

## Wiltshire Council

### Standards Committee

18 April 2024

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### New Complaint Handling Codes from the Local Government and Social Care Ombudsman (LGSCO) and Housing Ombudsman (HO)

#### Purpose

1. To set out the implications of the two Ombudsmen's new Complaint Handling Codes on the processes followed by the council when handling relevant complaints.

#### Background

2. In February 2024, the Local Government and Social Care Ombudsman ([LGSCO](#)) and the Housing Ombudsman ([HO](#)) each published new Complaint Handling Codes. These are attached at **Appendix 1 and 2** respectively.
3. The two Ombudsmen originally consulted on the introduction of a single joint complaint handling code. However, following feedback from consultees regarding the two Ombudsmen's different powers, they have introduced similar but separate Codes that share the same approaches in key areas such as response times, timeliness and oversight.
4. The HO's 2024 Code became statutory from **1 April 2024**, meaning that member landlords are legally obliged to follow its requirements.
5. The LGSCO's 2024 Code is issued as "advice and guidance" for local councils in England under section 23(12A) of the Local Government Act 1974. This means that councils must consider the Code when developing complaint handling policies and procedures and when responding to complaints. If a council decides not to follow the Code, the LGSCO would expect it to provide a good reason for this.
6. The LGSCO encourages councils to adopt the Code as soon as they are able to do so, but it will start considering the Code as part of its processes from **April 2026** at the earliest. This is to give councils the opportunity to adopt the Code into working practices following feedback from councils during the consultation.
7. The new Codes **do not apply** to complaints processed under the statutory adult social care or statutory children's complaints procedures, which have their own requirements set out in legislation.

#### Main Considerations

8. The council already has a single Complaints Procedure (Protocol 6) that covers complaints about the council's actions as a local authority – which are overseen by the LGSCO – and the council's actions as a landlord – which are overseen

by the HO. This involves two stages, with a response to the complaint provided by the relevant service at Stage 1, and an independent investigation undertaken by the Complaints team at Stage 2. Following this, the complainant is able to request a review by the relevant Ombudsman if they remain dissatisfied.

9. In 2022, the council's Complaints Procedure was amended by Full Council to align with new requirements set out in the HO's Complaint Handling Code at the time. The latest HO Code has changed relatively little since then. As such, by virtue of the changes made in 2022, the council is now in a strong position to meet the requirements of the new LGSCO and HO Codes.
10. A table setting out the changes to this council's complaints processes required for full compliance with the new Codes is included at **Appendix 3**. Most of the changes involve relatively small adjustments to our existing practices.
11. The most significant change arrives in the LGSCO's new Code and is a reduction in the time permitted for responding to complaints at both Stages 1 and 2. This change provides new consistency between the LGSCO and HO Codes. The changes are set out below in **bold**:

<b>Complaint stage</b>	<b>Wiltshire Council current practice</b>	<b>New LGSCO Code time limit</b>
Complaint acknowledgement	2 working days	<b>5 working days</b>
Stage 1 response	20 working days	<b>10 working days</b>
Stage 1 extension (reasons required)	10 working days	10 working days
Stage 2 response	30 working days	<b>20 working days</b>
Stage 2 extension (reasons required)	20 working days	20 working days

12. Under the new LGSCO Code, services will therefore have 10 fewer working days to provide complaint responses at Stage 1. The Complaints team will see the same reduction for completing their independent investigations at Stage 2.
13. Under the new Codes, the timescale for responding to complaints only commences once the complaint has been acknowledged, with acknowledgment required within 5 working days. At present, the council treats response timescales as commencing from the date of receipt.
14. To give an indication of past performance, in 2023-24:
  - 59% of the council's **Stage 1** responses were provided within the **current** total timescale of 30 working days (including extension).
  - 92% of **Stage 2** responses were provided within the **current** total timescale of 40 working days (including extension).

15. All of the more minor changes required under the new Codes can be implemented immediately. However, the council must decide **when** it will reduce its timescales for responding to complaints falling under the LGSCO, as set out under paragraph 11.
16. The LGSCO has indicated that there is no requirement to implement its new Code in full until April 2026 at the earliest, though it encourages councils to do so as early as possible. Once the timescales are “in force”, councils will be expected to comply with them or explain why they are not doing so. Examples provided by the LGSCO of when non-compliance is permissible relate to temporary situations such as industrial action or a cyber-attack. It will therefore not be feasible to be non-compliant with the LGSCO’s Code on a long-term basis.
17. Having considered the operational impacts, the council’s Corporate Leadership Team (CLT) considers that implementation of the new timescales in Autumn 2024 will allow appropriate time for the promotion of the changes across the council and for services to adapt their processes and resources accordingly. This lead-in time will maximise the council’s ability to meet the new timescales consistently once they are introduced, minimising unnecessary frustration for complainants. Services will be supported to meet the new requirements through guidance and training on good complaint handling practices. Implementing the change far in advance of it becoming a formal requirement (in April 2026) demonstrates best practice and reflects the council’s commitment to valuing complaints. It is therefore proposed that Standards Committee receives an amended Protocol 6 – Complaints Procedure, reflecting the new complaint response timescales, on 3 October 2024, and recommends its adoption by Full Council on 21 October 2024.
18. The table below provides an indication of the current complaint response timescales in place at other local authorities. The number that meet the requirements set out in the new Codes will inevitably increase over the coming months and years. It is evident that this council’s current response timescales are slightly higher than average. However, anecdotal evidence suggests that many councils are further behind in achieving compliance with the new Codes more generally:

<b>Council</b>	<b>Stage 1</b>	<b>Stage 2</b>
	(not including any extension)	
BANES	15	20
Cornwall	10	20
Devon	20	20
Dorset	20	-
Durham	10	unknown
Gloucester	20	25
Hampshire	20	unknown
Shropshire	6 weeks	16 weeks
Somerset	10	20
Wiltshire	20	30

19. The HO's new Code requires the following complaint response timescales, with the single change required to this council's procedure in **bold**:

<b>Complaint stage</b>	<b>Wiltshire Council current practice</b>	<b>New HO Code time limit</b>
Stage 1 response	20 working days	10 working days
Stage 1 extension (reasons required)	10 working days	10 working days
Stage 2 response	20 working days	20 working days
Stage 2 extension (reasons required)	10 working days	<b>20 working days</b>

20. There is therefore an **increase** to the extension permitted for responding to complaints under the HO at Stage 2. As with the changes required by the LGSCO's Code, it is proposed that this change is made by Full Council in October 2024.

### **Proposal**

21. To note the new Complaint Handling Codes published by the Local Government and Social Care Ombudsman (LGSCO) and Housing Ombudsman (HO) and the associated changes required to the council's complaint handling practices.

22. To note that the council's current complaint handling processes are already largely compliant with the new Codes and that all the changes required – excepting those relating to complaint response timescales – are being actioned immediately.

23. At its 3 October 2024 meeting, Standards Committee to consider an amended Protocol 6 – Complaints Procedure reflecting the complaint response timescales required under the new LGSCO and HO Codes (set out at paragraphs 11 and 19) and to recommend these for adoption by Full Council on 21 October 2024.

**Perry Holmes, Monitoring Officer and Director for Legal and Governance**

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### **Appendices**

Appendix 1 LGSCO Complaint Handling Code 2024

Appendix 2 Housing Ombudsman Complaint Handling Code 2024

Appendix 3 Changes to the council's processes required by the LGSCO and HO  
Complaint Handling Codes 2024