

Report of the Monitoring Officer

COMPLAINTS POLICY1. Purpose of Report

To consider a new Complaints Policy following the publication of a Joint Complaint Handling Code by the Local Government and Social Care Ombudsman (LGSCO) and Housing Ombudsman (HO) following consideration by the Policy Overview Working Group on 11 January 2024.

2. Recommendation

The Policy Overview Working Group RECOMMENDED to Cabinet that:

- 1. The Complaints Policy be approved**
- 2. The Portfolio Holder for Resources and Personnel be appointed to have lead responsibility for complaints to support a positive complaint handling culture.**
- 3. The Annual Complaints Performance and Service Improvement Report be reported to Governance, Audit and Standards in addition to Cabinet for wider Member engagement.**
- 4. Further investigation be given to resourcing the implementation and continued use of the new Policy.**

That Cabinet RECOMMENDS to full Council that the consequential amendments to the Constitution be approved subject to consideration by the Governance, Audit and Standards Committee.

3. Detail

The LGSCO, in association with the HO, issued a Joint Complaint Handling Code. The aim of the Code is to introduce consistency in the way that both bodies deal with complaints. The LGSCO and HO consulted with local authorities on its initial version of the Joint Code with a closing date of 23 November 2023. On consideration of the responses, the LGSCO informed authorities that it would not participate further in the Joint Code until 2027, while the HO stated that it would still require implementation in 2024.

The proposed Code, which is included at **APPENDIX 1**, contains the elements of the initial Code but has been amended to suit this Council's policy format.

Much of the Code is currently contained within the process used at this Council. However, the new Code will allow for complaints to be considered 12 months after an event has taken place rather than the six-months allowed in the current guidance as agreed by the Governance, Audit and Standards Committee and previously recommended by the HO.

The Policy Overview Working Group gave consideration to the oversight and responsibility for Complaints. Currently, the Governance, Audit and Standards

Committee under their terms of reference receive and scrutinise the Annual Complaints Report, and it was suggested that in order for wider Member engagement this continues to happen, in addition to submission of the report to Cabinet as recommended in the Joint Code guidance. Further consideration was given to an appropriate Portfolio Holder overseeing the role and processes of complaints at the Council. As the Complaints Service currently sits under the Portfolio Holder for Resources and Personnel Policy, the Working Group considered that this Portfolio Holder be best placed to receive and challenge updates on the complaints process.

There will be a requirement to publish a self-assessment form (included at **APPENDIX 2**) annually, as from April 2024. The form will be published on the website and used as evidence of compliance by the HO. Following councils' nationwide initial publication of the self-assessment form in 2024 the Ombudsmen will not look to hold authorities to account until 2025 for their performance against the form. The Council is currently fully compliant with the majority of areas in the draft self-assessment form. There are areas that require work, for example training, changes to the current Policy, such as increasing the length of time that complaints can be allowed (from six to 12-months, or removing the ability to have 'partially upheld' complaints (the Joint Code states complaint findings must either be 'upheld' or 'not upheld'). The Council will be compliant after governance issues for the Code have been decided upon.

Non-compliance with the Code could result in the Ombudsman taking further action against councils. The HO has a duty to monitor compliance with the Code and the power to issue Complaint Handling Failure Orders. The LGSCO has the power to issue public reports about the actions of individual organisations.

Training programmes will be provided for Officers who respond to Stage 1 complaints around the requirements of the new Code in addition adding a course to the employee induction programme to train all employees across the Council in order to provide a full understanding of the revised process that they would need to follow to action complaints. It anticipated that all key complaint handlers will be trained by 1 April 2024.

In particular, to understand the new requirement that residents do not specifically have to use the word 'complaint' for it to be treated as such, but if dissatisfaction with a service is expressed, this should be logged as a 'complaint'. A Broxtowe Learning Zone course will also be devised to ensure all employees have the necessary understanding of the new Code.

It will be important to embed within the Council an understanding that a culture of continued learning from complaints is central to the Council's business. This will be achieved through improving services from knowledge gained through the handling of complaints. Services will review their own complaints and determine any learning that is required.

It is planned that consultation will take place on the new Code with the Disability Forum and the Equalities Working Group to ensure that the Council is complying with its duties under the Equalities Act 2010. An Equality Impact Assessment is

included at **APPENDIX 4**. Public consultation was recommended by the Ombudsmen and this took place over the Council's social media platforms, although no responses were received. However, further public engagement will take place in addition to consultation with Council employees.

The standard approach for submitting policies to Members is to include a change table but this is a refresh of the current Policy the Complaints Handling Guidance that is currently used is included at **APPENDIX 3**.

Attached as **APPENDIX 5** is the Complaints Annual Report that is currently reviewed by the Governance, Audit and Standards Committee.

A change table is attached at **APPENDIX 6**.

4. Financial Implications

The comments of the Head of Finance Services were as follows:

The cost of the new Complaints Policy will be contained within existing budgets. It is not anticipated that the adoption will have any resource implications at this stage.

5. Legal Implications

The comments from the Head of Legal Services were as follows:

The Ombudsman has the power to issue "advice and guidance about good administrative practice" to organisations under section 23(12A) of the Local Government Act 1974. Therefore, the Code will be considered statutory guidance. It is statutory already for members of the Housing Ombudsman scheme, therefore the Code will be statutory for all local Councils. The Complaints policy has incorporated the recommendations of the Housing Ombudsman to adopt the Code which will ensure a consistent approach when dealing with complaints and to support this duty. The Code will apply to any complaint made about a local council where there isn't already a statutory process in place for dealing with complaints.

6. Human Resources Implications

The comments from the Human Resources Manager were as follow:

No comments required.

7. Union Comments

The Union comments were as follows:

No comments required.

8. Climate Change Implications

Not Applicable.

9. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

An Equality Impact Assessment is attached as **APPENDIX 3**.

11. Background Papers

Nil.