



Exeter City Council Housing Services

Housing Complaints Policy

2023 – 2027

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1. Introduction

Following The Social Housing (Regulation) Act 2023 The Housing Ombudsman issued a Complaint Handling Code which will be statutory from 1st April 2024. This code was introduced to enable 'a positive complaints culture across the social housing sector'.¹

The Housing Ombudsman has a statutory duty to monitor compliance with the Code; as part of this landlords are expected to have a Housing Complaints Policy.

This is Exeter City Council's Housing Complaints Policy.

2. Statutory/Regulatory requirements

This Policy has been produced in line with legislation including:

- Localism Act 2011,
- Housing Act 1996 (schedule 2),
- General Data Protection Act 2018,
- Equality Act 2010,

It also incorporates guidance from the Housing Ombudsman Service and meets the requirements of the Consumer Standards where appropriate i.e. The Tenant Involvement and Empowerment Standard.

Note: We have referred to residents throughout this document-this includes both tenants and leaseholders who occupy former Council owned homes.

3. Policy aims and objectives

At Exeter City Council we aim to provide an excellent standard of service to our residents; but acknowledge that on occasions we don't always get it right and residents may be dissatisfied and wish to complain.

When a resident contacts us with a complaint, it is treated as an opportunity to find ways to learn and improve the service. We will ensure that action is taken promptly to initiate an investigation.

We value that communication, and we will spend time and effort investigating to see where we can prevent similar complaints arising in the future; if we're doing something wrong, we need to put it right.

We have commitment and culture to make service improvements and learn from mistakes made. Monthly internal meetings are held where complaints received are discussed. This is an opportunity to share ideas and consider what we can learn from the situation so that procedures can be amended, practices reviewed and services improved. (See also the Monitoring of Complaints section below.)

It is Exeter City Council's aim to resolve complaints in a timely fashion and be open and accountable to our residents being outcome focused. Our policy is based on the Housing Ombudsman's Dispute Resolution Principles of: Being Fair, Putting Things Right and Learning from Outcomes.

We will treat all our residents in a fair manner, taking into account their needs and possible vulnerabilities.

We have set up a tenant led Complaints & Performance Group who meet on a quarterly basis to review our performance data and how the complaints service is operated. This group will help our service to identify any areas for improvement from a tenant's point of view. Feedback is provided in our Annual Report and in our in-house magazine to tenants, 'InSight', which is published twice a year.

Each year we will assess our service against the Housing Ombudsman's Complaint Handling Code and we will also produce an Annual Complaints Performance & Service Improvement Report; These will be brought to the Council Housing & Development Advisory Board (CHADAB), to the Complaints & Performance Group and ultimately published on our website.

Exeter City Council will appoint one of its Councillors to be the 'Member Responsible for Complaints'. See Appendix B

4. Definitions

The recognition of the difference between a formal complaint and a service request is important. The following indicates our definitions of both terms:

i. Service Request

A service request can come from a tenant or someone who might have visited their home. For example, reporting a repair issue or reporting anti-social behaviour-these will be logged and forwarded to the relevant department for action.

Service requests can become formal complaints when, for example a repair has been logged, the resident has been in contact, but no action has been taken; the resident advises the issue has been raised previously with an officer and not actioned or the resident wishes to make a formal complaint straight away.

ii. Complaint

Exeter City Council follows the Housing Ombudsman's definition of a complaint '*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.*'

Complaints need to be brought to our attention within 12 months of when the issue was first noticed. We will not normally consider a complaint made after that time.

Residents can follow the information on our website², making a formal complaint if they consider that we have:

- done something wrong
- behaved unfairly or impolitely
- not carried out a service to an agreed standard

- not responded to their request for a service within our stated timescale

Residents can make a complaint in a number of different ways. Anyone can make a complaint on the resident's behalf, if they unable to do so. They will need signed authorisation from the resident.

Complaints can be made in writing by email, (we have a dedicated in-box for complaints), letter, via the Housing Complaints form accessible from our website, the telephone, during a visit by one of our officers or at one of our Housing Surgeries.

Complaints can also be made via social media (including our Housing Services Facebook page³), if this method is used it will be handled through our normal processes (outside of the social media platform itself).

Councillors can put forward complaints made directly to them by residents, these will be acknowledged and progressed in accordance with this policy.

5. Processing Complaints

Exeter City Council has a team within Housing services dedicated to the processing of any complaint received from one of our tenants or leaseholders.

This team follow a strict process to ensure that the Housing Ombudsman's Code of Conduct is adhered to at all times.

The team will ensure that the investigation into any complaint that is made about the conduct or attitude of staff will be conducted by someone who is independent of the situation to avoid bias. There is a distinction between a complaint about alleged misconduct of a member of staff that would normally be handled under an HR procedure, and what is effectively a service complaint directed at an individual member of staff that can be handled under this complaints procedure.

Any correspondence will be in line with the guidance issued by the Housing Ombudsman (see Appendix A)

There are two stages to our complaints process.

i. Stage One

This specialist team take the initial complaint or enquiry and log it on our Housing database system.

The complaint is acknowledged within 5 working days of receipt and the resident is provided with a response deadline. This is often done much sooner than this.

The complaint is allocated to an investigating officer within 5 working days of receipt. A Department Lead will investigate and respond within 10 working days.

This may be extended by 10 working days if the investigation is complex. Responses will be made within this extended deadline unless there are exceptional circumstances.

Where agreement over an extension period cannot be reached, we will provide the Housing Ombudsman's contact details so the resident can contact them directly.

The team provide advice to the officers on their proposed responses and can arrange (with the agreement of the resident) for short extensions to the response times-this is always within guidance provided by the Housing Ombudsman.

Examples of actions to be taken at Stage One:

- i. The housing officer or surveyor contacts the complainant and they are happy with the outcome
- ii. A repair is completed and the resident is satisfied with the work & workmanship
- iii. Financial compensation is offered to recompense for any inconvenience or distress caused

ii. **Stage Two**

A complaint can be escalated to Stage two once it has completed Stage One of the Complaints process.

We will not refuse a reasonable request to escalate a complaint to Stage Two of our process, unless for example legal proceedings have commenced.

If the resident remains dissatisfied after the Stage One investigation, they can request an escalation where a new senior officer will conduct an independent review. The request must be made within 3 months of the conclusion of the Stage One complaint. The Stage Two review will be completed within 20 working days and a final response will be sent to the resident.

This timescale may be extended by 10 working days if the investigation is complex-with the agreement of the resident. A response will be provided within the additional 10-day extended deadline unless there are exceptional circumstances.

Where agreement over an extension period cannot be reached, we will provide the Housing Ombudsman's contact details so the resident can contact them directly.

Before a Stage Two review is carried out, the resident should provide reasons why they remain dissatisfied or disagree with any decision made and what more they want us to do to put it right. Dissatisfaction with the outcome of the complaint will not be sufficient.

Residents cannot add additional elements to their complaint at stage 2. These will need to be investigated as separate complaint at stage 1.

Actions to be taken at Stage Two

- i. The issue is resolved with the agreement of the resident and to the resident's satisfaction.
- ii. Compensation, agreed by the resident is offered and accepted
- iii. Any financial compensation offered is in line with guidance from the Housing Ombudsman.

6. The Housing Ombudsman Service

If the complaint remains unresolved at the end of our complaints process the resident has the following options available:

- I. They can use the Housing Ombudsman's Early Resolution Service. This is an alternative process to formal investigation where they will work with the resident and us to resolve the dispute as fairly and quickly as possible
- II. The resident can refer their complaint to the Housing Ombudsman to be formally investigated.

7. Exclusions

We reserve the right to refuse a complaint, using the following exclusions:

- if it is determined to be a service request e.g., a repair or enquiry
- If more than 12 months has elapsed since the issue arose-we will use our discretion over this and will consider each complaint individually
- It duplicates another complaint already made or in process
- Legal proceedings have commenced. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
- If there is an accident or incident – this will be handed over to the Housing Compliance team for their expertise
- There is a Housing Disrepair Protocol in progress
- The complaint is made in a vexatious manner (see below).

8. Written responses

We will ensure that all written responses are clearly referenced to show the stage that the complaint has reached. Templates are used that provide clear and direct guidance to residents on how to escalate a complaint to the next stage of our procedure if they remain dissatisfied. See also Appendix A

Complainants are asked to be clear about why they disagree with a decision and what more they want the Council to do to put it right.

9. When a complaint is closed

We have the discretion to close complaints early with details of what circumstances this would apply. Examples of when a complaint would be closed:

- The investigation is complete and a response has been sent to the resident
- After sending a response and attempting to make contact to discuss it, there is no further contact from the complainant after 90 days
- When a resolution is agreed and we have committed to deliver an action

10. Use of discretion

Exeter City Council reserves the right to use discretion when applying this policy and may deal with a complaint differently where individual circumstances merit it. Any discretion needs to be applied fairly and appropriately and that complaints should be progressed as far as possible to maximise the opportunity to resolve a dispute.

11. Complaints made in a vexatious manner

Examples of these are listed below:

- i. Complaints which are obsessive, harassing, abusive or repetitive
- ii. Insistence on pursuing non-meritorious complaints and/or unrealistic, unreasonable outcomes
- iii. Insistence on pursuing what may be meritorious complaints in an unreasonable manner
- iv. Complaints which are designed to cause disruption or annoyance
- v. Demands for redress which lack any serious purpose or value.

This list is not exhaustive:

Exeter City Council takes each complaint seriously and will always raise genuine issues and concerns for its residents. However, we will follow our internal processes when dealing with complaints made in a vexatious manner.

Our Response to such complaints:

- We will refer to the Council's Unacceptable Behaviour Policy
- Understand the complainant's perspective
- Collate all the facts before categorising as vexatious
- Explore and understand each situation fully
- Take each complaint seriously to avoid missing key information or genuine issues through being complacent
- We will be open and transparent
- We will continue to engage with the complainant

- We will be consistent
- Review the case regularly

When a resident demonstrates persistent and vexatious behaviour, we invoke our 'Acceptable Behaviour Contract' which manages communication in line with the Unacceptable Customer Behaviour Policy.

12. Legal Obligations

Where key issue of a complaint relates to the parties' legal obligations, we will clearly set out the legal obligations of all parties concerned.

13. Compensation and redress policy

Exeter City Council has a number of options available to put things right when there has been a service failure.

Some of the options available are:

- i. Offering rent-free weeks
- ii. Supplying shopping or decoration vouchers
- iii. Offering financial compensation

The level of compensation offered will be in line with the Housing Ombudsman Compensation Policy – Guidance for landlords

13. Equality and diversity

Exeter City Council already has an Equality and Diversity Policy⁴ and is committed to be fair, accountable and transparent and to promote equality of opportunity to ensure that all residents are treated fairly.

We recognise that many of our residents may have vulnerabilities so as each complaint is considered individually reasonable adjustments will be made as and when required.

14. Representation and support agencies

Residents are free at any time to seek the support and advice from other organisations or agencies. We will signpost our residents to these.

15. Monitoring Complaints

We recognise the need to monitor our complaints, both in terms of ensuring that deadlines are met, but also to determine the type of complaints we receive, trends and in which service area they relate to. Housing Managers take responsibility for complaints within their service area. Detailed timelines are produced for each complaint and these are communicated to the managers on a weekly basis so that they in turn can monitor their teams for timely responses.

A detailed database is held for complaints so that these can be closely monitored and areas for improvement acknowledged and proposals for solutions agreed.

A detailed spreadsheet with key performance indicators including complaints statistics is produced which is discussed at monthly Operational Management Team meetings.

16. Learning from Complaints

A new Complaints Clinic has been established where lead investigating officers can discuss cases and identify service improvements.

Staff training is provided at away days and for individuals or teams so that they are fully aware of the complaint process and service delivery expectations.

17. Self-Assessment

As part of our ongoing commitment to enhance and improve our Complaints process, we complete annually the Housing Ombudsman Self-Assessment Form. Once completed, this is then scrutinised by our Complaints and Performance Group and CHADAB before being published on our website.

18. Confidentiality

Exeter City Council Housing Services complies with the collection, storage, access to, provision and disclosure of data in accordance with the Data Protection Act 2018.

19. Storing Information

Complaints files are confidential and are kept secure on 'OPEN Housing' the department's database software system.

In line with the Retention & Disposal Policy, Ombudsman complaint files are destroyed after 6 years and all other complaint files after 3 years. This applies to electronic information as well as hard copy files.

We reserve the right to retain complaint information on a resident's service file because the information is relevant to the resident's relationship with the Council. This will only be considered if holding this information will not cause the complainant any undue damage or distress. However, where there is no continued need for that information, the file or information will be deleted at the same time as the complaint file.

Any concerns will be raised with the Council's Data Protection lead.

20. Increasing awareness of this Policy

This Housing Complaints Policy will be publicised in the following ways:

- The Exeter City Council Website
- Tenant Annual Report
- InSight magazine
- Social Media₃
- Leaflets distributed by officers
- Housing Drop-In Surgeries
- Housing Complaints Stage One & Two responses
- Posters in communal spaces and Customer First (public facing service)

References:

1. <https://www.housing-ombudsman.org.uk/wp-content/uploads/2024/02/01.-Complaint-Handling-Code-09.02.24.pdf>
2. <https://exeter.gov.uk/housing/information-for-council-tenants/tenants-advice-and-information/housing-complaints-and-feedback/>
3. <https://www.facebook.com/ECCHousing>
4. [Equality and Diversity Policy September 2020 \(exeter.gov.uk\)](#)
5. [Compensation policy - Housing Ombudsman \(housing-ombudsman.org.uk\)](#)

Appendix A

Responding to Complaints

[Responding to a complaint - Housing Ombudsman \(housing-ombudsman.org.uk\)](https://housing-ombudsman.org.uk)

Language and tone - be open, use plain English, avoid jargon and show empathy.

Labelling - clearly label each response, for example, Stage 1, Stage 2 or your 'final' response.

Respond to the original complaint and dissatisfaction - respond to all elements of the original complaint plus any that you may have later agreed to include in the formal complaint. Set out why the complainant was dissatisfied with the previous response.

Findings and conclusions - set out your findings and conclusions on each issue referencing any evidence on which those findings are made.

Policy and law - refer to any relevant policy, procedure, legislation or good practice when explaining a decision.

Apology and explanation - acknowledge and apologise for any mistake or service failure and provide an explanation of what went wrong.

Outcome - consider the outcome the complainant is looking for and how you might be able to provide this or go some way towards providing it.

Timescales and actions - give details and timescales for any actions you plan to take, for example, inspections or repairs.

Redress - give details of any redress offered, for example, compensation, discretionary repairs or decorations, or other actions.

Learning - explain what you have learnt from the complaint and what changes or improvements will be made as a result.

Signposting - signpost the complainant to other sources of advice or support, such as Citizens' Advice, the Leasehold Advisory Service (LEASE), Shelter, Age UK, Local Government and Social Care Ombudsman (LGSCO).

Appendix B

The Member Responsible for Complaints (MRC)

The MRC's responsibilities include ensuring that our complaint handling promotes service improvement for residents and learning and business improvement for the City Council.

The role of the MRC is to champion a positive complaint handling culture and build effective relationships with complaints teams, residents, its audit and risk committees as well wider teams and the Housing Ombudsman Service.

The MRC should be looking to seek assurances from the complaints team and where appropriate the operational teams that complaints are being managed, change is happening and that residents are being heard through the process.

The role is described in detail on the Housing Ombudsman's Service website-a precis is provided below:

Responsibilities - Governing Body Assurance

1. To promote a culture of openness and transparency where complaints made by residents are seen as form of insight into the how the organisation is managed. To provide assurance that systems are in place to capture learning from complaints and that the Council Housing & Development Advisory Board (CHADAB) is engaged with this. To ensure senior level ownership of learning and accountability stemming from complaints.
2. To provide assurance to CHADAB, through engagement with operational teams, that complaints are valued as an opportunity to learn, to give an early warning of ineffective processes, policies, or behaviours, to identify areas for improvement and to improve awareness and accessibility; and how this is happening across the Council .
3. To engage with the chair of the Audit and Governance Committee, to discuss any risks emerging from complaints and any recommendations for improvement in service areas which may be relevant to internal audit's activities.
4. To engage in, oversee, and ratify the annual self-assessment against the Complaint Handling Code, providing assurance that an accurate self-assessment is produced and published each year. This may include engaging residents in the self-assessment exercise.
5. To alert CHADAB of any concerns they have about the handling of complaints, the substantive issues giving rise to complaints, or the outcome of an individual complaint.
6. To ensure CHADAB understands its responsibilities to deliver a positive complaint handling culture and that complaints are given the status they deserve within the senior leadership's work.

Responsibilities - Complaint Handling Code

7. To review the communication of the Housing Services through its complaints to ensure it is empathetic, effective, and appropriate.
8. To gain assurance of the organisation's timely compliance with Housing Ombudsman evidence requirements and orders promoting a Council wide culture that demonstrates the learning and the changes to services that are provided for residents.
9. To promote a culture where every employee supports effective complaint handling, where complaint handlers have the authority and respect within the Council to help put things right when they go wrong. This should also extend to where we use contractors and other service providers. To have a visible presence that is organisation wide and has access to individual staff members to be able to 'test' that proactive complaint handling is embedded across all staff.
10. To gain assurance following the self-assessment, that the complaints team has the resources available to fulfil its obligations.
11. To receive regular updates on the volume, categories, and outcome of complaints, alongside complaint handling performance and take an inquisitorial approach when reviewing this information. The aim is to ensure that information presented to the governing body, provides sufficient assurance of a well-managed and customer focused complaints handling culture.

Responsibilities - Learning

12. To commission from the executive a self-assessment against Housing Ombudsman Spotlight reports and future good practice and facilitate a discussion with the CHADAB on how Housing Services can learn and improve from its recommendations. This should include consideration of relevant policies and procedures.
13. To require intelligence provided by the Housing Ombudsman is used to develop and improve services, gaining assurance that recommendations are actioned and, where necessary, reviewing policies, procedures and approaches to service delivery following Ombudsman reports.
14. To encourage a culture of effective cross-organisational and cross-department learning where operational teams collaborate with each other to produce improved service delivery.
15. To encourage a culture where senior management regularly review issues and trends arising from complaint handling with themes or trends being assessed and reported to CHADAB, which identify potential systemic issues, serious risks or policies and procedures that require revision. To gain assurance that where revision or change is required, this is followed through and communicated to CHADAB and that residents are central to any change.