implications reviewed by: Section 151 Officer, 3 June 2024

10 Legal and Governance Implications

- 10.1 The Code requires the Council to produce the annual submission and submit to Cabinet.
- 10.2 The Housing Ombudsman has powers which are now legislated as referred to in the body of the report.
- 10.3 Any findings of maladministration or failure will continue to be reported in accordance with the Local Government and Housing Act 1989. The provisions within this report are additional to that reporting requirement.
- 10.4 Failure to take the action specified in a complaint handling failure order could result in the Ombudsman taking further action such as referrals to the landlord's governing body or the Regulator of Social Housing, ordering the landlord to publish details of its failure to comply and/or publishing a special report on the landlord's non-compliance.
- [Guidance on determinations of complaint handling failure and orders \(housing-ombudsman.org.uk\)](https://www.housing-ombudsman.org.uk)
- 10.5 There are no other direct Legal and Governance implications other than those identified within the body of the report.

Legal Implications reviewed by: Deputy Monitoring Officer

11 Equality and Safeguarding Implications

- 11.1 There are no specific Equality and Safeguarding implications in the report.

12 Data Protection Implications (Mandatory)

12.1 A Data Protection Impact Assessments (DPIA) has not been completed for the following reasons because there are no risks/issues to the data collated for the purpose of this report.

13 Community Safety Implications

13.1 There are no specific Community Safety implications in the report.

14 Environmental and Climate Change Implications

14.1 There are no specific Environmental and Climate Change implications in the report.

15 Other Implications (where significant)

15.1 There are no other significant implications in the report.

16 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Non-compliance with the HO's Complaint Handling Code.	Very Low	Critical	Medium Risk

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant				
	3 Low				
	2 Very Low			1	
	1 Almost impossible				

Risk No	Mitigation
1.	The Council's has recently reviewed its Customer Feedback and Complaints Policy and will keep this under regular review to ensure that we comply with the HO's Complaint Handling Code. We have a process in place to produce the necessary documentation to produce the documentation and publish this by the 30 th June 2024 deadline.

17 Background Papers

17.1 None

18 Appendices

18.1 Appendix 1 – Self-Assessment 2024

18.2 Appendix 2 – Annual complaints performance and service improvement report