

Cabinet – 4 December 2024

Half Yearly Update Complaints Performance and Service Improvement Report

Purpose	For Review
Classification	Public
Executive Summary	<p>The Council must comply with increased self-assessment, reporting and compliance and scrutiny requirements in relation to its complaints handling and performance as set out in the Housing Ombudsman’s statutory Complaint Handling Code and the Local Government and Social Care Ombudsman’s non-statutory Complaint Handling Code.</p> <p>To meet these requirements, the Council now produces an annual complaints performance and service improvement report for each financial year, which must be approved by Cabinet, as the Council’s governing body, and submitted to the Housing Ombudsman by 30 June each year.</p> <p>The Council has also chosen to prepare a half yearly update to provide the Resources and Transformation Overview and Scrutiny Panel and Cabinet with an overview of complaint handling following the end of the first half of each financial year.</p> <p>This report includes the half yearly update for the period 1 April 2024 to 30 September 2024 which was scrutinised by the Resources and Transformation Overview and Scrutiny Panel (with members of the Housing and Communities Overview and Scrutiny Panel invited) on 21 November 2024.</p>
Recommendations	That Cabinet note the half yearly update.

Reasons for recommendation	The half yearly update on complaints has been introduced to meet increased scrutiny requirements, as set out in the complaint handling codes, ensuring both overview and scrutiny panels and Cabinet, as the governing body, receive regular updates on complaint handling.
Wards	All
Portfolio Holders	Councillor Jeremy Heron – Finance and Corporate Councillor Steve Davies - Housing and Homelessness
Strategic Directors	Alan Bethune – Strategic Director Corporate Resources & Transformation
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Introduction and background

1. The purpose of this report is to provide members with a half yearly update complaints performance and service improvement report to cover the period 1 April 2024 to 30 September 2024 (**Appendix 1**).
2. This report also outlines some of the key changes 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.

Previous process for member scrutiny of complaints

3. 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.

4. This report also provided members with the Council's self-assessment against the Housing Ombudsman's Complaint Handling Code which was in place previously.

New Complaint Handling Codes

5. 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.
6. 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.
7. In September 2023 both the Housing Ombudsman and the Local Government and Social Care Ombudsman 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*'.
8. 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.
9. 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.

10. 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.
11. The new Complaint Handling Codes include a requirement to produce an annual complaints 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.
12. 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.
13. 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'*

14. The guidance produced by the Housing Ombudsman provides that for a local authority, the MRC will be the portfolio holder with responsibility for Housing.
15. 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)).
16. The Local Government and Social Care Ombudsman's Complaint Handling Code, includes mostly equivalent provisions to those set out above. 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.

The Council's New Arrangements

17. To meet the new member scrutiny requirements, the following arrangements have been put in place:
 - There are 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:
 - June - The annual complaints performance and service improvement report will be considered and the governing body's formal response will be approved, prior to being published and then submitted to the Housing Ombudsman by 30 June each year.
 - December – The half yearly update report.
- Overview and Scrutiny Panels:

It remains important that there is still general scrutiny of the Council's complaints handling process. The panels will receive two updates per year:

- November - Resources and Transformation Panel (Housing and Communities Panel members invited) – The half yearly update report.
- The arrangements for the scrutiny of the annual complaints performance and service improvement report prior to June Cabinet (and the 30 June submission date) are being reviewed due to the timings of scheduled meetings.

Annual Complaints Performance And Service Improvement Report For 2023/2024

18. The annual complaints performance and service improvement report 2023/24 took a different form to the Council's previous complaints reports to meet the enhanced requirements of the complaint handling codes. The report included 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 included compliments and positive feedback.
19. 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 was not possible for full Cabinet to receive the annual complaints performance and service improvement report for 2023/24 before its submission.

20. The Housing Ombudsman confirmed that it was acceptable for this report to be approved by, and the response provided on behalf of Cabinet(as the governing body) by, the MRCs through a portfolio holder decision.
21. The [joint portfolio holder decision](#) was made on 13 June 2024. The submission to the Housing Ombudsman took place before the 30 June 2024 deadline and the documents are published on the Council's webpage: [Feedback, comments and complaints - New Forest District Council](#).

Half yearly update report

22. The half yearly update report is included at **Appendix 1**.
23. This report also includes a link to the published annual complaints performance and service improvement report 2023/24.

Corporate plan priorities

24. Our approach to complaint handling is in line with the Council's [Corporate Plan 2024 to 2028 for people, place and prosperity](#) and our values: LEAF:
 - Learning: we use complaints as an opportunity to learn from our mistakes.
 - Empathy: we show empathy to complainants.
 - Ambition: we have ambition to improve our services where it is identified that someone has not received the standard of service that they should have.
 - Fairness: we are fair to complainants and residents in our complaint handling.

Options appraisal

25. An alternative option would be for Cabinet to only receive one update each year on complaints. However, it is considered that bringing two updates is more in keeping with the requirements of the complaint handling codes.

Consultation undertaken

26. EMT has been consulted on this report.
27. The MRCs have also received an update on the information included within the report through their portfolio holder briefings.

28. This report and **Appendix 1** have been considered by the Resources and Transformation Overview and Scrutiny Panel (with members of the Housing and Communities Overview and Scrutiny Panel invited).

Financial and resource implications

29. There are none arising directly from this report.

Legal implications

30. The Council is subject to a legal requirement to comply with the Housing Ombudsman's statutory Complaint Handling Code.
31. The Council should also be complying with the Local Government and Social Care Ombudsman's non-statutory Complaint Handling Code.

Risk assessment

32. A formal risk assessment is not deemed to be required.

Environmental / Climate and nature implications

33. There are none arising directly from this report.

Equalities implications

34. There are none arising directly from this report.

Crime and disorder implications

35. There are none arising directly from this report.

Data protection / Information governance / ICT implications

36. There are none arising directly from this report.

Appendices:

Appendix 1 – Half yearly update complaints performance and service improvement report

Background Papers:

Published documents as referred to within report