

# ROTHERHAM COUNCIL COMPLAINTS POLICY



[www.rotherham.gov.uk/complaints](http://www.rotherham.gov.uk/complaints)

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# 1. INTRODUCTION

Rotherham Metropolitan Borough Council is committed to delivering excellent customer service. Listening to our customers and learning from customer feedback enables the council to improve its services and meet the needs of customers more effectively.

We aim to provide high quality services, and we want to make it as easy as possible for customers to let us know their views, including how to make a complaint.

This policy sets out how customers can make a complaint about council services, and how we will respond to and learn from complaints received.

## 2. WHO CAN COMPLAIN?

This policy applies to any customer of the council, or a person or body acting on behalf of the council.

A customer of the council is anyone who:

- is receiving or seeking to receive a service from the Council or its contractors
- is acting on behalf of an individual or group of individuals (this includes Members, MP's Advice Agencies, and other advocacy groups).

## 3. DEFINITION OF A COMPLAINT

A complaint is any expression of dissatisfaction, however made, about the standard of service, action or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents – which requires response. The response may be to put things right straight away, or to investigate the matter further.

**A complaint could include any of the following concerns:**

- a customer **cannot access** a service
- we **delay** or **fail to deliver** a service
- we provide a **poor quality** service
- we **reduce** or **withdraw** a service
- a member of staff's **attitude** or **competence** causes concern
- we **fail to meet** our statutory responsibilities

We will not accept the following as complaints under the council's complaint procedure:

- a first request for service
- a query about service provision
- a query about progress of a specific issue
- a suggestion for service improvement
- complaints made on the behalf of individuals without their explicit consent
- complaints against schools (they have their own complaints procedure)
- complaints against councillors (they have their own complaints procedure)
- complaints about correctly applied council policy and the law
- complaints where legal proceedings have started, or court or tribunal action is being taken

- employee complaints about terms and conditions of employment, working conditions or personnel issues which come under the Employee Complaints Procedure
- matters which are subject to an insurance claim
- a complaint that has already been responded to under the complaint's procedure
- a request for enforcement action by the council. e.g. Noise nuisance
- where no outcome has been specified or where the outcome is considered too unreasonable
- it is not regarding a service provided by the council
- there is an alternative option for resolution, e.g. a Housing Benefit Review/alternative review procedure
- where the incident that the complaint relates to is more than 12 months old
- a complaint about a planning decision, as there is a specific legal process to follow
- an appeal of a decision where there is no fault in the way the decision has been made

## 4. CONTACT US

Customers may make a complaint in the way that best suits them. The individual or a person acting on their behalf should be able to complain:

- By using the on-line form found on the Rotherham Council website  
**[www.rotherham.gov.uk/council/complain-council-services/4](http://www.rotherham.gov.uk/council/complain-council-services/4)**
- By email  
**[complaints@rotherham.gov.uk](mailto:complaints@rotherham.gov.uk)**
- In writing (by letter to the below address or by filling out the form on the back of the 'Rotherham Council How to make a Complaint, Suggestion or Compliment' leaflet) and sending to:  
  
**The Complaints Manager,  
(FREEPOST RTCT-XKLS-ZHAZ)  
Riverside House  
Main Street  
Rotherham  
S60 1AE**
- By telephone  
**01709 382121**
- In person at our Customer Service Centres or at any Council reception point

# 5. KEY POLICY OBJECTIVES

## 5.1 Complaints service standards

- If you are not satisfied with services you can make a complaint via the telephone, email, letter, face to face or by text message.
- We will aim to log all complaints within three working days and allocate to the relevant service manager to investigate.
- We will discuss your complaint and the outcomes you are seeking, and always aim to resolve your complaint to your satisfaction.
- We will listen and understand your concerns, allowing you time to fully explain your circumstances.

## 5.2 Timescales

The Council has adopted the following timescales for Stage 1, 2 and 3:

- **Stage 1 – 10 working days**
- **Stage 2 – 25 working days**
- **Stage 3 – 25 working days**

The 25-day target at stages 2 and 3 reflects the level of complexity associated with investigations at those stages.

Where the customer cannot be provided with a full response within the required timescale an interim response will be sent within the 10 or 25 working days, indicating a revised timescale for dealing with the complaint.

It should be noted that the timescales above do not affect the requirement to acknowledge complaints within three working days.

## 5.3 Council Housing Landlord complaints

As a result of the Localism Act 2011 the complaints procedure for council housing landlord issues has been reduced to a two-stage process. On completion of the Stage 2 investigation, the complainant has the opportunity to have their complaint investigated by a designated person or recognised Tenant Panel and/or wait eight weeks before escalating to the Housing Ombudsman service. Please see appendix C for details of the type of council housing complaints which are now part of a two-stage process and can be referred to the Housing Ombudsman.

## 5.4 Complaints about Social Care services

The Council operates several complaint procedures, and not just the corporate complaint procedure. Due to legislative requirements in Social Care there are different complaint procedures for both the Councils Children's (The Children Act 1989 Representations Procedure [England] Regulations 2006) and Adult Social Care Services (The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009).

They are similar to the corporate complaint procedure, in that they both have a three-stage complaint procedure, with investigation by the service at Stage 1 and investigation by an officer independent of the service being complained about at Stage 2. However, complaint handling in Adult Social Care has a focus on resolution, which means that there is a closer relationship with customers making complaints in order to establish and agree outcomes.

When an outcome is agreed then the Council and customer will work together to achieve a satisfactory resolution. If outcomes cannot be agreed or resolution cannot be found, then the complaint is referred to the Local Government and Social Care Ombudsman.

## 6. THE COMPLAINT PROCEDURE

A customer can make an official complaint in one of the ways described above. We will treat your complaint as confidential at all times, and will deal with it as follows:

### 6.1 Informal Resolution

Wherever possible we aim to resolve complaints at the point of service delivery and as quickly as possible.

We encourage customers in the first instance to contact the service they wish to complain about. Council staff will do all they can to put things right and resolve the issue informally.

### 6.2 Formal Resolution

#### Stage 1: Response from the relevant manager

- Your complaint will be passed by the Complaints Team to an appropriate manager within the service that your complaint is about. This manager will deal with your complaint.
- The Complaints Team will acknowledge receipt of your complaint within three working days of receiving it and advise you of the manager who will be dealing with your complaint.
- The manager from the service will investigate your complaint and attempt to resolve your concerns where this is possible. You will receive a full response within ten working days from the manager who is dealing with your complaint, and where this is not possible, you will be sent a letter explaining reasons for the delay and giving a date when you can expect a full response.
- If you remain dissatisfied, you will be given the opportunity to discuss any ongoing concerns with the manager from the service to see if these concerns can be quickly resolved.
- You can also contact the Complaints Team if you wish to escalate your complaint. The Complaints Team will also ask for details of any ongoing concerns and the outcome required and if it is felt that there is an opportunity to quickly resolve the complaint we may also ask the investigating manager to provide a second response. This will be provided in no less than 10 working days.
- If no reason to escalate the complaint is provided or the offer of a follow up response is refused without a stated reason, we will decline escalation and advise early referral to the relevant Ombudsman service.
- We will also recommend early referral to the Ombudsman if, following investigation at Stage 1, there is no evidence that a fault has occurred, we will not reinvestigate a complaint if someone does not agree with a decision that has been correctly made according to policy.
- You will be advised how to escalate your complaint and what to do if you remain dissatisfied in the response to the complaint.
- You should write back within one month of receiving the response saying why you want to go to Stage 2. We will consider individual circumstances if an escalation request is received after one month, however, this will only apply for six months following response.

## Stage 2: Independent investigation by Complaints Officer/Manager

- Your complaint will be investigated independently of the services involved in your complaint; usually by an officer from the Complaints Team.
- We will acknowledge receipt of your letter within three working days of receiving it.
- We will give you the name and phone number of the complaints officer who is investigating your complaint. This will not be the same person who has investigated Stage 1 of your complaint and will work independently of the service area involved in your complaint.
- The officer will contact you to arrange an interview so they can talk to you about your complaint and find out what you think we should do to put it right.
- The officer will investigate your complaint in line with our 'Good Practice Guidelines for Investigating Officers' and write a report on their findings.
- They will send the report to the suitable Director to make a decision.
- You will receive a full written response within 25 working days of us receiving your letter, or we will tell you about any delay and give you a new date for when you should receive a response.
- The response will give you the chance to send your complaint to the final stage of the complaint's procedure should you so wish.
- If the complaint is a council housing landlord complaint, the response will advise of the right to have the complaint reviewed by a Designated Person or recognised Tenant Panel and/or to wait eight weeks before escalating the complaint to the Housing Ombudsman Service. The Housing Ombudsman's contact details will be provided.
- You should write back within one month of receiving the response saying why you want to go to Stage 3. We will consider individual circumstances if an escalation request is received after one month, however, this will only apply for six months following response.

## Stage 3: Complaints Review Panel Meeting

- Your complaint will be considered by a panel of three elected members via a Complaint Review Panel Meeting.
- We will acknowledge receipt of your letter within three working days of receiving it.
- A member of our Democratic Services will contact you within five working days of receiving the letter and will arrange for your complaint to be heard by an appeals panel.
- A date will be set for the hearing within 20 working days of your letter, but at a time that is convenient for you to attend.
- The Complaints Team will prepare a summary of your complaint which will:
  - outline the complaint;
  - say how you want the complaint to be resolved;
  - detail the steps we have already taken to resolve the complaint; and
  - contain the Director's views.
- You will be invited to submit any information which you wish the Complaints Review Panel to consider.
- Democratic Services will send a copy of this report, along with the responses provided to your complaint and any other relevant information which the Review Panel will consider; to you and the elected members on the Review Panel prior to the meeting.
- You may bring a friend, adviser, or interpreter who may speak for you, but they should not be a lawyer who is working for you.



- We will send you a note to explain the panel's procedures before the meeting.
- The panel will include three Councillors and someone from our Legal Services team will act as advisor to the panel and a member of our Democratic Services department will act as clerk to the panel.
- The officer who investigated your complaint at Stage 2 will also attend the meeting along with a representative from the service. The representative from the service will usually be an Assistant Director or other Senior Manager.
- You will receive a full written report of the panel's decision within five working days of the hearing.

## 6.3 Ombudsman

### Local Government and Social Care Ombudsman

If a complainant is not satisfied with how we have handled their complaint they may complain directly to the Local Government and Social Care Ombudsman. Please note that the ombudsman will not act until any complaint has been considered under the Council's Complaint Procedure.

#### The Local Government and Social Care Ombudsman contact details

**PO Box 4771**

**Coventry**

**CV 0EH**

Phone: **0300 061 0614**

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

### Housing Ombudsman Service

If a complaint is regarding the Council's Housing Landlord services and the complainant is an existing Council tenant, the complaint can be referred to the Housing Ombudsman Service. Complaints can only be referred after eight weeks following the end of the Council's complaint procedure. The complainant also has the option of referring their complaint to a "Designated Person" during the eight-week waiting period.

#### Housing Ombudsman Service Contact Details

**81 Aldwych**

**London**

**WC2B 4HN**

Phone: **0300 111 3000**

Fax: **020 7831 1942**

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

Please note a small number of services run by the council housing service, such as homeless services, remain under responsibility of the Local Government and Social Care Ombudsman, complainants will be advised of the correct Ombudsman service to apply to. Please see appendix C for the list of services where the Housing Ombudsman has jurisdiction applies.



# 7. RESPONDING TO COMPLAINTS

On receipt of a formal complaint we will:

- ensure it is recorded on the Councils system for tracking complaints
- ensure it is forwarded to the appropriate complaint's manager for action

At each stage we will respond to complaints or send a holding letter to the customer in line with the timescales indicated in the complaint's procedure.

We will, at all times, deal with customer complaints courteously, openly, and fairly.

## 7.1 Complaints – Upheld

Where we have made a mistake or failed to provide the expected standard or quality of service, we will acknowledge and apologise for this. We will also set out the actions we will take to put things right and improve our services.

This could include:

- reinstating a service to a customer
- changing how we deliver our services
- reviewing and amending information about our services
- reviewing council policies or procedures
- providing appropriate staff training and guidance

## 7.2 Complaints – Not Upheld

Where we have investigated and do not uphold the complaint, we will:

- explain the reasons for our decision clearly
- provide any relevant evidence to support the decision
- inform customers how to progress their complaint if they remain dissatisfied

## 8. LEARNING FROM COMPLAINTS

We collect and review feedback from our customers and use this information to drive service improvement.

All formal complaints are recorded on the councils tracking system. Data about complaints is collated and shared across the council to identify performance trends and review how we handle and respond to customer feedback. This includes:

- how well we meet our target response times
- how effective we are in capturing complaints across the council

Direct feedback from customers about their experiences is important as it outlines whether services are being delivered in line with customer expectations & requirements.

Evaluating all complaints for learning opportunities is essential to show that we are listening to our customers and taking the necessary steps to guard against similar incidents in future.

As part of an investigation the following areas should be considered:

- Have any changes been made or will be made to prevent similar problems in the future?
- Have other complaint enquiries raised similar issues?
- Were there any changes you think appropriate but have been so far unable to action? Do you need any help taking this forward?

It is essential that the customers are informed of any changes that have been made as a result of their complaint.

The details of any changes that have made should be recorded and fed back to directorate complaints officers. These changes will be recorded and reported through management meetings.

There may be learning issues when dealing with all complaints not just those complaints where we have recognised that something has gone wrong. Even those complaints that we do not uphold may be able to tell us something about our service.

The council will publish information about complaints – to inform customers about how we handle complaints and show how we make changes as a result of customer feedback.

## 9. UNREASONABLE COMPLAINANT BEHAVIOUR

We aim to respond to all complaints positively and ensure that customers are satisfied with the way their complaint has been handled. The Council is committed to dealing with all complaints in a thorough, timely, fair, and consistent manner.

In a small number of cases customers may pursue a complaint in an unreasonable way which impacts on council resources and capacity to respond to the complaint effectively. The Council does not tolerate deceitful, abusive, offensive, threatening, or other forms of unacceptable behaviour from customers. When it occurs, we will take proportionate action to protect the wellbeing of our staff and the integrity of our processes.

We are unable to properly respond to a complaint if a customer is making frequent, lengthy contacts with repetitive information. This hinders the consideration of their, or other people's, complaints and may hinder the provision of service. When necessary, we will take action to restrict access to our service when unreasonable behaviour of this nature persists.

### **Examples of unreasonable actions and behaviours include.**

- Refusing to specify the grounds of a complaint, despite offers of assistance.
- Refusing to co-operate with the complaint's investigation process.
- Refusing to accept that certain issues are not within the scope of a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising numerous, detailed but unimportant questions; insisting they are all answered.
- Covertly recording meetings and conversations.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with a variety of organisations.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations that the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

Continuing to respond to these complainants can take up a lot of time and reduce capacity to deal with other complaints effectively.

## 9.1 Restricting access to Council services

When we consider someone's behaviour is unreasonable we will explain why and ask them to change it. We will also warn them that, if the behaviour continues, we will take action to restrict their contact with our offices.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the Council's staff, we may report the matter to the police or consider taking legal action. In such cases, we may not give the customer prior warning.

A senior manager (Director level and above) in conjunction with Directorate complaint staff will decide whether the circumstances justify any restriction of access.

We will record the reason for their decision and explain it to the customer concerned. We will state how long any restriction will apply for before it is reconsidered and say how the decision can be challenged.

### **We will write to the customer with a copy of the unreasonable behaviour policy and explain:**

- why the decision has been taken
- what it means for his or her contacts with the organisation
- how long any restrictions will last, and
- what the customer can do to have the decision reviewed.

### **The sort of restrictions imposed could include:**

- restricting telephone calls to specified days and limited times
- limiting contacts to one form only (for example, a maximum of one letter a week)
- requiring contact to take place with one named officer
- requiring the customer to enter into an agreement about their future behaviour before their case proceeds, and/or managing contact with the help of an independent advocate
- restricting all access to the Council.

Other suitable options will be considered in the light of the complainant's circumstances.

When we consider someone's behaviour is unreasonable we will explain why and ask them to change it. We will also warn them that, if the behaviour continues, we will take action to restrict their contact with our offices.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the Council's staff, we may report the matter to the police or consider taking legal action. In such cases, we may not give the customer prior warning.

## 10. COMPLAINT REPORTING

The responsibility of the daily performance management of complaints sits with the dedicated complaints resources within the council's Corporate Complaint Team and the Complaints Officers have clear roles of utilising customer learning to improve services.

Regular reports are pulled together and reported to all regular management meetings for effective performance management by exception. This information will aid ensuring consistency of practice is being delivered.

All Complaint Officers have ownership of their own reports and report through the Council's Directorate management framework. The report format for all levels of reporting is flexible to accommodate individual Directorate requirements and will be built into any format and the format of any DMT (Directorate Management Team) and SMT (Service Management Team) reports will be subject to their final approval.

There is a reporting framework for DMT, SLT (Senior Leadership Team), Cabinet Members and Scrutiny to show timelines of reporting to Directorates, Senior Management and Members.

### **Current reports in practice**

- Directorate Reports to SMT – Monthly
- Directorate Reports to DMT – Quarterly
- Corporate Report to SLT, Scrutiny Committee and Cabinet Member – Annually

## II. APPENDIX A – CHILDREN’S SOCIAL CARE COMPLAINT GUIDELINES

# THE CHILDREN ACT 1989 REPRESENTATIONS PROCEDURE (ENGLAND) REGULATIONS 2006

### Who can complain under these procedures?

“Anyone who is likely to want to make representations, including complaints, about the actions, decisions or perceived failings of Children and Young People’s Services; and to allow any other person to act on behalf of the individual concerned.”

- Any child or young person (or their parent or someone who has parental responsibility) who is being looked after by the local authority or is not looked after by them but is in need
- Any local authority foster carer (including those caring for children placed through independent fostering agencies)
- Children leaving care
- Special guardians
- A child or young person (or parent of his/her) to whom a Special Guardian Order is in force
- Any person who has applied for an assessment under Section 14F (3) or (4)
- Any child or young person who may be adopted, their parents and guardians
- Persons wishing to adopt a child
- Any other person whom arrangements for the provision of adoption services extend
- Adopted persons, their parents, natural parents, and former guardians
- Such other person as the local authority consider has sufficient interest in the child or young person’s welfare to warrant his/her representations being considered by them

### Stage 1 – Local Resolution

This informal problem solving stage is where the complaint is looked into locally by the relevant service area, usually at Line/Team Manager level.

#### Timescales for resolution:

10 working days (with a further 10 days for more complex complaints or additional time if an advocate is required).

### Stage 2 – Formal Resolution

At this stage in the complaints process, an Independent Investigator is appointed to investigate the complaint we also appoint an Independent Person to oversee the investigation.

#### Timescales for resolution:

Within 25 working days (can be extended to a maximum of 65 days if the investigation warrants it) for social care complaints.

## Stage 3 – Independent Review Panel

The panel must consist of three independent people (Regulation 19(2)). “Independent” means a person who is neither a member nor an officer of the local authority, to which the representations have been made, nor the spouse or civil partner of such a person.

### Timescales for resolution:

- 30 days to convene and hold the Review Panel at Stage 3
- 5 days for the panel to issue its findings
- 15 days for the local authority to respond to the findings

# 12. APPENDIX B – ADULT SOCIAL CARE COMPLAINT GUIDELINES

## THE LOCAL AUTHORITY SOCIAL SERVICES AND NATIONAL HEALTH SERVICE COMPLAINTS (ENGLAND) REGULATIONS 2009

### Complaints Procedure

#### Stage 1 – Local Resolution

If feedback is being dealt with as a formal complaint we will:

- Listen to the specific complaint(s) to be investigated
- Agree and confirm who will investigate and respond to the complaint(s)
- Agree an action plan detailing how and when a response will be expected
- Agree an outcome with the customer

We aim to respond within 10 working days of receiving a complaint. In more complicated cases we may extend the investigation time and respond within 20 working days of receiving the complaint.

We will contact the customer to ask how they would like their complaint dealt with and to confirm who will be dealing with the complaint.

We will also ask the investigating person to contact the customer to talk about the concerns, both during and after the investigation.

### Timescales for resolution:

10 working days (with a further 10 days for more complex complaints).

## Stage 2 – Formal Resolution

If the customer is not satisfied with the response the customer has the right to ask the Local Government Ombudsman to consider the complaint(s). However, we will also, with the customer's agreement, continue to resolve the complaint. This may involve a more senior manager examining the issues or an external consultant may investigate the complaints in detail. If the customer agrees to this option, they should be sent a response within 45 working days.

### Timescales for resolution:

45 working days

## Stage 3 – Review by Senior Manager

If the customer remains dissatisfied with the second attempt to resolve the complaint, they can still submit their complaint to the Ombudsman. In addition to this they can choose to ask us to consider the complaint(s) at a more senior level (usually a director). If they decide to pursue this option, we will ensure they receive a response within 20 working days.

### Timescales for resolution:

20 working days

The customer has other rights within the complaints process as well as our complaints procedures. They can contact their local Councillor, their Member of Parliament and their solicitor.

# 13. APPENDIX C - HOUSING LANDLORD COMPLAINTS AND THE HOUSING OMBUDSMAN LOCALISM ACT 2011

In April 2012, the Housing Ombudsman took over responsibility for investigating council housing landlord complaints from the Local Government and Social Care Ombudsman. The Local Government and Social Care Ombudsman retain responsibility for non-council housing landlord complaints.

The complainant can, at any stage of the complaints process, seek advice and assistance from the Housing Ombudsman if they are not satisfied with how the council has handled the complaint. The Housing Ombudsman will always give advice but it will not normally investigate a complaint until it has been fully considered under the Council's complaint procedure, and after more than eight weeks have elapsed from the completion of the Stage 2 investigation.

As a result of the Localism Act 2011 the complaints procedure for council housing landlord issues has been reduced to a two-stage process. On completion of the Stage 2 investigation, the complainant has the opportunity to have their complaint investigated by a **Designated Person** or recognised **Tenant Complaint Panel** and/or wait eight weeks before escalating to the Housing Ombudsman service. A Designated Person can be a MP or a local Councillor.

**Designated Person** – The Council would discuss the issues with your selected designated person and liaise with yourself and provide their view following consideration of both sides of the complaint. They may also suggest possible outcomes, liaising between you and the Council.

**Tenant Complaint Panel** – The Tenant Complaint Panel is one that is recognised by the Council to play a formal role in resolving complaints once the Council's internal complaint procedure is complete. You and a representative from the Council would be invited to attend a meeting to provide information to the Panel.



The Panel will consider the complaint and provide a decision in writing following the meeting.

## What type of complaints can be referred to the Housing Ombudsman?

The following sets out the complaint categories that can be referred to the Housing Ombudsman. However, please note that inclusion of a complaint category does not mean that the Ombudsman will necessarily investigate the complaint. The Ombudsman may decide that part or all the complaint falls outside their jurisdiction or they may decide that there are other reasons why they should not investigate. But if that is the case, they will explain why.

### ***Leasehold services***

- Shared ownership and sales processes for leasehold properties
- Shared ownership stair-casing
- Full ownership and sales processes for leasehold properties owned by housing associations
- Right to buy and right to acquire for tenants of housing associations
- Repair responsibilities under the lease
- Mortgage rescue schemes
- Leasehold services provided by the landlord

### ***Rent and service charges***

- Rent or service charges

### ***Complaint handling***

- The landlord's handling of a complaint in their complaint process, including delays

### ***Moving to a property***

- Transfer applications that are outside Housing Act 1996 Part 6
- Type of tenancy offered
- Mutual exchange
- Decision to renew a fixed tenancy
- Decants
- Mobility Schemes

### ***Occupancy rights***

- Terms and conditions of occupancy rights
- Succession
- Assignment
- Ending a tenancy (e.g. notice periods)
- Abandonment of property
- Possession proceedings

### ***Property condition – repairs and improvements***

- Condition of the property when first let (e.g. void works)
- Responsive repairs
- Planned maintenance or cyclical works
- Improvement works carried out by landlord or tenant
- Rechargeable repairs
- Disabled adaptations

### ***Tenant behaviour***

- Anti-social behaviour
- Noise nuisance
- Harassment

### ***Estate management***

- Cleaning or repairs of communal areas
- Boundary issues
- Grounds maintenance
- Parking
- Use of communal areas

### ***Compensation***

- Home loss or disturbance payments
- Improvements carried out by the tenant

## Housing Ombudsman Scheme and Complaint Handling Code

The Council must adhere to the Housing Ombudsman Scheme and the Housing Ombudsman's Complaint Handling Code, first introduced in September 2020.

The Housing Ombudsman has significant new powers to help complainants experiencing poor service and complaints handling. The powers include the introduction of **Complaint Handling Failure Orders** and the power to carry out **wider investigation** where there is evidence of 'a systemic failing'.

The new powers to carry out a **wider investigation** are described in paragraph 50 of the Scheme.

*'The Ombudsman may conduct further investigation beyond the initial complaint or landlord to establish whether any presenting evidence of service failure is indicative of a systemic failing. Where this is the case it will be referred to the appropriate regulatory body.'*

Ombudsman investigations are usually the result of a complaint from an individual. This power means they can now investigate the root causes that are giving rise to a significant number of individual complaints. Where an investigation results in a finding of maladministration they may consider whether there is a wider problem affecting service delivery or a sector wide issue affecting a number of providers. A wider investigation into systematic failure could result in a requirement to significantly change how services are currently delivered.

The new powers to issue **Complaint Handling Failure Orders** will be exercised for non-compliance with the Scheme or Code, in the following circumstance:

- failure to accept complaints in timely manner, or exclude without good reason
- an inaccessible complaints procedure
- not managing complaints in accordance with the complaints policy
- failure to progress a complaint through procedure or respond within timescales without good reason
- failure to notify resident of their right to refer the complaint to the Ombudsman
- failure to provide evidence to support investigation by the Ombudsman
- failure to comply with the Ombudsman's orders

## Learning from complaints and customer engagement

The code places emphasis on continuous learning and improvement and landlords reporting on wider learning and improvements from complaints to their residents, managers, and staff. Feedback shall be regularly provided to relevant scrutiny panels, committees and boards and be discussed, alongside scrutiny of the Ombudsman's annual landlord performance report. Learning and improvement from complaints should be included in the landlord's Annual Report.