

Committee:	Dated:
Residents Consultation Committee Barbican Residential Committee	20/09/2022 30/09/2022
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 – BRC For Information - RCC
Report author: Rosalind Ugwu, Interim Head of Barbican Estate	

Summary

The Housing Division's Complaints Policy was redrafted, and several changes made to bring it in line with the provisions of the Housing Ombudsman's Complaints Handling Code of 2020. The Housing Management and Almshouses Sub-Committee approved the revised policy on 20/09/2021.

The revised policy adopts a two-stage complaints process and extends 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.

It is proposed that Barbican Estate Office (BEO) adopts the revised Housing Complaints Policy to ensure and demonstrate compliance with both the Housing Ombudsman's Code and Housing Regulator's guidance

Recommendation

Members are asked to:

- Approve the proposal for the BEO to adopt the Housing Complaints Policy when dealing with formal complaints from residents of the Barbican Estate Office.

Main Report

Background

1. The BEO has a well-established complaints process, supported by a formal 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 its complaints process is exhausted. The Ombudsman may investigate complaints referred to it and recommend a resolution. If the Ombudsman believes that the Corporation is at fault, or, it has 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 2021/22, the BEO received a total of 7 complaints, of which 7 were resolved at stage 1 and 2 resolved at stage 2, none went to Stage 3, none were referred to the Ombudsman.
6. In 2020, the Ombudsman issued a new Complaints Handling Code ("the Code"). The Code sets out best practice guidance for the handling of complaints by social landlords who, 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 thoroughly investigated.

Current Position

10. Landlords are required to complete a self-assessment against the Code. The BEO’s self-assessment shows that we are largely compliant 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 Team, 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 original 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. The adoption of the Housing Complaint’s policy by BEO (as approved by this Committee) will ensure a fair and consistent response to complaints across all CoL residential tenures and align with the revised Housing Complaints Policy, approved by the Housing Management and Almshouses Sub-Committee on 20/09/2021
20. With regard to standard timescales, the revised Complaints Policy retains the 10 working days response time for Stage One and, for Stage Two responses, allows for a maximum of 20 working days, in line with the Code. This is to ensure that adequate time is given to conduct in-depth reviews at Stage Two.
21. Officers will naturally continue to attempt to resolve complaints as quickly as possible and any variance with these timescales will be communicated to the complainant.

Proposals

22. To bring the BEO in line with the Housing Division’s revised Complaints Policy and the Housing Ombudsman’s new Complaints Handling Code, it is proposed that:
 - The BEO adopts the existing two-stage complaints process to comply with the Complaints Handling Code.

Corporate & Strategic Implications

Strategic Implications

23. The revised Housing Complaints Policy supports the aims of our Corporate Plan and Housing Strategy, in that it contributes to the effective management of the Barbican Residential Estate.

Conclusion

24. The BEO requests the approval of this Committee to adopt the Housing Complaints Policy that has been recently revised to reflect the provisions of the Housing Ombudsman's Complaints Handling Code for social landlords.

25. The policy removes the current Stage Three process (Town Clerk) in line with the Ombudsman's recommendations. It also aligns the timescales for complaints responses with the maximum provided for in the Code.

Appendices:

- Appendix One: Housing Complaints Policy (2021)

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