



Ashfield

DISTRICT COUNCIL

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# Housing Services Complaints Policy



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## Introduction

Ashfield District Council's Housing Department is committed to providing excellent housing services and aims to give the best customer service possible.

If we have failed to provide a service or a customer is dissatisfied with the way in which a service has been provided by the Housing Department (or by contractors providing a service on behalf of the Council), we want to know about it.

In most cases we hope and will strive to resolve these with the member of staff you have been dealing with in a quick and efficient manner. We will also use your feedback to help us make improvements. Where this is not possible, we have a formal complaints policy to fully consider your complaint.

We will look into the issue, provide an explanation and an apology (where it is appropriate to do so) with a view to improving our services. We will aim to resolve the issue quickly.

This policy explains:

- What we mean by a complaint
- Who can make a complaint
- How you can make a complaint
- How we will deal with your complaint
- What you can do if you are unhappy with our response
- How we use your feedback to improve our services

## What is a Complaint?

The Housing Ombudsman Service which oversees housing complaints define a complaint as:

**“ An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Housing Department, its own staff or those acting on its behalf, affecting an individual resident or group of residents ”**

You can complain about things like:

- Delays in responding to your enquiries and requests
- Failure to provide a service
- Our standards of service
- Our failure to follow proper procedure
- Unreasonable behaviour by an Officer

## What can't I complain about?

We will not treat certain issues as complaints and where this is the case, we will tell you by setting out the reasons why the matter is not suitable for the complaints process.

Some failures of service will be dealt with outside of the complaints process and will be considered a service request.

Here are some things we can't deal with through our complaints procedure:-

- If you ask us for a service – such as reporting a repair or anti-social behaviour.
- Matters that have already been considered under the complaints policy.
- Where legal proceedings have been started or where decisions have been made, or actions taken that have followed due process, are legal but that you disagree with.
- Where either the Council's, yours or a third party's insurer is determining liability.
- Any issue which is agreed Council Policy, where the policy has been followed.
- The issue giving rise to the complaint occurred over 6 months ago except where there are health and safety issues or safeguarding concerns.
- Complaints about Elected Member's conduct. These are handled through a separate process.
- Freedom of Information requests (FOI) and Data Protection Requests. These are handled through a separate process.
- Issues you have asked the local MP or Councillor to investigate which are to be determined or responded to.

It is also important to note that where you wish to complain about the work or approach of a contractor working on behalf of the Council then you will be directed to that company's own complaints and liabilities process. In such instances the Council will work as an advocate on your behalf.

## Who can complain?

Any tenant or leaseholder who feels that they have had a poor service from us or from someone providing the service for us and have tried to get the problem solved by speaking to someone in the relevant department.

We understand that you may be unable or reluctant to make a complaint yourself. We can take complaints from a friend, relative or an advocate. If you ask someone to make a complaint on your behalf, we will ask you formally authorise it for the security of your personal information.

If you are not a tenant or leaseholder of the Council you cannot use this procedure to complain about someone who is a tenant or leaseholder.

## Anonymous complaints

If you complain to us but can't give us your name, we will not be able to deal with your complaint under the complaints procedure. However, we will ensure steps are taken to deal with the issue. We cannot however, provide feedback if we do not have any contact details.

## How do I complain?

You can make a complaint by:

- Completing our online form on our website: [www.ashfield.gov.uk/residents/housing/making-a-complaint](http://www.ashfield.gov.uk/residents/housing/making-a-complaint)
- Email us at: [housingadmin@ashfield.gov.uk](mailto:housingadmin@ashfield.gov.uk)
- Telephone by calling: 01623 608888
- Writing to us at: Ashfield District Council, Broadway, Brook Street, Sutton-in-Ashfield, Notts, NG17 1AL
- Or via social media:



[facebook.com/ADCAshfield](https://facebook.com/ADCAshfield)



[@ADCAshfield](https://twitter.com/ADCAshfield)

If you do feel that it is necessary to make a complaint about our housing service it is extremely helpful if you can explain what you are concerned about and how you would like it resolved; as this may mean we can rectify the issue for you in a much quicker timescale and to your satisfaction.

## Help with making your complaint

Some complainants may require help in preparing their complaint and the Council may be able to help you to do this, where appropriate to do so.

Please see [www.ashfield.gov.uk](http://www.ashfield.gov.uk) for further details or contact us on 01623 608888 for more information.

**Equality Statement:** Ashfield District Council is committed to equality of opportunity in service delivery. We will not treat you any differently because of your gender, race, disability, religion or belief, sexuality or age.

We are committed to making reasonable adjustments to accommodate a person's needs in in line with the Councils' Reasonable Adjustments' Scheme and in accordance with the Equality Act 2010.

## What happens when I have complained?

We will always tell you who is dealing with your complaint.

If the complaint is not clear when received, the complainant will be contacted so further details can be obtained.

There are two stages:

### Stage One Complaint – Formal response from the Head of Service or Service Manager

We will:

- Acknowledge your complaint within five working days.
- We will endeavour to speak to the complainant in order to get a full understanding of the complaint and how it can be rectified.
- Give you a full response to your complaint within 10 working days and where this is not possible, we will send you a letter explaining reasons for the delay and give a date when you can expect a full response.
- The response will include the contact details of the Head of Service/Service Manager with an offer to clarify any points made within the reply and the offer of a discussion. The response will conclude by offering stage two of the Complaints procedure for those complainants that remain dissatisfied with the reply they received under stage one of the process.



### Stage Two Complaint – Review and response by the Director of Housing and Assets (Deputy CEO)

If you remain dissatisfied after a stage one response, you can escalate the complaint to stage two for an internal review. You will need to explain the reasons why you are dissatisfied. When escalating to stage two it is helpful to outline why you are dissatisfied with the solution or response provided at stage one as this will allow the Director to look at alternative solutions you would like to see, alongside reviewing the original complaint or issue.

We will:

- Acknowledge your complaint within five working days.
- Give you a full response within 20 working days where this is not possible, we will send you a letter explaining reasons for the delay and give a date when you can expect a full response.
- This is the final stage of our procedure and the complaint will be closed.
- If you remain dissatisfied after a stage two response, you can submit a complaint to the Housing Ombudsman Service, details of which will be included in the stage two response.

## Stage Three – Housing Ombudsman Service

If you are not satisfied with how we have handled your complaint then you may wish to complain directly to the Housing Ombudsman Service.

The Housing Ombudsman Service is independent of all government bodies and can look into your complaint. They will usually only consider a complaint after it has been through our complaints procedure as they expect you to bring your concerns to our attention first and give us a chance to put things right.

The Housing Ombudsman Service details are: Tel - 0300 111 3000, email [info@housingombudsman.org.uk](mailto:info@housingombudsman.org.uk). Postal address: Housing Ombudsman, PO Box 152, Liverpool, L33 7WQ. More information can be found on their website at [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

## Designated Person

As an Ashfield District Council tenant, you can ask for your complaint to be considered by a Designated Person. A Designated Person can be an MP, a local Councillor or a Tenant Panel. It is for you to decide who you would want to consider your complaint. The aim of the Designated Person is to help resolve complaints locally. There is no obligation on you to refer your complaint to the designated person. If you prefer, you can contact the Housing Ombudsman Service (HOS) directly. In these circumstances the HOS will only consider the complaint if eight weeks have passed since the stage two decision.

## Dealing with Persistent Unreasonable Complainants

The purpose of our complaints procedure is to find out what went wrong and try to put things right for the future.

There are some actions and behaviours that are considered unreasonable.

Examples of these types of behaviour could include:

- Refusing to co-operate in the complaints process.
- Refusing to accept that the issues raised are not a function of the Housing Department of Ashfield District Council.
- Changing the basis of a complaint part way through the process.
- Repeated or excessive complaints which are disproportionate to the problem.
- Insisting on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Submitting repeat complaints after complaints processes have been completed or repeatedly raising issues which occurred over 6 months ago.
- Refusing to accept the decision and repeatedly arguing the point and complaining about the decision.

We will not tolerate abusive and threatening behaviour in the reporting or investigating of complaints. If this occurs the case will be passed to a senior officer to investigate. Once a way forward has been determined a warning letter is sent out to the customer which explains our position in relation to the contact we have received. This letter will set out a guide for the individual to follow when contacting us and explains the potential consequences if the guide is not followed.

Restrictions may be put in place which could include the following;

- Placing limits on the number and duration of contacts with employees per week or month.
- Offering a restricted time slot for necessary calls.
- Limiting the customer to one medium of contact (telephone, letter, email etc.).
- Requiring the customer to communicate with one named employee.
- Requiring any personal contacts to take place in the presence of a witness, and in a suitable location.
- Declining to register and process further complaints about the same matter.

Where restrictions are put in place they will be reviewed at appropriate intervals. However where it is apparent that the options listed above have been ineffective, and a complainant continues to act in an unreasonable manner, we will consider what further action is available to us, including legal action.

## **Putting things right**

We are committed to using the complaints process as a learning experience and, where appropriate, will put things right. This can be done in a variety of ways including an apology, an explanation, preventative action, payments for loss or damage, or in exceptional circumstances compensation. Where appropriate, we will seek to make amendments to policies or procedures or to the way a service is provided and will do so in a timely manner.

If something has gone wrong through this process, we will acknowledge this and set out the actions that we have already taken or intend to take to put things right.

Any remedy offered will reflect the extent of any and all service failures, and the level of detriment caused to the resident as a result.

The Director of Housing and Assets/Deputy CEO has discretion to:-

- Decide how to respond to a complaint
- Decide on the remedy to resolve the complaint
- Decide if the complaint is unreasonable or falls outside the policy



## **Data Protection**

Any information you give us is covered by the Data Protection guidelines (Data Protection Act 2018 and General Data Protection Regulations). This means that we will:

- Keep personal information and secure.
- Keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.
- Not share it with other organisations without your permission, unless the law says we must.

We will keep effective records of all complaint investigations and outcome to inform service improvements.

## **Monitoring Feedback/Satisfaction**

We are committed to improving service delivery through the complaints reporting and feedback process. If you make a complaint you will be encouraged to provide feedback by completing a satisfaction survey on how your complaint was handled and your satisfaction with the outcome. These learning outcomes will be used to help us to improve services.

In addition the Housing Department's complaints performance feedback is reported to various management and tenant groups on a quarterly basis and also to Councillors and in a report to tenants on an annual basis.

## **Housing Contact**

The Performance and Projects Lead officer is responsible for co-ordinating the recording of complaints, ensuring compliance with the timescales and stages within the policy.

Service Managers co-ordinate the resolution of the complaints working with their teams to do this before sharing the information with the Performance and Projects Lead Officer.

The Performance and Projects Lead Officer can be contacted as follows:-

**Ashfield District Council,  
Broadway, Brook Street  
Sutton in Ashfield  
Notts  
NG17 1AL**

**Tel: 01623 608888**

**Email: [housingcomplaints@ashfield.gov.uk](mailto:housingcomplaints@ashfield.gov.uk)**



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