

Complaints Handling and Management Housing Chapter

2024

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1. Housing Service Complaints

1.1 In relation to complaints about the council as landlord, a complaint is defined as;

“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.”

1.2 An individual does not have to use the word “complaint” for it to be treated as such. Whenever an individual expresses dissatisfaction, the council will give them a choice to make a complaint. A complaint that is submitted via a third party or representative will be handled in line with our complaints policy and the housing chapter code of guidance, however we may require consent from the person being represented in accordance with our normal processes. Where the third party / representative is a borough councillor or member of parliament who has been approached by the individual, we will deem that to be consent.

1.3 An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, those completing the survey will be made aware of how they can pursue a complaint if they wish to. Where we ask for wider feedback about our services, we will also provide details of how individuals can complain.

1.4 If we decide not to accept a complaint, an explanation will be provided to the complainant setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the relevant ombudsman.

1.5 We will:

- Deal with complaints on their merits, act independently and have an open mind
- Give the complainant a fair chance to set out their position
- Take measures to address any actual or perceived conflict of interest
- Consider all relevant information and evidence carefully

1.6 We will not refuse to accept a complaint or to escalate a complaint through all stages of the complaints process unless we have valid reasons to do so. These reasons include:

- The issue giving rise to the complaint occurred over twelve months ago (or the complainant became aware of the issue over twelve months ago)
- Legal proceedings have started. This is defined as details of the claim, such as the claim form and particulars of claim having been filed at court
- The issue has previously been considered under the complaints policy

1.7 A complaint may be remedied at any stage of the complaint process.

1.8 If we decide that, due to the complexity of the complaint, an extension to the timescale is necessary, we will inform the complainant of the expected timescale for a response.

An extension will not be more than ten working days without good reason. The reason will be clearly explained to the complainant.

- 1.9 When we inform a complainant about an extension to the timescale for a response, we will provide the complainant with contact details for the relevant ombudsman.
- 1.10 A complaint response will be provided to the complainant when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions will still be tracked and actioned promptly with updates provided to the complainant.
- 1.11 All points raised in the complaint definition will be addressed and clear reasons for any decisions provided, with reference to the relevant policy, law, or good practice where appropriate.
- 1.12 Where the complainant raises an additional complaint/s during the investigation, these will be incorporated into the stage 1 response if they are related, and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues will be logged as a new complaint.
- 1.13 We will confirm the following to the resident at the completion of stage 1:
 - The complaint stage
 - The complaint definition
 - The decision on 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 the individual is not satisfied with the response
- 1.14 Complainants will not be required to explain their reasons for requesting a stage 2 consideration. We will, however, make reasonable efforts to understand why the complainant remains unhappy.
- 1.15 If we decide that, due to the complexity of the complaint, an extension to the timescale is necessary on a stage 2 complaint, we will inform the complainant of the expected timescale for a response. An extension will not be more than 20 working days without good reason. The reason will be clearly explained to the complainant.
- 1.16 When we inform a complainant about an extension to the timescale for a response, we will provide the contact details of the relevant ombudsman.
- 1.17 A complaint response will be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed.

Outstanding actions will be tracked and actioned promptly with appropriate updates provided to the complainant.

1.18 We will address all points raised in the stage 2 complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law, and good practice where appropriate.

1.19 We will confirm the following at the completion of stage 2:

- The complaint stage
- The complaint definition
- The decision on 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 the relevant ombudsman if the individual remains dissatisfied

1.20 Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These include:

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

1.21 Any remedy offered must reflect the impact on the resident as a result of any fault identified.

1.22 The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.

1.23 We will seek guidance issued by the Ombudsman when deciding on appropriate remedies.

2. Self-assessment, reporting and compliance

2.1 We will produce an annual complaints performance and service improvement report which will include:

- The annual self-assessment against the Housing Ombudsman and Local Government & Social Care Ombudsman's complaint handling codes

- A qualitative and quantitative analysis of our complaint handling performance. This will also include a summary of the types of complaints we have refused to accept
 - Any findings of non-compliance with the complaint handling code by the relevant ombudsman
 - The service improvements made as a result of the learning from complaints
 - Any annual report about our performance from the relevant ombudsman
 - Any other relevant report or publication produced by the ombudsman in relation to our work
- 2.2 The annual complaints performance and service improvement report will be reported to the Service Delivery Committee and will be published on the complaints section of the council's website. The Service Delivery Committee's response to the report will also be published alongside this.
- 2.3 If we are unable to comply with the complaint handling codes due to exceptional circumstances, we will inform the relevant ombudsman, provide information to complainants who may be affected and publish it on our website. We will also provide a timescale for returning to compliance with the codes.

3. Scrutiny and oversight

- 3.1 Oadby & Wigston Borough Council has a positive complaint handling culture which is integral to the effectiveness with which we resolve disputes. We use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.
- 3.2 Accountability and transparency are also integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints to stakeholders, such as residents' panels, staff, and relevant committees.
- 3.3 The Head of Service for housing is responsible for Housing complaint handling.
- 3.4 The council will appoint a councillor as the Member Responsible for Complaints (MRC). The MRC will ensure that the Service Delivery Committee receive regular information on complaints which provide an insight into our complaint handling performance. The MRC has direct access to suitable information and staff to be able to perform their role and report on their findings.
- 3.5 The MRC must receive:
- Regular updates on the volume, categories, and outcomes of complaints alongside complaint handling performance
 - Regular reviews of issues and trends arising from complaint handling
 - Regular updates on the outcomes of the ombudsman's investigations and progress made in complying with orders related to severe maladministration findings
 - The annual complaints performance and service improvement report

3.6 Our objective in relation to complaint handling is to;

- have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments;
- take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and
- act within the professional standards for engaging with complaints as set by any relevant professional body