

Committee:	Dated:
Housing Management and Almshouses Sub-Committee	20/09/2021
Subject: Housing Complaints Policy Review	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	4
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
Report of: Director of Community and Children's Services	For Decision
Report author: Liam Gillespie, Head of Housing Management	

Summary

The Housing Division's Complaints Policy has been redrafted and several changes made to bring it in line with the provisions of the Housing Ombudsman's Complaints Handling Code of 2020.

In accordance with the Complaints Handling Code, officers now propose to adopt a two-stage complaints process and extend the timescale for Stage Two responses. These changes are intended to encourage early resolution of complaints and make the complaints process more accessible and straightforward for residents.

Recommendation

Members are asked to:

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

Main Report

Background

1. The Housing Division has a well-established complaints process, supported by a Complaints Policy, which was last approved by Committee in May 2017. This currently involves a three-stage process. Once these stages are exhausted,

residents may escalate their complaint to the Housing Ombudsman if they remain dissatisfied.

2. The current three stages are:

- Stage One: investigation by a Senior Manager or Head of Service (reply within 10 working days)
- Stage Two: Assistant Director (reply within 10 working days)
- Stage Three: Town Clerk's Department (normally allocated to an Assistant Director outside DCCS; response due within 10 working days)

3. The Corporation is a mandatory member of the Housing Ombudsman Scheme and residents may escalate their complaint to the Ombudsman if they remain dissatisfied once our complaints process is exhausted. The Ombudsman may investigate complaints referred to them and recommend a resolution. If the Ombudsman believes that we are at fault, or we have not done enough to put things right, it can make recommendations for the resolution of the complaint.

4. The Ombudsman may make findings of service failure or maladministration against a landlord, impose a requirement to pay compensation, or require the landlord to take other steps to conclude the complaint.

5. Most complaints are resolved successfully at Stage One, though some escalate through the process and end up with the Ombudsman each year. In 2020/21, we received a total of 52 complaints across Housing and Repairs, of which eight went to Stage 3 and five were referred to the Ombudsman.

6. In 2020, the Ombudsman issued a new Complaints Handling Code ("the Code"). The Code sets out best practice for the handling of complaints by social landlords which are members of the Ombudsman scheme. It is intended to ensure that landlords have an easily accessible and resident-focused complaints procedure, which is fair to complainants and geared towards resolving complaints at an early stage.

7. The Code is intended to make it easier and quicker for residents to seek redress for their landlords' service failures. Non-compliance with the Code on the part of a landlord can result in a finding of "complaints handling failure", which may result in the landlord being ordered to provide redress, including financial compensation, to the complainant. It may also refer the matter to the Regulator for Social Housing. These findings are published on the Ombudsman's website.

8. One significant change set out in the Code is that landlords are expected to have a two-stage complaints procedure unless it is absolutely necessary to offer three stages. This supports the aim of ensuring the timely resolution of complaints.

9. Another change recommended in the Code is the adoption of standard timescales for complaints responses. For Stage Two, the maximum

recommended time is 20 working days. This balances the need to provide a timely response with allowing landlords the time to provide a meaningful response which has been properly investigated.

Current Position

10. Landlords are required to complete a self-assessment against the Code. The Housing Division's self-assessment shows that we are largely compliant with it, however we currently do not meet the recommendation that we offer a two-stage process.

11. The Code states:

3.6: A landlord's complaints procedure shall comprise of two stages. This ensures that a resident has the opportunity to challenge any decision by correcting errors or sharing concerns via an appeal process.

3.8: The Ombudsman does not believe a third stage is necessary as part of a complaints process but if a landlord believes strongly it requires one, it should set out its reasons as part of the self-assessment. A process with more than three stages is not acceptable under any circumstances in the Ombudsman's view.

12. The two-stage process outlined in the Complaints Code is intended to:

- Give complainants redress within a reasonable timeframe
- Allow them to appeal an initial decision internally and for any mistakes at stage one to be corrected
- Encourage landlords to adopt a constructive approach to early complaints resolution rather than sticking rigidly to a formal process

13. The rationale behind having a third stage, dealt with elsewhere within the Corporation, is presumably to demonstrate impartiality. However, there are controls in place to ensure that complaints are effectively and fairly investigated within the Housing Division, such as asking managers from different teams to investigate if needed, and complaints investigations being reviewed by a senior manager, who was not involved in the investigation, before completion.

14. All complaints responses at Stages 1 and 2 are also reviewed by the Quality and Performance Manager before being issued, to ensure that they answer the complaint in full and demonstrate that a comprehensive investigation has taken place.

15. Bearing in mind the spirit of the Complaints Code, it is considered that there is no compelling reason to retain a third stage and it cannot be said to be absolutely necessary as required by the Ombudsman.

16. Having two stages, with proper checks and balances to ensure impartiality and quality, will better serve residents and ensure that a higher quality of service is provided to complainants.
17. With the upcoming changes to housing regulation and the need for landlords to become more transparent, responsive and accountable to residents about their performance, moving to a two-stage process will demonstrate a commitment to trying to resolve complaints more efficiently and show a willingness to be held to account by residents and the Ombudsman.
18. A brief search of information available about other local authority landlords' procedures shows that many have already adopted two-stage processes for housing complaints, including Westminster, Southwark, Islington, Lambeth, Brent, Hackney, Enfield and Lewisham.
19. Regarding standard timescales, it is proposed that Stage One remains at 10 working days and Stage Two is changed to a maximum of 20 working days, in line with the Code. This will ensure that adequate time is given to conduct in-depth reviews at Stage Two.
20. Officers will of course attempt to resolve complaints as quickly as possible and any variance with these timescales will be communicated to the complainant.

Proposals

21. To bring the new Housing Complaints Policy in line with the Ombudsman's expectations, it is proposed that:
 - The Housing Division adopts a two-stage complaints process to comply with the Complaints Handling Code
 - The current Stage 3 (Town Clerk's) is discontinued
 - The timescale for responding at Stage Two is set at 20 working days

Corporate & Strategic Implications

Strategic Implications

22. The revised Housing Complaints Policy supports the aims of our Corporate Plan and Housing Strategy, in that it contributes to the effective management of our housing estates.

Conclusion

23. The Housing Complaints Policy has been re-written and has been changed to reflect the provisions of the Housing Ombudsman's Complaints Handling Code for social landlords.

24. It is proposed that the current Stage Three is removed in line with the Ombudsman's recommendations. It is also proposed to align the timescales for complaints responses with the maximums provided for in the Code.

Appendices:

- Appendix One: Draft Housing Complaints Policy (version two – 2021)
- Appendix Two: Housing User Board Consultation Feedback

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