

Complaints policy and procedure

Department: Housing and environment

Landlord services only

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1. Procedure

1.1 If an issue cannot be resolved in the course of the day-to-day management of a service, residents may decide to make a complaint. Ealing Council as landlord will manage all resident complaints ourselves.

1.2 Our aim is to:

- be fair and give the resident a fair chance to set out their position
- be easy to reach and helpful at all times, with a customer friendly process that enables residents to be heard and understood
- deal with complaints on their merits, acting independently with an open mind
- try to resolve our resident's problem as quickly as possible
- offer help and support to our residents
- fully investigate complaints, considering all relevant information and evidence carefully
- learn from our mistakes
- use complaints to improve the services we provide to our residents

1.3 Tenants, leaseholders and shared owners of Ealing Council can make a complaint to any member of staff however they choose including face to face, telephone or by completing the complaints form on the customer portal. A resident does not have to use the word "complaint" in order for it to be treated as such.

1.4 A complaint is defined in the Housing Ombudsman Service's (HOS) Complaint Handling Code. For the purposes of this procedure a complaint is "an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by Ealing Council, council staff or those acting on behalf of the council, affecting an individual resident or group of residents."

This can include:

- something we have said we would do – and didn't
- the time it's taken us to sort out an issue
- a decision we have made
- something we have done – and shouldn't have done

1.5 Whenever we conduct a resident survey, we will always remind residents of how they can make a complaint if they wish to. When we are asking for wider feedback, we will also provide details of how they can make a complaint.

1.6 If a resident is reporting an issue with their home or neighbourhood for the first time this is not a complaint, it is a service request, for example:

- reporting a repair
- reporting neighbourhood issues
- reporting anti-social behaviour

1.7 We will consider and recognise the difference between a service request and a complaint utilising the Housing Ombudsman's guidance and example case studies in the Complaint Handling Code.

- 1.8 A complaint should be raised when a resident remains dissatisfied with their response to their service request.
- 1.9 Complaints may be raised by a member of Parliament or a local councillor, or via a third party or representative. Where we receive a complaint as per the definition in section 1.4, we will follow our complaints policy and procedures.
- 1.10 We will consider each individual circumstance of each complaint request. We will not deal with complaints:
- that relate to an issue that occurred more than 12 months ago (we will apply discretion to this time limit where there are good reasons)
 - where legal proceedings have started with a claim form filed at court
 - if matters have previously been considered under the complaints policy

When we decide not to deal with a complaint, we will provide an explanation to the resident or representative and the contact details of the Housing Ombudsman.

- 1.11 Where a resident is seeking compensation for personal injury, the circumstances around the alleged service failure may be investigated as part of the complaints process but complainants will be advised to contact our insurers to respond to that aspect specifically regarding the personal injury claim.

- 1.12 Residents will be provided with early advice regarding their right to access the Housing Ombudsman Service. The Housing Ombudsman Service can assist residents throughout the life of a complaint and residents can engage with the Housing Ombudsman Service dispute support advisors, which will be supported by the complaints team.
- 1.13 The Housing Ombudsman will only investigate and adjudicate on complaints where there is, or was, a landlord/tenant relationship which includes customers who have a lease, tenancy, license to occupy, service agreement or other arrangements to occupy premises owned or managed by Ealing Council. A tenant, leaseholder or shared owner has the right to challenge any decision not to record a complaint with the Housing Ombudsman.

2. Two stage complaints procedure

- 2.1 There are 2 stages to our complaint's procedure each with clear timescales which are compliant with the Housing Ombudsman's Complaint Handling Code 2024.

We will try to resolve a complaint at the first point of contact and provide the resident with a resolution to their complaint.

Complaints are owned by the relevant service area within housing and investigated by case managers who have been trained in managing complaints in accordance with the Housing Ombudsman Complaint Handling Code.

The complaints team role is to:

- provide oversight to ensure compliance with the complaints procedure
- support case managers with formal written complaint responses
- provide oversight to enable compliance with the Housing Ombudsman Complaints Handling Code and the Housing Ombudsman dispute resolution principles
- support the customer in navigating the complaints process and keep them updated throughout the process

2.2 Complaints are formally acknowledged:

- in addition to the automated response on the portal, all complaints will be acknowledged, either by letter or email, **within 5 working days** of the complaints team receiving the complaint. If clarity is required as to the outcomes being sought, or if the basis of the complaint is not clear, the complaints team will make contact with the resident.
- our acknowledgement will make it clear which aspects of the complaint we are, and are not responsible for, and clarify any areas with the resident where this is not clear.

2.3 The complaints team will:

- discuss the complaint with the case manager and allocate for investigation

- assess the complaint and determine the most appropriate service area to investigate
- capture the resident's address or email if they have raised their complaint verbally
- acknowledge receipt of the complaint in writing **within 5 working days**
- log the complaint onto our system
- gain the correct authority for permission to share from the resident if the complaint is made by a third party

2.4 In the event we receive any complaints or members enquiries regarding our higher risk buildings the complaint will be assessed for any safety concerns. Where there are safety concerns raised as part of the complaint this will be assigned to the building safety manager for their consideration, and the assistant director of housing asset management is also to be made aware. All safety complaints must be reviewed and responded to within 1 working day. If the complaint is about non safety-related concerns it will be assigned to the relevant service area for them to respond within the standard response times.

3. Stage 1

3.1 Stage 1 – a written decision will be given **within 10 working days** from the complaint being **acknowledged** (up to 15 days from the complaint being received) and allocation of the complaint. Where a response to a complaint falls outside of these timescales, we will agree with the resident suitable intervals for keeping them informed about their complaint. If

the timescale is not possible, an explanation and a date by when the stage 1 response will be given. This should not exceed a further 10 days without good reason. At this point we will also give contact details of the Housing Ombudsman.

- 3.2 Good reasons for not being able to meet these timescales may include where a customer cannot be contacted or has made a request to be contacted at specified times which are outside of the complaint response timescales.
- 3.3 At stage 1 the complaints case manager will:
- contact the resident and where required, to assist in resolving the complaint, offer to meet with the resident
 - fully investigate the complaint
 - keep the resident and the complaints team fully informed of the progress of the complaint
 - following consultation, and with input from the complaints team, send a full written response and confirmation of the agreed actions for any proposed resolution within 10 working days of the complaint being allocated that addresses all points raised in the complaint and provide clear reasons for any decisions
 - progress and monitor any agreed actions which may have formed part of the resolution outcome
 - ensure the complaints team is provided with all correspondence, notes and findings
 - complete and submit a learning log with the stage 1 response

- 3.4 Where a response cannot be sent within 10 working days, the complaints officer will send the resident a holding response advising the reasons why and when the resident can expect a response and provide details of how to contact the Housing Ombudsman Service.
- 3.5 Finally the complaints team will:
- check the learning log is complete to ensure any learning identified is fully recorded
 - close the complaint if no further contact is received from the resident after 10 working days of the resolution offer being sent
 - ensure we have kept a full record of the complaint and the outcomes at each stage, retaining all relevant documents
 - add any outstanding actions to our complaints tracker, so they can be actioned promptly and appropriate updates provided to the resident
- 3.6 When a resident raises additional complaints during the investigation, these must be incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, or 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.
- 3.7 All stage 1 responses will follow our template that will confirm in writing in clear plain language:

- 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 and timescale
- details of any outstanding actions and timescale
- details of how to escalate the matter to stage 2 if the individual is not satisfied with the response

4. Stage 2

- 4.1 When a resident is dissatisfied with the outcome of the stage 1 response, they have **28 days** to be provided with the opportunity to ask for their complaint to be escalated if they feel their complaint has not been resolved. We will always consider the individual circumstances of each complaint.
- 4.2 We may ask the resident to allow us time to carry out the actions set out in our stage 1 response, before they escalate their complaint to stage 2 of the process. Where we do this we will set out the reasons why it is not suitable for the complaint to be escalated and the right to take the decision to the Housing Ombudsman Service.
- 4.3 Requests for stage 2 will be acknowledged, defined, and logged at stage 2 of the complaints procedure **within 5 working days** of the escalation request being received.

- 4.4 A written response will be given **within 20 working days** from the stage 2 **acknowledgement** being sent (up to 25 days after the stage 2 has been escalated). If this is not possible, an explanation and a date by when the stage 2 response will be given. This should not exceed a further 20 days without good reason. The reasons will be clearly explained to the resident and will be accompanied by the contact details of the Housing Ombudsman Service.
- 4.5 For stage 2, a different case manager will be appointed to ensure an independent review of stage 1 investigation. Our stage 2 investigation will involve all suitable staff members needed to make sure all issues are addressed, and a thorough response can be issued to the resident.
- 4.6 Should there be delays in being able to provide a stage 1 or stage 2 response within these timescales, the complaints officer will ensure this is fully explained to the resident with an explanation for the delay. Where possible any extension outside of these timescales will be agreed with the resident. Where a resident is dissatisfied or is in dispute with the proposed response timescales, the resident will be reminded of the ability to refer this to the Housing Ombudsman Service and their details will be provided.
- 4.7 The complaints team will:
- ensure there is a clear understanding about why the resident is dissatisfied with the stage 1 response and if required make contact with the resident to clarify
 - acknowledge to the resident that the complaint has

been escalated to a stage 2 in writing within 5 working days

- prepare a stage 2 assessment pack detailing the actions taken to date, the reasons for dissatisfaction, highlight any deficiencies or gaps in the stage 1 investigation response or compliance with the Housing Ombudsman Complaints Handling Code
- where a response cannot be sent within 20 working days the complaints officer will send the resident a holding response advising the reasons why and when the resident can expect a response, with details of the Housing Ombudsman Service

4.8 The case manager will:

- investigate the complaint under stage 2 by making contact with the resident ensuring all relevant parties are consulted at the appropriate level to ensure the reason for dissatisfaction is responded to and any identified risks are managed
- provide a written stage 2 response in plain language when the answer to the complaint is known that confirms the following:
 - 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 and timescale

- f. the details of the learning
 - g. the details of how to escalate the matter to the Ombudsman if the individual remains dissatisfied
- ensure systems are in place to monitor and track the actions promised to resolve all complaints and that they are completed within appropriate timescales
 - ensure that all learning identified is progressed including amendments to policies and procedures
- 4.9 Following the provision of the stage 2 response the complaints team will close the complaint.

5. Diversity and inclusion

- 5.1 We will consider our duties under the Equality Act 2010 and tailor our approach of the complaints process to take into account the needs of our residents.
- 5.2 We will keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. We will keep any reasonable adjustments under review.
- 5.3 Residents will be given the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting.
- 5.4 We will follow our [corporate policy](#) on dealing with unreasonably persistent complainants and unreasonable complainant behaviour. We will evidence our reasons for putting any restrictions in **place and** keep these restrictions under regular review.

Any restrictions placed on contact due to unacceptable behaviour will be proportionate and have regard of the Equality Act 2010.

- 5.5 Our complaints policy and procedure, will be written in a clear and accessible format for all residents.

6. Remedies and compensation payments

- 6.1 Each case needs to be considered on its own merits and circumstances. We will use the Housing Ombudsman [guidance on remedies](#) to decide what the most appropriate remedy is in each individual case. Questions that will help us decide what the appropriate remedy to a complaint is include the following:

- what has gone wrong?
- can it be put right – what actions could be taken to remedy the situation?
- how has the complainant been adversely affected?
- is there an actual quantifiable financial loss – for example, has the complainant incurred costs as a result of what happened, or not received payments that they should have?
- what other impact has there been (for example distress caused)?
- did the complainant's actions or inactions, or those of a third party (for example a complainant's advocate), contribute to what happened in the case?
- what remedy would be proportionate, appropriate and reasonable in the circumstances of the case?

- 6.2 Complaint officers will consider the cumulative impact of any service failure. The impact experienced by the complainant could include distress and inconvenience, time and trouble, disappointment, loss of confidence, and delays in getting matters resolved.

7. Updates and chasing overdue responses

- 7.1 Compliance with the procedure is vital to support timely complaint resolution, maintain resident satisfaction and to comply with the published service standards. To support this the complaints team will apply an escalation process for overdue responses or requests for updates:
- a. no response after 1 working day – request for update from the case manager
 - b. no response after 2 working days – request for update from the head of service with the case manager copied in
 - c. no response after 3 working days – complaints manager to pursue via the relevant assistant director

8. Complaints referred to the Housing Ombudsman Service

- 8.1 Residents have the right to refer their complaint to the Housing Ombudsman at any point during the investigation and details of how to do this will be included in the complaint correspondence, who will support a resident through the complaints process. The

Housing Ombudsman will not begin their own investigation into the council's complaint handling until the 2 stage complaint process has concluded.

8.2 Following the exhaustion of the council's complaint procedure, complaints may be investigated by the Housing Ombudsman Service and the resident can refer their complaint to them.

8.3 The complaints team will:

- respond to all correspondence and requests for information from the Housing Ombudsman within the specified timescales
- review the outcome of the Ombudsman's investigation and either accept the outcome or ask for a review of the decision
- where we accept the outcome of the Ombudsman's investigation we will act upon any findings or recommendations by them
- work closely with the relevant senior officer to respond to the Ombudsman within their given timescales

9. Self-assessment, reporting and compliance

9.1 The head of housing and environment strategy, performance and improvement will meet regularly with heads of service to ensure learning from complaints feeds into improvement plans for all service areas.

9.2 We will undertake an annual self-assessment against our complaint

handling code, this will be published on our website. We will undertake a review sooner, if directed by the Housing Ombudsman Service, or if we have a change in system or procedures.

9.3 The head of housing and environment strategy, performance and improvement will produce an annual complaints performance and service improvement report for scrutiny and challenge that will be shared with our involved residents, senior leadership team and cabinet to include:

- a. our annual self-assessment against the Housing Ombudsman Complaint Handling Code 2024 to ensure our complaint handling policy remains in line with its requirements
- b. a qualitative and quantitative analysis of Ealing Council's complaint handling performance. This will also include a summary of the types of complaints we have refused to accept
- c. any findings of non-compliance with the Complaint Handling Code by the Ombudsman
- d. the service improvements we have made as a result of the learning from complaints
- e. any annual report about the landlord's performance from the Ombudsman
- f. any other relevant reports or publications produced by the Ombudsman in relation to the work of the council

9.4 The annual complaints performance and service improvement report will be published on the complaints section of our website. This will be accompanied by a response from **senior leadership team** and the **cabinet member** with the portfolio for housing.

10. Scrutiny and oversight

10.1 Complaint performance will be monitored weekly, monthly, and quarterly, at operational and strategic levels.

10.2 The complaints lead for housing will produce quarterly reports to the housing senior management team that monitors compliance, trends and learning outcomes.

10.3 The housing senior management team will receive:

- a. regular updates on the volume, categories and outcomes of complaints alongside complaint handling performance
- b. regular reviews of issues and trends arising from complaint handling
- c. regular updates on the outcomes of Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings
- d. the annual complaints performance and service improvement report

10.4 The housing portfolio lead and the executive director of housing and environment will make sure the cabinet receive:

- a. regular updates on the volume, categories, and outcomes of complaints alongside complaint handling performance

- b. regular reviews of issues and trends arising from complaint handling
- c. regular updates on the outcomes of Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings
- d. the annual complaints performance and service improvement report

10.5 The strategic director for housing and environment and the cabinet lead for housing will provide a response to the annual report, and this will be placed on the complaints area of our website along with the annual complaints performance and service improvement report.

11. Business continuity

11.1 If we are ever unable to comply with the Housing Ombudsman Complaint Handling Code due to exceptional circumstances such as a cyber incident, we will place a notice on our website to advise residents who may be affected, with a timescale for returning to the code.

11.2 We will inform the Housing Ombudsman Service of the incident and our recovery plan.

12. Communication and training

12.1 We will provide regular training sessions for all staff that is tailored to the needs of their role, this will ensure we have a positive culture towards complaints where we learn and improve our services.

- 12.2 We will have a standard objective in relation to complaint handling for all relevant staff that requires staff to co-operate across the department to resolve complaints, taking collective responsibility and act professionally.
- 12.3 We will publish our complaints policy and procedure, the Housing Ombudsman, and the complaint handling code on our website in a clear and accessible format for all residents.
- 12.4 We will have a regular feature in our resident newsletter on complaints. We will promote our complaints policy, the Housing Ombudsman, and the complaint handling code at least once a year in our resident newsletter.