



## Report to Policy Committee

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**Report of:** *Executive Director Neighbourhood Services*

**Report to:** *Strategy and Resources*

**Date of Decision:** *17<sup>th</sup> April 2024*

**Subject:** *Implementation of the Ombudsman Complaint Handling Codes*

Type of Equality Impact Assessment (EIA) undertaken	Initial <input type="checkbox"/>	Full <input checked="" type="checkbox"/>
Insert EIA reference number and attach EIA		
Has appropriate consultation/engagement taken place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-  <i>“The <b>(report/appendix)</b> is not for publication because it contains exempt information under Paragraph <b>(insert relevant paragraph number)</b> of Schedule 12A of the Local Government Act 1972 (as amended).”</i>		

**Purpose of Report:**

This report concerns new, more closely aligned Complaint Handling Codes developed by the Housing Ombudsman (HO) and the Local Government and Social Care Ombudsman (LGSCO) providing best practice for the handling and management of all types of complaints.

The report outlines the features and implementation of the Codes, and the changes which they introduce. It also presents for approval revised Complaint Policy & Procedures which have been aligned to the new Ombudsman Complaint Handling Codes.

**Recommendations:**

That Strategy and Resources Policy Committee approves:

- the revised Sheffield City Council Complaint Handling Policy (April 2024) attached to this report at Appendix 1 for adoption with immediate effect to align to implementation of the Housing Ombudsman Complaint Handling Code;
- the revised Sheffield City Council Complaint Handling Policy (September 2024) attached to this report at Appendix 1a for adoption with effect from 1<sup>st</sup> September 2024 to align to implementation of the Local Government and Social Care Ombudsman's Complaint Handling Code;
- corresponding changes to the Council's Corporate Complaints Procedure attached to this report at Appendix 2.

That Strategy and Resources Policy Committee recommends to Full Council that:

- the role of the Deputy Leader of Council should include being the Lead Member for Customer Experience (including complaints) to promote a positive complaint handling culture;
- lead Member responsibility for complaints be reserved to Strategy and Resources Policy Committee, with specific responsibilities as described in Section 1.9 of this report;
- Appropriate amendments are made to the Council's Constitution.

**Background Papers:**

- **Appendix 1 - SCC Complaint Handling Policy – April 2024**
- **Appendix 1a - SCC Complaint Handling Policy – September 2024**
- **Appendix 2 - SCC Corporate Complaints Procedure - April 2024**
- **Appendix 3 - Housing Ombudsman Equality Impact Assessment (EIA)**
- **Appendix 4 - Sheffield City Council EIA (see reference 2532)**
- **Appendix 5 - Communications Plan**

Lead Officer to complete:-

1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed.	Finance: <i>(Insert name of officer consulted)</i> <b>Adrian Hart</b>
		Legal: <i>(Insert name of officer consulted)</i> <b>Andrea Simpson</b>
		Equalities & Consultation <i>(Insert name of officer consulted)</i> <b>Louise Nunn</b>
		Climate: <i>(Insert name of officer consulted)</i> <b>Kathryn Warrington</b>
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>SLB member who approved submission:</b>	<b>Ajman Ali</b>
3	<b>Committee Chair consulted:</b>	<i>(Insert name of relevant Member)</i> <b>Fran Belbin – Deputy Leader</b>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	<b>Lead Officer Name:</b> <b>Corleen Bygraves-Paul</b>	<b>Job Title:</b> <b>Acting Joint Head of Customer Services</b>
	<b>Date:</b> 20 <sup>th</sup> March 2024	

## **1. PROPOSAL**

### **1.1 Background**

1.1.1 The Housing Ombudsman (HO) and the Local Government and Social Care (LGSCO) Ombudsman have developed more closely aligned Complaint Handling Codes, providing best practice for the handling and management of all types of complaints.

1.1.3 This report outlines proposals for the implementation of the Codes and presents and recommends for approval revised Complaint Policy & Procedures, which have been aligned to the new Ombudsman Complaint Handling Codes. A revised SCC Complaint Policy (April 2024), ensuring compliance with the HO Code, is attached to this report at Appendix 1. Further minor revisions are proposed to take effect from September 2024 in line with the LGSCO's recommendations for best practice and these are attached at Appendix 1a. The new Corporate Complaints Procedure, effective from April 2024, is attached at Appendix 2.

### **1.2 Housing Ombudsman (HO) Code Formal implementation from 1 April 2024 – HO Monitoring from 1 April 2024**

1.2.1 The Social Housing (Regulation) Act 2023 empowers the HO to issue a code of practice about the procedures members of the Scheme should have in place for considering complaints against them following consultation on the code and places a duty on the HO to monitor compliance with that code. The HO has issued its first statutory Complaint Handling Code, effective from 1 April 2024.

1.2.2 However, since 2021/2022, in anticipation of the revised HO Code being published, the Council had already implemented the majority of the Code's standards for the Council's Housing & Repairs and Maintenance Services, and so from 1 April 2024, has fully adopted the Code, with monitoring by the HO commencing from this date.

1.2.3 A self-assessment (regarding the Council's adherence to the Code) will be completed and submitted to the HO by 30<sup>th</sup> June 2024.

### **1.3 Local Government and Social Care Ombudsman (LGSCO) Code Soft Launch from April 2024 with SCC monitoring from 1 September 2024 – LGSCO monitoring from April 2026**

1.3.1 The LGSCO has the power to issue 'advice and guidance about good administrative practice' to organisations they deal with under section 23 (12A) of the Local Government Act 1974 and has issued a Complaint Handling Code which is aligned to the HO Code.

Local authorities should follow the Code unless there are good reasons not to.

1.3.2 Whilst the LGSCO does not plan to fully implement monitoring adherence until April 2026, in order to provide consistency of standards across complaint handling and in order to strengthen our commitment to improve complaint handling, Sheffield City Council plans to adopt the LGSCO's recommendations for best practice fully from September 2024.

1.3.3 This will allow time to negotiate with our third-party contractors, so as to ensure that wherever possible their complaint policies and standards are also aligned to the Code.

#### **1.4 Strategic Partners/third party contractors (where possible) to be aligned to the Code by 1 September 2024**

1.4.1 Veolia response timescales currently align to the changes made by the Code.

1.4.2 Amey response timescales do not align to the changes. It should be noted that currently Amey response times are longer (20 working days at Stage 1) than those recommended by the Code.

1.4.3 The LGSCO has advised that there is no expectation to revisit existing contractual arrangements (especially if there is a cost involved). However as Amey accounted for 16% (1546 of 9514) of the total complaints received during 2022/23, we will explore the possibility of alignment to the LGSCO Code.

#### **1.5 The Code does not apply to complaints which are subject to an existing statutory code**

1.5.1 These Codes will apply across all complaint types, except for social care which has its own existing statutory codes.

1.5.2 This means that some complaints about children's services, adult social care and public health are not covered by the expectations set out in the Code:

Complaints dealt with under the Children Act 1989 Representations Procedure (England) Regulations 2006 and The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 will not be affected by the Code. It will also exclude some complaints about public health matters which are covered by The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

1.5.3 Complaints about the behaviour and conduct of elected Members are also not covered by the Code as these are dealt with in accordance with section 28 of the Localism Act 2011.

- 1.5.4 Details of all exclusions are set out in sections 2.8 – 2.14 of the revised SCC Complaint Policy (April 2024) at Appendix 1 and SCC Complaint Policy (September 2024), at Appendix 1a to this report.

## **1.6 Non-compliance outcomes**

- 1.6.1 The LGSCO may make a finding of maladministration where a local authority's policies and procedures depart from the Code without sufficient explanation. They may also make a finding of maladministration where, without good reason, a local authority does not meet the standards in the Code when responding to an individual complaint.

- 1.6.2 If there is evidence of ongoing failures in compliance, the HO will consider using its wider powers, including Complaint Handling Failure Orders.

## **1.7 Key areas of the revised SCC Complaint Handling Policy**

- 1.7.1 In line with the HO and LGSCO Complaint Handling Codes the revised policy includes:

- universal definition of a complaint and of a service request
- a simple two stage complaint handling process with emphasis on early resolution
- providing easy access to the complaints procedure and ensuring citizens are aware of it, including their right to access the relevant Ombudsman Service
- the structure of the complaints procedure - only 2 stages, with clear timescales set out for responses:
  - **Stage 1** – within 10 working days of acknowledgement (formerly 20 working days from receipt). Any extension will be no more than 10 working days without good reason and the reason(s) will be clearly explained to the complainant.
  - **Stage 2** – within 20 working days of acknowledgement (formerly 20 working days from receipt). Any extension will be no more than 20 working days without good reason, and the reason(s) will be clearly explained to the complainant.
- ensuring fairness in complaint handling with a people-focused 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 (HO only)
- improved governance of the Council's complaints handling performance by the appointment of:

- a senior executive to oversee complaint handling performance
- a Lead Member of Customer Experience - which includes responsibility for complaint handling performance

## **1.8 Senior executive to oversee complaint handling performance**

1.8.1 This role defaults to the Director responsible for the management of the Council's Corporate Feedback & Complaints Team, currently the Director of Operational Services whose responsibilities - as set out in the Management Structure at Part 7 of the Constitution - include Corporate Complaints and being the Lead Director for Customer Experience. This Officer will be responsible for overall complaint performance reporting, assessing any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.

1.8.2 However, this role does not replace the responsibility and accountability of Directors to ensure that any outcomes/learnings/service improvements are implemented and reviewed periodically. This may include escalation and review by the appropriate policy committee as required. Further, this role does not include the statutory responsibilities and the duty to report to the social care regulators of the Director of Children & Families and the Strategic Director of Adult Care and Wellbeing.

## **1.9 Lead Member for Customer Experience**

1.9.1 Both the HO and LGSCO Codes describe the need for and role of a "Member Responsible for Complaints". In the HO Code this role is ascribed to "a member of the governing body (or equivalent)". This reflects the fact that the Code applies to all Registered Providers of Social Housing, who may be local housing authorities, companies or charities, and so "governing body" is used as a blanket term to cover the various forms of governance that may apply. The LGSCO Code, however, is more specific in its application to local authorities, stating that "*organisations should assign lead responsibility for complaints in governance arrangements to support a positive complaint handling culture. We refer to this as the 'Member Responsible for Complaints' (the Member). This role could be carried out by an individual or committee depending on the governance arrangements in place.*"

1.9.2 Sheffield City Council operates a committee system of governance and the governing body is the Council. In its Constitution Full Council delegates responsible for the exercise of most of its functions to committees or to officers. It is proposed that the role of the Member Responsible for Complaints be reserved to the Strategy and Resources Policy Committee and that a recommendation be made to Full Council to amend the Constitution accordingly.

1.9.3 To fulfil this role the Lead Member must receive regular information on complaints which provides insight on the organisation's complaint handling performance. This includes:

- The annual complaints performance and service improvement report
- Regular reviews of issues and trends arising from complaint handling
- Inclusion of complaints performance in the Council's quarterly outcomes performance framework. (*See Appendix 1, section 9.7 of the revised Council policy*).

1.9.4 Whilst responsibility for monitoring and decision-making is a committee function, the Lead Member also has an outward-facing role to promote a positive complaint handling culture. It is proposed that the Deputy Leader of the Council should take on this role as Lead Member for Customer Experience and that a recommendation be made to Full Council to amend the Constitution accordingly.

## **1.10 Revised Council Complaint Policy & Procedures**

1.10.1 Subject to the approval of this Committee, Sheffield City Council's Complaint Handling Policy will be updated from 1 April 2024, aligning it to the formal implementation of the HO Code, and later in September 2024, to fully adopt the implementation of the LGSCO Code. **See Appendix 1 & 1a.**

1.10.2 The Council's Complaints Procedures will also be aligned to the Code. **See Appendix 2.**

## **2. HOW DOES THIS DECISION CONTRIBUTE ?**

2.1 The implementation of the Code has synergies with the Council's Customer Experience Strategy, the Council Plan and the Council Values – putting people at the heart of what we do and ensuring that maximising outcomes for our citizens is central to our work as a whole organisation.

2.2 The Council will continue to enhance its complaints handling and management through fully adopting the principles of the new Codes and by increased transparency, accessibility, and complaint handling governance; demonstrating that individuals are at the heart of its service delivery.

2.3 Benefits of adopting this proposal include:

- Promotion of a positive relationship between the Council and



citizens;

- Ensuring a consistent standard for dealing with complaints, meaning that all residents will be treated fairly and will not be treated differently based on the service they are complaining about;
- Improved investigation and resolution timescales, meaning that an issue may be resolved before it becomes worse. Issues not resolved quickly can take significant resource and time to remedy;
- Greater involvement in complaint resolution to further develop staff ownership, decision-making and engagement;
- Senior staff being provided with essential insight into day-to-day operations, allowing them to assess effectiveness and to drive a positive complaint handling culture.
- Improved data collection, recording and analysis to inform key business decisions to drive improvement in service provision.
- Improved feedback processes to obtain feedback from individuals in relation to how their complaint has been handled, as part of the drive to encourage a positive complaint and learning culture.
- Improved governance and monitoring.

### 3. HAS THERE BEEN ANY CONSULTATION?

3.1 LGSCO & HO conducted consultations during the period September to November 2023. This included a national consultation exercise inviting all Councils/Housing Associations and members of the public to participate. See:

[Complaint Handling Code 2024 - Housing Ombudsman \(housing-ombudsman.org.uk\)](https://housing-ombudsman.org.uk)

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

3.2 The proposed changes have also been communicated widely within the organisation to ensure that all officers are able to provide support to complainants. **See Comms plan – Appendix 5**

### 4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

#### 4.1 Equality Implications

- 4.1.1
- See Housing Ombudsman Equality Impact Assessment - **Appendix 3**  
and
  - Sheffield City Council's Equality Impact Assessment – **Appendix 4**

#### 4.2 Financial and Commercial Implications

4.2.1 Whilst there are no direct financial implications arising from this report,

any costs incurred as a result of implementation or ongoing compliance with the Complaints Handling Codes - and amended Policies & Procedures - will be contained within existing resources.

#### 4.3 Legal Implications

- 4.3.1 In respect of the Housing Ombudsman (HO), the Social Housing (Regulation) Act 2023 has amended the provisions of the Housing Act 1996 to empower the HO to issue a code of practice about the procedures members of the Scheme (which include all social landlords) should have in place for considering complaints against them. Following consultation, the (HO) has issued its first statutory Complaint Handling Code ('the Code') with effect from 1 April 2024. The amendments also place a duty on the Ombudsman to monitor compliance with the Code.

There is no corresponding duty on landlords to comply with the Code. In the event of non-compliance, however, the HO may issue and publish a Complaint Handling Failure Order and recover the costs of doing so from the landlord.

The 2023 Act also imposes a duty of co-operation on the Regulator of Social Housing (RSH) and the HO. The RSH has issued a new Transparency, Influence and Accountability Standard, effective from 1<sup>st</sup> April 2024, which includes a requirement to ensure that complaints are addressed fairly, effectively and promptly. A failure to comply with the HO's Complaints Handling Code may thus result in a regulatory failure.

- 4.3.2 In respect of the Local Government and Social Care Ombudsman (LGSCO), the Complaint Handling Code is issued under the powers to provide "guidance about good administrative practice" to organisations under section 23 (12A) of the Local Government Act 1974. For the LGSCO this Code constitutes important advice and guidance to councils, rather than instructions.

The LGSCO's role is to investigate complaints of maladministration and service failure and it may recommend that an organisation takes action to improve services or provide a personal remedy where it finds fault causing injustice to an individual or group of individuals.

Unlike the HO, the LGSCO has no specific responsibility for monitoring compliance with the Code. The LGSCO Code is however aligned to the HO's Code, thus ensuring a common approach to complaint handling by either body.

#### 4.4 Climate Implications

- 4.4.1 There are no climate implications as a result of this report.

### 5. **ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 The Council could choose not to update its own Complaint Handling Policy and Corporate Complaints Procedure or to implement the HO Complaint Handling Code but to do so would risk findings of non-compliance by the HO and regulatory failure by the Regulator of Social Housing.

**6. REASONS FOR RECOMMENDATIONS**

- 6.1 Statutory compliance required for Housing & Repairs Services from 1 April 2024. Principles to be adopted across whole Council from 1 September 2024 to provide consistent standards across all complaints and demonstrate our commitment to improving complaint performance.
- 6.2 Improved governance and monitoring to ensure performance targets are improved.
- 6.3 Improved performance reporting/monitoring - both internally and externally, including an annual self-assessment (HO), and reporting and analysis of service improvements/learnings to the Strategy & Resources Committee.
- 6.4 Emphasis on the prioritisation of complaints and to engender a culture of listening and learning from complaints.
- 6.5 Revised and comprehensive Complaints Policy & Procedures are needed to align to the new Ombudsman Complaint Handling Codes. Council Policy was last updated in 2014.

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