



Community & Children's Services Committee SUPPLEMENTARY AGENDA

Date: THURSDAY, 4 JULY 2024
Time: 12.00 pm
Venue: COMMITTEE ROOMS, WEST WING, GUILDHALL

25. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

a) **Complaints Policy Update** (Pages 3 - 18)

Report of the Executive Director, Community and Children's Services.

41. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED

a) **Sport & Leisure Facility Investment – Options Appraisal** (Pages 19 - 58)

Joint Report of the Executive Director, Community and Children's Services and the Executive Director, Corporate Communications and External Affairs.

Please note this report replaces agenda item 36.

b) **Sydenham Hill Redevelopment, Lewisham - Issue Report** (Pages 59 - 82)

Report of the City Surveyor.

Ian Thomas CBE
Town Clerk and Chief Executive

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Committees: Community and Children’s Services Committee – For decision Housing Management and Almshouses Sub-Committee – For Information	Dated: 04/07/2024 09/10/2024
Subject: Housing Complaints Policy Update	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	Providing Excellent Services
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	£
What is the source of Funding?	
Has this Funding Source been agreed with the Chamberlain’s Department?	N/A
Report of: Judith Finlay, Executive Director of Community and Children’s Services	For Decision
Report author: Liam Gillespie, Head of Housing Management, Department of Community and Children’s Services, Housing Division	

Summary

The City Corporation is a compulsory member of the Housing Ombudsman scheme, which has a Complaint Handling Code (“the Code”) for social landlords which stipulates how complaints from residents should be handled.

The Code became statutory from 1 April 2024, in accordance with the Social Housing (Regulation) Act 2023. Landlords are now required to complete and publish an annual self-assessment against the Code. The Housing Division’s self-assessment has been finalised, and updates have been made to the current Housing Complaints Policy to reflect new or changed requirements of the Code.

Performance information on complaints will be submitted to every meeting of the Housing Management and Almshouses Sub-Committee from October 2024, to give Members greater oversight of our work in this area, and our compliance with the Code.

A revised Compensation Policy is being developed and will be submitted for Sub-Committee approval in October 2024.

Recommendation

Members are asked to:

- Approve the updated Housing Complaints Policy for use by the Housing Division

Main Report

Background

1. The City Corporation is a compulsory member of the Housing Ombudsman Scheme, which provides a free, impartial, and independent service for investigating complaints from tenants and leaseholders. Their remit is set out in the Housing Ombudsman Scheme.
2. The Ombudsman has issued a Complaint Handling Code (“the Code”), which sets out the Ombudsman’s expectations of social landlords in relation to complaints. The Code has existed for several years, however from 1 April 2024 it became statutory in accordance with the Social Housing (Regulation) Act 2023.
3. Self-assessment against the Code is now required annually, along with compulsory performance reporting in complaints handling. The self-assessment and annual performance report must be submitted to Members and published online.
4. The Code also sets out how landlords must respond to complaints and imposes a two-stage process. Further provisions are made around access to complaints processes, ensuring fairness and impartiality, and ensuring landlords put things right when fault is found.

Current Position

5. The Housing Complaints Policy was last approved by Members in September 2021. Since then, the Complaint Handling Code has been updated twice. In response to the most recent iteration of the Code, the policy has been reviewed and some amendments made to better reflect the requirements of the Housing Ombudsman. These are set out in more detail in **Appendix One**, though some examples include:
 - Increasing the time in which a complaint must be made from 6 months to 12 months
 - Clarifying information on the application of discretion when considering applying an exclusion
 - Being clearer about timescales for acknowledging complaints and applying extensions
 - Including information on performance reporting and governance oversight, to reflect the requirements of the Code
 - Reflecting the nomination of a Member Responsible for Complaints and Senior Lead Person, as previously agreed at Committee

Proposals

6. Members are asked to approve the updated Housing Complaints Policy (**Appendix Two**), which provides a public statement of our approach to complaints from residents and underlines our commitment to meeting the requirements of the Housing Ombudsman's Complaint Handling Code.
7. The policy will next be reviewed in 2027, or sooner if there are changes to regulation or good practice in this area.

Corporate & Strategic Implications

Strategic implications

The provision of a robust complaints process supports the outcome of 'Providing Excellent Services' in the Corporate Plan 2024-29, through learning from complaints which will inform adjustments and improvements to service provision.

Financial implications

None.

Resource implications

None.

Legal implications

None.

Risk implications

The Housing Complaints Policy addresses our approach to complying with regulatory requirements around complaints, and through regular monitoring will reduce the risk of non-compliance with the relevant Consumer Standards (set by the Regulator of Social Housing) and the expectations of the Housing Ombudsman.

Equalities implications

The updated policy addresses how we will take account of situations where equalities considerations are engaged, and how we will respond. This may include the making of reasonable adjustments to enable complainants to participate in the complaints process more easily, and separate policies on Reasonable Adjustments and Equality, Diversity and Inclusion are in place within the Housing Division. Officers responsible for complaints handling, and staff generally, will be provided with training on these areas, to ensure compliant practice and reduce the risk of discrimination or unequal treatment.

Climate implications

None.

Security implications

None.

Conclusion

8. In response to the recent changes to the Housing Ombudsman's Complaint Handling Code, officers completed a self-assessment which has resulted in updates being made to the Housing Complaints Policy.
9. Members are asked to approve the revised policy for use by the Housing Division, to ensure that it reflects current regulatory requirements. A revised Compensation Policy will be submitted to the Housing Management and Almshouses Sub-Committee in October 2024, along with a performance update on housing complaints.

Appendices

- Appendix One: Table of revisions to current Housing Complaints Policy
- Appendix Two: updated Housing Complaints Policy (version 4)

Liam Gillespie

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Amendments to the Housing Complaints Policy

The following amendments have been made to the 2021 version of the Housing Complaints Policy, to reflect the changes introduced in the Housing Ombudsman's Complaint Handling Code.

Section	Amendment
2. Policy Aims and Objectives	<ul style="list-style-type: none"> • Reference made to the Complaint Handling Code
3. Definitions	<ul style="list-style-type: none"> • Clarified wording on accepting complaints, even if express reference is not made to 'making a complaint'
4. Exclusions	<ul style="list-style-type: none"> • Changed "Age" of complaints from six months to twelve months • Clarified our approach to imposing exclusions and how we will explain decisions to the complainant • Inserted reference to the complainant's right to take any decision to exclude a complaint directly to the Ombudsman
6. Legislation and Regulations	<ul style="list-style-type: none"> • Updated the section to reflect the changed Consumer Standards set by the Regulator of Social Housing
7. Our approach to complaints	<ul style="list-style-type: none"> • Inserted reference to making reasonable adjustments to make the process as accessible as possible • Clarified that complaints can be made to anyone, in any format, and that staff will be aware of this • Clarified how we will publicise our process and the information we will make available on the Ombudsman's services and the Complaint Handling Code • Included more detail on the different stages of the complaints process, including acknowledgments and extensions • Inserted reference to the requirement that we must accept Stage Two complaints without the complainant being asked to justify their request • Included new text on how we handle 'new' complaints made during the course of an existing formal complaint • Revised text on remedies, to reflect the language used in the Complaint Handling Code • Made reference to our Unreasonable Behaviour Policy and removed reference to the former Vexatious Complainants Policy
8. Responsibilities, Monitoring and Performance	<ul style="list-style-type: none"> • Inserted reference to the Member Responsible for Complaints and the Senior Lead Person

Housing Complaints Policy Update
APPENDIX ONE

	<ul style="list-style-type: none">• Included the reporting cycle for performance information to be submitted to Committee• Inserted reference to the Annual Complaints and Service Improvement Report
9. Equalities	<ul style="list-style-type: none">• New section inserted
10. Data Protection etc.	<ul style="list-style-type: none">• New section inserted
11. Associated Policies	<ul style="list-style-type: none">• Amended to reflect policy updates since 2021



City of London Corporation
Department of Community & Children's Services
Housing Service

Housing Complaints Policy

Approved by:	<i>Housing Management & Almshouses Sub-Committee</i>
Original Approval Date:	<i>May 2017 (v.1), May 2019 (v.2), Sept. 2021 (v.3)</i>
Review Date:	<i>May 2024 (this version – v.4)</i>
Re-Approval Date:	
Next Review Date:	+3 years

1. **Purpose and scope**

1.1 We have this policy because we want our residents and service users to know about our approach to complaints. We aim to provide good quality services but sometimes we get it wrong. When this happens, we want to make it as easy as possible for residents to tell us and know that we will respond positively, quickly and fairly.

1.2 This policy applies to:

- City of London tenants, leaseholders and freeholders who receive services from the Housing Service
- Those affected by the City of London Housing Service
- Those applying for services delivered by the City of London Housing Service

2. **Policy aims and objectives**

2.1 Our priority is to put things right when they go wrong. To help us do this, we aim to deliver an excellent complaint handling service that puts the complainant at the heart of what we do and gives them the chance to express their point of view and the outcome they are seeking.

2.2 A key objective of this policy is to help us better understand the resident experience. We will use this insight as an opportunity to learn and continually improve our services.

2.3 This policy is intended to enable us to comply with the Housing Ombudsman's Complaint Handling Code.

3. **Definitions**

3.1 We have adopted the following definition of a complaint from the Housing Ombudsman's Complaints Handling Code:

A complaint is 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.

3.2 Regardless of the definition that we adopt, if a resident tells us that they are not satisfied with a service we will take steps to resolve the issue as quickly as possible. The complainant does not need to state that they wish to make a 'complaint' when they express dissatisfaction; we will give them the choice to make a complaint and advise them on how to do this.

4. **Exclusions**

4.1 We cannot always accept a complaint. Sometimes we will have valid reasons such as the following:

- **Age** – The issue giving rise to the complaint occurred more than 12 months ago, unless it is a recurring problem. We will consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so.
- **Legal action** – A complainant pursues the issue through a legal route. This will not stop us trying to resolve the issue.
- **Previous complaints** – A matter has already been considered and reviewed using the complaints service
- **Not within our control** – Complaints about services, people or bodies over which we have no control.
- **Insurance claims** - A claim for damages or personal injury which will be dealt with as an insurance claim.
- **Alternative appeals or review procedures** – Issues over which there is an alternative redress process.

We do not take a ‘blanket’ approach to exclusions and will consider each case on its particular facts. Where a complaint is not accepted, we will write to the complainant, setting out the reasons why the matter is not suitable for the complaints process and informing them of their right to take that decision to the Housing Ombudsman. Details on how to contact the Housing Ombudsman Service will be provided.

If the Housing Ombudsman does not agree with the exclusion and asks us to complete an investigation, we will do so.

5. **Service standards**

5.1 When we provide a complaints service, residents can expect the following from us:

- To be provided with information about our complaints service in a variety of formats
- If we do not accept a complaint, we will explain the reasons why
- Use plain language and make clear the outcome of the complaint
- Acknowledge a complaint within 2 working days
- Provide a response at Stage 1 of our process within 10 working days

- Provide a response at Stage 2 of our process within 20 working days of the complaint being escalated.
- When we offer a remedy, we will set out what we intend to do and the timescales
- If we decide not to escalate a complaint, we will provide an explanation

6. **Legislation and regulation**

6.1 This policy will have regard to the following requirements of the Regulator of Social Housing:

- Value for Money Standard – We will make the best use of our resources by learning from complaints and minimising mistakes.
- Transparency, Influence and Accountability Standard - We will adopt an approach to complaints that is clear, simple and accessible and ensure that complaints are resolved promptly, politely and fairly. We will treat complainants fairly and with respect.

6.2 In April 2024, the Housing Ombudsman’s revised Complaint Handling Code came into effect. This policy will ensure we comply with the Code and that we are able to meet the expectations of the Housing Ombudsman and the Regulator of Social Housing, relating to housing complaints.

7. **Our approach to complaints**

7.1 **Access**

We will make the complaints service accessible to all residents using a range of channels through which residents can make a complaint, including our website and any official social media platforms. We will comply with our Equality Act duties and tailor our service to meet an individual’s needs, making whatever adjustments are required, in accordance with our Reasonable Adjustments Policy.

Residents can make a complaint in any way, and to any member of staff. We will accept complaints made by a resident’s representative and fully engage with the representative when we handle the complaint. We will also encourage and signpost residents to advice and advocacy services as appropriate.

We will ensure that all staff understand the difference between a service request and a complaint and that they are aware of the complaints process. We will also ensure that staff understand that we accept complaints in any format, and where they should be directed.

7.2 Awareness

We will raise awareness of our complaints service. We will use our website, newsletters, leaflets and other communications to ensure residents know how to complain.

As part of the information that we make available to residents on our website, we will include contact information for the Housing Ombudsman, and information about the Complaint Handling Code. We will explain the role of the Housing Ombudsman and ensure residents are aware that they can contact the service at any point for help and advice throughout their complaint.

We will also publish this policy on our website and provide it by e-mail or in hard copy upon request.

7.3 Complaints handling process

We want to make complaint handling a resident friendly experience. Our Housing Complaints Team will take responsibility for a complaint and work with colleagues to find a speedy resolution. Complaints will be acknowledged and recorded, and early contact made to ensure we understand the issues and the outcome the resident is seeking.

Our priority will be to resolve the complaint at the earliest opportunity. We will ask residents to allow us the opportunity to find a speedy resolution, however we do not have a separate 'Stage 0' or 'informal' stage and will advise the complainant of their right to make a formal complaint when they contact us. Where the complaint requires formal consideration, we have a two-stage process.

Acknowledgments

When a complaint is acknowledged at either stage, we will be clear which aspects of the complaint we are, and are not, responsible for and clarify any areas where this is not clear. Where we are not responsible, we will signpost or refer the complainant to the appropriate place.

Extensions

On receipt of a complaint, we will determine if it is a complex case requiring an extended timescale. The complainant will be notified of the extended timescale and the reasons for this. Extensions are no more than 10 days for Stage One investigations, and 20 days for Stage Two investigations unless there is good reason. The reason for any extension will be clearly explained to the resident.

Stage One

The first stage will be a full and fair investigation. The investigation will be carried out by a senior manager who will be impartial and seek the information they need to find an outcome that would resolve the matter for the resident.

Stage Two

When it is not possible to find a resolution, we have a second stage in our process that allows residents to request a review of their complaint. The review will give residents the opportunity to challenge the earlier decision.

We will not unreasonably refuse to escalate a complaint to the next stage. If we refuse to allow escalation, we will explain the reasons for our decision.

Complainants are not required to explain their reasons for requesting a stage 2 consideration, however we will make reasonable efforts to understand why the resident remains unhappy as part of our stage 2 response.

When a resident is not satisfied with our response, we will ensure that they are aware of how to contact the Housing Ombudsman. We will fully co-operate with the Ombudsman and continue to look to resolve the complaint.

Additional Complaints

If a complainant raises an additional complaint during the investigation, we will incorporate it into the investigation at Stage 1 if the subject is related to the complaint currently under investigation. If the stage one complaint response has been issued, or if the subject of the new complaint does not relate to the existing one, the new issues will be logged as a new complaint.

7.4 Communication

We will make information about our complaints service available in clear and accessible formats. All our communications will use plain language. When we respond to complaints, we will make the outcome clear and explain the reasons

for any decision made. We will keep residents regularly updated using methods of communication agreed with the resident.

Where a resident's expectation is unrealistic or unreasonable, we will explain this to the resident. If we consider that it may help to resolve a complaint, we seek the complainant's permission to engage with professional mediators as an alternative means of finding an effective resolution.

We will report back to our involved residents on our performance and ensure that information is regularly provided to all residents on how well we are delivering our complaints service and improvements that have come about as a result of complaints.

7.5 Putting things right

We know that for most complainants when we have failed to provide a service the priority is to put things right. We will have processes in place to ensure a complaint can be remedied at any stage of our complaints process, and that appropriate remedies can be provided at any stage of the complaints process without the need for escalation.

When we have failed in service delivery, or where something has gone wrong, we will acknowledge this and apologise. Outcomes may include:

- a) Setting out the actions that we have taken or intend to take to put things right
- b) Providing an explanation, assistance, or reasons for an action or decision
- c) Reviewing and reconsidering decisions taken
- d) Amending or correcting records
- e) Providing a financial remedy (please refer to the Compensation Policy)
- f) Changing policy, procedure or working practices

Any remedy that is offered by us will reflect the extent of the service failure and the impact on the resident. When needed we will exercise appropriate discretion to find a remedy.

We recognise that finding a remedy may not in itself repair our relationship with our resident. In order to build confidence, we may at times engage the services of an independent third party to investigate or review a complaint.

7.6 Learning and improvement

We will ensure that we learn from complaints to keep improving. We will look beyond individual complaints to identify where our processes or policies need to

change. We will ensure that this approach is part of our service planning framework and informs staff training.

7.7 Unacceptable complainant behaviour

If a complainant behaves unreasonably at any stage of the complaints process, we will apply our policy on unreasonable behaviour. Unacceptable or unreasonable behaviour could include:

- making numerous complaints about minor matters or matters which staff cannot change, which take up an unreasonable amount of staff time
- contacting multiple officers to complain about the same issue
- being abusive or offensive to staff or using inappropriate language
- making unfounded or unsupported complaints that may be malicious in nature.

If we consider a complainant to be unreasonable, we may close an existing complaint down or limit the means by which the resident can communicate with us. Decisions will be made in accordance with our Unreasonable Behaviour Policy and due regard will be had to any applicable equalities considerations. Once a decision has been made, we will inform the complainant and explain the reasons for our decision.

8. Responsibilities, monitoring and performance

8.1 Overall responsibility for this policy and its implementation rests with the Assistant Director of Housing Management, as the senior lead person responsible for complaints. The Assistant Director will ensure that staff receive the appropriate training and support to achieve the aims of this policy. Where needed we may establish appropriate operational procedures.

8.2 Monitoring of the implementation of this policy and our performance in handling complaints will be the responsibility of the Housing Management and Almshouses Sub-Committee. The Chairman of that Committee is the Member Responsible for Complaints. We will provide complaints performance information to this Committee on a quarterly basis. Performance on complaints will also be included in our Annual Report for Tenants. We will carry out regular self-assessments against the Complaints Handling Code and ensure that our performance measures drive improvements.

8.3 We will publish an Annual Complaints and Service Improvement Report, as required by the Complaint Handling Code. This will be presented to Committee. It will include:

- a) an annual self-assessment against the Ombudsman Complaints Handling Code to ensure that this policy remains in line with its requirements.
- b) analysis of complaints including a summary of complaints that have not been accepted for investigation.
- c) findings of non-compliance with the Code by the HOS
- d) annual report about the landlord's performance from the HOS
- e) any other report of publications produced by the HOS in relation to the work of the landlord.

This report, and the Committee's response, will be published online.

8.4 We will publish complaints performance information on our website, along with our annual self-assessment against the Complaint Handling Code.

9. Equalities

9.1 We will make reasonable adjustments for complainants where appropriate under the Equality Act 2010, and our Reasonable Adjustments Policy. We will keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments will be kept under active review.

10. Data Protection and Confidentiality

10.1 We will comply with our obligations under relevant data protection legislation and regulations. We will process and store personal information securely. There are some circumstances in which we are required by law to disclose information given to us. Where possible, we will explain this duty to the person providing us with the information before disclosing it.

11. Associated policies

- Compensation Policy
- Unreasonable Behaviour Policy
- Reasonable Adjustments Policy

12. Document Management

Document review history			
Version	Date amended	Date approved	Key changes
1.0		May 2017	New policy
2.0		May 2019	Re-approval only
3.0	Sept. 2021	20/09/2021	Stage three removed to comply with Ombudsman's Complaints Handling Code Stage Two timescale extended to 20 working days
4.0	May 2024		

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