

Complaints Handling Policy

**For Statutory Housing Complaints
within the jurisdiction of the Housing
Ombudsman**

June 2024

VERSION HISTORY

Version	Date Issued	Brief Summary of Change	Author
V1	27/06/2024	New policy developed for managing complaints within the jurisdiction of the Housing Ombudsman to ensure compliance with the Ombudsman's Complaint Handling Code 2024.	Salv Barbato Steph Woods

DOCUMENT APPROVAL

Version	Date Approved	Description of Approval	Approver
V1	27/06/2024	Corporate Director of Governance & Law Acting Corporate Director of Housing	Mark Hynes Jane Martin

DOCUMENT LOCATION

Document Location	File Name

1 Policy framework

- 1.1 As a Council, we strive to provide high-quality services to all our residents, but occasionally things can go wrong. Complaints help us to put things right and make sure the same mistake does not happen again.
- 1.2 The Housing Ombudsman Service introduced a [new complaints handling code](#) to apply to complaints handled by landlords from 01/04/2024 onwards. Under the Complaint Handling Code 2024, landlords are required to have a single policy in place for dealing with housing complaints covered in the code.
- 1.3 The Housing Ombudsman investigates complaints about landlord's housing management – for example property condition and repairs, charges, complaints handling and anti-social behaviour affecting residents in their home.
- 1.4 This complaints-handling policy document is built directly from the Ombudsman's code and as such provides information on how complaints from residents will be handled whose complaint is within the Housing Ombudsman's jurisdiction.
- 1.5 Where a complaint does not fall under the scope of this policy, it may instead fall under the scope of the Council's corporate complaints policy. If this is the case, we will let the resident know.
- 1.6 If a resident prefers, they can authorise someone else to make a complaint on their behalf. This could be a friend/relative or representative from an external organisation. In these situations, it's vital that authority to act is supplied.
- 1.7 When applying this policy, we will consider our duties under the Equalities Act 2010 and make reasonable adjustments for residents who may need to access the complaints process.
- 1.8 We treat all residents fairly and will not treat a resident unfavourably because they have made a complaint.
- 1.9 This policy will be published on our website, together with details of the Housing Ombudsman Service. We will regularly publicise how to make a complaint in resident communications such as our quarterly residents' newsletter.

2 Definitions and exceptions

- 2.1 The Council's definition for accepting statutory housing complaints matches the definitions in the Housing Ombudsman's complaints handling code for 2024.
- 2.2 We have defined, and will accept as complaints, all correspondence or conversations with Council officers or contractors where the content of the submission meets the following definition:

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.

2.3 There are a limited number of exceptions in which residents' complaints do not meet the definition above or where the Council may decide to investigate the concerns expressed through alternative routes. We usually cannot consider events that occurred more than 12 months ago, or which the resident was made aware of more than 12 months ago. We may use our discretion to accept older complaints if there is good reason it had not been raised before.

2.4 Service requests

- The Housing Ombudsman Service defines a service request as 'a request from a resident to their landlord requiring action to be taken to put something right'.
- When a resident first tells us about their concern, as a starting point we will ask the resident what they would like us to do to put things right. We can often resolve service requests, such as a missed appointment or repair delay, immediately with an apology and by providing another appointment. We may be able to resolve this outside of our complaints process, recording it as a service request and monitoring it to completion.
- If we need to make further enquiries to resolve the matter, the resident is dissatisfied, or if the resident asks us to at any point, we will log it as a complaint. We will continue to address any service requests after we have logged a complaint.

2.5 A list of alternative enquiries and complaints-handling routes outside of the formal complaints process are listed in **Appendix A**.

- In all cases, we will discuss this with the complainant first before their complaint is handled through an alternative route and will provide our final decision in writing.
- The complainant will be given the opportunity to refer their complaint to the Ombudsman should they be dissatisfied with the Council's decision not to proceed with their complaint.

3 Submitting and receiving complaints

3.1 The Council will accept expressions of dissatisfaction received through any channel.

3.2 To ensure that the particulars of the complaint are fully captured, we anticipate that most complainants will self-serve by submitting their own complaint online through the [Council's portal](#).

3.3 The Council will register complaints on behalf of residents should they be received through other channels, for example, by email or by telephone.

4 Stages and timescales

4.1 In line with the Housing Ombudsman's code, the Council has adopted a two-stage complaints process in place to ensure that complaints are investigated thoroughly and objectively.

Stage 1

- The Council will log and acknowledge all Stage 1 complaints upon receipt and will thereafter contact the resident **within 48 hours** to establish the particulars of the complaint and address any ambiguity.
- When a complaint is received which highlights that someone's health may be in immediate danger due a building safety issue in or relating to a Council property, **we will take action within 24 hours of receiving the complaint** to investigate and, where possible, resolve the immediate problem so that individuals are no longer placed in danger.
- We will respond in writing to all complaints **within 10 workings days of the complaint being logged**, providing the complainant with the following in writing through our complaints portal:
 - The complaint stage
 - Definition of the complaint
 - Our decision on the complaint: either upheld, partially upheld or not upheld.
 - Reasons for our decision
 - Clear details of any remedy offered to put things right, including timescales that we have agreed with the resident
 - Details of any outstanding or further actions required and how we will monitor progress
 - How the resident can contact us to discuss our findings
 - Details of how to escalate the complaint to Stage 2 should the complainant be dissatisfied with the response at Stage 1.
- In circumstances in which we are unable to respond within 10 working days, we will inform the resident as soon as possible if an extension is required and give the reason(s) why.
 - Any extension will extend to no later than an additional 10 working days from the original deadline.
 - When alerting a resident to any extension, we will provide them with the contact details for the Housing Ombudsman.
- Where a housing complaint is received which is within the jurisdiction of this policy, but which has already been registered as a legal disrepair matter by the Council's legal service, we will respond at Stage 1 **unless** legal proceedings have started.

- Active legal proceedings in this context are defined as details of the claim having been filed at court, such as the Claim Form and Particulars of Claim.
- Should active legal proceedings be under way, as defined above, then the resident will be advised to contact their solicitors.
- Should a resident require any information provided in an alternative format to support any special requirements which they have then we will do our best to accommodate this upon request. This may include, for example, large text, easy read, braille, or audio,

Stage 2

- If the complaint has not been resolved to the resident's satisfaction at Stage 1, they can ask us to escalate the complaint to Stage 2.
- Stage 2 complaints are investigated by the corporate Complaints Team on behalf of the Council's Chief Executive.
- We will acknowledge the request within 5 working days of the escalation request being received.
- We will ask residents the reasons they remain dissatisfied with our response to their complaint, if this is not clear from their request, however this is not a requirement for the complaint to be considered at Stage 2 of our process.
- The Council will contact the resident **within 20 working days** of our acknowledgement of the complaint.
- The response will confirm:
 - The complaint stage
 - Definition of the complaint
 - Our decision on the complaint
 - Reasons for our decision
 - Clear details of any remedy offered to put things right, including timescales that we have agreed with the resident
 - Details of any outstanding or further actions required and how we will monitor progress
 - How the resident can contact us to discuss our findings
 - Details of how to escalate the matter to the Housing Ombudsman if the resident remains dissatisfied.
- If, for any reason, we need more than 20 working days to respond to the complaint, we will explain why and inform the resident of the expected timescale for our response. Any extension will be no longer than 20 working days unless there is a good reason, which will be explained to the resident.

- The resident is entitled to contact the Housing Ombudsman for advice at any point. We will continue with our investigation and provide our response within the extended timeframe.

5 Remedies

- 5.1 Where something has been found to have gone wrong the Council will acknowledge this and set out the actions it has already taken, or intends to take, to put things right.
- 5.2 The remedy offered will reflect the impact on the resident that resulted from the issue identified in the complaint.
- 5.3 The resident will be informed of what remedy will be made and when.
- 5.4 Any award of financial compensation will be scaled appropriately to reflect the extent of any service failings identified and will take into account the Ombudsman's guidance. We will also consider special dispensation in awarding redress for damages sustained to personal property or possessions in cases where the Council and/or its partners are demonstrably at fault. Claims for personal injury should be pursued by the complainant through the appropriate insurance or legal channels.

6 The Housing Ombudsman

- 6.1 If a resident has been through both stages of the Council's complaints process but is still unhappy, they have the right to refer their complaint to the Housing Ombudsman. The Housing Ombudsman is responsible for investigating social housing complaints.
- 6.2 Residents have the right to contact the Housing Ombudsman throughout the handling of their complaint for guidance and support, and do not have to exhaust the Council's complaints process before doing so.
- 6.3 This complaints policy has been written in line with requirements within the Housing Ombudsman's statutory code.
- 6.4 The Housing Ombudsman can be contacted by:
- Telephone: 0300 111 3000
 - Email: info@housing-ombudsman.org.uk
 - Online: www.housing-ombudsman.org.uk
 - Post: Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET

7 Unreasonable complaints and unreasonable behaviour

- 7.1 Where possible, the Council will deal with a complaint in accordance with this policy. When a complaint or the behaviour of a complainant is unreasonable, we will apply our [Policy on dealing with Unreasonable Behaviour](#). This will only be applied as a last resort, and not before we have tried all reasonable and established processes for dealing with the issues complained about.

8 Building Safety Complaints relating to high-rise residential buildings

8.1 This section of our policy has been developed to meet new obligations under the Building Safety Act 2022 and is limited to higher risk buildings (HRBs) that are owned and managed by the Council's Housing Services.

8.2 A HRB has at least:

- Seven storeys or is at least 18 metres high
- Two residential units.

8.3 For the purposes of this section only, a relevant complaint is defined as a complaint relating to:

- a 'building safety risk' - a risk to the safety of people in or about the building arising from either the spread of fire or structural failure that could lead to part or all of the building collapsing; or
- the performance by an accountable person with regard to their duties under the Building Safety Act.

8.4 Where a complaint regarding building safety does not meet the above definition, it may still be able to be reviewed under the wider Complaints Handling Policy for Statutory Housing Complaints within the jurisdiction of the Housing Ombudsman.

8.5 For the most part, complaints regarding Building Safety would and should be handled in line with our Complaints Handling Policy for Statutory Housing Complaints within the jurisdiction of the Housing Ombudsman.

8.6 The following areas are specific to Building Safety Act complaints when compared to other types of complaints. In all other ways the Complaints Handling Policy for Statutory Housing Complaints within the jurisdiction of the Housing Ombudsman should be followed. The exceptions are as follows:

- **Any person**

Our policy usually requires a landlord/ tenant or leaseholder relationship. The Building Safety Legislation is wider and makes it clear that 'any person' is able to make a relevant complaint where it relates to matters covered under Building Safety, as defined above. Therefore the 'relationship requirement' will not be applied to this type of complaint.

- **Prioritisation**

The Building Safety legislation requires that: "there is an effective process for the prioritisation of relevant complaints taking account of the level of risk involved".

While we are confident that applying and meeting our existing timescales for complaints will usually be appropriate, we acknowledge that some matters need to be dealt with more quickly than the complaint timescale. This is already the case for example for urgent matters of health and safety, where a repair may need to be urgently undertaken before the complaint response. In relation to complaints that fall within this section of the policy, we will assess any risk and we may respond or

partially respond to a related element of a complaint more quickly, based on the assessed risk.

8.7 Escalation to the Building Safety Regulator

Residents (or any other person) can bring a building safety complaint to the Building Safety Regulator for investigation if they have completed the Council's complaint process and the issues have not been resolved. They can also refer a building safety complaint to the Building Safety Regulator if they feel unable to raise their concerns with the Council.

The Building Safety Regulator can be contacted through their website www.gov.uk/guidance/contact-the-building-safety-regulator

There is also more detailed guidance available www.gov.uk/guidance/complain-about-a-building-safety-risk-in-a-high-rise-building

The Building Safety Regulator can also be contacted by telephone: 0300 790 6787.

9 Learning from complaints

9.1 We want to learn from complaints as this helps us improve our services. We have formal mechanisms in place to make sure we gather learning from complaints and use this insight to improve services. We will share our annual Complaint Handling and Service Improvement report on our website by 30 June each year.

Appendix A – Why complaints may be rejected or processed through alternative routes

Reason for rejection	Explanation
Request for action	<p>Resident uses complaints route to raise a straightforward request for action.</p> <p>Resident makes no discernible expression of dissatisfaction with council services.</p> <p>Resident contacted & confirms they're happy to progress as service request.</p>
Anti-social behaviour	<p>Resident raises ASB concerns about another resident(s).</p> <p>Resident makes no discernible expression of dissatisfaction with council services.</p> <p>No evidence these specific concerns have been raised previously.</p> <p>Demonstrable that the resident has, in effect, bypassed the standard service route for raising ASB.</p>
Parallel proceedings	<p>Resident's substantive issue(s) is already being investigated outside of the Stage 1 complaints process, e.g. as a Stage 2 complaint or a legal disrepair claim.</p> <p>Resident raises nothing new in this complaint which may differentiate it from what is already being investigated elsewhere.</p>
Anonymity	<p>Resident cannot be identified despite every possible effort being made to use the information supplied as a basis for investigation.</p> <p>This is most likely in cases of ASB in which a resident may be fearful of repercussions from other residents should they be identified.</p>
No authority to act	<p>Complaint raised on behalf an LBWF resident, e.g. a son on behalf of their mother.</p> <p>The complainant supplies no authority to act.</p> <p>Wherever it is possible and appropriate to do so, you must take steps to validate the complaint and secure the necessary authority to act.</p>