

Rother District Council

Report to:	Cabinet
Date:	31 October 2022
Title:	Rother District Council Owned / Leased Accommodation Complaints Handling Policy
Report of:	Joe Powell – Head of Housing and Community
Cabinet Member:	Councillor Byrne
Ward(s):	All
Purpose of Report:	To consider the recommendation arising from the Overview and Scrutiny Committee meeting held on 17 October 2022, regarding the proposed Rother District Council Owned / Leased Accommodation Complaints Handling Policy. The report and recommendations arising are reproduced below and the Minutes of that meeting (Appendix B) should be read in conjunction with this report.
Decision Type:	Non-Key

Overview and Scrutiny

Recommendation(s): **Recommendation to COUNCIL:** That the Rother District Council Owned / Leased Accommodation Complaints Handling Policy be approved and adopted.

Introduction

1. In 2020, Rother District Council (RDC) became a Registered Provider of accommodation. Thus far, we have 24 units of accommodation that we own and one unit of accommodation that we lease and manage. The number of units of accommodation we own and lease is set to rise further as we increase the scale of the Temporary Accommodation Support Scheme (TASS) and leasing scheme.
2. This is the first Policy that we are statutorily required to have as part of the emerging Social Housing White Paper, which includes a range of improvements to the safety and management standards of social housing following the tragic events of Grenfell. A suite of further policies is presently in development as we prepare for the Social Housing (Regulation) Bill to progress through its readings in Parliament. The Bill is currently approaching the third reading in the House of Lords. These policies will include, but not limited to, a Reasonable Adjustments Policy, Rent Setting Policy, Tenant Involvement Policy, Anti-Social Behaviour Policy, Unacceptable Behaviour Policy and Domestic Abuse Policy.
3. The Policy applies to RDC tenants of temporary accommodation and leased properties only. The complaints handling policy will apply to all activity

undertaken by Council staff or contractors that may be involved in property management and support of tenants. The policy can be read in full at Appendix A.

Complaints Policy

4. In July 2020, the Housing Ombudsman introduced the Complaint Handling Code which sets out good practice that would allow landlords to respond to complaints effectively and fairly. An updated Code took effect from 1 April 2022, with Landlords having until 1 October 2022 to become compliant. The Council has already adopted the new Policy standards in practice, ahead of formal adoption therefore.
5. There are a range of benefits to be gained from having an effective and efficient complaints policy:
 - Complaints allow an issue to be resolved before it becomes worse. Those issues not resolved quickly can take significant resource and time to remedy.
 - Involvement in complaint resolution develops staff ownership, decision-making and engagement.
 - Complaints provide senior staff with essential insight into day-to-day operations allowing them to assess effectiveness and drive a positive complaint handling culture.
 - Good complaint handling promotes a positive landlord and resident relationship
6. It was felt, after consulting with the Council's Complaints Team, that a separate complaints policy was needed as the standards required by the Housing Ombudsman for housing tenant complaints are higher than the Council's complaints standards.
7. To complement the Policy there is a leaflet that will be given to all tenants at tenancy sign-up to ensure the tenant is aware of the complaints process and standards to expect.
8. We will also have to complete an internal self-assessment of our complaints handling performance annually. Following each self-assessment, we must:
 - report the outcome of our self-assessment to elected Members; this will be to the Audit and Standards Committee when standards related matters are considered at the December meetings, commencing in December 2023;
 - publish the outcome of our assessment on our website and make accessible to residents; and
 - include the self-assessment in our annual report to tenants.

Conclusion

9. It is a requirement of the Housing Ombudsman that we have a housing Complaints Handling Policy adopted and we recommend that Members approve the Complaints Handling Policy proposed at Appendix A.

Equalities

10. An equality impact assessment has been completed.

Financial Implications

11. If we are found to be in breach of the Complaints Handling Code, RDC could be prosecuted which is likely to include a significant fine and may impact on future funding bids.

Legal Implications

12. All bodies registered with the Regulator for Social Housing must be in the Ombudsman's jurisdiction by effect of the 1996 Housing Act and 2011 Localism Act. Through having this membership, RDC are held accountable and if we do not follow our complaints handling policy then compensation may be requested by Ombudsman to our tenants.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	External Consultation	No
Environmental	No	Access to Information	No
Risk Management	No	Exempt from publication	No

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Appendices:	Appendix A - RDC Owned Accommodation Complaints Handling Policy Appendix B - OSC Minute Extract – 17 October 2022
Relevant previous Minutes:	N/A
Background Papers:	None
Reference Documents:	None

**RDC owned and leased
accommodation complaints handling
policy**

1.0 Introduction

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.

The policy applies across housing that is owned or leased by Rother District Council. It does not cover social housing by other Registered Providers but administered by RDC Homemove or complaints about homelessness services.

There are times when we get things wrong and do not meet the standards we aim to achieve. We are open to receive complaints about our service. This policy sets out how we will investigate complaints and our aim to resolve things promptly, fairly and politely, and say sorry when we have got things wrong.

We recognise complaints can tell us a lot about how our service can be improved and we commit to understand and act on both the overall headlines about complaints and the learning from individual cases.

We take all complaints seriously and have developed a complaints procedure (see Appendix 1) to ensure we:

- ensure that lessons learnt from our complaints and are used to inform service improvements
- monitor and check our performance
- have a clear process that we tell people about so that our clients and other stakeholders know what to do when they are not happy with something about our services
- comply with current data protection law.

2.0 Complaints – Key Principles

We will:

- resolve complaints where they arise (locally, informally, quickly), wherever possible through in person meetings, or via the telephone
- receive complaints in any format including written, telephone, text, email and verbally
- make the complaint process easily available to all
- treat all complaints seriously
- deal with complaints as sensitively as possible. Information will only be divulged if it is necessary to the investigation, and with the consent of the complainant
- issue an apology where a complaint is upheld, with an explanation of any action or learning taken because of the complaint

Summary of process (see also the procedure in Appendix 1):

- we will acknowledge the complaint in writing as soon as possible, within a maximum of 5 working days from when received. There will be a lead person to investigate the complaint; the complaint lead will provide a written response to the complainant within a maximum of 10 working days from receipt (if this must take longer, they will let the complainant know)
- any staff members who are the subject of the complaint will be informed of the complaint (and its outcome)

- if the complainant is not satisfied with the outcome they can request a review (this should be requested within 10 days). The complaint will then be escalated to an appropriate manager to review, known as Stage 2
- this is the final phase of RDC's internal process. Responses will be provided in 20 working days from when the request to escalate is received – if this is not possible an explanation and a date provided explaining when the Stage 2 response will be completed. This will not exceed a further 10 working days without good reason
- RDC owned/leased accommodation residents may refer their complaint to the Housing Ombudsman at any stage in the process or once the internal process has been completed, as described above, if they are not satisfied with the outcome
www.housing-ombudsman.org.uk/wp-content/uploads/2020/11/Complaint-Handling-Code.pdf
- RDC has a complaints register; this is part of our quality assurance processes so we can monitor the number of complaints, their progress and any themes to support service improvements

Matters excluded are as follows:

- the issue giving rise to the complaint occurred over six months ago, other than in exceptional circumstances
- the issue is or has been subject to legal proceedings
- the element of the complaint that relates to an insurance claim
- the complaint has been considered already
- the complaint is being pursued in an unreasonable way

3.0 Complaints Register

This register will be securely stored, electronically, within a central location. This register is accessed by those with responsibility for complaints and for Subject Access Requests. The information held on the register will be minimal but will include brief details of complaints, along with the named lead for the complaint and dates of key progress, learning and outcomes.

4.0 Data Retention

We comply with the Data Protection Act 2018 in relation to keeping records of each complaint we receive. Records relating to each case will be kept for 6 years after which they will securely destroyed.

Appendix 1: Complaints Procedure

1.0 How to raise a complaint

You can raise a complaint by:

- speaking to a member of staff, by telephone or face to face
- writing a letter or email
- asking someone else to raise a complaint on your behalf (we will need permission from you to investigate)

2.0 Stage 1 – what happens when a complaint is raised

The manager for the service will acknowledge your complaint, in writing, no more than 5 working days from receipt, or you may receive an acknowledgement from one of the staff who manage the complaints email system. On most occasions we will contact you to either meet with you in person, or talk to you over the telephone, to resolve your complaint. Where this is not possible or appropriate, we will tell you about the next steps, and who will be leading on the complaint. If we decide not to accept a complaint, a detailed explanation will be provided to explain to you the reasons why the matter is not suitable for the complaints process. You have the right to challenge this decision by raising your complaint with the Housing Ombudsman.

2.1 Discussing your complaint

If a meeting is to be held, it will be with the accommodation manager (or other senior member of staff who will investigate the complaint). The meeting may also be attended by another member of staff to take notes. Any actions will be written by the manager, or the note taker, for you. If you are satisfied with the complaint outcome, then the complaint will be recorded as closed. If you are not satisfied with the outcome then you may ask that your complaint is reviewed by another manager at Stage 2 of the process, in line with the complaints policy which will require further investigation, if needed. Any earlier meetings relating to your complaint will form part of this stage.

2.2 Complaint Investigation

If a full investigation is needed, someone appropriate will be asked to investigate your complaint. This will normally be a manager who is not directly connected to the accommodation scheme. The subject of the complaint i.e. staff member will be informed as to the nature of the complaint that has been made. The investigating manager will look at all evidence from anybody involved in the complaint. They will also talk to the relevant staff involved. They will then write a report, issuing you with a written response, and deciding what actions to put forward.

2.3 Investigation Outcome

You should receive a formal and final written response within 10 working days from receipt of the complaint. The letter will state:

- the nature of the complaint raised
- the nature of the investigation undertaken
- the conclusions reached by the investigating manager, for example whether it is upheld, partially upheld, or we do not uphold each of your points

- what action has been taken to resolve the situation and to avoid such situations reoccurring
- a full apology, if applicable

If you complained about a staff member they will also be informed of the outcome of the complaint, and opportunities to improve e.g. training will be made available. You may not be told of any formal action taken against a member of staff, for data protection reasons.

If a final written response cannot be sent within 10 working days we will notify you, explaining the reasons for the delay to you and when we will provide a final response. We aim to ensure that any extension will not exceed a further 10 days without good reason.

2.4 How to withdraw your complaint

You can inform the investigating manager at any time that you want to withdraw a complaint. This will need to be in writing (letter or email). It may be that despite repeated attempts we are unable to contact you and in this case the Head of Service may deem the complaint is withdrawn and close it.

2.5 Stage 2 – if you are not happy with the outcome of your complaint

If you are not happy with the outcome of the complaint you can request that someone else review your complaint. This must be done within 10 working days and should be done in writing. Your request will be acknowledged within 5 working days and escalated to an appropriate person not connected to the original complaint. We aim to consider complaint reviews within 10 working days. If a final written response cannot be sent within 10 working days we will notify you, explaining the reasons for the delay to you and when we will provide a final response. We aim that any extension will not exceed a further 10 days without good reason. This is the final stage of our internal complaints handling procedure.

2.6 Housing Ombudsman Service

Tenants have the right to access the Housing Ombudsman Service at any point during the complaint process. The Housing Ombudsman can be contacted via email at info@housing-ombudsman.org.uk. Their website is www.housing-ombudsman.org.uk

Minutes of the Overview and Scrutiny Meeting – 17 October 2022**OSC22/28. ROTHER DISTRICT COUNCIL OWNED / LEASED
(7) ACCOMMODATION COMPLAINTS HANDLING POLICY**

Members received the report of the Head of Housing and Community which gave details of the Rother District Council Owned/Leased Accommodation Complaints Handling Policy. In 2020, Rother District Council became a Registered Provider of accommodation and thus far, owned 24 units of accommodation and one unit of accommodation that the Council leased and managed. The number of units of accommodation the Council owned and leased was set to rise further as the scale of the Temporary Accommodation Support Scheme and leasing scheme were increased.

The Policy was the first that the Council was statutorily required to have as part of the emerging Social Housing White Paper, which included a range of improvements to the safety and management standards of social housing following the tragic events of Grenfell. A suite of further policies was presently in development as preparations were underway for the Social Housing (Regulation) Bill to progress through its readings in Parliament. These policies would include, but not limited to, a Reasonable Adjustments Policy, Rent Setting Policy, Tenant Involvement Policy, Anti-Social Behaviour Policy, Unacceptable Behaviour Policy and Domestic Abuse Policy.

The Complaints Handling Policy would apply to all activity undertaken by Council staff or contractors that might be involved in property management and support of tenants. The Policy was appended at Appendix A to the report.

There were a range of benefits to be gained from having an effective and efficient complaints policy. After consulting with the Council's Complaints Team, it was felt that a separate complaints policy was needed as the standards required by the Housing Ombudsman for housing tenant complaints were higher than the Council's complaints standards. To complement the Policy, a leaflet that would be given to all tenants at tenancy sign-up to ensure the tenant was aware of the complaints process and standards to expect.

The Council would be required to complete an internal self-assessment of the complaints handling performance annually and report the outcome to Members of the Audit and Standards Committee when standards related matters were considered at the December meetings, commencing in December 2023. The outcome of the assessment would be published on the Council's website and made accessible to residents and the self-assessment would be included in the annual report to tenants.

RESOLVED: That the Rother District Council Owned/Leased Accommodation Complaints Handling Policy be recommended to Cabinet and full Council for adoption.