

# Housing Services

## Complaint's & Enquiries Standard

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## **1. Introduction**

1.1 Redditch Borough Council Housing Services wants to make sure our residents and service users are satisfied with the services they receive.

1.2 We welcome and actively encourage residents, service users and elected members to engage with us when they are satisfied with the services they have received, want to make suggestions on how we could improve, or when things have gone wrong. We believe that dealing effectively and transparently with all such feedback is essential to providing good services, by continuously learning, and improving what we do and how we do them.

1.3 This standard applies only to tenants, residents and users of homelessness and housing services, and their representatives and clearly sets out how complaints and feedback will be consistently dealt with, ensuring that residents and service users voices are heard and wherever possible and meaningfully engaged when changes or improvements are identified as required to our approach and processes

## **2. Aims and Objectives**

2.1 That the Housing Service:

- Affords clarity and consistency to residents, service users and members.
- Manages enquiries, feedback, and complaints in accordance with legislation, obligations, and consolidated best practice.
- Empowers staff to take responsibility and handle customer complaints and member enquiries effectively and minimise failure demand.
- Captures feedback and uses it to understand our residents and service users and as insight, to drive continuous service improvement.
- Makes best use of resources and delivers value for money to residents and service users.

## **3. Our principles**

3.1 Housing Services take all feedback and comments seriously and we encourage all colleagues to resolve issues by meaningfully engaging with our residents, service users and their representatives personally wherever possible, and to take a collaborative and co-operative approach to resolving complaints, working with colleagues across teams and departments where necessary.

3.2 Whether using the informal or formal process we will:

- Put the resident, service user or their representative at the heart of the process, engaging and handling any complainant with sensitivity, dignity and respect and endeavouring to both understand and respond clearly and appropriately to the circumstances.
- Keep members, residents and service users informed about the complaint's progress; do what we say we will, when we say we will do it and provide an outcome withing agreed timeframes.
- Apologise and offer suitable redress if we have made a mistake, or when something has gone wrong, we will put it right as soon as possible.
- Make sure our response addresses all elements of the complaint and provides explanations for any decisions made or actions taken.
- Record all complaint information and use it in a positive way to prevent similar occurrences in the future to ensure that we can learn and improve.

## **4. What is a complaint?**

4.1 A **complaint** is any expression of dissatisfaction, however made, about the standard of service, actions, or lack of action, by the Housing Service, its own staff, or those acting on its behalf (such as a partner or contractor), affecting and individual resident or group of residents and that requires a response.

4.2 A complaint could be in relation to any of the following:

- There has been a significant delay in providing a service.
- We have made a mistake in the way we provided a service.

- We have failed to deliver a service: this could relate to the quality, standard or service level.
- We have not listened properly.
- Our processes or policies have not been followed.
- Our legal or regulatory obligations have not been met.
- We have not delivered against a commitment or promise.
- Our staff have been rude, inappropriate, or unprofessional.

4.3 The word “complaint” does not have to be explicitly used for it to be treated as such. The Housing Reviews and Complaints Team will decide if it is a complaint to be handled in line with the Complaints Standard, or if it is a **service request**, whereby a resident or service user is unhappy with a situation that they wish to have rectified, and co-ordinate accordingly.

4.4 If further enquiries are needed to resolve the matter, or if the resident requests it, the issue must always be logged as a complaint.

## **5. Who can complain?**

5.1 A resident or service user who has received a service provided by, or on behalf of the Housing Service, can raise a complaint. A complaint can also be raised by someone who has been directly affected by such a service, or who is representing a resident or service user, with the resident or service users' consent, including, but not limited to Elected Members. (\*1)

## **6. What is not considered a complaint?**

6.1 Where a resident or service user has expressed their dissatisfaction with the Housing Service, but it is not appropriate to follow this Standard or the Corporate Complaints Policy. The resident or service user will be advised of this at the earliest possible opportunity and given information about any alternative procedure. Such occasions are:

- Survey feedback and requests for service, need not be treated as complaints, however, where possible, the Council will make the respondent aware of how they can pursue their dissatisfaction as a complaint if they wish to.
- Appeals processes against a decision made - for some services there are alternative statutory appeals, tribunal processes or other policies in place which must be used rather than this Standard or the Corporate Complaints Policy. Examples include but are not limited to Decisions under Part 6 & 7 of the Homelessness Act, Landlord’s decisions to end an Introductory Tenancy.
- Where dissatisfaction with a decision or judgment is expressed in the absence of any fault or failure on the part of the Housing Service, such as those listed in section 4.
- Complaints about Councillors and Members of Parliament (MP’s)
- Complaints made more than one year after the resident or service user became aware of the issue (unless there are exceptional circumstances), due to the passage of time.
- Staff personnel issues, such as discipline, grievance, recruitment, and selection.
- Allegations of fraud, theft, or corruption by a member of staff.

6.2 If the Council decides not to accept a complaint, a detailed explanation must be provided to the complainant or their representative, setting out the reasons why the matter is not suitable for the complaints processes and the right and process then to take the matter to the Ombudsman.

(\*1) If the resident or service user is complaining or enquiring through a councillor or MP then consent is implied, however regard MUST be given to releasing information pertaining to third parties to any response to any enquiry or complaint, for example another resident or service user.

## **7. How we will handle enquiries from elected members**

7.1 Members are representatives of residents and service users; therefore, any enquiry must be logged with the Housing Reviews and Complaints Team, and the enquiry be treated in the same way as a complaint, and in accordance with section 8 & 9.

## **8. How we will handle complaints from residents, service users & their representatives.**

8.1 Housing Services will apply a two stage complaints process.

8.2 Any complaint relating to Housing Services, howsoever received, must be logged with the Housing Reviews and Complaints Team immediately upon receipt. All complaints and enquiries must be logged and acknowledged as a stage 1 complaint with five working days. The acknowledgement must set out the understanding of the outstanding issues and any outcome/s the resident or service user is seeking.

8.3 The Housing Reviews and Complaints Team, will then work personally with the resident, service user or their representative to understand their complaint, and agree a preferred method and frequency of contact. The Housing Service will not unreasonably refuse to accept a complaint unless the criteria in Section 6 and 15 are met, and the reasons why it is not an acceptable complaint will be explained fully, both verbally and in writing, within ten working days. The communication will also outline the process of recourse to the relevant Ombudsman at this stage, should the resident, service user or their representative wish to challenge the decision.

8.4 Where it is identified that the resident or service user has a legal entitlement to redress, then a resolution should still be offered where possible, however, legal advice should be sought about how any offer of resolution should be worded

8.5. Once the complaint is accepted as a complaint, the Housing Reviews and Complaints Team will then work with Service Managers to fully investigate, work inclusively towards a positive resolution, and provide a formal response, within the timescales set out in Section 9. Should there be any adverse findings to be made, then all parties to the complaint, including any staff members, must be given an opportunity to comment before a final decision is made.

8.6 If an extension of time is needed to produce a resolution / response then an explanation and a date for response must be agreed with the resident, service user or their representative. The extension of time should not exceed a further ten working days without good reason. Where an extension period cannot be agreed, then the complainant will be provided with the relevant Ombudsman details, should they wish to challenge the Council on the standards.

8.7 If the resident, service user or their representative remains dissatisfied with any outcome, then an explanation of why and how the initial response failed to fully address their concerns must be provided to the Housing Reviews and Complaints Team within ten working days of the stage 1 response being issued. A tier four Manager, or Head of Service, in their absence, will then review the stage 1 process and in discussion with the complainant, decide if there are grounds to escalate the complaint to Stage 2. The Housing Service will not unreasonably refuse to escalate a complaint to stage 2, unless the reasons for declining are the same as the reasons for not accepting a complaint as set out in Section 6 and 15.

8.8 Where it is decided the complaint will not be escalated, the reasons why will be explained to the complainant fully both verbally and in writing, within ten working days. The communication will also outline the process of recourse to the relevant Ombudsman at this stage, should they wish to challenge the decision.

8.9 Where an escalation has been accepted, then Stage 2 will be acknowledged within five working days, with the acknowledgement setting out the full understanding of the outstanding issues and any outcome/s the resident or service user is seeking. A formal written response will be provided to the complainant within twenty working days, detailing the process of recourse to the relevant Ombudsman, should they remain dissatisfied once the internal process has been exhausted. If an extension of time is needed, see section 8.4. If any adverse findings are to be made, then all parties to the complaint, including any staff members, must be given an opportunity to comment before a final decision is made.

8.10 All complaint responses must be sent to the resident, service user or their representative when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned expeditiously, with regular updates provided to the resident, service user or their representative.

8.11 Consider incorporating additional complaints made during any investigation period if they are

Relevant and if the response has yet to be issued. Where the response has been issued, or investigation would unreasonably delay the response, then a new complaint should be opened.

8.12 Where the problem is a recurring issue, any older reports should also be considered as part of the background work to the complaint, if this will help to resolve the issue for the resident.

8.13 The complaint handler will always:

- Approach all complaints acting independently, sensitively and with an open mind free of bias, prejudice, or conflict of interest.
- Address all points in the complaint, provide clear responses and reasons for decisions, referencing any relevant law, policy or best practice applied in reaching the decision,
- Will have access to any staff at all levels to facilitate quick resolution and will have the authority and autonomy to act to resolve any dispute quickly and fairly.
- Give residents and service users the opportunity to set out their position and / or have a representative deal with their complaint on their behalf, and to be accompanied / represented at any meeting with the complaint handler, where it is reasonable to do so and if not already done so.
- 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, including the identification of individual staff members or contractors
- Give any complainant, Officer or Contractor who is subject to the complaint, a chance to set out their position and comment on any adverse findings before a final decision is made.
- In any response, there will be, in clear plain language, an address of all points raised in the complaint and clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.

## **9 Timeframes for Responding to Complaints and enquiries**

- |   |  |
|---|--|
| • Logging and acknowledgement (All)         | Five Working Days                            |
| • Stage 1 response (Complaint not accepted) | Ten working days                             |
| • Stage 1 response (Complaint accepted)     | Ten working days from receipt of complaint.  |
| • Stage 1 response (Member enquiry)         | Ten working days from receipt.               |
| • Request to escalate to stage 2            | Received within ten working days of decision |
| • Stage 2 Response (Complaint not accepted) | Ten working days                             |
| • Stage 2 response                          | Twenty working days                          |
| • Extension of time (All)                   | Ten working days                             |
| • Responding to the relevant Ombudsman      | As directed by the Ombudsman (15 days)       |

## **10. Appropriate Remedies for complaints and enquiries**

10.1 Where something has been found to have gone wrong, we will acknowledge this and clearly set out the actions already taken, or intended to be taken to put things right, and by when. Complaints can be resolved in several ways. We intend that any remedy offered reflects the extent of all service failures, and the level of detriment caused to the resident as a result.

10.2 Such remedies may include:

- Acknowledging where things have gone wrong.
- Providing an explanation, assistance, or reasons.
- Apologising.
- Acting promptly if there has been delay.
- Reconsidering or changing a decision.
- Amending a record.
- Providing a financial remedy (See Appendix 1 – Compensation Matrix)
- Changing Policies, Procedures and working practices, with inclusion of a resident panel and within the confines of legislation and regulation.

10.3 The factors to consider in formulating a remedy may include, but are not limited to:

- Length of time that a situation has been ongoing.
- Frequency with which something has occurred.
- Severity of any service failure or omission.
- Number of different failures.
- Cumulative impact on the resident.
- Any circumstances or vulnerabilities of the resident

10.4 Financial compensation may also be considered with regards to payments for quantifiable losses incurred, time lost, distress and inconvenience caused to the complainant. Please refer to the Compensation Matrix in Appendix 1.

## **11. Suspending complaints and enquiries**

11.1 Investigations may be suspended if there are concurrent investigations for:

- Adult and child safeguarding.
- Court and/ or Tribunal proceedings.
- Grievance & Disciplinary.
- Criminal proceedings.

11.2 Once concluded, any outstanding issues in relation to the complaint or enquiry can be considered if it is deemed appropriate to do so. A Tier 4 Manager, or above, will make the decisions to suspend and/or to continue a complaint or enquiry.

## **12. Discontinuing complaints and enquiries**

12.1 Housing Services can decide to stop any investigation or review of a complaint or enquiry at any time if the resident or service user fails to respond to requests for further information. This will only happen if contact has been attempted and recorded at least three separate times by different methods (where we have alternative contact methods, such as email addresses, telephone numbers or postal addresses) and no response has been received. The decision to discontinue a complaint or enquiry will be made by a Tier 5 or above Manager and sent in writing by letter or email.

## **13. Withdrawing complaints and enquiries**

13.1 A complaint may be withdrawn verbally or in writing at any time by the Member, MP, resident or service user, or their representative. When this occurs, the Officer or Manager handling the complaint will write to the Member, MP resident or service user confirming the withdrawal and advising them that if their intention has been misunderstood, to let them know as soon as possible. We reserve the right to withdraw 'complaints' that are logged on internal systems where they do not fall within the definition of a complaint under this policy.

## **14. Re-opening complaints and enquiries**

14.1 A Member, MP, resident, or service user can request that their enquiry or complaint is re-opened if:

- We have misunderstood their intention to withdraw their complaint
- Their complaint was discontinued due to them having reasonable grounds for not responding.

14.2 A Tier 5 Manager or higher will consider and, if appropriate, authorise the reopening of the complaint.

## **15. Unreasonable behaviour & vexatious complaints**

15.1 Residents or service users who pursue complaints against Housing Services in an unreasonable manner, or where we deem them to be persistent or vexatious, will be dealt with appropriately, ensuring that other resident or service users or Housing Services staff are not adversely affected. Examples are, but are not limited to:

- Refusing to specify or agree the grounds of a complaint or the outcomes sought.
- Not accepting that certain issues are not within the scope of the complaint procedure.
- Not cooperating with the complaint investigation process, despite guidance and offers of assistance being made.
- Insisting on only dealing with one specific member of staff who is unable to address their complaint
- Making multiple and sustained contacts with the Housing Services team through various communication channels about the same matter.
- Making multiple and sustained contacts through Members
- The use of a 'scatter gun' approach in pursuing complaints with multiple members of the organisation and/or external organisations, despite being informed it is not necessary to do so and so makes, or has made, excessive demands on the time and resources of staff.
- Sends repeated, persistent, or abusive communications in connection with the same complaint.
- Makes or publishes derogatory statements or remarks about staff members or the Housing Service, or otherwise harasses, abuses, threatens, or intimidates staff on repeated occasions despite being formally advised this is unacceptable.
- Makes unjustified and unsubstantiated complaints about staff dealing with the complaint.
- Changes the basis of the complaint, or introduces knowingly false, trivial, or irrelevant information as the investigation proceeds, which they expect to be considered and commented on.
- Refuses to accept a decision made on a complaint, repeatedly arguing points with no new evidence or insufficient evidence and persists in pursuing a complaint where the Complaints Policy has been fully and properly implemented and exhausted.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint has been addressed or is groundless)
- Is known to have recorded meetings or face to face/telephone conversations without the prior knowledge and consent of other parties involved.

15.2 It is not possible to devise a single strategy to deal with complaints that are pursued unreasonably, or which are persistent or vexatious, as each case must be looked at on its own merits. If a Tier 4 manager, or in their absence a Head of Service, considers the behaviour is unreasonable, the following procedure will be followed:

- We will inform the resident or service user through an appropriate medium as to why we feel their behaviours or actions are unacceptable.
- We will give opportunity to change their behaviours within a reasonable timescale before taking any further action.
- Should the behaviours persist, evidence will be gathered and presented to a Tier 4 Manager or Head of Service.
- The Tier 4 Manager or Head of Service will review the evidence and then decide on any restrictions to be applied and how long these should last.
- Restrictions will always be reasonable, proportionate, and balanced, based on the nature of the issues established and will not aim to stop the resident or service user from accessing appropriate housing services.

15.3 The Housing Service can apply restrictions in the ways the resident or service user can access its services, which may include one or more of the following:

- The Council will take no further action on their complaint.
- Their use of the services complaints system will be limited to a single point of contact or one form of contact only.
- They may be placed on to the Staff Safety Register.
- The Housing Service will not respond to any further contact unless legally obligated to do so.
- Their right to enter Council premises will be restricted or removed.
- Legal action may be taken, including injunctions or court orders to control their behaviour and communications.

15.4 The resident or service user will be notified of any restrictions applied to them in writing within five working days of the decision. There is no right of appeal regarding the implementation of this section of the



Policy. We would, however, direct the customer to the relevant Ombudsman should they not agree with the application of any such restrictions. Information concerning the restrictions will be shared with relevant staff. This information will also be registered on the customer's record whilst restrictions are in force.

## **16. How to complain**

16.1 Residents and service users can complain in person, over the telephone, in writing, by email and digitally.

16.2 To complain by telephone then resident, service users and their representatives should telephone 01527 64252 during office hours and state to the customer service team if they are unhappy with a situation that they wish to have rectified or wish to make a complaint about the service that they have or have not received.

16.3 To complain by email, residents, service users, or their representatives should address their complaint to [housingreviewsandcomplaints@bromsgroveandredditch.gov.uk](mailto:housingreviewsandcomplaints@bromsgroveandredditch.gov.uk)

16.4 To complain in writing then correspondence should be sent to:

Housing reviews and Complaints  
Town Hall  
Walter Stranz Square  
Redditch  
B98 8AH

16.5 To complain digitally residents and service users and their representatives should use this link to our website: <https://www.redditchbc.gov.uk/my-home/housing-complaint-or-enquiry/i-am-a-council-tenant.aspx>

## **17. Equality**

17.1 The Housing Service will make this Standard available in a clear and accessible format for all residents and service users.

17.2 The Housing Service will comply with the Equality Act 2010 and may adapt normal policies, procedures, or processes to accommodate an individual's needs in line with the Act and ensure that relevant officers are appropriately trained to deal with such requests.

## **18. Monitoring and Review**

18.1 Systems will be in place to ensure full compliance with this standard.

18.2 At the conclusion of the complaint, the resident or service user will be contacted to undertake quality and assurance checks. While satisfaction will be measured, it is acknowledged that some outcomes might never be satisfactory for the resident or service user, and this will be a consideration in measuring and reporting on satisfaction data.

18.3. Complaint and enquiry reports for Housing Services will be shared and reviewed with Service Managers and corporate management team, at least quarterly, with the intention of taking collective responsibility for shortfalls identified through complaints and to maintain professional standards in dealing with complaints.

18.4 Housing Services will report back on wider learning and improvements resulting from complaints in the annual report, more regularly through service wide web pages to residents, service users and elected members.

18.5 Where the monitoring and review process identified a need to change or amend policies, procedures and working practices, within the bounds of legislation and regulation, then the Housing Service will make every effort to engage residents and service users in that process

18.6 This Standard will be reviewed annually, at the same time as the requirement for annual, self-assessment and at any time whereby there is a significant restructure and / or change in procedures. The outcomes must be reported to members, published on the website and in the annual report.

18.7 Indicators of success will include positive feedback from users of the Policy, a continuing trend of learning and improvement within the Housing Service, empowered and efficient staff and resident and service user satisfaction.

## **19. Legislation and Guidance**

- The Housing Ombudsman Complaint Handling Code
- The Equality Act 2010
- The Housing Act 1996 (as amended)

## **20. Related Policies and Procedures**

19.1 The Corporate Complaints Policy

## **Appendix 1 – The Compensation Matrix**

Attached as PDF