

LONDON BOROUGH OF CAMDEN	WARDS: All
REPORT TITLE A review of the Council's Complaints Policy and Procedure & Remedies Policy and Procedure	
REPORT OF Borough Solicitor	
FOR SUBMISSION TO Audit and Corporate Governance Committee	DATE 15 th June 2023
SUMMARY OF REPORT This report details a review of the Council's complaints policy and procedure and remedies policy and procedure from 2019 to align them with the Housing Ombudsman's Complaint Handling Code (October 2022). Local Government Act 1972 – Access to Information No previously unpublished documents that require listing have been used in the preparation of this report Contact Officer: Jim Read Service Manager – Information Governance Business Support Service Tel: 020 7974 6093 Email: jim.read@camden.gov.uk Postal address: Town Hall, Judd Street, London WC1H 9JE	
RECOMMENDATIONS That the Committee approves the revised policies and procedures as set out at in Section 3 of the report.	

Signed: 

Andrew Maughan
Borough Solicitor

Date: 5th June 2023

1. Purpose of Report

- 1.1. The complaints policy and procedure (referred to as 'Complaints policy') and remedies policy and procedure (referred to as 'Remedies policy') are scheduled for review annually and any amendments brought to the Audit and Corporate Governance Committee for approval. However, due to other priorities between 2020 and 2023 formal annual reviews were not carried out.

2. Background to the Report

- 2.1 The current Complaints policy came into effect in October 2019 following a review of the complaint handling processes. This review included getting feedback from residents who had used the complaints process. This feedback said that there were too many service-specific processes that were too complicated and not in Plain English. The 2019 policy therefore incorporated all three previous procedures (including statutory requirements) into a single policy and procedure for all complaints coming into the Council and was written in an accessible language making the process easier and clearer for
- 2.2 Since it was launched in 2019 (with the associated Remedies policy launched in 2020) it has been well received and feedback from citizens using the complaints process is taken constantly and processes and procedures are adjusted accordingly. An example of this is when a citizen with autism liked the complaint e-form but suggested there should be an option to book an appointment with an officer to discuss the complaint as this can sometimes be an easier way for people with autism to communicate. We were able to signpost her to the box in the e-form which said *"If you require any special assistance or support to communicate with us then please let us know here"* and invited her to suggest some better wording that was more meaningful for her such as adding "if you would like an officer to call you to discuss". The e-form will then be updated.
- 2.3 A customer satisfaction survey on the experience of citizens using the complaints process is being developed to go live in the autumn.
- 2.4 It is considered timely now to review the 2019 policy as in April 2022 the Housing Ombudsman published its revised Complaints Handling Code which laid out the requirements on complaints handling for social housing landlords. In addition, in October 2022 it became mandatory for landlords to complete a self-assessment demonstrating that their policies and procedures were compliant with this Code.
- 2.5 The Council completed this self-assessment with reference to the Complaints policy 2019 as the next review of the policy was scheduled for April 2023.
- 2.6 The self-assessment was presented to the Chairs of the District Management Committees who provided useful feedback as to how the Council's policy can be improved to comply with the Housing Ombudsman's Code.

- 2.7 In collaboration with the Ombudsman's Compliance team, advice was provided on how the Complaints policy and self-assessment could be developed to fully comply with the Code.
- 2.8 The Ombudsman compliance team provided a list of recommended actions to the Complaints policy to make it fully compliant with the Complaint Handling Code.
- 2.9 It is worth noting, that the Council's complaints policy applies to complaints relating to all service areas not just Housing. It incorporates the Local Government and Social Care Ombudsman (LGSCO) effective complaints handling guidance. The LGSCO and Housing Ombudsman are developing a joint complaints handling code scheduled for publication in 2024. The review of the Council's complaints policy has also considered likely requirements from the joint policy.

3. **Amendments made to the Complaints policy and Remedies policy**

- 3.1 The following amendments have been made based on the recommended actions from the Ombudsman compliance team. The amendments have been sent to the Ombudsman compliance team and they have confirmed that with these amendments, the Complaints policy and Remedies Policy will be fully compliant with the Housing Ombudsman Complaint Handling Code.
- 3.2 Amendments to the Complaints Policy (detail and location of amendment within the policy can be found in **Appendix 1 – LBC Complaints Policy and Procedure 2.1 June 2023 V2**)
 - 3.2.1 **Amendment 1:** More detail on Accessibility to the complaints process and tools available. This has had input from the Equalities and Cohesion team.
 - 3.2.2 **Amendment 2:** Making it clearer how some issues can be resolved 'informally' without the need to go through a formal process.
 - 3.2.3 **Amendment 3:** Including more detail on remedies in this policy for ease. [link to more detailed remedies policy included]
 - 3.2.4 **Amendment 4:** Making it clearer how we will learn from complaints
 - 3.2.5 **Amendment 5:** Changing acknowledgement timeframe from 2 working days following advice from the Housing Ombudsman that requires acknowledgements to be responded to within 5 working days. All complaints that are submitted via the case management system are acknowledged within 24 hours. Those outside the system may take longer but no longer than 5 days.
 - 3.2.6 **Amendment 6:** making it clearer the extension timescales
 - 3.2.7 **Amendment 7:** the timescale for Stage 2 has been changed from 25 working days to 20 working days. This is to align our policy with the Housing Ombudsman Complaint Handling Code and the joint LGSCO/ Housing Ombudsman Complaint Handling Code to launch in 2024.
 - 3.2.8 **Amendment 8:** making it clearer the extension timescales
 - 3.2.9 **Amendment 9:** making it clearer the agreed remedies
 - 3.2.10 **Amendment 10:** making it clearer the referral process to the Ombudsman

3.2.11 **Amendment 11:** changing the timescale from 28 calendar days. The previous timescale was not considered long enough to ensure actions from a Stage 1 had been completed before requesting a Stage 2.

3.3 Amendments to the Remedies Policy (detail and location of amendment can be found in ***Appendix 2 – LBC Remedies Policy Procedure 2.1 June 2023***)

3.3.1 **Amendment 1R:** Clearer reference to a method of remedy and how this would be assessed and provided to the citizen.

3.3.2 Amendment 2R: Added in from a separate document for ease of reference so remedy information is all in one document

4. Impact of these amendments on complaint handling

4.1 Generally the amendments will have a positive impact on citizens wishing to complain. The policy is clearer on how it can be more easily accessible to everyone and is clearer on the various stages of the complaints process. A principal element is the emphasis on learning from complaints.

4.2 The amendment to reduce the response time for a Stage 2 review from 25 working days to 20 working days may initially have a negative impact on the performance of the complaints team who are responsible for Stage 2 particularly given the recent increase in Stage 2 requests mostly related to Housing. Additional staff resources are being put in to manage the increase and improve performance.

5. Timetable for implementation

5.1 Once approved by this Committee it is proposed that the revised policies will be implemented and published on 1st July 2023.

6 Finance Comments of the Executive Director Corporate Services

6.1 The complaints service is funded from existing general fund resources. Financial remedies are paid from 'directorate services' budgets. There are no specific financial implications arising from this report.

7 Legal Comments of the Borough Solicitor

7.1 The Local Government and Social Care Ombudsman (LGSCO) states that good practice on the approach to dealing with complaints are outlined in The Local Authority Social Services and National Health Service Complaints Regulations 2009. The report shows that the approach adopted in the Local Authority reflects those Regulations.

7.2 The Housing Ombudsman requires all members who are social housing landlords to comply with its Complaints Handling Code (2022) and to provide a self-assessment evidencing compliance. Failure to follow the Code may result in the Ombudsman issuing a Complaint Handling Failure Order.

8 Environmental Implications

- 8.1 The Information and data presented in this report have no environmental implications.

9 Appendices

Appendix 1 – LBC Complaints Policy and Procedure 2.1 June 2023 V2

Appendix 2 – LBC Remedies Policy Procedure 2.1 June 2023

REPORT ENDS