

Title of meeting: Governance and Audit and Standards Committee

Date of meeting: 24 January 2024

Subject: Corporate Complaint Policy: review and update

Report by: City Helpdesk Manager &
Assistant Director of Corporate Services

Wards affected: All

Key decision: No

Full Council decision: No

1. Purpose of report

To bring to the attention of the Governance & Audit & Standards Committee interim changes to the Corporate Complaints Policy, required to meet the legislative requirements of the Social Housing Regulation Act (2023) from 1 April 2024; and to provide the committee with an update on plans to formally review the [corporate complaints policy](#) once the outcome of a Local Government and Social Care Ombudsman (LGSCO) consultation on a statutory code for complaints is known.

2. Background

The current corporate complaint policy was developed in line with best practice guidance from the LGSCO and implemented in December 2021. The policy makes provision for biennial annual reviews to ensure it remains fit for purpose in terms of managing corporate complaints in line with our customers' expectations.

The first formal review of the policy was therefore due in December 2023 but has been put on hold pending the outcome of a consultation run by the LGSCO and the Housing Ombudsman on the introduction of a combined statutory code for complaints.

While the formal corporate complaint policy review is on hold, interim changes are needed to enable the council to comply with the requirements of the Social Housing Regulation Act from 1 April 2024.

3. The Social Housing Regulation Act (2023)

The Social Housing Regulation Act (2023) places the Housing Ombudsman's [Complaint Handling Code](#) on a statutory footing, which means from 1 April 2024 the council will have to handle landlord complaints in accordance with the code.

Housing, Neighbourhood and Building Services (HNBS) is establishing a dedicated complaint function to manage landlord complaints. A complaint manager has been recruited who will be responsible for establishing and managing a complaint policy and process for local authority housing landlord services, designed to ensure the council adheres to the code, which includes different requirements around timescales and reporting.

The new policy and process will be in place from 1 April 2024, and the following changes will be made to the [corporate complaint policy](#), also from 1 April 2024.

- Section 1.4: local authority housing landlord services complaints, including tall building complaints, will be added to the list of complaints that are outside the scope of the corporate complaint policy, and a link to the new policy and process will be included.
- Section 6, reference to the Housing Ombudsman will be removed.
- Section 8, an additional section will be added to explain that complaints relating to contractors/third-party providers working on behalf of the council acting in its capacity as a landlord will be dealt with in accordance with the local authority housing landlord services complaints policy and process.

4. Combined statutory code for complaints

Alongside the move to put the Housing Ombudsman's complaint handling code on a statutory footing, the Housing Ombudsman and the LGSCO have been running a consultation on the possible introduction of a [joint statutory code for complaint handling](#), aiming to ensure the same standards are applied across corporate and landlord complaints for those councils that are also social landlords.

The consultation ran from 28 September to 23 November. At the time of writing, there were no published timescales from the LGSCO around when to expect their response.

However, if a new joint statutory code is introduced based on the version that has been consulted on, it is anticipated the council will need to make changes to the existing corporate complaints policy to ensure compliance. This could include reducing the timescales for responding to stage one complaints from 15 working days to 10 working

days as well as adjusting the process around requests for complaints to be escalated to stage two.

Further, if the outcome of the consultation is to introduce a joint complaint handling code across complaints overseen by the Housing Ombudsman and the LGSCO, it is also likely the council will be expected to have one policy that covers all complaints. If that is the case, the local authority housing landlord services complaints policy and process and the corporate complaints policy and process will be formally reviewed to bring them into line.

A formal review of the corporate complaints policy is therefore on hold pending the outcome of the consultation and the publication of a clear way forwards from the LGSCO and the Housing Ombudsman. The interim changes being made to the corporate complaints policy are limited to the changes necessary to ensure the council is compliant with the Social Housing Regulation Act (2023).

In anticipation of a formal review of the policy, consultation will be carried out with customers in early 2024 to gather feedback on the current corporate complaints policy and process and to understand what improvements can be made to better meet the needs of our customers. Directorate complaints leads and complaints link officers will also be consulted on their views around potential improvements to the policy and process.

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Signed by: Charlotte Smith, Assistant Director, Corporate Services

Appendices: Nil

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

| Title of document | Location |
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| Portsmouth City Council: Corporate Complaints Policy | https://www.portsmouth.gov.uk/services/council-and-democracy/your-say/complaints/corporate-complaints-policy-2021/ |
| LGSCO: joint complaint handling code | Joint Complaint Handling Code - Local Government and Social Care Ombudsman |
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