



## **Department of Community and Children's Services**

# **Housing Service Complaints Policy**

<b>Approved by:</b>	Housing Management and Almshouses Sub-Committee
<b>Approval Date:</b>	May 2017
<b>Review Date:</b>	May 2019

## **1. Equal opportunities**

The City of London Corporation operates an Equality & Diversity policy and this applies to all aspects of its services. We will ensure that no resident or service user is treated less favourably on the grounds of age, race, religion or belief, disability, sex, gender reassignment, sexual orientation, pregnancy or maternity, marriage or civil partnership status. This policy and all related information can be made available in different formats and translated upon request.

## **2. Aims**

We are committed to providing excellent services that meet agreed service standards. The aims of this policy are to:

- confirm our commitment to addressing service requests and enquiries rapidly and at a local level;
- manage all complaints quickly, efficiently and with courtesy;
- ensure the complainant knows what is happening at all times;
- give a clear response within set time limits explaining the action we will take;
- treat complaints as feedback that will help us to continuously improve our services.

## **3. Legislative and regulatory framework**

There is no legislative requirement on which a Complaints Policy must be based. This policy therefore reflects regulatory standards and guidance from the Housing Ombudsman and the Local Government Ombudsman.

## **4. Related Policies and Strategies**

This policy fits within the City of London's Corporate Complaints Policy. It links to other Housing Service and departmental policies including:

- Anti-social Behaviour Policy
- Vexatious Complaints Policy.

## **5. Scope of the Policy**

This policy applies to:

- City of London tenants, leaseholders and those freeholders who receive services from the Housing Service and those authorised to act on their behalf e.g. relatives and advice agencies.
- Those affected by the City of London Housing Service e.g. residents of neighbouring estates.
- Those applying for services delivered by the City of London Housing Service, such as people making a housing application.

## **6. Introduction**

We recognise that there will be occasions when residents are not satisfied with the service we have provided, this policy sets out the approach we will take when such situations arise.

## **7. Data Protection and Confidentiality**

The City of London will comply with the requirements of the Data Protection Act 1998. Complaints will be treated in confidence as far as possible. The name of the person complaining will not be divulged more than is absolutely necessary and will not be given to a third party without the agreement of the complainant. In some situations, it may not be possible to conceal the identity of the complainant. For example, if their complaint involves another person, it cannot be investigated without speaking to that person.

We will endeavour to investigate complaints made anonymously, however without specific details this may not always be possible. We will record such complaints, as they could provide early warnings of a service delivery failure.

## **8. Definition of a Complaint**

A complaint is an expression of dissatisfaction about the standard of service provided or the action or lack of action taken by the City's staff in responding to a customer request or enquiry. Examples of a complaint can include where the complainant believes the Housing Service have:

- failed to do something that should have been done;
- failed to meet service standards;
- treated a customer unfairly.

We will take every reasonable step to resolve a complaint, whilst acting within our policies, procedures and statutory (legal) duties.

## **9. Situations which will not be investigated as complaints**

The following situations will not be investigated as complaints:

- A request for a service, information or an explanation will not be treated as a complaint – staff will first be given the opportunity to respond to the request or enquiry and to follow required procedures.
- Complaints about other residents or neighbour disputes – these are managed via our Anti-social Behaviour Policy.
- Formal service charge disputes – which are dealt with under a separate legal process called a First Tier Tribunal (Property Chamber).
- Appeals against Benefit, Allocation or tenancy decisions – these are dealt with under appeals processes.
- Disagreement with a City policy or procedure. We encourage comments and feedback on our policies via consultation processes and will take comments received into account when policies are reviewed.
- Any issue that has previously been addressed through the Housing Service's formal Complaints Policy.
- We do not accept complaints where the customer has started legal proceedings or has previously taken the matter to court or tribunal.

## **10. Group Complaints**

On occasion, we may receive the same complaint from a number of people. A group complaint does not change the process, and the complaints will be responded to in the

same way. However, where appropriate, we will communicate with the 'lead' complainant if one is identified.

## **11. Support for those who wish to complain**

A leaflet explaining the Complaints Policy and Procedure is available.

If the complainant wishes to make a formal complaint in person or by phone, staff will record the complaint, the solution being sought by the complainant, and the action taken to date. This will be signed by the complainant and submitted on their behalf via the process below.

## **12. Timescales**

We will acknowledge all complaints within two working days and send a full written response within a further 10 working days. If an investigation requires longer than this we will contact the complainant and inform them of when they can expect a full response. At each stage of the formal process, a request for escalation must be received within 30 calendar days of the response being sent to the complainant.

The complaint stages are sequential and complaints will be dealt with fully under each stage. There is no option to 'skip' stages.

We will only investigate complaints which are made within six months of the event which caused the complaint.

## **13. Complaint Stages**

### **The Informal Stage**

We ask customers to initially contact our staff; they may ask for the Estate Manager, Sheltered Housing Manager or appropriate Team Manager. Staff will make every effort to resolve the issue directly within 10 working days. If it is not possible for them to resolve the issue, they will provide details of how to make a formal complaint.

No member of staff will investigate a complaint that is about them. If the complaint relates directly to a manager, then it should be sent straight to the Housing Complaints team, who will ensure another manager investigates the complaint.

### **Formal process – Stage 1**

This stage formalises the complaint. The complaint should be submitted to the Housing Complaints Team by email to [housing.complaints@cityoflondon.gov.uk](mailto:housing.complaints@cityoflondon.gov.uk) or by post to the Barbican Estate Office, 3 Lauderdale Place, London EC2Y 8EN. As above, this may be done by another person, including a staff member, on the complainant's behalf if necessary.

The Housing Complaints team will acknowledge the complaint within two working days and ensure it is passed to the appropriate senior manager for investigation; this will usually be the senior manager responsible for the provision of the service in question. If the issue relates directly to a manager, then the Housing Complaints Team will direct it to the next appropriate manager.

The designated manager will carry out an investigation. This may involve a meeting with relevant staff to review the complaint; gathering information and deciding if anything can be done to resolve the complaint at this stage. The investigation may also involve a meeting or discussion with the complainant.

The Head of Estates will review all Stage 1 complaint responses before they are issued.

We aim to provide a full written response to the complaint within 10 working days. If an investigation requires longer than this, we will contact the complainant and give a date by which they can expect a full response. The full response will advise of the outcome of the investigation, any actions to be taken as a result, and the action that may be taken by the complainant if they wish for their complaint to be escalated to Stage 2.

### **Formal process – Stage 2**

If a complainant thinks an aspect of the complaint was not responded to at Stage 1 or that the complaint has not been responded to appropriately, they may request that the complaint is escalated to Stage 2, providing the reason why. The request should be sent to the Housing Complaints Team by email or by post as above. The team will acknowledge the complaint within two working days and ensure it is passed to the appropriate Assistant Director.

The appropriate Assistant Director will review the actions taken at Stage 1 and investigate further if required. A full response will be sent from the Assistant Director within 10 working days of the receipt of the Stage 2 complaint. If an investigation requires longer than this, we will contact the complainant and give a date by which they can expect a full response. This response will advise of the view of the Assistant Director, any actions to be taken as a result, and the action that may be taken by the complainant if they wish for their complaint to be taken to Stage 3.

### **Formal process – Stage 3**

If a complainant thinks an aspect of the complaint was not responded to at Stage 2 or that the complaint has not been responded to appropriately, they may request that the complaint is escalated to Stage 3, providing the reason why. Stage 3 complaints should be addressed to the Town Clerk by email to [complaints@cityoflondon.gov.uk](mailto:complaints@cityoflondon.gov.uk) or by post to Town Clerk's Office, 2nd Floor, West Wing, City of London, Guildhall, PO Box 270, London, EC2P 2EJ).

The Town Clerk will not consider a complaint about the Housing Service unless it has already been through Stages 1 and 2 of the Complaints Process. If a complainant contacts the Town Clerk or another senior manager at an earlier stage, they will be referred back to the Housing Service.

An officer from the Town Clerk's department will be allocated to carry out a review of the actions taken at Stages 1 and 2. A response will be sent from the Town Clerk within 10 working days of the receipt of the Stage 3 complaint. This response will advise of the view taken by the Town Clerk and any actions to be taken as a result. It will inform the complainant that the City's internal processes are now at an end and will advise on how they may find out about further action they may take.

## 14. Further options

If a complainant thinks an aspect of the complaint was not responded to during the three stages of our process or that the complaint has not been responded to satisfactorily, they have a number of potential options which are summarised below.

The complainant may approach an Ombudsman. The following section summarises which types of queries should go to which Ombudsman.

### **Local Government Ombudsman [www.lgo.org.uk](http://www.lgo.org.uk)**

- Right to buy and other sales
- Housing Allocations under Housing Act 1996 Part 6
- General housing advice and Homelessness
- Anti-social behaviour
- Planning and building control

The Local Government Ombudsman can require a local authority to publish and consider the report of an investigation, but has no powers to require any other action or impose compensation.

### **Housing Ombudsman [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)**

- Leasehold services
- Transfers outside the Housing Act 1996 Part 6
- Rents and service charges
- Occupancy rights
- Repairs and improvements
- Tenant behaviour
- Cleaning and grounds maintenance

The Housing Ombudsman process incorporates an additional step whereby the complaint can be taken to a 'designated person' to attempt a resolution before involving the Ombudsman. This designated person may be a local authority councillor, member representing the ward in which the complainant lives or the local Member of Parliament (MP). The designated person is not obliged to take on the complaint but may do so if they wish. The City will provide guidance to Members in residential wards on the role of a designated person.

The Housing Ombudsman can require action or compensation but does not require reports to be published.

## 15. Mediation

Southwark Mediation Centre ([www.southwarkmediation.co.uk](http://www.southwarkmediation.co.uk)) provides an independent complaints resolution service to residents on all City of London estates. At any stage in the process, the complainant can request help from this service. We may also refer complainants to the service if we think that this may help to resolve the complaint more effectively.

The involvement of Southwark Mediation Centre will effectively 'pause' the complaints process at any stage so that resolution can be sought, but if this is not successful, the complaint may resume the complaint from the stage it had previously reached.

## **16. Unacceptable Behaviour**

Occasionally complainants behave in a way which is unreasonable. This may include:

- making numerous complaints about minor matters or matters which staff cannot change and which are taking up an unreasonable amount of staff time;
- contacting multiple officers to complain about the same issue;
- being abusive or offensive to staff;
- making unfounded or unsupported allegations about staff which may be malicious in nature.

This behaviour can be identified at any stage of the complaints process, including the informal stage, and will be dealt with in the same way. The Department of Community & Children's Services has a Vexatious Complaints Policy which we will use in such circumstances.

The complainant will be advised of the policy and that it may be applied to them. The Director of Community and Children's Services will make the decision whether the policy may be used. Once the decision has been made, the complainant will be advised in writing that we will no longer communicate directly with them, except in an emergency. They will still be able to report repairs in the normal way and can communicate with us if necessary through an independent third party such as a mediator or advice agency.

## **17. Policy Exceptions**

In exceptional circumstances, the City of London Corporation may consider variations to this policy. The variation will depend upon the individual situation, any extenuating circumstances and the evidence available. The decision and reasons for the decision will be provided in writing to the relevant parties.

The City of London Almshouses have a slightly different process between stages 2 and 3, should an almshouse resident wish to escalate from Stage 2 to 3, they will be advised of the options available to them.

## **18. Performance Monitoring**

The number of complaints received by Housing & Neighbourhoods and Barbican & Property Services are recorded via quarterly KPIs.

The Community & Children's Services Committee receives quarterly performance reports which include the number and type of complaints received and response times.

The Housing Management & Almshouses Sub-Committee receives a six-monthly update which reports on the number of formal complaints at each stage. A short, confidential briefing summarising any complaints that reach Stage 3 will be presented to the Chairman and Deputy Chairman of the Housing Management & Almshouses Sub-Committee.