

# **Procedure for Complaints & Representations about the Council's duties and responsibilities as a Housing Landlord**

## **Introduction**

Sunderland City Council is committed to providing high quality modern services to our customers while making sure the customer is at the heart of everything we do.

The council will deal with each case individually and customers will be dealt with respect and empathy.

We recognise that in some cases, we may not always meet our customers' expectations and we need to ensure that there is an accessible, easy to follow and robust complaint and compensation policy in place to resolve matters as effectively as possible.

Our aim is to resolve issues and put things right at the first attempt; however, we recognise that in some cases we will need to investigate the situation further.

This procedure sets out how we will handle complaints about the Council's responsibilities as a social landlord. It incorporates best practice identified through experience of handling complaints about Council services and takes account of the statutory Complaint Handling Code produced by the Housing Ombudsman.

## **The Aims of the Procedure**

This procedure recognises that a successful complaints service considers doing the right thing and embracing a learning culture.

The policy is designed to meet the following aims:

- Provide our customers with an easily accessible, clear and efficient complaints process
- Provide clarity and achieve consistency in how we deal with complaints
- Capture and implement any learning points identified from a complaint
- To comply with current regulatory obligations for complaints
- To provide a framework to offer compensation
- To create a framework for recording compliments on a job well done

## **The Scope of the Procedure**

Our intention is to allow access to this procedure to anyone who wishes to make representations or complaints about the actions or decisions, of the Council regarding its duties and responsibilities as a landlord, and to allow any other person with sufficient interest to act on behalf of the individual concerned. Effective complaint handling enables individuals to be heard and understood. The starting point for this is a shared understanding of what constitutes a service

request and what constitutes a complaint. In some cases the Council should be able to put things right through our normal service delivery processes.

This procedure relates to all parts of the organisation including services that may not actually deal directly with customers or third parties. The procedure also applies to other organisations that provide services to our customers under contract or in partnership with us.

The procedure will not apply where there is an appeal or grievance, or where legal proceedings are underway. The existing and relevant procedure, contract or agreement should be followed.

Effective complaint handling enables residents to be heard and understood. The starting point for this is a shared understanding of what constitutes a complaint. We recognise the difference between a service request and a complaint and have included definitions of these below.

### **Definition of a Service Request**

*“A request that the organisation provides or improves a service, fixes a problem or reconsiders a decision”.*

Service requests are not complaints but may contain expressions of dissatisfaction. For example, a customer may make a request for or submit a complaint regarding a particular service provision, and this would not necessarily be considered as a formal complaint. For this reason, the Council will keep a record of all such issues and use these to identify trends and areas for improvement. The aim is to take the opportunity to resolve matters to a customer’s satisfaction before they become a complaint. A complaint may be raised when the customer expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing.

### **Definition of a Complaint**

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

A customer does not have to use the word “complaint” for it to be treated as such.

### **Definition of a Representation**

A representation is a compliment or comment about Council activity that is not a complaint and provides useful feedback on what people value about what the Council does. We use compliments and comments to let individual staff know when they have been particularly effective in their day-to-day work, to know that they are valued, to make sure Councillors are aware of what people appreciate, and help services focus on continuing to do more of what people value most.

### **Responsibility for the Procedure**

All Housing Operations staff have responsibilities to a greater or lesser extent under the procedure, as any of them might receive a complaint or be asked for information. All staff are responsible for recognising and attempting to resolve an initial complaint at the first point of contact. Everyone is encouraged to be honest and recognise where we may have made a mistake and focus on putting things right.

Housing Management Officers have further responsibilities, as they are likely to be involved in initial attempts to resolve complaints and in referring them on at appropriate points. The Housing Operations Manager is responsible for ensuring effective investigation of complaints in their service area and delivery of the Council’s requirements for service improvement identified from complaints and feedback. Assistant Directors are responsible for ensuring learning from complaints and feedback is acted on promptly and effectively.

Staff also have a responsibility to ensure that customers are made aware of the complaints procedure and that they are given information in an appropriate format. Responsibility for the management of the procedure lies with the Assistant Director of Housing & Communities. Day to day responsibility for the operation of the procedure lies with the Housing Operations Team.

## How the Complaints Process works

We do appreciate that at times things can go wrong and we would like to help to put it right. Our complaints process is accessible and easy to use. Customers can ask for a representative to deal with a complaint on their behalf as long as they provide us with permission to discuss the complaint with this person.

We will not usually investigate a complaint that has not been reported to us within 12 months of the issue occurring.

We will investigate all complaints impartially, making sure that we consider evidence from all parties involved and provide the opportunity for anyone involved to provide their account of the situation.

## When the Complaints Procedure Does Not Apply

Generally, we will accept a complaint unless there is a valid reason not to do so. Each complaint is considered on its own merits, taking into consideration the individual circumstances of the complaint. In cases where we have decided not to accept a complaint, we will provide our reasoning for this and of the right to take that decision to the Housing Ombudsman.

Reasons for exclusion can include:

- The issue giving rise to the complaint occurred over twelve months ago. We will consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so.
- Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
- Matters that have previously been considered under the complaints policy.

## How to Make a Complaint

Whatever the reason for your concern, we want to hear about the problem so that we can go about putting it right as quickly as possible. You can make a complaint in writing, by telephone, email or via the Council's website as follows:

Write to:	Sunderland City Council, Housing Management Service City Hall, Plater Way, Sunderland, SR1 3AA
Telephone:	0191 561 2715
Email:	<a href="mailto:sunderlandhousing@ Sunderland.gov.uk">sunderlandhousing@ Sunderland.gov.uk</a>
Website:	<a href="http://www.sunderland.gov.uk">www.sunderland.gov.uk</a>
Other	Via a local Councillor or Member of Parliament
Social Media	Twitter: @SunderlandUK <b>Facebook:</b> Sunderland UK Official

## How Complaints will be Handled

Initial consideration will be given as to whether the issue being raised is a service request that can be handled in line with normal service delivery processes, or whether the issue is a complaint that should be logged at stage 1. The aim is to take the opportunity to resolve matters to a customer's satisfaction before they become a complaint.

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

## Complaint Stages

### Stage one

Complaints will be acknowledged, defined, and logged at stage 1 of the complaints procedure within **5 working days** of the complaint being received.

If any aspect of the complaint is unclear, the resident will be asked for clarification. We will clarify if there are any aspects of the complaint that we are not responsible for.

A full response will be issued to stage 1 complaints within **10 working days** of the complaint being acknowledged.

If an extension to this timescale is required due to the complexity of the complaint, we will inform you of the expected timescale. However, any extension must be no more than 10 working days and the reasons for it must be clearly explained. The council will also provide the contact details of the Housing Ombudsman. Where a response to a complaint will fall outside the timescales set out in this procedure, we will agree with the resident a suitable interval for keeping them informed about their complaint.

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

Where a complainant raises complaints during the investigation, these will be incorporated into the stage 1 response if they are related, and the response has not yet been issued. Where the response has been issued, the new issues are unrelated to the issues already being investigated or it would reasonably delay the response, the new issues will be logged as a new complaint.

The stage 1 response will include the following:

- a) the complaint stage
- b) the complaint definition
- c) the decision on the complaints
- d) the reasons for any decisions made
- e) the details of any remedy offered to put things right
- f) details of any outstanding actions and
- g) details of how to escalate the matter to stage 2 if the complainant is not satisfied with the response

### Stage two

If a person is unhappy with the response to the stage 1 complaint, they can progress the complaint to stage 2.

Requests for stage 2 must be acknowledged, defined, and logged at stage 2 of the complaints procedure within **5 working days** of the escalation request being received.

The person considering the complaint at stage 2 will not be the same person that considered the complaint at stage 1.

A full response will be issued to stage 2 complaints within **20 working days** of the complaint being acknowledged.

If an extension to this timescale is required due to the complexity of the complaint, we will inform you of the expected timescale. However, any extension must be no more than 20 working days and the reasons for it must be clearly explained. The council will also provide the contact details of the Housing Ombudsman.

A complaint response will be provided to the complainant when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed.

The stage 2 response will include the following:

- a) the complaint stage
- b) the complaint definition
- c) the decision on the complaint
- d) the reasons for any decisions made
- e) the details of any remedy offered to put things right
- f) details of any outstanding actions and
- g) details of how to escalate the matter to the Housing Ombudsman Service if the complainant remains dissatisfied

Stage 2 is the council's final response.

Customers can contact the Housing Ombudsman at any time for advice and contact details are included below.

**Online form:** [Make a complaint - Housing Ombudsman \(housing-ombudsman.org.uk\)](https://housing-ombudsman.org.uk)

**Phone:** 0300 111 3000

**Email:** [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

**In writing:** Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET

## **Reasonable Adjustments**

We are committed to ensuring that people are not disadvantaged in accessing our services and their ability to make a complaint. There is no prescribed list of reasonable adjustments as this will depend on the needs of the individual customer. We will talk to the individual customer to understand any requests and seek to reach agreement on what may be reasonable in the circumstances.

We will not make assumptions about whether a disabled person requires any reasonable adjustments or about what those adjustments should be. Some examples of the adjustments that we can make include:

- Providing information in appropriate alternative formats (for example large print, Braille, coloured paper and so on)
- Use of email or telephone in preference to hard copy letters, extension of time limits (where it is lawful to do so)

## **Compensation**

We recognise that in some situations, an apology and a resolution may not always compensate for a situation or the impact of a lack of service a customer has received. For this

procedure, we define compensation as: *'To make amends for the loss, injury, service failure, breach of contract, inconvenience or offence. Compensation does not have to be of a financial nature, it can also be made by way of a gesture of goodwill or replacement'*.

We appreciate that at times things go wrong and we will always look at various remedies to try and resolve a complaint. We are committed to doing the right thing for our customers and these remedies may include a small gesture of goodwill. Our compensation calculations are based on what we consider to be fair on each case. We do not set limits regarding minimum and maximum amounts, instead we apply discretion and judge each case on its own merits. We will, however, take into consideration regulatory and Housing Ombudsman guidance and case studies of similar awards. Guidance on remedies ([housing-ombudsman.org.uk](http://housing-ombudsman.org.uk))

We will specifically consider the following to help us determine if any compensation or remedy is appropriate:

- What has gone wrong?
- Can it be put right - what actions could be taken to remedy the situation?
- What would the complainant like to happen?
- How has the customer been adversely affected?
- Is there an actual quantifiable financial loss – for example, has the complainant incurred costs as a result of what happened (although we will not offer compensation for loss of earnings)
- What other impact has there been (for example distress caused)?
- Did the customer's actions or inactions, or those of a third party (for example a complainant's advocate), contribute to what happened in the case?

We will work closely with the Council's insurance team where in addition to a complaint, there have been any claims for personal injury or damage to belongings. This may include holding the investigation until any liability is assessed.

Any offer of compensation will be live for 28 days from the date of offer. We will pay compensation by two methods, via bacs transfer to an account of the customer's choice or if they hold a rent account with us an adjustment can be made to their account.

There are some instances where we may be required to make payments due to legal requirements. These can be for issues outside of the complaints process, although sometimes we will consider statutory payments alongside a co-ordinated investigation and response into a complaint.

### **Complaints relating to consumer credit advice**

If a complaint relates to consumer credit activities, we are bound and regulated by the Financial Conduct Authority. As at the date of this procedure those activities are limited to debt counselling and debt adjusting. If the customer is not satisfied with our response, the next stage is to report the matter to the Financial Ombudsman service. This needs to be within six months of the date we formally responded to the complaint, or you can contact them if we have not provided you with a written response to your complaint within eight weeks.

We will provide you with the Financial Ombudsman's guidance leaflet to assist you with this process.

Further information and guidance can be found by contacting the Financial Ombudsman at:

**In writing:** The Financial Ombudsman Service, Exchange Tower, London, E14 9SR

**Phone:** 0800 023 4 567

**Email:** [complaint.info@financial-ombudsman.org.uk](mailto:complaint.info@financial-ombudsman.org.uk)

**Website:** [www.financial-ombudsman.org.uk](http://www.financial-ombudsman.org.uk)

## **Compliments**

Compliments are a positive measure of customer satisfaction with our staff and services. We welcome feedback and compliments from our customers, and we use this information to help shape the services we deliver. The easiest and quickest way is to get in touch with us directly and let us know the details of your feedback or compliment.

## **Unreasonably persistent complainants**

Persistent and Unreasonable Complainants. We are committed to dealing with all complaints fairly and impartially and to provide a high-quality service to those who make them. However, there are occasions when contact from a complainant becomes too frequent or complex, so that it hinders our consideration of their complaints, or those made by other people.

The Council does not expect its staff to tolerate behaviour by complainants which is unacceptable, abusive, offensive, or threatening, and will take action to protect staff from such behaviour.

The term 'persistent and unreasonable complainant' broadly applies to those customers who are aggressive or have demonstrated abusive behaviour as well as those who make unreasonable demands or become unreasonably persistent. In such cases we may take action to limit the contact the complainant has with us.

Customers to whom this policy may apply include those who:

- Refuse to accept the remit of the process to be undertaken as described to them.
- Request action that is not compatible with the process or make unreasonable demands.
- Introduce unrelated additional information and expect it to be taken into account.
- Make excessive contact with staff.
- Submit complaints about the same issues that have been previously dealt with.
- Engage with staff in a manner which is deemed unacceptable or inappropriate
- Refuse to adhere to previously agreed communication plans.
- Behave in a threatening or abusive manner, having been previously advised it is not acceptable.

In all cases, the Council will write to tell the complainant.

- Why it believes the behaviour is unacceptable.
- What action the Council will be taking.
- The duration of that action, how, and when it will be reviewed.
- How to challenge the decision if they disagree with it.

However, in cases of extreme behaviour, which threatens the immediate safety and welfare of staff, the Council will consider other options, for example reporting the matter to the police or taking legal action. In such cases, the complainant may not get prior warning of the action.

## **Engagement and staff support**

We recognise the impact that being complained about can have on individual employees. We will make sure that we support and engage any employees affected during the complaints process including helping to draw any learning for future situations.

## **Learning from complaints**

- We will review all complaints to see if there is any learning, we can take to prevent repeat mistakes.

- We will also look at trends/themes in our complaints over time to identify any trends or areas for us to improve.
- We will report outcomes from learning internally and to customers through our customer newsletter.

## **Legislation and guidance**

The Regulator of Social Housing (RSH) has responsibility for the regulation of social housing providers in England. The RSH has set out a regulatory framework which includes regulatory standards providers must meet.

This includes the Tenant Involvement and Empowerment Standard, which outlines expectations for complaints handling.

The Localism Act 2011 created a single housing watchdog, the Housing Ombudsman. Tenants and leaseholders have the right to contact the Housing Ombudsman at any time for advice and support to resolve a complaint about their landlord.

The key areas of legislation in this policy are:

- Data Protection Act 2018
- Equality Act 2010
- UK General Data Protection Regulations 2021
- Housing Act 2004
- Landlord and Tenant Act 1985
- Localism Act 2011
- Housing Ombudsman Complaints Handling Code 2024