

North Tyneside Council

Report to Cabinet

Date: 11th March 2013

ITEM 7(a)

Title: Introduction of a Complaint Handling Policy and Revision to Corporate Complaints Procedure

Portfolio(s): Elected Mayor
Housing

Cabinet Member(s): Mrs. Linda Arkley
Cllr. Paul Mason

Report from Directorate: Chief Executive's Office
Community Services

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Wards affected: All

PART 1

1.1 Purpose:

The purpose of the report is to seek approval for a proposed overarching Policy for good principles of Complaints Handling, and for a number of amendments to the Authority's Corporate Complaints procedure in relation to some Housing complaints to fulfil the requirements of the Housing Ombudsman scheme that comes into effect on 1st April 2013.

1.2 Recommendation(s):

It is recommended that Cabinet:

1. Agree the introduction of an overarching Complaints Handling Policy (Appendix 1); and
2. Agree the revisions to the Corporate Complaints procedure (Appendix 2) for dealing with Housing complaints which are suitable for determination by the new Housing Ombudsman scheme from 1st April 2013.
3. Note that the Authority will join the approved Housing Ombudsman Scheme from 1 April 2013.

1.3 Forward Plan:

28 days Notice of this report has been given and it first appeared on the Forward Plan that was published on 9th January 2013.

1.4 Council Plan and Policy Framework

This report does not have a direct link to Council Strategic Plan 2012-2015 or the Sustainable Community Strategy 2010-13. However lessons learned from complaints are a key driver in service improvement and ensuring best value for money.

1.5 Information:

Background

1.5.1 Complaints about Council services are currently dealt with through the Council's Corporate Complaints Procedure and the Local Government Ombudsman scheme. In addition to these procedures there are also statutory requirements associated with the handling of complaints concerning Adult Social Care and Children Social Care matters. All of the procedures referred to are administered by the Authority's Customer and Member Liaison Office (CMLO). Good practice shows that, in order to assure the Authority's aspirations in respect of complaints are clear, a policy on the handling of the various types of complaints is helpful. As a result a proposed overarching Complaints Handling Policy for the Authority (annexed at Appendix 1) has been produced for consideration and approval. The policy sets out the Authority's aims and aspirations for excellent complaint handling. It is also underpinned by the various procedures which apply, depending on the classification of complaint received.

The new Housing Ombudsman

1.5.2 The Localism Act 2011 introduced new legislation concerning the handling of complaints about social housing providers. The Housing Ombudsman function currently covers complaints in respect of all Registered Providers (housing associations), with Local Authority Housing providers (including North Tyneside Homes) still currently subject to the Local Government Ombudsman complaints scheme. However from 1st April 2013 all social housing providers, including local authority providers such as North Tyneside Homes, will come under the jurisdiction of the Housing Ombudsman. The Housing Ombudsman will have similar powers of jurisdiction and enforcement to the existing Local Government Ombudsman.

1.5.3 There is a legal requirement for all providers of social housing to join a Housing Ombudsman scheme approved by the Secretary of State. To date only one such scheme has been approved. The recommended Scheme does not affect the operation of the current Corporate Complaints Procedure until the point at which a complaint has exhausted the current procedure. The proposed changes to the existing procedure as detailed in Appendix 2 (at pages 10/11) take into account the requirements of the approved Housing Ombudsman Scheme, including the introduction of a 'designated person' role, as detailed below.

Official guidance is expected imminently from the Local Government Ombudsman and Housing Ombudsman jointly on the new arrangements. At the time of writing this report the guidance has not yet been issued. The Ombudsman guidance document will be appended to this report if received prior to the Cabinet meeting. The document will also be circulated to all Elected Members for information.

- 1.5.4 The new process for referring complaints against a social housing provider to the Housing Ombudsman mainly revolves round the introduction of 'designated persons'.
- 1.5.5 A 'designated person' may be:
- any Member of Parliament (MP), not restricted to a representative from the local housing authority district in which the property concerned is located;
 - a councillor, but they must be a representative for the local housing authority district in which the property concerned is located;
 - a designated tenant panel, which is a "group of tenants recognised by a social landlord for the purpose of referring complaints against the social landlord". (Note it is not currently proposed to set up such panels in North Tyneside following consultation undertaken to date with the North Tyneside Homes Overview Panel).
- 1.5.6 The 'designated person' will consider a complaint once a social landlord's internal complaints procedure has been exhausted, and should seek dispute resolution with the respective parties. The designated person will then decide whether or not to refer the complaint to the Housing Ombudsman. Any referral to the Housing Ombudsman by the designated person must be made in writing.
- 1.5.7 It remains open to residents, once the social landlord's internal complaints procedure has been exhausted in respect of their complaint, to approach the Housing Ombudsman directly if they do not wish to have their complaint considered by a designated person. A resident is entitled to refer their complaint directly to the Housing Ombudsman after the end of eight weeks beginning with the day on which the local complaints procedure concluded. In addition, if a designated person has refused in writing to refer the complaint to the Housing Ombudsman, then the Housing Ombudsman will consider the complaint without requiring a referral from a designated person, or the requirement for the resident to wait eight weeks.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

To agree the proposals set out in section 1.2 of this report.

Option 2

Not to agree the proposals as set out in section 1.2 of this report.

Option 3

To refer the proposals back to officers for further consideration of any specific issues identified by Cabinet.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

- 1.7.1 The Authority does not currently have in place an overarching policy for good complaint handling which covers all the required complaints procedures administered within the

Authority, namely, Corporate, Adult Social Care and Children's Services. The new Policy will provide this.

1.7.2 There is a statutory requirement to have a scheme for dealing with complaints which fall under the jurisdiction of the Housing Ombudsman in place by 1st April 2013. The proposed changes to the Authority's existing complaints procedures (at Appendix 2) are necessary to secure compliance with the approved Housing Ombudsman Scheme and are consistent with the aims and aspirations of the Authority.

1.8 Appendices:

Appendix 1: Proposed Complaints Handling Policy

Appendix 2: Corporate Complaints Procedure (revised March 2013)

1.9 Contact officers:

Yvette Monaghan, Customer & Member Liaison Office Manager, tel. 643 5361

Philip Craig, Lawyer, Legal Services, tel. 643 5355

Alison Campbell, Finance Business Manager, tel. 643 7038

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- The Draft Housing Ombudsman Scheme – October 2012
- [click here](#)
- **Corporate Complaints Procedure**
[click here](#)
- **Children Social Care Complaints Procedure**
http://www.legislation.gov.uk/ukxi/2006/1738/pdfs/ukxi_20061738_en.pdf
- **Adult Social Care Complaints Procedure**
[click here](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial or other resource implications arising directly from this report. The designated person, as described in Sections 1.5.5 and 1.5.6 above, will provide their service free of charge as part of their normal community role. The delivery of the service can be provided from within existing budget provision. Compensation payments are funded from the existing service budgets from the relevant Service area.

2.2 Legal

There is a statutory requirement for the Authority to join an approved scheme for dealing with complaints under the jurisdiction of the Housing Ombudsman by 1st April 2013.

At the time of writing this report the scheme is still a draft; a finalised scheme is expected imminently from the Housing Ombudsman at which point the Authority will be obliged to join it within 21 days.

2.3 Consultation/community engagement

The proposals in relation to the Housing Ombudsman have been the subject of briefings for the Elected Mayor, the Cabinet Member for Housing and Ward Members.

The new Complaints Handling Policy will be circulated to Directors and Heads of Service.

2.4 Human rights

The Customer and Member Liaison Service promotes equal access to complaint services and opportunities to contribute to service improvement.

2.5 Equalities and diversity

The Service promotes equal access to complaint services and opportunities to contribute to service improvement. Material is available in different formats and the CMLO actively provides assistance to people with individual needs as required.

2.6 Risk management

A risk assessment has been undertaken on the changes. Any risks identified will be managed through North Tyneside Risk Process and will be added to the Council Risk Register.

2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

2.8 Environment and sustainability

There are no environment and sustainability implications directly arising from this report.

PART 3 - SIGN OFF

- Chief Executive
- Strategic Director(s)
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Strategic Manager Policy, Partnerships, Performance and Communications