

Housing Tenants Complaints Policy and Procedure (Herefordshire Council Tenants only)

2021 – 2024

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This procedure may be reviewed earlier than the Review Date in the event of significant developments requiring changes to the document.

If you would like help to understand this document, or would like it in another format or language, please contact the document owner.

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1. STATEMENT OF PURPOSE

This policy covers complaints concerning housing by people in council housing. It sets out how housing complaints will be dealt with, the timescales, and who should be involved in handling the complaint.

The Housing Ombudsman defines as a complaint 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.

This policy is a statement of what the council does to ensure it handles housing complaints effectively, and to inform all council staff, members and contractors of their responsibilities when receiving and responding to housing complaints. This document also informs members of the public of the process that the council has established for handling housing complaints.

2. BACKGROUND

What is covered by this policy & procedure?

Herefordshire Council owns a small amount of supported housing stock. Most of the general needs housing in Herefordshire is owned by register housing providers. If you have a complaint about your house, or want to raise a housing management issue, please contact your registered housing provider directly by following the link below if it is not owned by the council:

[Bromford](#)

[Citizen Housing](#)

[Connexus Group](#)

[Guinness Partnership](#)

[Legal and General Affordable Homes](#)

[Platform Housing Group](#)

[Sanctuary Housing](#)

[Stonewater](#)

[Two Rivers Housing](#)

[Wrekin Housing Group](#)

Formal complaints that are not about housing will be dealt with under the council's formal complaints policy.

Any informal complaints, enquiries, comments or compliments should be recorded, monitored and resolved by the service area. The Assistant Director responsible for the service area should be informed by the service area of any informal complaints, comments or compliments so that learning and improvement can be shared.

Complaints that we cannot investigate:

There are certain types of complaints that we cannot investigate, these might include:

- a matter where the customer or the council has started legal proceedings or has taken court action (this does not include cases where the customer has simply threatened legal proceedings against the council)
- the issue giving rise to the complaint occurred more than one year ago, unless there is a good reason for the delay
- matters that have already been considered under the complaints policy.
- complaints about a member of staff that would more properly be dealt with through the council's disciplinary code or through staff management or performance procedures
- internal complaints.

The above list is a general guide and not exhaustive. If for any reason we cannot accept a complaint under the council's housing complaints procedure, the complainant will be advised of this and be provided with any alternative option that might be available to them.

3. PROCEDURE FOR RESPONDING TO COMPLAINTS ABOUT HOUSING OWNED BY THE COUNCIL

Your complaint will be investigated in 2 stages, as set-out within the [Housing Ombudsman Complaint Handling Code](#).

Stage 1

Your complaint will be acknowledged within 5 working days. If we need additional details we will contact you for them, so that we understand your complaint and the outcome that you are seeking.

Your complaint will be investigated within 10 working days by a member of staff from the service that you have complained about. If this is not possible, an explanation and a date for the stage one response will be communicated to you within this timescale. If additional time is required to investigate your complaint this will not exceed a further 10 days without good reason. Our complaints team will track your complaint.

You will be given the opportunity to comment on any adverse findings before a final decision is made.

If you are not happy with the response, you may ask that it be escalated to stage 2. You must ask for this no later than 28 calendar days from our initial reply.

Stage 2

When you ask for your complaint to be escalated you must explain why. The response at stage 1 will tell you how to do this.

If your complaint is recorded at stage 2, your complaint will be considered by the Complaints Team as an independent review and not by the service area that is the subject of the complaint. Your complaint will be investigated within 20 working days. If this is not possible, an explanation and a date for the stage one response will be communicated to you. . If additional time is required to investigate your complaint this will not exceed a further 10 days without good reason.

You will be given the opportunity to comment on any adverse findings before a final decision is made.

If you are still not satisfied after receiving your stage 2 response, you can refer the matter to a designated person or wait 8 weeks and refer directly to the [Housing Ombudsman](#).

Designated person

MPs and councillors can play a more active role in resolving housing complaints locally. This role is known as a 'designated person'.

For detailed information about the role, go to the [Housing Ombudsman: designated persons](#).

In summary, a designated person:

- can be an MP or a local ward councillor
- has no legal authority over our complaints procedure other than the right to refer complainants to the Housing Ombudsman at the point the process has been exhausted
- only has the power of persuasion and negotiation
- is not an additional stage within the complaints process
- can recommend proposals and approaches that we may not have considered when investigating the complaint
- can only take up their formal role once the complaints process is complete
- must obtain written consent from the complainant to confirm they can represent them

Handling Unreasonable Complaints

We operate a zero tolerance policy with regards to physical, verbal or written abuse towards our staff.

Where, despite our best efforts to resolve a complaint, the complainant becomes abusive, unreasonable or vexatious, staff will follow the separate policy for dealing with [unreasonable complainant behaviour](#).

Where a complaint is deemed vexatious, the complainant will be informed of the decision in writing and given clear information about how they should contact the council in the future.

ROLES AND RESPONSIBILITIES

Management Board

The council management board will be responsible for ensuring that the council complies with its responsibilities with regards to housing complaints handling, through monitoring of activities via bi-annual reporting by the Complaints Manager or their representative.

Appropriate Directors / Assistant Directors / Heads of Service / Service Managers / Team Leaders

All appropriate directors / assistant directors / heads of service / service managers / team leaders will be fully aware of their responsibilities with regards to complaints handling. They will ensure that:

- They carry out complaints investigations, or provide information for such investigations when asked to do so by the Complaints Team, within the agreed timescales so that responses can be sent out in a timely manner.
- They complete and return learning templates to the Complaints Team when responding to a complaint they have investigated.
- They address any issues or learning identified with their directorate / teams / contractors with a commitment to improve performance and learn from complaints.

The Complaints Team

The Complaints Team will:

- Produce and maintain up-to-date complaints policies and procedures in liaison with the strategic housing team.
- Provide training to employees on how to deal with complaints as and when required.
- Work with the strategic housing team, and where appropriate partner organisations, to ensure that appropriate mechanisms are in place to raise staff awareness of complaints handling.
- Log and acknowledge all housing complaints.
- Appoint an investigating officer to undertake an investigation into the complaint within agreed timescales.
- Maintain regular contact with complainants.
- Review the response and outcome before providing a formal response to the complainant.
- Act as point of contact for, and co-operate with, the Housing Ombudsman.
- Record action and learning from complaints and share these with the directors and senior managers on a regular basis.

All appropriate staff / members

It is the duty of all appropriate staff and members to ensure:

- They are fully aware of this procedure and their responsibilities with regards to housing complaints handling, and they must comply with this procedure and any associated procedures.
- That any formal complaints they receive direct are dealt with in compliance with this policy and any prevailing procedures, and are forwarded to the Complaints Team immediately upon receipt.
- They provide any information requested from them by the Complaints Team or the investigating officer to ensure that responses to complaints are dealt with in a timely manner.
- They maintain a good awareness of complaints handling by undertaking relevant training. All employees should have information about dealing with customer feedback and complaints at induction.

It is the responsibility of all staff and members to ensure that they comply with the requirements of this procedure and any associated policies and procedures. Failure to do so may result in disciplinary action being taken against staff, or councillors may be referred to the Monitoring Officer for breach of the code of conduct.

4.5 Contractors

It is the duty of contractors to ensure:

- They are fully aware of this procedure and their responsibilities with regards to formal complaints handling, and they must comply with this procedure and any associated procedures.
- That any formal complaints they receive direct are dealt with in compliance with this procedure and any prevailing procedures, and are forwarded to the IAT immediately upon receipt.
- They provide any information requested from them by the IAT or the investigating officer to ensure that responses to complaints are dealt with in a timely manner.
- They maintain a good awareness of complaints handling by undertaking relevant training.

5. WHO WILL IMPLEMENT AND MONITOR THIS PROCEDURE?

The Complaints Manager will be responsible for compiling bi-annual reports for the council management board, and the annual report to the Audit and Scrutiny Committee.

The Complaints Team will keep a record of all housing complaints, including dates they are received, acknowledged, responded to, category of complaint, actions taken and lessons learned.

Regular reports will be sent by the Complaints Team to the strategic housing team indicating numbers of complaints received, how many are dealt with within the agreed timescale and what service improvements and changes have been made as an outcome of complaints received.

This procedure and associated procedures will be monitored by the Complaints Team. The Head of Prevention and Support will be kept informed of any issues and instances of non-compliance regarding this procedure.

Landlords Self-assessment

The Housing Ombudsman asks all landlords to complete and publish a self-assessment of their compliance with the Complaints Handling Code. Our self-assessment is published alongside this policy.

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