

Appendix A

Local Authority Housing Landlord Services Complaints Policy

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| Summary | <p>Portsmouth City Council have a Corporate Complaints policy, this policy complements and focuses on our statutory duty as a Local Authority Housing Landlord.</p> <p>While we always strive to provide a good service, we know that sometimes things can go wrong. When this happens, we want to know about it, so we can make it right. We want to ensure that your voice is heard and take complaints very seriously. We will respond as soon as we possibly can and always in line with regulations.</p> <p>This policy provides a clear, simple and accessible opportunity for our customers to be able to raise complaints and have them promptly, politely and fairly handled.</p> |
| Effective date | 1 April 2024 |
| Review | We will review this Policy at least every 2 years or earlier if there has been an update to legislative, regulatory, best practice or operational changes. |
| Version | 1.0 |

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1. Scope

This policy applies to anyone who has been directly affected by us, our homes or our services in Local Authority Housing (LAH) Landlord Services, which could include:

- Tenants, homeowners, leaseholders and former tenants
- A person who receives or has received the service
- Someone acting on behalf of someone with their consent
- A person who is affected or likely to be affected by the actions or decisions made by us as a Local Authority Housing Landlord

Any reference in this policy to 'we', 'our' or 'us' refers to Portsmouth City Council, Local Authority Housing

2. Purpose

We are committed to engage and learn from our customers, developing our services to meet changing expectations. This policy and approach enables us to continually improve what we do, by identifying root causes, learning from complaints, making improvements and developing a positive complaint culture.

We aim to resolve complaints quickly and fairly and will try to sort out any mistake or misunderstanding straight away. Sometimes it may take longer, but we will tell you how long it will take and keep you updated.

We value your feedback and are committed to identify areas of the service where we need to make changes and improvements making sure we deal with complaints effectively and consistency.

Making a complaint will not affect your right to receive our services

The purpose of this policy is to:

- provide customers with clear guidance / expectations and timeframes
- work in partnership with the Corporate Complaints team and specialist agencies where appropriate
- support customers, ensuring they are also meeting the obligations as a tenant in line with the Tenancy agreement.
- support staff to recognise complaints, effective recording of the complaint and awareness of the process to deliver a continued improvement to the service we provide
- Should we decline to accept a complaint we will explain why the matter is not suitable for the complaints process and advise our customer of their right to approach the Housing Ombudsman.
- meet our regulatory and legal requirements.

3. Definitions

What is a complaint?

A complaint is any expression of dissatisfaction, however made, about a standard of service, actions or lack of action by us, our staff or those acting on our behalf, affecting a customer or resident, or a group of customers or residents.

A complaint is not a request for a service or enquiry about a service. It may become a complaint, if we fail to deliver our services efficiently and effectively after receiving the initial enquiry.

It is always helpful for us to know from you what you want us to do to put things right. You do not need to use the word complaint for it to qualify as one, we will seek to ensure we recognise the difference between a request for a service and a formal complaint.

We will take steps to resolve issues as quickly as possible. We will treat a complaint in accordance with our policy and processes and ensure we follow the Housing Ombudsman Complaint Handling Code.

A complaint submitted via a third party or representative will be handled in line the LAH Complaints policy, with consent.

We will accept a complaint unless there is valid reason not to do so.

Valid reasons for not accepting a complaint include:

- the issue is, or have been subject to legal proceedings
- there is a liability issue that is subject to an insurance claim
- the complaint has not been raised in a reasonable timeframe
- the issue has already been considered as a complaint

If we decide not to accept a complaint, we will explain clearly why the matter is not suitable for the complaints process

4. Difference between a complaint, enquiry or service request

The Housing Ombudsman Service defines a service request as

‘a request from a resident to their landlord requiring action to be taken to put something right’.

When you first let us know about your concern, as a starting point we’ll ask you what you’d like us to do to put things right. We can often resolve service requests, such as a missed appointment, immediately with an apology and by providing another appointment. We may be able to resolve this outside of our complaints process. If we need to make further enquiries to resolve the matter, or if you ask us to and the matter meets our criteria we’ll log it as a complaint.

All complaints and service requests/enquiries are unique and each one needs to be considered individually in determining how it should be handled.

If you are in any doubt as to whether something should be managed as a complaint or a service request, ask the LAH landlord complaints lead for advice.

5. How we manage complaints

All complaints are managed confidentially.

We will handle all complaints fairly and honestly regardless of who is making a complaint.

All complaints will be responded to promptly, and in accordance with the set timescales wherever possible. Where we are unable to meet the timescales set out in the policy, we will let the customer know there has been a delay.

Customers will be kept informed of the progress of their complaint and of any delays.

If a complaint is made to a Councillor(s), the customer will be referred to corporate complaints and the complaint will be managed in line with their policy and may link in with the LAH Landlord Complaints Lead if required. The Councillor(s) will be provided with a copy of the response to the complaint. This would not prevent the customer from raising a complaint themselves, if they were unhappy with the outcome from the initial enquiry.

Support for customers who want to make a complaint

We are committed to making sure the way we handle complaints does not place anyone, irrespective of disabilities or other characteristics, at a disadvantage, and we will make reasonable adjustments if the way we handle complaints would otherwise place a person with disabilities or other characteristics at a substantial disadvantage.

Customers who would like us to make a reasonable adjustment to enable them to make a complaint should make a request to the LAH Landlord Complaints Lead. A request for a reasonable adjustment can be made through any channel, or via a representative

6. How can a complaint be made?

We want it to be easy and accessible for all our customers to raise dissatisfaction and you can tell us about your issue in a variety of ways:

- By email
- By text
- By telephone
- In person
- In writing
- Through a representative or advocate (where consent has been provided)

These will be managed centrally by the LAH Landlord Complaints Lead who receives the complaints and assesses whether they should be treated as formal complaints or managed as an enquiry, service request.

They will oversee the complaints process and provide advice to managers carrying out complaint investigations and responding to complaints in a timely manner.

We will accept a complaint unless there is a valid reason not to do so, as described in section 3. We will always provide a detailed explanation setting out the reason why the matter is not suitable for our complaints process and your right to escalate to the Housing Ombudsman.

We will always manage your expectations from the beginning, being clear where the desired outcome is unreasonable or unrealistic.

If a complaint is received in another way, Corporate Complaints will refer it to the LAH Landlord Complaints Lead and they will manage the complaint in line with this

policy.

Complaints made via social media

If customers make complaints via social media channels, the complaints will be managed offline to ensure the customer's privacy and confidentiality are maintained and signposted to the correct team.

Verbal complaints

Verbal complaints will be confirmed with the person making the complaint. If we confirm the complaint verbally, we will follow up with a written confirmation. Once agreed, complaints will be processed in line with this policy.

Anonymous complaints

Anonymous complaints will not be processed in line with this policy. The LAH Landlord Complaints lead will review the content of the complaint and signpost accordingly. This could be forwarding it to the relevant team as a suggestion, to ensure action is taken wherever appropriate and we learn from all our customer feedback or refer to an alternative internal process ie. whistleblowing policy

Complaining through a representative

Everyone has the right to appoint someone else to act on their behalf. A representative can be, for example, a parent, a husband, wife, or civil partner, an adult child, a friend, an attorney, advocate, or solicitor, or a local councillor or MP. You can [find details of your local councillors and MP online](#).

Regardless of the closeness of the relationship between the customer and the person acting on their behalf, we must have consent from the customer before we can correspond with the representative.

If a complaint is made through a representative, we will need to ensure we have consent from the customer. This would usually be written consent from the customer giving the representative permission to act on their behalf, or other evidence, for example evidence of lasting power of attorney.

7. When can a complaint be made?

We will consider complaints made within 12 months of the issue becoming apparent to the person making the complaint. We may still look into a complaint made outside of the timescales under exceptional circumstances.

Identifying and accepting a complaint

No matter how complaints are received, LAH Landlord complaints Lead will review the complaints in the first instance

All complaints will be reviewed, considering:

- whether the complaint is a complaint within the complaint definition, or whether it is an enquiry or service request
- whether the complaint should be accepted, with reference to the reasons a complaint cannot be considered
- whether the complaint should be considered under the LAH Landlord Services complaints policy, or whether it falls under a different policy

If a complaint is valid, it will be logged by the LAH Landlord complaints lead as a Stage One complaint.

We use the same Complaints system as the Corporate Complaints team so all complaints are recorded in a consistent way.

As a Landlord, we are required to report on our statutory requirements, and we manage the complaints effectively in line with our Data Protection privacy notice [Housing management - privacy notice - Portsmouth City Council](#).

8. Complaints Procedure

There is a two stage complaint process.

Stage One

We aim to send the customer an acknowledgement in writing by email, or by post if an email address is not provided, within five working days of logging the complaint.

In acknowledging the complaint, we will briefly confirm:

- our understanding of the complaint and the outcomes being sought
- what will happen next
- when the customer can expect a response
- who is undertaking the investigation and how they can be contacted

In acknowledging the complaint, we will offer the customer the opportunity to discuss their complaint, so we can make sure our understanding of the complaint and the outcome being sought is clear.

If the complaint is unclear, we will seek clarification from the customer before the complaint is logged.

If the complaint is in relation to Building Safety, any immediate safety concern will be raised with Building Safety Manager and managed in line with this policy. The Fire Safety Group / High-Rise Group may be consulted with in providing a response at Stage One

Once a complaint has been logged and acknowledged, it will be passed to the relevant manager to investigate and respond. The quality of investigations and responses will be ensured by LAH Landlord Complaint Lead.

Investigating a complaint

You may be contacted by the complaint investigator by telephone or email to offer you the opportunity to discuss your complaint in more detail and to understand the outcome that you are seeking. Once we have defined the complaint, we will need to gather information and evidence to be able to reach a decision. We will use this information to decide two things:

- What happened?
- What should have happened?

We will investigate the issue, taking into account the available facts and evidence. We will then make a decision on the matter.

It is not always possible for us to make decisions 'beyond all reasonable doubts'. We will therefore make decisions 'on the balance of probabilities', that is whether something was more likely to have occurred than not.

If we believe we were at fault, we will further consider:

- how the fault disadvantage the customer
- what we need to do to put things right (section 9)

We aim to respond to a Stage One complaint within 10 working days of the complaint being logged in line with the Housing Ombudsman Complaints Handling Code.

If we are not able to meet these timescales, we will let the customer know and discuss the reasons we are unable to meet the initial timescale.

Escalation to Stage Two

If the customer is unhappy with the response for Stage One, then they can escalate to a Stage Two, the LAH Landlord Complaints Lead would discuss the case with the customer. The Complaints Lead will review the request to escalate and consider whether further consideration of the complaint is appropriate, understanding why the customer is unhappy with the Stage One response and the outcome the customer is seeking.

If they agree that it is appropriate to consider the complaint further, they will manage the complaint accordingly, this could be a review of the Stage one if new information has been presented or an escalation of the complaint to Stage Two. If they decide that further consideration of the complaint is not appropriate, they will let the customer know the council has reached its final decision on the matter and provide details for the Housing Ombudsman.

A request to escalate a complaint to Stage Two should be made within 30 working days but we may consider requests outside this timescale if there are exceptional circumstances.

We will send the customer an acknowledgement in writing by email, or by post if an email address is not provided, within five working days of logging the Stage Two escalation request.

Stage Two

This is the final stage of the complaint's procedure. The complaint will be further considered either:

- by the appropriate director, or
- by an appropriate senior manager and reviewed by the director.

We aim to respond to a Stage Two complaint within 20 working days of logging the Stage Two complaint. If we are not able to meet these timescales, we will let the complainant know.

If the complaint is in relation to Building Safety it will be managed in line with this policy. The HNBS (Housing, Neighbourhood and Building Services) Safety Buildings Group may be consulted with in providing a response at Stage Two.

Housing Ombudsman Service

If a customer with a housing complaint is still unhappy after following the council's complaints process, they can contact the Housing Ombudsman Service.

- Online complaint form at www.housing-ombudsman.org.uk
- Telephone 0300 111 3000

This policy is in line with the [Housing Ombudsman's Complaint Handling Code](#).

9. Communicating a decision and putting things right

We will respond to complaints in writing. Our decision letters will clearly explain:

- our understanding of the complaint, agreed at the beginning of the process
- the steps we have taken to investigate the complaint
- the information and evidence we have taken into account
- our decision and our reasons for reaching that decision
- acknowledging where something has gone wrong, when and how we will put it right, considering the possible resolutions
- where appropriate, any changes we will make to processes and policies following the complaint
- how the customer can challenge our decision if they disagree

Complaints can be resolved in a number of ways. We will seek to ensure remedies offered reflects the extent of any and all service failures, and the level of detriment caused to the customer as a result. We will refer to the Housing Ombudsman guidance on remedies, they may include:

- acknowledging when things have gone wrong

- providing an explanation, assistance or reasons
- apologising
- taking action if there has been a delay
- reconsidering or changing a decision
- amending a record
- changing policies, procedures or practices
- providing a financial remedy

Any issues identified as a result of complaints will be put right as quickly as possible: we will not wait until the complaints process is concluded.

When responding to complaints we will consider whether the customer needs support to understand the outcome and will offer alternatives, including meetings to discuss, where appropriate.

10. Complaints about Portsmouth City Council Contractors

We contract organisations to provide commissioned services on our behalf. If a complaint is made about a service provided by a contractor or third party, it should be managed in line with this policy. They are expected to comply with the policy, including providing information to us as requested and provide assistance with further investigations as appropriate.

If we receive a complaint that relates to a service provided by one of the council's contractors, we will provide a response.

A contractor who receives a complaint is expected to notify the council of the complaint via the LAH Landlord Complaints Lead. Notifications should be made in line with the timescales in the policy, and the contractor should provide a notification initially, at any escalation stage and at conclusion, so the complaint can be logged and monitored.

11. Persistent complaints and unreasonable behaviour from complainants

We expect complaints to be made in a reasonable way so we can investigate. This means communicating with us in a way that is reasonable, both in terms of the nature and frequency of contact. If this is not followed, then this will be managed in line with sections 9 and 10 in our Corporate Complaint Policy.

12. Comments and compliments

We want to provide the best service we can. To help us do this we would like to hear your views on the services that you use. If you are pleased with a member of staff or service, please let us know.

We record and manage comments and compliments in the same way as complaints. We will report on these to customers in the same way as we do with complaints.

13. Monitoring and reviewing our Service

We monitor and analyse the types of complaints / compliments we receive and the way they have been handled and make this available for customers.

The monitoring and analysis we do helps us to ensure that our policy is fit for purpose, our process is being managed in a fair and consistent manner, our staff training is appropriate, we deliver against our resolution promises, and we are fulfilling our statutory duties as a Landlord.

It is important to us that we are compliant, accountable and transparent in our complaint process. We continually learn and ensure that staff are supported and engaged in the complaints process and has a positive impact of future service delivery.

Self-assessment

We must carry out an annual self-assessment against the Housing Ombudsman Complaints Handling Code to ensure our complaint handling remains in line with its requirements.

We must carry out a self-assessment following a significant restructure and/or change in procedures.

Following each self-assessment, we must:

- report the outcome of our self-assessment to our elected members
- publish the outcome of our assessment on our website and make accessible to residents
- include the self-assessment in our annual report section on complaints handling performance

We are required to repeat the self-assessment following a formal investigation with the Housing Ombudsman if there are significant concerns over our complaint handling.

14. Your Voice

- We will never ignore complaints, and we always want to hear your ideas, comments and compliments.
- We will seek feedback in relation to our complaints process as part of a drive to encourage a positive complaint and learning culture.
- We will use data to understand trends in complaints to inform us of areas to focus and improve on.
- We provide tenants a wide range of meaningful opportunities to influence and scrutinise the Landlord Strategies, policies and services through resident engagement.

15. What have we done to make sure this Policy is fair?

We completed an Integrated Impact Assessment (IIA) to consider the positive and

negative impacts this Policy may have on people with protected characteristics under the Equality Act 2010. This Policy should have direct and positive equality and diversity impacts.

16. Regulation and legislation

We recognise legislation regarding complaints and we will continue to monitor relevant legal guidance. The list below reflects some of the existing legal framework and relevant publications:

- [Housing Ombudsman's Complaint Handling Code](#)
- Housing and Regeneration Act 2008
- GDPR together with the new Data Protection Act 2018
- Equality Act 2010
- Housing Act 1996

17. Related documents

This policy must be read in conjunction with:

- Local Authority Housing Landlord Policies link
- Tenancy Agreement / Leasehold agreement
- [HIVE Portsmouth](#)
- Corporate Complaints Policy
- Anti Social Behaviour Policy

18. How to feedback

You can get this policy in large print, Braille, audio or in another language by contacting your Housing Office.

Compliments: TBC

Complaints:

If a customer is unhappy, they can refer to our LAH (Local Authority Housing) Landlord Complaint Policy - link

- Online complaints form xxxxxxxx
- Telephone: xxxxxxxx
- Email address: xxxxxxxxxx