

North East Derbyshire District Council

Cabinet

21 November 2024

COMPLAINTS PERFORMANCE AND SERVICE IMPROVEMENT REPORT FOR HOUSING

Report of the Leader of the Council and Portfolio Holder for Housing

Classification: This report is public

Report By: Lee Pepper – Assistant Director – Communities

Contact Officer: Lee Pepper – Assistant Director – Communities

PURPOSE / SUMMARY

The Social Housing (Regulation) Act 2023 placed a duty on the Housing Ombudsman to monitor compliance with the statutory Complaint Handling Code (the Code), which came into effect 1 April 2024.

The purpose of this Cabinet report is to ensure compliance with the Code's statutory requirements of publishing an annual Complaints Performance and Service Improvement report for housing along with a response from the governing body.

In addition to this, a member of the governing body must be appointed to have lead responsibility for complaints, this person is referred to as the Member Responsible for Complaints ('the MRC').

RECOMMENDATIONS

1. Cabinet to note and agree the publication of the annual Complaints Performance and Service Improvement Report for Housing
2. Cabinet to provide a governing body's response to the report
3. Cabinet to elect Cllr Barker as Member Responsible for Complaints ('the MRC').

Approved by the Portfolio Holder – Cllr Barker, Leader of the Council and Portfolio Holder for Housing

IMPLICATIONS

Finance and Risk: Yes No

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

This is a statutory requirement to ensure compliance.

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

All functions will be carried out by existing staff.

On behalf of the Head of Paid Service

DECISION INFORMATION

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards, or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None

Equality Impact Assessment (EIA) details:	
Stage 1 screening undertaken <ul style="list-style-type: none"> Completed EIA stage 1 to be appended if not required to do a stage 2 	Not Applicable
Stage 2 full assessment undertaken <ul style="list-style-type: none"> Completed EIA stage 2 needs to be appended to the report 	No, not applicable
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet <input checked="" type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details:

Links to Council Plan priorities, including Climate Change, Economic and Health implications.

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 1.1 The Social Housing (Regulation) Act 2023 placed a duty on the Housing Ombudsman to monitor compliance with the statutory Complaint Handling Code (the Code), which came into effect 1 April 2024.
- 1.2 As part of the Code's statutory requirements, social housing providers are required to develop and publish an annual Complaints Performance and Service Improvement report for housing.
- 1.3 The governing body's response to the report must be published alongside the report.
- 1.4 In addition to this, a member of the governing body 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').

2. **Details of Proposal or Information**

- 2.1 Rykneld Homes Limited (RHL), deals with tenant complaints on the Council's behalf under their complaints Policy and Procedures which is in line with the Complaints Handling Code.

- 2.2 In accordance with the 2024/25 annual audit plan, a review of the processes and controls in respect of RHL's Complaints Processes has been undertaken. The result was: Substantial - which is the highest grade. The audit included ensuring policies and procedures are aligned to the Regulator of Social Housing or Ombudsman (or other body) requirements and definitions of complaints.
- 2.3 As landlord, the Council is ultimately responsible in terms of the regulatory oversight and compliance with the Code and Housing Ombudsman monitoring and reporting procedures.
- 2.4 The statutory annual Complaints Performance and Service Improvement report has been drafted in accordance with RHL's own complaints annual report provided to their Operational Board.
- 2.5 The report enables the Council to monitor RHL's performance and service improvements.
- 2.5 The oversight of the Code is by a Member Responsible for Complaints (MRC), the definition of the role is – "The Complaint Handling Code requires landlords to have a Member Responsible for Complaints (MRC) on their governing body to provide assurance to the governing body on the effectiveness of its complaints system, including challenging the data and information provided to the Board or equivalent body. For housing associations, this would be a member of the Board. For a local authority, it means a lead member or a Councillor who has oversight in the cabinet for housing".
- 2.6 A recommendation for this role to ensure compliance would be the Leader of the Council/Portfolio Member for Housing.
- 2.7 For information, RHL is appointing their own MRC, which is a requirement for their own housing stock under Register Provider status.
- 2.8 The Council's Housing Intelligence and Assurance Officer works closely with RHL's Complaints and Disrepair Manager and will monitor performance, lessons learned and service improvements to enable regular updates to be provided to the MRC.

3 Reasons for Recommendation

- 3.1 To comply with legislation and the Housing Ombudsman's regulatory requirements.
- 3.2 To ensure the Complaints procedures are working in practice and compliant with the Code.
- 3.3 To ensure complaints are open and transparent to the public in line with legislation.

4 Alternative Options and Reasons for Rejection

- 4.1 Not to have an annual Complaints Performance and Service Improvement report, this was rejected as this would not comply with legislation.
- 4.2 Not to appoint a MRC, this was also rejected as this would not comply with legislation.

DOCUMENT INFORMATION

Appendix No	Title
A	Complaints Performance and Service Improvement for Housing 2023/24
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)</p>	