

Corporate Policy and Resources Committee



9 September 2024

Title	Housing Complaints Performance and Self-Assessment against Housing Ombudsman Complaint Handling Code
Purpose of the report	To make a Decision
Report Author	Gillian Scott, Corporate Governance Support Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not applicable
Corporate Priority	Services
Recommendations	<p>Committee is asked to:</p> <ol style="list-style-type: none"> 1. Receive and respond to the annual report on Metropolitan Thames Valley Housing’s (MTVH) complaint handling performance and learning from complaints, in relation to complaints from residents of Harper House and White House; 2. Approve the self-assessment of MTVH’s Complaints Policy against the Complaint Handling Code, for submission to the Housing Ombudsman Service; and 3. Appoint a member or committee to fulfil the role of Member Responsible for Complaints (MRC).
Reason for Recommendation	To comply with the statutory Housing Ombudsman Complaints Handling Code.

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> • We own two properties (White House housing 31 homeless households and Harper House, housing 20 households) for which Spelthorne Borough Council is the social housing landlord, although we have a Managing agent, Metropolitan 	<ul style="list-style-type: none"> • The Code aims to achieve best practice in complaint handling and ultimately to provide a better service to residents. • If the Council fails to meet any requirements of the Code and does not move into compliance within a

<p>Thames Valley Housing (MTVH), who handles complaints from the tenants of those properties, on our behalf.</p> <ul style="list-style-type: none"> • As social housing landlords, Spelthorne BC and MTVH are registered with the Housing Ombudsman’s Scheme. • The Housing Ombudsman Complaint Handling Code (the Code) became statutory on 1 April 2024, meaning we must take steps to comply. 	<p>reasonable timescale the Ombudsman may issue a Complaint Handling Failure Order.</p> <ul style="list-style-type: none"> • Although complaints from residents of Harper House and White House are handled by MTVH who have completed their own self-assessment of compliance with the Code, the Ombudsman has advised the Council that as the landlord, it ‘needs to ensure that MTVH’s complaint policy, procedure and practice complies with the provisions of the Complaint Handling Code, as it is handling these on behalf of the Council for the units it manages.’
<p>This is what we want to do about it</p>	<p>These are the next steps</p>
<p>In order to comply with the Complaint Handling Code we must:</p> <ul style="list-style-type: none"> • Submit a self-assessment of MTVH’s Complaints Policy, practice and procedure against the Code, to the Housing Ombudsman. • Appoint a “Member Responsible for Complaints”. • Report on MTVH complaints handling performance in relation to complaints from residents of Harper House and White House. 	<ul style="list-style-type: none"> • Following the Committee’s approval of the self-assessment, this will be published on the Complaints section of the Council’s website together with the Committee’s response to the annual report on social housing complaints performance and service improvement. • Submit the self-assessment to the Housing Ombudsman.

- 1.1 This report seeks to report on Metropolitan Thames Valley Housing’s (MTVH) complaint handling performance and learning from complaints, in relation to residents of Harper House and White House. It also seeks approval of a self-assessment of compliance by MTVH with the [Housing Ombudsman Complaint Handling Code](#) (the Code) in its handling of complaints from those residents, on behalf of the Council.
- 1.2 The Code requires landlords to produce an annual complaints performance and service improvement report for scrutiny and challenge, which must include the annual self-assessment against this Code to ensure their complaint handling policy remains in line with its requirements. The social housing complaints performance report and the self-assessment are appended to this report. **(Appendices A and B)**

1.3 The Code further requires that a member of the landlord's governing body, is appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person/committee is referred to as the Member Responsible for Complaints (MRC). The Ombudsman's suggested role profile for the MRC is at **Appendix C**.

2. Key issues

2.1 As Spelthorne Borough Council is a social housing landlord, in respect of Harper House and the White House, it is required to be a member of the Housing Ombudsman Scheme. The Housing Ombudsman has had a complaint handling code since March 2022, but it has only recently become statutory, which means that landlords are obliged by law to follow its requirements.

2.2 MTVH is also a social housing landlord and registered with the Housing Ombudsman. As the Managing agent for Harper House and White House it handles complaints from residents of those properties (51 homeless households) on behalf of the Council.

The Ombudsmen and the Complaint Handling Codes

2.3 Residents can escalate complaints about all services, other than those in respect of social housing, to the Local Government and Social Care Ombudsman (LGSCO). Complaints about social housing fall within the jurisdiction of the Housing Ombudsman (HO).

2.4 The Ombudsmen consulted on a joint Complaint Handling Code towards the end of 2023. However, due to their different powers they have had to retain separate Codes; the HO's Code is statutory whereas the LGSCO Code is advice and guidance. Nevertheless, the principles, processes and timescales in the Codes of the two Ombudsmen are aligned.

2.5 The HO Code required compliance in policy and practice by 1 April 2024. MTVH has met this requirement, however the Ombudsman has advised that as a social housing landlord, Spelthorne Borough Council, 'needs to ensure that MTVH's complaint policy, procedure and practice complies with the provisions of the Complaint Handling Code, as it is handling these on behalf of the Council for the units it manages.'

2.6 The LGSCO Code was launched in February 2024 and although local councils are encouraged to adopt the Code as soon as they are able, the LGSCO does not intend to start considering the Code as part of its processes until April 2026 at the earliest. Unlike the Housing Ombudsman, the LGSCO does not have specific responsibility for monitoring compliance with the Code but is developing a good practice guide to go alongside its Code in the next year.

2.7 The Council's Corporate Complaints Policy and procedures will be reviewed in due course to achieve compliance with the LGSCO Code.

Social housing complaints performance report and self-assessment

2.8 The Housing Ombudsman requires that the governing body of a social housing landlord receives a report on its social housing complaints performance and self-assessment of compliance against the Code, in time to

publish the self-assessment and the governing body's response to the performance report by 30 June each year.

- 2.9 MTVH has complied with the above requirement in respect of all the properties it owns and manages.
- MTVH latest self-assessment is [here](#).
 - MTVH Complaints performance is [here](#).
 - MTVH Board's response to the performance report is [here](#).
- 2.10 The Corporate Complaints Team reviewed documentation produced by MTVH to respond to its Stage 1 and 2 complaints related to Harper House (none were received about the White House) to assess compliance in practice with the Code.
- 2.11 The attached performance report (**Appendix A**) covers only those complaints handled by MTVH from residents of Harper House about their social housing.
- 2.12 The purpose of the self-assessment (**Appendix B**) is to demonstrate how MTVH's complaint policy, procedure and practice complies with the provisions of the Complaint Handling Code.
- 2.13 The self-assessment will be published on the Council's Complaints webpage as part of the annual complaint performance and service improvement report.
- 2.14 To provide assurance that the self-assessment is a true reflection of MTVH's complaint handling at Harper House and White House, this Committee's response to the report will be published alongside it.

Member Responsible for Complaints

- 2.15 The Complaint Handling Code requires one member (or committee) of the governing body to have lead responsibility for complaints. This role is responsible for ensuring the governing body receives regular information on complaints that provides insight and learning on the Council's complaint handling performance.
- 2.16 Corporate Policy and Resources Committee has responsibility for complaints and as such is the relevant governing body. The one exception to this is in respect of findings of maladministration which are statutorily required to be reported by the Monitoring Officer to the Council.
- 2.17 The Member Responsible for Complaints (MRC) will be responsible for ensuring that future annual self-assessments of compliance with both Ombudsmen's Codes, are scrutinised and challenged. This forms part of their role in embedding a positive complaint handling culture across the organisation. The suggested role profile for the position as provided by the Housing Ombudsman is attached at **Appendix C**.
- 2.18 The Housing Ombudsman has provided further information to give a better insight into the role on its [website](#).
- 2.19 The Housing Ombudsman suggests that the MRC in Councils could be the lead member for housing in a Cabinet system. In the Committee System, the equivalent lead member would be the Chair of Community Wellbeing and

Housing Committee. Alternatively, the role could be the responsibility of the whole Committee.

2.20 The LGSCO Code also advises the appointment of an MRC with an equivalent role, although the LGSCO is yet to provide a detailed suggested role profile. Complaints falling within the jurisdiction of the LGSCO relate to every service of the Council with the exception of social housing. These complaints far outweigh the number of complaints handled by MTVH in the last year about social housing.

2.21 As it is proposed to appoint one MRC to cover both Ombudsmen's jurisdictions, Committee may consider that a member (or Committee) other than the Chair of Community Wellbeing and Housing Committee, is suitable for appointment to the role.

3. Options analysis and proposal

3.1 There is only one option. We must submit a self-assessment of MTVH's handling of our social housing complaints against the Code and appoint an MRC. The deadline for compliance has already passed. If we do not comply within a reasonable timescale, we risk being issued with a Complaint Handling Failure Order.

3.2 The self-assessment as drafted, evidences that MTVH is compliant with the Code in policy, procedure and practice.

3.3 The appointment of a Member Responsible for Complaints is a requirement for compliance with the Code.

3.4 The proposal therefore is as set out in the recommendations and detailed in the appendices to this report.

4. Financial management comments

4.1 There are no specific financial implications arising from this report.

5. Risk management comments

5.1 The risk of being issued with a Complaint Handling Failure Order is mitigated by the fact that MTVH has already demonstrated its compliance with the Ombudsman's Code in its published self-assessment. It is further mitigated by bringing this matter to Committee as soon as reasonably practical.

6. Procurement comments

6.1 Not applicable to this report.

7. Legal comments

7.1 As referred to earlier in this report, the Housing Ombudsman's Complaint Handling Code is a statutory requirement for all social housing landlords. Therefore this report seeks to ensure the Council's compliance with the Code, as soon as reasonably practicable.

8. Other considerations

8.1 There are no other considerations relevant to this report.

9. Equality and Diversity

9.1 There are no direct equalities duties arising from this report.

9.2 It is noted that MTVH has completed an Equalities Impact Assessment in developing its Complaints Policy to ensure there is no adverse impact on any of the identified equality strands.

10. Sustainability/Climate Change Implications

10.1 The proposals in this report do not impact sustainability or climate change issues.

11. Timetable for implementation

11.1 Following Committee approval, the annual performance report and self-assessment will be published on the Council's website, on its Complaints page.

12. Contact

12.1 Sandy Muirhead, Group Head Commissioning and Transformation
(s.muirhead@spelthorne.gov.uk)

Background papers: There are none.

Appendices:

Appendix A - Annual Social Housing Complaint Handling Performance Report 2023-2024

Appendix B - Self-assessment of MTVH compliance with the Code

Appendix C – Role profile for Member Responsible for Complaints