

## **North Warwickshire Borough Council**

### **Housing Landlord Services**

#### **Complaints Policy and Procedure**

##### **We want to hear from you**

The Council is committed to providing positive housing services that meet our published standards and deliver good customer care. To do this we need to know what is working well and what we need to do to improve.

If you have not contacted us before to tell us about the issue(s), please do this first. For example, if you have not reported a repair to us, or need to tell us about a problem on your estate, please contact us and allow us to try and put things right. However, if you have previously contacted us and are not happy with the outcome then you may wish to make a formal complaint.

This policy and summary information is published on our website.

##### **Feedback**

Our teams want to provide a good service. We are committed to delivering and improving our services to meet our customer's needs.

If we do something well it is great to have your feedback so that we know that we are on track and working to your expectations. It is also helpful for staff to know that their efforts are appreciated. We share compliments with our staff and contractors.

If you receive a poor service please tell us so that we can put it right. It also helps us learn from it to improve our services for all of our tenants.

Contact us by

- Using a form on our website
- By e-mail to [complaintsandcompliments@northwarks.gov.uk](mailto:complaintsandcompliments@northwarks.gov.uk)
- By phone to 01827 715341
- In writing to The Council House, South Street, Atherstone, CV9 1DE
- Using the form included below

##### **Request for Service and Complaints**

Sometimes tenants contact us to tell us that something has gone wrong and they need us to put it right (for example a missed appointment or returning to do a repair). These are service requests and we will act promptly to deal with them.

Generally the following are not dealt with as complaints:

- An initial or follow up request for service
- An information request
- An insurance claim or a matter which is subject to legal proceedings

A complaint is an expression of dissatisfaction, however made, about the standard of service actions or lack of action by the Council, its own staff, or those acting on its behalf, affecting a resident or group of residents.

Our complaints procedure reflects the Housing Ombudsman's Complaint Handling Code. We will acknowledge a complaint when a resident expresses dissatisfaction with the response to their service request. When the action or lack of action has resulted in service failure a complaint arises. This includes:

- Services delivered directly by the Council or its contractor
- The standard or quality of the service
- Failure to follow policy or procedure
- The behaviour of staff or contractors

We will act fairly when investigating a complaint. Investigating officers will seek to carefully consider all of the available information, act independently with an open mind and keep the matter confidential.

We will use information from complaints to improve our services and we will consider trends to inform changes which may be required to our systems of work.

We will follow our published procedure to endeavour to resolve a complaint. We recognise that effective complaint handling should be a customer friendly process that enables residents to be heard, listened to and understood. The starting point for this is a mutual understanding of what constitutes a complaint.

A resident does not have to use the word 'complaint' for it to be treated as such.

We recognise the difference between a service request, survey feedback and a complaint and take appropriate steps to resolve the issue for residents as early as possible. We classify each complaint we receive under one of the two stages of complaint:

### **Stage 1 Formal Complaint Investigation**

A complaint will be investigated by an officer that has not previously been involved in the case.

We will note and acknowledge the complaint in five working days. We will say who is dealing with the complaint and keep you informed. We will provide the expected response date.

Our aim is to investigate and make a decision within 10 working days from receipt of complaint. If this is not possible an explanation will be provided and an alternative date not longer than 20 working days.

Our intention will be to apologise, explain what happened and make it right. We will act quickly and keep you up to date.

The Housing Services Manager and Maintenance Manager lead on complaint resolution and response. In their absence the Director of Housing may respond. They are assisted by the Performance and Quality Officer. One of these Managers will investigate the complaint and respond or appoint an officer of appropriate seniority to do so. The process will be overseen and recorded by the Chief Executive's Team.

If we need to seek further information from you in order to fully understand your complaint we will contact you.

## **Stage 2 Review of Decision**

If a complainant is not satisfied with the explanation and resolution of their complaint they can ask for the matter to be reviewed. Residents are not required to explain their reasons for requesting a stage 2 consideration however we will endeavour to find out why you are not happy with our response.

Our aim is to make a decision within 20 working days from the request to escalate the complaint. If this is not possible an explanation will be provided and an alternative date not longer than a further 10 working days will be proposed. We will send an acknowledgement and provide the expected response date.

The Director of Housing or other nominated senior officer will investigate the complaint and respond or appoint an officer of appropriate seniority to do so. The process will be overseen and recorded by the Chief Executive's Team. We will keep you informed during the investigation.

## **Response**

A response to a complaint will address all the points raised by the complainant and provide clear reasons for any decisions, referencing the relevant policy, service standard, law and good practice where appropriate.

In our communications we will clearly state the stage at which the complaint is being dealt with, the outcome of the complaint, the reasons for any decisions made, details of any remedy offered, outstanding actions and information about how to escalate the matter if dissatisfied.

Our intention will be to apologise, explain what happened and make it right. We will act quickly and keep you up to date.

At any stage we will confirm in writing at the completion of our response to each complaint made;

- The complaint stage.
- The complaint definition.
- The decision on the complaint.
- The reasons for any decision made.
- The details of any remedy offered to put things right.
- Details of any outstanding actions.
- If a Stage One response, details of how to escalate the matter to Stage Two if the resident is not satisfied.
- If a Stage Two response, details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied.

## **Remedy**

When responding to a complaint we will act to put in place remedial action. This will be decided on a case by case basis and careful consideration will be given to what is fair in the circumstances. Where appropriate we will look beyond a particular case and seek to improve our systems of work, procedures or policies to ensure it does not happen again.

### Apology

Sometimes the only resolution required to a complaint is an apology. If we apologise we will also acknowledge the service failure, accept responsibility, give an explanation for the service failure and express regret for the failure.

### Specific Action

The complaint handler will consider whether there is any specific action required to rectify the complaint. This can include reconsidering or changing a decision.

### Financial Compensation

Any decision to make an award of financial compensation will be based on what is decided is fair given the circumstances of the case. The amount of compensation paid will consider actual financial loss sustained as a direct result of the service failure and avoidable inconvenience, distress, detriment or unfair impact as a direct result of the service failure.

### Policies and systems of work

Sometimes the feedback we receive may result in a change to a system of work, policy, procedure or practice.

### Equalities

We recognise that sometimes this policy will have to be adapted to meet a tenant's particular circumstances. We will make reasonable adjustments as required by the Equalities Act 2010. We will ensure that people with disabilities are not disadvantaged by this policy.

Examples are to provide documents and information in a variety of formats and if needed provide documents in larger print. Where it may be difficult for an individual to make a complaint formally in writing we will accept complaints verbally, in a meeting or from a third party that can act in the best interests of the complainant.

### Housing Ombudsman

We will endeavour to resolve your complaint to your satisfaction. If you decide that we are not doing so you can contact the Housing Ombudsman at any stage to seek advice and assistance.

The Ombudsman will investigate the complaint and make recommendations for the Council to resolve it – this may include a compensation payment.

Full details of the Housing Ombudsman service can be found on their website - [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

Their e-mail is [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

Their telephone number is 0300 111 3000

Address – PO Box 152 Liverpool L33 7W

Some housing related complaints can be considered by the Local Government and Social Care Ombudsman. More information about this can be found on their website.

[www.lgo.org.uk](http://www.lgo.org.uk)

Telephone 0300 061 0614

PO Box 4771 CV4 0EH

### **Learning from Complaints**

We will use information from complaints to consider our systems of work and how we behave towards our customers. In doing so we will encourage teams to use them to understand how our service is received.

The Housing Division provides summary reports and trend assessments for Councillors and tenants to consider. There is a designated person – the Member Responsible for Complaints – who is responsible for ensuring that the Council's Resources Board receives information on complaints and our complaint handling performance. The designated Councillor is Denise Clews.

A report will be provided annually about complaints performance and a service improvement report. This will be submitted to the Council's Resources Board and to the Borough Wide Tenants Forum to invite scrutiny and challenge.

Information about complaints and compliments will be provided in our Annual Report.

Name	
Address	
Please tell us if you making a Compliment, complaint or comment	Compliment  Complaint  Comment
Contact telephone number	
e-mail address	
Preferred method of contact:  Telephone/ e-mail/ letter	
Brief details of your compliment, complaint, comment          	
How would you like your complaint to be resolved?          	
Please let us know if you need assistance to make your complaint. We can share information in different formats, respond to a person or organisation of your choice or help to provide an advocate if you would like one.	

## Example of Requests for Service and Complaints

### Case study A – Resident calls to report contractor has not arrived at the agreed time

Ms B calls her landlord to report that the contractor that was due to attend her property that morning has not arrived. Ms B is not happy as she had taken the morning off work for the appointment. The call handler checks the system but is unable to explain to Ms B why the contractor did not arrive. The call handler asks Ms B if they can try and contact the contractor and call her back within the next hour. Ms B agrees. The call handler speaks to the contractor who explains they were held up at another job that took longer than expected. The call handler calls Ms B, explains the situation, and apologises. The call handler offers Ms B another appointment at a time that suits Ms B, and Ms B is satisfied with the explanation and resolution.

*This is an example of a 'there and then' situation where the resident may be dissatisfied with the service provided on that morning, but the landlord is able to quickly resolve the issue to the resident's satisfaction with minimal further enquiries. Whilst this does not need logging as a complaint, the landlord should keep a record of the call and should consider if there is any learning (i.e. should the landlord have been informed the contractor was delayed so it could alert Ms B and any other affected residents)*

### Alternative scenario

Ms B calls her landlord to report that the contractor that was due to attend her property that morning has not arrived. Ms B is not happy as she had taken the morning off work for the appointment. The call handler checks the system but cannot see an appointment for Ms B that day. Ms B is adamant she had an appointment that morning and explains she received a text message from the landlord with the date and timeframe. The call handler is unable to explain to Ms B why there was no appointment on the system and offers its apologies. The call handler also arranges another appointment and advises Ms B that it has opened a complaint on her behalf.

*Whilst the landlord can offer Ms B another appointment, it is unable to adequately explain why Ms B was told a contractor would attend that morning when there is no appointment on its systems. The landlord will need to investigate why this has happened, which could involve interrogating the system and speaking with other departments. Whilst Ms B may have been satisfied with a further appointment, a positive complaints handling culture would explore why this has happened to try to put it right for the resident and to learn from any mistakes.*



## Case study B – Resident calls to report a repair

Mr D calls the landlord to report a leak from one of his radiators. Mr D says the radiator has been leaking for a few months, but it has recently got worse. Although it has been leaking for a few months, this is the first time Mr D has contacted his landlord about it.

*This is a service request and should be handled in accordance with the landlord's repairs policy.*

### Alternative scenario A

Mr D calls the landlord regarding a leak from one of his radiators. Mr D says the radiator has been leaking for a few months and has recently got worse. Mr D tells the call handler that he has reported the leak several times and he was told each time that someone would come out to inspect the radiator, but he has never had an appointment, and no one has been out so far. He explains that his carpet underneath the radiator is starting to smell damp because of the leak. The call handler can see that Mr D has reported the issue several times but is unable to explain why it was never followed up. The call handler arranges an appointment for Mr D and opens a complaint case for Mr D.

*Whilst this is a service request, it is also clear from the information that this repair has been reported several times before and the landlord has not acted on the report, which is potentially a breach of its repairs policy. Although Mr D has not specifically said he wants to make a complaint, there has been a failure in the landlord's service that should be investigated and put right. The landlord should also explore any learning opportunities.*

### Alternative scenario B

Mr D calls the landlord regarding a leak from one of his radiators. Mr D says the radiator has been leaking for a few months and has recently got worse. Mr D tells the call handler that he has reported the leak several times and each time someone comes out they tell him they will do a temporary repair but that he needs a new radiator. Mr D tells the call handler he has been repeatedly told that the contractor will raise a job for a new radiator to be fitted but he has never heard anything. Mr D says he feels like he is going round in circles and that he thinks the landlord is trying to save money by not fitting a new radiator. The call handler checks the repair notes and can see that previous contractors have recommended a new radiator is fitted. The call handler raises a job for a new radiator and opens a complaint case for Mr D.

*Although the resident has not asked to make a complaint, it is clear from the conversation that he is dissatisfied with the level of service he has received from the landlord. It is also clear that something is not working as it should do within the landlord's process, which should be investigated as part of the complaint.*



## Case Study C – Resident calls to report noise nuisance/ASB

Mr A calls his landlord to report that his neighbour has been playing music at an excessive volume late into the night, which has stopped him and his family from being able to sleep. Mr A says this has been affecting his work and his children's school. He tells the landlord that he has tried speaking to his neighbour about it, but the neighbour was aggressive and abusive to him. Mr A would like the landlord to do something about the noise.

*This is a report of noise nuisance / ASB. The landlord should explain the ASB procedure to Mr A and clearly outline what the next steps are. The landlord should follow its ASB policy in responding to this allegation.*

Two months later Mr A calls his landlord again. He explains that the loud music has continued, and the neighbour has escalated to being abusive and aggressive whenever they see each other. Mr A tells his landlord that this is impacting on his mental health, and he is worried that it could escalate further. Mr A tells his landlord that he has reported some instances to the police, and he has filled in the diary sheets as the landlord has asked. The landlord confirms it will add this new information to Mr A's case file. The landlord contacts Mr A and provides an update on the ASB case, confirming it has spoken with the neighbour and is engaging with the police in relation to Mr A's reports. Mr A agrees to continue reporting issues as per the landlord's request.

*Although the neighbour's behaviour is escalating, the landlord continues to work with Mr A and to investigate the allegations in accordance with its policy. It is providing updates to Mr A and is working with other local agencies (i.e. the police) to resolve the matter.*

### Alternative scenario

Two months after his initial report, Mr A calls his landlord. He explains that the loud music has continued, and the neighbour has escalated to being abusive and aggressive whenever they see each other. Mr A tells his landlord that he has reported some instances to the police, and he has filled in the diary sheets as the landlord has asked but he has not heard anything from the landlord since his initial report. Mr A tells the landlord that he has done everything asked of him, but the landlord has not done anything and has left him and his family to live in fear of his neighbour. Mr A tells his landlord that this is impacting on his mental health, and he is worried that it could escalate further.

*The landlord has not responded to Mr A's initial report of ASB, therefore as well as following up on the reports of ASB as per the ASB policy, the landlord should also open a complaint case to look at its handling of Mr A's reports of ASB.*