

# Housing

## Housing Complaints Policy

October 2024 Teignbridge District Council



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| Document       | Housing Complaints Policy |                             |
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| Approval Route | Approval body/group       | Council Executive Committee |
| Lead Officer   | Name                      | Graham Davey                |
|                |                           |                             |
| Change Dates   | Date                      | Note                        |
|                |                           |                             |

## 1. Purpose

- 1.1 We aim to provide homes and services that meet our customer needs and aspirations, to continuously adapt and improve customer service and customer satisfaction. But we acknowledge that at times we can get things wrong.
- 1.2 This policy ensures that when customers contact us with a complaint or to tell us they are not satisfied with any aspect of our services, we have a clear and straightforward process to investigate the issue thoroughly, to make things right, and to avoid problems in the future.
- 1.3 This policy ensures we follow the Housing Ombudsman Code of Conduct and meet the expectations of the Regulator of Social Housing.
- 1.4 It ensures we monitor complaints, to ensure we learn from them, improve our learning where we can, to improve our services, practices and procedures.
- 1.5 It helps to ensure we have a positive approach to receiving complaints, that we resolve complaints in a timely fashion, and that we are open and accountable to our customers.

## 2. Definitions & Scope

- 2.1 We follow the Housing Ombudsman's definition of a complaint.

A **complaint** is 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 customer or group of customers.

- 2.2 Customers can make a complaint if they consider that we have:

- done something wrong.
- behaved unfairly or impolitely.
- not carried out a service to an agreed standard.
- not responded to their request for a service within our stated timescale.

- 2.3 **A service request** can come from a customer or someone who might have visited their home. For example, reporting a repair issue, or to report incidents of anti-social behaviour or other neighbourhood complaints.

A service request is not a complaint and will be logged and forwarded to the relevant department for action. However, service requests can become formal complaints when, for example a customer is not satisfied with the way their request has been handled.

- 2.4 An expression of dissatisfaction made through a general customer survey is not a complaint.

- 2.5 This policy applies to any tenants, applicants, or other residents who receive services or have applied to receive services from us. We have referred to them collectively as **customers** throughout this document.

### 3. Legal and Regulatory Requirements

- 3.1 As a result of The Social Housing (Regulation) Act 2023, the Housing Ombudsman issued a Complaint Handling Code which will be statutory from 1<sup>st</sup> April 2024. This code was introduced to enable 'a positive complaints culture across the social housing sector'. All social landlords are expected to have a Housing Complaints Policy, and this policy incorporates guidance from the Housing Ombudsman Service. It follows the Dispute Resolution Principles of Being Fair; Putting things Right; and Learning from Outcomes.
- 3.2 The policy recognises and complies with the Regulatory Standards of the Regulator of Social Housing. The Transparency, Influence and Accountability standard introduced in April 2024 provides: 'Outcomes that landlords must deliver about being open with tenants and treating them with fairness and respect, so that tenants can access services, raise complaints, influence decision making and hold their landlord to account.'<sup>1</sup>
- 3.3 This Policy also complies with other relevant legislation including:
- Localism Act 2011.
  - Housing Act 1996 (schedule 2).
  - General Data Protection Act 2018.
  - Equality Act 2010.
  - Social Housing (Regulation) Act 2023.

### 4. Policy

#### Receiving Complaints

- 4.1 Any customer can make a complaint in the way that best suits them. This includes in writing, by email, by webmail, verbally to an officer, by telephone or through social media. (Complaints received by social media will be handled through our usual process and outside of the social media or any other public platform).
- 4.2 Anyone who uses or is affected by our services can make a complaint. This includes individuals and groups.
- 4.3 Elected members, organisations and people who advocate for other people can also make a complaint on behalf of somebody else, but we must have signed authority from the person concerned to deal with the representative

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<sup>1</sup> Gov.UK, *Regulatory Standards for Landlords: Transparency, Influence and Accountability (including Tenant Satisfaction Measures)*, <https://www.gov.uk/government/collections/transparency-influence-and-accountability-including-tenant-satisfaction-measures>, sourced April 2024.

acting on their behalf, and be sure that the matter is being raised in the best interest of the customer/s concerned.

- 4.4 We will deal with anonymous complaints where they involve individual or public safety, alleged corruption, waste or other impropriety and where we have sufficient information to allow an investigation to proceed.
- 4.5 We are committed to be fair, accruable and transparent, and to promote equality of opportunity to make sure that all customers are treated fairly. We recognise that our residents may have vulnerabilities, and in considering each complaint we will make reasonable adjustments as required. Customers are free to seek support and advice from other organisations or agencies, and we will signpost to these as appropriate.
- 4.6 We will make details of our Complaint policy and process and of the services of the Housing Ombudsman widely and freely available to residents, including on our website, through newsletters and customer information outlets, at our offices, and through contacts with our housing staff.

### **Processing Complaints**

- 4.7 Our approach is local resolution of the complaint as soon as possible, with a focus on putting things right.
- 4.8 Where the complaint concerns the conduct or attitude of staff, an investigation will be made by someone independent of the situation to avoid bias. A complaint in this instance is a service complaint directed at an individual staff member or a person acting on our behalf. It will not include alleged misconduct issues, which will be handled through our HR and disciplinary procedures.

#### **Stage 1 complaints**

- 4.9 Where a member of staff is aware of an area of dissatisfaction or receives a complaint from a customer or customer representative, they must log this as a Stage 1 complaint and acknowledge receipt within 5 working days.
- 4.10 An investigation of the issues must be made by the appropriate officer, who will aim to agree an action with the customer to address their concerns and resolve their issues where a complaint is fully or partially upheld. A full response including lessons learned and actions taken must be sent to the customer within 10 working days of the acknowledgement.
- 4.11 Where the investigation is complex, the response time may be extended by a further 10 working. Reasons for the extension must be clearly explained to the complainant, with information on how to contact the Housing Ombudsman. Responses must be made within the extended timescale unless there are exceptional circumstances.

- 4.12 Additional complaints raised within the investigation period will be included in the same complaint unless they are unrelated or will unreasonably delay the outcome of the complaint. In such instances they will be logged as a separate complaint.

### Stage 2 Complaints

- 4.13 If all or part of the complaint is not resolved to the customer's satisfaction, it will be progressed to Stage 2 of the complaints process.
- 4.14 All complaints involving a third-party response (for example, a contractor or another organisation working on our behalf) will also be dealt with at Stage 2 of the process, without first being dealt with at Stage 1. We aim to avoid a customer having to make the same complaint to two organisations in all circumstances.
- 4.15 All requests for a Stage 2 complaint must be logged, defined and acknowledged within 5 days of receipt.
- 4.16 A customer may be asked to clearly state why they disagree with a decision and what more they want to put things right but is not obliged to provide this before a further investigation is made.
- 4.17 The person involved at Stage 1 must not be involved in investigation or review of a Stage 2 complaint.
- 4.18 A final response should be provided within 20 days of the acknowledgement.
- 4.19 An extension to this timescale can be considered where the complaint is complex. Any extension must be no more than 20 working days without good reason, and the reason(s) and expected timescale must be clearly explained to the complainant.

### Housing Ombudsman

- 4.20 If the complaint remains unresolved at the end of our complaints process, the customer has the following options available:
- i. They can use the Housing Ombudsman's Early Resolution Service. This is an alternative process to formal investigation, where they will work with the customer and us to resolve the dispute as fairly and quickly as possible.
  - ii. The customer can refer their complaint to the Housing Ombudsman for a formal investigation.

### Actions from Complaints

- 4.21 Where a complaint is fully or partially upheld at either Stage 1 or Stage 2, a range of actions may be taken. These include but may not be limited to:

- An officer contacts the complainant to discuss the issue and explain any actions proposed.
- An apology and acknowledgement of where things have gone wrong is offered to the complainant.
- A decision is reconsidered or changed.
- A record is amended or corrected.
- A policy, procedure or practice is reviewed and changed.
- An issue is dealt with and concluded – for example a repair is carried out or completed.
- Financial compensation is offered to recompense for any inconvenience, distress or material losses caused.

4.22 Compensation and redress offered will be in line with the *Housing Ombudsman Compensation Policy – Guidance for Landlords* and will reflect the impact of the incident on the customer.

### **Responding to Complaints**

4.23 We will ensure that all complaints receive a written response, which clearly shows the following;

- 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 if the complainant is not satisfied with the response.

4.24 Clear guidance will be included to explain how customers can escalate a complaint if they remain dissatisfied.

4.25 The complaint will be closed when:

- A resolution is agreed, and we have committed to taking an action or actions.
- The investigation is complete, and a response has been sent to the complainant.
- After sending a response and attempting to make contact with the complainant, there is no further contact after 90 days.

## Exclusions

4.26 Early complaints give us the best opportunity to resolve an issue quickly, We will not normally consider a complaint made more than twelve months after the issue of the complaint happened.

4.27 We reserve the right to refuse a complaint in the following circumstances:

- The issue is an initial service request, for example and enquiry or repair request.
- It duplicates another complaint already made or in the process of investigation. Complaints that have already been taken through our complaints process and concluded will not be re-investigated unless it is a new issue or significant new information becomes available.
- The issue is an accident or incident. This will be dealt with as a compliance issue through our Health and Safety or other appropriate policy and procedures.
- There is a Housing Disrepair Protocol in progress.
- Legal proceedings connected to the claim have commenced.

4.28 For some services there are alternative statutory appeal or tribunal processes in place which must be used rather than the complaints procedure. These services include:

- Appeals against the refusal of planning permission or planning enforcement.
- Appeals against statutory notices.
- Housing benefit appeals.
- Homelessness decisions.

4.29 We will not accept complaints made in a vexatious manner. A vexatious complaint may be:

- Obsessive, harassing, abusive, malicious or repetitive behaviour.
- Insisting on unrealistic or unreasonable outcomes.
- Designed to cause disruption.
- Demanding redress without serious purpose or merit.

This list is not exhaustive. We will always aim to fully understand the perspective of the complainant and gather all available facts so that genuine issues of concern are addressed.



## 5. Monitoring and Review

- 5.1 We recognise the need to monitor our complaints, both in terms of ensuring deadlines are met, and to determine the type of complaints we receive and any trends occurring.
- 5.2 We will log all complaints on a database to provide tracking information on the progress of individual complaints and to extract key performance indicators.
- 5.3 The number of complaints received and handled within Complaint Handling Code timescales will be reported annually to the Regulator of Housing in accordance with any reporting requirements set.<sup>2</sup>
- 5.4 The Housing Ombudsman has a statutory duty to monitor compliance with the Complaint Handling Code.<sup>3</sup> Each year, we will self-assess our service against the Code and will produce an Annual Complaints and Performance Improvement Report.
- 5.5 Key performance indicators will be reported to our Governing Body and to the Regulator of Social Housing as appropriate, and at least annually. Indicators will include but may not be limited to those required under the Tenant Satisfaction Measures published by the Regulator.<sup>4</sup>
- 5.6 Feedback about our complaints and lessons learned will be provided in our annual report and in customer bulletins and newsletters and will be publicly available on our website.
- 5.7 We will review this policy, procedures and any staff training requirements at least every five years to ensure that it continues to operate within best practice, achieve measurable results and to achieve continuous service improvement.
- 5.8 The policy and all associated procedures will alternatively be reviewed immediately following any change to government policy, regulation or legislation, or as operational issues require.

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<sup>2</sup> Gov.uk, *Regulatory Standards for Landlords, Tenant Satisfaction Measures – Technical Requirements CH01 and CH02*, <https://www.gov.uk/government/publications/tenant-satisfaction-measures-technical-requirements#perception>, sourced April 2024.

<sup>3</sup> Housing Ombudsman, *Complaint Handling Code 2024*, <https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/>, sourced April 2024.

<sup>4</sup> Regulator of Social Housing, *Regulatory Standards for Landlords*, <https://www.gov.uk/government/collections/transparency-influence-and-accountability-including-tenant-satisfaction-measures>, accessed April 2024.