



**Council**  
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## **Housing Complaints Policy**

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**Portfolio:** Planning, Communities and Housing

**Ward(s) Affected:** All

### **Purpose of the Report:**

To present the Housing Complaints Policy for approval

### **Recommendations:**

1. To approve the Housing Complaints Policy attached at Appendix 1.
2. To require the Monitoring Officer to determine the correct committee to receive the report on the annual self-assessment and to update the relevant committee's terms of reference accordingly.

## **1. Summary**

- 1.1 This report introduces the appended Housing Complaints Policy and seeks approval for implementation.
- 1.2 This complaint policy is for Housing complaints only, specifically for those that need to complain about their temporary accommodation as we currently do not provide other types of housing. This policy does not cover anyone who wishes to complain about their Housing and Homelessness case. These complaints will remain under the current complaints policy.
- 1.3 The policy clarifies how the council will support tenants in making their complaint and how it will deal with said complaint.
- 1.4 It also explains how we will use the complaint to continually improve our services and use the information to learn from.
- 1.5 The policy is applicable to tenants of Broadland District Council.

## **2. Background**

- 2.1 The Social Housing (Regulation) Act 2023 empowered the Housing Ombudsman to issue a code of practice about the procedures members of the Scheme should have in place for considering complaints against them following consultation on the code. It also placed a duty on the Ombudsman to monitor compliance with a code of practice that it has issued. The Ombudsman consulted on the code and its intended approach to the duty to monitor in late 2023. This is the first statutory Complaint Handling Code ('the Code') and it will take effect from 1 April 2024; the duty to monitor compliance will go-live at the same time.
- 2.2 Guidance regarding implementation was provided to officers on the 21<sup>st</sup> February 2024 regarding implementation timeframes, and their unrealistic nature within local government governance processors however the Housing Ombudsman made it clear that a policy must be in place by April 2024.
- 2.3 The Ombudsman believes all members should comply with all provisions in the Code as this represents best practice in complaint handling.
- 2.4 The Local Government Organisation has also provided guidance which aligns with the Housing Ombudsman's recommendations however with far more achievable deadlines. This will be presented to cabinet and council in September and October. Officers will aim to align the approach so that the new policy presented to member in September will incorporate both the Housing Ombudsman and the Local Government Ombudsman approach.

## **3. Proposed action**

- 3.1 The aims of this Policy are to:

1. To show how the Council handles complaints through increased transparency, accessibility, and complaint handling governance, demonstrating that residents are core to its service delivery and good complaint handling is central to that.
2. It aims to support the earliest resolution of complaints while the matters are still within the Council's own procedure. This can avoid issues escalating with potentially prolonged detriment to the resident, as well as requiring significantly more time and resource by the landlord to remedy.
3. It provides a guide to residents of what to expect if they make a complaint, as well as improving access and awareness to the procedure when they need it.
4. Ensure that the policy operates consistently within The Housing Ombudsman's code of guidance and other Broadland District Council priorities and policies.

#### **4. Other options**

- 4.1 Council may choose not to adopt but the consequences of this would be that the Council would not meet The Housing Ombudsman's code of guidance and therefore be at risk of challenge.

#### **5. Issues and risks**

- 5.1 The Council will not be compliant with The Housing Ombudsman's Code of Guidance if it doesn't adopt a fit for purpose Housing Complaints Policy from 1<sup>st</sup> April 2024.
- 5.2 **Resource Implications** – there are no resource implications associated with this report.
- 5.3 **Legal Implications** – If this policy is not adopted we would not comply with the requirements of being a Registered Provider by not being compliant with The Housing Ombudsman's Code of Guidance.
- 5.4 **Equality Implications** – There are equality implications associated with this report.
- 5.5 **Environmental Impact** – There are no environmental impact implications associated with this report.
- 5.6 **Crime and Disorder** – there are no crime and disorder implications associated with this report
- 5.7 **Risks** – the appended policy has taken into account all risks

#### **6. Conclusion**

- 6.1 As a Registered Provider we need to operate with an adequate Housing Complaints Policy and comply with The Housing Ombudsman's Code of Guidance.

## **7. Recommendations**

1. To approve the Housing Complaints Policy attached at Appendix 1.
2. To require the Monitoring Officer to determine the correct committee to receive the report on the annual self-assessment and to update the relevant committee's terms of reference accordingly.

### **Background papers**

Housing Ombudsman's Complaint Handling Code.

## **Broadland District Council**

### **Housing Complaint Handling Policy**

This complaint policy is for Housing complaints only, specifically for those that need to complain about their temporary accommodation as we currently do not provide other types of housing. This policy does not cover anyone who wishes to complain about their Homelessness case.

At Broadland District Council we are committed to continually improving our services and ensure that we put our communities and residents at the heart of everything we do.

In order to do this, we encourage our residents, businesses, visitors, community groups and any other group or individual that uses or are affected by our temporary accommodation services (referred in this policy as complainants) to tell us when things go wrong. This is important because then we can put things right and learn from our mistakes. This policy sets out how we handle complaints from our complainants in a simple and timely way that is open and transparent.

#### **Definition of a Complaint**

We define 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 a resident or group of residents'.

A resident does not have to use the word 'complaint' for it to be treated as such. Whenever a resident expresses dissatisfaction we will give them the choice to make complaint.

A complaint that is submitted via a third party or representative will be handled in line with this code.

#### **Definition of a Service Request**

A service request is a request from a resident to us requiring action to be taken to put something right. Service requests are not complaints, but we will record, monitor and review these regularly.

We will raise a complaint when the resident expresses dissatisfaction with our response to their service request, even if the handling of the service request remains ongoing. We will not stop their efforts to address the service request if the resident complains.

## **Exclusions**

We will accept a complaint unless there is a valid reason not to do so. If we decide not to accept a complaint, we will evidence our reasoning. We will consider each complaint on its own merits.

We may exclude a complaint for the following reasons:

- The issue giving rise to the complaint occurred over twelve months ago (we may apply discretion to complaints issued after this time frame).
- Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
- Matters that have previously been considered under the complaints policy.

If we decide not to accept a complaint, we will give an explanation to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell us to take on the complaint.

We will not take a blanket approach to excluding complaints, we will consider each complaint and its circumstances individually.

## **The Complaint Handling Process**

When a complaint is logged, we will set out our understanding of the complaint and the outcomes that the resident is seeking. If any aspect of the complaint is unclear, we will seek clarification from the resident.

When we acknowledge a complaint, we will be clear which aspects of the complaint we are, and are not, responsible for and clarify any areas where this is not clear.

At each stage of the complaints process, our complaint handlers will:

- a) deal with complaints on their merits, act independently, and have an open mind;
- b) give the resident a fair chance to set out their position;
- c) take measures to address any actual or perceived conflict of interest; and
- d) consider all relevant information and evidence carefully.

If we need longer to respond to a complaint, we will agree with the resident suitable intervals for keeping them informed about their complaint.

## **Complaint Stages**

### **Stage 1**

We will acknowledge a resident's complaint **within 5 working days of the complaint being received.**

We will issue a response to complaint **within 10 working days of the complaint being acknowledged.**

If an extension to this timescale is required when considering, we will inform the resident of the expected timescale of response. An extension will be no more than 10 working days without good reason and if this is the case, the reason(s) will be clearly explained to the resident.

When we inform a resident of the extension to the timescale, we will provide the contact details for The Ombudsman.

We will issue a response to the complaint when the answer to the complaint is known, not when the outstanding actions to the request have been completed. Any outstanding actions will be tracked and actioned promptly with updates provided to the resident.

If the resident raises additional complaints during the investigation and these are related to the same complaint, we will incorporate these into the Stage 1 complaint if the Stage 1 response hasn't been issued. Where the stage 1 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 complaint.

When we respond to the complaint at Stage 1 we will include in our response, in clear plain language:

- a) the complaint stage;
- b) the complaint definition;
- c) the decision on the complaint;
- d) the reasons for any decisions made;
- e) the details of any remedy offered to put things right;
- f) details of any outstanding actions; and
- g) details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.

In line with the councils complaints policy the response will be investigated and replied to by a senior manager/head of service

## **Stage 2**

If the complaint hasn't been resolved to the resident's satisfaction at Stage 1, we will escalate this to Stage 2. Stage 2 is our final response.

We will acknowledge, define and log a request for Stage 2 **within 5 working days of the escalation request being received.**

Residents are not required to explain their reasons for requesting a stage 2 consideration. We will make reasonable efforts to understand why a resident remains unhappy as part of our stage 2 response.

The complaint handler considering the Stage 2 complaint will be a different person to the complaint handler at Stage 1.

We will issue a final response to the complaint **within 20 working days of the complaint being acknowledged.**

If an extension to this timescale is required when considering, we will inform the resident of the expected timescale of response. An extension will be no more than 20 working days without good reason and if this is the case, the reason(s) will be clearly explained to the resident.

When we inform a resident of the extension to the timescale, we will provide the contact details for The Ombudsman.

**When we respond to the complaint at Stage 2 we will include in our response, in clear plain language:**

- a) the complaint stage;
- b) the complaint definition;
- c) the decision on the complaint;
- d) the reasons for any decisions made;
- e) the details of any remedy offered to put things right;
- f) details of any outstanding actions; and
- g) details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied.

In line with the councils complaints policy the response will be investigated and replied to by the relevant Assistant Director

## **Putting Things Right**

Where something has gone wrong, we will acknowledge this and set out the actions we have already taken, or intend to take, to put things right. These can include:



- Apologising;
- Acknowledging where things have gone wrong;
- Providing an explanation, assistance or reasons;
- Taking action if there has been delay;
- Reconsidering or changing a decision;
- Amending a record or adding a correction or addendum;
- Providing a financial remedy;
- Changing policies, procedures or practices

Any remedy we offer will reflect the impact on the resident as a result of any fault identified.

We will be clear in our remedy offer what will happen and by when, in agreement with the resident where appropriate. Any remedy we propose will be followed through to completion.

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

### **Self-assessment, Reporting and Compliance**

We will produce an annual complaints performance and service improvement report for scrutiny and challenge which will include:

- a) the annual self-assessment against the Housing Ombudsman Code to ensure our complaint handling policy remains in line with its requirements.
- b) a qualitative and quantitative analysis of our complaint handling performance. Which will also include a summary of the types of complaints we have refused to accept;
- c) any findings of non-compliance with the Housing Ombudsman Code by the Ombudsman;
- d) the service improvements made as a result of the learning from complaints;
- e) any annual report about our performance from the Ombudsman; and
- f) any other relevant reports or publications produced by the Ombudsman in relation to our work.

This will be completed and reported to the relevant committee of the Council. The timeline for publishing will be in line with the Housing ombudsman guidance. The team responsible for publishing and collecting data will be customer experience and insight team with significant support from the Housing and Homelessness service.

### **Next Steps**

If you have been through all stages of our complaints procedure and are still dissatisfied, you can ask the Housing Ombudsman to review your complaint. The Ombudsman

investigates complaints in a fair and independent way - it does not take sides. It is a free service.

**Contact Details taken from the Housing Ombudsman website:**

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

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

**Phone:** [0300 111 3000](tel:03001113000)

Calls are recorded for training and monitoring purposes.

**Write to:**

Housing Ombudsman Service  
PO Box 152  
Liverpool  
L33 7WQ

**Fax:** 020 7831 1942

**Please note:** We would strongly encourage customers to use [email](#) or the [online complaint form](#) rather than sending post to the PO Box address in Liverpool as there will be delays. Please do not send original documents by post as we are unable to post them back to you. Also note that we will not be able to deal with large bundles of documents by post.

**Other Types of Feedback or Enquiries**

The following will not be dealt with under this policy but will be dealt with under their own policy/procedure:

- Complaints about a Homelessness case
- Complaints of fraud or corruption
- Whistleblowing
- Hate incidents
- Information requests
- Member misconduct

**Retention Guidelines**

The following sets out our retention guidelines for all complaints received: Stage 1 & Stage 2 Complaints

- Destroy 2 years after the closure of the complaint. Unless the complaint has been escalated to the Ombudsman (see Ombudsman retention guidance).
- Files will be reviewed and destroyed on a monthly basis.

Ombudsman Complaints

- Destroy 6 years after the closure of the complaint.
- Files will be reviewed and destroyed on a quarterly basis.