


**RECORD OF EXERCISE OF DELEGATED AUTHORITY BY OFFICER PURSUANT TO  
REGULATION 13 OF THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS)  
(MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012 &  
THE OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014**

<u>SUBJECT OF DECISION</u> Housing Complaints Policy	
<u>DECISION REFERENCE</u> DO/114/2024 (BD)	<u>SOURCE OF AUTHORITY AND REFERENCE</u> (i.e. Committee/Constitution/Minute No. etc.) Section 3E d) i. a.
<u>DATE OF DECISION</u> 26 March 2024	<u>DECISION MAKER (Name and Job Title)</u>  Brent Davis – Chief Executive Officer
<u>RECORD OF THE DECISION</u> a) The issue  The Social Housing (Regulation) Act 2023 empowered the Housing Ombudsman Service to issue a code of practice about the procedures landlords should have in place for considering complaints against them. It also placed a duty on the Ombudsman to monitor compliance with the code of practice it had issued.  Following consultation in 2023, in February 2024 the Housing Ombudsman published a new statutory Housing Complaint Handling Code which comes into effect from 1st April, 2024.  The revised Policy document (attached at Appendix A) provides the framework for ensuring that housing complaints are handled consistently, fairly, effectively, confidentially, in a timely manner, and in line with the obligations set out in the Housing Ombudsman Service (HOS) Complaint Handling Code 2024.	
b) The Decision  That the Housing Complaints Policy is approved and published with effect from 1 <sup>st</sup> April 2024.	
<u>REASON FOR THE DECISION</u>  To ensure the Council complies with the requirements of the Housing Ombudsman’s Complaint Handling Code 2024.	

<p><u>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED IN MAKING THE DECISION</u></p> <p>No other options available – a Policy is required.</p>
<p><u>WARD RELEVANCE</u></p> <p>All wards</p>
<p><u>FINANCIAL AND BUDGET IMPLICATIONS</u></p> <p>There are no financial or budget implications.</p>
<p><u>CONSULTATION UNDERTAKEN WITH MEMBERS/OFFICERS</u></p> <p>Consultation has been undertaken with the Portfolio Holder - Housing &amp; Communities, Procurement and Officers on the revised policy and their comments have been fully considered.</p>
<p><u>ANY CONFLICT OF INTEREST DECLARED BY ANY MEMBER CONSULTED</u></p> <p>N/A</p>
<p><u>IN RESPECT OF ANY DECLARED CONFLICT BY A CABINET MEMBER, ANY DISPENSATION GIVEN BY THE HEAD OF PAID SERVICE</u> (Note if the decision is a non-executive decision, no dispensation can be given).</p> <p>N/A</p>
<p><u>EQUALITIES IMPLICATIONS (including any Equality Impact Assessment)</u></p> <p>None identified.</p>
<p><u>HUMAN RESOURCES IMPLICATIONS</u></p> <p>None identified.</p>
<p><u>FINANCIAL IMPLICATIONS</u></p> <p>None identified</p>
<p><u>HEALTH EQUALITIES IMPLICATIONS</u></p> <p>None identified.</p>
<p><u>SECTION 17 CRIME &amp; DISORDER IMPLICATIONS</u></p> <p>None identified.</p>
<p><u>RISK MANAGEMENT IMPLICATIONS</u></p> <p>If the policy is not approved, the Council will not be compliant with the Complaint Handling Code 2024 and could be issued with a failure order.</p>

SME (SMALL/MEDIUM ENTERPRISES) & LOCAL ECONOMY IMPLICATIONS

None identified

ENVIRONMENTAL IMPLICATIONS

None identified

LEGAL IMPLICATIONS

The Housing Complaints Policy will ensure that the Borough Council is compliant with the new statutory Housing Complaint Handling Code that comes into effect from 1st April, 2024.

ANY OTHER COMMENTS

None.

**PLEASE RETURN TO THE MONITORING OFFICER AS SOON AS A DECISION IS MADE OR AS REASONABLY PRACTICABLE THEREAFTER**



# Housing Complaints Policy

DRAFT

**Issued by Housing & Community Safety**

**March 2024**

## **Housing Complaints Policy Quality Record**

<b>Revision</b>	<b>Date</b>	<b>Description</b>	<b>Stage</b>	<b>Agreed</b>
Draft	4.3.24	1 <sup>st</sup> revision	Draft	
Draft		Single Member Decision		
Draft		EqIA		

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## 1. 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 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](#) (HOS) 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 a formal complaint.
- 1.3 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.
- 1.4 We will investigate your complaint, give you an explanation and make every effort to resolve the matter as quickly as possible to your satisfaction. If we have made a mistake, or the problem has been caused by us, we will apologise.
- 1.5 This document will apply to all. 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.
- 1.6 The Council can produce this document in large print, braille or in a different language if required.
- 1.7 This document will be reviewed every year or on the introduction of new legislation, regulation or good practice guidance.

## 2. Customer Satisfaction

- 2.1 This document is designed to give satisfaction to our customers, either directly in the way that 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.

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

### **3. Communication**

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

3.2 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.

3.3 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.

3.4 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.

3.5 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.

### **4. What is a Complaint**

4.1 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 resident or group of residents.*

#### 4.2 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.

#### 4.3 The following issues are **not** defined as a complaint:

- [General comments or feedback](#).
- [Requests for information](#).
- An expression of dissatisfaction with services made through a survey.
- [First requests for a service or first reports on faults](#). See paragraph 4.4 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, ie details of the claim such as the Claim Form and Particulars of Claim have been filed at court.

#### 4.4 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 resident raises dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing.

#### 4.5 We have a duty to accept and deal with your complaint unless there is a valid reason not to do so, for example:

- your complaint falls into one or more of the above exclusions (see paragraph 4.3);
- the issue giving rise to your complaint occurred more than 12 months ago;
- legal proceedings have commenced; or
- the matter has previously been considered under the Council's complaint policy.

#### 4.6 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 7 for details of how to contact the Housing Ombudsman.

- 4.7 Residents 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.

## **5. How to make a formal complaint**

5.1 Our priority is to resolve concerns as soon as they come to our attention. The Council encourages any resident or service user who has a concern to first approach the team or member of staff in the relevant service area. If there has been a problem the member of staff should try to resolve it. However, if after raising your concerns you remain dissatisfied with the proposed resolution, you can make a formal complaint to the Council in the following ways:

- Via the Council's website [www.nuneatonandbedworth.gov.uk/feedback](http://www.nuneatonandbedworth.gov.uk/feedback)
- By emailing customer services at [customer.services@nuneatonandbedworth.gov.uk](mailto:customer.services@nuneatonandbedworth.gov.uk)
- By contacting an officer directly.
- By telephoning 024 7637 6376.
- By letter.
- In person at the Town Hall by pre-booking an appointment. The Town Hall is open from 10 a.m. – 2 p.m. for pre-booked appointments only.
- By Typetalk (0800 515 152).
- Through your local Councillor, Solicitor, nominated friend or relative.

5.2 The Council can also accept complaints anonymously and will still investigate the matter, even though it cannot respond to the complaint formally.

## **6. What will happen when I make a complaint?**

6.1 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.

6.2 An acknowledgement of receipt of the complaint will be sent to the customer **within five working days**, confirming that the complaint has been logged, the complaint definition, and that it has been submitted to the relevant service officer for investigation under **Stage 1** of the complaint procedure.

## Stage 1

- 6.3 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.
- 6.4 In order to resolve the issue as soon as possible, you will receive a response to your complaint as soon as it is known, or within **10 working days** following the case being logged and acknowledged. 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.
- 6.5 If further information is required from you to assist the investigation, the response timeframe will be put on hold until such information has been received. You will be notified once all the necessary information has been received and your complaint has been reopened and progressed further.
- 6.6 A written response to the complaint will be sent to the customer, 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. 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.
- 6.7 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 8 on putting things right.
- 6.8 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** of the complaints process. 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

- 6.9 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.
- 6.10 Requests for Stage 2 will be logged and acknowledged within **five working days** of the escalation request being received.
- 6.11 A stage 2 response will be provided as soon as possible or within **20 working days** of your request that the complaint be escalated to Stage 2. Exceptionally, for more complex cases and with a valid reason, the timeframe could be extended a further 20 working days, however this is only with the agreement of the customer.
- 6.12 A written response will be provided to the customer. 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. The Stage 2 response will be monitored by the Complaints Officer to ensure it clearly states what decision has been reached and whether the complaint has been **upheld, or partially upheld**. 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.
- 6.13 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.
- 6.14 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.
- 6.15 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.*

## 7. Contacting the Housing Ombudsman

- 7.1 The Housing Ombudsman considers and investigates complaints about poor service, failure to provide a service and administrative failure of public bodies including local authorities. The Housing Ombudsman can be contacted by a resident at any stage of the complaint process.
- 7.2 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.
- 7.3 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.
- 7.4 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:

[The Housing Ombudsman](#)

**Complaint form:** Fill in the [online complaint form](#)

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

**Phone:** 0300 111 3000 - Calls are recorded for training and monitoring purposes.

**Write:** Housing Ombudsman Service, PO Box 152, Liverpool L33 7WQ

**Fax:** 020 7831 1942

## 8. Putting things right

- 8.1 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.
- 8.2 The remedy offer will clearly set out what will happen and by when, in agreement with the resident and will be followed through to completion.
- 8.3 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 resident has been put to as well as any distress and inconvenience caused.

## **9. Relevant Legislation**

- The Data Protection Act 1998 & 2018
- The Freedom of Information Act 2000
- The Human Rights Act 1998
- The Equality Act 2010

## **10. Self-assessment**

10.1 The Council will produce and publish an annual complaints performance and service improvement report, along with a response by the governing body.

10.2 The Council will also carry out an annual self-assessment against the Code and will publish the results.

## **11. Review Date**

11.1 Every two years or on the introduction of new legislation, regulation or good practice guidance.