



Policy Title:

Homes and Neighbourhoods' Complaints Policy

Author: Michelle Anderson – Dore, Head of Housing Management & Partnerships

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Homes and Neighbourhoods PO Box 1720

Huddersfield

HD1 9EL

Tel. + 44 1484 414886

HNgovernance.team@kirklees.gov.uk

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1 INTRODUCTION

Kirklees Council is committed to always providing high quality services to all citizens and customers in the district. However, we recognise there are times when our services do not meet the high standards, we set ourselves. As a social housing landlord, we have developed a complaints process for council tenants, leaseholders, and third parties (customers) that is simple and accessible, and enables complaints to be resolved quickly, consistently, and fairly while meeting relevant codes of practice, regulations, or statutory requirements. Opportunities for learning will be identified and used to make improvements to the way we work and deliver services for our customers.

Homes and Neighbourhoods is responsible for complaints handling in relation to council tenancies and leaseholders, acting on behalf of the Council. Where there is other council service input/involvement we will discuss the issues with them to agree which service should lead on the complaints investigation and to agree the best possible solution for the customer.

2 POLICY OBJECTIVES AND SCOPE

As members of the Housing Ombudsman Scheme, we commit to follow the Housing Ombudsman Dispute Resolution principles of being fair, putting things right and learning from outcomes. We will at all times co-operate with the Housing Ombudsman or other regulatory body with responsibilities for oversight of complaints handling.

We aim to ensure that our approach reflects best practice, including the expectations set out in the Housing Ombudsman Complaint Handling Code. (For more details see <https://www.housing-ombudsman.org.uk/>)

We will:

- Show that the customer voice is at the heart of any complaints resolution by listening carefully to what is being said to us by using restorative techniques
- Treat all complainants equally and fairly
- Aim to resolve dissatisfaction at the first point of contact wherever possible
- Have a formal two stage complaints process
- Monitor and record formal complaints through our Customer Experience Team
- Use complaints to learn, improve and develop our service
- Take steps to put things right and, where possible, to restore the complainant to the position which existed prior to the service failure



- Ensure building safety related complaints are escalated to the appropriate responsible person
- While it is important to note that the complaints process cannot be used to bypass procedures, processes and statutory requirements, officers will work flexibly and creatively to see if they can positively help the customer with their concern.

This policy is relevant to all staff working for Homes and Neighbourhoods as well as our contractors and agents.

Where the complaint is one that crosses over into other service areas, or is covered by the Local Government Ombudsman, we commit to ensure a joined-up approach, and to fully co-operate with other services and the Local Government Ombudsman to achieve the right outcome for the customer.

3 POLICY STATEMENT

The Homes and Neighbourhoods Service applies the following definition of a complaint:

A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by us, our employees, or those acting on our behalf, affecting an individual resident or group of residents

Examples of the types of complaint we can consider include:

- Failure to provide a service when we should
- Provided a poor standard of service
- Made a mistake in the way we have provided the service
- Failure to meet our existing service standards or comply with our policies and procedures

What is not a complaint?

When you are telling us about a problem for the very first time, we will try to resolve first expressions of dissatisfaction quickly as service requests (or informal complaints), except where the complaint concerns the behaviour of a member of staff, or where it immediately requires a senior manager to consider a complex area of policy or legislation)

Homes and Neighbourhoods does not class any of the following as a complaint or service failure:



- Making an initial request for service or information
- Making an initial report about anti-social behaviour – This will be managed in line with our ASB policy
- Complaints concerning the level of rent or service charge or the amount of the rent or service charge increase (we will accept complaints about the quality or frequency of work paid for via service charges)
- Complaints about the actions of an organisation that is not working for, or supported by, Homes and Neighbourhoods or Kirklees Council
- Personnel matters including issues about staff employment or former employment including applications for employment (we will accept complaints about the behaviours or actions of a member of staff that has a direct impact on the customer)
- Where we have special arrangements in place with a customer in line with our Reasonable Behaviour Policy
- Where legal proceedings have been started
- Where a separate appeals process is available
- Complaints relating to Insurance claims which are managed by the Risk Management and Insurance Department
- Things that happened more than 12 months ago which were known about and have not been raised since. However, it may not always be appropriate for us to rely on this exclusion e.g., where complaints concern safeguarding or health and safety issues
- When a complaint relates to an aspect of general law that we have correctly applied. If a complaint is received, with only minor differences to one that has been raised before and exhausted the complaints process, subject to the exercise of discretion, we will advise that the matter is closed
- Anonymous complaints – We would usually expect a complainant to be willing to provide their details to progress a complaint. However, it may not always be appropriate for us to rely on this exclusion e.g., where the complaint relates to health and safety or safeguarding concerns.

Although we do not treat these issues as a complaint, we will deal with them in an appropriate manner.

Who can make a complaint?

A complaint can be raised by any person or group of people affected by an activity or service provided by Homes and Neighbourhoods including:

- Current tenants/licensees and members of their households
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- Former tenants/licensees
- Leaseholders
- MPs and Councillors
- Advocates of the complainant such as friends, relatives, or other representatives (unless prior written consent from the complainant is received)
- A resident or group of residents who have been affected by our activities and services in the locality
- Clients/customers for some contracted/outsourced services such as sub contracted services?

How to make a complaint

- We offer a wide range of ways for our customers to make a complaint. These are:
- Speaking to a member of our Customer Experience Team on the phone: 01484 414886
- By email: Customers can make a complaint by completing the online complaint form on our website [Contact Homes and Neighbourhoods - My Kirklees Account](#)
- In writing: Homes and Neighbourhoods, PO Box 1720, Huddersfield, HD1 9EL
- Making a complaint by private message on social media. For customers wishing to lodge a complaint by social media, we request that this is done by private message on the following channels:
- Facebook - <https://www.facebook.com/KirkleesHN>
- Twitter - <https://twitter.com/HNKirklees>
- Speaking to a member of Homes and Neighbourhoods staff e.g., Housing Management Officer

In some circumstances, we are able to accept complaints in person, however customers will need to book an appointment in advance. The discussion would be carried out by senior member of the Customer Experience Team, or another senior officer who is not directly involved in the complaint. We will agree a convenient venue with the customer (at home, a community centre or office site).

Accessibility

We are committed to ensuring that our complaints process is accessible to all and can offer help and support to ensure any concerns from customers or their advocates are listened to and understood. However, complainants can also seek assistance through external agencies, for example Citizens Advice.



Kirklees Council's Inclusion and Diversity Strategy sets out our commitment to equality of opportunity for all and what types of support we may be able to provide to support customers to make a complaint.

Customers may prefer to have a representative deal with their complaint on their behalf, and to be represented and/or accompanied at any meeting with Homes and Neighbourhoods. This may be by an advocate, carer, family member, elected member, agency, or professional body. Where this is the case, we must receive or hold a signed authority from the customer which authorises us to communicate with their appointed advocate or representative.

A customer may contact the Housing Ombudsman at any time throughout the course of their complaint for advice and support.

Unacceptable actions or behaviour

We understand that upsetting and distressing circumstances can result in people acting out of character and we do not view behaviour as unacceptable just because a customer is forceful or determined. However, the actions of an individual(s) who is angry, demanding, or persistent may result in unreasonable demands or unacceptable behaviour towards staff. If this happens, we may take action to tackle the behaviour and will use the Reasonable Behaviour Policy.

Complaint handling process

Sometimes customers tell us they are unhappy with something and may not wish to make a formal complaint but just that we put things right, we refer to this as a service request. Our early resolution approach will aim to resolve these concerns at the first point of contact. The Customer Experience Team will take the lead in helping to put things right as quickly as possible.

Where our early resolution fails to resolve the matter, or where the issue is particularly serious, such as involving a health and safety or safeguarding issue or a complaint about staff behaviour, these will always be handled as a formal complaint and the following timescales will apply:

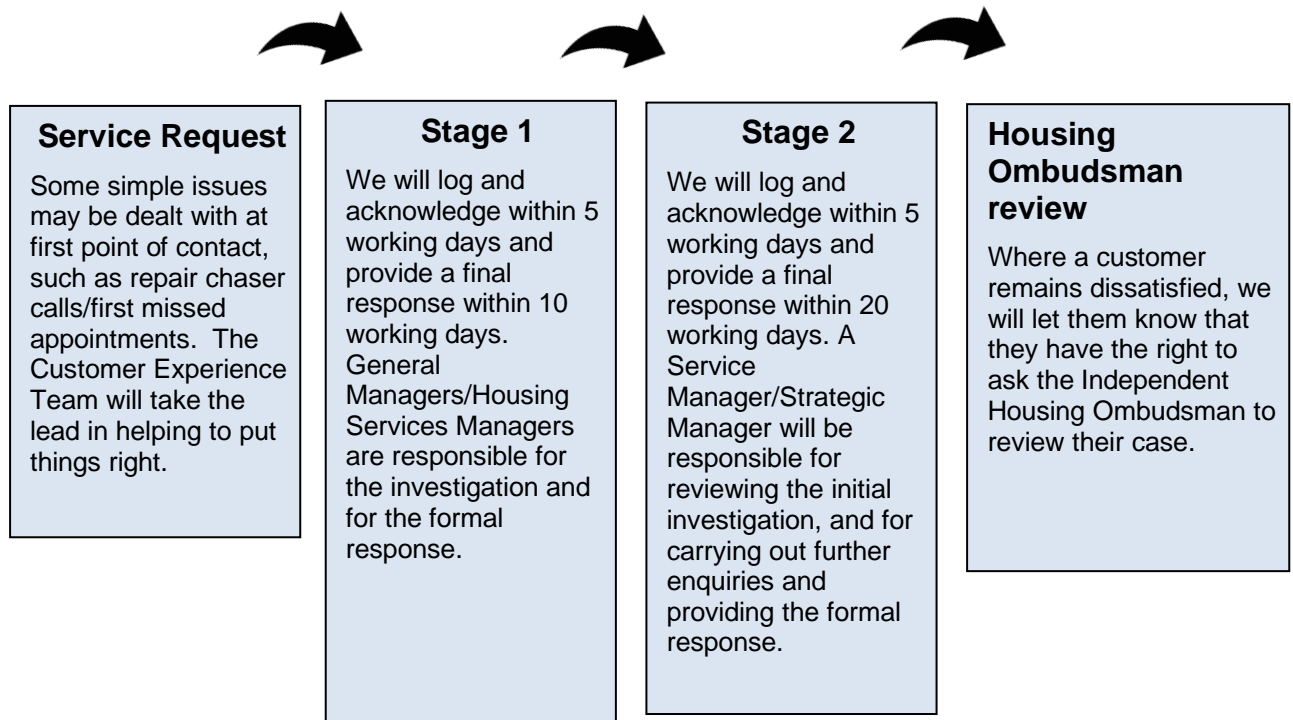
- **Stage one** Where an investigation is required, we will acknowledge a complaint within 5 working days, and provide a final response within 10 working days. An appropriate General Manager/Housing Services Manager will take lead responsibility for investigating the issue raised and for responding to the complaint.
- We will let the customer know that they have 10 working days to consider our response and to request that the complaint is escalated through to the next stage of the process. While we will not expect you to restate your complaint if you ask it to be reviewed, we would expect you to tell us what elements have been resolved, and what areas you remain dissatisfied with.



- **Stage two** If the customer is not happy with the stage one response, the complaint will escalate to stage 2, we will acknowledge the complaint within 5 working days, and provide a final response within 20 working days. An appropriate Service Manager/Strategic Manager will take lead responsibility for reviewing the Stage 1 investigation and response.
- Once the formal review has been completed, we will contact the customer to set out our decision, and explain how this has been reached, At this stage we will explain that we have exhausted our internal complaints process and will clearly set out how the customer can take further action if they are unhappy with the outcome of the review e.g. by providing comprehensive information about the Housing Ombudsman Service including its full contact details.

At each stage of the process, we will aim to speak to the customer direct to explain how we will investigate the complaint and to ensure we understand the complaint and the outcome the customer is seeking. The investigating or reviewing Manager will aim to speak to the customer to provide an update and fully explain the outcome of the complaint and any decision made. A formal response will be provided in writing.

If the investigation is going to take longer than the timescales set out above, we will contact the customer with the reason for the delay and mutually agree when a full reply will be provided. Any agreed extension will not exceed 20 working days for a Stage 1 complaint and 10 working days for a Stage 2 complaint.



Working with Councillors and MPs

We know that some customers will want to involve a local elected representative. The key role of the elected representative is to make sure that a concern is fully considered in a timely fashion. They may use their knowledge and experience to offer information about whether they feel a policy or legislative requirement has been appropriately followed.

However, a councillor or MP cannot become involved with, or influence or make a decision on an individual situation.

They may use the customer's experience to inform their opinion on a policy or law, however, an individual councillor/MP cannot alter that policy or law.

Working with other services

We recognise some complaints "crossover" with other Kirklees Council services, and also that some elements of the complaint may be under the jurisdiction of the **Local Government** Ombudsman. In such cases, we will liaise with the individual services in question, or the Corporate Customer Standards Section to discuss and agree how the concerns will be considered, whether a joint response can be practically collated (our preferred outcome), and if so, which service will take the lead on drawing the response together. We will discuss and explain that with the customer.

Putting things right

Where a complaint has been upheld, Homes and Neighbourhoods will, where possible, offer a remedy to return the customer to the position they would have been in if things had not gone wrong. This will depend on the individual circumstances of the case, but will usually be achieved by:

- Acknowledging where things have gone wrong
- Providing an explanation
- Making an apology
- Reviewing a decision we have already made
- Reviewing our policies or procedures
- Amending a record
- Consider offering compensation – In line with the Homes and Neighbourhoods Redress Policy

We will consider each case on its own merit and offer the most suitable remedy to resolve the issue, to take steps to put things right, and to learn and make service improvements.



Learning from complaints

Customer satisfaction is very important to us and we use feedback from complaints to shape improvements to our services and procedures. When a complaint is resolved, we will identify any learning opportunities. The Customer Experience Team will work with the appropriate Service Manager or Strategic Manager to identify themes and trends and implement positive changes in service delivery.

We are committed to creating a positive complaint handling culture in Homes and Neighbourhoods and will provide annual and quarterly reports on learning and service improvement to Senior Managers, staff and customers.

We will ensure this policy complies with all relevant legislation and takes account of current best practice such as:

- Housing Ombudsman Service's (HOS) Scheme
- HOS Complaint Handling Code
- Restorative practices
- Tenant Involvement and Empowerment Standard
- General Data Protection Regulations 2016
- Data Protection Act 2018
- Housing Act 1996
- Equality Act 2010

4 ALL ASSOCIATED/LINKED STRATEGIES AND PROCEDURES

The following associated documents are linked to this policy:

- Complaints Procedure
- Reasonable Behaviour Policy
- Inclusion and Diversity Strategy
- Compensation Policy
- Disrepair Policy

5 REVIEW

This Policy will be reviewed on an annual basis as part of our self-assessment review, or if subject to legislative changes.

