

# North Tyneside Council

## Report to Cabinet

Date: 18 March 2024

### Title: Corporate and Housing Services Complaints Procedure

---

Portfolio(s): Deputy Mayor

Cabinet Member(s): Councillor Carl Johnson

---

Report from Service Area: Corporate Strategy and Customer Service

Responsible Officer:

Jacqueline Laughton, Assistant Chief Executive

Tel: (0191) 643 5724

Wards affected:

All

---

#### PART 1

##### 1.1 Executive Summary:

The Local Government and Social Care Ombudsman (LGSCO), and the Housing Ombudsman (HO), in February 2024 published new Complaints Handling Codes for the management of complaints that must be followed by all English local authorities and social housing providers respectively.

In November 2023 Cabinet received the Annual Corporate Complaints Report for 2022/23 and agreed to amend the Authority's Corporate Complaints Procedure as was necessary at that time. The report to Cabinet in November 2023 referred to the fact that that the LGSCO and HO were jointly reviewing their respective Complaints Handling Codes and that changes made to either Code could result in changes needing to be made to the Authority's Corporate

Complaints Procedure. That being the case, Cabinet gave authority to the Assistant Chief Executive to undertake a review of the Authority's Corporate Complaints Procedure at the conclusion of the LGSCO and HO's review of their Codes, and, if as a result it became necessary to make amendments to the Procedure, the Assistant Chief Executive could make such amendments and seek agreement to those amendments being made.

Attached to this report at Appendix 1 is the Authority's amended Corporate Complaints Procedure which reflects the necessary changes that need to be made as a result of the LGSCO and HO's reviews referred to above. The Authority's Complaints Procedure will become known as the 'Corporate and Housing Services Complaints Procedure'.

If agreed by Cabinet, the Authority's Corporate and Housing Services Complaints Procedure will come into effect on 1 April 2024 and will apply to all non-statutory complaints that the Authority receives.

## **1.2 Recommendation(s):**

It is recommended that Cabinet agrees:

- (1) the Corporate and Housing Services Complaints Procedure, attached to this report at Appendix 1;
- (2) that the Director for Housing and Property services should bring a further report to Cabinet dealing with the Authority's Housing and Property Services complaint's performance and service improvement, including the annual self-assessment against the Housing Ombudsman's Complaint Handling Code, no later than 30 June 2024;
- (3) that the Assistant Chief Executive should bring a further report to Cabinet dealing with the Authority's corporate complaint's performance and service improvement, including the annual self-assessment against the Local Government and Social Care Ombudsman's Complaint Handling Code, no later than November 2024;
- (4) that the Assistant Chief Executive, Director of Housing and Property Services and the Director of Resources, review complaint monitoring, reporting and feedback arrangements, to ensure relevant bodies receive appropriate information about complaint activity and compliance, and report progress

of this work in the annual complaint's performance and service improvement reports to Cabinet in 2024 and successive years; and

- (5) that the Assistant Chief Executive and the Director of Housing and Property in consultation with the Deputy Mayor, the Cabinet Member for Housing and the Director of Resources shall be authorised to make amendments or adjustments to the Corporate and Housing Services Complaints Procedure.

### **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 16 February 2024.

### **1.4 Council plan and policy framework**

The Our North Tyneside Plan sets out bold ambitions for ensuring that the Borough's residents, businesses, environment, and economy continue to thrive; making North Tyneside an even greater place to live, work and visit by 2025. The plan outlines a vision of building a better North Tyneside, looking to the future, and listening to and working better for residents.

Listening and learning from all customer feedback, including that from complaints, is an integral part of this ambition.

### **1.5 Information:**

#### **1.5.1 Background**

Cabinet last reviewed its Corporate Complaint Procedure on 27 November 2023. As part of that report, Cabinet agreed that should the Local Government and Social Care Ombudsman (LGSCO) and Housing Ombudsman (HO) introduce new Complaints Handling Codes of Practice in 2024 which resulted in the need to review the Authority's Corporate Complaints Procedure, the Assistant Chief Executive would have authority to undertake such a review and make any proposed amendments to the Procedure, and to bring a further report to Cabinet seeking its agreement to any amendments. This is such a report.

The Authority's Customer Promise sets out what customers should expect of Authority services and what they can do if they consider that things have not gone well. The Authority encourages comments and feedback about any of its

services, both positive and negative; they provide the opportunity to learn and continually improve how things are done. The Authority is committed to doing everything possible to resolve complaints for its customers fairly, early and as efficiently as possible.

The Customer First Office was established in July 2022 and administers the Authority's corporate and statutory complaints, in line with its associated complaints Procedures and using the standards set out in the Authority's Customer Promise.

The Authority has a current Corporate Complaints Procedure for all its services, that satisfies the requirements of both the LGSCO and HO.

Childrens' social care complaints are governed by the Children Act 1989 and the Authority has a supplementary, but complimentary, Complaints Procedure for managing those complaints, that satisfies the requirements of the 1989 Act, the LGSCO, and associated regulators.

Adult social care complaints are governed by the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 and the Authority has a supplementary but complimentary Complaints Procedure for those complaints, that satisfies the requirements of the Regulations, LGSCO, and associated regulators.

The principles and commitment of the Corporate Complaints Procedure, guide the way that all complaints are managed by the Authority, regardless of any supplementary, procedures used. The Authority's Corporate Complaints Procedure 2023, defined a complaint as an expression of dissatisfaction, however made, about the services the Authority provides. It can relate to the standard of service, actions or lack of action taken by the Authority, its own staff, or those acting on its behalf, affecting an individual resident or group of residents and which requires a response.

The HO looks at complaints about registered providers of social housing, including local authorities, housing associations, and other landlords, managers and agents. The service is free, independent and impartial. The HO is an executive non-departmental public body, sponsored by the Department for Levelling Up, Housing and Communities.

The LGSCO looks at complaints about local authorities and some other public authorities and organisations, including education admissions appeal panels

and adult social care providers (such as care homes and home care providers). The service is free, independent and impartial. The LGSCO works with the Department for Levelling Up, Housing and Communities.

## 1.5.2 Background to the New Ombudsman Codes

The HO and LGSCO launched a national, joint consultation on their respective Complaint Handling Codes in 2023.

The HO consultation was carried out as required by the Social Housing (Regulation) Act 2023.

The HO partnered with the LGSCO to extend their respective Codes across all local government functions to promote effective complaint handling.

While social landlords have had to meet the obligations within the HO Code since it was introduced three years ago, under a new statutory Code landlords will now have to demonstrate that they are meeting the requirements of the Code. The HO will also have new powers as part of its duty to monitor and hold landlords to account as part of its Complaints Handling Process.

The national joint consultation from both Ombudsman started on 28 September 2023 and closed on 23 November 2023 and the intention at the time, was to produce a single, unified, Complaints Handling Code, across both Ombudsman's areas of responsibility, in early 2024.

On 8 February 2024, the HO and LGSCO announced that there would be two separate Complaints Handling Codes, one for each Ombudsman and both have made the Codes publicly available. Whilst separate, the Codes include similar advice and guidance about how to administer a fair and effective complaints process.

The separate Codes recognise the different roles and powers that the respective Ombudsmen have and have important differences, such as the LGSCO Code referring to some of the expected standards to be achieved as 'should' whereas the HO Code refers to 'must'.

The HO code will become effective from 1 April 2024.

The LGSCO has issued the Code as “advice and guidance” under section 23 (12A) of the Local Government Act 1974. This means that local authorities and other public authorities should consider the Code when developing complaint handling policies and procedures and when responding to complaints. If an authority decides not to follow the Code, the LGSCO would expect it to have a good reason for doing so.

The LGSCO states that authorities are encouraged to adopt the Code as soon as they are able to do so. The LGSCO intend to start considering the Code as part of their processes from April 2026 at the earliest. This gives authorities the opportunity to adopt the Code successfully into working practices. During the first two years the LGSCO will be working with a number of pilot authorities to understand the impact of the Code and provide further guidance to the sector.

The LGSCO will start considering his Code as part of their processes from April 2026.

### 1.5.3 Key Changes to the Authority’s Complaint Procedure

The Authority’s existing Corporate Complaint Procedure adopted in November 2023 will as stated above become the ‘Corporate and Housing Services Complaints Procedure’, and includes the standards contained in the two new Ombudsman’s Codes, as appropriate.

The Corporate and Housing Services Complaints Procedure is attached to this report as Appendix 1 and the key differences between the new Corporate and Housing Services Complaints Procedure and existing Corporate Complaints Procedure are set out below: -

#### Complaint Stages

The Authority currently has a Three Stage complaint process built into the Corporate Complaints Procedure; the LGSCO and HO have both introduced a national and standard Two Stage Process. This means that the Authority’s current Three Stage Corporate Complaints Procedure is out of keeping with that and will therefore be replaced with a Two Stage Process in the Corporate and Housing Services Complaints Procedure.

Stage One - will be reviewed by a manager of the team or service being complained about.

Stage Two - will be reviewed ideally by a Head of Service or Director.

Stage Two is the final stage of complaint.

Complainants have the right to take their complaint to either Ombudsman, at any stage during or after the process.

### Timescales

The Two Stage process, set out in section four of the Corporate and Housing Services Complaints Procedure, has the following mandated timescales set by both the LGSCO and HO: -

Stage One - a complaint will be acknowledged within five working days, including agreement on the complaint definition.

Stage One - will be completed within 10 working days from the date of acknowledgement of the complaint.

Stage Two - a referral to Stage Two of the Complaints Procedure will be acknowledged within five working days, including agreement on the complaint definition.

Stage Two- will be completed within 20 working days from the date of acknowledgement of the referral to Stage Two of the process.

### Reporting

The Authority is required to produce an annual complaints, performance and service improvement report for scrutiny and challenge, for all corporate and housing service complaints. The requirements and timescales for these reports, differ slightly between each Ombudsman. Therefore, two reports will be produced annually and will be shared and scrutinised with the appropriate bodies within the Authority, including Cabinet. The key aspects of the performance and improvement reports are:

- completion of annual self-assessment against the two Ombudsman Complaint Handling Codes, to ensure the Authority's Corporate and Housing Services Complaint Procedure, remains in line with its requirements.

- a qualitative and quantitative analysis of the Authority's complaint handling performance; this must also include a summary of the types of complaints the Authority has refused to accept
- any findings of non-compliance with the two Codes operated by the relevant Ombudsman
- the service improvements made as a result of the learning from complaints
- any other relevant annual reports about the Authority's performance from the Ombudsman, and
- any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord.

The annual complaints performance and service improvement reports must be reported to Cabinet and that information must be published on the Authority's website. The Authority's response to the report must be published alongside this.

- The Authority may be asked to review and update its self-assessment following an Ombudsman investigation.
- The Authority must also carry out a self-assessment following a significant restructure, merger and/or change in its procedures.

The further differences between the Corporate and Housing Services Complaints Procedure and the existing Corporate Complaints Procedure, agreed by Cabinet in November 2023, reflect the most up to date terminology and standards contained in the Complaint Handling Codes of both Ombudsman.

#### 1.5.4 Transition and Next Steps

Both the LGSCO and HO have confirmed that the changes made to their respective Complaints Handling Codes does not limit, or negatively impact, on how an individual can raise a complaint with their organisations. Similarly, the Authority's customers' ability to raise complaints about the Authority would be unaffected by the adoption of the new Corporate and Housing Services Complaints Procedure.

- The new Corporate Complaint and Housing Service Procedure, subject to Cabinet's approval, will be effective from 1 April 2024. The Authority's Constitution will be updated to reflect this in due course following the Council Annual Meeting.
- All complaints received before 1 April 2024, which are registered under the 2023 Corporate Complaint's Procedure, will be dealt with using the standards in that Procedure, until the complainant leaves or exhausts the complaints process.

New complaints received on or after the 1 April 2024, will be dealt with under the new Corporate Complaint and Housing Service Procedure.

- There will be information published on the Authority's complaint's page of its website explaining these changes.
- Access and processes for making a complaint, will not change.
- The new Corporate Complaint and Housing Services Procedure will be published on the Authority's website and an assessment of further communication needs completed, and where needed, actions implemented.
- Communication within the Authority and with relevant partners, will take place within four weeks of the adoption of the new Corporate Complaint and Housing Service Procedure, and an assessment of training needs for colleagues completed.
- The Authority intends to act as a pilot site for the LGSCO, sharing learning and experiences from the work to embed the new Corporate Complaint and Housing Services Procedure over the next 12 months.
- The Authority will review its current complaint monitoring, reporting and feedback arrangements, to ensure relevant bodies receive appropriate information about complaint activity and compliance, and report progress of this work in the annual complaint's performance and service improvement reports to Cabinet in 2024.

## 1.6 Decision options:

The following decision options are available for consideration by Cabinet:

### Option 1

Cabinet agrees the recommendations set out in paragraph 1.2 of this report.

### Option 2

Cabinet does not agree with the recommendations set out in paragraph 1.2 of this report.

Option 1 is the recommended option.

## 1.7 Reasons for recommended option:

Option 1 is recommended for the following reason.

The standards set out in the Corporate Complaint and Housing Service Procedure at Appendix 1 and the complaints processes set out therein, are based on those included in the two new Codes of Practice for complaint handling, published by the LGSCO and HO on 8 February 2024. This followed a national joint consultation held by both Ombudsmen from September 2023 to November 2024. Both Ombudsmen have stated their intent was to introduce gold standard complaint handling procedure across the local government and the social housing sector.

The Authority submitted responses and questions to the national consultation exercise in 2023.

The LGSCO and HO have issued two separate Codes, based on unified principles, that share many of the same approaches in key areas such as response times and the number of complaint stages to be used. The separate Codes recognise the different roles and powers of each Ombudsman.

The HO Code of Practice will become effective from 1 April 2024

The LGSCO Code of Practice will start considering the Code as part of their processes, from April 2026.

Application of a single approach and procedure for complaints made to the Authority, is deemed beneficial for all who use the Authority's services. The Authority had already updated its Corporate Complaints Procedure in November 2023, anticipating and accommodating many of the changes that the new Codes now include.

## 1.8 Appendices:

Appendix 1: The Corporate and Housing Services Complaints Procedure.

## 1.9 Contact officers:

Jacqueline Laughton, Assistant Chief Executive 643 5724

Peter Mennell, Director Housing and Property Services, tel. 075831 40037

Haley Hudson, Head of Public Service Reform and Customer Experience, tel. (0191) 07432006738

Eilidh Cook, Customer First Office Manager, tel. (0191) 643 5363

Darrell Campbell, Senior Business Partner, 643 7052

## 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:

(1) North Tyneside Council Corporate Complaints Procedure  
<https://my.northtyneside.gov.uk/category/478/complain-about-council-services>

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

(3) Local Government and Social Care Ombudsman Complaint Handling Code:  
[Complaint Handling Code - Local Government and Social Care Ombudsman](https://ombudsman.org.uk/complaint-handling-code)

(4) The Local Authority Social Services Complaints (England) Regulations 2006 and Guidance (Children)  
<http://www.legislation.gov.uk/uksi/2006/1738/contents/made>

- (5) The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 and Guidance (Adults)  
[http://webarchive.nationalarchives.gov.uk/+/www.dh.gov.uk/en/SocialCare/DH\\_120361](http://webarchive.nationalarchives.gov.uk/+/www.dh.gov.uk/en/SocialCare/DH_120361)
- (6) Equality Impact Assessment - Attached

## **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 delivery of complaint services is provided for from existing budget provision. Remedy payments are funded from existing budgets in the relevant service areas.

### **2.2 Legal**

The Local Government Act 1974 established the then Local Government Ombudsman for England and for Wales. Wales is now covered by the Public Services Ombudsman for Wales. Under the 1974 Act the LGSCO can investigate complaints from members of the public alleging they have suffered injustice as a result of maladministration and/or service failure. The LGSCO also has the power to investigate complaints from people who allege they have suffered injustice as a result of action by adult social care providers.

The Housing Ombudsman Scheme is approved by the Secretary of State under section 51 of, and Schedule 2 of the Housing Act 1996. The Act requires social landlords, including local authorities to be members of the HO scheme. The HO has the power to resolve disputes involving members of the Scheme, including making awards of compensation or other remedies when appropriate, as well as to support effective landlord and tenant dispute resolution by others.

As a 'responsible body' under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 the Authority must make arrangements for handling and considering complaints concerning the provision of social services in accordance with the 2009 Regulations.

The Regulations specify what should be included in the complaints handling arrangements and also require the Authority to prepare an annual report for each year which must specify the number of complaints which the Authority has received.

## **2.3 Consultation/community engagement**

### **2.3.1 Internal Consultation**

The proposed Corporate and Housing Services Complaint Procedure in Appendix 1, contains standards from the two new Codes of Practice for complaint management, published by the LGSCO and HOS on 8 February 2024. This followed a national joint consultation held by both Ombudsman from September 2023 to November 2024. Both Ombudsman have stated their intent was to achieve best standard complaint handling across the local government and the social housing sector.

As per the Authority's Constitution, the Regulation and Review Committee and Lead Cabinet Member for Housing services, was consulted about the proposed changes to the Corporate Complaints Procedure.

### **2.3.2 Community engagement**

Nationally, both Ombudsman invited residents and their representative bodies to participate in the consultation about the new Complaints Handling Codes, online via their websites, telephone, email or in writing.

## **2.4 Human rights**

The service promotes equal access to complaint services and opportunities to contribute to service improvement.

## **2.5 Equalities and diversity**

The Authority promotes equal access to complaint services and opportunities to contribute to service improvement. Material is available in different formats and officers actively help those with individual needs as required.

Equality monitoring data is requested from all complainants, so that the Authority can ensure it meets the needs of people with protected characteristics across all of the borough's communities.

An Equality Impact Assessment (EqIA) for the corporate complaints service was completed in December 2023. This will be reviewed within

the next six months, in line with Corporate Complaint and Housing Services Complaint Procedure, if agreed by Cabinet.

## 2.6 Risk management

There are no risk implications directly arising from this report.

## 2.7 Crime and disorder

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

## 2.8 Environment and sustainability

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

### PART 3 – SIGN OFF

- Chief Executive
- Director(s) of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Assistant Chief Executive