

Housing Complaints, Compliments and Comments Procedure

2016

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1 Introduction

- 1.1 Our aim is to put you first and provide you with the best possible service. To make this aim a reality it is important that you have the opportunity to tell us what you think about the services we provide. The Housing Complaints, Compliments and Comments Procedure is one way you can do this. You can tell us when we get things wrong so we can put them right. You can also tell us when we get things right, make comments about the things we do and suggest new ways of doing things.
- 1.2 We understand that sometimes it is difficult to complain. If you do need to make a complaint we will take your concerns seriously. We will treat you fairly and with respect and you can be confident that you will not receive a poorer service as a result. If we uphold your complaint you can expect an apology and for us to put things right quickly. What we ask in return is that you treat our staff with respect.
- 1.3 This procedure sets out how we will deal with your complaints, compliments and comments, including the consideration of your complaint by a 'Designated Person' or 'Democratic Filter' in accordance with the provisions of the Localism Act 2011 (the Act). The purpose of the procedure in relation to complaints is to resolve your complaint and put you back in the position you would have been in before having to make the complaint. Some Housing complaints will be dealt with under the Council's Corporate Complaints Procedure. If your complaint is about an Adult or Children's Social Care Service or a Public Health service we will deal with it under the appropriate complaints procedure. This is a legal requirement. If your complaint is about any other Council service we will deal with it under the Council's Corporate Complaints, Compliments and Comments Procedure. If your complaint is about a Councillor it will be dealt with in accordance with the arrangements the Council has put in place in accordance with the Localism Act 2011. For more information see section 7.
- 1.4 This procedure has 3 stages in relation to complaints following which the matter may be considered by the Housing Ombudsman. We will try to resolve the majority of complaints at stage 1 and where appropriate we will resolve the matter informally. At stage 1 a manager from the service you are complaining about will usually respond to your complaint and try to put things right. If you are not happy with the outcome you can ask for your complaint to be investigated at stage 2. Stage 2 complaints will usually be investigated by the Complaints Manager. If you still remain dissatisfied you may refer the matter to the Democratic Filter for consideration. For more information see section 11.
- 1.5 It is important that all complaints, compliments and comments are made under the Council's procedures so we can monitor performance across the Council, identify topics and trends and improve our services accordingly.

2 Complaints and Information Governance Team

- 2.1 In relation to its complaints function the team is made up of the Complaints Manager and Complaints and Information Governance Assistants. The team oversees all of the complaints, compliments and comments procedures the Council operates. The team provides advice and information to complainants, members of staff and Councillors.
- 2.2 The team can provide information about the Council's complaints procedures in other formats and help arrange Advocates and Interpreters. The team can also provide advice on the support available for staff involved in complaints.
- 2.3 The team records and acknowledges all complaints made under the Council's complaints procedures, provides support to staff responding to complaints and monitors the progress of complaint investigations. The Complaints Manager usually undertakes stage 2 investigations in relation to Corporate and Housing Complaints. The team uses the information it collects about complaints to identify any topics and trends and help improve services.
- 2.4 The team is also the central point of contact for the Local Government and Housing Ombudsmen.
- 2.5 You can contact the team by telephone, e-mail, in writing, in person or by any other reasonable means.

Complaints and Information Governance Team

Telephone: (01325) 406777

E-mail: complaints@darlington.gov.uk

On-line form: www.darlington.gov.uk/complaints

Write to or visit:

Complaints and Information Governance Team
Darlington Town Hall
Darlington
DL1 5QT

N.B. Please arrange an appointment prior to visiting to ensure someone is available to meet with you.

3 Defining complaints

3.1 Darlington Borough Council defines a complaint as:

“When someone tells us they are not happy about a service or something we have or have not done that has had an impact upon them”

4 Who can use the complaints, compliments and comments procedure?

4.1 The following people can use this procedure:

- a) A person who is or has been in a landlord/tenant relationship with the Council. This includes people who have a lease, tenancy, licence to occupy, service agreement, or other arrangement to occupy premises owned or managed by the Council;
 - i) If the complaint is made by an ex-occupier they must have had a legal relationship with the Council at the time that the matter complained of arose;
- b) An applicant for a property owned or managed by the Council;
- c) A representative of any of the people above who has that person’s consent to make a complaint on their behalf;
- d) A representative of any of the people above who does not have the capacity to give their consent to someone to act on their behalf. The Council must be satisfied that the representative has the legitimate authority to act on the person’s behalf; or
- e) A person with the legal capacity to make a complaint on behalf of any of the people above who is deceased.

5 How can you contact us?

5.1 We have tried to make it as easy as possible for you to tell us what you think. If you know the member of staff who delivers your service you can speak to them about the problem.

5.2 You can fill out a complaints form, available in all Council buildings and on our website, write to us, e-mail complaints@darlington.gov.uk or you can use our on-line complaints form www.darlington.gov.uk/complaints

5.3 You can also telephone, visit the Complaints and Information Governance Team or make your complaint by any other reasonable means (contact details on previous page).

6 What the procedure covers

6.1 This procedure covers compliments*, comments* and complaints about the Council in relation to our provision and management of housing. A complaint may be about:

- a failure to provide accurate information;
- delays in decision making;
- dissatisfaction with a decision;
- delays in providing services;
- failure to deliver services;
- the appropriateness of services;
- the quality of services;
- the lack of services;
- changes to services;
- a failure to follow the Council's policies and procedures;
- the lack of proper procedures;
- the attitude or behaviour of staff*;
- a Council policy*; and
- contracted services*;

This list does not cover everything but provides a good idea of the kinds of complaints the Council might receive.

**Further details are provided in this section*

6.2 Complaints about the attitude or behaviour of staff

- a) Where your complaint relates solely to the attitude or behaviour of a member of staff we may deal with it under the Council's employment procedures.

6.3 Complaint about a Council policy

- a) If you simply disagree with a Council policy we will not investigate the matter as a complaint unless we believe the policy is likely to give rise or contribute to a systemic service failure. If we decide not to investigate the matter as a complaint we will take your comments on board.
- b) Where you feel a Council policy unfairly discriminates against a particular group of people with protected characteristics as set out in the Equality Act 2010 we will investigate the matter as a complaint.

6.4 Complaints about contracted services

- a) If you receive a service from a contractor on behalf of the Council you can use the Council's complaints procedure.
- b) If the contractor has their own complaints procedure we will usually give them the opportunity to put things right. If you are not happy with the way they deal with your complaint you can ask the Council to look into the matter.
- c) If you would prefer to use the Council's complaints procedure in the first instance you should discuss your reasons with the Complaints Manager who can advise on the most appropriate course of action.
- d) Contractors should be aware that the Council is subject to the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the Data Protection Act 1998. The Council may be requested to disclose information in relation to complaints about a service provided by a contractor and, although every effort will be made to consult the organisation concerned, the decision to disclose or withhold information will ultimately be made by the Council.

6.5 Compliments

- a) Compliments are a great way of telling us when we get things right. If you pay someone a compliment in person they will pass the details on to the Complaints and Information Governance Team to be recorded.
- b) If you pay someone a compliment via the Complaints and Information Governance Team, they will record it, send you an acknowledgement and pass it on to the appropriate person.
- c) Compliments can help us share good practice and improve services.

6.6 Comments

- a) Comments are also a great way of sharing your ideas about particular projects or services in general. If you pass your comments on to a member of staff they will pass the details on to the Complaints and Information Governance Team to be recorded.
- b) If you make a comment via the Complaints and Information Governance Team, they will record it, send you an acknowledgement and pass it on to the appropriate service.
- c) Where a response is required the service will provide one within **25 working days** of the date we receive your comment.
- d) The Complaints and Information Governance Team will record any actions taken as a result of your comment.

7 What the procedure does not cover

Some things are not covered by this procedure because they are either covered by another policy or procedure or are outside the Council's control.

They include:

- requests for service (for example, the **first time** you ring to report a fault or request a repair);
- complaints about the actions of a third party (for example, a noisy neighbour);
- matters where a separate means of resolution exist (for example, an Appeals Process, Courts or Tribunals);
- matters dealt with under the Council's Employment Procedures;
- insurance claims against the Council*;
- requests for information;
- corporate complaints (complaints about any other Council service)*;
- complaints about adult social care services*;
- complaints about children's social care services*;
- complaints about the Council's public health functions*;
- complaints that have already been investigated under this or another of the Council's complaints procedures;
- complaints that have been investigated by the Housing or Local Government Ombudsman;
- complaints made 6 months after the date you learned that something went wrong (in some cases we may be able to consider your complaint)*;
- complaints relating to freedom of information and environmental information requests*;
- complaints about Councillors*;
- complaints outside the Council's jurisdiction (for example, complaints about utilities companies);
- complaints subject to legal proceedings*;
- complaints about the level of rent or service charge or the amount of the rent or service charge increase;
- complaints from contractors about their commercial or contractual relationships with the Council; and
- complaints about terms of employment or other personnel issues, or the ending of a service tenancy following the ending of a contract of employment.

**Further details are provided in this section*

7.1 Insurance Claims

- a) We will not usually look into your complaint if the issue is something which should be dealt with as an insurance claim against the Council.

7.2 Corporate, Adult and Children's Social Care and Public Health complaints, compliments and comments

- a) Corporate complaints (complaints about any other Council service excluding Adult and Children's Social Care) are dealt with under the Council's Corporate Complaints, Compliments and Comments Procedure.
- b) Adult and children's social care services are required by law to have their own complaints procedures. You can make a complaint, compliment or comment about an adult or children's social care service whether that service is provided directly by the Council or by a contracted agency or care home on behalf of the Council.
- c) We will deal with complaints about the exercise of our public health functions in accordance with the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.
- d) To make a complaint contact the Complaints and Information Governance Team, see contact details in **section 2**.

7.3 Complaints made 6 months after the date you learned that something went wrong

- a) Though not exclusive, we may accept your complaint for one or more of the following reasons:
 - You are a vulnerable adult or child and did not complain because you were scared of what might happen.
 - We believe that there would be a benefit to you in looking into your complaint.
 - There is likely to be enough information available from the time the incident happened to enable an effective and fair investigation to be carried out.
 - There are enough people available from the time the incident happened to enable an effective and fair investigation to be carried out.
 - Where action needs to be taken in light of human rights based legislation.

7.4 Complaints relating to freedom of information and environmental information requests

- a) Complaints about freedom of information and environmental information requests will be the subject of an internal review undertaken by the Complaints and Information Manager. If you are unhappy with the

outcome of the review you can refer the matter to the Information Commissioner.

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 0303 123 1113
Website: www.ico.org.uk

7.5 Complaints about councillors

- a) The Localism Act 2011 requires "arrangements" to be put in place under which allegations that a member or co-opted member of the Authority (or of a Parish Councillor), or of a Committee or Sub-Committee of the authority, has failed to comply with that Authority's Code of Conduct can be investigated and decisions made on such allegations.
- b) For more information on the Member's Code of Conduct or to make a complaint on-line visit: www.darlington.gov.uk/complaints

7.6 Complaints subject to legal proceedings

- a) We will not look into your complaint if it has been the subject of legal proceedings and you raised the subject matter of the complaint as part of those proceedings.
- b) We may not look into your complaint if you or the Council has or intends to take legal action in relation to the issue. If we have started to look into your complaint we may put it on hold until after the legal proceedings have finished.
- c) In certain circumstances we may look into your complaint, for example, where putting it on hold would result in you losing a service or not being provided with a service to meet your needs.

8 Advocacy and representation

- 8.1 If you need some help to make your complaint the Complaints and Information Governance Team can help you arrange an advocate. An advocate is someone who can speak on your behalf.
- 8.2 You might prefer a friend or relative to make a complaint on your behalf. If someone is complaining on your behalf you must tell us you have given your consent for us to share your personal information with them. The easiest way to do this is to fill in one of our complaints forms or by using our on-line form.
- 8.3 If you are acting on behalf of someone we will decide whether or not you are acting in their best interest before investigating the complaint.

9 Involvement of councillors and MPs in the procedure

- 9.1 If you have any concerns it may be helpful to discuss them with your local councillor. Your councillor can help you decide on the best course of action.
- 9.2 This may involve putting you in touch with the appropriate council officer or making an enquiry on your behalf.
- 9.3 In cases where you need to make a complaint your councillor should refer you to the Complaints and Information Governance Team. They can make a complaint on your behalf and support you through the process. If your councillor does make a complaint on your behalf we will copy them in to all correspondence unless they request otherwise.
- 9.4 Whether or not you seek advice from a councillor you can expect a high quality service.
- 9.5 The same principles will apply where you make your complaint via your Member of Parliament (MP)

10 Accessibility and equal opportunities

- 10.1 We are committed to making sure that everyone has equal access to all our services, including the complaints procedure.
- 10.2 To help make sure our complaints procedure is easily accessible we:
- use plain language;
 - accept complaints over the phone or in person, in writing, by e-mail, via our website or by any other reasonable means;
 - provide information and responses in Braille, large print, audio, easy read format and other languages where needed; and
 - provide translators (including sign language translators) where needed.

11 The Procedure

11.1 Stage 1 (Local Resolution)

- a) If your issue is not something we can resolve immediately as part of our day to day business, we will usually deal with it as a stage 1 complaint. Stage 1 is where we try to resolve your complaint locally within the service you are complaining about. We aim to resolve the majority of complaints at stage 1 of the procedure.
- b) At stage 1 we will send you an acknowledgement within **3 working days** of the date we receive your complaint.
- c) We will appoint a Responding Officer to look into your complaint. This will usually be a manager from Housing.

- d) The Responding Officer will contact you where appropriate to clarify the issues and your desired outcome in relation to each element of your complaint.
- e) The Responding Officer will contact you with a thorough response within **25 working days** of the date we receive your complaint.
- f) If you are unhappy with the outcome at stage 1 you should contact the Complaints and Information Governance Team within **20 working days** of the date of your stage 1 response to request moving your complaint to stage 2.
- g) If it is not going to be possible to respond to your stage 1 complaint within 25 working days the Responding Officer will contact you and explain the reason why.
- h) If you have not received a response by the time the stage 1 target date is up and you have not heard from the Responding Officer you should contact the Complaints and Information Governance Team.
- i) We may need to agree to extend the timescales where people are unavailable due to sickness absence, annual leave or other commitments or where we are waiting for an advocate or translator to be appointed. This will be the exception and not the rule. The Responding Officer will agree any extension with you and contact you confirming the decision where appropriate. If you do not receive a response by the agreed date you should contact the Complaints and Information Governance Team.
- j) *If your complaint is about the manager of the service concerned we may ask a manager from another service to look into your complaint. Where appropriate we will investigate your complaint at stage 2 of the procedure. This will depend on the nature of your complaint.*

11.2 Stage 2 (Formal Investigation)

- a) If you are unhappy with the outcome of your stage 1 complaint we will formally investigate your complaint at stage 2 of the procedure.
- b) At stage 2 we will send you an acknowledgement within **3 working days** of the date we receive your complaint.
- c) We will appoint an Investigating Officer to look into your complaint. This will usually be the Complaints Manager.
- d) The Investigating Officer will contact you where appropriate to clarify the issues and your desired outcome in relation to each element of your complaint.
- e) The Investigating Officer will contact you with a thorough response within **30 working days** of the date we receive your complaint.
- f) If you are unhappy with the outcome at stage 2 you should contact the Complaints and Information Governance Team within **20 working days** of

the date of your stage 2 response who will advise you how to progress the matter.

- g) If it is not going to be possible to investigate your complaint within 30 working days the Investigating Officer will contact you and explain the reason why.
- h) We may need to agree to extend the timescales where people are unavailable due to sickness absence, annual leave or other commitments or where we are waiting for an advocate or translator to be appointed. This will be the exception and not the rule. The Investigating Officer will agree any extension with you and contact you confirming the decision where appropriate. If you do not receive a response by the agreed date you should contact the Complaints and Information Governance Team.
- i) *Where your complaint is about the complaints procedure or where there is a potential conflict of interest we will appoint a manager from another department to investigate your complaint.*

11.3 Designated Person/Democratic Filter

- a) If you are unhappy with the outcome of your stage 2 complaint you can either refer the matter to the Designated Person/Democratic Filter or wait for eight weeks, after which time you will be entitled to refer the matter to the Housing Ombudsman directly.
- b) The Designated Person/Democratic Filter can be a MP, a local Councillor or a recognised Tenant Panel. In Darlington we have a recognised Tenant Panel.
- c) On receiving your complaint the Designated Person/Democratic Filter can decide to:
 - help resolve your complaint directly;
 - refer your complaint to the Housing Ombudsman before the eight week time limit (*this must be in writing*); or
 - decide to do neither (*in which case they will confirm this to you in writing*).
- d) If the Designated Person/Democratic Filter decides not to take any action you may refer the matter to the Housing Ombudsman on receipt of their written response.

12 Housing Ombudsman

12.1 The Housing Ombudsman will consider whether your complaint comes within their jurisdiction, investigate as appropriate and come to a decision on your complaint.

12.2 Following the Housing Ombudsman's consideration of your complaint we will not consider the matter further.

12.3 The Housing Ombudsman's contact details are:

Housing Ombudsman Service
81 Aldwych
London
WC2B 4HN

Telephone

0300 111 3000

Fax

020 7831 1942

Email

info@housing-ombudsman.org.uk

Website

www.housing-ombudsman.org.uk

13 Putting things right

- 13.1 When you make a complaint we will ask you what you would like us to do to put things right. We will take your views into account but it may not always be possible to give you exactly what you want. Where this is the case, we will discuss the matter with you and come to an agreement.
- 13.2 If we uphold your complaint you can expect an apology and for us to put things right quickly. We may also propose a number of other actions. The aim of these actions is to put you back in the position you were in before the problem occurred and make amends for any loss you may have suffered as a result. Although we will consider each complaint on its merits we will try to ensure we offer similar remedies for similar situations.
- 13.3 Remedies may include a review of our practices and procedures to ensure that the same thing does not happen again, or we may take a specific action.

14 Recording and reporting

- 14.1 The Complaints Manager is responsible for making sure complaints, compliments and comments received by the Council are dealt with in line with the relevant complaints procedure. The Complaints Manager will record all information in relation to complaints, compliments and comments. The Complaints Manager will use this information to identify topics and trends so that we can learn from the things you tell us and improve our services accordingly.

15 Satisfaction surveys

- 15.1 Once we have dealt with your complaint we will ask you if you want to complete a satisfaction survey. This is about how you feel we handled your complaint. For example, whether or not we kept you informed, met timescales and so on, it is not about the outcome of your complaint. We would appreciate you taking the time to fill this in and help us improve the way we handle complaints.

16 Unreasonable and unreasonably persistent complainants

- 16.1 We do not normally limit contact with our offices. However, if you display unreasonable behaviour, for example, offensive or threatening behaviour towards our staff we may take action to limit your contact. Similarly if you are unreasonably persistent for example, you contact our offices so many times that it hinders our handling of your complaint we may take action to limit your contact.
- 16.2 If we do find your behaviour unreasonable we will tell you why and ask you to change it. If you continue to behave unreasonably, we will take action to restrict your contact with our offices.
- 16.3 We would not take action simply because you are not satisfied with the outcome of our investigation or because you refer your complaint to the Housing Ombudsman. That is your right and pursuing your complaint through the appropriate channels is not the same as being unreasonably persistent.
- 16.4 For more information contact the Complaints and Information Governance Team.

17 Record keeping and data sharing

- 17.1 During the complaints process a file containing correspondence and other relevant documentation (such as written notes, transcripts of conversations, etc) will be maintained by the Responding/Investigating Officer, Designated Person or Democratic Filter.
- 17.2 Following the conclusion of each stage of the Council's complaints procedure the Responding/Investigating Officer, Designated Person or Democratic Filter will send their response and any supporting documents to the Complaints and Information Governance Team. Any irrelevant information will be disposed of in a secure manner (i.e. shredding of paper documents and deletion from electronic systems) by the Responding/Investigating Officer, Designated Person or Democratic Filter.
- 17.3 All records will be kept in line with the Council's retention periods. These retention periods are taken from the Records Management Guidelines for Local Government and advice from the National Archives.
- 17.4 During the complaints process it may be necessary to share your personal details with council officers and the Designated Person or Democratic Filter. We will only share details that are relevant to your complaint. Such details will only be recorded by the Responding/Investigating Officer, Designated Person or Democratic Filter and the Complaints and Information Governance Team.
- 17.5 If you decide to take your complaint to the Housing Government Ombudsman your personal data may be shared with the Borough Solicitor.
- 17.6 If you are classified as an unreasonable or unreasonably persistent complainant some of your personal details will be communicated to complaints officers, director's personal assistants, councillors, senior managers and customer

services staff. This may include your name, contact details, a physical description (to assist staff who have face-to-face contact with complainants) and details of the behaviour that has resulted in the application of the policy.

- 17.7 All personal data will be securely stored and will be processed in line with the Council's Data Protection Policy and the provisions of the Data Protection Act 1998.