

# Gosport Borough Council

## Housing Service Complaints Policy

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### 1.0 Introduction

1.1 Gosport Borough Council's Housing Service is committed to providing an excellent service for its residents, but we recognise that we don't always get it right. We need to know when we have fallen short of your expectations and encourage you to get in touch when things go wrong. We want our complaint process to be easily accessible to our residents, and do not view complaints as a negative. When things do go wrong, we need to know so we can put them right and learn from our mistakes.

Equally, if we have done something well, please tell us.

1.2 We are committed to engage and learn from our residents, developing our services to meet changing expectations. This policy and approach enables us

to continually improve what we do by identifying root causes, learning from complaints, making improvements and developing a positive complaint culture.

1.3 This policy applies to anyone who has been affected by the Housing Service Landlord functions, which could include:

- Tenants, leaseholders and former tenants,
- Someone acting on behalf of a tenant, leaseholder or former tenant, with their consent,
- A person who is affected, or likely to be, affected by the actions or decisions made by the Housing Service as a local authority landlord.

1.4 Making a complaint will not affect your right to receive our services. We value your feedback and want to identify areas of the service where we need to make changes and improvements, making sure we deal with complaints effectively and consistently. We will take steps to resolve issues as quickly as possible, in accordance with our policy, the Housing Ombudsman Complaint Handling Code and relevant legislation.

## **2.0 Definition of a service request and complaint:**

2.1 A complaint is:

*‘an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Council, our staff, or those acting on the Council’s behalf, affecting an individual resident or group of residents.’*

You do not have to use the word ‘complaint’ for it to be treated as such. Whenever a resident expresses dissatisfaction, we must give them the choice to make a complaint. A complaint that is submitted by a third party or representative will still be handled in line with our complaints policy, but we must have your written consent giving the representative permission to act on your behalf.

2.2 We recognise the difference between a service request and a complaint. We use the Housing Ombudsman’s definition of a service request *‘as a request from a resident to their landlord requiring action to be taken to put something right’*.

2.3 Service requests are not complaints, but will be logged, actioned and reviewed regularly. If you express dissatisfaction with our handling of your service request, this will be logged as a Stage One complaint. We will not stop our efforts to address your service request even if you complain.

- 2.4 An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person 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 provide details of how residents can do this.

### **3.0 Exclusions**

- 3.1 The Council will accept a complaint unless there is a valid reason not to do so, each complaint will be considered on its own merits.

- 3.2 Valid reasons for not accepting a complaint include:

- The issue is, or has been subject to legal proceeding;
- There is a liability issue that is subject to an insurance claim;
- The issue giving rise to a complaint occurred more than twelve (12) months before the date you raised the complaint. This exclusion does not apply to complaints concerning safeguarding or health and safety issues;
- The matter has already been considered as a complaint.

- 3.3 We may consider applying discretion to accept complaints outside the twelve (12) month time limit where there are good reasons to do so.

- 3.4 If we decide not to accept a complaint or escalate it through any or all of the complaint stages, we will explain clearly why the matter is not suitable for the complaints process. We will also inform you of your right to take our decision to the Housing Ombudsman.

- 3.5 Anonymous complaints will not be processed in line with this policy. However, they will be forwarded to the relevant team for awareness, to ensure action is taken wherever appropriate.

### **4.0 Accessibility and Awareness**

- 4.1 All complaints will be managed confidentially and will be handled fairly and honestly, regardless of who is making a complaint.

- 4.2 We want it to be easy and accessible for all our residents to raise dissatisfaction. A complaint can be raised with any member of staff and be made in a number of ways, including:

- In person;
- By email;
- By telephone;
- By completing the online form on the Council's website [Complaints form](#);
- In writing;

- Through a representative or third party (where consent has been provided).

Any member of staff receiving a complaint will pass the details onto the Complaints Co-Ordinator to be logged and actioned in line with this policy.

- 4.3 Complaints will be managed centrally by the Complaints Co-ordinator who will assess whether they should be treated as formal complaints, or managed as an enquiry or service request.
- 4.4 We are unable to accept complaints through any other channels, including social media, and on-line reviews. Wherever possible, if we see that you have expressed dissatisfaction about the Housing Service online, we will direct you to our complaints policy.
- 4.5 All responses to a complaint will make reference to your right to access the Housing Ombudsman Service at any stage of the complaint process. The Housing Ombudsman is completely independent of the Council and is free of charge.

The address of the Ombudsman is:

Housing Ombudsman Service, PO BOX 152, Liverpool, L33 7QW.

Telephone: 0300 111 3000

Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

Website: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

- 4.6 Everyone has the right to appoint a representative to complain on their behalf, and/ or to be represented or accompanied at any meeting with us. A representative can be, for example, a parent, husband, wife or civil partner, adult child, friend, attorney, advocate, solicitor, or a local councillor or MP.

If a complaint is made through a representative, we must have written consent from the resident before we can correspond with them.

- 4.7 Complaints made about the Housing Services contractors will be managed in line with this policy. Our contractors are expected to comply with the policy, including providing information to us when requested and provide assistance with further investigations as appropriate.
- 4.8 If we receive a complaint that relates to a service provided by one of the Housing Services contractors, we will ensure a response is provided in line with the Housing Ombudsman's Complaint Handling Code.
- 4.9 A Housing Services contractor or third party who receives a complaint will respond accordingly, but is expected to notify the council of the complaint via

the Complaints Co-ordinator, in line with the timescales set out in this policy, including any escalation and conclusion, so the complaint can be logged and monitored.

- 4.10 The complaints policy is publicised on the council's website, together with information regarding the Housing Ombudsman Service and the Complaint Handling Code.

## **5.0 Equality**

- 5.1 Gosport Borough Council is committed to equal opportunities for all, in accordance with the Equality Act 2010.
- 5.2 We are committed to make sure the way we handle complaints does not place anyone, irrespective of disabilities or other characteristics, at a disadvantage, and we will make reasonable adjustments if the way we handle complaints would otherwise place a person with disabilities or other characteristics at a substantial disadvantage.
- 5.3 The Complaint Co-ordinator will complete appropriate training to manage complaints in line with the Equality Act 2010.
- 5.4 Our complaints policy is available in a clear and accessible format for all residents. We offer a translation service, face-to-face meetings, documents in large print, Braille, or spoken word, and will contact you by your preferred method. The Council office has an Induction Loop system and we can arrange a sign language interpreter or lip-speaker.
- 5.5 We will keep a record of any reasonable adjustment agreed, as well as a record of any disabilities a resident has disclosed. Any reasonable adjustments will be kept under review.
- 5.6 An Equality Impact Assessment was completed (Appendix 1) and no negative impact was identified.

## **6.0 Complaint Handling Staff**

- 6.1 All complaints received will be reviewed and recorded by the Complaints Co-ordinator, whose role includes liaison with the Housing Ombudsman.
- 6.2 The Complaints Co-ordinator will have access to staff at all levels to facilitate the prompt resolution of complaints. They will also have the authority and autonomy to act to resolve disputes promptly and fairly.
- 6.3 Complaints are regarded as a core service and all relevant staff will be suitably trained to handle complaints effectively and in line with this policy.

## 7.0 Complaint handling principles

- 7.1 Our policy sets out to resolve complaints efficiently whilst learning from them to continuously improve our service, and prevent complaints arising in the future. Our principles are to provide a quality service by:
- Fully understanding why a resident is dissatisfied. If any aspect of the complaint is unclear, we will ask the resident for clarification;
  - Being clear which aspects of the complaint we are, and are not responsible for, and clarifying any areas where this is not clear;
  - Manage expectations;
  - Putting things right within reasonable timescales, where appropriate;
  - Keeping our residents informed;
  - Following our policy and procedures;
  - Fully and accurately, record all correspondence, actions, investigations and outcomes of the complaint at all stages;
  - Use learning outcomes from complaints to improve our services;
  - Manage complaints in line with the Housing Ombudsman Service Complaint Handling Code.
- 7.2 We will always strive to carefully manage your expectations from the beginning, being clear where the desired outcome is unreasonable or unrealistic, or may cause unfairness to other residents.
- 7.3 At each stage of the complaints process, we will ensure complaints are dealt with on their own merits. Managers responding to a complaint will act independently, and will have an open mind. We will take measures to address any actual or perceived conflict of interest, and will carefully consider all relevant information and evidence, ensuring residents are given a fair opportunity to set out their position.
- 7.4 We expect complaints to be made in a reasonable way so we can investigate. This means communicating with us in a way that is reasonable, both in terms of the nature and frequency of contact. If this is not followed, then this will be managed in line with the council's Persistent or Vexatious Complaints and Complainant policy.
- 7.5 Any restrictions placed on contact due to unacceptable behaviour will be proportionate and demonstrate regard for the provisions of the Equality Act 2010.

## 8.0 Complaint stages

8.1 There is a two stage complaint process:

- **Stage One** - Will be investigated by the Section Head for the service that was provided, and they will respond directly to the person who raised the complaint.
- **Stage Two** - We will endeavour to resolve your complaint at Stage One, however, if you remain dissatisfied with the response received or the resolution proposed you may request that your complaint is escalated to Stage Two. Complaints escalated to this stage will be reviewed by an independent Senior Manager within the council.

Most Stage One complaints can be resolved promptly, with an explanation, apology or resolution provided to the resident. However, consideration will be given to the complexity of a complaint which may require more investigation, and whether the resident is vulnerable or at risk.

### Stage One

8.2 We aim to send the resident an acknowledgement in writing, by email or by post if an email address is not provided, within 5 working days of the complaint being received.

8.3 In acknowledging the complaint, we will confirm that the complaint has been passed to the service area for investigation, its log number, and when the resident can expect to receive a response. We aim to respond to a Stage One complaint within 10 working days of the complaint being acknowledged, in line with the Housing Ombudsman Complaint Handling Code.

8.4 If we are unable to meet these timescales, we will let the resident know and discuss the reasons we cannot meet the initial timescale. Any extension will not exceed a further 10 days without good reason.

Where a response falls outside the timescales set out in the Complaint Handling Code, we will agree suitable intervals with the resident for keeping them informed about their complaint. We will also provide the contact details of the Housing Ombudsman.

8.5 If we believe we were at fault, we will further consider:

- How the fault disadvantaged the resident;
- What we need to do to put things right.

8.6 A resident will be provided with a response when the answer to the complaint is known, not when the outstanding actions required are completed. Any

outstanding actions will be tracked and actioned promptly with appropriate updates provided to the resident.

8.7 The Stage One response will address all points raised in the complaint and will confirm in clear, plain language:

- The complaint stage;
- The complaint definition - the issues raised in the complaint and any outcome the resident is seeking;
- The decision on the complaint;
- Clear reasons for any decisions, referencing policy, law and good practice where appropriate;
- Details of any remedies offered to put things right;
- Details of any outstanding actions;
- Details of how to escalate the matter to Stage Two if the resident is not satisfied with the Stage One response.

8.8 Where residents raise additional complaints during the investigation, these will be incorporated into the Stage One response if they are related and the Stage One response has not been issued. It may be necessary to extend the deadline if further investigations are required.

8.9 Where the Stage One 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 Stage One complaint.

## **Stage Two**

8.10 If the resident is unhappy with all or part of the Stage One response, they can request to escalate their complaint to Stage Two, unless an exclusion ground applies. If this is the case, we will clearly communicate in writing our reasons for not escalating (see Section 3.0 Exclusions). The resident will be advised of their right to approach the Housing Ombudsman about our decision.

8.11 We will send the resident an acknowledgement in writing, by email or by post if an email address is not provided, within 5 working days of the escalation request being received.

8.12 Residents are not required to explain their reasons for requesting a Stage Two consideration. We will make reasonable efforts to understand why a resident remains unhappy as part of our Stage Two response.

8.13 The person considering the complaint at Stage Two will not be the same person that considered the complaint at Stage One, and will be an independent Senior Manager within the council.



- 8.14 We aim to respond to a Stage Two complaint within 20 working days of the complaint being acknowledged, in line with the Housing Ombudsman Complaint Handling Code.
- 8.15 A resident will be provided with a response when the answer to the complaint is known, not when the outstanding actions required are completed. Any outstanding actions will be tracked and actioned promptly with appropriate updates provided to the resident.
- 8.16 We will consider the complexity of the complaint and decide whether an extension to the timescale is required. Any extension will not exceed a further 20 working days without good reason and we will clearly explain the reason to the resident.

Where a response falls outside the timescales set out in the Complaint Handling Code, we will agree suitable intervals with the resident for keeping them informed about their complaint. We will also provide the contact details of the Housing Ombudsman.

- 8.17 The Stage Two response will address all points raised in the complaint and will confirm in clear, plain language:
- The complaint stage;
  - The complaint definition -the issues raised in the complaint and any outcome the resident is seeking;
  - The decision on the complaint;
  - Clear reasons for any decisions, referencing policy, law and good practice where appropriate;
  - Details of any remedies offered to put things right;
  - Details of any outstanding actions;
  - Details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied.
- 8.18 This is the final stage of the complaint's procedure.

## **9.0 Putting things right**

- 9.1 Complaints can be resolved in a number of ways. We will seek to ensure remedies offered reflect the extent of any and all service failures, and the level of detriment caused to the resident as a result. We will refer to the Housing Ombudsman Complaint Handling Code guidance on remedies. These may include:
- Apologising;
  - Acknowledging where things have gone wrong;

- Providing an explanation, assistance or reasons;
- Taking action if there has been a delay;
- Reconsidering or changing a decision;
- Amending a record;
- Changing policies, procedures or practices;
- Providing a financial remedy.

9.2 The remedy offer will clearly explain what will happen and by when, in agreement with the resident where appropriate.

9.3 In awarding a financial remedy, we will consider whether any statutory payments are due, if any quantifiable losses have been incurred, the time and trouble a resident has been put through as well as any distress and inconvenience caused.

9.4 We will take account of the guidance issued by the Housing Ombudsman when deciding on appropriate remedies.

## **10.0 Self-assessment, reporting and compliance**

10.1 Accountability and transparency are integral to our approach to handling complaints.

10.2 We will produce an annual complaints performance and service improvement report to our Standard and Audit Sub-Board, which will include:

- An annual self-assessment to ensure our complaint handling remains in line with the requirements of the Housing Ombudsman Complaints Handling Code;
- A qualitative and quantitative analysis of our complaint handling performance. This will include a summary of the types of complaints we have refused to accept;
- Any findings of non-compliance with the Housing Ombudsman Complaint Handling Code by the Ombudsman;
- The service improvements made as a result of the learning from complaints;
- Any annual report about our performance from the Ombudsman; and
- Any other relevant reports or publications produced by the Ombudsman in relation to our work.

10.3 The annual complaints performance and service improvement report will be published on the council's website, and will include any response from the Standards and Audit Sub- Board.

10.4 We will also undertake a self-assessment following a significant restructure and/ or change in procedures, or following a formal investigation with the

Housing Ombudsman if there are significant concerns over our complaint handling.

- 10.5 If we are unable to comply with the Housing Ombudsman Complaints Handling Code due to exceptional circumstances, such as a cyber-incident, we will inform the Housing Ombudsman, provide information to residents that may be affected, and publish this on the council's website. We will provide a timescale for returning to compliance with the Code.

## **11.0 Scrutiny & oversight: continuous learning and improvement**

- 11.1 A positive complaint handling culture is integral to the effectiveness with which we resolve disputes. The Complaints Co-Ordinator will monitor and analyse the types of complaints we receive, and the way they have been handled. We will use this information to identify issues and introduce positive changes in our service delivery, where needed.
- 11.2 Accountability and transparency are also integral to a positive complaint handling culture. We will report back on wider learning on improvements from complaints to stakeholders, such as the Corporate Management Team, Resident Opinion Panel, staff and Standards and Audit Sub-Board.
- 11.3 Regular updates will be provided to the Chair of the Standards and Audit Sub-board, and will include:
- The volume, categories and outcomes of complaints, alongside complaint handling performance;
  - Issues and trends arising from complaint handling, outcomes of the Housing Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings; and
  - The annual complaints performance and service improvement report.
- 11.4 The Head of Housing will provide quarterly updates on the Housing Services complaint handling performance to the Corporate Management Team.
- 11.5 We have a standard objective in relation to complaint handling for all relevant employees and third parties that reflects the need to:
- Have a collaborative and co-operative approach towards resolving complaints, working with colleagues across the council;
  - Take collective responsibility for any shortfalls identified through complaints, avoiding a blame culture; and
  - Act within the professional standards for engaging with complaints as set by any relevant professional body.