

Affordable Housing Complaint Policy

Contents

1. Aim of Policy	2
2. Definition	2
3. What is not a complaint.....	2
4. Exclusions.....	3
5. Legislative requirements.....	3
6. Who can make a complaint?	4
7. How to make a complaint.....	4
8. How will the complaint be handled?	5
10. Compensation and redress	7
11. When a complaint is closed	7
12. Managing unreasonable and persistent complaints	7
13. Meeting Diverse Needs.....	8
14. Representation and support agencies.....	8
15. Learning from Complaints.....	8
16. Data Protection.....	8
16. Monitoring and Review.....	9

[Title]			
Version	1	Approved by	Cabinet
Date last amended	Click here to enter a date.	Approval date	Click here to enter a date.
Lead officer	Click here to enter text.	Review date	Click here to enter a date.
Contact	Click here to enter text.	Effective date	Click here to enter a date.

1. Aim of Policy

Eastleigh Borough Council (the Council) aim to provide our residents with good quality homes and first-class housing services. Occasionally things don't go to plan, so we will strive to put them right as quickly as possible. However, we understand that this may make residents feel dissatisfied and wish to complain.

Complaints will be:

- viewed positively.
- prompt action will be taken to carry out an investigation.
- an opportunity to put things right.
- an opportunity to rebuild trust in the landlord-resident relationship.
- An opportunity to learn from any mistakes and a commitment to make service improvements.

The Council's policy aims to reflect and refers to the Ombudsman's Dispute Resolution Principles of: Being Fair, Putting Things Right and Learning from Outcomes.

The aim is to resolve matters locally and as quickly as possible by being open, accountable and outcome focused.

The Council complies with the Housing Ombudsman code of conduct.

<https://www.housing-ombudsman.org.uk/wp-content/uploads/2020/11/Complaint-Handling-Code.pdf>,

<https://www.housing-ombudsman.org.uk/landlords-info/guidance-notes/complaints-policy>

2. Definition

Effective complaint handling will be a resident friendly process that enables residents to be heard and understood. The starting point for this is a mutual understanding of what constitutes a complaint.

1.2. A complaint shall be defined as an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.

3. What is not a complaint

There is great importance of recognising the difference between a formal complaint and a service request. If a resident raises a service or a request for some action to be taken such as repair, this is a request for service, and we must rectify the problem.

If this service request is not rectified and the resident needs to repeatedly ask for the same repair, over several visits it may well escalate to a complaint.

4. Exclusions

There are some issues which will not be considered as part of this complaint's procedure.

- Legal and/or insurance proceedings. A complainant has started court action or an insurance claim against the council in respect of specific issue(s) covered by their complaint. These complaints will be removed/excluded from our complaints process.
- Repair issues raised via an existing local resolution procedure (e.g. customer feedback cards/letters for repairs) - see para. 8
- Complaints from one resident about another. The customer should firstly contact the housing team for advice on neighbour disputes. Complaints of anti-social behaviour are covered by the council's Anti-Social Behaviour policy, but a complaint can be accepted should a customer be dissatisfied with how their case was handled.
- Matters already being dealt with by the Ombudsman service.
- Liability or personal injury claims.
- A request for an appeal or review of a statutory decision.
- Any complaint closed over six months ago unless:
 - There are issues ongoing related to the complaint.
 - An MP or Ombudsman have asked us to review the complaint.
 - There is good reason for delay.

5. Legislative requirements

The Regulator for Social Housing requires social housing landlords to have an approach to complaints that is clear, simple and accessible. This policy incorporates the key requirements of the following legislation, regulations and guidance:

- Localism Act 2011,
- Housing Act 1996 (schedule 2),
- General Data Protection Act 2018,
- Equality Act 2010,
- Housing Ombudsman Scheme
- Tenant and Involvement Empowerment Standards
- Data protection and Privacy

It is important residents know how information about themselves will be treated and we respect the confidentiality of all complainants. The collection, storage, access to, provision and disclosure of data is done in accordance with the Data Protection Act 2018.

A complaint and personal details will only be disclosed to council employees and appropriate representatives of its contractors in order to provide a response.

Date Protection and Privacy Policy
Data Protection and Privacy for council residents

6. Who can make a complaint?

The council accept complaints from residents, groups or anyone directly impacted by housing related or other services, including those applying for housing services. We will also accept complaints from a representative acting on behalf of a resident and through a petition made to the council. It is recognised that there is more than one way in which customers can complain and let us know about service issues and concerns.

7. How to make a complaint

The best way to sort out a problem is by raising a service issue with the person you have been dealing with or their immediate line manager. This is called local resolution. At this stage, those people who deliver the service are best placed to resolve an issue. Mistakes and misunderstandings can usually be sorted out quickly and informally at this stage. If you have been unable to resolve your complaint at the informal stage or via the normal repairs feedback process, then you can move to the next stage/s as set out below.

Complaints can be made in a number of ways:

- By email to
- **Completing the complaints on-line form**
- By telephone through the Affordable Housing Customer Service Centre on
- In writing to
- Directly to an officer of the council
- Via social media - Facebook and Twitter - complaints received through our social media channels will be dealt with in the same way as any other complaint. To ensure confidentiality we will only discuss personal information via private messages.

The Council encourage customers to engage with us on social media.

This can be in a variety of ways such as:

- Following our accounts and liking, commenting or sharing our posts
- Sending us public or private messages
- Tagging us in posts.

The Council understand that some posts may be negative about its services, this is accepted as the Council is an open and transparent organisation - as long as the below points are followed.

If any content is in breach of these points, the Council have the right to remove content and/or block users.

Users must not:

- Write personal details on public pages as this can be seen by anyone. The Council might ask for your personal details so it can look into your query - please private message/email this information.

The Council will not share this data unless required - refer to the Privacy notice and Data protection policy for details⁴

- Post swear words or anything that could be seen as unlawful, abusive, harassing, defamatory, racist, threatening or obscene. **The Council have an automatic swear block on our Facebook page**

- Post anything that names/identifies our staff; these posts will be deleted and the Council inform you of this. The Council block anyone who keeps posting such comments. If appropriate, users will be reported to the social media channel
- Post content that includes: spam, links to malicious software e.g. spyware, and content that breaks intellectual property rights.
- Group complaints and those received via representatives will be handled in the same way.

8. How will the complaint be handled?

Written responses

Any responses the council gives to complainants will be clearly labelled (ie Level 1, Level 2) and provide clear and direct guidance to residents on how to escalate a complaint to the next stage of the internal complaints procedure if they remain dissatisfied. Complainants will be asked to be clear about why they disagree with a decision and what more they want the landlord to do to put it right.

- The Council will acknowledge the complaint within 3 working days and provide you with a case number.
- The final response must be sent to the customer of within 15 working days (after acknowledgement).
- We will keep the customer informed. If an unavoidable delay occurs the Council will keep the resident updated with a holding letter with an explanation for any delays and an extension of a further 10 working days can be applied to the investigation time.
- When responding the Council will advise who you can appeal to if you remain dissatisfied
- The Council will record the complaint

Level 1 complaint

- To raise a formal complaint please complete the online complaints form you will be given a reference number for your complaint.
- A Lead Specialist/Operational Manager of the service area involved will investigate your complaint

You can also request a printed copy of the complaints form from the council's Customer Service Centre by emailing ...xxxxxxxxx.....(The Lead Specialist/Operational Manager within the service area involved will investigate.)

This should include job titles and details of a panel make-up if appropriate.

Level 2 complaint

Should you feel that your complaint has not been resolved at stage on, you can:

- contact a member of the Senior Leadership Team independent from the service area, quoting the complaint reference number you were given at stage one.
- You will need to set out why you are not satisfied and what you expect from a further review.
- You will receive a response within ten working days. and they will review the complaint investigation.

Next steps

If you have been through all stages of the complaints procedure and remain dissatisfied with the response you can ask the Housing Ombudsman Service to investigate.

To contact the Housing Ombudsman Service, you can ask one of the following designated people to refer your complaint:

- A local councillor
- an MP
- or a tenant panel.

Landlords do not have to set up tenant panels, but they are expected to support their formation and activities if their tenants want them. To be effective the tenant panel must be 'recognised' by the landlord.

Their specific role as designated persons is different as they play a more specific part in the procedure. The detail of that role is not spelt out in the Localism Act, but a part of it is to refer complaints to the Ombudsman. The law states that when the designated person refers a complaint to the Ombudsman, it must be in writing.

You can also contact the Housing Ombudsman directly but please note that the Ombudsman may not be able to investigate your complaint until eight weeks from the closed date of the complaint.

The contact details for the Housing Ombudsman Service are:

- Online complaint form: www.housing-ombudsman.org.uk/residents/make-a-complaint/
- Phone: 0300 111 3000
- Email: info@housing-ombudsman.org.uk
- Postal address: Housing Ombudsman Service, PO Box 152, Liverpool L33 7WQ

9. Complaints through a Representative

Everyone has the right to appoint someone else to act on their behalf. A representative can be a parent, a husband, wife, or civil partner, an adult child, a friend, an attorney, advocate, solicitor, or a local councillor or MP. Regardless of the closeness of the relationship between the complainant and the person acting on their behalf, we must have proper consent before the Council can correspond with the representative.

Should a complaint be made through a representative, the Council will need to ensure we have the appropriate consent to share from the complainant. This would usually be in the form of a written consent giving the representative permission to act on the complainant's behalf.

The role of a 'representative' is to help resolve tenant or other housing customer complaints by:

- providing advice to tenants/housing customers
- advocating on their behalf
- discussing matters with the landlord
- engaging with other designated persons

10. Compensation and redress

There are options available to residents to put things right when there has been a service failure including compensation. A fuller outline of remedies is covered in a separate compensation and redress policy.

[Link](#)

11. When a complaint is closed

The Council reserve the right to use discretion to close complaints early and may deal with a complaint differently where individual circumstances merit it. Any discretion will be applied fairly and appropriately, and complaints will be progressed as far as possible to maximise the opportunity to resolve a dispute.

Examples of when a complaint would be closed:

- Investigation is complete and a response is sent
- After sending a response and attempting to make contact to discuss it, there is no further contact from the complainant after 10 days
- When a resolution is agreed, and we commit to deliver the action
- Investigation is complete and a response to the complainant is provided.

12. Managing unreasonable and persistent complaints

Usually, dealing with a complaint is a straightforward process, but in a minority of cases some pursue their complaints in a way that can delay the investigation of their complaint or can have significant resource implications for the Council.

The Council's approach on managing unacceptable behaviour from complainants is in a separate policy - Dealing with Unreasonably Persistent Complainants and Unreasonable Complainant Behaviour.

<https://www.eastleigh.gov.uk/media/2362/persistent-complainants-policy.pdf>

These have been formulated to deal with the very small number of complainants on frequency of contact with the Council, unsolvable and persistent complaints.

13. Meeting Diverse Needs

The Council recognise and value the diversity of its communities. We aim to reduce barriers and ensure that everyone has equal access to the complaints service. We acknowledge the fact that it may sometimes be necessary to go outside of normal policies, procedures and practices to accommodate an individual's needs.

The Council is committed to treating everyone fairly and shall ensure that it complies with the Equality Act 2010. Should you have any needs which affect how you are able to use or be involved in our services or how you would like to receive information, please contact the Customer Service Centre:

Email: affordablehousing@eastleigh.gov.uk

Phone: 023 8068 8000

Post: Affordable Housing Service, Eastleigh House, Upper Market Street, Eastleigh. SO50 9YN

Website: <https://www.eastleigh.gov.uk/>

For further information on accessibility- Eastleigh Borough Councils accessibility Statement <https://www.eastleigh.gov.uk/accessibility-statement>

14. Representation and support agencies

Residents may find it helpful to contact other organisations such as Citizens Advice, Lease and Shelter to aid the resolution of disputes. They have a lot of information and advice to support you.

15. Learning from Complaints

The Council take complaints seriously and use them to provide an insight into what is not working as well as it might be, and they create an opportunity to put things right for the individual, future customers and to improve practice. Whilst some complaints are context-specific, there are often common themes which are of wider relevance.

Customer complaints highlight key areas where The Council could improve, our systems need updating or our service is flagging. They can also point to staff members who need extra training, a refresher course, or closer supervision

16. Data Protection

The Council are committed to protecting and respecting the privacy of personal data. As a registered Data Controller (Reg. no. Z7118863) it complies with the General Data Protection Regulations 2018 (GDPR).

More information on how the Council collects, uses and keeps your personal information, and how it protects privacy can be found in our [Record of Processing Activity](#) (ROPA). The corporate privacy notice provides general information about the council's personal data processing activities overall. As the range of services the council provides is so varied, it has

also produced individual [privacy notices for each service area](#), to explain specifically how data will be used within each service.

16. Monitoring and Review

16.1 This policy will be reviewed constantly, to incorporate legislative, regulatory amendments, best practice developments, or to address any operational issues with the procedure.

16.2 Input and approval will be sought from our residents (via the Affordable Housing Board) prior to making any substantive changes. This is in line with the Council's Corporate Plan and is intended to ensure our policy continues to meet the needs and aspirations of our residents.

<https://www.eastleigh.gov.uk/media/2349/corporate-plan-2015-2025.pdf>

DRAFT