

Croydon Council

REPORT TO:	CABINET 12 July 2021
SUBJECT:	Housing Ombudsman Self Assessment and Complaint Handling Failure Order
LEAD OFFICER:	Chris Buss, Interim Director of Finance, Investment & Risk
CABINET MEMBER:	Councillor Patricia Hay-Justice, Cabinet Member for Homes
WARDS:	All
COUNCIL PRIORITIES 2020-2024 To comply with The Housing Ombudsman (HO) complaint handling code and the recommendations of The Complaint Handling Failure Order issued by the HO.	
FINANCIAL IMPACT: None by way of financial penalty	
FORWARD PLAN KEY DECISION REFERENCE NO.: This is not a key decision	

The Leader of the Council has delegated to the Cabinet the power to make the decisions set out in the recommendations below

1. RECOMMENDATIONS

- 1.1 The Cabinet is asked to approve the contents of the Housing Complaints Self Assessment, as per Appendix 1, in order for the assessment to be publicised on the Local Authority website.

2. EXECUTIVE SUMMARY

- 2.1 In July 2020 the HO issued a new complaints handling code which was published on their website and sent to all member landlords around the country. The full code can be found in Appendix 2
- 2.2 The self assessment section of the new complaints handling code states as follows:

Self-assessment

The Ombudsman expects landlords to carry out regular self-assessment against the Code and take appropriate action to ensure their complaint handling is in line with the Code. This assessment should be completed by 31 December 2020.

The Ombudsman expects landlords to report the outcome of their self-assessment to their board members. In the case of local authorities, self-assessment outcomes should be reported to elected members.

The Ombudsman expects landlords to publish the outcome of their assessments. The Ombudsman may request sight of the assessment and evidence in support. The Ombudsman may require landlords to periodically repeat the self-assessment, for example following any amendments to the Code or significant change to the landlord organisational structure.

- 2.3 The self assessment was completed by Kim Hyland, Interim Complaints Manager in November 2020, following discussions with the resident access officers.
- 2.4 In late 2019, a scrutiny exercise was completed by the Residents Housing Review Panel in regards to the Complaints procedure, which resulted in some changes being made. This was included in our self assessment.
- 2.5 Once completed, there were some actions noted for positive development over the coming 12 months, with a guideline for completion by the end of 2021.
- 2.6 The self assessment did not have to be provided to the Ombudsman as evidence of completion.
- 2.7 The self assessment was not presented to members, given that our attendance at the Overview and Scrutiny Committee had been postponed on numerous occasions. The intention was to present the self assessment as an appendix to the scrutiny report, and request for approval.
- 2.8 The self assessment was not published on the website, as the approval of members had not yet been obtained.
- 2.9 On 10 May 2021 the Ombudsman made a request to view the self assessment that had been completed and asked why this had not been published on the Local Authority website.
- 2.10 The self assessment was provided to the Ombudsman, along with an explanation as to why the assessment had not yet been published.
- 2.11 Following this the Ombudsman contacted the Complaints Manager on 17 May 2021 and requested that a meeting was scheduled in order for us to discuss the assessment. A meeting was scheduled for 9 June. The Ombudsman stated that there were no actions that needed to be taken in advance of the meeting and that this was an informal chat.
- 2.12 On 27 May 2021 the Ombudsman again made contact with the Complaints Manager to advise that they were considering issuing the Local Authority with a Complaint Handling Failure Order if they were not provided with a sufficient explanation as to the delay in publication by the end of the working day.
- 2.13 The Complaints Manager contacted the Ombudsman and discussed the situation with them, whereby the Complaints Manager was advised that they were happy

with the explanation and would feed this back to their manager and they would discuss further with the Complaints Manager on 9 June 2021. The Ombudsman also stated that the contents of the self assessment were sufficient.

2.14 The Ombudsman contacted the Complaints Manager the same afternoon to advise that they had decided to issue the order.

2.15 The Complaints Manager highlighted to the Ombudsman that the new complaints handling policy states that 'in all cases the Ombudsman will provide the landlord with details of the presenting issue and provide an opportunity for the landlord to rectify this before a complaint handling failure order is made'. This was acknowledged by the Ombudsman.

2.16 On 28 May 2021 the Ombudsman wrote to the Complaints Manager stating:

The Ombudsman has taken your points into consideration but believes that there remains an unreasonable delay, that cannot be rectified, in taking the self-assessment through governance to test its robustness and demonstrate support for a positive complaints handling culture and therefore a CHFO is merited. The Ombudsman has come to this conclusion for the following reasons:

- *While the Code does not specify a timescale for when the self-assessment should have gone through governance, it is now the end of May 2021. The Code was published on 1 July 2020, containing this requirement, and the self-assessment deadline was 31 December.*
- *Even were the self-assessment to be taken to governance now, the time elapsed remains a failure in compliance with the Code.*

2.17 The Complaint Handling Failure Order (CHFO) was issued on 28 May 2021. This can be found in Appendix 3.

2.18 The Complaints Manager has liaised with the new Executive Director of Housing, Alison Knight, and Director of Housing Yvonne Murray, in regards to the contents of the self assessment.

2.19 Some further updates have been made to the assessment to include the upgrade of the new Complaints Recording system, actions taken as a result of complaints and improvements made in Housing in recent months.

3. CONCLUSION

3.1 The HO concluded there had been a complaint handling failure due to the delay in the presentation of the self assessment to members and publication on the Local Authority Website.

3.2 The action required as stated on the Complaint Handling Failure Order is:

The Ombudsman requires the landlord to present its full and final self-assessment to its elected members, and publish this on its website, by 31 August 2021.

- 3.3 The Complaints Manager has liaised with the Director and Executive Director as to the contents of the assessment.
- 3.4 The self assessment is to be presented to cabinet members in July 2021 and approval for publication requested.
- 3.5 Once approved the self assessment will be published on the Local Authority website.

4. ACTIONS TAKEN BY CROYDON COUNCIL

- 4.1 Complaints Manager has discussed the self assessment with Executive Director of Housing.
- 4.2 Updates have been made to the self assessment to incorporate changes made between November 2020 and June 2021.
- 4.3 The Complaints Manager has met with the Housing Ombudsman to discuss the order and how improvements can be made to improve complaint handling within the organisation for both staff and residents.
- 4.4 Complaints Manager has requested a link officer within the Housing Ombudsman, in line with the Local Government and Social Care Ombudsman.

5. LESSONS LEARNT, IMPROVEMENT AND PREVENTION

- 5.1 Complaints Manager to ensure compliance across the organisation to the complaint handling code.
- 5.2 Training has been requested from the Housing Ombudsman for staff throughout the wider organisation.
- 5.3 Complaints Manager to attend the next Housing Ombudsman webinar in September 2021.
- 5.4 Future housing complaint reports to be presented at Streets, Environment & Homes Scrutiny Sub-Committee to ensure Member oversight.

CONTACT OFFICER: Chris Buss, Director of Finance, Investment and Risk

APPENDICES TO THIS REPORT: Appendix 1 – Self Assessment
Appendix 2 – Housing Ombudsman’s Complaint Handling Code
Appendix 3 – Complaint Handling Failure Order

BACKGROUND DOCUMENTS: None