

FAREHAM

BOROUGH COUNCIL

Report to Audit and Governance Committee

Date: 23 September 2024

Report of: Assistant Director (Democracy)

Subject: COMPLAINTS HANDLING

SUMMARY

This report outlines the new corporate complaints procedures and the progress in this area since the implementation of the council's updated complaints handling policy.

RECOMMENDATION

It is RECOMMENDED that the Audit and Governance Committee:

- (a) notes the contents of this report;
- (b) notes the 2024 Interim Annual self-assessment to the Housing Ombudsman attached at Appendix A; and
- (c) notes the annual report of the Council's performance from the Ombudsman as linked at paragraph 27.

INTRODUCTION

1. In Autumn 2023, the Housing Ombudsman and the Local Government and Social Care Ombudsman (LGSCO) ran a consultation exercise that proposed a joint Complaint Handling Code. The aim being to provide a 'gold standard' in complaints handling which also acknowledges that organisations falling under the jurisdiction of both Ombudsmen should be able to provide a co-ordinated complaint handling process for services covered by both Codes.
2. Following analysis and feedback, it was announced in February 2024 that both Ombudsman would retain separate, but aligned, complaint codes.
3. The Housing Ombudsman investigates complaints and resolves disputes involving tenants and leaseholders of social landlords, in this case, Fareham Borough Council. The Ombudsman also monitors compliance with the Complaint Handling Code and may use its powers to put matters right and ensure compliance with the Code.
4. The LGSCO can investigate individual complaints about councils and can look at whether we have made decisions in the right way.
5. From 1 April 2024, all registered providers of social housing were expected to implement the Housing Ombudsman's Code. The LGSCO do not have a confirmed timeframe for their finalised Code but have indicated they will consider their code in any Ombudsman complaints from April 2026.

PREVIOUS COMPLAINTS HANDLING

6. Fareham Borough Council's previous Complaint handling policy outlined a three-stage approach with stage 0 being an informal discussion to try to resolve the complaint; stage 1 for complaint investigation and stage 2 a review of the handling of the stage 1 investigation.
7. Service areas were logging and responding to complaints in the absence of a central administrative process which meant there was no single complete picture of complaint handling across Council services.

NEW COMPLAINTS HANDLING

8. To enable the Council to move towards a streamlined approach for Complaints handling, it was recognised that the existing policy needed to be updated to move to a two-stage process.
9. At the 18 March 2024 meeting of the Executive, an updated Complaints Handling Policy was agreed which enabled the Council to adopt that process from 1 April 2024.
10. Rather than two separate processes for complaint handling which would fall into the separate remits of the Housing Ombudsman and the LGSCO, the Executive agreed to adopt a centralised administration process mirroring the process set out in the Housing Code and recognising that the LGSCO draft Code is closely

aligned to the Housing Code in the two-stage process, central recording and administration, response times and reporting and monitoring requirements.

11. The centralised function within the council receives all complaints that are assessed and logged if appropriate. Timeliness is closely monitored by the central administrator to ensure the Council remains compliant with the timeframes set out in the Codes.
12. This also enables us to recognise when a complaint is a service request rather than a complaint, which would fall outside of this process.
13. Responsibility for managing the new centralised complaints process will come under Samantha Wightman and her Information Governance team, who currently provide a similar process for logging and liaising all Freedom of Information and Data Protection requests and reviews.
14. It is important that customers are aware of the Council's new policy and approach, so the website has been updated to include the new process, the policy, FAQs and gives clarity about timescales for each stage of complaint handling. A provision for reporting complaints online was created which also gives customers the opportunity to attach photographs to support their complaint where necessary.
15. The website also gives guidance which helps customers identify what would be considered a service request as opposed to a complaint, the former not being dealt with under the complaint's procedure. It also enables us to identify complaints which have a separate right of appeal, and which would not fall under the remit of the Ombudsman. Examples of this are complaints against councillors, which are investigated by the Monitoring Officer, and data protection/Freedom of Information complaints which are dealt under a separate process as their right of appeal sits with the Information Commissioner's Office.
16. To align with the Council's process, complaint handlers have been identified across all service areas. These Officers differ at stage 1 and stage 2, giving the necessary autonomy to investigation at stage 1 and the review of the complaint handling at stage 2.
17. The new policy has moved away from prescribing who carries out stage 1 or stage 2 – for example, the Council no longer states stage 1 must be Head of Service, which are now allocated across roles within services. Stage 2 is carried out by more senior staff such as Managers, Heads of Service or Directors.

CONTRACTORS

18. The Housing Complaints Handling Code states that where a landlord's complaint response is handled by a third-party (for example a contractor or independent adjudicator) at any stage, it must form part of the 2 stage complaints process set out in the Code as residents must not be expected to go through two complaints processes.
19. Therefore, it is the council's responsibility for ensuring that any third parties

handle complaints in line with the Code.

20. In recognising that the Council has third parties who undertake services on behalf of the Council, we have now implemented the provision to include a set of minimum requirements at the early stage of our procurement process and will include clauses in future contracts which sets out our expectations for them handling complaints.
21. The Council will retain an overview of complaints handled by third parties (numbers of complaints, themes etc) through regular meetings during the lifetime management of the contract.

PILOT AUTHORITY

22. The LGSCO extended opportunities to Authorities who wished to be a part of their pilot working towards development of further guidance and best practice. (expected 2026).
23. Fareham Borough Council was accepted as one of twenty councils involved as pilot authorities. Meeting regularly with the Pilot Group led by the LGSCO, this work involves reviewing and giving feedback on best practice and guidance documents which aids the finalisation of the LGSCO Code and inputs into best practices across complaint handling.

SELF ASSESSMENT, REPORTING AND COMPLIANCE

24. The Social Housing (Regulation) Act 2023 places a duty on the Housing Ombudsman to monitor compliance with the statutory Complaint Handling Code.
25. Landlords must produce an annual compliance with the code submission to the Housing Ombudsman that also includes previous years' complaints performance and a service improvement report for scrutiny and comment. This report, to the Governing Body, and their response, must also be published.
26. Further information is presented to the Audit and Governance Committee at this meeting in the 'Housing Annual Complaints Performance and Service Improvement 2023/24' report at item 7 on the agenda.
27. The LGSC Ombudsman issues authorities with an Annual Review Letter in July. Members can view a copy of that letter and the Council's performance at [Fareham Borough Council - Local Government and Social Care Ombudsman](#)

SCRUTINY AND OVERSIGHT

28. Both Codes place clear expectation on scrutiny and reporting and gives emphasis that organisations should assign a lead responsibility for complaints in governance arrangements.
29. Regular reporting should include volume and categories of complaints, complaint handling performance, issues and trends, outcome of any Ombudsman investigations and progress made in complying with orders related

to severe maladministration findings and annual complaints performance.

30. Looking holistically at complaints handling for the council, consideration should also be given to identification of any service improvements which can be made as a result of any learning from complaints. Such opportunities for improvement should also be reported.
31. It is therefore recommended that the reports be presented to the Audit and Governance Committee twice per year to provide oversight of the complaints process.
32. Furthermore, following consultation with the Executive Leader, it has been agreed that Councillor Tiffany Harper will be the lead Member liaison.

CURRENT STATISTICS

33. The data at Appendix B sets out the current statistics for the Committees' information.

FINANCIAL IMPLICATIONS

34. For the complaint handling process, the administration for the central administration for complaint handling is resourced by existing officers and therefore was met from within the current establishment budget. Existing officers across services include complaint investigations within their roles which is no change from previously. External training for complaint handlers took place in June, at a cost of £550 from existing budgets.

RISK ASSESSMENT

35. In the absence of adherence to the codes for individual complaints, the Council would be at risk of being issued with a Complaint Handling Failure Order.

CONCLUSION

36. The Council's updated policy and process for the central management of complaints will ensure the Council meets our obligations outlined in the Housing and LGSCO Complaints Handling Codes and will assure customers of a compliant and transparent process that will also look beyond personal remedy and help drive continuous service improvement.

Appendices:

Appendix A: Quarter one statistics

Background Papers:

1. Housing Ombudsman Complaint Handling Code [The Complaint Handling Code | Housing Ombudsman Service \(housing-ombudsman.org.uk\)](https://www.housing-ombudsman.org.uk)

2. LGSCO Complaint Handling Code [Complaint Handling Code - Local Government and Social Care Ombudsman](#)

Reference Papers:

1. [Executive Report 18 March 2024](#)
2. [Fareham Borough Council Complaint Policy April 2024](#)
3. [Complaints webpage](#)
4. Social Housing (Regulation) Act 2023 [Social Housing \(Regulation\) Act 2023 \(legislation.gov.uk\)](#)
5. LGSCO Annual Review letter: [Fareham Borough Council - Local Government and Social Care Ombudsman](#)

Enquiries:

For further information on this report please contact Samantha Wightman, Information Governance and Committee Manager at complaints@fareham.gov.uk or 01329 824594.