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| <b>Title</b>               | Housing Complaints Policy                  |
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## Introduction

Cheltenham Borough Council (CBC) is committed to providing a high standard of service to customers. To improve services delivered, we rely on feedback from customers. We want to know when we get it right, so standards can be maintained or improved, and we want to know when customers are dissatisfied with the service so that we can resolve this and learn.

This policy has been aligned with the Housing Ombudsman Complaints Handling Code (published February 2024) which sets out good practice to ensure landlords respond effectively and fairly to complaints.

## Policy Statement

CBC is committed to a fair, honest, impartial and thorough approach when responding to complaints. The policy ensures complaints are handled locally, sensitively and without delay. We will aim to put things right, to seek an effective resolution for all parties and to learn from outcomes.

CBC define a complaint as: “An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents”.

A customer does not have to use the word ‘complaint’ for it to be treated as such. Whenever a customer expresses dissatisfaction, CBC will give them the choice to make complaint.

The policy is in line with relevant legislation such as the Localism Act 2011, Housing Act 1996 (schedule 2), General Data Protection Act 2018, Equality Act 2010, Housing

The policy will be reviewed every three years or reassessed in response to changes in legislation.

### **Policy Objectives**

- To ensure all complaints are dealt with in accordance with policy and that CBC is acting within the professional standards set out by the Housing Ombudsman.
- To ensure there is a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams.
- To ensure all residents, leaseholders and colleagues are aware of the policy.
- To identify lessons learned to improve services and take collective responsibility for any shortfalls, rather than blaming others.
- To have a policy that is simple to understand and use.
- To have a policy that is sensitive to anti-discriminatory matters in respect of age, gender, race, class, disability, culture, language, religion or sexuality.
- To have a policy that is fair, accessible, and transparent, CBC values diversity and is committed to promoting equality of opportunity to ensure all customers are treated fairly.
- To use signposting to other organisations such as Citizens Advice, Cheltenham Housing Aid Centre (CHAC) and Shelter to aid the resolution of disputes.

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

### **Complaints within scope of this policy**

- Delays in delivering services.
- Failure to follow policies and procedures.
- Inadequate or unsatisfactory services.
- Rudeness, inappropriate or offensive behaviour.
- Unfair discrimination.
- Delays in or failure to make decisions.
- Compensation claims against CBC resulting from a complaint.
- Customer dissatisfaction with contractors/partners working on behalf of CBC.



## **Not within scope of this policy**

- The issue giving rise to the complaint occurred over twelve months ago.
- Matters that have previously been considered under CBC's complaints policy.
- Initial service requests to CBC.
- Request for a repair (unless previous requests have gone unmet).
- Complaints regarding services for which another organisation is responsible.
- Complaints regarding Homeseeker Plus Policy (Homeseeker has a separate complaint process).
- An expression of dissatisfaction with services made through a survey, though wherever possible, CBC will make the person completing the survey aware of how they can pursue a complaint if they wish to.
- Matters where legal proceedings have started and details of the claim have been filed at court.

## **Service requests**

CBC recognise the difference between a service request and a complaint. A service request is an initial request from a customer requiring action to be taken. Service requests are not complaints but are logged as actions on CBC's Housing Management system against the customer record and assigned to the relevant team for the required actions to be completed.

A complaint must be raised when a customer expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing.

CBC will continue to make efforts to address the service request if the customer complains.

Chasers on a service request, such as a missed appointment, can be resolved 'there and then' with an apology and the provision of another appointment and may not need to enter the complaints system. However, if further enquiries are needed to resolve the matter, or if the customer requests it, the issue will be logged as a complaint.



## How can feedback be given?

All CBC colleagues have an awareness of the importance of customer feedback mechanisms for reporting this.

CBC welcomes all customer feedback from sources, including, but not limited to:

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| Email                      | <a href="mailto:cbhcustomerrelations@cbh.org">cbhcustomerrelations@cbh.org</a>   |
| Online via the CBC Website | <a href="http://www.cbh.org">www.cbh.org</a><br><a href="#">Making a Complaint - CBH   Cheltenham Borough Homes</a>        |
| Telephone                  | 0800 408 0000  |
| In writing                 | Complaints Officer, Cheltenham Borough Homes Ltd, Hesters Way Resource Centre, Cassin Drive, Cheltenham, GL51 7SU          |
| In person                  | To any CBC representative, or in person at our area offices<br><a href="#">Contact Us - CBH   Cheltenham Borough Homes</a> |
| Social media channels      | Facebook / 'X' (formerly Twitter)  |
| CBC customer portal        | <a href="https://portal.CBC.org/">https://portal.CBC.org/</a>  |

If complaints are received via our social media, our Communications Team will contact the resident via private / direct message to acknowledge their post and to ascertain further contact details to allow the matter to be discussed in a private and confidential way. The matter will then be passed directly to the Complaints Officer to follow up in stated timescales.

The Communications Team will post a reply to the post / tweet, to advise the resident that a direct / private message has been sent to them.

## Who can complain?

Any tenant or leaseholder of CBC or their representative who has been given appropriate consent (third party authorisation will be obtained by CBC).

## Declined complaints.

CBC must accept a complaint unless there is a valid reason not to do so. (see section 3.1 above) If CBC decide not to accept a complaint, the reasons will be communicated in writing. In addition, the customer will be advised of their right to challenge the decision with the Housing Ombudsman service.

The Housing Ombudsman may not agree with the complaint being declined and may tell CBC to accept the complaint.

CBC records details of declined complaints, and these are reviewed on a quarterly basis.

## Complaint Handling Approach

It is in the customer and CBC 's interests to resolve issues as soon as they arise, but CBC recognise this isn't always possible. A complaint should be made as soon as possible after the event and within twelve months of the event occurring or the customer becoming aware of the issue. If more than twelve months has passed since the event, exceptions can be considered by the relevant Head of Service.

All complaints are administered by CBC's Complaints Officer, who will contact the dissatisfied customer to acknowledge receipt of the complaint, and to ensure a clear understanding of the complaint and the desired outcome(s).

During this contact, any risks or vulnerabilities that are identified such as safeguarding or concerns or building safety will be escalated to the relevant teams for prompt review.

The Complaints Officer will identify any complex matters, and will notify the complaint handler of these, to ensure that it can be managed and responded to efficiently.

A complaint case will then be raised on CBC's housing management system and allocated for investigation by a manager in the relevant service area.

CBC's complaint handlers will:

- deal with complaints on their merits and consider the individual circumstances of each complaint.
- Give the customer a fair chance to set out their position.
- act independently and have an open mind.
- take measures to address any actual or perceived conflict of interest.
- consider all information and evidence carefully.
- keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.
- not treat customers differently if they complain.

Complaint handlers will work in partnership with the Complaints Officer and any members of CBC staff or third parties such as contractors, keeping them informed and seeking their input on resolutions and learning, to promote a positive complaint handling culture and improvements in service delivery.

Complaint handlers have autonomy to provide appropriate remedies to complaints, which may include arranging for remedial work or payment of compensation.

Where customers raise additional complaints during the investigation, these should be incorporated into the stage one response if they are related, and the stage one response has not been issued.

If a response has been issued, or the new issues are unrelated to the issues already being investigated, or it would unreasonably delay the response, the additional issues should be logged as a new complaint case.

Where a key issue of a complaint relates to the parties' legal obligations CBC's complaint handler will clearly set out their understanding of the obligations of both parties.



In some cases, a customer may have an entitlement to legal redress. In these circumstances a resolution will be offered on the basis of legal advice.

CBC keep a full record of each complaint, and its outcomes at each stage of the process, this includes, but is not limited to:

- the original complaint and date received.
- all correspondence with the
- correspondence with other parties
- any relevant supporting documents such as reports or surveys.

## **Complaint Stages**

There are two stages to the CBC Complaints procedure:

### **Complaint Stage 1**

CBC will acknowledge complaints in writing within five working days. If any aspect of the complaint is unclear CBC will ask the customer for clarification and agree the full definition and desired outcome. The customer will be provided with the following details:

- A unique reference number.
- The complaint definition (confirming areas of complaint that CBC are, and are not responsible for)
- Desired outcome
- An expected response date.
- Where possible the name of the staff member that will be investigating the complaint
- Details of how to contact the Housing Ombudsman Service

CBC will respond to the complaint within 10 working days of the complaint being acknowledged.

Exceptionally, CBC may seek to agree an extension to the stage 1 procedure, to respond fully to the complaint. This agreement will be sought directly with the customer.

Any agreed extension will then be documented in writing to the customer, clearly stating the extended time frame in which the response will be received. This will not exceed a further 10 days without good reason.

When an extension period is agreed, CBC will provide the Housing Ombudsman's contact details so the customer can challenge the timescales for responding and/or the proposed timeliness of CBC's response.

CBC will send a written complaint response, addressing all points raised in the complaint, and providing clear reasons for any decisions, referencing relevant policy, law, and good practice where appropriate.

The following details will be provided in writing to the customer at the completion of stage 1 in clear language:

- The complaint stage.
- The complaint definition
- The decision on the complaint (upheld / upheld in part / not upheld)
- The reasons for any decisions made.
- The details of any remedy offered to put things right.
- Details of any outstanding actions
- That if the customer does not agree with the decision, they may contact CBC within ten working days of receiving the stage 1 closure letter to request that that the complaint be considered at Stage 2.

If an escalation request has not been received, the complaint will be closed after ten working days. However, any escalation request received after this date, and within twelve months of the stage one response being issued will be considered in line with this policy.

## **Complaint Stage 2**

A complaint will be progressed to Stage 2 of CBC's procedure unless any of the exclusions noted in section 3.0 of this policy apply. CBC will not unreasonably refuse to escalate a complaint to Stage 2.

If CBC declines to escalate a complaint to Stage 2 of the procedure, a detailed written explanation will be provided to the customer setting out the reasons not to escalate, and the customer's right to challenge that decision with the Housing Ombudsman.

On receipt of the escalation request, CBC will acknowledge, define and log the Stage 2 escalation within five working days. Customers are not required to explain their reasons for requesting a Stage 2, however CBC will make reasonable efforts to understand why, the customer remains dissatisfied.

Stage 2 complaints will be allocated to a Senior Officer who will contact you to discuss the complaint in full and check the reasons for the complaint escalation and give you a fair opportunity to set out your position and establish the resolution you are seeking.

The Senior Officer will then conduct a thorough, unbiased, and empathetic review of the stage one findings, drawing in the expertise of other senior colleagues where required/

You will then be given an opportunity to comment on the findings of the stage 2 complaint review before a decision is made.

The Senior Officer considering the complaint at Stage 2, will not have had any previous involvement in the matters under review, either at Stage 1 of the process, or prior to the complaint being made.

The Cabinet Member for Housing and Customer Services / Member Responsible for Complaints will be informed of the outcome of each stage 2 complaint

Exceptionally, CBC may agree an extension to the Stage 2 procedure with the customer, to respond to the complaint fully. This agreement will be sought directly with the customer.

Any agreed extension will then be documented in writing to the customer, clearly stating the extended timeframe in which a response will be received. This will not exceed a further twenty days without good reason.

When an extension period is agreed, CBC will provide the Housing Ombudsman's contact details so the customer can challenge the timescales for responding and/or the proposed timeliness of CBC's response.

CBC will send a written complaint response when the outcome of the Stage 2 complaint is known, addressing all points raised in the complaint, and providing clear reasons for any decisions, referencing relevant policy, law and good practice where appropriate.

The following details will be provided in writing to the customer at the completion of Stage 2 in clear language:

- The complaint stage.
- The complaint definition
- The decision on the complaint (upheld / upheld in part / not upheld)
- The reasons for any decisions made.
- The details of any remedy offered to put things right
- Details of any outstanding actions
- Details of how the customer can escalate the matter to the Housing Ombudsman Service if they remain dissatisfied.

Any outstanding actions will be tracked and actioned promptly, with appropriate updates provided to the customer.

### **Reasonable adjustments**

In accordance with the Equality Act 2010, CBC are committed to making reasonable adjustments to meet the diverse needs of customers. Reasonable adjustments may include, but are not limited to:

- Adhering to a customer's preferred communication method and frequency
- Providing written communication in a format which is accessible to the customer, such as large print, on coloured paper, or in braille.
- Use of interpretation services where language may be a barrier.
- Taking a flexible approach to the timing and location of meetings, as required to ensure accessibility.

A customer may wish to have a representative make a complaint on their behalf, CBC will accommodate this, but will seek third party authorisation from the customer prior to discussing the complaint with a representative.

CBC will also allow a customer to be represented or accompanied at any complaint meeting.





## **Complaint correspondence**

CBC will adhere to any reasonable arrangements agreed with a customer in terms of frequency and method of communication, and clearly record these in the case notes.

Complaint responses sent by CBC will:

- Have an open tone and language, with no jargon and show empathy to the complainant.
- Stage 1 or Stage 2 (final response) response will be clearly identified.
- Address all elements of the complaint.
- Inform the customer of the outcome of the complaint including CBC's position and the complainant will be given a chance to respond and challenge any area of dispute before the final decision.
- Clearly set out reasons for any decisions.
- Refer to any relevant policy, procedure, legislation or good practice when providing a response.
- Acknowledge and apologise for any mistake or service failure and where applicable an explanation of what went wrong.
- Consider the outcome the complainant is looking for and if this can be achieved?
- Give clear details and timescales for any action CBC will take, for example timescales for repairs.
- Explain what CBC have learnt from the complaint and what changes, or improvements will happen as a result.
- Give details of any redress offered, for example compensation or other actions.
- Signpost the complainant to other sources for advice or support, for example Citizens Advice Bureaux, Age UK, Leasehold advisory service.
- Provide details of how the complainant can escalate their complaint if not satisfied with the response.

A complaint response will be sent to the customer when the answer to their complaint is known, not when any outstanding actions required to address the issue, are completed.

Any outstanding actions will be tracked and actioned expeditiously with updates provided to the customer.

## **Putting matters right**

When CBC have upheld or upheld in part a complaint, it is important that this is acknowledged, and that actions are identified to put things right. These may include:

- Apologising.
- Acknowledging where things have gone wrong.
- Providing an explanation,
- Acting, if there has been a delay in service.
- Reconsidering or changing a decision.
- Amending a record or adding a correction
- Providing a financial remedy.
- Changing policies, procedures, or practices.



CBC will consider Housing Ombudsman guidance when determining an appropriate remedy.

Any remedy that CBC offer will reflect the impact on the customer because of any fault identified. The remedy will set out clearly what will happen and by when, and that any remedy proposed will be followed through to completion.

Reference must be made to CBC's Compensation Policy if compensation is to be offered.

### **Housing Ombudsman**

CBC will publicise the role of the Housing Ombudsman and the Complaints Handling Code via our website and CBC News publication.

All complaint correspondence sent out at Stage 1 & Stage 2 states the customer's right to access the Housing Ombudsman service throughout their complaint, and not only when the CBC complaints procedure is exhausted.

CBC will co-operate fully with any investigation pursued by the Housing Ombudsman. In such cases the Complaints Officer and Tenancy Services Manager will act as the liaison for the investigation under the authority of the Director of Service or CEO.

At the end of a Stage 2 investigation, the complainant will be advised on how they may escalate the complaint following the exhaustion of CBC complaints process. This will be communicated both in writing and verbally.

### **Complaints and Disciplinary Procedures**

CBC's Complaints and Disciplinary Procedures must be kept separate. Following the investigation of a complaint, it falls to the investigating officer to report any need for referral to the following:

- an investigation under the Colleague Disciplinary Procedure; OR
- an investigation of a criminal offence.

Should the need for referral arise, the Director of Service and Head of Human Resources should be notified immediately.

If a decision is taken to embark upon a disciplinary investigation, any other aspects of the complaint should be investigated under the complaint's procedure. The complainant will be advised of the procedure being followed.

### **Claims for Negligence or Breach of Contract**

Should a complainant explicitly indicate an intention to take legal action in respect of the complaint, the details should immediately be passed to the Director of Service. Investigating officers should inform the customer that their complaint will be referred to the relevant Director of Service at this point.



## **Unacceptable Behaviour Policy**

CBC has an Unacceptable Behaviour Policy which communicates the need for appropriate conduct from customers and / or their representatives.

Any restrictions put in place because of a breach of that policy are clearly communicated to the relevant party, along with the reason for them, and their duration.

CBC will conduct a proportionality assessment before putting any restrictions in place, giving due regard to the Equality Act 2010.

Any person subject to restrictions will be advised of their right to appeal.

All restrictions are recorded on the Staff Personal Safety Register, which is reviewed regularly by the Wellbeing & Safety Group.

## **Exceptional Circumstances**

If CBC are unable to comply with the Complaints Handling Code due to exceptional circumstances, (for example a cyber incident) , we will inform the Housing Ombudsman, provide information to customers who may be affected, and publish this on our website, providing a timescale for returning to compliance with the code.

## **Performance Monitoring**

A quarterly report will be shared with CBC Leadership teams and CBC Housing Committee detailing the number of complaints for each service area together with the lessons learnt.

The Complaints Officer provides an overview of complaints to all colleagues via our intranet on a quarterly basis.

Discussions are held with service managers where complaints learning has been identified to establish actions required to improve a service, and a timescale for this.

Updates on complaints will be included in tenant newsletters and published on our website.

Performance measures will include: the number of complaints received at each stage, % of stage 1 complaints resolved within agreed timescales, the number of complaints upheld, upheld in part, and the average time taken to resolve a complaint.

An annual complaints report will be prepared for scrutiny and challenge. The report will include:

- The annual Housing Ombudsman Complaint Handling Code self -assessment
- A qualitative and quantitative analysis of the landlord's complaint handling performance, including a summary of the types of complaints CBC has refused to accept.
- Any findings of non-compliance with this Code by the Housing Ombudsman.
- The service improvements made because of the learning from complaints.
- Any report about the landlord's performance from the Housing Ombudsman; and

- any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord.
- This report will be presented to the CBC Board, and published on the CBC website, along with any response provided by Board.

### **Member Responsible for Complaints**

The statutory Complaint Handling Code requires landlords to have a Member Responsible for Complaints on their governing body.

The role is to champion a positive complaint handling culture. To provide assurance to the governing body on the efficacy of its complaints system, including challenging the data and information provided to the Board. To seek assurances from the complaints team and where appropriate the operational teams that complaints are being managed, change is happening and that customers are being heard through the process. To ensure complaint handling promotes service improvement for customers and learning and business improvement for the organisation.

### **Confidentiality**

All complaints received will be dealt with confidentially and in accordance with the requirements of GDPR and Data Protection legislation. CBC reserve the right to discuss complaints with relevant colleagues and/or third parties. Information will only be shared to assist with the investigation and processing of complaints and not for any other reason.

### **Training**

Training will form part of induction training for all new colleagues. Additional training will be provided for colleagues that carry out complaint investigations.

Refresher training will take places for all colleagues following any significant changes to the Housing Ombudsman Complaint Handling Code and/or internal CBC processes.

### **Review**

This policy will be reviewed annually, in line with the requirement to complete an annual self-assessment against the Housing Ombudsman complaint handling code.

In the event of restructure, merger and, change in procedure or at the direction of the Housing Ombudsman, this policy and self-assessment will be reviewed.