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Housing Complaints Policy

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Issued by Communities and Place – Housing Services and Assets and Compliance

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1.0. Introduction

- 1.1. Nuneaton and Bedworth Borough Council is committed to providing the highest standard of service to all our customers. However, we acknowledge that despite our best intentions, things do sometimes go wrong. When this happens, we want to put things right. We want our customers to be satisfied with our service. We welcome hearing your comments, compliments and complaints, to better understand how you view our services and how we can learn and improve for the future.
- 1.2. The following procedures explain what to do if you are dissatisfied with the quality of our services, what standards you can expect when you make a formal complaint, and what you can do if you remain dissatisfied.
- 1.3. We will investigate your complaint, give you an explanation and make every effort to resolve the matter as quickly as possible to your satisfaction. Complaints will be responded to in accordance with the Complaint Handling Code. If we have made a mistake, or the problem has been caused by us, we will put things right.
- 1.4. This policy and procedure is published on our website [Council Housing Complaint Policy and Procedure](#).
- 1.5. If the Council is unable to comply with the Code due to exceptional circumstances, such as a cyber incident, we will inform the Housing Ombudsman, provide information to customer who may be affected, and publish this on our website. We will also provide and publish a timescale for returning to compliance with the Complaints Handling Code.

2.0. Scope

- 2.1. This document provides the framework for ensuring that complaints are handled consistently, fairly, effectively, confidentially, in a timely manner, and in line with the obligations set out in the [Housing Ombudsman Service Complaint Handling Code](#). The Code also acts as a guide for tenants setting out what they can and should expect from the Council when they make an expression of dissatisfaction (also referred to as a complaint).
- 2.2. This document will apply to all customers using housing services of Nuneaton and Bedworth Borough Council. Customers not using the housing service but other services provided by the Council should refer to other complaints policies in operation

3.0. Objectives

- 3.1. Nuneaton and Bedworth Borough Council has the following objectives in relation to complaint handling for all relevant employees or third parties. We will:
- 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
 - act within the professional standards for engaging with complaints as set by any relevant professional body or standards organisation

4.0. Equalities

- 4.1. Nuneaton and Bedworth Borough Council is committed to promoting equality of opportunity and to eliminating unlawful discrimination on the grounds of race, age, disability, gender, sexual orientation, religion, belief, class, financial status and any other difference that can lead to discrimination or unfair treatment.
- 4.2. The Council can produce this document in large print or in a different language if required.

5.0. Customer Satisfaction

- 5.1. This policy is designed to give satisfaction to our customers, either directly in the way that housing services are delivered or in the way that their complaints are handled. A customer should expect to receive:
- a professional, polite and courteous approach;
 - open, friendly and truthful employees;
 - employees should identify themselves by name and job function and be recognised as Council employees;
 - employees should take ownership of an enquiry, not pass customers around;
 - full attention to the complaint or enquiry;
 - employees should exercise discretion and confidentiality;

- a clear understanding of what will happen next and an indication of when it will happen including updates on a regular basis, easy to understand responses without jargon, given promptly or within published timescales;
- employees should keep appointments and be on time;
- customers should be aware of their rights and given correct relevant information where it is available;
- customers should know how to make a complaint about the Council's Housing Service if necessary; and
- most importantly all customers should be treated equally in accordance with the Council's Policies, core values and key aims and objectives.

5.2. In return the Council is entitled to expect its customers to deal honestly and openly with us on all matters.

6.0. Communication

6.1. Good communication, both internally within the Council and externally with its customers, is vital to a successful complaints service.

6.2. It is important that employees have a good understanding of the policies that affect their area of work or operation so that these can be clearly and accurately explained to customers when necessary.

6.3. It is important that our customers understand what can or cannot be done in relation to their problem or complaint. If we cannot help you, we will explain why, and direct you to where you may be able to find further help.

6.4. We encourage, wherever possible, a two-way communication process. Our customers are encouraged to respond:

- if the problem re-occurs;
- if further explanation or clarification is required;
- if a person is dissatisfied; or
- to let us know how we are doing; including positive comments.

6.5. Particular care will be paid to the needs of those customers who find communication difficult due to language barriers or sensory impairment, and appropriate assistance offered.

7.0. What is a Complaint?

- 7.1. A complaint is any expression of dissatisfaction about the service the Council has delivered, any action or lack of action. The Housing Ombudsman's Complaint Handling Code defines a complaint 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 an individual customer or group of customers.

- 7.2. Complaints may be about:

- the fairness or professionalism of interaction with officers;
- a failure to do something we should have done;
- a refusal to provide a service or the delivery of a poor service;
- the failure to follow the correct policy or procedure;
- an observation about our service or people which requires action; or
- a suggestion about how things can be improved.

- 7.3. Complaints raised about or handled by a third party, e.g. contractor or independent adjudicator will be managed through this policy and procedure to ensure there is no undue delay in providing a response or any need to follow a separate complaints process in accordance with the Housing Ombudsman's Complaints Handling Code.

- 7.4. Any customer using the housing service who expresses any form of dissatisfaction via any method has the choice to make a complaint and we will support customers to provide feedback at any opportunity.

- 7.5. Customers do not have to use the word '*complaint*' for it to be treated as such. Council staff are trained to recognise an expression of dissatisfaction and will offer to raise a complaint for a customer upon being made aware of an expression of dissatisfaction.

- 7.6. The following issues are **not** defined as a complaint or an expression of dissatisfaction:

- [General comments or feedback.](#)
- [Requests for information.](#)
- An expression of dissatisfaction with services made through a survey (see section 7.7)

- [First requests for a service or first reports on faults.](#) (see paragraph 7.9 below).
- Occasions where the Council have not been made aware of a customer's dissatisfaction and have not been given an opportunity to resolve the matter.
- Matters that would be more appropriately considered by an insurer.
- Legal proceedings have started, i.e. details of the claim such as the Claim Form and Particulars of Claim have been filed at Court.

7.7. Although expression of dissatisfaction through a survey is excluded for consideration under this complaints policy, where the respondent is identified, we will ensure the person completing the survey is made aware of how they can pursue a complaint if they wish to by including details of how to make a complaint and contact details for the Housing Ombudsman within the survey information.

7.8. If a claim has been submitted to our insurers, customers can still raise complaints under this policy if they are dissatisfied with the handling of their claim.

7.9. Customers are asked to note that there is a difference between a [service request](#) and a complaint. Service requests are not complaints but will be recorded, monitored and reviewed regularly by the Council. The Housing Ombudsman's Complaint Handling Code states that:

A service request is a request requiring action to provide or improve a service, fix a problem or reconsider a decision.

The Council should be given the opportunity to deal with a service request before a formal complaint is made. However, a complaint will be raised if the customer raises dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. A complaint will not prevent, delay or impact on actions needed to resolve any immediate issues (i.e. the service request).

7.10. We do not take a blanket approach to excluding complaints; we consider the individual circumstances of each complaint. Whilst we have a duty to accept and deal with your complaint, there may be circumstances where there is a valid reason not to do so. For example:

- your complaint falls into one or more of the above exclusions (see paragraph 7.6);
 - the complaint is raised more than 12 months after the customer became aware of the issue, or more than 12 months after the issue occurred.
 - legal proceedings have commenced; or
 - the matter has previously been considered under the Council's Housing Complaint policy.
- 7.11. For any complaints being raised more than 12 months after the customer being made aware of the issue or the issue occurring, we will apply discretion to accept complaints outside of the 12-month time limit where there is good reason to do so.
- 7.12. If for any reason the Council decides not to deal with your complaint under this procedure, we will provide you with a detailed explanation in writing of the reasons why the matter is not suitable for the complaints process. If you disagree with this outcome you do have the right to take that decision for consideration by the Housing Ombudsman. See Section 10 for details of how to contact the Housing Ombudsman.
- 7.13. Customers have the opportunity to give permission for a representative to deal with their complaint on their behalf. A complaint that is submitted via a third party or representative will be handled in line with this complaint policy and procedure.

8.0 How to make a complaint

- 8.1. Our priority is to resolve concerns as soon as they come to our attention. The Council encourages any customer or service user who has a concern to raise it. Expressions of dissatisfaction can be made to the Council in the following ways:
- Via the [Councils website](#)
 - By emailing customer services at customer.services@nuneatonandbedworth.gov.uk
 - By contacting any Officer directly.
 - By telephoning 024 7637 6376.
 - By letter.
 - In person at the Town Hall. The Town Hall is open from 9am – 4pm, Monday to Friday.
 - By Typetalk (0800 515 152).
 - Through your local Councillor, Solicitor, nominated friend or relative.

Anonymous complaints may be investigated where sufficient information is available to do so.

9. What will happen when I make a complaint?

9.1. When the Council receives a formal complaint from a customer, the nature and type of the complaint is assessed by one of our nominated and trained Complaints Handling Officers, who will:

- clarify with the individual any aspects of the complaint they are unclear about;
- deal with complaints on their merits;
- give the individual a fair chance to set out their position;
- take measures to address any actual or perceived conflict of interest;
- consider all information and evidence carefully; and
- keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.

9.2. Raising a formal complaint will not prevent or delay an ongoing service request being dealt with. Anyone raising a complaint will not be treated differently.

9.3. Complaints will be acknowledged, defined and logged **within five working days** of receipt of the complaint. The acknowledgement correspondence will include the following information:

- Our understanding of the complaint (the definition)
- The outcomes the customer is seeking
- Which aspects of the complaint we as the landlord is and is not responsible for.
- The service area to which the complaint has been assigned to for investigation and response
- By when a response will be issued
- The complaint reference

Stage 1

9.4. Your complaint will be logged and given a unique complaint number which will be used until your complaint is resolved. This ensures that progress of the investigation can be monitored, and will also assist you, if for some reason you need to contact the Council again about the matter.

9.5. You will receive a response to your complaint within **10 working days** following the case being logged and acknowledged.

- 9.6. Exceptionally, for more complex cases, the response time may need to be extended for a **maximum of a further 10 working days**. However, for those cases, you will be given an explanation as why the extension is required and a clear timeframe for the response. Customers will be advised they can contact the Housing Ombudsman at this point if they wish to do so and will be provided with their contact details as outlined in section 10 of this policy.
- 9.7. If a further extension beyond the timescales set out in the Complaint Handling Code is required, this will only be in exceptional circumstances, with good reason, and with the agreement of the customer. The customer will be kept informed throughout and suitable update intervals will be agreed. Where agreement cannot be reached, the customer will be provided with details of how to contact the Housing Ombudsman.
- 9.8. If further information is required to assist the investigation, we will request this from you and explain why it is needed. Where obtaining this information may affect the complaint response timescale, we will discuss this with you and seek your agreement to any extension in accordance with the Complaint Handling Code. If the requested information is not provided by the agreed deadline, we will issue a response based on the information available to us at that time.
- 9.9. If you submit any related, additional complaints, these will be incorporated into the stage 1 response if it has not already been issued. If any new complaints are raised after the stage 1 response has been issued, or if any new complaints are not related to the complaint already being considered, a new stage 1 complaint will be raised for you to avoid delaying the stage 1 response.
- 9.10. A written response to the complaint will be sent to the customer when the answer to the complaint is known, addressing all the points raised in the complaint and providing clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate. Any subsequent agreed actions will be tracked and regular updates will be provided to the customer until completion. Subsequent actions may be completed after the response to the complaint has been provided. The written response will contain:
- 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; and
- details of how to escalate the matter to Stage 2 if the individual is not satisfied with the response.

9.11. If the Council has got something wrong, the complaint will be recorded as being upheld, even if there are elements of the complaint it has not upheld, as it is not appropriate for a complaint to be recorded as partially upheld. See Section 11 on putting things right.

9.12. If an early resolution at Stage 1 has been unsuccessful, a customer can request that the complaint be escalated to a Senior Manager for a formal response under Stage 2. Please note complaints can only be escalated to Stage 2 once Stage 1 has been completed and at the request of the Customer.

Stage 2

9.13. If you are not satisfied with the outcome of your complaint at Stage 1, then you can request that your complaint be escalated to Stage 2 of the complaints procedure. You are not required to explain your reasons for requesting a Stage 2 consideration. Your complaint will now be escalated to a Senior Manager for further investigation and response. The officer considering the complaint at Stage 2 will not be the same person that investigated the matter at Stage 1.

9.14. Requests for Stage 2 will be acknowledged, defined and logged within **5 working days** of the escalation request being received. The acknowledgement will include the following information:

- Our understanding of the complaint
- The outcomes the customer is seeking
- Which aspects of the complaint we as the landlord is and is not responsible for.
- The service area to where the complaint has been assigned to for investigation and response
- By when a response will be issued
- The complaint reference

9.15. A stage 2 response will be provided within **20 working days** of the acknowledgement.

9.16. Exceptionally, for more complex cases and with a valid reason, the timeframe may be extended a further 20 working days, however this is only with the agreement of the customer. Where we need to extend the deadline for response to a complaint being

considered under stage 2, we will contact the customer following any stage 2 complaint extension and explain the rationale for this decision and confirm the expected timescale for a response. Customers will be advised they can contact the Housing Ombudsman at this point if they wish to do so, and will be provided with their contact details as outlined in section 10 of this policy.

- 9.17. A written response will be provided to the customer when the answer to the complaint is known, not when all outstanding actions have been completed. Outstanding actions will be tracked and actioned promptly with appropriate updates provided to the customer.
- 9.18. In some cases, it may be appropriate to first respond verbally (via telephone or face to face), followed by a written confirmation of the conversation and outcome.
- 9.19. A written response to the complaint will be sent to the customer when the answer to the complaint is known, addressing all the points raised in the complaint and providing clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate. Any subsequent agreed actions will be tracked and regular updates will be provided to the customer until completion. Subsequent actions may be completed after the response to the complaint has been provided. The written response will contain:
- 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; and
 - details of how to escalate the matter to the Housing Ombudsman Service if the individual remains dissatisfied.
- 9.20. Where a complaint is **not upheld** at Stage 2 the response will provide:
- background information relevant to the complaint; and
 - an explanation of the decision.
- 9.21. The Stage 2 response will be the Council's **final response** and will advise the complainant of their right to escalate matters to the Housing Ombudsman, should they remain dissatisfied.

9.22. The Housing Ombudsman's Complaint Handling Code states that:

A process with more than two stages is not acceptable under any circumstances as this makes the complaint process unduly long and delays access to the relevant Ombudsman.

10. Contacting the Housing Ombudsman

- 10.1. The Housing Ombudsman investigates complaints about the housing services provided by social landlords, including local authority landlords. The Housing Ombudsman can be contacted by a customer at any stage of the complaint process.
- 10.2. If after exhausting Stage 1 and Stage 2 of the complaints process you remain dissatisfied with the way in which your complaint has been handled, you have the right to refer your complaint to the Housing Ombudsman.
- 10.3. If the Ombudsman agrees your complaint aligns with their authority, they will contact the Council and request the information needed to begin an investigation. Once the Ombudsman has completed the investigation, they will issue their findings, known as a determination. The Ombudsman cannot provide a timescale for how long the investigation will take as it varies on a case-by-case basis.
- 10.4. The Housing Ombudsman is on hand to offer support and guidance to Landlords and Customers throughout the complaints process and can be contacted by using the following details:
- **Website:** [The Housing Ombudsman](#)
 - **Complaint form:** Fill in the [online complaint form](#)
 - **Email:** info@housing-ombudsman.org.uk
 - **Phone:** 0300 111 3000 - Calls are recorded for training and monitoring purposes.
 - **Write:** Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET

11. Putting things right

- 11.1. When a complaint is upheld, the Council will acknowledge things have gone wrong and set out the actions it has already taken or intends to take to put things right. These include:
- Acknowledging where things have gone wrong;

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

11.2. The remedy offered will reflect the impact on the customer as a result of any fault identified and will clearly set out what will happen and by when, in agreement with the customer and will be followed through to completion. A remedy may be offered at any stage.

11.3. In regards to compensation, the Council will consider if any statutory payments are due, if any quantifiable losses have been incurred, the time and trouble a customer has been put to as well as any distress and inconvenience caused. Compensation will be considered in accordance with the Council's Compensation Policy.

12. Self-Assessment, Reporting and Compliance

12.1. The Council will produce and publish an annual complaints performance and service improvement report, which will be reported to the Council's governing body (Cabinet) along with a response by the governing body.

12.2. The Annual Complaints Performance and Service Improvement Report will be published on our website by the end of September every year [Annual Housing Complaint Performance and Service Improvement Reports | Nuneaton and Bedworth Borough Council](#).

12.3. The Council's governing body agenda, reports and minutes are published on our website [Cabinet Meetings – Nuneaton and Bedworth Borough Council](#).

12.4. The response from the governing body to the annual complaints performance and service improvement report will be published on our website [Cabinet response to Housing Complaint Performance Report | Nuneaton and Bedworth Borough Council](#).

12.5. The Council will also carry out an annual self-assessment against the Code and will publish the results. A self-assessment will also be carried out following any significant restructure, merger and/or change in procedures.

- 12.6. The annual self-assessment will be published by the end of September every year on our website [Housing Ombudsman Self-Assessment Reports | Nuneaton and Bedworth Borough Council](#).
- 12.7. The Council will review and update our self-assessments following an investigation by the Housing Ombudsman.

13. Continuous Learning and Improvement

- 13.1. The Council has a positive approach to customer feedback and complaints handling, and we promote a positive complaint handling culture amongst our Officers.
- 13.2. We will use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery and consider the circumstances of the individual complaint and consider whether service improvements can be made because of any learning from the complaint.
- 13.3. We are committed to delivering an accountable and transparent complaints handling service, and we report on learning and improvements from complaints to our Tenant Scrutiny Panels, Strategic Engagement Board, staff and other relevant committees so service improvements can be implemented.
- 13.4. The appointed Member Responsible for Complaints (MRC) has overall responsibility for complaints and to support a positive complaint handling culture. The MRC has access to suitable information on complaints and staff and receives regular updates on the volume, categories and outcomes of complaints, and complaint handling performance. The MRC carries out regular reviews of issues and trends arising from complaint handling alongside having regular updates on the outcomes of Housing Ombudsman's investigations and progress made in complying with orders related to their findings. The MRC is supported in this role by the Assistant Directors of Housing Services and Assets and Compliance within the Communities and Place Directorate.
- 13.5. The senior lead persons accountable for the Council's complaint handling in housing are the Assistant Directors of Housing Services and Assets and Compliance within the Communities and Place Directorate. The Assistant Directors assess themes or trends to identify potential systemic issues, serious risks, and policies and procedures that require revision.

14. Relevant Legislation

- Data Protection Act 2018
UK General Data Protection Regulation (UK GDPR)
- The Freedom of Information Act 2000
- The Human Rights Act 1998
- The Equality Act 2010

15. References

- [Remedy/Compensation Policy for Tenants and Leaseholders](#)
- [Vulnerable Persons Policy](#)
- [Landlord Services Reasonable Adjustments Policy](#)

16. Review Date

This policy will be reviewed every two years or on the introduction of new legislation, regulation or good practice guidance.