



Department of Community and Children's Services

Housing Service Complaints Policy

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Introduction

The City of London Housing Service aims to provide a high quality response and consistent service. We recognise, however, that there will be occasions when residents are not satisfied with the actions we have taken. This policy sets out the principles of our approach to complaints. A detailed procedure accompanies this policy (Appendix 2), clearly setting out the steps to be followed at each stage in the complaints process, and explaining who is responsible at each step. We have also created a leaflet for residents explaining the process (Appendix 3).

Policy aims

The City of London Housing Service aims to:

- make it easy for our customers to make a complaint by whatever means they choose;
- address service requests and enquiries speedily and at a local level so that complaints about our service are minimal;
- deal with complaints quickly, efficiently and with courtesy;
- follow a simple procedure so that the complainant knows what is happening at all times;
- give a clear response within set time limits explaining the action we will take and why;
- treat complaints as feedback that will help us to continuously improve our services.

Legislative and policy framework

There is no legislative basis on which a complaints policy must be based. This policy fits within the City of London's Corporate Complaints Policy and takes into account guidance from the Housing Ombudsman and the Local Government Ombudsman, as well as regulatory standards.

Definition of a complaint

A complaint is an expression of dissatisfaction, however made, about the standard of service given 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 rudely or unfairly

A request for a service, information or an explanation will not be treated as a

complaint; staff should be given the opportunity to respond to the request or enquiry and to follow required procedures, taking the action they consider appropriate. If the customer is dissatisfied with the response or action taken, then we would consider this expression of dissatisfaction to be a complaint, and this policy would apply.

Data Protection and Confidentiality

The City of London is aware of its obligations under the Data Protection Act 1988 and will handle any information received in accordance with the rules and regulations set out within this act.

As far as possible, all complaints will be treated in confidence. 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. However, people making complaints must appreciate that if their complaint involves another person, it cannot be investigated without speaking to that person, and it may not be possible to conceal the identity of the complainant.

No member of staff will investigate a complaint that relates to them.

Equal opportunities

The City of London operates an Equality & Diversity policy and this applies to all aspects of its services. When dealing with complaints, no complainant, or their representative, will be treated less favourably on the grounds of age, race, nationality, ethnic origin, religious belief, disability, gender, sexual orientation or personal belief.

This policy and all related information can be made available in different formats and languages on request.

Who can use the complaints policy?

This policy is primarily for the use of tenants and leaseholders of the City of London and freeholders who receive services from the Housing Service. It can also be used by people authorised to act on behalf our tenants, leaseholders or freeholders (e.g. relatives, solicitors, advice agencies, councillors) or by people affected by the City of London Housing Service (e.g. residents of neighbouring estates).

The policy also covers people applying for services delivered by the City of London Housing Service, such as people making a homelessness or housing application.

What can they complain about?

They can complain about any aspect of the service delivered by the City of London Housing Service. Complaints are most likely to be about:

- Service or accommodation provided by the City;
- Way in which the service is delivered;
- Attitude or approach of staff.

What is not covered by this policy?

As detailed above, this policy does not cover service requests or enquiries. It does not apply to complaints about other residents or neighbour disputes, which are dealt with under our Anti-social Behaviour policy. However, if the complaint is about the way a neighbour issue or dispute has been handled, then it would be appropriate to use the Complaints policy.

We will not normally deal with anonymous complaints, other than in a very general way, given the difficulty of carrying out a full investigation. We will, however, keep such complaints on file as they could provide early warnings of a service delivery failure.

This policy covers service requests and enquiries from leaseholders and freeholders on City of London estates, but does not cover service charge disputes as these are dealt with under a separate process, ultimately ending in a Leasehold Valuation Tribunal.

If the complaint is about the content of a policy rather than how it has been carried out, then this will not be dealt with under the Complaints policy. For example, if someone has had a housing application refused because they do not meet the criteria set out in the Allocations Policy, they cannot use this Complaints policy but must use any appeals process open to them. Similarly, this policy cannot be used to appeal against Benefits decisions, but can be used for a complaint about the way in which Benefits staff have treated an individual or an application.

We do not accept complaints where the customer has started legal proceedings or has previously taken the matter to court or tribunal, nor will we investigate any issue that has already been addressed through the Housing Service's complaints procedure.

We encourage comments and feedback on policies via consultation processes and will take comments received into account when policies are reviewed.

Timescales

We aim to acknowledge all complaints within two working days and to send a full written response 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.

At each stage of the formal process, complaints must be received within 30 calendar days of the response being sent to the complainant. This is so that investigations can be carried out swiftly and we are not investigating events which happened some time previously.

We will only investigate complaints which are made within 6 months of the event which caused the complaint.

Helping people to complain

A leaflet explaining the Complaints policy and procedure is available on the City of London website, from all Estate Offices, Sheltered Schemes and the Barbican Estate Office. This information is also included in all Tenant Information Packs.

Where requested and appropriate, staff will assist the complainant to define, quantify and submit their complaint. The complaint stages are sequential and complaints must be dealt with fully under each stage before the complaint can progress to the next stage.

Southwark Mediation Centre provides an independent complaints resolution service to residents of City of London homes. 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 the involvement of a third party 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 can resume from whatever stage it had previously reached.

Complaint stages

Informal stage

Customers have every right to make a formal complaint if they wish to do so. However, it is often quicker and easier if the issue can be resolved informally and directly with the day-to-day operational staff. We ask customers to speak initially, by phone or in person, to local operations staff and to ask for the Estate Manager, Sheltered Housing Manager or appropriate Team Manager.

Staff will make every effort to resolve the issue directly, contacting colleagues if this is appropriate. If it is not possible for the Estate Manager, Sheltered Housing Manager or Team Manager to resolve the issue to the satisfaction of the customer, they will give details of how to make a formal complaint.

If the complainant wishes to make a formal complaint verbally, the 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.

If the complaint relates directly to an Estate Manager, then it should be directed to the Area Housing Manager in the first instance. If the complainant is dissatisfied with the response from the Area Housing Manager, the complaint will skip stage 1 and go straight to stage 2.

Formal Stage 1 (Senior Manager)

This stage formalises the complaint and is dealt with by the senior manager responsible for the provision of the appropriate services. For most complaints, this will be the Area Housing Manager. Alternatively, it may be the Property Services Manager for repairs complaints, the Revenues Manager for complaints related to rents and other charges, or the Allocations Manager for complaints regarding the Allocations Team.

A formal complaint must be made within six months of the event being complained about.

The complaint will be acknowledged within two working days. The responsible manager will carry out an investigation. This may involve an initial meeting with all relevant staff and managers to review the complaint, gather information and see if anything can be done to resolve the complaint at this stage. The investigation will also involve interviewing staff (and examining paperwork) and may also involve a meeting or discussion with the complainant. A full written response to the complaint will usually be sent 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. This response will advise of the outcome of the investigation, any actions to be taken as a result, and the action to be taken by the complainant if they remain dissatisfied.

If the issue relates directly to an Area Housing Manager, then it should be taken straight to the Assistant Director, Housing & Neighbourhoods (AD, H&N).

Formal Stage 2 (Assistant Director)

Stage 2 complaints should be addressed to the Assistant Director, Housing & Neighbourhoods (AD, H&N). The AD, H&N will either investigate the

complaint or pass it to the Assistant Director, Barbican & Property Services for investigation if this is more appropriate.

The complaint will be acknowledged within two working days. The appropriate AD will investigate, review actions taken and propose a solution if this is possible. A full response will be sent from the AD within 10 working days of the receipt of the Stage 2 complaint. If the 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 AD view, any actions to be taken as a result, and the action to be taken by the complainant if they wish to proceed to Stage 3.

Formal Stage 3 (Town Clerk's Department)

Stage 3 complaints should be addressed to the Town Clerk. An officer from the Town Clerk's department will be allocated to carry out a review of the actions taken by Housing managers and staff to address the complaint at all stages. A response will be sent on behalf of 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's department 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 can contact an external body or individual to find out about other action they can take.

The Town Clerk's department will not consider a complaint unless it has already been through Formal Stages 1 and 2. If a complainant contacts the Town Clerk at an earlier stage, they will simply be referred to the Housing Service so that the proper process can be used.

External bodies

Until April 2013, all local authority complaints, including those relating to housing services, were referred to the Local Government Ombudsman. However, the Localism Act changed this and complaints about services provided by housing landlords, whether private, housing association or local authority, are dealt with by the Housing Ombudsman. Complaints about other issues, such as Allocations and Housing Advice, are still handled by the Local Government Ombudsman. The following table summarises which types of queries should go to which Ombudsman, although it is worth noting that both Ombudsmen admit that not all areas are clear cut and some clarification would be helpful.

Housing Ombudsman	Local Government Ombudsman
Leasehold services	Right to buy and other sales
Transfers outside Housing Act 1996 Part 6	Housing Allocations under Housing Act 1996 Part 6
Rents and service charges	Homelessness
Occupancy rights	General housing advice
Repairs and improvements	Anti-social behaviour

Tenant behaviour	Planning and building control
Cleaning and grounds maintenance	

Each Ombudsman has a different process for receiving complaints and different ways of dealing with them. The Local Government Ombudsman can require a council to publish and consider the report of an investigation, but has no powers to require any other action or impose compensation.

The Housing Ombudsman does not require reports to be published, but can require action or compensation. 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 representing the ward in which the complainant lives or the local Member of Parliament. The designated person is not obliged to take on the complaint but may do so if they wish. We provide guidance to City of London Members in residential wards on the role of a designated person.

The Stage 3 response will refer the complainant to the website and phone number of the appropriate Ombudsman so that they can get relevant advice about how to proceed with their complaint and whether approaching a designated person may be appropriate.

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 address and which are taking up an unreasonable amount of staff time;
- contacting different 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 (Appendix 1) which we will invoke in such circumstances. Before invoking the Vexatious Complaints Policy we will call a case conference, involving relevant local managers, the Assistant Director, Housing & Neighbourhoods (or representative), the Departmental Complaints Officer and a representative from the Town Clerk's Dept. If it is agreed that the Vexatious Complaints Policy should be invoked, the complainant will be advised in writing that we will no longer correspond directly with that person, 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. This is very much a last resort and happens very rarely.

Performance monitoring

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

The Projects & Improvements Manager within the Housing & Neighbourhoods Team is responsible for monitoring complaints internally to ensure deadlines are met and that managers make use of the feedback the complaints provide. The number of formal complaints at each stage will be presented to Members of the Housing Management & Almshouses Sub-Committee as part of the six-monthly Housing Update. 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 as they arise. The Chairman and Deputy Chairman, and the appropriate Allocated Member(s) will also receive a short confidential report on any occasion when the Vexatious Complaints Policy has been invoked.

Complaints are reviewed when developing annual Estate Plans and Service Plans and service improvements made to reflect findings.

The Housing Projects & Improvements Officer will administer the complaints log to record all complaints, response times and outcomes.

Links to other policies

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

- Allocations Policy
- Anti-social Behaviour Policy
- Customer Services Policy
- Resident Involvement Plan
- Tenancy Agreement & Handbook

Further Information

For further advice or information please contact the Projects & Improvements Manager, Kate Bowen, on Tel: 020 7332 1653 or email katherine.bowen@cityoflondon.gov.uk.