

REPORT TITLE: ANNUAL COMPLAINTS PERFORMANCE AND SERVICE IMPROVEMENT REPORT AND SELF-ASSESSMENT 2023/24 (AGAINST THE HOUSING OMBUDSMAN'S COMPLAINTS HANDLING CODE)

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| Meeting | Cabinet |
| Date | 9 th July 2024 |
| Cabinet Member (if applicable) | Cllr Cathy Scott Corporate and Housing |
| Key Decision | Yes |
| Eligible for Call In | Yes |
| <p>Purpose of Report To provide Cabinet with a copy of the mandatory 'Annual Complaints Performance and Service Improvement report for 2023/24 including the Council's self-assessment against the Housing Ombudsman Complaint Handling Code for comment and approval.</p> <p>Important Note: The deadline for submission of the annual report to the Ombudsman was 30th June 2024. However, the Ombudsman accepts that the timing of local elections may cause issues for local authority landlords to publish and upload their submission by the deadline. As agreed with the Ombudsman on 5th June, Kirklees Council submitted the draft report and self-assessment by 30th June. This was based on the Ombudsman's expectation that the governing body i.e. Cabinet, will review the self-assessment and report at their meeting on 9th July 2024, to ensure sufficient internal scrutiny of the information. Following which Cabinet must include their response in the final report, along with any changes to be made to the documents following review.</p> | |
| <p>Recommendations Cabinet is asked to:</p> <ul style="list-style-type: none"> • Note that the draft Annual Complaints Performance and Service Improvement Report 2023/24 and self-assessment was submitted by 30th June 2024. • Consider the draft Annual Complaints Performance and Service Improvement Report 2023/24, which includes the self-assessment against the Code, as set out in Appendices 1a and 1b. • Provide its response to the Annual Complaints Performance and Service Improvement Report 2023/24 and Annual Self-Assessment, along with any changes to either document which will then be re-submitted to the Ombudsman. Cabinet's response is a mandatory requirement. • Authorises officers to publish the final report including Cabinet's response and the self-assessment, on the Council's website, post submission. | |
| <p>Reasons for Recommendations</p> <ul style="list-style-type: none"> • To meet the requirements of the Housing Ombudsman's Complaint Handling Code ('Code') which is now statutory under the Social Housing (Regulation) Act 2023 | |

Resource Implications:

There are no significant resources implications associated with the production of the annual performance report and self-assessment which are currently funded via existing budgets in the Housing Revenue Account.

In June 2024, Homes and Neighbourhoods Senior Management Team approved the appointment of one temporary full time equivalent Housing Manager (Grade 11) for up to 12 months to work in the Customer Experience Team to support improvements to the service's approach to complaints handling.

Date signed off by Strategic Director & name

David Shepherd, 19th June 2024

Is it also signed off by the Service Director for Finance?

Kevin Mulvaney, 1st July 2024

Is it also signed off by the Service Director for Legal Governance and Commissioning?

Samantha Lawson, 25th June 2024

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes

1. Executive Summary

1.1 Under the Social Housing (Regulation) Act 2023, the Housing Ombudsman's Complaint Handling Code ('Code') is now statutory and places a legal duty on social housing landlords to comply with the Code. As set out in the Code, Kirklees Council as a social housing landlord, is now required to produce an Annual Complaints Performance and Service Improvement Report. This is a new mandatory requirement introduced this year and the report must be submitted by 30th June 2024 (which is the same time when landlords will need to submit annual Tenant Satisfaction Measures (TSMs)).

1.2 There are two parts to the report, as set out in the Code,

- a) Self-Assessment - of the landlord's complaints policy against the new statutory Complaints Handling Code, 2024, and
- b) Performance - against the Code in place at that time based on the previous full year (currently 2023/24).

1.3 The Council must also ensure that the annual complaints performance and service improvement report has been reported to the council's governing body (for Kirklees this is following oversight at the Homes and Neighbourhoods Improvement Board which is an independently chaired advisory board to the Cabinet) and published on the section of the website relating to complaints. The council should also include any lessons learned through the self-assessment process and actions taken as a result.

- 1.4 Draft submissions were submitted to the Housing Ombudsman by 30th June 2024 submission deadline. However, given the timing of local elections, it was agreed with the Ombudsman that following Cabinet on 9th July, a final response with any changes to the documents will be uploaded. This will include comments from the governing body (Cabinet) and their Member Responsible for Complaints (MRC) (Cllr Scott) as per the Code.
- 1.5 For 2023/24, the Annual Report (**Appendix 1a**) indicates that complaints had increased from 554 in 2022/23 to 826 last year. Main reasons include the council making it easier to complaint with more routes to do so and promoting the role of the Housing Ombudsman in relevant correspondence. This is also supporting the council to be more transparent and open. However, the level of complaints that are upheld is signs that, as a landlord, the Council is still not getting things right.
- 1.6 In 2023/24, the council saw a rise in stage 2 complaints compared to 2022/23, although the majority of complaints (80%) received in the year were at stage 1. Complaints responded to in timescales improved slightly for stage 1 but worsened for stage 2. Unfortunately, the number of upheld complaints remains high at over 60% and the data shows low levels of satisfaction with complaints handling, at 23% (average among other organisations is around 41%).
- 1.7 It is essential that the council remains focused on learning from complaints to stem the flow and also reduce the number of upheld complaints. To date, activities include the introduction of a telephone based approach to gather feedback rather than relying on text surveys to better understand why tenants are unhappy. Improvements to the way in which data is recorded from categories such as poor information to clear themes e.g. repairs, damp, mould and condensation. Roll-out of a new training programme, starting in June, for 400 frontline staff and managers on complaints handling improving ownership of complaints by frontline staff and team leaders, and ongoing review of policies including the Repairs and Maintenance Policy and current No Access procedures.
- 1.8 For 2023/24, the Annual Self-Assessment (**Appendix 1b**) shows that the council is compliant with the new Code, with one exception relating to keeping records of reasonable adjustments.

2. Information required to take a decision

- 2.1 To meet the regulatory requirements outlined above an 'Annual Complaints Performance and Service Improvement report for 2023/24' has been produced which responds to all the requirements of the Housing Ombudsman's Complaints Handling Code (Appendix 1a).
- 2.2 The Code states that the report should include any annual reports about the Council's performance from the Ombudsman and the most recent landlord performance report from the Ombudsman as published on the website. The Ombudsman recognises there is a lag as their reports will not be published until October 2024.
- 2.3 Individual landlord performance reports for 2022/23 were published for landlords with **five or more cases** determined between 1st April 2022 and 31st March 2023. Individual reports for landlords with fewer than five determinations were not created as meaningful performance interpretation is not possible. If a landlord does not have an individual report or is not listed in that table, the Ombudsman did not make a formal determination for them in 2022/23. No report was published for Kirklees in 2022/23, the last report on the website relates to 2021/22 where 6 determinations were made.

2.4 The Council is required to complete the submission to the Housing Ombudsman and publish the annual complaints performance and service improvement report on the website by 30th June 2024. A link to these documents from the council's website should be submitted to the Housing Ombudsman via an on-line process.

2.5 The Ombudsman accepts that the timing of local elections may cause issues for some landlords to publish and upload the submission by 30th June deadline. On 5th June, the Ombudsman agreed the following in respect of Kirklees Council,

- The council to ensure the draft self-assessment and annual complaints performance and improvement report is submitted to the Ombudsman by 30th June 2024.
- Cabinet should review the self-assessment and report at their meeting on 9th July 2024 so there is sufficient internal scrutiny of this information; and to provide the response which the council will then need to submit to the Ombudsman.
- If Cabinet wants changes to be made to the documents following review, this should be set out in the response and the revised documents submitted alongside the governing body's response.

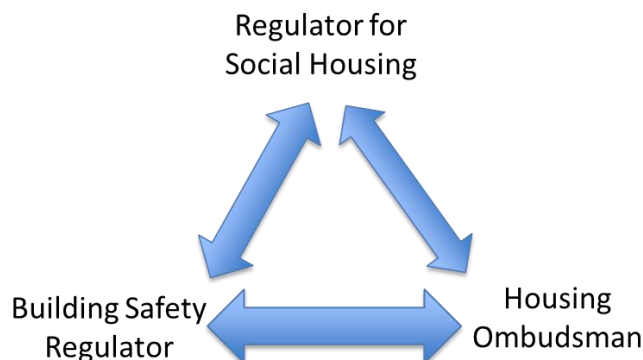
2.6 Effective complaints handling is also included within the Regulator of Social Housing's Transparency, Influence and Accountability **Consumer Standard** which states as a landlord the council must:

- Ensure complaints are addressed fairly, effectively, and promptly.
- Ensure the approach to handling complaints is simple, accessible and publicised.
- Provide accessible information to tenants about:
 - a) how tenants can make a complaint about their registered provider
 - b) the registered provider's complaints policy and complaints handling process
 - c) what tenants can do if they are dissatisfied with the outcome of a complaint or how a complaint was handled, and
 - d) the type of complaints received and how they have learnt from complaints to continuously improve services.

This is one of four Consumer Standards that forms part of the Regulator's new inspection regime. The Transparency, Influence and Accountability Standard will operate alongside the work of the Housing Ombudsman Service by setting expectations for social housing landlords in relation to how organisations handle complaints and incorporating requirements around transparency to tenants.

2.7 The Regulator of Social Housing and the Housing Ombudsman work in collaboration under a Memorandum of Understanding. The Regulator will test the effectiveness of landlords' complaints handling procedures, primarily through published information that all landlords will be required to produce on annual basis about overall performance in relation to the regulatory standards. These are known as the **Tenant Satisfaction Measures (TSMs)** and are a core set of performance measures against which all providers must publish their performance. Complaints forms part of the 'Tenant Perception' measures which will be based on tenants' view of how the council is performing.

The diagram below sets out there is a triumvirate of Regulator's for the social housing sector who are expected to work in partnership:



2.8 Limited data is currently published to be able to provide a comparative analysis on the council's complaints handling performance alongside other similar landlords. The following provides a comparison of complaints handling performance for the quarter 4 period 2023/24 (January - March) against housing organisations within a similar peer group (data is provided by Housemark):

| | Stage 1 complaints per 1,000 properties | % of Stage 1 complaints responded to within target time | Stage 2 complaints per 1,000 properties | % of Stage 2 complaints responded to within target time |
|----------------------------|---|---|---|---|
| Kirklees MDC | 39.1 | 73.6% | 9.7 | 69.8% |
| Leeds City Council | 41.4 | 88.1% | 10.4 | 87.9% |
| Berneslai Homes (Barnsley) | 45.5 | n/a | 7.7 | n/a |
| St Leger Homes (Doncaster) | 61.2 | 89.7% | 4.9 | 64.3% |

This shows that the council receiving slightly less complaints per 1000 properties and in terms of response times, it is not performing as well as some of its peers.

2.9 As part of the council's activities to prepare for inspection, a self-assessment was carried out in Quarter 3 2023/24 using the Housing Quality Network (HQN) toolkit to assess the council's approach to complaints handling against the standard. The scope of the self-assessment was to:

- Take stock of the current position on complaints handling
- Ensure that the consumer standards are being met
- Identify gaps to inform any actions
- Identify any high risks

The Corporate Governance and Audit Committee Assurance Framework was used as a guide to provide an assurance level rating. Whilst not an official audit, based on the findings and recommendations an “**Adequate Assurance**” rating was allocated and reported to Homes and Neighbourhoods Improvement Board (HNIB) in February 2024. The following areas were identified as strengths along with areas for improvement:

Strengths

- Policy & procedure reflects the Complaints Handling Code.
- Multiple routes to complain are available e.g. website, telephone, email, in writing, face to face and social media.
- Letter templates reflect the good practice provided by the Housing Ombudsman

Areas for Improvement

- More focus on learning from complaints as well as the type and causes/reasons of complaints. In response the way data is gathered on the types of complaints received have been changed. This is helping to identify underlying thematic causes and trends and develop solutions at the earliest opportunity. A review of the Repair and Maintenance Policy and what happens if a customer is not home when we come to carry out repairs e.g. no access cases, is underway.
- Limited responses received from the text survey (following a complaint) to obtain tenant feedback regards complaint handling. In response a telephone based approach has been introduced to better capture customer feedback on the complaint handling, this is in addition to the text surveys.

2.10 Also included is an updated self-assessment against the revised Code which is shown in **Appendix 1b**. As part of the upload of the self-assessment to the Ombudsman’s portal, the only options against each question are whether the landlord is compliant (Yes) or not (No). There is no requirement, at this stage, to include any evidence or supporting information to the Ombudsman if you are compliant.

2.11 The Housing Ombudsman will examine each published self-assessment and associated information, as set out in the Annual Performance and Improvement Report, to verify the council’s answers to these questions. However, if the council selects ‘non-complied’, for any section of the Code, there is a requirement to provide additional commentary that explains:

- The reason(s) that the landlord is unable to comply
- When it intends to comply with the provision
- Any alternative approaches put in place to meet the intention of the provision

2.12 The self-assessment demonstrates that the council is compliant against all elements of the Code, with one exception. At the time of submission, the council did not comply fully in relation to the requirement in Section 5.10 that states

‘Landlords must make reasonable adjustments for residents where appropriate under the Equality Act 2010. Landlords must keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments must be kept under active review’.

2.13 The Council's response to this requirement is that whilst information on reasonable adjustments is collected through day to day interactions and requests from customers, these are not currently stored on one system. This requires further attention and, as reported to Cabinet in February 2024, the council is developing a new housing management system, CX which will enable information on reasonable adjustments to be recorded, accessed and regularly reviewed from one system. The council aims to have the new CX system in place by November 2025. In the interim, the aim is to utilise an existing system to improve the integration of existing information where possible. This is likely to be Granicus which will link to CX and avoid starting again with the new system.

3. Implications for the Council

3.1 Council Plan

3.1.1 As set out in the Council Plan, as a social landlord, the Council is '...striving to transform council services to become more modern, efficient and effective'. Of specific relevance to council housing under Priority 2, is '...the work to deliver transformation of services and homes for our housing tenants' which includes:

3.1.2 *Ensuring the tenant's experience (customer journey) informs the development and delivery of housing services throughout 2024-25 and ongoing* (relates to performance updates under Safety and Quality Standard (including Fire Safety and Damp, Mould & Condensation), Transparency, Influence & Accountability Standard (including Complaints Handling), Neighbourhood and Community Standard (including Anti-Social Behaviour) and, Tenancy Standard (including Income Management).

3.2 Financial Implications

3.2.1 Dissatisfied tenants are more likely to want to complain which has a direct impact on capacity and resources at a time of extreme budget constraints. Complaints Handling is administered by the Customer Experience Team, comprising 5 FTE staff budgeted at £195,995 in 2023/24. Based upon the 1031 formal complaints received in 2023/24, it costs on average £200 to administer each complaint received. If it takes on average of 3 hours for a manager to investigate and respond, the average cost will be in the region of at least £300 to deal with each complaint received, or almost £300,000 per year.

3.2.2 The Complaints Handling Policy includes a compensation policy which provides a robust, consistent and transparent framework when considering redress. This ensures that any compensation is fair, appropriate to the situation and protects council resources. In 2023/24 the budget was £18,700 and expenditure for the year, £17,796.

3.2.3 In June 2024 Homes and Neighbourhoods Senior Management Team approved the appointment of one temporary full time equivalent Housing Manager (Grade 11) for up to 12 months to work in the Customer Experience Team to support improvements to the service's approach to complaints handling. The budget to fund the post has been identified from within existing budgets and a Request to Fill will be completed and submitted in line with the council's internal recruitment process.

3.3 Legal Implications

- 3.3.1 Poor complaint handling and low levels of tenant satisfaction is potentially a key indicator that a social landlord may not be compliant with the Regulator's Consumer Standards and/or the Housing Ombudsman Complaints Handling Code. Failure to comply with the Housing Ombudsman's Complaints Handling Code could be the subject of a Complaint Handling Failure Order (CHFO) which would be reported to the Regulator of Social Housing.
- 3.3.2 Given the Regulator has already put the Council on Notice in relation to its approach to dealing with Fire Safety and Damp, Mould and Condensation, poor complaint handling could result in further consequences for the Council.

3.4 Other (e.g., Risk, Integrated Impact Assessment or Human Resources)

- 3.4.1 An Integrated Impact Assessment (IIA) was undertaken to reflect the requirements contained within the revised joint handling code. Ref. No. IIA-576688161. There were no actions confirmed but further assessments may be required as the approach to complaints handling continues to develop and improve.

4 Consultation

- 4.1 Under the Social Housing (Regulation) Act 2023, the Housing Ombudsman's Complaint Handling Code ('Code') became statutory. Under the new legislation, the council is required to produce an annual complaint performance and service improvement report including a self-assessment.
- 4.2 Landlords must ensure that this has been reported to Cabinet and published on the section of the website relating to complaints. When publishing the self-assessment as part of the annual report, the council must include Cabinet's response to the report to provide assurance that the self-assessment is a true reflection of the council's complaint handling. The response should set out how the Member Responsible for Complaints (MRC), Portfolio Holder, Corporate and Housing, has scrutinised and challenged the self-assessment and how any risks identified as part of the review have been addressed. The Annual Report was presented to the Portfolio Holder on 4th June 2024.

5 Engagement

- 5.1 The Homes & Neighbourhoods' Improvement Board (HNIB) were briefed on the first Annual Complaints Performance and Service Improvement Report on 17th June 2024. The Council's Tenant-Led Panel (TLP) were briefed at the Panel's meeting on 26th June 2024 who commented that it was a fair and honest assessment of complaints handling and recognition from the Council that improvements still need to be made. In addition, the TLP receive quarterly performance reports on complaints handling throughout the year.

6. Options

- 6.1 No other options have been considered in the development of this report.

Options considered

- 6.2 Not applicable

Reasons for recommended option

- 6.3 Not applicable

7. Next steps and timelines

7.1 Cabinet is asked to:

7.1.1 Consider the draft Annual Complaints Performance and Service Improvement Report 2023/24, which includes the self-assessment against the Code, as set out in Appendices 1A and 1B

7.1.2 Provide its response to the Annual Complaints Performance and Service Improvement Report 2023/24 and Annual Self-Assessment, along with any changes to either document which will then be re-submitted to the Ombudsman. Cabinet's response is a mandatory requirement.

7.1.3 Authorise officers to publish the final report including Cabinet's response and the self-assessment, on the Council's website, post submission.

8 Contact officers

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9 Background Papers and History of Decisions

9.1 None

10 Appendices

10.1 Appendix 1a: Annual Complaints Performance and Service Improvement Report 2023/24

10.2 Appendix 1b: Housing Ombudsman Complaint Handling Code Self-Assessment

11 Service Director responsible

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