

Tendring
District Council



HOUSING COMPLAINTS POLICY

April 2024



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Introduction

As your landlord, Tendring District Council aims to give you the best service we can. However, we know that sometimes mistakes and delays do occur and it is important that you have the opportunity to tell us when this happens. We recognise the importance of complaints and welcome them as a valuable form of feedback about our services.

This Housing Complaints Policy explains how you can do this and your feedback will also help us to improve the service we provide for you and for all of our tenants and leaseholders in the future.

Purpose of this policy

The aim of this policy is to provide a fair and consistent approach to dealing with complaints from the Council's tenants and ensure they are handled appropriately and professionally in line with the Housing Ombudsman's Complaint Handling Code.

Emphasis will be placed on resolving complaints as quickly as possible by the service concerned. We will ensure that staff are equipped to deal with complaints efficiently and effectively and lessons learned from complaint investigations will be used to directly inform service improvements.

You can find out more about the Housing Ombudsman and their Complaint Handling Code by visiting www.housing-ombudsman.org.uk

Aims of this policy

The policy aims to:

- set out how complaints about the Council, as a landlord, will be investigated and responded to;
- ensure that we resolve complaints at the earliest stage we can, making decisions that are based on fact;
- ensure that we take a consistent and transparent approach to complaint handling and treat people fairly and equally;
- ensure that we acknowledge any mistakes we have made and put things right when we need to; and
- make sure that we learn lessons from the complaints received and use these to identify areas for improvements.

Legal and regulatory context

- Charter for Social Housing Tenants

The Government's 2020 white paper 'The Charter for Social Housing Tenants' built on the lessons learnt from the Grenfell Tower fire and this contains seven commitments that social housing tenants should expect from their landlord. In relation to complaints, the commitment is that complaints should be dealt with fairly and promptly.

- Social Housing Regulation Act 2023

This legislation builds upon the existing regulatory framework for housing and introduces revised Consumer Standards that come into force on 1 April 2024. These standards contain

specific expectations registered providers of social housing must comply with and detail the outcomes that providers are expected to achieve.

The Transparency, Influence and Accountability Standard, states that registered providers must ensure that complaints are addressed fairly, effectively and promptly.

The specific expectations are that registered providers:

- must ensure their approach to handling complaints is simple, accessible and publicised.
- must provide accessible information to tenants about:
 - a) how tenants can make a complaint about their registered provider;
 - b) the registered provider's complaints policy and complaints handling process;
 - c) what tenants can do if they are dissatisfied with the outcome of a complaint or how a complaint was handled; and
 - d) the type of complaints received and how they have learnt from complaints to continuously improve services.

➤ Housing Ombudsman

The Complaint Handling Code, first introduced by the Housing Ombudsman in 2020, becomes statutory from 1st April 2024 and provides a single, robust set of standards for complaints procedures to be accessible, fair and efficient.

In addition, a legal duty is placed on the Ombudsman to monitor compliance with the Code, regardless of whether it receives individual complaints from residents about a landlord. This means that landlords will be required to submit their self-assessment to the Housing Ombudsman each year.

What is a complaint?

We use the Housing Ombudsman's definition of a complaint which is:

“An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.”

You do not have to use the word complaint for it to be treated as one. If you express any dissatisfaction to us, we will give you the choice to make a complaint.

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

What does this policy cover?

This policy covers complaints made about the Council, as a landlord, and in relation to our provision and management of housing.

A complaint may be about:

- a failure to provide accurate information;
- delays in decision making;
- dissatisfaction with a decision;
- delays in providing services;
- failure to deliver services;

- the appropriateness of services;
- the quality of services;
- the lack of services;
- changes to services;
- a failure to follow the Council's policies and procedures; or
- the lack of proper procedures.

The above list does not cover everything but gives an indication of the type of things that complaints may be about.

There is, however, a difference between a service request and a complaint. A service request is when a tenant asks us to take action to put something right, for example to carry out a repair. This would not be classed as a complaint but these requests are still recorded, monitored and reviewed regularly.

If you then express dissatisfaction with our response to your service request, this would be classed as a complaint even if we are still handling your request.

We often ask residents to complete surveys – for example, after major maintenance or improvement works have been carried out. Any dissatisfaction expressed through these surveys would not be defined as a complaint although we will make you aware of how you can pursue a complaint if you want to.

What this policy does not cover

We will always accept a complaint unless we have a valid reason not to do so.

However, some things are not covered by this policy because they are covered by another policy or procedure or are outside the Council's control.

The exclusions to this policy include:

- requests for a service (for example, the **first time** you ring to request a repair);
- complaints about the actions of a third party (for example, a noisy neighbour);
- matters where there is a separate means of resolution (for example, a Tribunal or appeals route);
- matters dealt with under the Council's Employment Procedures;
- insurance claims against the Council;
- requests for information;
- corporate complaints (complaints about any other Council service – these are dealt with under the Corporate Complaints Procedure);
- complaints that have already been investigated under this or another of the Council's complaints procedures;
- complaints that have been investigated by the Housing or Local Government Ombudsman;
- complaints made twelve months after the date you learned that something went wrong (unless there are exceptional circumstances why the complaint has not been made sooner);
- complaints relating to Freedom of Information and Environmental Information Requests;
- complaints about Councillors;
- complaints outside of the Council's jurisdiction (for example, complaints about utilities companies);
- complaints subject to legal proceedings;

- complaints about the level of rent or service charge or the amount of the rent or service charge increase; or
- complaints from contractors about their commercial or contractual relationships with the Council.

All complaints will be considered on their individual merits.

If we decide not to accept a complaint, we will provide you with a detailed explanation of why it is not considered suitable to be dealt with under this policy. We will also advise you of your right to take this decision to the Housing Ombudsman.

How to make a complaint?

We want to make it easy for you to make a complaints and will provide a number of different ways for you to do this.

You can make a complaint to us in any of the following ways:

- by filling in our Complaints form, which is available on our website and on request from any member of staff;
- by raising it with any member of our staff
- by emailing councilhousingcomplaints@tendringdc.gov.uk
- by phoning 01255 686868 or the direct number of the team you have been dealing with; or
- by visiting our Reception at Pier Avenue in Clacton, which is open Monday, Tuesday and Wednesday from 10am to 1pm

We will regularly publish details about our complaints handling process and also publish information regarding the advice and support that can be provided by the Housing Ombudsman. We will also ensure that our Complaints Policy is published on our website, together with our annual self-assessment against the Housing Ombudsman's Code.

Who can make a complaint?

A complaint can be made by:

- anyone who is or has been in a residential landlord/tenant relationship with the Council. This includes Council tenants and former tenants, leaseholders and shared owners. If the complaint is made by an ex-occupier they must have had a legal relationship with the Council at the time that the matter complained of arose;
- a representative of any of the people above who has that person's written consent to make a complaint on their behalf;
- a representative of any of the people above who does not have the capacity to give their consent to someone to act on their behalf. However, in these circumstances, we must be satisfied that the representative has the legitimate authority to act on the person's behalf; or
- a person with the legal capacity to make a complaint on behalf of any of the people above who is deceased.

We know that sometimes it is difficult to complain. However, by handling complaints effectively, we want to make sure that residents are heard and understood.

If you need to make a complaint, we will take your concerns seriously. We will treat you fairly and with respect and you can be confident that you will not receive a poorer service or be treated differently because you have made a complaint to us. If we uphold your complaint you

can expect an apology and for us to put things right quickly. What we ask in return is that you treat our staff with respect.

If you complain to us but feel that you can't give us your name, we will not be able to deal with this under our complaints procedure. However, we will take appropriate steps to deal with the issue you have told us about.

Representation and support

If you are not comfortable or confident making a complaint, we will signpost you to organisations, such as Citizen's Advice, who may be able help you with making a complaint.

You can also get support and advice from the Housing Ombudsman and further details about how to contact them are provided on page 8 of this policy.

How will we handle your complaint?

If we have failed to provide a service to you or if you are dissatisfied with the service that you have received, then please let us know. In most cases, we hope that the member of staff you have been dealing with will be able to resolve your issue.

Where this is not possible, we will consider your complaint in accordance with this Policy.

The stages of our Complaints Policy are:

➤ Stage One

If your issue is not something we can resolve straightaway as part of our day to day business, we will usually deal with it as a Stage 1 complaint and try to resolve it within the service you are complaining about.

We will send you an acknowledgement of your complaint within 5 working days of us receiving it. This will set out our understanding of your complaint and the outcome you are seeking. It will also tell you who will be investigating your complaint and when you can expect a full response. The manager or team leader investigating your complaint may contact you prior to responding fully to find out more about the issue you are complaining about if it is not clear in your initial complaint.

If there are any aspects of your complaint that we are not responsible for, we will let you know and tell you who is responsible.

All complaints received will be investigated in an impartial manner and all information and evidence will be carefully considered.

You should then receive a thorough response to your complaint within 10 working days of us acknowledging it. If this is not going to be possible, we will contact you to explain why and will also agree a date by which you should receive a response. This will not exceed a further 10 working days unless there are exceptional circumstances. We will also provide you with the contact details for the Housing Ombudsman in case you want to obtain their advice or support.

We will respond to your complaint when we know the answer to it not when the outstanding actions to address the issues are completed. However, we will make sure that any outstanding actions are actioned promptly and we will provide you with updates, as appropriate.

When we reply to you, we will address all points raised in your complaint and give clear reasons for any decisions, referencing policy, law and good practice, where appropriate.

If you raise additional complaints whilst we are investigating your Stage 1 complaint, we will incorporate these into our response if the issues are related and we have not yet sent our response to you.

If we have already responded to your Stage 1 complaint or the new issues you raise are unrelated or the investigation of these would unduly delay our response, the new issues will be recorded as a new and separate, complaint.

Our response to a Stage 1 complaint will contain the following, in clear plain language:

- The complaint stage
- The complaint definition (that is what your complaint is about and the outcome you are seeking)
- The decision about 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 2 if you are not satisfied with the response
- Details of how to contact the Housing Ombudsman for advice and assistance

If you are unhappy with the initial response you have received to your complaint, you should contact us and ask for your complaint to be escalated to Stage Two. You do not have to explain or give a reason for requesting that your complaint is escalated to Stage 2.

We will only refuse to escalate a complaint to Stage 2 if we have a valid reason for doing so and, if this is the case, we will always provide you with an explanation.

➤ **Stage Two**

We will send you an acknowledgement of your Stage Two complaint within 5 working days of us receiving it. This will set out our understanding of your complaint and the outcome you are seeking. It will also tell you who will be investigating your complaint and when you can expect a full response. The Investigating Officer will not be the same person that investigated your complaint under Stage 1 to ensure that their investigation is independent and objective.

The Investigating Officer will contact you where appropriate to clarify the issues and your desired outcome in relation to each element of your complaint.

The Investigating Officer will provide you with a thorough response within 20 working days from us acknowledging your request to escalate your complaint. If this is not going to be possible, we will give you an explanation and agree a date when the Stage two response will be sent to you. The revised response date should not exceed a further 20 working days without good reason. We will also advise you of your right to access the Housing Ombudsman Service for advice and support.

We will respond to your complaint when we know the answer to it not when the outstanding actions to address the issues are completed. However, we will make sure that any outstanding actions are actioned promptly and we will provide you with updates, as appropriate.

When we do send a full response to you, we will address all points raised in your complaint and give clear reasons for any decisions, referencing policy, law and good practice, where appropriate

The response to a Stage 2 complaint will contain the following, in clear plain language:

- The complaint stage
- The complaint definition (that is what your complaint is about and the outcome you are seeking)
- The decision about 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 contact the Housing Ombudsman for advice and assistance

There may be circumstances, under both stages of our Complaints Procedure, where we need to extend the timescale for response – for example where people are unavailable due to sickness absence. However, this will be the exception and not the rule and we will always speak with you if it is necessary to extend the timescale.

If an extended timescale cannot be agreed, we will provide the Housing Ombudsman's contact details so that you can challenge the timeliness of our response.

Stage 2 is the final stage of investigation under the Council's Housing Complaints Policy.

➤ **Housing Ombudsman**

The Housing Ombudsman Service is the final stage of the complaints process and they will consider whether your complaint comes within their jurisdiction, investigate as appropriate and come to a decision on your complaint.

The Housing Ombudsman Service can also provide advice and support throughout the life of a complaint and we will advise you of this as part of our complaints handling and response.

Complaints can be referred to the Housing Ombudsman Service by:

Filling in the Making a Complaint form on their website www.housing-ombudsman.org.uk

Emailing info@housing-ombudsman.org.uk

Phoning 0300 111 3000

Writing to: Housing Ombudsman Service, PO Box 152, Liverpool, L33 7WQ

Via their website www.housing-ombudsman.org.uk

Following the Housing Ombudsman's consideration of your complaint we will not consider the matter further.

The Housing Ombudsman also has a legal duty to make sure that landlords meet the requirements of its Complaints Handling Code.

Our complaint handling principles

In handling the complaints we receive, we will:

- Conduct the investigation in an impartial manner

- Deal with the complaint on its individual merits
- Aim to resolve complaints at the earliest stage possible
- 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
- Give you and anyone who is subject to a complaint a fair chance to set out their position
- Not generally identify individual members of staff or contractors
- Keep you updated about the progress of the investigation
- Send you a response when the answer to your complaint is known and not when outstanding actions to address the issue are completed.
- Advise you of your right to seek advice from the Housing Ombudsman Service throughout the complaints process
- Advise you of your right to escalate a complaint and not unreasonably refuse to escalate a complaint
- Keep a record of all complaints and the outcomes at each stage

If, due to exceptional circumstances, we are unable to meet the commitments of this policy, we will let you know and publish this information on our website. We will also let the Housing Ombudsman know.

Putting things right

Where something has gone wrong, we will acknowledge this and set out the actions we have already taken or intend to take to put things right. These can include:

- Acknowledging where things have gone wrong
- Providing an explanation, assistance or reasons
- Taking action if there has been a delay
- Reconsidering or changing a decision
- Amending a record or adding a correction or addendum
- Providing a financial remedy
- Changing policies, procedures or practice.

Complaints can be resolved at any stage of our complaints policy.

If we uphold your complaint you can expect an apology and for us to put things right quickly. We may also propose one or more of the above actions. The aim of these actions is to put you back in the position you were in before the problem occurred and make amends for any loss you may have suffered as a result. Although we will consider each complaint on its merits we will try to ensure we offer similar remedies for similar situations.

Remedies may include a review of our practices and procedures to ensure that the same thing does not happen again, or we may take a specific action.

Recording complaints

All complaints received will be recorded to make sure that they are dealt with in line with this policy. This information will also be used to identify topics and trends so that we can learn from the things you tell us and improve our services in the future.

During the complaints process, a file containing correspondence and other relevant documentation (such as written notes, transcripts of conversations, etc) will be maintained and all records will be kept in line with the Council's published retention periods.

During the complaints process it may be necessary to share your personal details with council officers but we will only share details that are relevant to your complaint and all personal data will be securely stored and processed in line with the Council's Data Protection Policy and the provisions of the General Data Protection Regulations (GDPR) and the Data Protection Act 2018. Further details are contained in our [Privacy Notice](#)

Satisfaction surveys

Once we have dealt with your complaint, we will send you a survey to find out how satisfied you were with the way we handled your complaint. We would appreciate you taking the time to fill this in as this information will help us improve the way we handle complaints.

Unreasonably persistent complainants

We do not normally limit contact with our offices. However, if you display unreasonably persistent behaviour for example, you contact our offices so many times that it hinders our handling of your complaint, we may take action to limit your contact.

We would not take action simply because you are not satisfied with the outcome of our investigation or because you refer your complaint to the Housing Ombudsman. That is your right and pursuing your complaint through the appropriate channels is not the same as being unreasonably persistent.

For further information, please refer to our Unacceptable Customer Behaviour Policy.

Accessibility and equal opportunities

The Council is committed to treating all customers fairly and with respect and professionalism.

In applying this policy, we will make sure that no individual is discriminated against on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief (including political opinions), sex or sexual orientation and will comply with our duties under the Equality Act 2010, including the public sector equality duty (section 149).

We will make reasonable adjustments to our complaints service where necessary, ensuring tenants with a disability are not at a disadvantage when accessing the service.

Examples of the reasonable adjustments we will make are:

- Using the customer's communication preference throughout the duration of the complaint;
- We will not request a complaint to be made in writing where this presents a barrier or disadvantage to the customer due to their disability or additional needs;
- Extension of any time limits (where it is lawful to do so); and
- Provide information in alternative formats eg. Braille, large print or on coloured paper.

In the circumstance where we are unable to make a reasonable adjustment due to cost or resources, we will work together with the tenant to find the most appropriate alternative solution for them.

For further information, please refer to our Reasonable Adjustments Policy

Monitoring and reporting

We will produce an annual complaints performance and service improvement report to meet the requirements of the Housing Ombudsman. This will include:

- An annual self-assessment against the Housing Ombudsman's Complaints Handling Code to make sure that our complaints handling policy meets their requirements;
- A qualitative and quantitative analysis of our complaints performance including a summary of the types of complaints we have refused to accept;
- Any findings of non-compliance with the Code;
- Details of service improvements made as a result of the learning from complaints;
- Any annual report about our performance from the Ombudsman; and
- Any other relevant reports or publications

This will be reported to the Council's Cabinet by no later than the end of June each year. It will also be published on our website, together with any comments made by our Cabinet.

Continuous learning and improvement

As well as responding to individual complaints, we look at the number and type of complaints we receive to see if there are any common themes or trends. This can help us to identify issues and make changes to the way we do things so that the same thing does not happen again. We will publish details about the lessons we have learnt and any changes made.

The Portfolio Holder responsible for Housing is our Member Responsible for Complaints and will receive regular information about the complaints we receive and how we have handled these.

The Member Responsible for Complaints will also support and encourage a positive complaint handling culture which reflects the need for all relevant staff to:

- Have a collaborative and co-operative approach towards handling complaints, working with colleagues and across departments
- Take collective responsibility for any shortfalls identified through complaints rather than blaming others, and
- Act within professional standard for engaging with complaints.

Review of this policy

The policy will ~~then~~ be reviewed every two years in consultation with tenant representatives, staff, and other stakeholders, including the Portfolio Holder responsible for Housing, unless there are any reasons, such as legislative or regulatory changes, requiring that it be reviewed earlier.