



Public Document Pack

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15 September 2022

AUDIT & GOVERNANCE COMMITTEE

A meeting of the Audit & Governance Committee will be held in **Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** on **Thursday 29 September 2022 at 10.00 am** and you are requested to attend.

Members: Councillors Clayden (Chair), Chapman (Vice-Chair), Bennett, Brooks, Chace, Goodheart, Oliver-Redgate, Oppler, Staniforth and Tilbrook

PLEASE NOTE: Where public meetings are being held at the Arun Civic Centre, to best manage safe space available, members of the public are encouraged to watch the meeting online via the Council's [Committee webpages](#).

1. Where a member of the public wishes to attend the meeting or has registered a request to take part in Public Question Time, they will be invited to submit the question in advance of the meeting to be read out by an Officer, but of course can attend the meeting in person.
2. We request members of the public do not attend any face to face meeting if they have Covid-19 symptoms.

Any members of the public wishing to address the Committee meeting during Public Question Time, will need to email Committees@arun.gov.uk by 5.15 pm on **Wednesday, 21 September 2022** in line with current Committee Meeting Procedure Rules.

It will be at the Chief Executive's/Chair's discretion if any questions received after this deadline are considered.

For further information on the items to be discussed, please contact Committees@arun.gov.uk.

AGENDA

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

Members and Officers are invited to make any declaration of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda, and are reminded that they should re-declare their interest before consideration of the items or as soon as the interest becomes apparent.

Members and Officers should make their declaration by stating:

- a) the item that they the interest in
- b) whether it is a pecuniary, personal and/or prejudicial interest
- c) the nature of the interest

3. **MINUTES**

(Pages 1 - 8)

The Committee will be asked to approve as a correct record the Minutes of the Audit & Governance Committee held on 28 July 2022.

4. **ITEMS ON THE AGENDA THAT THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCE**

5. **PUBLIC QUESTION TIME**

To receive questions from the public (for a period of up to 15 minutes).

6. **INTERNAL AUDIT PROGRESS SEPTEMBER 2022**

(Pages 9 - 22)

The report outlines the progress of the Council's Internal Audit service against the approved Internal Audit Plan for 2022/23 from 1 April 2022.

[15 Minutes]

7. **FEEDBACK AND COMPLAINTS POLICY - UPDATE**

(Pages 23 - 98)

The Housing Ombudsman has made a formal recommendation to the Council by way of an order regarding its existing Policy and the Council is obliged to implement that recommendation by way of adoption of an updated Policy.

[25 Minutes]

8. WORK PROGRAMME

(Pages 99 - 104)

The Committee is required to note the Work Programme for 2022/23.

[5 Minutes]

Note : If Members have any detailed questions, they are reminded that they need to inform the Chair and relevant Director in advance of the meeting.

Note : Filming, Photography and Recording at Council Meetings – The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link [Filming Policy](#)

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AUDIT & GOVERNANCE COMMITTEE

28 July 2022 at 10.00 am

Present: Councillors Clayden (Chair), Chapman (Vice-Chair), Chace, Oliver-Redgate and Gunner (Substitute for Staniforth)

199. WELCOME

After welcoming Members, Officers and guests to the meeting, the Chair noted thanks to Councillor Northeast, who had now left the Audit & Governance Committee, for his service to the Committee.

200. APOLOGIES

Apologies for absence had been received from Councillors Bennett, Brooks, Goodheart and Oppler and Staniforth.

201. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

202. MINUTES

The Minutes of the meeting held on 22 February 2022 were approved by the Committee. These would be signed at the end of the meeting.

203. ITEMS ON THE AGENDA THAT THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCE

The Chair confirmed that there were no urgent matters for this meeting.

204. PUBLIC QUESTION TIME

The Chair confirmed that no questions had been submitted for this meeting.

205. START TIMES

The Chair Proposed that start times for the Audit & Governance Committee meetings for 2022/23 be 10.00am. This was Seconded by Councillor Chapman.

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The Committee

RESOLVED

That its start times for meetings for 2022/23 be 10.00am.

206. ANNUAL AUDIT LETTER FOR THE YEAR ENDED 31 MARCH 2021

The Chair invited the Audit Manager, James Stuttaford, from Ernst & Young LLP (E&Y) to present the report. He explained that the Auditors Annual Report replaced the Annual Audit Letter. The report summarised the audit, and so there was not much to update the Committee on at this stage, as the Annual Audit Report had been provided on the same day as signing the Opinion. The report also provided a detail of Value for Money work that E&Y had completed, which did not identify any risk of significant weaknesses in the council's Value for Money arrangements for 2021. This document would be built upon and more detail would be provided in future years. The Audit Fees had been submitted to Public Sector Audit Appointments (PSAA) and would be confirmed in due course.

Members thanked E&Y for the thorough report. Attention was drawn to statements made under Value for Money from page 24-26, particularly 'We note that this level of borrowing has not increased during the Covid-19 period and the council have sufficient levels of cash to pay off the short term borrowing without the need to borrow further.' It was felt that this was a valuable statement for the financial sustainability of Arun.

There were no questions from Members.

The Committee agreed that they had received the Auditors Annual Report for the year ended 31 March 2021.

207. OUTLINE EXTERNAL AUDIT PLAN 2021/22

The Chair invited the Audit Manager, James Stuttaford, from E&Y to present the Outline Audit Plan for 2021/22. He explained that an outline had been provided at this stage as they had not yet fully completed the planning work. The main audit visit would take place in a couple of months and was expected to be completed towards the end of the year. The plan outlined what they expected to be the significant risks. There was no significant change in the audit focus for 2021-22. The risks were shown on page 7 of the Outline Audit Plan, which included the fraud risks, Misstatements due to fraud or error; Risk of fraud in revenue recognition – capitalisation of revenue expenditure. The risks were Valuation of Land and Buildings; and Pension Liability Valuation. The one change from the prior year was the accounting for Covid-19 related government grants, which they no longer considered to be an inherent risk.

The Chair then invited Member questions. It was noted that under Auditor Responsibilities under the Code in Value for Money, E&Y were required to consider whether the council had put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources. This was a wide topic, and it was asked how E&Y proposed to achieve this. The Audit Manager from E&Y explained that the Auditors Annual Report set out the process of how they had looked at the council as a whole. There were currently no specific risks identified with this, and they did not plan to drill down to any specific areas at this time.

The Committee noted the external audit, commencing in September 2022; and the remainder of the Outline Audit Plan.

208. RESPONSE TO ERNST & YOUNG ON ANNUAL ASSURANCE LETTER REGARDING GOVERNANCE ARRANGEMENTS

Upon the invitation of the Chair, the Internal Audit Manager presented this report to the Committee. He explained that on an annual basis, the council's external auditors requested assurance regarding governance arrangements from a number of Officers and also from the Chair of the Audit & Governance Committee. In previous years, this response had been provided earlier in the year and noted at the next meeting of the Committee. However, as the external audit had been delayed, the deadline for the response had allowed the draft, agreed by the Chair, to be presented to the Committee for approval before it was sent.

There were no questions from Members.

The recommendation was Proposed by Councillor Chapman and Seconded by Councillor Chace.

The Committee

RESOLVED

That they approved the response to be sent to the external auditors by the Chair.

209. ANNUAL GOVERNANCE STATEMENT 2021/22 AND CODE OF CORPORATE GOVERNANCE

Upon the invitation of the Chair, the Internal Audit Manager presented this report to the Committee. He explained the Annual Governance Statement was a mandatory document required to accompany the Annual Accounts, and the draft had been approved for signature by both the Chief Executive and Leader of the council. The

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document would be passed to the external auditors and published on the website with the draft Accounts and the final version would then be presented to the Committee when the audited Accounts were approved. The Annual Governance Statement was supported by some minor updates to the council's published Code of Corporate Governance, shown on pages 107-112.

Page 87 referenced the review of the Local Plan recommencing in 2022, which had been recommended by the Planning Policy Committee. However, at the Full Council meeting on 13 July 2022 it was resolved not to support this recommendation. The Internal Audit Manager therefore suggested that the wording of the document should be altered to remove both "subject to review after 6 months", which has taken place, and "the review is now expected to recommence in 2022".

Councillor Gunner stated that although he had been involved in the preparation of this Statement, the Monitoring Officer had confirmed he was happy that Councillor Gunner stay in the meeting for the item and to participate in discussions.

The Committee agreed to note the council's draft Annual Governance Statement for 2021/22, with the suggested changes, pending approval of the final version at a future meeting when the audited Annual Accounts were presented.

210. TREASURY MANAGEMENT ANNUAL REPORT 2021/22

Upon the invitation of the Chair, the Senior Accountant (Treasury) presented this report to the Committee. The purpose of the report was to present the treasury activity for the year 2021-22. Points highlighted included that the interest earned was £460,000 against a budget of £332,000, the addition was largely due to having more money to invest but at lower rates. The additional funding largely came from grants; point 4 on page 120 showed the maturity of Public Works Loan Board (PWLB) loans, making up the £35million currently of Arun's borrowing; the second table showed investments at the 31 March 2021 at £62million and the 31 March 2022 at £69million; Page 123 showed the interest rate forecast and how much it had changed over the previous 12-18 months. The current base rate was at 1.25%, and this was anticipated to rise again next month.

Members then took part in a question-and-answer session and the following points were made:

- Was it getting harder or easier to get counterparties for treasury agreements? The Senior Accountant (Treasury) explained it had been consistent.
- It was asked whether we were too cautious as a council. It was confirmed that although slightly cautious, Arun took slightly more risk than some other councils. The council was bound by some very strict codes that specified levels of risk – Security, Liquidity then Yield (SLY).
- It was asked how the fixed-rate interest rate was obtained. The Senior Accountant (Treasury) explained Link Group were the treasury advisors, and the council took their advice on interest rates but also that of capital economics.

The recommendations were Proposed by Councillor Oliver-Redgate and Seconded by Councillor Chace.

The Committee

RECOMMEND TO FULL COUNCIL that

1. the actual prudential and treasury indicators for 2021/22 contained in the report be approved
2. they note the annual treasury management report for 2021/22
3. they note the treasury activity during 2021/22 which has generated interest receipts of £460,000 (0.59%). Budget £332,000 (0.64%)

211. INTERNAL AUDIT - ANNUAL REPORT & OPINION 2021/22

Upon the invitation of the Chair, the Internal Audit Manager presented the report to the Committee. He explained the Annual Report and Opinion was required under the Chartered Institute of Public Finance and Accountability (CIPFA's) Public Sector Internal Audit Standards (PSIAS). This summarised the work of internal audit through the year 2021/22 for the information of the Committee. From April 2022 the internal audit services were being provided by the Southern Internal Audit Partnership (SIAP) and a similar report would be provided in SIAP's format in future years.

Members welcomed the resolution of the formation of the internal audit services and offered thanks to all concerned.

There were no questions from Members.

The Committee agreed they had received the Annual Report & Opinion 2021/22.

212. ANNUAL INTERNAL AUDIT CHARTER 2022/23

The Chair welcomed Iona Bond from Southern Internal Audit Partnership (SIAP), who then presented the Charter to the Committee. She explained the document was similar to those presented in previous years by the Internal Audit Manager as part of the Annual Planning. In line with requirements of the PSIAS, the document set out the purpose of internal audit, and formally defined the internal audit activities, purpose, authority and responsibility. It outlined all the various elements that contributed to how they carried out the audit, SIAP's responsibilities and Arun's responsibilities.

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The Chair then invited Member questions. It was asked who the Chief Internal Auditor was. It was confirmed that this was Neil Pitman, who was the Head of Partnership at SIAP.

The recommendation was Proposed by Councillor Chace and Seconded by Councillor Oliver-Redgate.

The Committee

RESOLVED

that the Internal Audit Charter for 2022/23, attached at Appendix A, be approved.

213. ANNUAL INTERNAL AUDIT PLAN 2022/23

Upon the invitation of the Chair, the Interim Group Head of Finance presented the report to the Committee. She explained the Plan had been agreed under the delegated authority provided by the Committee. She thanked SIAP for getting the contract moving quickly.

The Interim Group Head of Finance then handed over to Iona Bond, SIAP, who introduced the Internal Audit Plan. It was confirmed that they conformed to the internal audit standards and were free of any conflicts of interests. She explained that they had arrived at the Audit Plan in discussion with the Corporate Management Team of the council and with an overview of what the strategic risks were within the council's risk register. Page 174 outlined what they felt were the auditable areas for the council. She explained this was the plan, however this would be subject to change. The proposed audits of the first year had been given indicative timings for which quarter they would be carried out, however as with the plan as a whole this was subject to change, and some audits would be carried out in separate quarters than stated, which was not unusual. Changes to the plan would come to the Committee as part of the progress report.

Members then took part in a question-and-answer session and the following points were made:

- Whether the top twenty risks listed had been produced by Arun. The Internal Audit Manager explained that the main risks had been taken from the Strategic Risk Register, which had been presented to this Committee last November. The Risk Management Strategy and the Strategic Risk Register were currently being revised and would come back to this Committee.
- Should Capital Programme Delivery be audited this year. The Interim Group Head of Finance explained that this would not be audited, however it was being reviewed.
- Should Planning and Development Control, Void Properties and Corporate Property Portfolio be audited this year. The Interim Group Head of Finance said

that these suggestions could be taken to Corporate Management Team for review, as the Audit Plan was dynamic and subject to change.

- A separate meeting involving the Audit Team and the Interim Group Head of Finance, to point out some of the residual issues still to be addressed regarding the Hannaby Review would be welcomed.
- Business Continuity Planning and Emergency Planning were scheduled for Quarter three this year, which was welcomed.

The recommendation was Proposed by Councillor Chapman and Seconded by Councillor Oliver-Redgate.

The Committee

RESOLVED

That the outline Annual Internal Audit Plan for 2022/23, attached at Appendix A, be approved.

214. CHAIR'S ANNUAL REPORT TO FULL COUNCIL 2021/22

Upon the invitation of the Chair, the Internal Audit Manager presented this report to the Committee. He explained CIPFA best practice was that an annual report on the activities of the Committee was presented to Full Council. The draft report outlined the work of the Committee through the 2021/22 Municipal Year.

There were no questions from Members.

The recommendation was Proposed by Councillor Chace and Seconded by Councillor Oliver-Redgate.

The Committee

RESOLVED

That the content of the report be endorsed and to recommend its presentation to Full Council by the Committee Chair.

215. COUNTER-FRAUD REPORT 2021/22

Upon the invitation of the Chair, the Internal Audit Manager presented the report to the Committee. He explained this was an advisory report, as per CIPFA best practice. This followed on from a more detailed report on Housing Tenancy Fraud activity presented to the Committee at its last meeting. The report outlined the main

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areas of fraud work undertaken within the council. There was still a considerable amount of work being done on counter-fraud activity relating to Covid-19 business grants. There was now also ongoing work on fraud checking in terms of the Council Tax Energy Rebate payments being made.

The Chair invited questions from Members. It was noted by one Member that on page 203 under the Housing Tenancy Section, the estimated savings were £380,000, however it was felt this was a conservative estimate. It was hoped the Officer would be kept in post to continue that work.

The Committee agreed they had received the Counter-Fraud Report 2021/22.

216. ANNUAL UPDATE ON THE COUNCIL'S USE OF POWERS UNDER THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

Upon the invitation of the Chair, the Internal Audit Manager presented the report to the Committee. He explained it was a requirement of the Investigatory Powers Commissioner's Office (IPCO) that the Committee be advised as to any use of allowable powers under the Regulation of Investigatory Powers Act (RIPA). It was confirmed that no use of RIPA powers had been made in the 2021/22 municipal year.

The Chair invited questions from Members. It was asked whether more use should be made of these powers. The Internal Audit Manager explained that in order to use RIPA powers certain strict criteria must be met, and it was the preference to use overt surveillance. Another Member expressed support for the fact that RIPA powers had not been used.

The Committee noted the report.

217. WORK PROGRAMME

Upon the invitation of the Chair, the Internal Audit Manager presented the Work Programme to the Committee. Many of the items were required on an annual basis, and the timing of some items were still to be finalised. There would also be a requirement for a review of Member allowances by the Independent Members' Remuneration Panel. However, this could not yet be planned until any potential changes to the Committees structure and responsibilities had been considered by the Constitution Working Party and agreed by Full Council.

The Work Programme was noted.

(The meeting concluded at 10.53 am)

REPORT TO:	Audit and Governance Committee – 29 September 2022
SUBJECT:	Internal Audit Progress September 2022
LEAD OFFICER:	Carolyn Martlew, Interim Group Head of Finance and Section 151 Officer
LEAD MEMBER:	Councillor Mike Clayden
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: The Council's budget promotes all of the Council's Corporate Priorities.	
DIRECTORATE POLICY CONTEXT: The Council's Internal Audit Service has an effect on all Directorates of the Council.	
FINANCIAL SUMMARY: There are no direct financial implications arising from the report. Provision of a sound Internal Audit Service should result in effective financial control and guard against theft and fraud.	

1. PURPOSE OF REPORT

- 1.1. The purpose of this report is to inform Members of progress by the Council's Internal Audit service against the plan approved by the Committee on 28 July 2022.

2. RECOMMENDATIONS

- 2.1. The Committee is recommended to review and note the appended report from SIAP.

3. EXECUTIVE SUMMARY

- 3.1. The report outlines the progress of the Council's Internal Audit service against the approved Internal Audit Plan for 2022/23 from 1 April 2022.

4. DETAIL

- 4.1. The Committee approved its Internal Audit Plan for 2022/23 at its meeting of 28 July 2022. It is good practice that those charged with governance review the progress of the Internal Auditor against the approved plan.
- 4.2. The attached report from the Council's Internal Audit provider, Southern Internal Audit Partnership (SIAP) provides an update covering April 2022 to September 2022.

5. CONSULTATION

5.1. No consultation has been undertaken with external bodies.

6. OPTIONS / ALTERNATIVES CONSIDERED

6.1. No other options are available.

7. COMMENTS BY THE GROUP HEAD OF CORPORATE SUPPORT/SECTION 151 OFFICER

7.1. A fit for purpose, monitored Internal Audit system enhances financial control and reduces the risk of theft and fraud for the Council.

8. RISK ASSESSMENT CONSIDERATIONS

8.1. The main risks arising from the process are:

- Issues raised by Internal Audit are not appropriately actioned by managers. This could result in weak systems control, increasing the risk of theft and fraud. Regular reporting and monitoring reduces the risk;
- The other risk is slippage of the approved Audit programme. This would mean the approved programme is not delivered and resources not directed as planned. Regular reporting and monitoring reduces the risk.

Processes in place and financial controls mitigate against these risks.

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

9.1. A sound system of Internal Audit is one of the requirements of the Local Government Finance Act 1972.

10. HUMAN RESOURCES IMPACT

10.1. There are no impacts.

11. HEALTH & SAFETY IMPACT

11.1. There are no impacts.

12. PROPERTY & ESTATES IMPACT

There are no impacts

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

13.1. There are no impacts.

14.CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1. There are no impacts.

15.CRIME AND DISORDER REDUCTION IMPACT

15.1. There are no impacts.

16.HUMAN RIGHTS IMPACT

16.1. There are no impacts.

17.FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1. There are no impacts.

CONTACT OFFICER:

Name: Carolin Martlew

Job Title: Interim Group Head of Finance and Section 151 Officer

Contact Number: 01903 737558

BACKGROUND DOCUMENTS:

[Annual Internal Audit Plan Report – Audit and Governance Committee 28 July 2022](#)

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Southern Internal Audit Partnership

Assurance through excellence
and innovation

ARUN DISTRICT COUNCIL INTERNAL AUDIT PROGRESS REPORT SEPTEMBER 2022

Prepared by: Iona Bond, Senior Audit & Counter Fraud Manager
September 2022

Contents:

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1. Role of Internal Audit

The requirement for an internal audit function in local government is detailed within the Accounts and Audit (England) Regulations 2015, which states that a relevant body must:

‘Undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance.’

The standards for ‘proper practices’ are laid down in the Public Sector Internal Audit Standards [the Standards – updated 2017].

The role of internal audit is best summarised through its definition within the Standards, as an:

‘Independent, objective assurance and consulting activity designed to add value and improve an organisations’ operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes’.

The Council is responsible for establishing and maintaining appropriate risk management processes, control systems, accounting records and governance arrangements. Internal audit plays a vital role in advising the Council that these arrangements are in place and operating effectively.

The Council’s response to internal audit activity should lead to the strengthening of the control environment and, therefore, contribute to the achievement of the organisations’ objectives.

2. Purpose of report

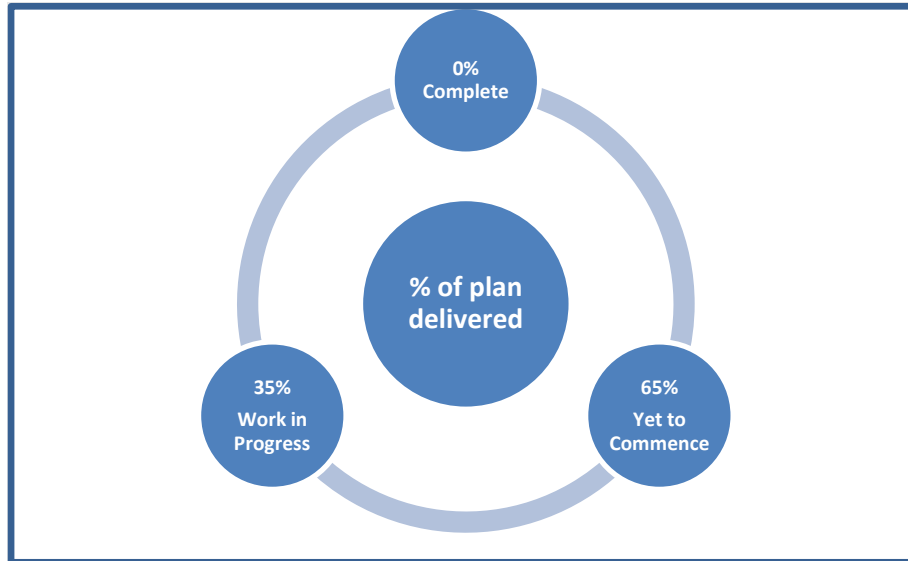
In accordance with proper internal audit practices (Public Sector Internal Audit Standards), and the Internal Audit Charter the Chief Internal Auditor is required to provide a written status report to ‘Senior Management’ and ‘the Board’, summarising:

- The status of ‘live’ internal audit reports;
- an update on progress against the annual audit plan;
- a summary of internal audit performance, planning and resourcing issues; and
- a summary of significant issues that impact on the Chief Internal Auditor’s annual opinion.

Internal audit reviews culminate in an opinion on the assurance that can be placed on the effectiveness of the framework of risk management, control and governance designed to support the achievement of management objectives of the service area under review. The assurance opinions are categorised as follows:

Substantial	<i>A sound system of governance, risk management and control exists, with internal controls operating effectively and being consistently applied to support the achievement of objectives in the area audited.</i>
Reasonable	<i>There is a generally sound system of governance, risk management and control in place. Some issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives in the area audited.</i>
Limited	<i>Significant gaps, weaknesses or non-compliance were identified. Improvement is required to the system of governance, risk management and control to effectively manage risks to the achievement of objectives in the area audited.</i>
No	<i>Immediate action is required to address fundamental gaps, weaknesses or non-compliance identified. The system of governance, risk management and control is inadequate to effectively manage risks to the achievement of objectives in the area audited.</i>

3. Performance dashboard



Compliance with Public Sector Internal Audit Standards

An 'External Quality Assessment' of the Southern Internal Audit Partnership was undertaken by the Institute of Internal Auditors (IIA) in September 2020. The report concluded:

'The mandatory elements of the IPPF include the Definition of Internal Auditing, Code of Ethics, Core Principles and International Standards. There are 64 fundamental principles to achieve with 118 points of recommended practice. We assess against the principles. It is our view that the Southern Internal Audit Partnership conforms to all 64 of these principles.'

We have also reviewed SIAP conformance with the Public Sector Internal Audit Standards (PSIAS) and Local Government Application Note (LGAN). We are pleased to report that SIAP conform with all relevant, associated elements.'

4. Analysis of 'Live' audit reviews

Audit Review	Report Date	Audit Sponsor	Assurance Opinion	Total Management Action(s)*	Not Accepted	Not Yet Due	Complete	Overdue		
								L	M	H
No 2022/23 reports finalised										
Total								0	0	0

*Total number of actions (total number of high priority actions)

Audit Sponsor			
CEX	Chief Executive	DoE&C	Director of Environment and Communities
DoG	Director of Growth		

5. Executive Summaries of reports published concluding a 'Limited' or 'No' assurance opinion

There have been no reports published concluding a "Limited" or "No" assurance opinion to date for 2022/23.

6. Planning & Resourcing

The internal audit plan for 2022-23 was presented to the Corporate Management Team and the Audit & Governance Committee in July 2022.

The audit plan remains fluid to provide a responsive service that reacts to the changing needs of the Council. A mid year review of the plan has been undertaken in conjunction with CMT and this has identified a number of audit areas where, for this year, no significant added value would

be obtained in conducting an audit review. A full list of those areas removed and the rationale is provided in section 8. All removed audits will be reconsidered as part of the planning process for the 2023/24 – 2025/26 strategic audit plan.

We are satisfied that the revised audit plan for the year remains robust and sufficient to enable an annual assurance statement to be provided.

Progress against the plan is detailed within section 7.

7. Rolling Work Programme

Audit Review	Sponsor	Scoping	Terms of Reference	Fieldwork	Draft Report	Final Report	Assurance Opinion	Comment
Corporate								
Corporate Vision/Plan	CEX						Q4	
Health and Safety (Corporate)	CEX	✓	✓	✓				
BCP and Emergency Planning	DoE&C						Q3	
Governance								
Risk Management	CEX						Q4	
Procurement	CEX	✓						
Programme and Project Management	CEX						Q3	
Decision Making	CEX	✓	✓				Q3	
Human Resources and Organisational Development – Use of Agency Workers	CEX	✓	✓					
Information Governance	CEX	✓	✓					
IT								
Cyber Security	DoG	✓	✓	✓				
IT Asset Management	DoG						Q3	
Finance								
Financial Resilience	CEX						Q4	

Audit Review	Sponsor	Scoping	Terms of Reference	Fieldwork	Draft Report	Final Report	Assurance Opinion	Comment
Accounts Receivable & Debt Management	CEX						Q4	
Treasury Management	CEX						Q3	
Council Tax	CEX	✓	✓					
Improving the Wellbeing of Arun								
Homelessness and Housing Advice	DoE&C						Q4	
Supporting Our Environment to Support Us								
Climate Strategy	DoG						Q3	
Cleansing Services (refuse, waste and recycling)	DoE&C						Q4	
Economic Regeneration	DoG						Q4	
Miscellaneous								
Car Parks and Enforcement	DoG						Q4	

8. Adjustments to the Internal Audit Plan

The following adjustments to the plan have been made.

Plan Variations	
Removed from the Plan	Reason
Transformation	Transformation Plan not yet in place. Will feature annually within plans from 2023/24.
Contract Management	Refuse Contract audit being covered this year, which will be used as assurance for this area.
Partnership Working	Internal administrative arrangements/framework being reviewed.
Savings Realisation	Savings Plan not yet in place. This will be developed, if required, following the completion of the transfer to zero based budgeting.
Leisure Facilities	No operational issues. Better covered in a future year as a contract management audit, following business recovery post pandemic.
Affordable Housing	Removed as a separate audit area as is better suited to inclusion as part of the Local Plan audit review.
Repairs and Maintenance (statutory H&S checks)	Housing Regulator assurance obtained.
Replacement Housing IT System	Areas for coverage have been identified and the timing for these falls within the 2023/24 plan.

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REPORT TO:	Audit & Governance Committee – 29 September 2022
SUBJECT:	Feedback and Complaints Policy – Update
LEAD OFFICER:	Daniel Bainbridge – Group Head of Law and Governance
LEAD MEMBER:	Councillor Mike Clayden
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: The adoption of an updated Policy will ensure that feedback and complaints are processed and responded to in a manner that supports the improvement of service delivery across the four Vision priorities.	
DIRECTORATE POLICY CONTEXT: An up-to-date Policy supports the aim to bring continuous Council-wide performance improvement via the Organisational Excellence directorate.	
FINANCIAL SUMMARY: There are no costs or other financial issues associated with the development, adoption and operation of the updated Policy.	

1. PURPOSE OF REPORT

- 1.1. The purpose of this report is to recommend the adoption of an updated Feedback and Complaints Policy as a result of an order made by the Housing Ombudsman.

2. RECOMMENDATIONS

- 1.2. It is recommended that the Audit & Governance Committee adopts the revised Feedback and Complaints Policy as set out in the Appendix 1 to this report.

2. EXECUTIVE SUMMARY

- 2.1. The Housing Ombudsman has made a formal recommendation to the Council by way of an order regarding its existing Policy and the Council is obliged to implement that recommendation by way of adoption of an updated Policy.

3. DETAIL

- 3.1. On 31 May 2022 the Housing Ombudsman issued a report in relation to two complaints referred to it by a Council housing tenant. Those complaints had been referred through the Council's two-stage complaints process during the course of 2021. Those complaints covered the tenant's concerns regarding

repairs, complaints handling and the Council's consideration of its unreasonable behaviour policy.

- 3.2. As a result of investigating the tenant's complaints, the Ombudsman made the following order that is relevant to the Feedback and Complaints Policy and requires the Council to produce an updated Policy:

"The landlord must:

Review and revise its complaint policy to ensure that it is in line with the Ombudsman's [Complaints Handling Code (CHC)]. The landlord may wish to use the Ombudsman's updated CHC, which sets out clearly where a landlord must comply, and where it has discretion. Even though landlords are not required to comply with this updated CHC until October 2022, early adoption will avoid further change within a short period. A copy of the revised policy should be provided to this Service [the Housing Ombudsman]."

- 3.3. Officers have carefully considered the Ombudsman's report by reference to the Complaints Handling Code, and have noted the recommendation that the Policy is updated in line with the new CHS that will take effect in October 2022. Officers have therefore updated the Policy in line with the October 2022 CHC and, if adopted, will provide a copy of the updated Policy to the Ombudsman as required by the order.
- 3.4. Officers consider that the updated Policy meets the requirements of the CHC and that the changes will minimise the need for further Policy updates during the life of the October 2022 CHC.
- 3.5. The updated Policy is attached to this report at Appendix 1. The current Policy is attached at Appendix 2. A table showing the major changes between the existing Policy and the updated Policy is set out at Appendix 3. Further minor amendments have been made and are shown as tracked changes within Appendix 1. A copy of the Housing Ombudsman's Complaints Handling Code is attached at Appendix 4.
- 3.6. If adopted, the revised Policy will be published on the Council's website, replacing the current version of the Policy.

4. CONSULTATION

- 4.1. There is no requirement for public consultation in relation to the changes set out in this report, which are required by the Ombudsman to be implemented.
- 4.2. The Group Head of Law and Governance and the Interim Head of Housing have liaised over the revised policy wording, as the Policy applies to both Corporate complaints governed by the Local Government and Social Care Ombudsman and Housing-related complaints governed by the Housing Ombudsman.

5. OPTIONS / ALTERNATIVES CONSIDERED

- 5.1. Any alternative options would involve not adopting a revised policy compliant with the Ombudsman's findings, which is not an option that could be taken forward.

6. COMMENTS BY THE GROUP HEAD OF CORPORATE SUPPORT/SECTION 151 OFFICER

- 6.1. There are no financial implications arising from this report.

7. RISK ASSESSMENT CONSIDERATIONS

- 7.1. Officers have not identified any requirement for any additional risk assessment process to be conducted in relation to the recommendation in this report.

8. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 8.1. These are set out within the body of this report.

9. HUMAN RESOURCES IMPACT

- 9.1. None.

10. HEALTH & SAFETY IMPACT

- 10.1. None.

11. PROPERTY & ESTATES IMPACT

- 11.1. None.

12. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

- 12.1. The updated Policy improves the feedback and complaints process between the Council's customers and the Council, and supports the equal and consistent treatment of those customers through the adoption of a clearer policy that is compliant with Ombudsman guidance and requirements.

13. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

13.1. None.

14. CRIME AND DISORDER REDUCTION IMPACT

14.1. None.

15. HUMAN RIGHTS IMPACT

15.1. None.

16. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

16.1. There are no direct Data Protection considerations. Any detail regarding the related complaint has been anonymised in order to protect the identity of the complainant, in line with the approach taken by the Housing Ombudsman when publishing complaint outcomes.

CONTACT OFFICERS:

Name: Daniel Bainbridge

Job Title: Group Head of Law and Governance

Contact Number: 01903 737607

Name: Moh Hussein

Job Title: Interim Head of Housing

Contact Number: 01903 737718

BACKGROUND DOCUMENTS: *None*



Feedback & Complaints Policy

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Introduction

Arun District Council is committed to providing consistent, efficient, and fair standards of services to its customers. We welcome both positive and negative feedback to help us improve our standards and the quality of service provided.

When we receive feedback or a complaint, we see this as a way of getting an important insight into how services are being delivered.

We recognise that sometimes things go wrong. When this happens, we will:

- Apologise
- Take action to put things right as quickly as possible
- Use your feedback to change and improve the way we deliver our services

The **purpose of this policy** is to ensure that there is a consistent and fair approach to responding to complaints which aims to resolve the issues at the earliest opportunity.

Aim of policy

We recognise the need to provide an efficient professional public service which is responsive to your views and needs. The **aim** of this policy is to demonstrate the Council's commitment to delivery of a transparent, clear to understand approach in the management of feedback and complaints based on being fair, putting things right and learning from outcomes.

When dealing with feedback and complaints, it is our **aim** to work with you so we understand what your issues are and what you would like to happen to resolve it. We are committed to treating all customers fairly and will make sure that individual needs are taken into account when applying this policy and that any reasonable adjustments are made in line with the Equality Act 2010.

Making a complaint

All customer complaints and compliments will be treated equally regardless of the method they are submitted, and customers do not have to use the word complaint for it to be treated as such.

If you need any support or assistance in making a complaint then please let us know so that we can ensure any reasonable adjustments are made in line with the Equality Act 2010 and our Equality Policy.

How to raise a complaint

- Website Submit an [online form](#)
- Email infomanagement@arun.gov.uk
- Letter (please write to Information Management Team, Arun District Council, Maltravers Road, Littlehampton, West Sussex, BN17 5LF)
- Telephone 01903 737500
- In person at Civic Centre or Bognor Town Hall via appointment

Any complaints made via our social media sites will be dealt with in line with this complaint policy, to protect confidentiality and privacy we will reply and ask you to message us directly with further details so that we can log your complaint.

A complaint submitted via a third party or representative will be handled in line with this complaints policy.

What is feedback?

Feedback is information about your reaction or opinion as a result of actions or behaviour undertaken by the Council. It can be either positive or negative and used as a basis for service improvement. All feedback is recorded and a copy is sent to the relevant service manager to review and feed into their work plans accordingly.

What is a complaint?

A complaint is an expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or group.

A service request is a request from a customer requiring action to be taken to put something right. A complaint will be raised when a customer raises dissatisfaction with the response to their service request.

There are some issues which we cannot deal with under this policy which are detailed at Appendix 1. If a formal appeal process exists then this will be used to address your concerns for example, planning applications, via homeless legislation.

If we decide not to accept a complaint, an explanation will be provided setting out the reason why the matter will not be dealt with under the complaints policy and will inform you of what to do next.

If you are unhappy with this decision, you have the right to take your complaint to the relevant ombudsman.

Housing complaints – Housing Ombudsman

Other complaints – Local Government and Social Care Ombudsman

How you can help us

We understand that it is frustrating when we do not meet your expectations. We will do everything we can to resolve your complaint. In return we ask that you: -

- Treat our staff with respect
- Do not use abusive language or behaviour when communicating with us
- Engage with all reasonable requests made in an effort to resolve your concerns

How your complaint is managed

Stage 1 complaint

Your complaint will be handled by a nominated person within the relevant service relating to your complaint. This individual will.

- Act independently and have an open mind
- Take measures to address any actual or perceived conflict of interest
- Consider all relevant information and evidence carefully
- Keep the complaint confidential as far as possible with information only disclosed if necessary to properly investigate the matter.

Your complaint will be acknowledged within 5 working days of receipt.

The acknowledgement will set out the following.

- The name and contact details of the complaint handler
- Our understanding of the complaint and the outcomes the customer is seeking
- A date or timeframe by which you can expect to receive a response

If any aspect of the complaint is unclear ~~you the customer~~ will be asked for clarification and the clarified complaint is agreed between you and the Council. ~~full definition agreed between both parties.~~

Our aim is to provide you with a full response within 10 working days from the date the complaint was received. (please note that Planning complaints have a response period of 25 working days). If this is not possible, we will contact you and let you know why we are not able to do this and when we will provide a response. This will not exceed a further 10 working days without good reason.

Examples of a 'good reason' could include but are not limited to

- A delay by a third party, over which we have no control, in providing information
- Requiring further time to undertake interviews and/or
- Needing longer to acquire all the information required from multiple sources to enable us to properly investigate a long-standing complex case

The complaint response will be sent to ~~you the customer~~ when the answer to the complaint is known. It will not ~~must not~~ be delayed until any outstanding actions are completed. Outstanding actions will ~~should~~ be tracked, and updates provided to you. ~~the customer~~

Where ~~you a customer~~ raises additional complaints during the investigation, these be incorporated into the Stage 1 response if they are relevant, and the stage 1 response has not been issued. Where the Stage 1 response has been issued, or it would unreasonably delay the response, the complaint will ~~should~~ be logged as a new complaint.

Stage 2 complaint

If you are dissatisfied with the stage ~~one~~1 response, or you feel that stage 1 has been unreasonable delayed, you can ask for your complaint to be escalated to Stage 2. When requesting for your complaint to be escalated ~~we will require~~ you should to set out your reasons why you are unhappy with our response and the outcome you are seeking. ~~The reason should fit into the following categories:~~

~~The complaint was not fully investigated or investigated at all
We did not follow our own policies and procedures or
One of the agreed points was not addresses.~~

Stage 2 complaints will be handled by a Senior Officer not previously involved in the Stage 1 complaint.

You will have 28 days from the date of the stage ~~one~~1 response to request a review. If you do not let us know within this timeframe, then we will not normally re-open your complaint unless there are exceptional circumstances.

The reasons why we may not escalate a complaint to Stage 2 are the same reasons stated in Appendix 1.

The complaint will be acknowledged within two working days.

The acknowledgement will set out the following.

- The name and contact details of the complaint handler
- Our understanding of the complaint and the outcomes you are seeking~~the customer is seeking~~
- A date or timeframe by which you can expect to receive a response

If any aspect of the complaint is unclear you~~the customer~~ will be asked for clarification and the clarified complaint full definition agreed between you and the Council~~both parties~~.

Our aim is to respond in full to you within 25 working days of receipt of your request for review (20 days for Landlord/Tenant complaints). If this is not possible, we will contact you and let you know why we are not able to do this and when we will provide a response. This will not exceed a further 10 working days without good reason.

If the issue your complaint is about is subject to the attention of any formal Council meetings, then your response may be delayed enabling the relevant debate/decision-making process to be achieved. You will be kept advised of when you should expect a response

All complaints relating to Landlord/Tenant~~social landlord~~ services will have regard to ~~follow~~ the Housing Ombudsman Complaint Handling Code.

All complaints relating to Corporate matters will have regard to ~~follow~~ the advice of the Local Government & Social Care Ombudsman.

Closing the complaint

If after sending a response and attempting to make contact with ~~you the customer~~ to discuss it, there is no further contact from ~~you the customer~~ within 20 working days, the complaint will be ~~deemed to be satisfactorily~~ closed.

Next steps

There is no further right of appeal to the council following completion of a review at stage ~~two~~ 2 of this policy unless your complaint is related to Landlord/Tenant social housing services.

~~For Landlord/Tenant social housing complaints you can approach the Housing Ombudsman. The Housing Ombudsman will investigate complaints about housing management, repairs, leaseholder complaints, transfers, and mutual exchanges. If you go directly to the Housing Ombudsman, complaints will only be considered eight weeks after the date that your stage two complaint was closed. Housing Ombudsman – www.housing-ombudsman.org.uk Tel 0300 111 3000~~

~~If this is the case, you are entitled to request that the matter be escalated to a Designated Person for review.~~

~~The Designated Person will be your Ward Councillor or local MP, they can choose to contact us about the complaint, or they may instead refer your case straight to the Housing Ombudsman.~~

Within our final response, we will inform you of your right to take your complaint further if you remain dissatisfied. This will be to either the Local Government and Social Care Ombudsman or the Housing Ombudsman as appropriate

Local Government and Social Care Ombudsman - www.lgo.org.uk Tel 0300 061 0614

Housing Ombudsman – www.housing-ombudsman.org.uk Tel 0300 111 3000

~~For Landlord/Tenant complaints you can approach the Housing Ombudsman. The Housing Ombudsman will investigate complaints about housing management, repairs, leaseholder complaints, transfers, and mutual exchanges. If you go directly to the Housing Ombudsman, complaints will only be considered eight weeks after the date that your stage two complaint was closed. Housing Ombudsman – www.housing-ombudsman.org.uk Tel 0300 111 3000~~

Additional Information

Complaints of discrimination and harassment These issues will be dealt with sensitively, considering the nature of the issues raised when appointing an investigator.

In cases of harassment, we will consider the characteristics of the investigating officer, and if appropriate, discuss this with you before appointing an investigator. We will use appropriate information to assess overall levels of discrimination and harassment amongst different groups and will feed into the appropriate corporate policy review mechanisms to improve policy and practice

Complaints received via third party

When we receive a complaint from you via an elected member, advocate, or other third party we will handle this in line with this complaint policy and direct our response to you and the third party unless you instruct us otherwise.

Complaints received by the Chief Executive

Complaints received by the council's Chief Executive will be passed to Information Management who will ensure that you are responded to in line with this policy. Service request will be directed to the relevant service

Complaints relating to more than one council service

Where a complaint includes issues for more than one part of the council, we will aim to provide you with a single response whenever possible

Complaints against members of staff

If you have an issue about a member of staff, we will investigate and take appropriate action in accordance with our internal procedures.

Anonymous complaints

Anonymous complaints about the service will be investigated as far as possible, and a record of the complaint kept for three years. Anonymous complaints about an individual will not be investigated.

Dealing with complainant's unreasonable behaviour

There are a small number of customers whose behaviour we feel is unreasonable in pursuing the resolution of their complaint. An Unreasonable Behaviour Policy exists to deal with these instances and explains our approach.

Continuous learning and development

We recognise the valuable feedback that a complaint can provide, and we have mechanisms in place to ensure that we capture this when we conclude a complaint.

Performance statistics and complaint outcomes will be shared with our Corporate Management Team on a quarterly basis to promote continuous development and service improvements, and to identify and issues or trends arising from complaint handling.

For ~~Landlord & Tenant~~ Social Housing complaints

The resident, and if applicable any staff member who is the subject of the complaint, must also be given a fair chance to:

- set out their position
- comment on any adverse findings before a final decision is made

We will report back on learning and improvement from complaints via our annual report.

Learning from complaints is shared in our resident newsletter Arun at Home and with staff.

Anonymised case studies may additionally be shared with Your Voice (resident engagement group)

After a complaint has closed ~~you the customer~~ will be contacted and asked via a survey if they were satisfied with the handling of their complaints

We will complete a self-assessment against the Housing Ombudsman's complaint handling code each year by 1 May 2022 and following any significant restructure or change in procedures. The outcome of the assessment will be reported to the relevant committee and will be published on our website and included in our annual report.

Policy Review

This policy was adopted by the Audit & Governance and will be reviewed after one year by the Group Head of Law & Governance.

Equality and diversity

Equality and diversity is important to us and we are committed to making sure that people are treated fairly and with dignity. Our aim is to remove unnecessary barriers for everyone who works for us or uses our services. All staff receive equality and diversity training as part of their role.

Policy Review

This policy was adopted by the Audit & Governance ~~Committee~~ and will be reviewed ~~after one year~~ annually by the Group Head of Law & Governance.

Related documents

- Unreasonable behaviour policy
- Compensation policy (housing)

Appendix 1

What we cannot deal with under this policy

Requests for service or information

As an example, if you request a repair to a council property or witness fly-tipping – these are alerting us to work that needs to be done. These requests may however become a complaint if we do not deal with them appropriately.

Appeals procedures

If an appeals procedure applies to your complaint, we will refer you to this and notify you of our actions at the outset.

Appeals procedures must be completed before we can investigate any other issues you raise with us. If this is the case, we will let you know.

The following are examples of complaints where there is an appeals process and so we will not deal with them under this policy: -

- Issuing of penalty charges – e.g. parking tickets and the recovery process
- A decision on a planning application
- Housing allocation scheme (Housing Register)
- An eviction decision
- Review of homelessness decision
- Entitlement to housing benefit
- A decision about council tax support
- An enforcement notice
- A decision to refuse to issue a licence

Current enforcement action in place

Where a live enforcement case is ongoing and under investigation, the enforcement case must be brought to conclusion before any complaint can be submitted.

Complaints regarding issues that occurred over 12 months ago

We would not normally investigate complaints about something that happened more than 12 months from the date of your complaint~~a year ago~~, unless in the Council's opinion there are exceptional circumstances.

Complaints about Councillors

To make a complaint about a Councillor, please refer to our [website](#) for further advice.

~~Dissatisfaction with decisions of Complaints against~~ the Monitoring Officer, Data Protection Officer, or Section 151 Officer

Any concerns relating to the decisions by the Monitoring Officer, as such, Data Protection Officer, as such, Section 151 Officer, as such, or Head of Paid Services, as such are excluded from this complaints process. ~~above roles are not appropriate to manage through the Complaints process and will be managed on an individual basis.~~

Allegations of fraud, theft or corruption by a member of our staff

We are committed to being open and accountable for our staff. Please refer to our [website](#) for further advice.

Where legal proceedings are involved

When a legal challenge is being made regarding whether a decision, action or lack of action is lawful. This is a separate process to the Ombudsman so will not be considered under the complaint policy.

Employment issues

Complaints made by our employees concerning their employment with us, or from job applicants who wish to complain about our recruitment and selection process will be dealt with by the relevant recruiting manager or HR as applicable. ~~Policies that may be applicable here are Dignity at Work and Grievance.~~

Complaints about Freedom of Information (FOI) requests (Internal Review)

These complaints will be handled by the Information Governance Manager. In cases where we decided not to provide the information to you, the Manager must consider advice from the information management service. The Manager will notify you of the outcome of our investigation within 20 working days of receipt of your complaint.

If we cannot respond in full within this timeframe, we will advise you why we need more time. Under legislation, we must ensure that we respond fully to you within 40 working days from receipt of your complaint.

There is no further right of appeal to the council following this investigation. Within our response we will inform you of your right to take your complaint further if you remain dissatisfied. Our response will contain the contact details for the Information Commissioner www.ico.gov.uk.

Complaints about Environmental Information Regulations (EIR) requests (Internal Review).

Under the EIR 2004, you can ask us to reconsider an information request. You can make representations to us in writing about this no later than 40 working days after the date you think we have failed to comply with the EIR.

These complaints will be handled by the Information Governance Manager. We have to consider your representations and any supporting evidence produced by you and decide if we have complied with the EIR requirements.

The Manager must consider advice from the information management service. The Manager will notify you of the outcome of our investigation as soon as possible, and no later than 40 working days after receipt of your complaint.

There is no further right of appeal to the council following this investigation. Within our response we will inform you of your right to take your complaint further if you remain dissatisfied. Our response will contain the contact details for the Information Commissioner, as above.

Complaints about Data Protection (GDPR and DPA 2018)

In relation to individual rights' requests under the GDPR the council has 1 month in which to respond although this can be extended by a further 2 months if the request is complex or we have received a number of requests from the requester. Whilst there is no statutory requirement to investigate complaints about how the council has responded to such a request, we are committed to trying to resolve all such complaints. Any such complaints will be handed by a senior officer and advice must be sought from the information management service.

There is no further right of appeal to the council following this investigation. You are entitled to complain to the Information Commissioner if you consider that there has been an infringement of data protection legislation.

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Introduction

Arun District Council is committed to providing consistent, efficient, and fair standards of services to its customers.

Feedback and complaints play a role in maintaining and improving standards and the quality of service provided. When we receive feedback or a complaint, we see this as a way of getting an important insight into how services are being delivered. By listening to you we can look at actions that can be taken to improve services and help your experience.

This policy details the way in which feedback and complaints will be managed, investigated and acted upon.

Aim of policy

We recognise the need to provide an efficient professional public service which is responsive to your views and needs.

The aim of this policy is to demonstrate the Council's commitment to delivery of a transparent, clear to understand approach in the management of feedback and complaints based on understanding, speed and fairness.

When dealing with feedback and complaints, it is our aim to work with you so we understand what your issues are and what you would like to happen to resolve it.

We are committed to treating all customers fairly and will make sure that individual needs are taken into account when applying this policy and that any reasonable adjustments are made in line with the Equality Act 2010.

All customer complaints and compliments will be treated equally whether they are:-

- through our [online form](#)
- sent to infomanagement@arun.gov.uk,
- by letter (please write to Information Management Team, Arun District Council, Maltravers Road, Littlehampton, West Sussex, BN17 5LF

What is feedback?

Feedback is information about your reaction or opinion as a result of actions or behaviour undertaken by the Council. It can be either positive or negative and used as a basis for service improvement. All feedback is recorded and a copy is sent to the relevant service manager to review and feed into their work plans accordingly.

What is a complaint?

A complaint is an expression of dissatisfaction with a situation – if we have not met your expectations, failed to provide a service or not followed correct procedures.

Not all complaints are to be dealt with under this policy (**see Appendix 1**).

If a formal appeal process exists then this will be used to address your concerns (for example, planning applications, via homelessness legislation). To ensure you are using

the correct route for the issues you are raising, please see Appendix 1 for guidance on what we cannot deal with.

How you can help us

We understand that it is frustrating when we do not meet your expectations. We will do everything we can to resolve your complaint. In return we ask that you: -

- Treat our staff with respect
- Do not use abusive language or behaviour when communicating with us
- Engage with all reasonable requests made in an effort to resolve your concerns

How your complaint is managed

Arun District Council has an informal 'service' stage followed by a two-stage policy.

Upon receipt of the complaint, we will look to see to if we can resolve the issue quickly for you at service level. The relevant service may contact you in the hope of resolving your concern.

If we cannot, your complaint will be dealt with in the following way: -

Stage one complaints

This is the first formal stage and we will acknowledge receipt of your complaint immediately. Subsequently you will receive an update on your complaint including:

- Confirmation your complaint has been received, and in most cases the name and contact details of the investigating officer
- A date or timeframe by which you can expect to receive a response.

The investigating officer may need to ask you for further information to assist with their investigation.

Our policy is to respond in full to you within 10 working days from when we confirm your complaint has been received (please note that Planning complaints have a response period of 25 working days).

If we cannot respond in full within 10 working days, we will provide you with regular updates at least every 10 working days. These will detail the reason for the delay and when you can expect to receive a response.

Our response can be provided by letter, email, face to face or telephone. Where a response is given by telephone or in person, we will offer to provide written confirmation of our discussion.

Our stage one response will advise you of your rights to request a review of the response provided.

Stage two complaints

If you are dissatisfied with the stage one response, you can ask for your complaint to be reviewed by a senior officer.

You will have 28 days from the date of the stage one response to request a review, unless there are exceptional circumstances.

At this point we will ask you to tell us why you are dissatisfied with the stage one response.

We will appoint a senior officer to review your complaint. Whenever possible this officer will be from another service to deliver an independent view. The complaint will be acknowledged within two working days. Subsequently you will receive an update on your complaint including:

- Confirmation your complaint has been received, and in most cases the name and contact details of the investigating officer.
- A date or timeframe by which you can expect to receive a response.

In the review, we will look at how we dealt with your original complaint and we will also respond to any further related issues you have raised (although not new complaints).

All complaints relating to Landlord/Tenant services will follow the [Housing Ombudsman Complaint Handling Code](#).

All complaints relating to Corporate matters will follow the advice of the [Local Government & Social Care Ombudsman](#).

Our aim is to respond in full to you within 25 working days of receipt of your request for review wherever possible (20 days for Landlord/Tenant complaints). If we cannot respond in full within this timeframe, we will provide you with regular updates at least every 10 working days. This will detail the reason for the delay and when you can expect to receive a response.

If the issue your complaint is about is subject to the attention of any formal Council meetings, then your response may be delayed enabling the relevant debate/decision-making process to be achieved. You will be kept advised of when you should expect a response.

Next steps

There is no further right of appeal to the council following completion of a review at stage two of this policy unless your complaint is related to Landlord/Tenant services. If this is the case, you are entitled to request that the matter be escalated to a Designated Person for review. The Designated Person will be your Ward Councillor or local MP.

Within our final response, we will inform you of your right to take your complaint further if you remain dissatisfied. This will be to either the Local Government and Social Care Ombudsman or the Housing Ombudsman as appropriate.

For Landlord/Tenant complaints you can approach the Housing Ombudsman. The Housing Ombudsman will investigate complaints about housing management, repairs, leaseholder complaints, transfers, and mutual exchanges. If you go directly to the Housing Ombudsman, complaints will only be considered eight weeks after the date that your stage two complaint was closed.

Housing Ombudsman – www.housing-ombudsman.org.uk Tel 0300 111 3000

Additional Information

Complaints of discrimination and harassment

These issues will be dealt with sensitively, considering the nature of the issues raised when appointing an investigator. In cases of harassment, we will consider the characteristics of the investigating officer, and if appropriate, discuss this with you before appointing an investigator. We will use appropriate information to assess overall levels of discrimination and harassment amongst different groups and will feed into the appropriate corporate policy review mechanisms to improve policy and practice.

Complaints received via third party

When we receive a complaint from you via an elected member, advocate, or other third party we will direct our response to you and the third party unless you instruct us otherwise.

Complaints received by the Chief Executive

Complaints received by the council's Chief Executive will be passed to Information Management who will ensure that you are responded to appropriately. Service level queries will be directed to the relevant service.

Complaints relating to more than one council service

Where a complaint includes issues for more than one part of the council, we will aim to provide you with a single response whenever possible.

Complaints against members of staff

If you have an issue about a member of staff, we will investigate and take appropriate action in accordance with our internal procedures.

Anonymous complaints

Anonymous complaints will be investigated as far as possible, and a record of the complaint kept.

Dealing with complainant's unreasonable behaviour

There are a small number of customers whose behaviour we feel is unreasonable in pursuing the resolution of their complaint. An Unreasonable Behaviour Policy exists to deal with these instances and explains our approach.

Continuous Development

Performance statistics and complaint outcomes will be shared with our Corporate Management Team on a quarterly basis to promote continuous development and service improvements.

For Landlord & Tenant complaints – anonymised case studies may additionally be shared with Your Voice (resident engagement group).

Policy Review

This policy was adopted by the Audit & Governance and will be reviewed after one year by the Group Head of Law & Governance.

What we cannot deal with under this policy

Requests for service or information

As an example, if you request a repair to a council property or witness flytipping – these are alerting us to work that needs to be done. These requests may however become a complaint if we do not deal with them appropriately.

Appeals procedures

If an appeals procedure applies to your complaint, we will refer you to this and notify you of our actions at the outset.

Appeals procedures must be completed before we can investigate any other issues you raise with us. If this is the case, we will let you know.

The following are examples of complaints where there is an appeals process and so we will not deal with them under this policy: -

- Issuing of penalty charges – eg parking tickets and the recovery process
- A decision on a planning application
- Housing allocation scheme (Housing Register)
- An eviction decision
- Review of homelessness decision
- Entitlement to housing benefit
- A decision about council tax support
- An enforcement notice
- A decision to refuse to issue a licence

Current enforcement action in place

Where a live enforcement case is ongoing and under investigation, the enforcement case must be brought to conclusion before any complaint can be submitted.

Complaints regarding issues that occurred over 12 months ago

We would not normally investigate complaints about something that happened more than a year ago, unless there are exceptional circumstances.

Complaints about Councillors

To make a complaint about a Councillor, please refer to our [website](#) for further advice.

Complaints against the Monitoring Officer, Data Protection Officer, or Section 151 Officer

Any concerns relating to the above roles are not appropriate to manage through the Complaints process and will be managed on an individual basis.

Allegations of fraud, theft or corruption by a member of our staff

We are committed to being open and accountable for our staff. Please refer to our [website](#) for further advice.

Where legal proceedings are involved

When a legal challenge is being made regarding whether a decision, action or lack of action is lawful. This is a separate process to the Ombudsman so will not be considered under the complaint policy.

Employment issues

Complaints made by our employees concerning their employment with us, or from job applicants who wish to complain about our recruitment and selection process will be dealt with by the relevant recruiting manager or HR as applicable. Policies that may be applicable here are [Dignity at Work](#) and Grievance.

Complaints about Freedom of Information (FOI) requests (Internal Review)

These complaints will be handled by the Information Governance Manager. In cases where we decided not to provide the information to you, the Manager must consider advice from the information management service. The Manager will notify you of the outcome of our investigation within 20 working days of receipt of your complaint.

If we cannot respond in full within this timeframe, we will advise you why we need more time. Under legislation, we must ensure that we respond fully to you within 40 working days from receipt of your complaint.

There is no further right of appeal to the council following this investigation. Within our response we will inform you of your right to take your complaint further if you remain dissatisfied. Our response will contain the contact details for the Information Commissioner www.ico.gov.uk.

Complaints about Environmental Information Regulations (EIR) requests (Internal Review).

Under the EIR 2004, you can ask us to reconsider an information request. You can make representations to us in writing about this no later than 40 working days after the date you think we have failed to comply with the EIR.

These complaints will be handled by the Information Governance Manager. We have to consider your representations and any supporting evidence produced by you and decide if we have complied with the EIR requirements.

The Manager must consider advice from the information management service. The Manager will notify you of the outcome of our investigation as soon as possible, and no later than 40 working days after receipt of your complaint.

There is no further right of appeal to the council following this investigation. Within our response we will inform you of your right to take your complaint further if you remain dissatisfied. Our response will contain the contact details for the Information Commissioner, as above.

Complaints about Data Protection (GDPR and DPA 2018)

In relation to individual rights' requests under the GDPR the council has 1 month in which to respond although this can be extended by a further 2 months if the request is complex or we have received a number of requests from the requester. Whilst there is no statutory requirement to investigate complaints about how the council has responded to such a request, we are committed to trying to resolve all such complaints. Any such complaints will be handed by a senior officer and advice must be sought from the information management service.

There is no further right of appeal to the council following this investigation. You are entitled to complain to the Information Commissioner if you consider that there has been an infringement of data protection legislation.

Table of changes for Complaints and feedback policy

This table has been created to show the changes that have been proposed to the complaints and feedback policy. The changes have been proposed to ensure as a council we are compliant with the updated Housing Ombudsman Complaint Handling Code. Landlords must be compliant against the new code by 1 October 2022. To become compliant changes are required to our policy. Before making the changes, we reviewed the new code alongside best practice in the sector to ensure this policy meets the Ombudsman's requirements and leads to a better service for our customers.

The change to the policy is also a recommendation from the Housing Ombudsman following a complaint determination in May 2022. Failure to comply with the complaint handling code could result in a complaint handling failure order for the council.

<u>Introduction</u>		
Original	Proposed change	Why were changes made
<p>Arun District Council is committed to providing consistent, efficient, and fair standards of services to its customers. Feedback and complaints play a role in maintaining and improving standards and the quality of service provided. When we receive feedback or a complaint, we see this as a way of getting an important insight into how services are being delivered. By listening to you we can look at actions that can be taken to improve services and help your experience. This policy details the way in which feedback and complaints will be managed, investigated, and acted upon.</p>	<p>Arun District Council is committed to providing consistent, efficient, and fair standards of services to its customers. We welcome both positive and negative feedback to help us improve our standards and the quality of service provided.</p> <p>When we receive feedback or a complaint, we see this as a way of getting an important insight into how services are being delivered.</p> <p>We recognise that sometimes things go wrong. When this happens, we will:</p> <ul style="list-style-type: none"> • Apologise • Take action to put things right as quickly as possible • Use your feedback to change and improve the way we deliver our services <p>The purpose of this policy is to ensure that there is a consistent and fair approach to responding to complaints which aims to resolve the issues at the earliest opportunity.</p>	<p>To represent best practice and to make it clearer what we will do when complaints are received. It also incorporates the principles of the ombudsman.</p>

<u>Aim of policy</u>		
Original	Proposed change	Why were changes made
<p>We recognise the need to provide an efficient professional public service which is responsive to your views and needs. The aim of this policy is to demonstrate the Council's commitment to delivery of a transparent, clear to understand approach in the management of feedback and complaints based on understanding, speed and fairness. When dealing with feedback and complaints, it is our aim to work with you so we understand what your issues are and what you would like to happen to resolve it.</p>	<p>We recognise the need to provide an efficient professional public service which is responsive to your views and needs. The aim of this policy is to demonstrate the Council's commitment to delivery of a transparent, clear to understand approach in the management of feedback and complaints based on being fair, putting things right and learning from outcomes.</p> <p>When dealing with feedback and complaints, it is our aim to work with you so we understand what your issues are and what you would like to happen to resolve it. We are committed to treating all customers fairly and will make sure that individual needs are taken into account when applying this policy and that any reasonable adjustments are made in line with the Equality Act 2010.</p>	<p>To break the section down into aim of policy and then a separate section on making a complaint. Also to include the three principles of the ombudsman.</p>
Original	Proposed change	Why were changes made
<p>We are committed to treating all customers fairly and will make sure that individual needs are taken into account when applying this policy and that any reasonable adjustments are made in line with the Equality Act 2010. All customer complaints and compliments will be treated equally whether they are:-</p> <ul style="list-style-type: none"> • through our online form • sent to infomanagement@arun.gov.uk, • by letter (please write to Information Management Team, Arun District Council, Maltravers Road, 	<p>Making a complaint</p> <p>All customer complaints and compliments will be treated equally regardless of the method they are submitted, and customers do not have to use the word complaint for it to be treated as such.</p> <p>If you need any support or assistance in making a complaint then please let us know so that we can ensure any reasonable adjustments are made in line with the Equality Act 2010 and our Equality Policy.</p>	<p>To create a new making a complaint section. We have included more options for making a complaint but can narrow these down if needed, but need to consider telephone and in person as options if we feel that would work.</p>

Littlehampton, Sussex, BN17 5LF	West	<p>How to raise a complaint</p> <p>Website Submit an online form</p> <ul style="list-style-type: none"> Email infomanagement@arun.gov.uk Letter (please write to Information Management Team, Arun District Council, Maltravers Road, Littlehampton, West Sussex, BN17 5LF) Telephone 01903 737500 In person at Civic Centre or Bognor Town Hall <p>Any complaints made via our social media sites will be dealt with in line with this complaint policy, to protect confidentiality and privacy we will reply and ask you to message us directly with further details so that we can log your complaint.</p>	
<u>What is a complaint</u>			
Original	Proposed change	Why were changes made?	
<p>A complaint is an expression of dissatisfaction with a situation – if we have not met your expectations, failed to provide a service or not followed correct procedures. Not all complaints are to be dealt with under this policy (see Appendix 1). If a formal appeal process exists then this will be used to address your concerns (for example, planning applications, via homeless legislation). To ensure you are using the correct route for the issues you are raising, please see Appendix 1 for guidance on what we cannot deal with.</p>	<p>What is a complaint?</p> <p>A complaint is an expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or group.</p> <p>A service request is a request from a customer requiring action to be taken to put something right. A complaint will be raised when a customer raises dissatisfaction with the response to their service request.</p> <p>There are some issues which we cannot deal with under this policy which are detailed at Appendix 1. If a formal appeal process exists then this will be used to address</p>	<p>The definition of complaint needed to match the ombudsman's definition.</p> <p>To define what a service request is</p> <p>To clarify what will happen if a complaint cannot be dealt with under the policy</p> <p>To give details on the right of appeal if unhappy with</p>	

	<p>your concerns (for example, planning applications, via homeless legislation)</p> <p>If we decide not to accept a complaint, an explanation will be provided setting out the reason why the matter will not be dealt with under the complaints policy and will inform you of what to do next.</p> <p>If you are unhappy with this decision, you have the right to take your complaint to the relevant ombudsman.</p> <p>Housing complaints – Housing Ombudsman Other complaints – Local Government and Social Care Ombudsman</p>	decision not to accept a complaint
How you can help us	No changes	
<u>How your complaint is managed</u>		
Original	Proposed change	Why were changes made?
<p>Arun District Council has an informal 'service' stage followed by a two-stage policy. Upon receipt of the complaint, we will look to see to if we can resolve the issue quickly for you at service level. The relevant service may contact you in the hope of resolving your concern. If we cannot, your complaint will be dealt with in the following way: -</p>	<p>Removed the service stage from the complaint process.</p>	<p>In their 31/05/22 determination the HOS said we were effectively operating a 3 stage process which is not in line with the complaint handling code, and has led to confusion with residents. We have clarified earlier on the difference between a service request and a complaint. They also said</p>

		that the service stage has no time limits.
Stage 1		
Original	Proposed change	Why were changes made?
<p>This is the first formal stage and we will acknowledge receipt of your complaint immediately. Subsequently you will receive an update on your complaint including:</p> <ul style="list-style-type: none"> • Confirmation your complaint has been received, and in most cases the name and contact details of the investigating officer • A date or timeframe by which you can expect to receive a response. The investigating officer may need to ask you for further information to assist with their investigation. Our policy is to respond in full to you within 10 working days from when we confirm your complaint has been received (please note that Planning complaints have a response period of 25 working days). If we cannot respond in full within 10 working days, we will provide you with regular updates at least every 10 working days. These will detail the reason for the delay and when you can expect to receive a response. Our response can be provided by letter, email, face to face or telephone. Where a response is given by telephone or in person, we will offer to provide written confirmation of our discussion. Our stage one response will advise you of 	<p>Stage 1 complaint</p> <p>Your complaint will be handled by a nominated person within the relevant service relating to your complaint. This individual will.</p> <ul style="list-style-type: none"> • Act independently and have an open mind • Take measures to address any actual or perceived conflict of interest • Consider all relevant information and evidence carefully • Keep the complaint confidential as far as possible with information only disclosed if necessary to properly investigate the matter. <p>Your complaint will be acknowledged within 5 working days of receipt.</p> <p>The acknowledgement will set out the following.</p> <ul style="list-style-type: none"> • The name and contact details of the complaint handler • Our understanding of the complaint and the outcomes the customer is seeking • A date or timeframe by which you can expect to receive a response <p>If any aspect of the complaint is unclear the customer will be asked for clarification and the full</p>	<p>Expanded the section to include recommendations in the code. Also we have set out what will be included in the acknowledgement. To set out what the complaint response will be. All the elements added set out our position and what the customer can expect from us.</p>

<p>your rights to request a review of the response provided.</p>	<p>definition agreed between both parties.</p> <p>Our aim is to provide you with a full response within 10 working days from the date the complaint was received. (please note that Planning complaints have a response period of 25 working days). If this is not possible, we will contact you and let you know why we are not able to do this and when we will provide a response. This will not exceed a further 10 working days without good reason.</p> <p>Examples of a 'good reason' could include but are not limited to</p> <ul style="list-style-type: none"> • A delay by a third party, over which we have no control, in providing information • Requiring further time to undertake interviews and/or • Needing longer to acquire all the information required from multiple sources to enable us to properly investigate a long standing complex case <p>The complaint response will be sent to the customer when the answer to the complaint is known. It must not be delayed until any outstanding actions are completed. Outstanding actions should be tracked, and updates provided to the customer</p> <p>Where a customer raises additional complaints during the investigation, these be incorporated into the Stage 1 response if they are relevant, and the stage 1 response has not been issued. Where the Stage 1 response has been issued, or it would unreasonably delay the</p>	
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	<p>response, the complaint should be logged as a new complaint.</p> <p>At the completion of the stage 1 complaint a response will be provided in writing and by any other contact method requested.</p> <p>Our stage one response will advise you of your rights to request a review of the response provided.</p> <p>The response will include the following.</p> <ul style="list-style-type: none"> • The complaint stage • The decision on the complaint • The reasons for any decisions made • The details of any remedy offered to put things right • Details of any outstanding actions and a plan to monitor these • Details of how to escalate the matter to Stage 2 if the customer is not satisfied with the conclusion of their stage 1 complaint 	

<u>Stage 2</u>		
Original	Proposed change	Why were changes made?
<p>Stage two complaints If you are dissatisfied with the stage one response, you can ask for your complaint to be reviewed by a senior officer. You will have 28 days from the date of the stage one response to request a review, unless there are exceptional circumstances. At this point we will ask you to tell us why you are dissatisfied with the stage one response. We will appoint a senior officer to review your complaint. Whenever possible this officer will be from another service to deliver an independent view. The complaint will be acknowledged within two working days. Subsequently you will receive an update on your complaint including:</p> <ul style="list-style-type: none"> • Confirmation your complaint has been received, and in most cases the name and contact details of the investigating officer. • A date or timeframe by which you can expect to receive a response. In the review, we will look at how we dealt with your original complaint and we will also respond to any further related issues you have raised (although not new complaints). All complaints 	<p>Stage 2 complaint</p> <p>If you are dissatisfied with the stage one response, you can ask for your complaint to be escalated to Stage 2. When requesting for your complaint to be escalated we will require you to set out your reasons why you are unhappy with our response and the outcome you are seeking.</p> <p>Stage 2 complaints will be handled by a Senior Officer not previously involved in the Stage 1 complaint.</p> <p>You will have 28 days from the date of the stage one response to request a review. If you do not let us know within this timeframe, then we will not normally re-open your complaint unless there are exceptional circumstances.</p> <p>The reasons why we may not escalate a complaint to Stage 2 are the same reasons stated in Appendix 1.</p> <p>The complaint will be acknowledged within two working days.</p> <p>The acknowledgement will set out the following.</p> <ul style="list-style-type: none"> • The name and contact details of the complaint handler • Our understanding of the complaint and the 	<p>Expanded the section to include recommendations in the code. Also, we have set out what will be in the acknowledgement and set out what the complaint response will be. All the elements added set out our position and what the customer can expect from us.</p> <p>We have set out when we would not consider a stage 2, and also when we would close a complaint.</p>

<p>relating to Landlord/Tenant services will follow the Housing Ombudsman Complaint Handling Code. All complaints relating to Corporate matters will follow the advice of the Local Government & Social Care Ombudsman. Our aim is to respond in full to you within 25 working days of receipt of your request for review wherever possible (20 days for Landlord/Tenant complaints). If we cannot respond in full within this timeframe, we will provide you with regular updates at least every 10 working days. This will detail the reason for the delay and when you can expect to receive a response. If the issue your complaint is about is subject to the attention of any formal Council meetings, then your response may be delayed enabling the relevant debate/decision-making process to be achieved. You will be kept advised of when you should expect a response.</p>	<p>outcomes the customer is seeking</p> <ul style="list-style-type: none"> • A date or timeframe by which you can expect to receive a response <p>If any aspect of the complaint is unclear the customer will be asked for clarification and the full definition agreed between both parties.</p> <p>Our aim is to respond in full to you within 25 working days of receipt of your request for review (20 days for Landlord/Tenant complaints). If this is not possible, we will contact you and let you know why we are not able to do this and when we will provide a response. This will not exceed a further 10 working days without good reason.</p> <p>If the issue your complaint is about is subject to the attention of any formal Council meetings, then your response may be delayed enabling the relevant debate/decision-making process to be achieved. You will be kept advised of when you should expect a response</p> <p>All complaints relating to social housing services will follow the Housing Ombudsman Complaint Handling Code.</p> <p>All complaints relating to Corporate matters will follow the advice of the Local Government & Social Care Ombudsman.</p> <p>Closing the complaint If after sending a response and attempting to make contact with the customer to discuss it, there is no further contact from the customer within 20 working days,</p>	
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	the complaint will be deemed to be satisfactorily closed.	
<u>Next steps</u>		
Original	Proposed changes	Why changes were made?
<p>There is no further right of appeal to the council following completion of a review at stage two of this policy unless your complaint is related to Landlord/Tenant services. If this is the case, you are entitled to request that the matter be escalated to a Designated Person for review. The Designated Person will be your Ward Councillor or local MP. Within our final response, we will inform you of your right to take your complaint further if you remain dissatisfied. This will be to either the Local Government and Social Care Ombudsman or the Housing Ombudsman as appropriate. 6 Local Government and Social Care Ombudsman - www.lgo.org.uk Tel 0300 061 0614 For Landlord/Tenant complaints you can approach the Housing Ombudsman. The Housing Ombudsman will investigate complaints about housing management, repairs, leaseholder complaints, transfers, and mutual exchanges. If you go directly to the Housing Ombudsman, complaints will only be considered eight weeks after the date that your stage two complaint</p>	<p>Only change is the removal of the section on the designated person and of the eight week wait.</p> <p>From 1 October 2022 the Housing Ombudsman Service are removing the 'democratic filter' meaning tenants will no longer have to refer their complaint to a designated person or wait eight weeks before the Ombudsman can consider their complaint. The policy has been updated to reflect this.</p>	<p>To reflect changes made by law.</p>

was closed. Housing Ombudsman – www.housing- ombudsman.org.uk Tel 0300 111 3000		
Additional information	No changes	
Continuous development		
Original	Proposed changes	Why were the changes made?
Performance statistics and complaint outcomes will be shared with our Corporate Management Team on a quarterly basis to promote continuous development and service improvements. For Landlord & Tenant complaints – anonymised case studies may additionally be shared with Your Voice (resident engagement group)	<p>Title changed to continuous learning and development.</p> <p>We recognise the valuable feedback that a complaint can provide, and we have mechanisms in place to ensure that we capture this when we conclude a complaint.</p> <p>Performance statistics and complaint outcomes will be shared with our Corporate Management Team on a quarterly basis to promote continuous development and service improvements, and to identify and issues or trends arising from complaint handling.</p> <p>For social housing complaints The resident, and if applicable any staff member who is the subject of the complaint, must also be given a fair chance to:</p> <ul style="list-style-type: none"> • set out their position • comment on any adverse findings before a final decision is made <p>We will report back on learning and improvement from complaints via our annual report.</p> <p>Learning from complaints is shared in our resident newsletter Arun at Home and with staff.</p>	To elaborate on the learning and actions housing will take in line with the complaint handling code.

	<p>Anonymised case studies may additionally be shared with Your Voice (resident engagement group)</p> <p>After a complaint has closed the customer will be contacted and asked via a survey if they were satisfied with the handling of their complaints</p> <p>We will complete a self-assessment against the Housing Ombudsman's complaint handling code each year by 1 May 2022 and following any significant restructure or change in procedures. The outcome of the assessment will be reported to the relevant committee and will be published on our website and included in our annual report.</p>	
<u>Equality and diversity</u>		
	Proposed changes	
	<p>Adding in a section</p> <p>Equality and diversity is important to us and we are committed to making sure that people are treated fairly and with dignity. Our aim is to remove unnecessary barriers for everyone who works for us or uses our services. All staff receive equality and diversity training as part of their role.</p>	

The Housing Ombudsman's Complaint Handling Code

Date published: 9 March 2022

Date applicable: 1 April 2022

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Introduction

An effective complaints process enables a landlord to learn from the issues that arise for residents and to take steps to improve the services it provides. Complaint handling performs an important strategic role for an organisation, providing vital intelligence on its performance, culture and reputation.

Some landlords see complaints as a form of negative feedback. However, there are many benefits to be gained from having an effective and efficient complaints process:

- Complaints allow an issue to be resolved before it becomes worse. Those issues not resolved quickly can take significant resource and time to remedy.
- Involvement in complaint resolution develops staff ownership, decision-making and engagement.
- Complaints provide senior staff with essential insight into day-to-day operations allowing them to assess effectiveness and drive a positive complaint handling culture.
- Good complaint handling promotes a positive landlord and resident relationship.

The Ombudsman's Complaint Handling Code sets out requirements for member landlords that will allow them to respond to complaints effectively and fairly. The purpose of the Code is to enable landlords to resolve complaints raised by their residents quickly and to use the data and learning from complaints to drive service improvements. It will also help to create a positive complaint handling culture amongst staff and residents. Compliance with the Code forms part of the membership obligations set out in the Housing Ombudsman Scheme and our [Complaint Handling Failure Order Guidance](#) sets out in detail what actions the Ombudsman will take on any failure to comply with the Code or the Scheme.

The Code seeks to be prescriptive only where the Ombudsman believes clear and consistent practice by all landlords is essential. These elements are indicated by the word 'must'. The Ombudsman recognises that each landlord will need to adapt its complaints policy and processes to meet the needs of its residents. Consequently, there are some areas where a landlord can use its discretion, either for all residents or on a case-by-case basis, to achieve best practice in complaint handling indicated by the word 'should'.

Landlords will be asked to self-assess against the Code annually on a 'comply or explain' basis and publish this on their website. Non-compliance could result in the Ombudsman issuing complaint handling failure orders. Separate guidance on these has been published by the Ombudsman and is available on our website

The Code will act as a guide for residents setting out what they can and should expect from their landlord when they make a complaint. The requirements in the Code also provide residents with information about how to make a complaint and how to progress it through their landlord's internal complaints procedure.

The Code supports the regulatory approach to complaints ensuring that a landlord's approach to complaints is clear, simple and accessible and ensures that complaints are resolved promptly, politely and fairly.

The complaints process

1. Definition of a complaint

- 1.1 Effective complaint handling enables residents to be heard and understood. The starting point for this is a shared understanding of what constitutes a complaint.
- 1.2 A complaint must be defined as:
'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.'
- 1.3 The resident does not have to use the word 'complaint' for it to be treated as such. A complaint that is submitted via a third party or representative must still be handled in line with the landlord's complaints policy.
- 1.4 Landlords should recognise the difference between a **service request** and a **complaint**. A service request is a request from a resident to their landlord requiring action to be taken to put something right. Service requests should be recorded, monitored and reviewed regularly. A complaint should be raised when the resident raises dissatisfaction with the response to their service request. For further guidance on how to decide whether the approach is a service request or a complaint, see our flow charts and example case studies in Appendix A.
- 1.5 Survey feedback may not necessarily need to be treated as a complaint, though, where possible, the person completing the survey should be made aware of how they can pursue their dissatisfaction as a complaint if they wish to.
- 1.6 Chasers on a service request, such as a missed appointment, can often be resolved 'there and then' with an apology and the provision of another appointment and may not need to enter the complaints system. However, if further enquiries are needed to resolve the matter, or if the resident requests it, the issue must be logged as a complaint.

Exclusions

- 1.7 A landlord must accept a complaint unless there is a valid reason not to do so.
- 1.8 A complaints policy must clearly set out the circumstances in which a matter will not be considered, and these circumstances should be fair and reasonable to residents. For example:

- The issue giving rise to the complaint occurred over six months ago. However, it may not be appropriate to exclude any complaints that concern safeguarding or health and safety issues.
 - Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
 - Matters that have previously been considered under the complaints policy.
- 1.9 If a landlord decides not to accept a complaint, a detailed explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may instruct the landlord to take on the complaint.

2. Accessibility and awareness

- 2.1 Landlords must make it easy for residents to complain by providing different channels through which residents can make a complaint such as in person, over the telephone, in writing, by email and digitally. While the Ombudsman recognises that it may not be feasible for a landlord to use all of the potential channels, there must be more than one route of access into the complaints system.
- 2.2 Where a landlord has set up channels to communicate with its residents via social media, then it should expect to receive complaints via those channels. Policies should contain details of the steps that will be taken when a complaint is received via social media and how confidentiality and privacy will be maintained.
- 2.3 Landlords must make their complaint policy available in a clear and accessible format for all residents. This will detail the number of stages involved, what will happen at each stage and the timeframes for responding.
- 2.4 Landlord websites, if they exist, must include information on how to raise a complaint. The complaints policy and process must be easy to find on the website.
- 2.5 Landlords must comply with the Equality Act 2010 and may need to adapt normal policies, procedures, or processes to accommodate an individual's needs. Landlords must satisfy themselves that their policy sets out how they will respond to reasonable adjustments requests in line with the Equality Act and that complaints handlers have had appropriate training to deal with such requests.

- 2.6 Landlords must publicise the complaints policy and process, the Complaint Handling Code and the Housing Ombudsman Scheme in leaflets, posters, newsletters, online and as part of regular correspondence with residents.
- 2.7 Landlords must provide residents with contact information for the Ombudsman as part of its regular correspondence with residents.
- 2.8 Landlords must provide early advice to residents regarding their right to access the Housing Ombudsman Service throughout their complaint, not only when the landlord's complaints process is exhausted. This affords the resident the opportunity to engage with the Ombudsman's dispute support advisors for impartial advice.

3. Complaint handling personnel

- 3.1 Landlords must have a person or team assigned to take responsibility for complaint handling to ensure complaints receive the necessary attention, and that these are reported to the governing body. This Code will refer to that person or team as the "complaints officer". For some organisations, particularly smaller landlords, the Ombudsman recognises that this role may be in addition to other duties. The role is responsible for ensuring that appropriate arrangements are in place for liaison with the Housing Ombudsman and appropriate cover exists to ensure consistency of service.
- 3.2 The complaints officer may allocate complaints handling to another person. Where this is the case, the complaint handler appointed must have appropriate complaint handling skills and no conflicts of interest.
- 3.3 Effective complaint handling skills are one of the most important factors in ensuring that the complaints handling works well. Complaint handlers should:
- be able to act sensitively and fairly
 - be trained to handle complaints and deal with distressed and upset residents
 - have access to staff at all levels to facilitate quick resolution of complaints
 - have the authority and autonomy to act to resolve disputes quickly and fairly.
- 3.4 Residents are more likely to be satisfied with complaint handling if the person dealing with their complaint is competent, empathetic and efficient.

4. Complaint handling principles

- 4.1 The Ombudsman encourages the early and local resolution of issues between landlords and residents and recognises that there may be times appropriate action can be agreed immediately. Any decision to try and resolve a concern must be taken in agreement with the resident and a landlord's audit trail/records should be able to demonstrate this. Landlords must ensure that efforts to

resolve a resident's concerns do not obstruct access to the complaints procedure or result in any unreasonable delay. It is not appropriate to have extra named stages (such as 'stage 0' or 'pre-complaint stage') as this causes unnecessary confusion for residents. When a complaint is made, it must be acknowledged and logged at stage one of the complaints procedure **within five days of receipt**.

- 4.2 Within the complaint acknowledgement, landlords must set out their understanding of the complaint and the outcomes the resident is seeking. If any aspect of the complaint is unclear, the resident must be asked for clarification and the full definition agreed between both parties.
- 4.3 Landlords should manage residents' expectations from the outset, being clear where a desired outcome is unreasonable or unrealistic.
- 4.4 A complaint should be resolved at the earliest possible opportunity, having assessed what evidence is needed to fully consider the issues, what outcome would resolve the matter for the resident and whether there are any urgent actions required.
- 4.5 Landlords should give residents the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the landlord where this is reasonable.
- 4.6 A complaint investigation must be conducted in an impartial manner, seeking sufficient, reliable information from both parties so that fair and appropriate findings and recommendations can be made.
- 4.7 The complaint handler must:
 - deal with complaints on their merits
 - act independently and have an open mind
 - take measures to address any actual or perceived conflict of interest
 - consider all information and evidence carefully
 - keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.
- 4.8 Where a key issue of a complaint relates to the parties' legal obligations landlords should clearly set out their understanding of the obligations of both parties and seek clarification before doing so where this is not initially clear.
- 4.9 Communication with the resident should not generally identify individual members of staff or contractors as their actions are undertaken on behalf of the landlord.
- 4.10 Landlords should keep residents regularly updated about the progress of the investigation even where there is no new substantive information to provide.

- 4.11 Landlords must adhere to any reasonable arrangements agreed with residents in terms of frequency and method of communication.
- 4.12 The resident, and if applicable any staff member who is the subject of the complaint, must also be given a fair chance to:
- set out their position
 - comment on any adverse findings before a final decision is made.
- 4.13 A landlord must include in its complaints policy its timescales for a resident to request escalation of a complaint.
- 4.14 A landlord must not unreasonably refuse to escalate a complaint through all stages of the complaints procedure and must have clear and valid reasons for taking that course of action. Reasons for declining to escalate a complaint must be clearly set out in a landlord's complaints policy and must be the same as the reasons for not accepting a complaint.
- 4.15 A full record must be kept of the complaint, any review and the outcomes at each stage. This must include the original complaint and the date received, all correspondence with the resident, correspondence with other parties and any reports or surveys prepared.
- 4.16 Landlords should seek feedback from residents in relation to the landlord's complaint handling as part of the drive to encourage a positive complaint and learning culture.
- 4.17 Landlords should recognise the impact that being complained about can have on future service delivery. Landlords should ensure that staff are supported and engaged in the complaints process, including the learning that can be gained.
- 4.18 Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives when pursuing a complaint.
- 4.19 Any restrictions placed on a resident's contact due to unacceptable behaviour should be appropriate to their needs and should demonstrate regard for the provisions of the Equality Act 2010.

5. Complaints stages

Stage 1

- 5.1 Landlords must respond to the complaint **within 10 working days** of the complaint being logged. Exceptionally, landlords may provide an explanation to the resident containing a clear timeframe for when the response will be received. This should not exceed a further 10 days without good reason.

- 5.2 If an extension beyond 20 working days is required to enable the landlord to respond to the complaint fully, this should be agreed by both parties.
- 5.3 Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman's contact details so the resident can challenge the landlord's plan for responding and/or the proposed timeliness of a landlord's response.
- 5.4 Where the problem is a recurring issue, the landlord should consider any older reports as part of the background to the complaint if this will help to resolve the issue for the resident.
- 5.5 A complaint response must be sent to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue, are completed. Outstanding actions must still be tracked and actioned expeditiously with regular updates provided to the resident.
- 5.6 Landlords must address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.
- 5.7 Where residents raise additional complaints during the investigation, these should be incorporated into the stage one response if they are relevant and the stage one response has not been issued. Where the stage one response has been issued, or it would unreasonably delay the response, the complaint should be logged as a new complaint.
- 5.8 Landlords must confirm the following in writing to the resident at the completion of stage one in clear, plain language:
- the complaint stage
 - the complaint definition
 - the decision on the complaint
 - the reasons for any decisions made
 - the details of any remedy offered to put things right
 - details of any outstanding actions
 - details of how to escalate the matter to stage two if the resident is not satisfied with the answer

Stage 2

- 5.9 If all or part of the complaint is not resolved to the resident's satisfaction at stage one it must be progressed to stage two of the landlord's procedure, unless an exclusion ground now applies. In instances where a landlord declines to escalate a complaint it must clearly communicate in writing its reasons for not escalating as well as the resident's right to approach the Ombudsman about its decision.

- 5.10 On receipt of the escalation request, landlords must set out their understanding of issues outstanding and the outcomes the resident is seeking. If any aspect of the complaint is unclear, the resident must be asked for clarification and the full definition agreed between both parties.
- 5.11 Landlords must only escalate a complaint to stage two once it has completed stage one and at the request of the resident.
- 5.12 The person considering the complaint at stage two, must not be the same person that considered the complaint at stage one.
- 5.13 Landlords must respond to the stage two complaint **within 20 working days** of the complaint being escalated. Exceptionally, landlords may provide an explanation to the resident containing a clear timeframe for when the response will be received. This should not exceed a further 10 days without good reason.
- 5.14 If an extension beyond 10 working days is required to enable the landlord to respond to the complaint fully, this should be agreed by both parties.
- 5.15 Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman's contact details so the resident can challenge the landlord's plan for responding and/or the proposed timeliness of a landlord's response.
- 5.16 Landlords must confirm the following in writing to the resident at the completion of stage two in clear, plain language:
- the complaint stage
 - the complaint definition
 - the decision on the complaint
 - the reasons for any decisions made
 - the details of any remedy offered to put things right
 - details of any outstanding actions
- and
- if the landlord has a third stage, details of how to escalate the matter to stage three
 - if this was the final stage, details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied.

Stage 3

- 5.17 Two stage landlord complaint procedures are ideal. This ensures that the complaint process is not unduly long. If landlords strongly believe a third stage is necessary, they must set out their reasons for this as part of their self-assessment. A process with more than three stages is not acceptable under any circumstances.

- 5.18 Complaints should only go to a third stage if the resident has actively requested a third stage review of their complaint. Where a third stage is in place and has been requested, landlords must respond to the stage three complaint **within 20 working days** of the complaint being escalated. Additional time will only be justified if related to convening a panel. An explanation and a date for when the stage three response will be received should be provided to the resident.
- 5.19 Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman's contact details so the resident can challenge the landlord's plan for responding and/or the proposed timeliness of a landlord's response.
- 5.20 Landlords must confirm the following in writing to the resident at the completion of stage three in clear, plain language:
- the complaint stage
 - the complaint definition
 - the decision on the complaint
 - the reasons for any decisions made
 - the details of any remedy offered to put things right
 - details of any outstanding actions
 - details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied

6. Putting things right

- 6.1 Effective dispute resolution requires a process designed to resolve complaints. Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include:
- acknowledging where things have gone wrong
 - providing an explanation, assistance or reasons
 - apologising
 - taking action if there has been a delay
 - reconsidering or changing a decision
 - amending a record
 - providing a financial remedy
 - changing policies, procedures or practices.
- 6.2 Any remedy offered must reflect the extent of any service failures and the level of detriment caused to the resident as a result. A landlord must carefully manage the expectations of residents and not promise anything that cannot be delivered or would cause unfairness to other residents.

- 6.3 Landlords should look beyond the circumstances of the individual complaint and consider whether anything needs to be 'put right' in terms of process or systems to the benefit of all residents.
- 6.4 Factors to consider in formulating a remedy can include, but are not limited to, the:
- length of time that a situation has been ongoing
 - frequency with which something has occurred
 - severity of any service failure or omission
 - number of different failures
 - cumulative impact on the resident
 - resident's particular circumstances or vulnerabilities.
- 6.5 The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.
- 6.6 In awarding compensation, a landlord must consider whether any statutory payments are due, if any quantifiable losses have been incurred, the time and trouble a resident has been put to as well as any distress and inconvenience caused.
- 6.7 In some cases, a resident may have a legal entitlement to redress. The landlord should still offer a resolution where possible, obtaining legal advice as to how any offer of resolution should be worded.
- 6.8 For further information on remedies please see <https://www.housing-ombudsman.org.uk/about-us/corporate-information/policies/dispute-resolution/policy-on-remedies/>

7. Continuous learning and improvement

- 7.1 A positive complaint handling culture is integral to the effectiveness with which landlords resolve disputes, the quality of the service provided, the ability to learn and improve, and the relationship with their residents. The Ombudsman encourages landlords to use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.
- 7.2 Accountability and transparency are integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints in their annual report and more frequently to their residents, staff and scrutiny panels.
- 7.3 A member of the governing body should be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This role will be responsible for ensuring the governing body receives regular information on complaints that provides insight to the governing body on the landlord's complaint handling performance.

7.4 As a minimum, governing bodies should receive:

- Regular updates on the volume, categories and outcome of complaints, alongside complaint handling performance including compliance with the Ombudsman's orders
- Regular reviews of issues and trends arising from complaint handling,
- The annual performance report produced by the Ombudsman, where applicable
- Individual complaint outcomes where necessary, including where the Ombudsman made findings of severe maladministration or referrals to regulatory bodies. The implementation of management responses should be tracked to ensure they are delivered to agreed timescales. The annual self-assessment against the Complaint Handling Code for scrutiny and challenge.

7.5 Any themes or trends should be assessed by senior management to identify potential systemic issues, serious risks or policies and procedures that require revision. They should also be used to inform staff and contractor training.

7.6 Landlords should have a standard objective in relation to complaint handling for all employees that reflects the need to:

- have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments
- take collective responsibility for any shortfalls identified through complaints rather than blaming others
- act within the Professional Standards for engaging with complaints as set by the Chartered Institute of Housing.

Self-assessment and compliance

8. Self-assessment

8.1 Landlords must carry out an annual self-assessment against the Code to ensure their complaint handling remains in line with its requirements.

8.2 Landlords must also carry out a self-assessment following a significant restructure and/or change in procedures.

8.3 Following each self-assessment, a landlord must:

- report the outcome of their self-assessment to their governing body. In the case of local authorities, self-assessment outcomes should be reported to elected members
- publish the outcome of their assessment on their website if they have one, or otherwise make accessible to residents

- include the self-assessment in their annual report section on complaints handling performance

8.4 The Ombudsman may require landlords to repeat the self-assessment following a formal investigation if there are significant concerns over the landlord's complaint handling.

9. Compliance

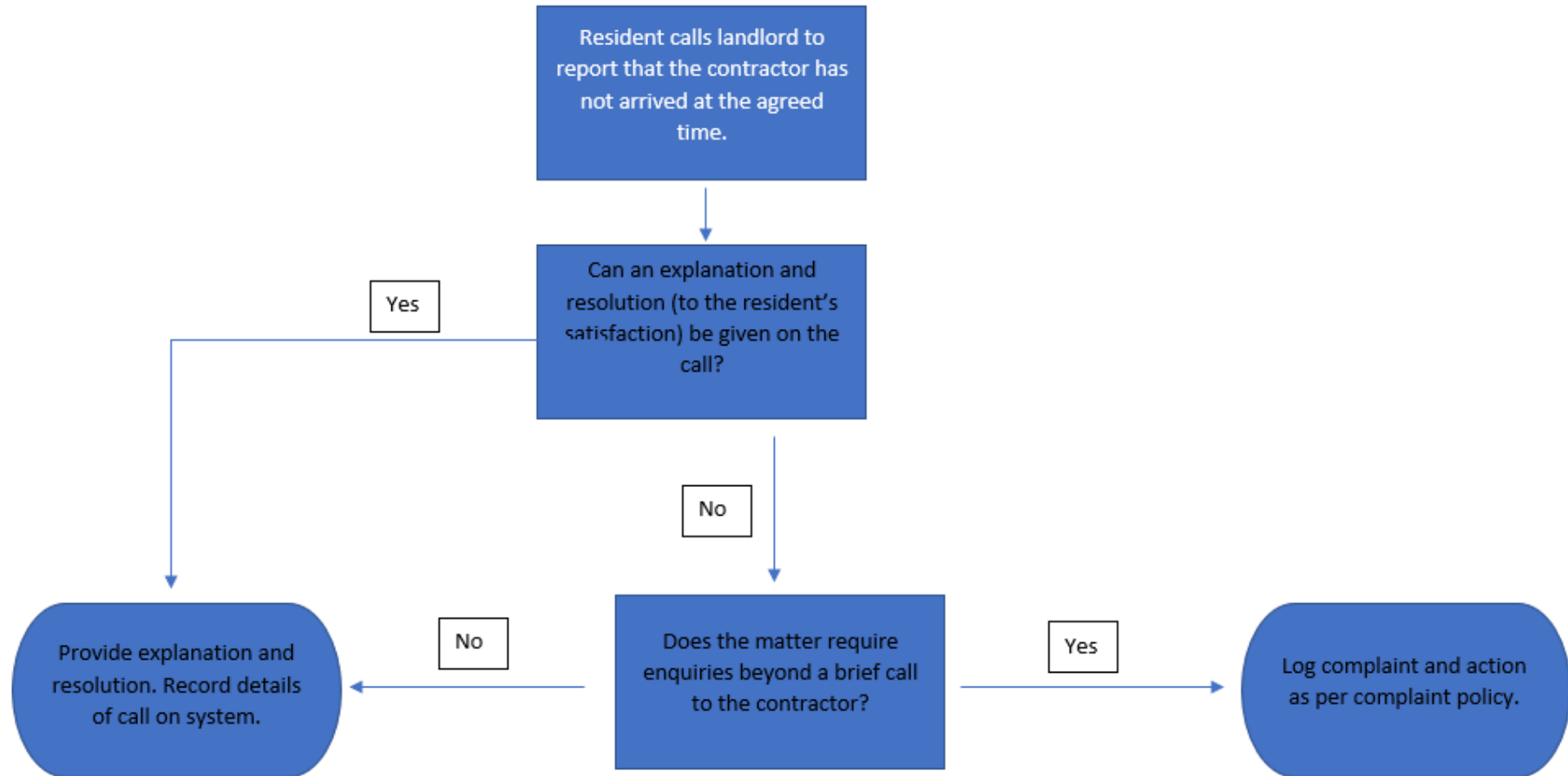
9.1 Under the Housing Ombudsman Scheme a member landlord must:

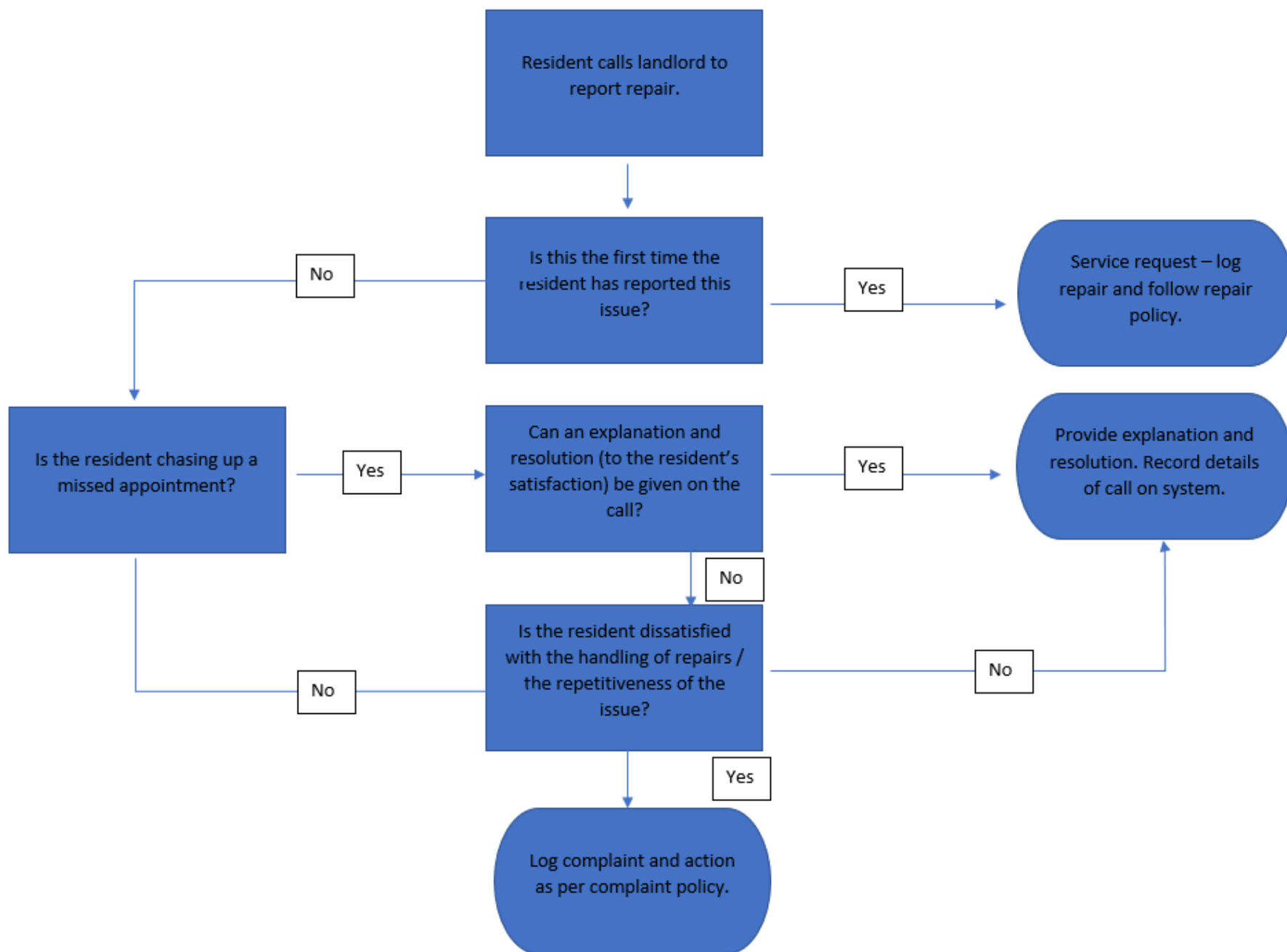
- agree to be bound by the terms of the Scheme
- establish and maintain a complaints procedure in accordance with any good practice recommended by the Ombudsman
- as part of that procedure, inform residents of their right to bring complaints to the Ombudsman under the Scheme
- publish its complaints procedure and where applicable, its membership of the Scheme, and make information about both easily accessible to those entitled to complaints on its website and in correspondence with residents
- manage complaints from residents in accordance with its published procedure or, where this is not possible, within a reasonable timescale.

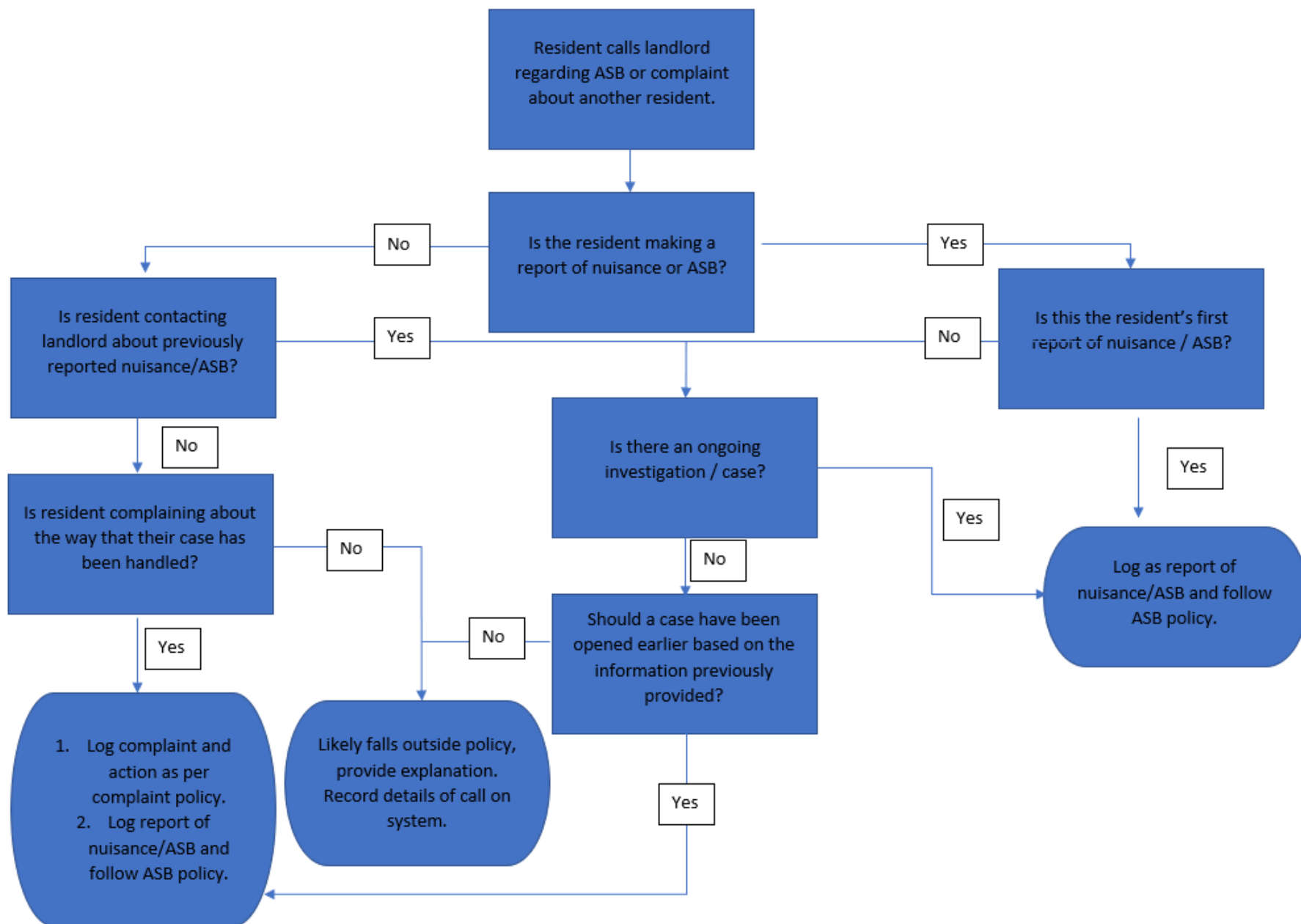
9.2 Failure to comply with the conditions of membership may result in a Complaint Handling Failure Order and a requirement to rectify within a given timescale (paragraphs 13 and 73 of the Housing Ombudsman Scheme). Full details of when the Ombudsman will determine that there has been a complaint handling failure can be found in our [guidance document](#).

9.3 When carrying out a complaint investigation the Ombudsman will consider whether the landlord dealt with the complaint in accordance with the Code. Any failure identified could result in a finding of service failure, maladministration or severe maladministration for complaint handling and orders and recommendations will be made to put matters right and ensure compliance with the Code.

Appendix A – Service request or complaint – flow charts and case studies







Case study A – Resident calls to report contractor has not arrived at the agreed time

Ms B calls her landlord to report that the contractor that was due to attend her property that morning has not arrived. Ms B is not happy as she had taken the morning off work for the appointment. The call handler checks the system but is unable to explain to Ms B why the contractor did not arrive. The call handler asks Ms B if they can try and contact the contractor and call her back within the next hour. Ms B agrees. The call handler speaks to the contractor who explains they were held up at another job that took longer than expected. The call handler calls Ms B, explains the situation, and apologises. The call handler offers Ms B another appointment at a time that suits Ms B, and Ms B is satisfied with the explanation and resolution.

This is an example of a 'there and then' situation where the resident may be dissatisfied with the service provided on that morning, but the landlord is able to quickly resolve the issue to the resident's satisfaction with minimal further enquiries. Whilst this does not need logging as a complaint, the landlord should keep a record of the call and should consider if there is any learning (i.e. should the landlord have been informed the contractor was delayed so it could alert Ms B and any other affected residents)

Alternative scenario

Ms B calls her landlord to report that the contractor that was due to attend her property that morning has not arrived. Ms B is not happy as she had taken the morning off work for the appointment. The call handler checks the system but cannot see an appointment for Ms B that day. Ms B is adamant she had an appointment that morning and explains she received a text message from the landlord with the date and timeframe. The call handler is unable to explain to Ms B why there was no appointment on the system and offers its apologies. The call handler also arranges another appointment and advises Ms B that it has opened a complaint on her behalf.

Whilst the landlord can offer Ms B another appointment, it is unable to adequately explain why Ms B was told a contractor would attend that morning when there is no appointment on its systems. The landlord will need to investigate why this has happened, which could involve interrogating the system and speaking with other departments. Whilst Ms B may have been satisfied with a further appointment, a positive complaints handling culture would explore why this has happened to try to put it right for the resident and to learn from any mistakes.

Case study B – Resident calls to report a repair

Mr D calls the landlord to report a leak from one of his radiators. Mr D says the radiator has been leaking for a few months, but it has recently got worse. Although it has been leaking for a few months, this is the first time Mr D has contacted his landlord about it.

This is a service request and should be handled in accordance with the landlord's repairs policy.

Alternative scenario A

Mr D calls the landlord regarding a leak from one of his radiators. Mr D says the radiator has been leaking for a few months and has recently got worse. Mr D tells the call handler that he has reported the leak several times and he was told each time that someone would come out to inspect the radiator, but he has never had an appointment, and no one has been out so far. He explains that his carpet underneath the radiator is starting to smell damp because of the leak. The call handler can see that Mr D has reported the issue several times but is unable to explain why it was never followed up. The call handler arranges an appointment for Mr D and opens a complaint case for Mr D.

Whilst this is a service request, it is also clear from the information that this repair has been reported several times before and the landlord has not acted on the report, which is potentially a breach of its repairs policy. Although Mr D has not specifically said he wants to make a complaint, there has been a failure in the landlord's service that should be investigated and put right. The landlord should also explore any learning opportunities.

Alternative scenario B

Mr D calls the landlord regarding a leak from one of his radiators. Mr D says the radiator has been leaking for a few months and has recently got worse. Mr D tells the call handler that he has reported the leak several times and each time someone comes out they tell him they will do a temporary repair but that he needs a new radiator. Mr D tells the call handler he has been repeatedly told that the contractor will raise a job for a new radiator to be fitted but he has never heard anything. Mr D says he feels like he is going round in circles and that he thinks the landlord is trying to save money by not fitting a new radiator. The call handler checks the repair notes and can see that previous contractors have recommended a new radiator is fitted. The call handler raises a job for a new radiator and opens a complaint case for Mr D.

Although the resident has not asked to make a complaint, it is clear from the conversation that he is dissatisfied with the level of service he has received from the landlord. It is also clear that something is not working as it should do within the landlord's process, which should be investigated as part of the complaint.

Case Study C – Resident calls to report noise nuisance/ASB

Mr A calls his landlord to report that his neighbour has been playing music at an excessive volume late into the night, which has stopped him and his family from being able to sleep. Mr A says this has been affecting his work and his children's school. He tells the landlord that he has tried speaking to his neighbour about it, but the neighbour was aggressive and abusive to him. Mr A would like the landlord to do something about the noise.

This is a report of noise nuisance / ASB. The landlord should explain the ASB procedure to Mr A and clearly outline what the next steps are. The landlord should follow its ASB policy in responding to this allegation.

Two months later Mr A calls his landlord again. He explains that the loud music has continued, and the neighbour has escalated to being abusive and aggressive whenever they see each other. Mr A tells his landlord that this is impacting on his mental health, and he is worried that it could escalate further. Mr A tells his landlord that he has reported some instances to the police, and he has filled in the diary sheets as the landlord has asked. The landlord confirms it will add this new information to Mr A's case file. The landlord contacts Mr A and provides an update on the ASB case, confirming it has spoken with the neighbour and is engaging with the police in relation to Mr A's reports. Mr A agrees to continue reporting issues as per the landlord's request.

Although the neighbour's behaviour is escalating, the landlord continues to work with Mr A and to investigate the allegations in accordance with its policy. It is providing updates to Mr A and is working with other local agencies (i.e. the police) to resolve the matter.

Alternative scenario

Two months after his initial report, Mr A calls his landlord. He explains that the loud music has continued, and the neighbour has escalated to being abusive and aggressive whenever they see each other. Mr A tells his landlord that he has reported some instances to the police, and he has filled in the diary sheets as the landlord has asked but he has not heard anything from the landlord since his initial report. Mr A tells the landlord that he has done everything asked of him, but the landlord has not done anything and has left him and his family to live in fear of his neighbour. Mr A tells his landlord that this is impacting on his mental health, and he is worried that it could escalate further.

The landlord has not responded to Mr A's initial report of ASB, therefore as well as following up on the reports of ASB as per the ASB policy, the landlord should also open a complaint case to look at its handling of Mr A's reports of ASB.

Appendix B – Self-Assessment Form

This self-assessment form should be completed by the complaints officer and discussed at the landlord's governing body annually.

Evidence should be included to support all statements with additional commentary as necessary.

Explanations must also be provided where a mandatory 'must' requirement is not met to set out the rationale for the alternative approach adopted and why this delivers a better outcome.

Section 1 - Definition of a complaint

Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
1.2	A complaint must be defined as: <i>'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.'</i>		
1.3	The resident does not have to use the word 'complaint' for it to be treated as such. A complaint that is submitted via a third party or representative must still be handled in line with the landlord's complaints policy.		
1.6	... if further enquiries are needed to resolve the matter, or if the resident requests it, the issue must be logged as a complaint.		
1.7	A landlord must accept a complaint unless there is a valid reason not to do so.		
1.8	A complaints policy must clearly set out the circumstances in which a matter will not be considered, and these circumstances should be fair and reasonable to residents.		

1.9	If a landlord decides not to accept a complaint, a detailed explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman.		
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Best practice 'should' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
1.4	Landlords should recognise the difference between a service request , where a resident may be unhappy with a situation that they wish to have rectified, and a complaint about the service they have/have not received.		
1.5	Survey feedback may not necessarily need to be treated as a complaint, though, where possible, the person completing the survey should be made aware of how they can pursue their dissatisfaction as a complaint if they wish to.		

Section 2 - Accessibility and awareness

Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
2.1	Landlords must make it easy for residents to complain by providing different channels through which residents can make a complaint such as in person, over the telephone, in writing, by email and digitally. While the Ombudsman recognises that it may not be feasible for a landlord to use all of the potential channels, there must be more than one route of access into the complaints system.		

2.3	Landlords must make their complaint policy available in a clear and accessible format for all residents. This will detail the number of stages involved, what will happen at each stage and the timeframes for responding.		
2.4	Landlord websites, if they exist, must include information on how to raise a complaint. The complaints policy and process must be easy to find on the website.		
2.5	Landlords must comply with the Equality Act 2010 and may need to adapt normal policies, procedures, or processes to accommodate an individual's needs. Landlords must satisfy themselves that their policy sets out how they will respond to reasonable adjustments requests in line with the Equality Act and that complaints handlers have had appropriate training to deal with such requests.		
2.6	Landlords must publicise the complaints policy and process, the Complaint Handling Code and the Housing Ombudsman Scheme in leaflets, posters, newsletters, online and as part of regular correspondence with residents.		
2.7	Landlords must provide residents with contact information for the Ombudsman as part of its regular correspondence with residents.		
2.8	Landlords must provide early advice to residents regarding their right to access the Housing Ombudsman Service throughout their complaint, not only when the landlord's complaints process is exhausted.		

Best practice ‘should’ requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
2.2	Where a landlord has set up channels to communicate with its residents via social media, then it should expect to receive complaints via those channels. Policies should contain details of the steps that will be taken when a complaint is received via social media and how confidentiality and privacy will be maintained.		

Section 3 - Complaint handling personnel**Mandatory ‘must’ requirements**

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
3.1	Landlords must have a person or team assigned to take responsibility for complaint handling to ensure complaints receive the necessary attention, and that these are reported to the governing body. This Code will refer to that person or team as the “complaints officer”.		
3.2	...the complaint handler appointed must have appropriate complaint handling skills and no conflicts of interest.		

Best practice ‘should’ requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
3.3	Complaint handlers should: <ul style="list-style-type: none"> • be able to act sensitively and fairly • be trained to handle complaints and deal with distressed and upset residents • have access to staff at all levels to facilitate quick 		

	<ul style="list-style-type: none"> resolution of complaints have the authority and autonomy to act to resolve disputes quickly and fairly. 		
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Section 4 - Complaint handling principles

Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
4.1	Any decision to try and resolve a concern must be taken in agreement with the resident and a landlord's audit trail/records should be able to demonstrate this. Landlords must ensure that efforts to resolve a resident's concerns do not obstruct access to the complaints procedure or result in any unreasonable delay. It is not appropriate to have extra named stages (such as 'stage 0' or 'pre-complaint stage') as this causes unnecessary confusion for residents. When a complaint is made, it must be acknowledged and logged at stage one of the complaints procedure within five days of receipt .		
4.2	Within the complaint acknowledgement, landlords must set out their understanding of the complaint and the outcomes the resident is seeking. If any aspect of the complaint is unclear, the resident must be asked for clarification and the full definition agreed between both parties.		
4.6	A complaint investigation must be conducted in an impartial manner.		

4.7	<p>The complaint handler must:</p> <ul style="list-style-type: none"> • deal with complaints on their merits • act independently and have an open mind • take measures to address any actual or perceived conflict of interest • consider all information and evidence carefully • keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter. 		
4.11	Landlords must adhere to any reasonable arrangements agreed with residents in terms of frequency and method of communication		
4.12	<p>The resident, and if applicable any staff member who is the subject of the complaint, must also be given a fair chance to:</p> <ul style="list-style-type: none"> • set out their position • comment on any adverse findings before a final decision is made. 		
4.13	A landlord must include in its complaints policy its timescales for a resident to request escalation of a complaint		
4.14	A landlord must not unreasonably refuse to escalate a complaint through all stages of the complaints procedure and must have clear and valid reasons for taking that course of action. Reasons for declining to escalate a complaint must be clearly set out in a landlord's complaints policy and must be the same as the reasons for not accepting a complaint.		
4.15	A full record must be kept of the complaint, any review and the outcomes at each stage. This must include the original complaint and the date received, all		

	correspondence with the resident, correspondence with other parties and any reports or surveys prepared.		
4.18	Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives when pursuing a complaint.		

Best practice 'should' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
4.3	Landlords should manage residents' expectations from the outset, being clear where a desired outcome is unreasonable or unrealistic		
4.4	A complaint should be resolved at the earliest possible opportunity, having assessed what evidence is needed to fully consider the issues, what outcome would resolve the matter for the resident and whether there are any urgent actions required.		
4.5	Landlords should give residents the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the landlord where this is reasonable.		
4.8	Where a key issue of a complaint relates to the parties' legal obligations landlords should clearly set out their understanding of the obligations of both parties.		
4.9	Communication with the resident should not generally identify individual members of staff or contractors.		
4.10	Landlords should keep residents regularly updated about the progress of the investigation.		
4.16	Landlords should seek feedback from residents in relation to the landlord's complaint handling as part of the drive to encourage a positive complaint and		

	learning culture.		
4.17	Landlords should recognise the impact that being complained about can have on future service delivery. Landlords should ensure that staff are supported and engaged in the complaints process, including the learning that can be gained		
4.19	Any restrictions placed on a resident's contact due to unacceptable behaviour should be appropriate to their needs and should demonstrate regard for the provisions of the Equality Act 2010.		

Section 5 - Complaint stages

Mandatory 'must' requirements

Stage 1

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.1	Landlords must respond to the complaint <u>within 10 working days</u> of the complaint being logged. Exceptionally, landlords may provide an explanation to the resident containing a clear timeframe for when the response will be received. This should not exceed a further 10 days without good reason.		
5.5	A complaint response must be sent to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue, are completed. Outstanding actions must still be tracked and actioned expeditiously with regular updates provided to the resident.		
5.6	Landlords must address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.		
5.8	Landlords must confirm the following in writing to the resident at the completion of stage one in clear, plain language:		

	<ul style="list-style-type: none"> • the complaint stage • the decision on the complaint • the reasons for any decisions made • the details of any remedy offered to put things right • details of any outstanding actions • details of how to escalate the matter to stage two if the resident is not satisfied with the answer 		
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Stage 2

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.9	If all or part of the complaint is not resolved to the resident's satisfaction at stage one it must be progressed to stage two of the landlord's procedure, unless an exclusion ground now applies. In instances where a landlord declines to escalate a complaint it must clearly communicate in writing its reasons for not escalating as well as the resident's right to approach the Ombudsman about its decision.		
5.10	On receipt of the escalation request, landlords must set out their understanding of issues outstanding and the outcomes the resident is seeking. If any aspect of the complaint is unclear, the resident must be asked for clarification and the full definition agreed between both parties.		
5.11	Landlords must only escalate a complaint to stage two once it has completed stage one and at the request of the resident.		
5.12	The person considering the complaint at stage two, must not be the same person that considered the complaint at stage one.		

5.13	Landlords must respond to the stage two complaint <u>within 20 working days</u> of the complaint being escalated. Exceptionally, landlords may provide an explanation to the resident containing a clear timeframe for when the response will be received. This should not exceed a further 10 days without good reason.		
5.16	<p>Landlords must confirm the following in writing to the resident at the completion of stage two in clear, plain language:</p> <ul style="list-style-type: none"> • the complaint stage • the complaint definition • the decision on the complaint • the reasons for any decisions made • the details of any remedy offered to put things right • details of any outstanding actions <p>and</p> <ul style="list-style-type: none"> • if the landlord has a third stage, details of how to escalate the matter to stage three • if this was the final stage, details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied. 		

Stage 3

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.17	Two stage landlord complaint procedures are ideal. This ensures that the complaint process is not unduly long. If landlords strongly believe a third stage is necessary, they must set out their reasons for this as part of their self-assessment. A process with more than three stages is not acceptable under any circumstances.		
5.20	<p>Landlords must confirm the following in writing to the resident at the completion of stage three in clear, plain language:</p> <ul style="list-style-type: none"> • the complaint stage 		

	<ul style="list-style-type: none"> the complaint definition the decision on the complaint the reasons for any decisions made the details of any remedy offered to put things right details of any outstanding actions details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied 		
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Best practice 'should' requirements

Stage 1

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.2	If an extension beyond 20 working days is required to enable the landlord to respond to the complaint fully, this should be agreed by both parties.		
5.3	Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman's contact details so the resident can challenge the landlord's plan for responding and/or the proposed timeliness of a landlord's response.		
5.4	Where the problem is a recurring issue, the landlord should consider any older reports as part of the background to the complaint if this will help to resolve the issue for the resident.		
5.7	Where residents raise additional complaints during the investigation, these should be incorporated into the stage one response if they are relevant and the stage one response has not been issued. Where the stage one response has been issued, or it would unreasonably delay the response, the complaint should be logged as a new complaint.		

Stage 2

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.14	If an extension beyond 10 working days is required to enable the landlord to respond to the complaint fully, this should be agreed by both parties.		
5.15	Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman's contact details so the resident can challenge the landlord's plan for responding and/or the proposed timeliness of a landlord's response		

Stage 3

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.18	Complaints should only go to a third stage if the resident has actively requested a third stage review of their complaint. Where a third stage is in place and has been requested, landlords must respond to the stage three complaint <u>within 20 working days</u> of the complaint being escalated. Additional time will only be justified if related to convening a panel. An explanation and a date for when the stage three response will be received should be provided to the resident.		
5.19	Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman's contact details so the resident can challenge the landlord's plan for responding and/or the proposed timeliness of a landlord's response.		

Section 6 - Putting things right

Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
6.1	Effective dispute resolution requires a process designed to resolve complaints. Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right.		
6.2	Any remedy offered must reflect the extent of any service failures and the level of detriment caused to the resident as a result. A landlord must carefully manage the expectations of residents and not promise anything that cannot be delivered or would cause unfairness to other residents.		
6.5	The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.		
6.6	In awarding compensation, a landlord must consider whether any statutory payments are due, if any quantifiable losses have been incurred, the time and trouble a resident has been put to as well as any distress and inconvenience caused.		

Best practice 'should' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
6.3	Landlords should look beyond the circumstances of the individual complaint and consider whether anything needs to be 'put right' in terms of process or systems to the benefit of all residents.		
6.7	In some cases, a resident may have a legal entitlement to redress. The landlord should still offer a resolution where possible, obtaining legal advice as to how any offer of resolution should be worded.		

Section 7 - Continuous learning and improvement

Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
7.2	Accountability and transparency are integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints in their annual report and more frequently to their residents, staff and scrutiny panels.		

Best practice 'should' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
7.3	A member of the governing body should be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This role will be responsible for ensuring the governing body receives regular information on complaints that provides insight to the governing body on the landlord's complaint handling performance.		
7.4	As a minimum, governing bodies should receive: <ul style="list-style-type: none"> • Regular updates on the volume, categories and outcome of complaints, alongside complaint handling performance including compliance with the Ombudsman's orders • Regular reviews of issues and trends arising from complaint handling, • The annual performance report produced by the Ombudsman, where applicable • Individual complaint outcomes where necessary, including where the Ombudsman made findings of severe maladministration or referrals to regulatory bodies. The implementation of management responses should be tracked to ensure they are delivered to agreed timescales. The annual self-assessment against the Complaint Handling Code for scrutiny and challenge. 		

7.5	Any themes or trends should be assessed by senior management to identify potential systemic issues, serious risks or policies and procedures that require revision. They should also be used to inform staff and contractor training.		
7.6	Landlords should have a standard objective in relation to complaint handling for all employees that reflects the need to: <ul style="list-style-type: none"> • have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments • take collective responsibility for any shortfalls identified through complaints rather than blaming others • act within the Professional Standards for engaging with complaints as set by the Chartered Institute of Housing. 		

Section 8 - Self-assessment and compliance

Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
8.1	Landlords must carry out an annual self-assessment against the Code to ensure their complaint handling remains in line with its requirements.		
8.2	Landlords must also carry out a self-assessment following a significant restructure and/or change in procedures.		
8.3	Following each self-assessment, a landlord must: <ul style="list-style-type: none"> • report the outcome of their self-assessment to their governing body. In the case of local authorities, self-assessment outcomes should be reported to elected members • publish the outcome of their assessment on their website if they have one, or otherwise make accessible to residents • include the self-assessment in their annual report section on complaints handling performance 		

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AUDIT & GOVERNANCE COMMITTEE WORK PROGRAMME – 2022/2023

Date of Meeting: 29 September 2022		
Subject	Lead Officer / Member	Comments
Internal Audit		
Progress Against The Audit Plan	Southern Internal Audit Partnership	
Other Items		
Feedback & Complaints Policy – Update	Group Head of Law & Governance	
Work Programme		
To note the rolling work programme for 2022/23	Internal Audit Manager	Updates, etc.

**AUDIT & GOVERNANCE COMMITTEE
WORK PROGRAMME – 2022/2023**

Date of Meeting: 29 November 2022		
Subject	Lead Officer / Member	Comments
Treasury Management		
Treasury Management Mid-Year Report	Senior Accountant (Treasury Management)	Recommendations for approval by Full Council (18 Jan 2023)
Internal Audit		
Progress Against The Audit Plan	Southern Internal Audit Partnership	
Governance Framework		
Risk Management Framework	Finance & Risk Manager	
Updated Corporate Risk Register 2022/23	Finance & Risk Manager	
Work Programme		
To note the rolling work programme for 2022/23	TBC	Updates, etc.

**AUDIT & GOVERNANCE COMMITTEE
WORK PROGRAMME – 2022/2023**

Date of Meeting: 28 February 2023		
Subject	Lead Officer / Member	Comments
Statement of Accounts		
Annual Statement of Accounts 2021/22 and Letter of Representation	Group Head of Finance	TBC
Final Annual Governance Statement 2021/22	Group Head of Finance	TBC
Approval of Accounting Policies 2022/23	Financial Services Manager	If CIPFA advise of any changed requirements, then an update will be provided at the next meeting
External Audit		
Audit Results Report	Ernst & Young	TBC - Covering the audit of the 2021/22 Accounts
Treasury Management		
Treasury Management Strategy Statement and Annual Investment Strategy	Senior Accountant (Treasury Management)	For approval by Full Council (15 Mar 2023)
Internal Audit		
Annual Internal Audit Plan 2023/24	Southern Internal Audit Partnership	
Progress Against The Audit Plan	Southern Internal Audit Partnership	
Other Items		
Progress update on housing tenancy fraud	Neighbourhood Services Manager	Annual update as requested by the Committee
Work Programme		
To agree the rolling work programme for 2023/24	TBC	

February meeting has to be timed so that Treasury Management Strategy can be approved by Full Council before 31 March each year

**AUDIT & GOVERNANCE COMMITTEE
WORK PROGRAMME – 2022/2023**

Date of Meeting: (xx July 2023)		
Subject	Lead Officer / Member	Comments
Statement of Accounts		
Draft Annual Governance Statement 2022/23	Group Head of Finance	Draft version to be considered by Committee (final version will be presented with the Annual Accounts)
External Audit		
Auditor's Annual Report	Ernst & Young	Covering the audit of the 2021/22 Accounts
Audit Planning Report	Ernst & Young	Covering the audit of the 2022/23 Accounts TBC)
Response to E&Y on annual assurance letter regarding governance arrangements	Committee Chair	Letter to be sent to external audit (TBC)
Governance Framework		
Local Code of Corporate Governance	Group Head of Finance	
Treasury Management		
Treasury Management Annual Report 2022/23	Senior Accountant (Treasury Management)	Recommendations for approval by Full Council (xx Sep 2023)
Internal Audit		
Annual Internal Audit Report & Opinion 2022/23	Southern Internal Audit Partnership	
Internal Audit Charter	Southern Internal Audit Partnership	TBC
Other Items		
Counter-Fraud Report 2022/23	TBC	
Chair's Annual Report To Council	Committee Chair	To be presented to Full Council
Annual Review Of The Partnerships Register	Group Head of Organisational Excellence (TBC)	Requested by the Committee at its November 2021 meeting
Annual update on the Council's use of powers under the Regulation of Investigatory Powers Act 2000 (RIPA)	TBC	
Work Programme		

**AUDIT & GOVERNANCE COMMITTEE
WORK PROGRAMME – 2022/2023**

To agree the rolling work programme for 2023/24	TBC	Updates, etc.
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Other items to be considered in Work Programme:-

Independent Members' Remuneration Panel

- Recruitment / appointments
- Proposals for / progress of review
- Report on review / proposals for change to be passed by A&GC to Full Council

(An interim review was conducted in 2020 with recommendations presented at Full Council in January 2021, with a full review due in 2022/23)

Relevant policy reviews, updates, etc.

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