Housing Complaints Policy

# Introduction

* 1. Housing services welcomes complaints and compliments from anybody who has received either a poor or good service from us. We welcome and value this feedback because, without it, we would not be able to learn from and correct our mistakes; similarly, it is good to know when we have got the service right.
  2. We are committed to making it as easy as possible for you to provide feedback to us, and to use your feedback to improve our services. We ask that you work with us in the first instance to let us know if you are unhappy or dissatisfied and to give us the chance to put things right.
  3. We believe it is better to resolve any concerns at a local level where possible. However, we recognise that this is not always appropriate, and we encourage people to use our Complaints Procedure if required as set out below.
  4. This policy is promoted to tenants through a variety of methods including, at the point of signing a new tenancy, via tenant meetings, on posters, on noticeboards and online.

# Purpose

* 1. This policy sets out the Council’s complaints process for HRA complaints and covers complaints that are raised to the Housing Ombudsman Service.
  2. This policy has been developed to ensure that Housing Services, adhere to the with the Housing Ombudsman’s Dispute Resolution Principles. We will do this by Being Fair, Putting Things Right and Learning from Outcomes.
  3. The purpose of this policy is to provide a quality service by.
     1. Keeping customers informed
     2. Putting things right in reasonable timescales
     3. Managing expectations
     4. Fully, and accurately, record details, actions, and investigations of the complaint at all stages.
     5. Use learning outcomes from the complaints to improve our services.
  4. The objectives of the policy are to:
     1. define a complaint and make it clear who can make a complaint and how.
     2. be clear, simple, accessible and to ensure complaints are resolved promptly, professionally, and fairly.
     3. Provide details of what customers can do if they are not happy with the resolution or decision, and what they can do to escalate their complaint.
     4. learn from outcomes to improve our service.
     5. Manage complaints in line with the Housing Ombudsman Service complaint code.

# Scope

* 1. This policy applies to all Council staff and contractors. Medway Council is committed to meeting the regulator’s standards in respect of its social housing properties and tenancy management as well as legal frameworks relevant to housing, the environment, health and safety, data protection and safeguarding.

# Legislation and Guidance

* 1. Legislation
     1. The Localism Act 2011Housing Act 1996 (schedule 2)
     2. Housing Act 1996 (schedule 2)
     3. Equality Act 2010
     4. General Data Protection Act 2018
     5. Housing Ombudsman Scheme
     6. Tenant Empowerment Standards
     7. Social Housing White Paper
     8. Housing Ombudsman Complaints Handlers Code
     9. Data Protection Act 2018

# Policy

## Complaint Process and Timeframes

* + 1. A complaint is 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.
    2. A resident does not have to use the word complaint for it to be treated as such. In our contacts with you we will try and correct any issues quickly, however if further enquiries are needed to resolve the matter, or if you request it, the issue will be logged as a complaint.
    3. A complaint that is submitted via a third party or representative will still be handled in line with this complaints policy.
    4. Housing Services takes all data protection seriously. All our activity collection, storage, access to, provision and disclosure of data complies with the Data Protection Act 2018.
    5. Following a compliant the Complaints Officer will acknowledge receipt of your complaint in writing by letter and/or email as soon as possible and within 5 working days. The acknowledgement will outline our understanding of the concerns raised by the complainant.
    6. We will advise you as to:
       1. Agree a date or timeframe by which you can expect to receive a response to your complaint and what will happen if we cannot meet the agreed timeframe.
       2. We will generally seek to talk to you directly about your concern. We will establish what you would like to see happen because of your complaint.
       3. Staff should manage residents’ expectations from the outset, being clear where a desired outcome is unreasonable or unrealistic.
       4. Residents can contact the Housing Ombudsman Service for advice at any point including for the following reasons: if they are having difficulty reporting an issue, if they feel Housing Services is not responding correctly or if they are dissatisfied with the response from the landlord.
       5. Housing Services will promote the details of the Housing Ombudsman Service to tenants:
          1. Housing Ombudsman Service Exchange Tower Harbour Exchange Square London E14 9GE. www.housing-ombudsman.org.uk (online complaints form available from this website) Tel: 0300 111 3000 Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)
          2. Financial complaints (such as money or debt advice) can also be made to the Financial Ombudsman Service
          3. Financial Ombudsman Exchange Tower Harbour Exchange Square London E14 9GE <https://www.financial-ombudsman.org.uk> Tel: 0300 123 9 123

## Putting things right

* + 1. We will be flexible in our approach and help our customers through the complaints process in a way that works best for them.
    2. We will take ownership of a complaint, act quickly to identify the problem and put it right straight away. Our focus is always on resolving issues at the first stage wherever possible.
    3. We will be responsive, approachable, and helpful at all stages of the complaint’s procedure. No customer will suffer any disadvantage because of making a complaint.
    4. We will be flexible in our approach and help our customers through the complaints process in a way that works best for them.
    5. We will acknowledge and apologise for any failure identified, give an explanation and, where possible, inform the resident of the changes made or actions taken to prevent the issue from happening again.
  1. When considering what action will put things right, we will carefully manage the expectations of our residents. We will not promise anything that cannot be delivered or would cause unfairness to other residents.
  2. Any remedy offered must reflect the extent of any service failures and the level of detriment caused to the resident as a result.

## Compensation

* + 1. In awarding compensation, Housing Services will consider whether any statutory payments are due, if any quantifiable losses have been incurred as well as the time and trouble a resident has been put to as well as any distress and inconvenience caused – See Compensation and Redress Policy for guidance.

## Stage 1

* + 1. This is the first formal stage, usually undertaken by the Complaints Officer or the Partnership, Strategy and Customer Relations Manager. Where a complaint includes issues for more than one part of our service, the investigation will be led by the person who has responsibility for the major part of the complaint. We will aim to provide you with a single response whenever possible.
    2. Housing Services aim to investigate and to respond to complaints in writing by letter and/or email within 10 working days where possible.

If this is not possible an explanation will be offered and a date by which a response should be received. This generally will not exceed a further 10 days without good reason.

* + 1. If it is taking longer than anticipated, we will inform you of the reason for the delay and when you can expect to receive a response.
    2. Our response to your complaint will be set out clearly in relation to the points you have made and can be provided by letter, email, face to face or by telephone.
    3. Where a response is given by telephone or in person, we will provide written confirmation of our response.
    4. If we are unable to resolve your complaint at this stage, we will advise you that you can escalate your complaint to Stage Two should you wish to do so.

## Stage 2

* + 1. Stage Two addresses complaints that have not been resolved to the complainant’s satisfaction at Stage One.
    2. A request to escalate the complaint to Stage Two should be made to the Housing Complaints Officer within 20 days of the date we provided the response to your initial complaint at Stage One.
    3. We aim to investigate and to respond to complaints in writing by letter and/or email within 10 working days where possible. If this is not possible an explanation will be offered and a date by which a response should be received.
    4. This generally will not exceed a further 10 days without good reason. If it is taking longer than anticipated, we will inform you of the reason for the delay and when you can expect to receive a response.
    5. Our response to your complaint at Stage Two is final. Within our final response, we will inform you of your right to take your complaint to the Housing Ombudsman if you remain dissatisfied. We will provide the contact details for the Housing Ombudsman Service.
    6. A full record shall be kept of the complaint, any review, and the outcomes at each stage.

## Housing Ombudsman

* + 1. If you remain dissatisfied at the end of the complaints process, you may raise your complaint with the Housing Ombudsman.
    2. The Housing Ombudsman complaints handling code has been implemented to raise standards in complaint management across the sector.
    3. Housing Services are committed to complying with the requirements of the Housing Ombudsman’s complaint handling code and will share its self-assessment at least annually with our customers.
    4. Housing Services will cooperate with the Ombudsman’s requests for evidence and provide this within 15 working days. If a response cannot be provided within this timeframe, Housing Services shall provide the Ombudsman with an explanation for the delay. If the explanation is reasonable, the Ombudsman will agree a revised date with the landlord.
    5. Failure to provide evidence to the Ombudsman in a timely manner may result in the Ombudsman issuing a complaint handling failure order.
    6. If we determine not to accept a complaint, we will provide a detailed explanation to the complainant setting out the reasons why the matter is not suitable for our complaints process. In addition, we will provide the details of the Housing Ombudsman Service where the complainant can challenge our decision.

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* 1. Accessibility and awareness
     1. Medway Council Housing Services will make it easy for residents to complain, by providing different channels through which residents can make a complaint. For example:
        1. Via the Medway Council Housing Complaints webpage
        2. Directly to Medway Council staff over the phone or in person
        3. By letter, or otherwise in writing
        4. Via a third party such as local Councillor or MP
     2. We welcome the involvement of advocates, and where it is felt that a complainant would benefit from the support of an advocate, depending on the nature of the complaint, we will signpost you to the appropriate advocacy service
     3. Housing Services can offer support of the Community Interpreting Service to tenants making a complaint.

## Exclusions

* + 1. Housing Services shall accept a complaint unless there is a valid reason not to do so.
    2. Where Housing Services decides not to escalate a complaint, we will provide an explanation to the resident. It should make clear that its previous response was its final response to the complaint and provide information on referral to the Housing Ombudsman.

## Enquiries

* + 1. A request for information about us or the services that we offer. Service requests or a request or demand to access services we provide.

## Persistent or vexatious complainants

* + 1. There are a small number of customers who may be deemed by us to be a ‘persistent or vexatious complainant’ due to the behaviours they demonstrate in pursuing the resolution of their complaint. For example:
       1. A ‘persistent or vexatious complainant’ displays behaviours/actions which are disproportionate, are harassing and repetitious.
       2. They seek unrealistic outcomes relative to the issue being raised and state that their intention is to persist until that outcome is achieved.
       3. They repeatedly make the same complaint with minor differences, but do not accept the outcome of any investigation into their complaints.
    2. The inclusion of this section within the policy is to ensure that those customers who we deem to be ‘persistent or vexatious complainants’ are still dealt with fairly, honestly, and properly, whilst also ensuring that the wellbeing of staff and managers is not adversely affected.
    3. When a customer is being dealt with under this section of the policy, information concerning the restrictions will be shared with relevant managers and staff to ensure that they are still dealt with fairly, honestly, and properly, whilst also ensuring that other service users or staff are not adversely affected. Information about the restrictions will also be registered on the customer’s records whilst they are in force.

## Anti-Social Behaviour

* + 1. A complaint about neighbour nuisance and antisocial behaviour, it will be dealt with under our Anti-social behaviour policy. If we do not follow what we say in our policy, this may become a complaint.

## Repair Notification

* + 1. Requests from a customer that a defect within the property is addressed.

## Claims for damages or insurance claims

* + 1. A direct claim for money not arising from a complaint following an event or incident for which the claimant believes Medway Council, or its contractors are responsible.

## Disrepair Claims

* + 1. A claim being dealt with by Medway Councils Housing’s legal representative(s).

## Legal Claims

* + 1. A claim being pursued on behalf of a customer, leaseholder, member of the public or third-party seeking redress through the courts.

## Accidents

* + 1. Accidents and incidents will be dealt with under our accident and incident procedures, however complaints about the way an accident or incident has been dealt with will be covered under this policy.

## Complaints about staff or contractors

* + 1. Housing Services are committed to being open and accountable for the actions of our staff and others acting on our behalf. If you have serious concerns about our staff, please come forward and let us know.
    2. If a fraud, theft, or other crime may have been committed we will be obliged to inform the police of the concerns. If the complaint involves the safeguarding of children and/or vulnerable adults, we will be obliged to report the concerns via Medway Councils safeguarding procedures.
    3. If you have a complaint about a member of our staff, and our investigation finds that a member of staff acted in such a way as to merit disciplinary action, our normal disciplinary policies will apply.
    4. The amount of detail we can share relating to internal disciplinary actions may be limited by the need to maintain employee confidentiality, but we will advise you that this is the course of action being taken.

## Anonymous complaints

* + 1. Anonymous complaints will be investigated as far as possible, and a record of the complaint, the investigation and outcome kept
  1. Concerns about legal liability
     1. In some cases, a resident may have a legal entitlement to redress. There may be concerns about legal liability in this situation. Even so, we will still offer a resolution where possible, as that may remove the need for the resident to pursue legal remedies.
     2. Housing Services has a duty to rectify problems for which we are responsible. However, where necessary a resolution can be offered with an explicit statement that there is no admission of liability. In such a case, legal advice as to how any offer of resolution should be worded should be obtained.
     3. For further information on remedies please see <https://www.housing-ombudsman.org.uk/about-us/corporate-information/policies/dispute-resolution/policy-on-remedies>
  2. Continuous learning and improvement
     1. Learning outcomes will be recorded for all complaints, this includes those at the informal stage. We will publish service improvements we make as a result of complaints to our customers.
     2. Learning and improvement from complaints are included in the Housing Services Annual Report.
     3. Housing Services reports back on wider learning and improvements from complaints to our residents, managers, and staff.
     4. Feedback is regularly provided to relevant scrutiny panels, committees and boards and be discussed, alongside scrutiny of the Ombudsman’s annual landlord performance report.
     5. Housing Services proactively uses learning from complaints to revise policies and procedures, to train staff and contractors and to improve communication and record-keeping.
  3. Staff Training
     1. All staff and contractors will be trained in this policy, its associated processes including Customer Services, and the requirements of the Housing Ombudsman Complaints Handlers Code.

# Role, responsibilities, and authority

* 1. The Assistant Director RCET retains the overall responsibility for the implementation of this policy.
  2. The Housing Manager is responsible for the operational delivery of this policy and the associated procedures. This includes responsibility for monitoring and review, staff awareness and training, policy development and communication to customers.

# Monitoring, review, and evaluation

* 1. This policy will be reviewed on a biennially basis or in line with legislative or regulatory changes.
  2. Complaints will be monitored by the Quality Management System and Quality Management Meeting system. To identify complaints received, their outcome and proposed changes as part of our reporting and planning process.
  3. Quarterly updates will be provided to Departmental Management Team and HRA Governance Board.

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