



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Ethical Governance & Personnel Committee 20 May 2024

Wards affected: All wards

Complaints policy

Report of Monitoring Officer

1. Purpose of report

- 1.1 To seek approval of the new complaints policy following introduction of the Housing Ombudsman's statutory complaint handling code and the Local Government & Social Care Ombudsman's complaint handling code.

2. Recommendation

- 2.1 The policy be approved.
- 2.2 Councillor Bray, as Executive member with responsibility for Corporate Services, be appointed as the Member Responsible for Complaints.
- 2.3 The Housing Ombudsman and Local Government & Social Care Ombudsman's complaint handling codes be noted.

3. Background to the report

- 3.1 Following a consultation period, the Housing Ombudsman Service (HOS) published a new complaint handling code in February 2024 which applies to complaints against the council in its role as landlord. The code is statutory and failure to comply will result in complaint handling failure judgements in the event of a complaint against the authority. The code comes into force on 1 April 2024.
- 3.2 At the same time, the Local Government and Social Care Ombudsman (LGSCO) published their complaint handling code which, whilst not statutory, is guidance to which we are expected to have regard. Failure to comply may

result in complaint handling failure judgements in the event of a complaint against the authority. The code comes into force in April 2025.

3.3 Whilst the two codes have a different statutory bases, they are based on a unified set of principles and requirements. The attached policy has been drafted to cover the requirements of both codes and the same process will be followed for all complaints.

3.4 Based on the new complaint handling codes, the key changes to our arrangements and processes which are outlined within the policy are:

- A member of the governing body will be appointed as the member responsible for complaints (MRC). They will have access to complaint information and to the lead officer responsible for complaints
- A suitably senior lead officer will be accountable for complaint handling
- We will not accept complaints about issues that have occurred more than 12 months previously (or the complainant became aware of the matter 12 months before), however each complaint will be considered on its own merits and in some circumstances it may be appropriate to accept older complaints
- We will allow complainants to have a representative and to be represented or accompanied at any meeting (although the policy includes a note that we can refuse someone to act as a representative if, for example, they are on our persistent complainant list or on the list of potentially violent persons)
- There will be no provision for “informal” complaints as this adds an additional stage to the process. Any complaint must be considered at stage 1 of the process
- We will have five working days to acknowledge and define the complaint
- The response time for stage 1 complaints will remain at ten working days, but this will now start from the date of acknowledgement
- The response time for stage 2 complaints will be increased from ten working days to twenty working days starting from the date of acknowledgement
- Extensions to stage 1 complaints can only be a maximum of ten working days and for stage 2, a maximum of twenty working days
- The annual complaints report will include a self-assessment against the complaint handling code, analysis of performance, list of types of complaints excluded, any findings of non-compliance by the Ombudsmen and service improvements arising from complaints
- The governing body (Ethical Governance & Personnel Committee) will respond to the report and the response will be published alongside the report on the council’s website

4. Exemptions in accordance with the Access to Information procedure rules

4.1 Report to be taken in public session.

5. Financial implications (AW)

5.1 None directly from this report.

6. Legal implications (ST)

6.1 None.

7. Corporate Plan implications

7.1 This is a corporate policy and as such supports all areas of the corporate plan.

8. Consultation

8.1 Consultation with SLT and officers in the housing service who respond to complaints.

9. Risk implications

9.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) risks

Risk description	Mitigating actions	Owner
Breach of statutory provisions in relation to complaints against the council as landlord	Approve policy, ensure code is followed, train relevant staff	R Owen

10. Knowing your community – equality and rural implications

10.1 This new policy does not impact any particular community or group, however it aims to ensure an efficient complaints service and expedient resolution to customer complaints.

10.2 The new policy ensures that complaints are handled fairly and that the process is accessible to anyone who uses the council's services.

11. Climate implications

11.1 This recommendations within this report will not result in any climate implications.

12. Corporate implications

12.1 By submitting this report, the report author has taken the following into account:

- Community safety implications
- Environmental implications
- ICT implications
- Asset management implications
- Procurement implications
- Human resources implications
- Planning implications
- Data protection implications
- Voluntary sector

Background papers: [Housing Ombudsman's complaint handling code](#)
[Local Government & Social Care Ombudsman's complaint handling code](#)

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