

Council Housing Complaints Policy

Contents

Policy statement	Page 2
Policy scope	Page 2
Definitions	Page 2
Exclusions	Page 3
Making a complaint	Page 4
Complaint process and timescales	Page 5
Putting things right	Page 8
Roles and responsibilities	Page 8
Continuous learning and improvement	Page 9
Equalities assessment	Page 10
Related legislation and regulation	Page 10

Policy statement

- 1.1 This policy sets out the Council's approach to delivering an effective complaint handling service that meets both the regulatory requirements set out in the Regulator of Social Housing's Transparency, Influence and Accountability Standard and the Housing Ombudsman's Complaint Handling Code 2024.
- 1.2 This policy aims to:
- Provide residents with a clear, accessible and efficient complaints process.
 - Ensure residents understand how to make a complaint and their right to access the Housing Ombudsman Service.
 - Ensure complaints are investigated fairly, consistently and impartially.
 - Promote a positive culture of learning from complaints to improve landlord services provided by or on the behalf of the Council.
 - Ensure compliance with all relevant legislation and regulatory requirements.

Policy scope

- 1.3 This policy applies to complaints about the Council's housing services in its role as a landlord.
- 1.4 This policy applies to complaints from any person defined as a 'resident' below, and their representatives.
- 1.5 This policy will be published on the Council's website.

Definitions

- 2.1 For the purposes of this policy, the term 'residents' means any of
- (i) Applicants for social housing,
 - (ii) Tenants of any type,
 - (iii) Shared owners,
 - (iv) Leaseholders,
 - (v) Former tenants,
 - (vi) Anyone else affected by the landlord services provided by or on the behalf of the Council, including those delivered by third parties.
 - (vii) Representatives of any of the above (please see paragraph 5.3 for more information on representatives).

Complaint:

- 3.1 A complaint is defined 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.'

- 3.2 A resident does not have to use the word 'complaint' for it to be treated as one. Where a resident expresses dissatisfaction, they will be given the choice to make complaint. Where they choose to do so, it will be recorded as a stage on complaint in line with this policy. Complaints submitted by a third party or representative will be handled in line with this policy.
- 3.3 We will presume any expression of dissatisfaction as defined in 3.1 above is a 'complaint' unless the resident or representative explicitly declines the choice to engage the complaints policy.

Service request:

- 4.1 A service request is defined as 'a request from a resident to the Council requiring action to be taken to put something right'. Examples of service requests include:
- raising a repair for the first time
 - asking for information or clarification about their home or tenancy
 - reporting an incident of anti-social behaviour.
- 4.2 Where a resident expresses dissatisfaction with how a service request has been handled or the response they received, they will be given the choice to make a complaint. Where they choose to do so, it will be recorded as a stage one complaint in line with this policy even if the service request is ongoing. The Council will continue its efforts to address the service request alongside the complaint.
- 4.3 An expression of dissatisfaction shared through a survey is not defined as a complaint, though wherever possible, the person completing the survey will be informed how they can make a complaint if they wish to do so. Where the Council asks for wider feedback about its landlord services, details of how to complain will be provided.

Exclusions

- 5.1 The Council will accept complaints that fall within its definition in this policy unless there is a valid reason not to do so. Circumstances where a complaint will not be accepted may include:
- If the matter being raised is considered as a service request.
 - Where the issue giving rise to the complaint occurred over twelve months ago, if it is fair and reasonable to do so.
 - Where 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 this policy, unless there is substantially new information that may warrant further consideration.

- Reports of anti-social behaviour which will not be treated as complaints, however, the Council will accept complaints about the handling of such reports.
 - Complaints relating to the Council's wider housing services that do not relate to its role as a landlord, for example, homelessness applications, housing allocations, housing benefit or private sector housing.
 - Complaints relating to non-housing services.
 - Complaints about councillors, which are subject to a different process and should be reported to standards@oxford.gov.uk.
 - Complaints about the outcome of a Freedom of Information request, Subject Access Request, or Environmental Information request which have a separate review process with escalation to the Information Commissioner's Office.
 - Objections to planning applications.
 - Complaints raised by employees (unless they are raising it as a qualifying resident), which will be dealt with under the relevant employment policy.
 - Complaints about other local authorities or organisations that are not acting on behalf of Oxford City Council.
- 5.2 Some complaints from leaseholders relating to service charges are better suited to being handled through the First Tier Tribunal, although the Council will always try to resolve these concerns in the first instance.
- 5.3 Each complaint will be considered on its own merits, taking account of the individual circumstances. The Council will not take a blanket approach to excluding complaints.
- 5.4 Where the Council does not accept a complaint, a response will be provided to the resident setting out the reasons why the matter is not suitable and inform them of their right to take that decision to the Housing Ombudsman Service.
- 5.5 Where a matter falls outside the scope of this policy, the Council will explain why and, where appropriate, direct the resident to the relevant service, process or procedure. If the matter meets the definition of a complaint but is not about the Council's housing services in its role as a landlord, the resident will be referred to the Council's corporate complaints procedure.

Making a complaint

- 6.1 Complaints can be made in any way and with any member of staff by:
- completing the online customer feedback form on the website
 - phoning the Customer Service Centre on 01865 249811
 - writing to Complaint HUBs, Oxford City Council, Town Hall, St Aldate's, Oxford, OX1 1BX
 - emailing OCCLSComplaints@oxford.gov.uk
 - in person.

- 6.2 The Council is committed to treating everyone fairly. Where a resident requires support to make or pursue a complaint, they are advised to let the Council know and state what assistance is required. This may include providing information in alternative formats such as large print, interpretation or translation services or communication through a representative.
- 6.3 Residents may authorise a representative to deal with a complaint on their behalf and to be represented or accompanied at any meeting with the Council. A representative may be a friend, family member, carer or a third party such as a voluntary organisation, councillor or Member of Parliament. The Council will require appropriate consent before sharing information with a third party in line with data protection requirements.
- 6.4 Anonymous complaints will be considered in line with this policy, however there may be limits where there is insufficient information or where the complainant cannot be contacted.
- 6.5 Where a complaint is received via social media, the Council will contact the resident requesting them to re-submit the complaint via the complaints process set out in this policy. Complaints will not be dealt with on public social media platforms.

Complaint process and timescales

- 7.1 Information about the complaints process will be made available in the Council's Residents Voice quarterly magazine and on the Council's website. This will include how to contact the Housing Ombudsman Service and information about the Housing Ombudsman Service's Complaint Handling code.

Stage one:

- 7.2 Stage one complaints will be acknowledged, defined and logged within five working days of the complaint being received. The acknowledgement letter will include the outcome the resident is seeking and what aspects of the complaint Oxford City Council are and are not responsible for. A full response will be issued within ten working days of when the complaint was acknowledged.
- 7.3 Where a complaint is complex, additional time may be required to fully investigate a complaint. Where this is the case, the resident will be informed of the expected timescale for response and receive regular updates. Any extension will be no longer than ten working days without good reason, and the reason will be clearly explained to the resident. When an extension has been agreed the resident will be provided with the contact details of Housing Ombudsman Service.
- 7.4 A complaint response will be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address

the issue are completed. Outstanding actions will be tracked and actioned promptly with appropriate updates provided to the resident.

- 7.5 Where a resident raises 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. 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 complaint.
- 7.6 All responses will confirm the following in writing to the resident at the completion of stage one in clear, plain language:
- the complaint stage
 - the complaint definition
 - the decision on the complaint
 - the reasons for any decisions made referencing the relevant policy, law and good practice where appropriate
 - the details of any remedy 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 response including details of the Housing Ombudsman Service.
- 7.7 Where complaints relate to repairs and maintenance carried out by Oxford Direct Services (ODS), these complaints are referred ODS who will undertake stage one of the complaints process in line with this policy. Where a resident is not satisfied with the response at stage one and escalates the matter to stage two, the Council will investigate the matter at stage two.

Stage two:

- 7.8 Stage two complaints are an escalation from stage one, where all or part of the complaint is not resolved to the resident's satisfaction at stage one.
- 7.9 Requests for stage two will be acknowledged, defined and logged within five working days of the escalation request being received. The acknowledgement letter will include the outcome the resident is seeking and what aspects of the complaint Oxford City Council are and are not responsible for. A full response will be issued within 20 working days of when the complaint was acknowledged.
- 7.10 Residents will not be required to explain their reasons for requesting a stage two consideration. The Council will make reasonable efforts to understand why a resident remains unhappy as part of its stage two response.
- 7.11 The person considering the complaint at stage two must not be the same person that considered the complaint at stage one. Stage two is the Council's final response and will involve a review of the stage one

investigation and response, alongside an assessment of any additional information and further investigation with appropriate staff.

- 7.12 Where a complaint is complex, additional time may be required to fully investigate a complaint. Where this is the case, the resident will be informed of the expected timescale for response and receive regular updates. Any extension will be no longer than 20 working days without good reason, and the reason will be clearly explained to the resident. When an extension has been agreed the resident will be provided with the contact details of Housing Ombudsman Service.
- 7.13 A complaint response will be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions will be tracked and actioned promptly with appropriate updates provided to the resident.
- 7.14 All responses will confirm the following in writing to the resident at the completion of stage one in clear, plain language:
- the complaint stage
 - the complaint definition
 - the decision on the complaint
 - the reasons for any decisions made referencing the relevant policy, law and good practice where appropriate
 - the details of any remedy 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.

External escalation:

- 7.15 Residents with a tenancy agreement, lease agreement, license to occupy, or similar agreement to live within a Council property can contact the Housing Ombudsman Service at any time for advice on complaint handling while a complaint is going through the Council's complaints process outlined in this policy. The Housing Ombudsman Service will not normally accept a complaint for formal investigation until the Council's internal process has been completed. The Housing Ombudsman Service contact details are:
- Telephone: 0300 111 3000
 - Address: Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET
 - Email: info@housing-ombudsman.org.uk
 - Web: www.housingombudsman.org.uk
- 7.16 Complaints relating to building safety may be directed to the Building Safety Regulator. The Building Safety Regulator contact details are:
- Telephone: 0300 790 6787

- Address: Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS
- Web: <https://www.gov.uk/guidance/contact-the-building-safety-regulator>

7.17 Complaints about our landlord function from residents without a tenancy or lease with the Council, or complaints relating to our homelessness duty, allocations and other local authority functions not covered by the Housing Ombudsman Service can be referred to the Local Government and Social Care Ombudsman

- Telephone: 0300 061 0614
- Address: Local Government & Social Care Ombudsman, PO Box 4771, Coventry, CV4 0EH
- Website: <https://www.lgo.org.uk/how-to-complain>

Putting things right

7.18 The Council will work collaboratively with residents, where something has gone wrong, the Council will acknowledge this and set out the actions already taken, or those it intends to take, to put things right. Potential remedies 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.

7.19 Any remedy offered will reflect the impact on the resident as a result of any fault identified. The remedy offer will clearly set out what will happen and by when, in agreement with the resident where appropriate.

7.20 The Council will follow Housing Ombudsman Service guidance when deciding on appropriate remedies.

Roles and responsibilities

Member Responsible for Complaints:

7.1 A member of the governing body will be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC').

7.2 The MRC will be responsible for ensuring the governing body receives regular information on complaints that provides insight on the landlord's complaint handling performance. This person must have access to suitable information and staff to perform this role and report on their findings.

Senior Lead:

- 8.3 The Director of Housing is the senior lead person accountable for complaint handling. The Director of Housing will oversee the assessment of complaint data, including identifying themes and trends to highlight potential systemic issues, serious risks, and any policies or procedures requiring review or revision.

Complaint Officers:

- 8.4 The Council's Housing Customer Care & Complaints Team will take responsibility for complaint handling, including liaison with the Housing Ombudsman and ensuring complaints are reported to the governing body.
- 8.5 The Council's Housing Customer Care & Complaints Team 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.
- 8.6 Where complaints relate to repairs and maintenance carried out by Oxford Direct Services (ODS), staff at ODS will undertake stage one complaints in line with this policy.
- 8.7 All relevant staff will be suitably trained in the importance of complaint handling.

All staff:

- 8.8 The Council will have a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to:
- 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.
- 8.9 All staff will be aware of the complaints process and be able to pass details of the complaint to the Council's Housing Customer Care & Complaints Team.

Continuous learning and improvement

- 9.1 The Council will look beyond the circumstances of individual complaints and consider whether service improvements can be made as a result of any learning from complaints. Using the complaint process in this way enables

the Council to learn from the issues that arise for customers and to take steps to improve the services it provides.

- 9.2 The Council will publish an annual complaints performance and service improvement report, which will be made available to residents on its website. The Council will also share learning from complaints with residents through forums such as the Tenant and Leaseholder Board and on its website.
- 9.3 The Member Responsible for Complaints ('the MRC') and the governing body will receive:
- regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance
 - regular reviews of issues and trends arising from complaint handling
 - regular updates on the outcomes of the Housing Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings
 - the annual complaints performance and service improvement report.
- 9.4 Oversight measures for complaint handling include quality checking cases handled by the Council and ODS, and regular performance reporting, as well as in depth reviews of the complaint handling and decision making of any cases that escalate to stage two.

Equalities Assessment

- 10.1 An Equality Impact Assessment (EqIA) has been carried out to determine whether the policy would have an impact on any member of staff, tenants, or contractor workforce, which unfairly discriminates or disadvantages them in the context of the Equality Act 2010. The EqIA has identified that there are no particular groups who will be unlawfully disadvantaged by this policy.

Related Legislation and Regulation

- 11.1 The Council will adhere to all relevant legislation and regulatory obligations as they apply, including but not limited to:
- Localism Act 2011
 - Housing Act 1996
 - Equality Act 2010
 - Data Protection Act 2018
 - Building Safety Act 2022
 - Social Housing (Regulation) Act 2023
 - The Housing Ombudsman Service Complaint Handling Code (a statutory code that the Council is required to comply with).

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