

# North Tyneside Council

## Report to Cabinet

Date: 24 June 2024

Title: Housing and Property Services Annual Complaints  
Performance and Service Improvement Report 2023 -2024

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Portfolio(s): Housing

Cabinet Member(s): Cllr John Harrison

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Report from Service

Area: Housing and Property Services

Responsible Officer: Peter Mennell Director for Housing and Property Services (Tel: 07583 140 037)

Wards affected: All

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### PART 1

#### 1.1 Executive Summary:

The Housing Act 1996 was amended by the Social Housing (Regulation) Act 2023 which meant that from September 2023 the Housing Ombudsman (HO) was empowered to issue a code of practice about procedures for handling housing complaints to members of the Housing Ombudsman Scheme. As a social landlord the Authority is by law a member of the HO Scheme. A further amendment to the Housing Act placed a duty on the HO to monitor landlord compliance with the code of practice.

Following HO consultation in late 2023 the first statutory Complaint Handling Code (the Code) was published by the HO in February 2024, with the Code taking effect from 1 April 2024.

The HO's monitoring of compliance with the Code now includes a requirement for landlords to produce an annual complaints performance and service improvement report. This is to be produced alongside the annual self-assessment against the Code. For this year this needs to be published by 30 June 2024.

The HO will monitor compliance in three ways to ensure that the landlord:

- Has scrutinised and challenged the compliance with the Code, complaints handling performance and learning from complaints at its governing body and published the outcome on its website.
- Complies with the Code in policy, and that any deviations are explained and reasonable.
- Complies with the Code in practice.

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

It is recommended that Cabinet:

Agrees the Housing and Property Services Annual Complaints Performance and Service Improvement Report 2023 -2024 appended to this report and agrees to its publication on the Authority's website.

## **1.3 Forward Plan:**

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 17 May 2024.

## **1.4 Council Plan and Policy Framework**

The Our North Tyneside Plan 2021 -2025 sets out the Authority's ambitions for ensuring that North Tyneside continues to be a great place to live, work and visit.

The Plan summarises the vision of building a better North Tyneside, this includes listening to and working with our residents.

Listening and learning from all resident enquiries, including complaints is key to this ambition.

## **1.5 Information:**

### **1.5.1 Background**

There was a statutory requirement for the HO to consult with the Regulator of Social Housing, members of the HO Scheme, and individuals who may make complaints under the Scheme before the publication of the Code.

In partnership with the Local Government Social Care Ombudsman (LGSCO), a national, joint consultation on their respective codes of practice took place late 2023, with the intention, at that time, to produce one joint complaint handling code of practice.

On 8 February 2024, both Ombudsmen announced that there would be two separate codes of practice, that would be aligned to each other.

The Code is statutory code which must be followed, whereas the LGSCO Code of practice is guidance only.

### 1.5.2 The HO Complaint Handling Code 2024

The revised Code launched on 1 April 2024. Amongst other things, the Code placed a requirement on the Authority as a landlord to produce an annual complaints performance and service improvement report for scrutiny and challenge. The report must include:

- The annual self-assessment against the Code to ensure complaint handling policy, remains in line with its requirements.
- Qualitative and quantitative analysis of the landlord's complaint handling performance. This must include a summary of the types of complaints the landlord has refused to accept.
- Any findings of non-compliance with the Code by the Ombudsman.
- The service improvements made because of the learning from complaints.
- Any annual report about the landlord's performance from the Ombudsman.
- Any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord.

### 1.5.3 The annual report

The annual complaints performance and service improvement report must be reported to the landlord's "governing body" and published on the section of their website relating to complaints. The governing body's response must be published alongside this.

In the case of a local authority which is a social landlord, and which operates with executive arrangements, such as this Authority, the "governing body" is Cabinet.

### 1.5.4 The HO self-assessment

In addition to the HO annual self-assessment being published on the landlord's website, it must now be submitted to the HO by 30 June 2024. The self-assessment must also be completed following any change in service procedures and/or an Ombudsman investigation.

The completed self-assessment included as an appendix to the report demonstrates the Authority's compliance with the HO Complaint Handling Code.

#### 1.5.5 Learning and improvement

Landlords will be expected to use complaints as a source of intelligence to identify issues and themes and introduce positive change to service delivery.

Landlords must also report back on wider learning and service improvements from complaints to stakeholders, including resident panels, staff, and relevant committees.

#### 1.5.6 Member Responsible for Complaints

A member of the governing body (or equivalent) must be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints (the MRC). For Housing and Property Services this is the Lead Member with responsibility for Housing.

### 1.6 **Decision options:**

The following decision options are available for consideration by Cabinet:

#### Option 1

Cabinet agrees the recommendation set out in paragraph 1,2 of the report.

#### Option 2

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

Option 1 is the recommended option.

### 1.7 **Reasons for recommended option:**

Option 1 is recommended for the following reasons:

The statutory HO Complaint Handling Code states that:

'Landlords must produce an annual complaints performance and service improvement report for scrutiny and challenge. The report must be reported to the landlord's governing body (or equivalent) and published on its website, alongside the governing body's response to the report.'

The response to the report will be the minutes of the Cabinet meeting.

For this year the report must be published by 30 June 2024.

Failure to comply with the Code may be seen as non-compliance by the landlord and could result in a Complaint Handling Failure Order (CHFO) being issued to the Authority.

## **1.8 Appendix:**

Housing and Property Services Annual Complaint Performance and Service Improvement Report 2023 -2024.

## **1.9 Contact officers:**

Peter Mennell, Director for Housing and Property Services, tel: 07583140037

David Foster, Head of Property Services, tel: (0191) 643 7801

Fiona Robson, Interim Customer Interface and Service Improvement Manager  
Tel: 07989 212 098

Darrell Campbell, Senior Business Partner, tel: (0191) 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) [Housing Ombudsman Complaint Handling Code 2024](#)
- (2) [Housing Act 1996 \(as amended\)](#)

## **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.

### **2.2 Legal**

The Housing Ombudsman Scheme has been approved by the Secretary of State.

The Housing Act 1996 requires social landlords, as defined by section 51(2) of the Act 1996, which includes the Authority, to be members of an approved HO Scheme.. The purpose of the HO Scheme is to enable tenants and other individuals to have complaints about members investigated by the HO.

The role of the HO is 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.

The approval of the Housing and Property Services Annual Complaints Performance and Service Improvement Report 2023 -2024 is a matter for Cabinet.

### **2.3 Consultation/community engagement**

There is no requirement to consult internally or externally prior to the governing body agreeing to the report.

The report and associated documentation will be published on the Authority's website.

As a minimum, complaint performance information will be reported to residents, including resident panels, officers, Elected Members, governing body, and relevant sub-committees.

### **2.4 Human rights**

The HO encourages all landlords to have a strong and positive complaint handling culture, extending fairness to benefit all residents. This in turn, leads to better services and strengthens relationships with residents.

Under Article 8 of the Human Rights Act 1998 an individual has a qualified right to protection of their right to respect for their private and family life. That right includes a person's home. Whereas Article 8 does not mean that a person has a right to housing, it does mean that they have a right to enjoy their home peacefully.

### **2.5 Equalities and diversity**

The Authority's duties under the Equality Act 2010 are considered to enable the anticipated needs and reasonable adjustments of residents, who may need to access the complaints process.

The Authority promotes equal access to all services, including complaints and provides opportunities for residents to contribute to service improvement.

Information is available in a range of formats, and there is access to interpreting and translation services.

The Corporate Business As Usual Equality Impact Assessment completed by Corporate Strategy and Customer Services covers this activity.

## 2.6 Risk management

There are no risk implications arising directly 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 directly 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

