

# Housing Complaints Policy

September 2022

## **HOUSING COMPLAINTS POLICY**

### **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. 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 purpose of this policy is to set out the approach that Tendring District Council will take in response to complaints received about its role as a landlord.

We know that sometimes it is difficult to complain. 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 as a result. 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.

### **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.

It will also work in conjunction with other Council policies, as applicable.

### **What is a complaint?**

We define a complaint as:

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

You do not have to use the word complaint for it to be treated as one. However, there is a difference between a request for a service, feedback given as part of a survey and a formal complaint but, in all instances, we will try to resolve any issues raised as quickly as possible.

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, where you are unhappy with a situation that you wish to have resolved – such as a repair, and a complaint such as those set out in the list above.

## What this policy does not cover

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

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

These 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 six 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.

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

### **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 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.

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.

### **How to make a complaint?**

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 emailing [councilhousingcomplaints@tendringdc.gov.uk](mailto: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 Housing Ombudsman.

### **How will your complaint be handled?**

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 use this formal procedure to fully consider your complaint.

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 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.

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 receiving it. If this is not going to be possible, we will contact you to explain why this is and will also give you a date by which you should receive a response. This will not normally exceed a further 10 working days unless there are exceptional circumstances.

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. We will remind you that you can do this when we send you our thorough response under Stage One. We will also advise you of your right to access the Housing Ombudsman Service.

➤ **Stage Two**

We will send you an acknowledgement of your Stage Two complaint within 5 working days of us receiving it.

We will then appoint an Investigating Officer to look into your complaint and this will normally be someone outside of the department or team that you are complaining about to make sure that their investigation is independent and objective. It will not be the same person that investigated your complaint under stage one

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 contact you with a thorough response within 20 working days from us receiving your request to escalate your complaint. If this is not possible an explanation and a date when the stage two response will be sent to you. The revised response date should not exceed a further 10 working days without good reason. We will also advise you of your right to access the Housing Ombudsman Service.

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 agree 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.

### ➤ **Designated Person/Democratic Filter**

If you are not satisfied with the response you have received from us under Stage Two, you may wish to complain directly to the Housing Ombudsman.

However, they will only act if your complaint has been considered under our Complaints Procedure and a period of eight weeks has elapsed since you received our response under Stage Two.

During this eight week period, you have the choice of taking your complaint to a Designated Person. This can be a MP, local councillor or, where they are set up, a Tenants Complaints Panel. Please note that in Tendring, we do not have a Tenants Complaints Panel set up.

The Designated Person may:

- help to resolve your complaint directly;
- refer your complaint to the Housing Ombudsman before the eight week time limit; or
- decline to do either of the above. In these circumstances, you will then be able to refer the matter directly to the Housing Ombudsman on receipt of the response from the Designated Person.

### ➤ **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](http://www.housing-ombudsman.org.uk)

Emailing [info@housing-ombudsman.org.uk](mailto: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](http://www.housing-ombudsman.org.uk)

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

### **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

- 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 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 unreasonable refuse to escalate a complaint
- Keep a record of all complaints and the outcomes at each stage

### **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.

If we uphold your complaint you can expect an apology and for us to put things right quickly. We may also propose a number of other 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 procedure. 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 and the Designated Person or Democratic Filter 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.

## **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).

To make sure that this Complaints Procedure is easily accessible we:

- use plain language;
- accept complaints over the phone or in person, in writing, by e-mail, via our website or by any other reasonable means;
- provide information and responses in Braille, large print, audio, easy read format and other languages where needed; and
- provide translators (including sign language translators) where needed.

## **Monitoring and reporting**

Our performance under this policy will be measured by recording and monitoring the following:

- Number of complaints received under Stage One and Stage Two;
- Number complaints responded to within specified timescales;
- Number of complaints received that were upheld or partially upheld;
- Customer feedback on their experience when making a complaint;
- Analysing volumes and types of complaint;
- Lesson learned log;
- Publishing the number and type of complaints received and reviewing these with members of our Tenants Panel; and
- Number of complaints that are upheld by the Housing Ombudsman Service.

## **Review of this policy**

We will carry out an annual self assessment against the Housing Ombudsman's Complaints Handling Code to ensure we meet their requirements

The policy will then be reviewed every three years in consultation with tenant representatives, staff and other stakeholders unless there are any reasons, such as legislative changes, requiring that it be reviewed earlier.