

## **ANNUAL COMPLAINTS PERFORMANCE AND SERVICE IMPROVEMENT REPORT 2023/2024**

### **1. RECOMMENDATIONS**

- 1.1 That the Portfolio Holders for Finance and Corporate and Housing and Homelessness, in their capacity as Members Responsible for Complaints ('MRCs') and acting on behalf of the Cabinet:
- Approve the Council's annual complaints performance and service improvement report for 2023/2024 as contained at **Appendix 1**.
  - Approve the response to the annual complaints performance and service improvement report for 2023/2024 as contained in **Appendix 2** as the formal response from the Council's "governing body" as required by the relevant Code.

### **2. INTRODUCTION**

- 2.1 The purpose of this report is to provide a copy of the Council's annual complaints performance and service improvement report and proposed governing body's response to that report.
- 2.2 This report also outlines some of the key changes required to member scrutiny of complaints following two new Complaint Handling Codes from both the Local Government and Social Care Ombudsman and the Housing Ombudsman taking effect.

### **3. PREVIOUS PROCESS FOR MEMBER SCRUTINY OF COMPLAINTS**

- 3.1 Officers previously provided the Resources and Transformation Overview and Scrutiny Panel with the Council's annual complaints report at its November meeting for the preceding financial year. This annual report included an overview of complaints received, and dealt with, by the Council's Information Governance and Complaints Team during the relevant financial year. It also covered complaints where either the Local Government and Social Care or the Housing Ombudsman had been involved and some comparisons with previous years were included. This report also included some examples of the compliments and positive feedback that had been received by officers during the relevant time.
- 3.2 This report also provided members with the Council's self-assessment against the Housing Ombudsman's Complaint Handling Code which was in place previously.

### **4. NEW COMPLAINT HANDLING CODES**

- 4.1 There are two Ombudsmen with jurisdiction over the Council. The Housing Ombudsman for complaints from the Council's tenants relating to the Council in its capacity as their landlord and the Local Government and Social Care Ombudsman with jurisdiction over all other complaints.
- 4.2 In July 2020 the Housing Ombudsman published a Complaints Handling Code. This

code was introduced to provide a high-level framework to support landlords in handling housing related complaints. The Housing Ombudsman conducted a review of the code one year after it took effect to strengthen and support a positive complaint handling culture. The changes took effect from 1 April 2022. The Council's previous self-assessments were against this Code.

- 4.3 In September 2023 both the Housing Ombudsman and the Local Government and Social Care Ombudsman had launched a consultation on a Joint Complaint Handling Code ('the Joint Code'). The aim of the Joint Code was to put '*complaint handling at the heart of corporate governance in councils, requiring regular reporting of performance allowing for effective scrutiny of service delivery*'.
- 4.4 Following the outcome of the consultation it was concluded that it was not possible for the Joint Code to take effect due to the difference in the respective powers of each of the Ombudsman. In particular, the statutory power in accordance with the Social Housing (Regulation) Act 2023 for the Housing Ombudsman to issue a statutory code of practice and the statutory duty for the Housing Ombudsman to monitor compliance with the code. The Local Government and Social Care Ombudsman accordingly issued a separate non statutory code which is aligned to the Housing Ombudsman's statutory code.
- 4.5 From 1 April 2024, both the statutory [Housing Ombudsman's Complaint Handling Code](#) and the non-statutory [Local Government and Social Care Ombudsman's Complaint Handling Code](#) took effect.
- 4.6 The Council's Corporate Complaints Procedure was largely compliant with the Codes, However, some amendments to the procedure were required which took effect on 1 April 2024.

## **5. NEW REQUIREMENTS FOR MEMBER SCRUTINY OF COMPLAINTS**

- 5.1 The new Complaint Handling Codes include a requirement to produce an annual complaint performance and service improvement report for scrutiny and challenge which must include:
  - a) the annual self-assessment against the Code to ensure the Council's complaint handling policy remains in line with its requirements;
  - b) a qualitative and quantitative analysis of the Council's complaint handling performance. This must also include a summary of the types of complaints the Council has refused to accept;
  - c) any findings of non-compliance with the Code by the Ombudsman;
  - d) the service improvements made as a result of the learning from complaints;
  - e) any annual report about the Council's performance from the Ombudsman;
  - f) any other relevant reports or publications produced by the Ombudsman in relation to the work of the Council.
- 5.2 The Housing Ombudsman's Complaint Handling Code states that '*The annual complaints performance and service improvement report must be reported to the landlord's governing body (or equivalent) and published on the section of its website relating to complaints. The governing body's response to the report must be published alongside this.*' Guidance produced by the Housing Ombudsman provides that for a local authority, the governing body is Cabinet.
- 5.3 In addition, the Housing Ombudsman's Complaint Handling Code includes the following requirements:

1.70 *'...a member of the governing body (or equivalent) must be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC').*

1.71 *The MRC will be responsible for ensuring the governing body receives regular information on complaints that provides insight on the landlord's complaint handling performance. This person must have access to suitable information and staff to perform this role and report on their findings.*

1.72 *As a minimum, the MRC, and the governing body (or equivalent) must receive:*

- 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*
- d) *the annual complaints performance and service improvement report'*

5.4 The guidance produced by the Housing Ombudsman provides that for a local authority, the MRC will be the portfolio holder with responsibility for Housing.

5.5 In addition, the Housing Ombudsman's guidance published on its website states that the self-assessment form, the annual complaints performance and service improvement report and the governing body's response should be submitted to the Housing Ombudsman by 30 June each year for the preceding financial year (in line with the submissions date for the Regulator of Social Housing's Tenant Satisfaction Measures (TSM)).

5.6 The Local Government and Social Care Ombudsman's Complaint Handling Code, includes mostly equivalent provisions to those set out in the above paragraphs in section 5 of this report. However, the Local Government and Social Care Ombudsman is less prescriptive on who should hold the role of MRC. There is also no requirement for the self-assessment against the Local Government and Social Care Ombudsman's code nor the annual complaint performance and service improvement report to be submitted to them.

## **6. THE COUNCIL'S NEW ARRANGEMENTS**

6.1 In order to meet the new member scrutiny requirements, the following arrangements have been put in place:

- There will be two MRCs:
  - Housing and Homelessness Portfolio Holder – MRC - complaints under the jurisdiction of the Housing Ombudsman (and other Housing complaints).
  - Finance and Corporate Portfolio Holder – MRC - all other corporate complaints.
- The MRCs will be given regular updates on complaint handling through their Portfolio Holder Briefings.
- Cabinet, as the governing body, will also receive two reports per year on complaint

handling to meet the obligations under the Codes. One of these reports will include the annual complaints performance and service improvement report and provide the opportunity for the Cabinet's formal response to be taken which will be published and then submitted to the Housing Ombudsman by 30 June each year.

- It remains important that there is still general scrutiny of the Council's complaints handling process. There will be two updates provided to both the Housing and Communities Overview and Scrutiny Panel and the Resources and Transformation Overview and Scrutiny Panel each year.

## **7. ANNUAL COMPLAINTS PERFORMANCE AND SERVICE IMPROVEMENT REPORT FOR 2023/2024**

- 7.1 Whilst there is no requirement to submit information to the Local Government and Social Care Ombudsman, it is recognised that there is a benefit in the Council producing a single report which covers all of our complaint handling and all services of the Council. The Housing Ombudsman has confirmed that this approach is acceptable for the submission to them provided it is clear which parts of the report relate to tenant complaints.
- 7.2 This report takes a different form to the Council's previous complaints reports to meet the enhanced requirements of the codes as outlined in paragraph 5.1 above. The report includes reflective analysis on the 2023/24 financial year, as well as proposing actions with the aim of improving the Council's complaint handling going forward. The report also includes compliments and positive feedback.
- 7.3 As a result of the timings of the newly issued codes taking effect on 1 April 2024, the 30 June 2024 submission date, and the Council's scheduled meeting timetables, it will not be possible for full Cabinet to receive the annual complaints performance and service improvement report for 2023/2024 before its submission.
- 7.4 The Housing Ombudsman has confirmed that it is acceptable for this year's report to be approved by, and the response provided on behalf of Cabinet by, the MRCs through a portfolio holder decision.
- 7.5 Accordingly, the Council's proposed annual complaints performance and service improvement report for 2023/2024 is included at **Appendix 1** for approval.
- 7.6 In addition, the proposed Governing Body's response to the annual complaints performance and service improvement report for 2023/2024 is included at **Appendix 2** for approval.

## **8. CONCLUSION**

- 8.1 There have been significant changes to the Council's complaint handling requirements because of the new complaint handling codes.
- 8.2 There are also increased requirements for member scrutiny of complaints to involve Cabinet, as the Council's governing body, and the appointment of MRCs.
- 8.3 The annual complaints performance and service improvement report (as well as the self assessments against the complaint handling codes) is a significant piece of work which highlights key trends, learning from complaints and importantly, actions to be taken in the future to enhance the Council's complaints handling.

**9. DATA PROTECTION/ FINANCIAL/ CRIME & DISORDER/ ENVIRONMENTAL/  
EQUALITY AND DIVERSITY IMPLICATIONS**

9.1 There are none directly arising from the report.

**10. FINANCE AND CORPORATE PORTFOLIO HOLDER PORTFOLIO HOLDER  
ENDORSEMENT**

**I have agreed to the recommendations of this report.**

**Sign: Jeremy Heron**

**Date: 13 June 2024**

**HOUSING AND HOMELESSNESS PORTFOLIO HOLDER  
ENDORSEMENT**

**I have agreed to the recommendations of this report.**

**Sign: Steve Davies**

**Date: 13 June 2024**

**For further information please contact:**

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**Background Papers:**

Public documents and  
exempt info

Date on which notice given of this Decision – 13 June 2024

Last date for call in – 20 June 2024