



CABINET

Subject Heading:

Cabinet Member:

ELT Lead:

Report Author and contact details:

Policy context:

Financial summary:

Is this a Key Decision?

When should this matter be reviewed?

Reviewing OSC:

Complaint Policy

Councillor Ray Morgan

Mark Ansell

Sarah Birtles sarah.birtles@havering.gov.uk
01708 434 092

The Complaints Policy from July 2023 has been reviewed to ensure it is fully in line with the Housing Ombudsman (HO) Complaints Handling Code 2024. Local Government Social Care Ombudsman (LGSCO) complaints code due to be implemented in April 2026 and the LGSCO Children's statutory Guidance 2023.

Proactive alignment with all three frameworks reduces exposure to financial penalties, legal claims, and reputational damage. Investment in training, policy review, and governance oversight is more cost-effective than reactive remediation. Transparent and accessible complaint handling supports resident wellbeing and trust, reducing long-term costs.

No

Annually, or following significant change to service or a restructure.

Full OSC

The subject matter of this report deals with the following Council Objectives

People - Supporting our residents to stay safe and well

Place - A great place to live, work and enjoy Resources - Enabling a resident-focused and resilient Council

Resources - Enabling a resident-focused and resilient Council

SUMMARY

The changes to the Policy have been updated to ensure compliance with the Ombudsman codes for handling complaints. The HO code self-assessment is due by the 30th September 2025 and the new Policy must be published to meet full compliance. The Policy changes must also be brought in preparation for the self-assessment against the LGSCO complaints handling code due to be in force in April 2026.

The changes have also taken into account the LGSCO review around handling statutory children's social care complaints handling.

RECOMMENDATIONS

Policy changes to be agreed and August 2025 version to be published on the Council website no later than the 30 September 2025.

REPORT DETAIL

This report contains information regarding changes to the Policy and the compliance against the complaints codes and complaints handling. Different areas within the Policy have different stages and this is all accounted for in the new Policy.

Changes made to how the Policy reads for clarity and transparency and changes made to the Policy, as listed:

Ombudsman Complaints Handling code Compliance

Page 3	Definition of a complaint changed to definition set by the Ombudsman <i>Added 'A resident does not have to use the word 'complaint' for it to be treated as such'</i>
Page 3 and 11	Vexatious behaviour changed to Unacceptable behaviour
Page 4	<i>Added 'however a complaint will not prevent, stall or impact on actions needed to resolve any immediate issues.'</i>
Page 6	<i>Matters outside of the Complaints Policy – Contact details for each area for clarity added</i>
Page 13	<i>Added 'There is a 12-month limit in which a complaint can be made from the time that the matter occurred or from the time, it came to the attention of the customer. If your complaint is older than 12 months we may still be able to consider it if there are extenuating circumstances that led to the delay of the</i>

	<i>complaint being made, and it is still possible to investigate the complaint effectively and fairly.'</i>
Pages 14, 17 and 18	<p><i>Acknowledgement target changed from 3 days to 5 – This allows the provision that if a complaint can be answered, it can be done within 5 days as opposed to a further 10 days that is currently in place. A response cannot be made in 3 days.</i></p> <p>Added Stage One 'a response will be in ten days from the date of your acknowledgement' If we are able to respond within 5 working days, we will do so.</p> <p>If a response cannot be provided within 5 working days, it will be issued no later than 10 working days from the date of acknowledgement.</p>
Page 15 and 18	Added Stage Two ' <i>we will allow a further 20 working days</i> ' Changed from 10 in line with the code.
Page 15	<p>Previously stated '<i>if they wish to escalate to stage two they must provide reasons why</i>'. This is against Ombudsman compliance and has been removed.</p> <p>Added '<i>In instances where a complaint is declined to be escalated, we will clearly communicate in writing our reasons for not escalating as well as the details of your right to approach the Ombudsman about its decision</i>'</p> <p>Added – '<i>those relating to social landlord services. We are committed to ensuring our complaints handling processes are fair, transparent, and accessible, and that they meet the standards set out by the Ombudsman. To demonstrate our compliance, we have completed a self-assessment against the Code and published our Annual Complaints Performance and Service Improvement Report.</i>'</p>
Page 17	Stage One complaint response changed from 7 working days to 10 working days in line with the Ombudsman compliance. This was incorrect on the previous policy.
Page 18	<p>Added '<i>Confirm in all responses:</i></p> <ul style="list-style-type: none">○ <i>Its understanding of the complaint.</i>○ <i>The outcomes the resident is seeking.</i>○ <i>Which aspects they are and are not responsible for.</i>○ <i>If any aspect of the complaint is unclear, we will contact you for clarification</i>' <p>Added '<i>In instances where a complaint is declined to be escalated, we will clearly communicate in writing our reasons for not escalating as well as the details of your right to approach the Ombudsman about its decision</i>'</p>

Statutory Social Care and LGSCO Guidelines

Page 5	Added ways to complain ' <i>Through Digital Apps such as Mind of My Own</i> ' for young people and children to express their feelings.
Page 21	Added ' <i>The final response must be sent no later than six months from the date the complaint was first received. The regulations allow councils to in special circumstances extend this timescale, however this should only be necessary</i> '
Page 20 and 22	<i>Acknowledgement target changed from 3 days to 5 – This allows the provision that if a complaint can be answered, it can be done within 5 days as opposed to a further 10 days that is currently in place. A response cannot be made in 3 days.</i>

	<p>Added Stage One 'a response will be in ten days from the date of your acknowledgement' If we are able to respond within 5 working days, we will do so. If a response cannot be provided within 5 working days, it will be issued no later than 10 working days from the date of acknowledgement.</p>
Page 23	<p>Added – <i>'Your Stage Two complaint will be acknowledged with your statement of complaint, within 5 working days from the date of receipt, or if the Stage two request has been made verbally, from the date of an agreed statement between the customer and the Council.'</i></p> <p>Added <i>'However, if there are extenuating circumstances that led to the delay of requesting the escalation being made, and it is still possible to investigate the complaint effectively and fairly, the Stage Two request will be considered.'</i></p> <p>Added - <i>'In certain circumstances a complaint may be eligible for early referral to the Local government Ombudsman rather than continuing to Stage three. This decision will be based on a case by case and details of what may be considered are below</i></p> <ul style="list-style-type: none"><i>• The Stage two has delivered a robust report and adjudication, and all complaint points have been upheld</i><i>• The Council has provided a clear action plan and agreed to meet most of or all the complainants' outcomes.</i> <p><i>If the Council feels early referral is appropriate, we will write to the customer confirming the agreement and reasons why and to advise them to contact the Local Government Ombudsman.</i></p>

Other

Page 13	<p>Added - <i>To support fair and timely complaint handling, the Council encourages submissions to be clear, proportionate, and focused. Excessively lengthy or unfocused complaints may limit our ability to respond effectively. We may ask for the points to be clarified before we are able to complete a full investigation.'</i></p>
Page 14	<p>Added as per Building Regulations - This includes but is not limited to</p> <ul style="list-style-type: none">• Building Control services, inspections, approvals and enforcement• Factually incorrect information about the requirements of the Regulations• Where the council has decided a structure is dangerous and has demolished it without giving the owner an opportunity to carry out the work. Delays in carrying out inspection of enforcement works• A failure to keep proper records.
Page 15	<p>Added <i>'However, complaints about staff conduct that relate to disciplinary matter, may be redirected to Human Resources, where they can addressed through internal HR processes.'</i></p>
Page 19	<p>Added section in relation to process when handling TMO process in line with the Housing Regulator</p>

Added for young adults and children to express their feelings

REASONS AND OPTIONS

Reasons for the decision:

To ensure Havering Council is fully compliant with the complaints handling codes set by the HO and LGSCO and in line with the Social Housing Regulator and the Children's Act.

Already agreed by ELT and Lead Member for the Council

Other options considered:

None – changes are required to meet compliance and good practice guidance

IMPLICATIONS AND RISKS

Financial implications and risks:

Compensation Orders: The Ombudsman can order landlords to pay compensation to residents. In 2023–24, over £4.9 million in compensation was ordered or recommended, a significant increase from the previous year.

Non-compliance: Leads to higher compensation awards due to findings of maladministration or service failure.

Complaint Handling Failure Orders (CHFOs): If a landlord fails to comply with the Code or does not complete the required annual self-assessment, the Ombudsman may issue a CHFO. These orders can lead to:

- Mandatory corrective actions.
- Increased scrutiny and oversight.
- Potential reputational damage that may affect funding or partnerships
- Operational Costs: Poor complaint handling leads to escalated cases, which are more resource-intensive. The Ombudsman reported a 60% increase in formal investigations, with each case generating multiple orders and recommendations

Legal implications and risks:

Maladministration Findings Both Ombudsmen can issue findings of maladministration or service failure if complaints are mishandled or statutory procedures are not followed. These findings are published and can lead to reputational damage and increased scrutiny.

Complaint Handling Failure Orders (CHFOs) The Housing Ombudsman can issue CHFOs for non-compliance with the Code. These are formal directives requiring corrective action and are publicly reported

Judicial Review Risk Courts have ruled that complaints should generally be resolved through the Ombudsman rather than judicial review. However, failure to follow statutory procedures may still expose councils to legal challenge if complainants argue their rights were breached

Contractual and Third-Party Liability Councils must ensure that any Third-party providers or contractors delivering public services comply with statutory complaint procedures. Failure to do so may result in legal liability for breaches of duty

Human Resources implications and risks:

Staff Accountability and Performance Failure to comply with the Code may expose gaps in staff training, supervision, and complaint-handling competence. Staff may be held accountable for poor decision-making or delays, especially if complaints escalate to formal investigations or legal action.

Training and Development Gaps The Code requires staff to be trained in fair, transparent, and timely complaint resolution. Non-compliance highlights deficiencies in professional development and may necessitate urgent remedial training, increasing HR workload

Workforce Morale and Retention Poor complaint handling can lead to increased stress and burnout among frontline staff, especially if they face resident frustration or media scrutiny. High turnover may result if staff feel unsupported or blamed for systemic failures

Recruitment Challenges Reputational damage from non-compliance may deter skilled professionals from joining the organisation. HR may struggle to attract candidates to roles perceived as high-risk or poorly managed.

Employment Law Violations If staff mishandle complaints involving safeguarding, discrimination, or misconduct, it may breach employment laws such as the Equality Act 2010 or whistleblowing protections

Data Protection Breaches Mishandling sensitive complaint data (e.g. about children or families) can violate GDPR and the Data Protection Act 2018, leading to fines and reputational damage

Training and Competency Failures HR may be held accountable if staff are not adequately trained in statutory complaints procedures, especially those working in Children's Services

Safeguarding Failures Mishandling complaints involving vulnerable children can trigger safeguarding investigations, which may implicate HR in failing to uphold duty-of-care standards

Equalities implications and risks:

Breach of Equality Duties Landlords must give due regard to the needs of residents with protected characteristics (e.g. disability, race, age, gender, religion). Non-

compliance with the Code may result in indirect discrimination, especially if complaint processes are inaccessible or inconsistently applied

Failure to Make Reasonable Adjustments The Code requires landlords to adapt complaint procedures to meet individual needs (e.g. providing information in alternative formats, offering support for neurodiversity or disabled residents). Ignoring these duties may breach the Equality Act 2010, exposing the organisation to legal claims

Disproportionate Impact on Vulnerable Groups An Equality Impact Assessment (EqIA) conducted by the Ombudsman found that poor complaint handling disproportionately affects ethnic minorities, disabled residents, and digitally excluded individuals. 20% of respondents to the Code consultation were from ethnic minority backgrounds, and many highlighted the importance of fairness and transparency in complaint handling

Inequitable Access to Services Failure to act on complaints may result in children from protected groups receiving inferior services or support, undermining statutory obligations under the Children Act 1989 and the Equality Act

Safeguarding Failures Complaints involving discrimination or exclusion may mask deeper safeguarding concerns. Ignoring these can lead to serious harm and regulatory scrutiny

Loss of Trust Families and children may lose confidence in the complaints process, especially if they feel their concerns are dismissed due to bias or systemic inequality

Health and Wellbeing implications and Risks

Physical Health Risks Poor complaint handling can delay resolution of issues like damp, mould, heating failures, or unsafe structures. These conditions are linked to respiratory illnesses, cardiovascular problems, injuries, and infectious diseases such as influenza and tuberculosis.

Mental Health Impact Unresolved complaints and lack of responsiveness can cause stress, anxiety, and feelings of helplessness among residents. Vulnerable groups, including older adults and those with disabilities, are particularly at risk of mental health deterioration when housing issues persist

Safeguarding Failures The Code explicitly states that complaints involving safeguarding and health and safety must not be excluded. Non-compliance may result in missed opportunities to protect residents from harm, especially in cases involving domestic abuse, neglect, or unsafe environments.

Barriers to Accessing Support If complaint processes are not accessible (e.g. for neurodiversity residents or those with language barriers), individuals may be unable to raise concerns that affect their wellbeing

Increased Risk of Harm Complaints may highlight safeguarding concerns such as abuse, neglect, or bullying. Failure to investigate or escalate these can expose children to continued harm

Breakdown in Multi-Agency Coordination Statutory complaints often require joint responses from health, education, and social care. Poor handling can disrupt safeguarding protocols and delay protective action

Loss of Trust and Voice Children who feel ignored or dismissed may disengage from services, internalise distress, or stop reporting concerns altogether

Trauma Reinforcement Mishandling complaints—especially those involving previous trauma—can re-traumatise children and undermine recovery

BACKGROUND PAPERS

This is based on the compliance requirements against the Housing Ombudsman Complaints handling code published in April 2024

[The Complaint Handling Code | Housing Ombudsman Service](#)

And the compliance requirements against the Local Government and Social Care Ombudsman Complaints handling code due to be published in April 2026

[Complaint Handling Code - Local Government and Social Care Ombudsman](#)

Legislation also considered:

- The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.
- Section 24 (D) and 26 Children Act 1989.
- The Children Act 1989 Representations Procedure (England) Regulations 2006.
- the Advocacy Services and Representations Procedure (Children) (Amendment) Regulations 2004
- Freedom of Information Act 2000.
- UK GDPR and Data Protection Act 2018.
- Re-Use of Public Sector Information Regulations 2005.
- Environmental Information Regulations 2004.
- Human Rights Act 1998.
- Equality Act 2010.
- Localism Act 2011.
- Social Housing (Regulations) Bill.
- DWP Regulations.
- Social Services and National Health Service Complaint Regulations 2009 and the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, the Council has a duty act fairly and proportionately
- This policy also outline the council's responsibilities to ensure member conduct and decision-making are lawful and fair