

Report to: Housing Review Board



Date of Meeting 15<sup>th</sup> September 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

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## Self-Assessment of complaints procedure against Housing Ombudsman code.

### Report summary:

The Housing Ombudsman has updated its complaints handling code taking effect from April 2022. It is a requirement for us to assess our approach to complaint handling against the Complaint Handling Code annually and to report this to our governing body.

The EDDC complaints team, in consultation with the Housing Service have assessed the current procedure against the new code. This report summarises the findings of the self-assessment which confirms that our current procedure complies with the new requirements.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

That HRB note that the council have undertaken an assessment of the Corporate Complaints Procedure against the Housing Ombudsman's complaint handling code of practice, and that a review of the procedure for handling housing service complaints is planned with tenant involvement.

### Reason for recommendation:

The attached self-assessment form and report demonstrate EDDC compliance with the revised code.

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Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

**Equalities impact** Low Impact

## Climate change Low Impact

**Risk:** Low Risk; Failure to comply with Housing Ombudsman Complaint Handling Code may ultimately lead to the council being issued with a Complaint Handling Failure order.

### Links to background information

[The Housing ombudsman's Complaint Handling Code \(housing-ombudsman.org.uk\)](https://housing-ombudsman.org.uk); [Complaints procedure - East Devon](#)

### Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
  - A greener East Devon
  - A resilient economy
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## Report in full

### 1. Background

- 1.1 The Housing Ombudsman has a complaints handling code that all members of the Ombudsman scheme are required to abide by.
- 1.2 Each year, we are required to carry out an assessment of our own complaints policy to ensure that it complies with the requirements of the Ombudsman's code.
- 1.3 Our corporate complaints team have taken the responsibility to ensure continued compliance through the self-assessment process.
- 1.4 In 2020, in response to the Social Housing White Paper, the Housing Ombudsman introduced a new complaint handling code, coming into effect in April 2021.
- 1.5 In consultation with the housing service, the EDDC complaints team have now assessed our current corporate policy to ensure that it complies with the code.
- 1.6 Members should note that the purpose of this self-assessment is solely to check our current policy complies with the new ombudsman code. A separate internal review of the approach the Housing Service takes to complaints is planned, which will involve further tenant involvement.

### 2. Review findings

- 2.1 The self-assessment form has been attached as an appendix to this report for your information and a link has been provided to the Housing Ombudsman Code.
- 2.2 The EDDC complaints procedure is compliant with the Housing Ombudsman code in all but one area.
- 2.3 Section 5.1 of the code relates to Stage 1 formal complaints. It requires landlords to respond to the complainant within 10 working days of the complaint being logged. It does

allow a further 10 days in exceptional circumstances as long as a clear timeframe for when the response will be received.

- 2.4 Under the EDDC corporate procedure, the response time for Stage 1 and stage 2 complaints is 20 working days. This applies across all service areas of the council and the council has been advised that, where compliance in particular areas is not appropriate, an explanation of this within the self-assessment is acceptable. The Housing Ombudsman recognises that local authorities generally operate a complaints procedure which is consistent across all service areas.
- 2.5 This timeframe allows sufficient time for a thorough investigation, queries from the complaints team, drafting of a response and approval by the relevant officer.
- 2.6 Having a separate complaints team to take charge of the formal complaints process adds a layer of scrutiny to ensure that all aspects of a complaint are considered in the response and that complaints are dealt with consistently across all service areas.
- 2.7 For tenants, there may also be added comfort in knowing that their grievance is being handled by an independent team.
- 2.8 It should also be noted that the 20 working day timescale is a maximum time. Where complaints can be resolved quicker, they will be. The additional time allows for unforeseen circumstances such as staff shortages or illness.

### **3. Conclusion and next steps.**

- 3.1 Our assessment is that our current complaints policy complies with the new Housing Ombudsman Code, taking into account the clarifications stated in paragraphs 2.5 to 2.8 above.
- 3.2 The finalised self-assessment document will be put on our website by 1<sup>st</sup> October 2022 in line with the requirements of the Housing Ombudsman.
- 3.3 A broader review of how the Housing Service responds to complaints and service issues will be beginning shortly, with an initial consultation session due to take place at the Designated Tenant Complaints Panel (DTCP) meeting in September.

### **4. Changes to the role of designated person**

- 4.1 Changes to the Housing Ombudsman scheme, taking effect from 1<sup>st</sup> October, include the removal of the “democratic filter” which means that, if complainants remain dissatisfied at the end of the formal complaint process, they will no longer have to refer their complaint to a designated person or wait 8 weeks before referring to the Housing Ombudsman. The Ombudsman considers this to be a positive change which will make it easier for residents to access their service.
- 4.2 Currently, complainants can refer their complaint to one or more of three designated “persons” – a councillor, MP or the designated tenant complaint panel. If they choose not to do so, they are unable to refer their complaint to the Housing Ombudsman until a period of 8 weeks has passed from receiving their final response from the council. Now complainants will be signposted directly to the Housing Ombudsman in the council’s final stage 2

complaint response. Relevant guidance and information provided to complainants will be updated accordingly.

- 4.3 After 1<sup>st</sup> October, complainants can still contact their local MP, Councillor or tenant panel but the designated person role will not be part of the formal Housing Ombudsman complaint process. As a result of this change, the Housing Ombudsman is expecting an increase in complaint referrals and they will be addressing any resulting resourcing issues.

## **5. Recommendation**

- 5.1 That HRB note that the council have undertaken an assessment of the Corporate Complaints Procedure against the Housing Ombudsman's complaint handling code of practice, and that a review of the procedure for handling housing service complaints is planned with tenant involvement .
- 5.2 That HRB note the changes in the designated person role from 1<sup>st</sup> October 2022

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### **Financial implications:**

There are no financial implications on which to comment.

### **Legal implications:**

There are no legal implications on which to comment.