

CABINET

Annual Complaints Report 4th June 2024

Report of Chief Officer – Housing and Property

PURPOSE OF REPORT				
To provide an update on changes to complaints handling in line with the new joint Code of Practice from the Housing Ombudsman and Local Government and Social Care Ombudsman, including share performance information and required / voluntary self-assessments. Following the report Cabinet are required to publish a statement in relation to complaints.				
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input checked="" type="checkbox"/>	Referral from Cabinet Member
Date of notice of forthcoming key decision	N/A			
This report is public				

RECOMMENDATIONS OF Cllr Jason Wood

- (1) That Cabinet notes the proposal set out in this report and approves the principles and approach to complaint handling across the Council.
- (2) That Cabinet provide a publishable statement on the Council's complaints handling as indicated at 8.2 of the Code.

1.0 Introduction

- 1.1 As a stock-retained Local Authority the Council must comply with direction from both the Local Government and Social Care Ombudsman (LGSCO), and also the Housing Ombudsman (HO).
- 1.2 In recent years the HO has developed a more robust approach to complaint handling which housing providers must adhere to. This has included an annual published self-assessment of performance and a more rigorous and high-profile approach to investigating and dealing with complaints. This has resulted in a large increase in determinations issued by the HO, the publication of these outcomes, and clear expectations that housing providers provide evidence of resolution of issues and clear learning.
- 1.3 In September 2023 the HO and LGSCO announced they would be joining forces through a combined Complaints Code. This became effective from 1st April 2024 and effectively aligns corporate complaint handling requirements (as overseen by the LGSO) with many of the outcomes already required of the housing service.

- 1.4 The new Complaints Code¹ is published separately by the HO and LGSCO but the content of each publication is aligned and sets out clear guidance for complaint handling and the expectations around governance and internal management of complaints. Key areas in the code include:
- Universal definitions of a complaint.
 - Providing easy access to the complaints procedure and ensuring residents are aware of it.
 - The structure of the complaint procedure – only two stages necessary, and clear times set out for responses.
 - Ensuring fairness in complaint handling with a resident focussed 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.
- 1.5 The Housing Ombudsman Complaint Code is a statutory code which the housing service, as a registered Provider of Social Housing, are required to comply with. The Social Housing (Regulation) Act 2023 empowered the HO to issue the code of practice and placed a duty on the HO to monitor compliance with it. Non-compliance with the Code can result in the HO taking further action with failings potentially leading to the issue of Complaint Handling Failure Orders.
- 1.6 For wider (non-housing) complaints compliance with the Local Government and Social Care Ombudsman Complaints Code is voluntary: the LGSCO has no specific responsibility for monitoring compliance with the Code, though this is expected to become mandatory from 2026. It should be noted that LGSCO does investigate complaints and issue findings and has the power to issue public reports about the actions of individual organisations.

2.0 Proposal Details

- 2.1 It is proposed that the Council seek to comply with both the HO (mandatory) and LGSCO (voluntarily) requirements. For the housing service this will be the continuation of compliance with the existing (now updated) code, and for non-housing services this will be a new requirement.
- 2.2 Compliance with the Complaints Code must be evidenced with an annual, published self-assessment. These self-assessments have now been completed and are seen at Appendix A (HO self-assessment) and Appendix B (voluntary LGSCO self-assessment).
- 2.3 As outlined in Appendix A the Council is compliant with the statutory HO code, while recognising improvement and continuous learning is required. As outlined in Appendix B the Council is not yet fully compliant with the LGSCO Code and it is proposed that a project team be established to work towards full compliance over the next twelve months.

¹ The Housing Ombudsman Complaint Handling Code (<https://www.housing-ombudsman.org.uk/wp-content/uploads/2024/04/02.-Complaint-Handling-Code-24.pdf>) and the Local Government and Social Care Ombudsman Complaint Handling Code (<https://www.lgo.org.uk/assets/attach/6558/Complaints-Handling-Code-F-form.pdf>) are published separately, but are aligned in terms of their content.

- 2.4 Officers have developed a new council-wide Complaints Policy² which fully aligns with the requirements of the Complaints Code and is published online.
- 2.5 As outlined at Appendix C the housing service have provided an annual report as required by the Code which includes complaints performance and learning from complaints. It is recognised that improved learning and clear actionable outcomes from this are an area of focus for 2024/25.
- 2.6 As referred to in Appendix B the Council has not provided an annual complaints report for 2023/24. As the requirements of the code are voluntary, and the code introduces a number of new requirements around complaint handling, it is proposed an annual report for non-housing related complaints (LGSCO) be produced annually from 2024/25 onwards.
- 2.7 To support delivery of an improved and compliant complaints service across the council the Granicus IT system has been developed (and continues to be developed) to support effective administration and monitoring of complaints.

3.0 Details of Consultation

- 3.1 Complaint handling performance for our housing service has been shared with the Council Housing Advisory Group in April – comprising members, tenants and partner organisations. Performance was noted.

4.0 Options and Options Analysis (including risk assessment)

	Option 1: That the approach to complaint code compliance as set out in this report be approved	Option 2: That an alternative approach to complaint handling be proposed
Advantages	Reassurance remains in place with regard to housing complaints, and the Council uses the voluntary requirements of the code to improve and standardise complaint handling across the wider Council with a view to compliance within 12 months time, in preparation for the LGSCO mandating this requirement	Unknown
Disadvantages	The Council accepts current non-compliance as a realistic position for non-housing complaints with a view to continuous improvement.	Unknown
Risks	Inconsistency of complaint handling while new processes are bedded in.	Unknown

5.0 Officer Preferred Option (and comments)

- 5.1 Option 1: this allows officers to work towards a realistic plan for full compliance across the Council.

² Lancaster City Council Complaints Policy:
<https://www.lancaster.gov.uk/assets/attach/13330/Lancaster-City-Council-Complaints-Policy-April-2024.pdf>

6.0 Conclusion

- 6.1 Generally, residents who have reached the stage of making a formal complaint against the Council are using this mechanism to show genuine and reasonable dissatisfaction. Effective complaint handling and the adoption of a positive complaints culture offers vital feedback on service delivery and should be treated as an opportunity for improvement.
- 6.2 The joint Complaint Code adopted by the HO and LGCSO provides clarity in this area. It prioritises open, transparent communication with complainants; consistency in responses and response times; accessibility for complainants; and a strong focus on evidenced learning from complaints.
- 6.3 The proposal set out in this report outlines the Council's commitment to effective complaint handling, confirms in which areas the Council is already compliant, and outlines an ambition for full compliance.

RELATIONSHIP TO POLICY FRAMEWORK

Lancaster City Council, Corporate Plan 2024-2027 – A Co-operative, Kind, and Responsible Council.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)

No known implications.

LEGAL IMPLICATIONS

The Council needs to have a robust and clear complaints process and it needs to ensure that it follows the process. If the compliant process is robust and clear, then dissatisfaction can be adequately addressed and dealt with. If not, then complainants are likely to progress matters to the LGSCO.

The LGSCO has a wide remit and can cover a number of complaints about different issues such as debt enforcement, housing and council tax benefit claims, housing allocation schemes, planning, anti-social behaviour, council tax and business rates and parking. The LGSCO also has power to order disclosure of information (s29(2) LGA 1974) and has power to recommend remedies which may include putting the complainant back in the position that they would have been in had there been no fault.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report. All time spent by officers and associated IT costs regarding complaint handling and reporting of performance can continue to be managed from within existing resources.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None known.

Information Services:

Limited – Granicus system already purchased and in use. Team Members in Customer Services focus on development of amendments needed.

Property:

None known.

Open Spaces:

None known.

SECTION 151 OFFICER'S COMMENTS

The s151 Officer has been consulted and has no further comments to add

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments to add

BACKGROUND PAPERS

N/A

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