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| REPORT TO: | Policy Development Panel |
| DATE: | 13 December 2022 |
| SUBJECT: | Housing Compliments, Complaints and Compensation Policy, Tenant Engagement Framework and Housing Estate Management Policy. |
| PURPOSE: | To consider the Housing Complaints and Compensation Policy, Tenant Engagement Framework and the Housing Estate Management Policy. |
| KEY DECISION: | No |
| PORTFOLIO HOLDER: | Councillor Christine Lawton, Portfolio Holder - HRA & Private Sector Housing |
| REPORT OF: | Jason King, Assistant Director - Housing |
| REPORT AUTHOR: | Vikki Cherry, Housing Services Manager |
| WARD(S) AFFECTED: | All Wards |
| EXEMPT REPORT? | Appendix 1A of the Housing Compliments, Complaints and Compensation Policy is exempt. |

SUMMARY

This report contains the following draft documents:

- Housing Compliments, Complaints and Compensation Policy
- Tenant Engagement Framework
- Housing Estate Management Policy.

As a social landlord, South Holland District Council is taking steps towards the new regulatory requirements expected of social landlords from 2024.

To meet the new requirements, it is necessary for the Housing department to have its own complaints Policy, a document setting out the approach to tenant engagement and a policy on estate management.

RECOMMENDATIONS

1. That Policy Development Panel provides feedback on the Housing Compliments, Complaints and Compensation Policy.
2. That Policy Development Panel recommends adoption of the Housing Compliments, Complaints and Compensation Policy to Cabinet.
3. That Policy Development Panel provides feedback on the Tenant Engagement Framework.
4. That Policy Development Panel recommends adoption of the Tenant Engagement Framework to Cabinet.
5. That Policy Development Panel provides feedback on the Housing Estate Management Policy.
6. That Policy Development Panel recommends adoption of the Housing Estate Management Policy to Cabinet.

REASONS FOR RECOMMENDATIONS

To ensure that the Council meets the requirements of the Regulator of Social Housing and Housing Ombudsman.

OTHER OPTIONS CONSIDERED

Do nothing – the Council could decide not to adopt a Housing Compliments, Complaints and Compensation Policy, a Tenant Engagement Framework and/or a Housing Estate Management Policy. **This option is not recommended as the Council would fail to meet its obligations as a social landlord.**

1. BACKGROUND

- 1.1** As a social landlord, South Holland District Council is entering a new era of regulation. The Social Housing (Regulation) Bill is a government bill that seeks to facilitate a new, proactive approach to regulating social housing landlords on consumer issues such as safety, transparency, and tenant engagement. The Regulator of Social Housing will have enhanced powers including 'Ofsted style' inspections of social landlords and social landlords will be required to publish data annually on tenant satisfaction, anti-social behaviour, complaint handling, repairs, management of the neighbourhood, building safety and more. The Housing Ombudsman's remit has also been enhanced, supported by the delivery of a new Complaint Handling Code.
- 1.2** In February 2022, the Council participated in an LGA (Local Government Association) Peer Challenge focussed on Social Housing Management. These documents support areas highlighted as requiring 'renewed emphasis' including the following:
 - Tenant centred culture and voice
 - Data and performance management
 - Governance and strategy.

2. REPORT

2.1. Compliments, Complaints and Compensation Policy

2.2. As a social landlord, the Council aims to deliver excellent housing services and give the best customer experience possible. Feedback provides us with the opportunity to improve what we do and learn from mistakes. Adoption of a new Policy regarding compliments, complaints and compensation ensures that the Council has a robust, consistent, and accessible Policy for Officers, Members, and tenants. Governance and analysis of complaints will take place to reduce the risk of penalty from the Housing Ombudsman and improve service standards.

2.3. A requirement of the Complaint Handling Code is to ensure tenants know how to complain and how to access a copy of our Policy. We are also required to conduct an annual self-assessment against the Complaint Handling Code and publish this with the Ombudsman and tenants. A 'Tenant Feedback' section has been added to the website, as well as changes made to letter templates to publicise the Policy and process. We are required by the Social Housing Regulator to produce an annual report to tenants showing our progress as a landlord - we will publicise complaints statistics, learnings, and our self-assessment against the Code in this publication.

2.4. We are committed to using the complaints process as a learning experience and, where appropriate, we will put things right. Where we are at fault, we may award compensation. The Policy includes a Framework for awarding compensation including checks and balances when making payments such as crediting debt owed to the authority first.

2.5 Tenant Engagement Framework

2.6 Tenant engagement is a requirement of the Regulator of Social Housing. The Council must demonstrate how we inform and involve our tenants. The Council will be assessed by tenants (and the Regulator) on how we listen to tenant views and act upon them.

2.7 The Tenant Engagement Framework sets out how we will explore and develop our engagement with tenants over the next 3 years. This includes how we include tenants in service improvements and changes. This work will be supported by an annual Tenant Satisfaction Measure survey (as required by the Regulator).

2.8 Housing Estate Management Policy

2.9 Management of the neighbourhood and its safety is another area of focus that the Regulator will seek and publish data on. Social Landlords are required to contribute to the environmental, social, and economic well-being of the areas in which the housing is situated and tenant's satisfaction on this topic will be measured.

- 2.10** This Housing Estate Management Policy sets out our proactive approach regarding maintaining the physical condition, cleanliness, and safety of the housing environment in which we operate to preserve its fabric and promote community pride. We will do this by:
- Setting out a proactive approach to estate management
 - Ensuring communal spaces around our homes are well maintained
 - Working collaboratively with tenants and other parties that have an interest in the safety, security, and appearance of the local environment.
- 2.11** The introduction of a Housing Estate Management Policy and supporting procedures will ensure a consistent and transparent approach is delivered and will be a point of reference for Officers to base decisions on. The Policy also reflects the Regulator of Social Housing's Charter for Social Housing by ensuring tenants are safe in their home, and have a good quality home and neighbourhood to live in. The Policy seeks to bring together the Council's established working methods with current best practice and legislation.

3. CONCLUSION

- 3.1** Adoption of a Compliments, Complaints and Compensation Policy will ensure that the Council meets the requirements of the Housing Ombudsman and the Complaint Handling Code. It will safeguard the authority against sanctions.
- 3.2** Tenant engagement is a requirement of the Regulator of Social Housing. Adoption of this Framework will support the delivery of the new requirements of the Regulator.
- 3.3** Adoption of a policy on estate management will ensure consistency across the district. This provides reputational benefits whereby the Council and tenants have pride in our estates, they are safe and environmental Anti-Social Behaviour is reduced.

EXPECTED BENEFITS TO THE PARTNERSHIP

South Holland District Council is the only social landlord within the partnership, and so a Housing Complaints Policy will assist the Corporate Improvement Team in understanding which Ombudsman requirements complaints are to be administered against.

IMPLICATIONS

SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP

None.

CORPORATE PRIORITIES

The Policy will support the following Corporate Priority:

- Our Council - Continue to ensure that our regulatory and statutory services remain fully compliant with all current and emerging legislation.
- Your Home – We will be a landlord of choice for our council housing tenants.
- Your place – Working together to improve the quality of public spaces and making our Housing estates attractive places that people want to visit, live, and work in
- Your health and wellbeing – ensuring that our services continue to enable our communities

to remain healthy and safe.

Delivery of the Policies and Framework set out how we will make improvements to our service and take on board the views of our tenants.

STAFFING

Current staffing resource across the Housing department will support the delivery of the new policies. Additional resources will be identified through further funding as necessary. Housing staff have been consulted on the new policies and Framework.

CONSTITUTIONAL AND LEGAL IMPLICATIONS

These documents do not form part of the major Policy Framework and can be approved by Cabinet.

The Housing Ombudsman Scheme is approved by the Secretary of State under section 51 of the Housing Act 1996. Local housing authorities in England which are registered providers of social housing must be members of the scheme. Adoption of this policy will support compliance and mitigate the risk of complaint handling failure orders and/or financial penalties. Implementation of the complaints policy also reduces the risk of successful legal challenge. Where compensation is awarded, the payment made will be a full and final settlement and does not imply any acceptance of liability on the behalf of the Council.

Delegation of authority for compensation payments is currently set in SHDC's Constitution as follows:

All Chief Officers have authority to authorise payment of compensation in connection with complaints of up to £1,0000 subject to the agreement of the Monitoring Officer and appropriate Portfolio Holder or Committee Chairman, and to informing the Performance Monitoring Panel.

When the documents are considered by Cabinet, Officers will request the following delegation from Cabinet:

The Assistant Director – Housing has authority to authorise payment of compensation in connection with complaints regarding the Council's function as a social landlord of up to £1,000 in consultation with the Portfolio Holder for HRA & Private Sector Housing.

All Chief Officers have authority to authorise payment of compensation in connection with complaints regarding the Council's function as a social landlord over £1,000 subject to the agreement of the Monitoring Officer and Portfolio Holder for HRA & Private Sector Housing, and to informing the Performance Monitoring Panel.

Where it is determined that compensation is due, it is necessary for swift administration of the payment to be made. Compensation guidelines set by the Housing Ombudsman require the Council to take decisive action as a social landlord.

The Social Housing (Regulation) Bill and Social Housing Charter provides social tenants with stronger tools to hold their landlord to account. Landlords such as the Council are expected to involve tenants to give tenants the opportunity to carefully examine the services being offered. The proposed Framework sets out how the Council intends to engage with tenants.

Housing matters, including this policy, are Executive functions and are therefore a matter for the Cabinet to determine. Many items in the Estate Management Policy are set in Housing and Compliance legislation.

DATA PROTECTION

None. All data relating to complaints is protected under data protection laws. The Council has suitable technical and organisational measures in place to protect such data. Privacy notices are published on our website.

FINANCIAL

None.

RISK MANAGEMENT

The Policies and Framework reduce the risk of sanctions by the Regulator and/or Housing Ombudsman.

STAKEHOLDER / CONSULTATION / TIMESCALES

The Housing Ombudsman's Complaint Handling Code was drafted following extensive consultation with members, stakeholders, and social landlord tenants.

We have consulted with the following:

- Portfolio Holder - HRA & Private Sector Housing
- Portfolio Holder - Finance, Commercialisation & Partnerships
- Portfolio Holder - Assets & Planning
- Portfolio Holder - Corporate & Communication
- Section 151 Officer
- Monitoring Officer
- Assistant Director – Corporate
- Head of Customer Contact, PSPS Ltd
- Housing Officers
- Capsticks Solicitors
- Housing Ombudsman
- Environmental Services Team, Community Safety Manager and Facilities Manager (for the Estate Management Policy)
- Rowans Fire Safety Ltd (for the Estate Management Policy).

We will consult with Tenants following consideration by the Policy Development Panel.

REPUTATION

Adoption of these documents reduces the risk of reputational damage caused by enforcement from the Social Housing Regulator and/or the Housing Ombudsman (of which is published on the Ombudsman's website and social media channels).

CONTRACTS

None.

CRIME AND DISORDER

We will support the Community Safety Team, Police, and other statutory agencies to take criminal enforcement action against residents and tenants where there is sufficient evidence to do so. Upon criminal convictions being granted, we will consider additional enforcement action against the tenancy.

EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

The Council is committed to treating everyone fairly and shall ensure that it complies with the Equality Act 2010. The document is accessible to all. An Equality Impact Assessment has been completed and does not identify any potential Public Sector Equality Duty issues.

Documents have been designed to be fully inclusive regardless of the ethnicity, gender, sexuality, religious belief, or disability of service users or residents.

The complaints Policy makes reference to reasonable adjustments taken to accommodate a person's needs. The approach adopted within the Estate Management Policy focuses on understanding individual circumstances to provide appropriate advice and support. As standard, consideration is given to language barriers, accessibility and cultural issues which may affect a tenant's ability to manage their tenancy or seek advice on problems, and resolutions which take account of the individual's beliefs and abilities.

Where we identify, or a customer advises us of, a vulnerability we will look to make reasonable adjustments to our services accordingly to meet the needs of those individuals. This may include altering the way we communicate with a customer to adjusting the service that we offer to that person. Each case will be judged on its individual merits to avoid a one size fits all approach.

HEALTH AND WELL BEING

The Estates Management Policy sets out our approach to managing fire, asbestos and Health and Safety compliance to keep our tenants safe. Efficient complaint handling and putting things right quickly supports the health and wellbeing of our residents.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

None.

LINKS TO 12 MISSIONS IN THE LEVELLING UP WHITE PAPER

The documents support the mission of "Housing - Improve living standards". Analysis of trends from complaints will result in improving service standards. Successful neighbourhood management and tenant engagement will improve wellbeing and pride in place.

ACRONYMS

None.

APPENDICES

Appendices are listed below and attached to the back of the report: -

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| <i>APPENDIX A</i> | <i>Housing Complaints</i> |
| <i>APPENDIX B</i> | <i>Tenant Engagement Framework</i> |
| <i>APPENDIX C</i> | <i>Housing Estate Management Policy</i> |
| <i>APPENDIX 1A</i> | <i>Housing Complaints Policy- exempt appendices</i> |

BACKGROUND PAPERS

Background papers used in the production of this report are listed below: -

| Document title | Where the document can be viewed |
|--|---|
| Housing Ombudsman's Complaint Handling Code | https://www.housing-ombudsman.org.uk/wp-content/uploads/2020/11/Complaint-Handling-Code.pdf |
| Social Housing Regulator's Charter for Social Housing Residents | https://www.gov.uk/government/publications/the-charter-for-social-housing-residents-social-housing-white-paper |
| LGA (Local Government Association) Peer challenge on Social Housing Management | https://www.local.gov.uk/our-support/council-improvement-and-peer-support/peer-challenges-we-offer/social-housing-management |

CHRONOLOGICAL HISTORY OF THIS REPORT

A report on this item has not been previously considered by a Council body.

REPORT APPROVAL

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| Report author: | Vikki Cherry, Housing Services Manager vcherry@sholland.gov.uk 01775 764707 |
| Signed off by: | Jason King, Assistant Director – Housing Jasonking@sholland.gov.uk 01775 761161 |
| Approved for publication: | Councillor Christine Lawton, Portfolio Holder – HRA and Private Sector Housing |