

READING BOROUGH COUNCIL

REPORT BY THE EXECUTIVE DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	Housing Neighbourhoods and Leisure Committee		
DATE:	4 th January 2023		
TITLE:	Housing Ombudsman's revised Complaints Handling Code		
LEAD COUNCILLOR:	Cllr Emberson	PORTFOLIO:	Housing
SERVICE:	Housing	WARDS:	Boroughwide
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This is an information report regarding changes to legislation and Government Guidance that impacts on a Social Landlord's response to a complaint, Reading Borough Council Housing Services' compliance with the new Complaints Handling Code published by the Housing Ombudsman, and any changes in process required.
- 1.2 Appendix 1 - Reading Borough Council Housing Service's Complaints Handling Code Self-Assessment.
- 1.3 Appendix 2 - RBC Corporate Complaints Policy
- 1.4 Appendix 3 - Housing Complaints Leaflet

2. RECOMMENDED ACTION

- 2.1 That Committee note the requirements of the revised Complaints Handling Code from the Housing Ombudsman and Reading Borough Council Housing Service's associated Self- Assessment.

3. POLICY CONTEXT

- 3.1 The Housing Act 1996 created the Housing Ombudsman and as defined by section 51(2) of the Act, all Social Landlords are required to be members of the approved scheme. The Housing Ombudsman is expected to intervene when tenants are dissatisfied with the outcome of a complaint to their landlord, ensure disputes are resolved and residents receive redress where appropriate.
- 3.2 The Government published "The Charter for Social Housing Residents - Social Housing White Paper"¹ in 2020 which outlines seven principles that every social housing tenant should expect from their landlord. One of those principles is:

"To have your complaints dealt with promptly and fairly, with access to a strong Ombudsman who will give you swift and fair redress when needed."

¹ <https://www.gov.uk/government/publications/the-charter-for-social-housing-residents-social-housing-white-paper>

3.3 Housing Ombudsman - Revised Complaints Handling Code

In March 2022, as part of the enactment of the Social Housing white paper, the Housing Ombudsman published an updated Complaints Handling Code (CHC) for all Social Landlords, which came into effect on the 1st October 2022. A replacement Housing Ombudsman Scheme was also implemented on the same day, and compliance with the CHC is a mandatory requirement for membership to the scheme.

3.4 Key elements of the CHC are:

- Universal definition of a complaint
- Providing easy access to the complaints procedure and ensuring residents are aware of it, including their right to access the Housing Ombudsman Service
- The structure of the complaints procedure - only two stages are necessary and clear timeframes set out for responses
- Ensuring fairness in complaint handling with a resident-focused process
- Taking action to put things right and appropriate remedies
- Creating a positive complaint handling culture through continuous learning and improvement
- Demonstrating learning in annual reports
- Annual self-assessment against the Code.

3.5 It is also now required that a landlord's performance in relation to complaints will be reported to a 'Governing Body' on an annual basis. Complaints performance is already reported quarterly to the Lead Member for Housing and will now also be included in the Annual Housing Update and Works Programme report to Housing Neighbourhoods and Leisure Committee by the Assistant Director for Housing and Communities each March.

3.6 Compliance with CHC and overall performance and learning from complaints will be a key focus of the Inspections by the Housing Regulator proposed within the Social Housing Regulation Bill 2022.

3.7 Building Safety Act 2022

In addition to the revised CHC and Housing Ombudsman Scheme, The Building Safety Act 2022 removed the 'Democratic Filter' from the Housing Ombudsman's referral expectations. Therefore, tenants are no longer required to go to a designated person or wait 8 weeks after receiving a response from the landlord before approaching the Ombudsman. Tenants are now able to make a referral at any time and it will be investigated by the Ombudsman as soon as the Landlord's internal processes have been resolved.

4.1 **READING BOROUGH COUNCIL SELF- ASSESSMENT AND PROCESS CHANGES**

A key requirement for all Social Landlords is the annual completion and publication of a self-assessment against the CHC. Reading Borough Council's Housing Services' self-assessment is attached in Appendix A.

4.2 The self- assessment prompted a few minor updates to the Reading Borough Council Complaints Policy, information leaflet and template letters used for complaints regarding the Housing Service.

4.3 The revisions required were:

- Complaint leaflet and webpage updated to provide information on the Housing Ombudsman Scheme.
- Template letters for complaints updated to include details on how to contact the Housing Ombudsman, including when there are disputes regarding timelines for extensions.
- Details of the Housing Ombudsman included in tenant newsletters.

- Regular monitoring programme introduced by HCMT to ensure quality of response, follow through on remedies proposed and learning from complaints/ themes.
- 4.2 The assessment indicates that we are compliant with the Code in all but two areas, however, non-compliance is permissible for Local Authority Landlords in these two areas as long as they are working in line with a Corporate Complaints Procedure.
- 4.3 The areas of non-compliance are:
- The timeframes in which complaints are expected to be responded to - The Code requires that complaints are responded to in 10 working days, the Council's Policy is 20 working days.
 - The inclusion of Stage 0 - The Code states that there should not be a stage 0, but it is included as an internal complaint management step to encourage early resolution of complaints for the tenant. At Stage 0 the tenant is contacted by telephone and a follow up written response is provided. This does not replace the stage 1 if the tenant still requires a Stage 1 response.
- 4.4 The Council is required to publish the Self-Assessment on our Website.

5. CONTRIBUTION TO STRATEGIC AIMS

5.1 Reading Borough Council's vision is:

To help Reading realise its potential - and to ensure that everyone who lives and works here can share the benefits of its success.

5.2 Compliance with the CHC would ensure that tenants have a clear process for raising concerns regarding the Housing Service and are able to challenge a decision or outcome. Combined with high quality responses to the complaints and learning that is embedded into service delivery, monitored at a senior level, these processes will further support the Tenants' Voice being a valued part of shaping the Housing Service going forward.

5.3 Full details of the Council's [Corporate Plan](#) are available on the website and include information on the projects which will deliver these priorities.

6. ENVIRONMENTAL AND CLIMATE IMPLICATIONS

6.1 This report has no Climate or Environmental implications.

7. COMMUNITY ENGAGEMENT AND INFORMATION

7.1 No consultation is required as compliance with the CHC is mandatory. The Self-Assessment is required to be published on the Council's webpage.

8. EQUALITY IMPACT ASSESSMENT

8.1 No Equality Impact Assessment is required however it is expected that compliance with the CHC will improve the process for making a complaint about their landlord for all tenants and ensure an appropriate and timely response is received.

9. LEGAL IMPLICATIONS

9.1 The Housing Ombudsman Scheme is approved by the Secretary of State under section 51 of, and Schedule 2 to, the Housing Act 1996 as amended by the Localism Act 2011 and the Building Safety Act 2022 (the Act). The Act requires social landlords, as defined by section 51(2) of the Act, to be members of an approved scheme. The purpose of the Housing Ombudsman Scheme is to enable tenants and other individuals to have complaints about social landlords investigated by a Housing Ombudsman.

10. FINANCIAL IMPLICATIONS

10.1 There are no direct financial implications arising from this report.

11. BACKGROUND PAPERS

11.1 *Housing Ombudsman - Complaints Handling Code* : <https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/>