

**Member
Responsible for
Housing
Complaints**

Date of meeting:	Thursday 3 October 2024
Report to:	Cabinet
Report of:	Assistant Director Regeneration, Economy and Assets (Economic Growth and Housing)
Portfolio:	Cabinet Member – Housing and Highways
Wards affected:	All
Included in Forward Plan:	Yes
Is this a key decision:	Yes
Exempt/confidential report:	No

Summary:

This report explains the requirement for the Council to appoint a Member Responsible for Complaints for its council housing landlord services in order to comply with the Housing Ombudsman Service (HOS) statutory Complaint Handling Code (the Code).

The report further seeks to identify the role of the Member Responsible for Complaints within the Council and provide an update to the Council's Housing Advisory Board as previously reported to Cabinet.

Recommendation(s):

Cabinet is asked to:

- (1) Agree the appointment of the Cabinet Member for Housing and Highways to the role of Member Responsible for Complaints as required by the Housing Ombudsman Service in compliance with the statutory Complaint Handling Code.
- (2) Note the Membership for the Housing Advisory Board and the proposal to create the Shadow board in October/November 2024 subject to diary availability.

1. The Rationale and Evidence for the Recommendations**Introduction/Background**

- 1.1 The Social Housing (Regulation) Act 2023 (the Act) received royal assent in July 2023 providing the legislative basis to introduce a number of key social housing reforms largely brought forward following the tragic events at Grenfell Tower. Events at Grenfell Tower saw serious issues on the safety and quality of social housing identified as well as the way in which social housing tenants are treated by their landlord. Many of the provisions are not yet in force and are subject to further regulations made by the Secretary of State, however some measures within the Act have been introduced such as a new set of consumer standards implemented by the Regulator of Social Housing (RSH).
- 1.2 The law brings forward some ground-breaking changes including:
- Strengthening the RSH to carry out regular inspections of the largest social housing providers and the power to issue unlimited fines to social landlords.
 - Enhancing the RSH's role in regulating the consumer standards.
 - Additional Housing Ombudsman powers to publish best practice guidance to landlords following investigations into tenant complaints.
 - Powers to set strict time limits for social landlords to address hazards such as damp and mould.
 - New qualification requirements for social housing managers.
 - Introducing stronger economic powers to follow inappropriate money transactions outside of the sector.

Housing Ombudsman Complaint Handling Code

- 1.3 In April 2024, the Housing Ombudsman Complaint Handling Code became statutory. All social housing providers are mandatory members of the Housing Ombudsman Scheme meaning that the Council will need to comply with the Code once it becomes a landlord. Key areas of the Code include:
- Universal definition of complaint.
 - Providing easy access to the complaints procedure and ensuring residents are aware of it, including their right to access the Housing Ombudsman Service.
 - The structure of the complaint's procedure – only 2 stages necessary and clear times set out for responses.
 - Ensuring fairness in complaint handling with a resident-focused process.
 - Taking action to get things right and appropriate remedies.
 - Creating a positive complaint handling culture through continuous learning and improvement.
 - Demonstrating learning in annual reports.
 - Annual self-assessment against the Code.
- 1.4 The Housing Ombudsman has a legal duty to monitor landlord compliance against the Code irrespective of whether it receives individual complaints from residents. This means that landlords will need to self-assess against the Code and submit an annual self-assessment to the Ombudsman irrespective of the number of homes that it owns, and which will be aligned to the RSH requirements to publish Tenant Satisfaction Measure outcomes as part of the regulatory standards.
- 1.5 The current membership fee for 2024-25 is £8.03 per unit payable annually to the Housing Ombudsman.
- 1.6 The Code requires landlords to have a Member Responsible for Complaints 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. The expectation is that the Member Responsible for Complaints is responsible for ensuring that

complaint handling drives service improvement for residents and learning and business improvement for the organisation.

- 1.7 The role of the Member Responsible for Complaints is to champion a positive complaint handling culture and build effective relationships with complaints teams, residents, audit and risk committees as well as wider teams and the HOS. The Housing Ombudsman has set out clear expectations for the role and this is appended at Appendix 1.
- 1.8 The Housing Ombudsman informs that the Member Responsible for Complaints for Local Authorities is a lead member or Councillor who has oversight in the Cabinet for housing. For Sefton, this would mean the Cabinet Member for Housing and Highways. Officers will further work with the Cabinet Member to provide support with this role including the identification of suitable resources, training and/or events.

Housing Advisory Board

- 1.9 Details of the Housing Advisory Board were presented to Cabinet on 4th April 2024, and it was noted that the intention was to create a Shadow Board to be in place circa. 6 months prior to the onboarding of properties at Buckley Hill Lane which would then transition into the Housing Advisory Board once the properties were taken into management.
- 1.10 The Housing Advisory Board will support Cabinet in the oversight of the Council's housing management service to tenants will provide additional governance to enable oversight and accountability in light of legislative and regulatory requirements with key officers and Members in place. The role of the Board will include to:
- Review the Business Plan
 - Review capital and revenue budgets
 - Prepare, discuss and review draft reports on key decisions informing recommendations to Cabinet / Council
 - Review high-level performance statistics
 - Consult and review policy changes
 - Consult on Regulatory / Legislative draft consultation responses
 - Review and monitoring of risk
- 1.11 The properties at Buckley Hill Lane are forecast for handover March 2025. With this in mind, it is anticipated that a meeting will be scheduled for October/November 2024 subject to diary availability to convene the Shadow Housing Advisory Board. Draft Terms of Reference will be developed as the Board is created.

Membership

- 1.12 This report asks Cabinet to note appointment to the following Members of the Housing Advisory Board:
- a) Two Councillor representatives:
- Cabinet Member for Housing and Highways (Council Housing Advisory Board Chair and Member Responsible for Complaints),
 - Cabinet Member for Corporate Services.
- b) Senior Officers for the Council:
- Executive Director - Regeneration, Economy and Assets (Health and Safety Lead),
 - Housing Strategy and Investment Service Manager,
 - Strategic Housing Officer,
 - Finance Representative (to be confirmed).

- 1.13 The Housing Advisory Board will oversee the delivery of the housing management and maintenance service to ensure it is being delivered in line with legal and regulatory requirements, a representative of the appointed housing management agent will therefore be invited to attend Housing Advisory Board meetings where appropriate and relevant.
- 1.14 It is the intention for a representative from Sandway Homes to attend the Shadow Housing Advisory Board in advance of the homes at Buckley Hill Lane being handed over to the Council. Their role will be as attendance only and will be beneficial in preparing for the onboarding of the properties once practically complete. Sandway will not formally be members of the full Housing Advisory Board, however there may be occasions where it is agreed that their attendance would be beneficial dependent on agenda items to be discussed as may be the case for other relevant attendees.
- 1.15 As the April 2024 Cabinet report noted, the composition of the Housing Advisory Board will be kept under review, including the future opportunity for tenant representation. Many Local Authority Boards whether decision making or non-decision making include tenant representation and this is the same for housing association boards.
- 1.16 As the Housing Advisory Board becomes operational and embedded as part of the Council Housing Programme governance structure, appropriate training opportunities will be reviewed and identified as necessary.

2. Financial Implications

- 2.1 There are no direct financial implications that will arise following the approval of recommendations within this report. There are however financial implications linked to the delivery of council housing and the ongoing management and maintenance of homes. These would be subject to a separate decision.

3. Legal Implications

- 3.1 In becoming a landlord of social housing, the Council is required to comply with all relevant legislation in managing and maintaining its homes. As a Local Authority Registered Provider, the Council will be regulated by the RSH and required to comply with the standards set for local authorities and well as complying with the statutory Complaint Handling Code published by the HOS.

4. Corporate Risk Implications

- 4.1 The key risk implications are detailed in the table below:

Risk	Result	Mitigating Actions
Failure to appoint a Member Responsible for Complaints.	Non-compliance with the statutory Complaint Handling Code. Potential action taken by the Housing Ombudsman and Regulator of Social Housing if this impacts the quality of landlord complaint handling.	Appoint Member Responsible for Complaints in advance of the Council acquiring its first homes.
Failure for the Member Responsible for Complaints to discharge their duty in accordance with the Housing Ombudsman's expectations.	Non-compliance with the statutory Complaint Handling Code. Potential action taken by the Housing Ombudsman	Identify and provide training and support for the Member appointed.

	and Regulator of Social Housing if this impacts the quality of landlord complaint handling.	
Failure to appoint Members to the Housing Advisory Board.	Strengthened governance arrangements are not in place ready for handover of the Council's first homes.	Seek authority to approve board members and convene a shadow housing advisory board at the earliest opportunity and in advance of handover of the Council's first homes.

5 Staffing HR Implications

- 5.1 There will be a staffing requirement to the management of the Housing Advisory Board which will be met within the Housing and Investment Service. The cost of ongoing management and maintenance of the housing stock will be met from rental income from tenants.

6 Conclusion

- 6.1 Officers are continuing work up the operational requirements for the Council Housing Programme and this will progress with the appointed housing management agent in place.
- 6.2 In accordance with the HOS the Member Responsible for Complaints is recommended to be the Cabinet Member for Housing and Highways.
- 6.3 Creation of the Shadow and later full Housing Advisory Board will provide added governance and oversight to the management of the Council's homes which will further develop as the Council Housing Programme grows. Training opportunities will be explored and identified where relevant for Housing Advisory Board Members as well as any Members and/or officers with specific identified roles such as those within this report.

Alternative Options Considered and Rejected

If the Council does not identify a Member Responsible for Complaints, it will be non-compliant with the statutory Complaint Handling Code published by the Housing Ombudsman. Alternatively, the Council could identify a Member who is not the Cabinet Member for Housing and Highways, however this would not align with guidance from the HOS which advises the role for Local Authorities should be a lead member or a Councillor who has oversight in the cabinet for housing.

Equality Implications:

An Equality Impact Assessment has been undertaken and no negative impacts have been identified. The EIA found that the provision of council housing and subsequent landlord service will have a positive impact on the protected characteristics of age and disability. The EIA will be reviewed and updated at the relevant review point and as work continues with the operational requirements to enable the Council to provide council housing.

Impact on Children and Young People:

New council housing will provide safe, secure, quality homes to those most in housing need, including for young people, children and their families showing the Council's continuing support.

Climate Emergency Implications:

The recommendations within this report will have a Neutral impact.

There are no direct climate emergency implications as a result of the recommendations of this report.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.7764/24) and the Chief Legal and Democratic Officer (LD.5864/24) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

Not applicable.

Implementation Date for the Decision :

Following the expiry of the “call-in” period for the Cabinet / Council decision.

Contact Officer:	Suzanne Blundell
Telephone Number:	0151 934 3549
Email Address:	Suzanne.Blundell@sefton.gov.uk

Appendices:

The following appendices are attached to this report:

Appendix 1 – Member Responsible for Complaints Role Expectations.

Background Papers:

Cabinet Report: [Report to: \(sefton.gov.uk\)](#)

The Housing Ombudsman Service Complaint Handling Code is available here:

<https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/the-code-2024/>.