

# Cheltenham Borough Council Housing Complaints Policy

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## **Introduction**

Cheltenham Borough Council Housing Services (CBC) is committed to providing a high standard of service to customers. To improve services delivered, we rely on feedback from customers. We want to know when we get it right, so standards can be maintained or improved, and we want to know when customers are dissatisfied with the service so that we can resolve this and learn.

This policy has been aligned with the Housing Ombudsman Complaints Handling Code which sets out good practice to ensure landlords respond effectively and fairly to complaints.

## **Policy Statement**

CBC Housing Services is committed to a fair, honest, impartial and thorough approach when responding to complaints. The policy ensures complaints are handled locally, sensitively and without delay. We will aim to put things right, to seek an effective resolution for all parties and to learn from outcomes.

CBC Housing Services define a complaint as: “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”.

A customer does not have to use the word ‘complaint’ for it to be treated as such. Whenever a customer expresses dissatisfaction, CBC Housing Services will give them the choice to make complaint.

The policy is in line with relevant legislation such as the Localism Act 2011, Housing Act 1996 (schedule 2), General Data Protection Act 2018, Equality Act 2010, Housing Ombudsman Scheme, and the Regulator for Social Housing Consumer Standards (Transparency, Influence and Accountability Standard).

## **Terms used in this policy:**

Complainant – This is the person who is making the complaint.

Complaint Officer – This is the person who manages the complaint allocation and ensures the complaints process is adhered to.

Complaint Handler- This is the person who will be investigating and overseeing the complaint. This will be an employee of CBC Housing Services.

Housing Ombudsman- The independent, impartial and free service representing Social Housing Customers.

## **Policy Objectives**

- To ensure all complaints are dealt with in accordance with policy and that CBC is acting within the professional standards set out by the Housing Ombudsman.
- To ensure there is a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams.
- To ensure all residents, leaseholders and colleagues are aware of the policy.
- To identify lessons learned to improve services and take collective responsibility for any shortfalls, rather than blaming others.
- To have a policy that is simple to understand and use.
- To have a policy that is sensitive to anti-discriminatory matters in respect of age, gender, race, class, disability, culture, language, religion or sexuality.
- To have a policy that is fair, accessible, and transparent, CBC values diversity and is committed to promoting equality of opportunity to ensure all customers are treated fairly.
- To use signposting to other organisations such as Citizens Advice, Cheltenham Housing Aid Centre (CHAC) and Shelter to aid the resolution of disputes.

## **Complaints within scope of this policy**

- Delays in delivering services.
- Failure to follow policies and procedures.
- Inadequate or unsatisfactory services.
- Rudeness, inappropriate or offensive behavior.
- Unfair discrimination.
- Delays in or failure to make decisions.
- Compensation claims against CBC resulting from a complaint.
- Customer dissatisfaction with contractors/partners working on behalf of CBC.

## **Not within scope of this policy**

- The issue giving rise to the complaint occurred over twelve months ago.
- Matters that have previously been considered under CBC Housing Services complaints policy.
- Initial service requests to CBC Housing Services.
- Complaints regarding services for which another organisation is responsible.
- Complaints regarding Homeseecker Plus Policy (Homeseecker has a separate complaint process).
- An expression of dissatisfaction with services made through a survey, though wherever possible, CBC Housing Services will make the person completing the survey aware of how they can pursue a complaint if they wish to.
- Matters where legal proceedings have started and details of the claim have been filed at court.
- Request for information under GDPR such as a Subject Access Request or a suspected data breach. These are managed by our data protection officer in line with the Data Protection Act 2018. Dissatisfaction with the handling of these specific request by our data protection officer can be escalated to the Information Commissioner's Office.
- Claims made against CBC Housing Services business insurance cover.

- Complaints arising from natural occurrences such as extreme weathers and any other acts that are not within control of CBC.
- Any claim or complaint to do with personal injury (we will handle these in line with our insurance procedures).
- Claims from complaints for damages where there is no home insurance, where CBC Housing Services are not at fault.
- Complaints where the unreasonable behaviour policy has been applied.
- Open ASB cases.

## Declined complaints

CBC Housing Services must accept a complaint unless there is a valid reason not to do so. (see section above). When declining a complaint CBC will always take into account individual circumstances. If CBC decide not to accept a complaint, the reasons will be communicated in writing. In addition, the customer will be advised of their right to challenge the decision with the Housing Ombudsman service.

The Housing Ombudsman may not agree with the complaint being declined and may tell CBC Housing Services to accept the complaint.

CBC Housing Services records details of declined complaints, and these are reviewed on a quarterly basis.

## Service requests

CBC Housing Services recognises the difference between a service request and a complaint. A service request is an initial request from a customer requiring action to be taken. Service requests are not complaints but are logged as actions on CBC's Housing Management system against the customer record and assigned to the relevant team for the required actions to be completed.

A complaint must be raised when a customer expresses dissatisfaction with the response to their service request.

## How can feedback be given?

All CBC Housing Services colleagues have an awareness of the importance of customer feedback mechanisms for reporting this.

CBC Housing Services welcomes all customer feedback from sources, including, but not limited to:

Type of contact	Details
Email	<a href="mailto:housing@cheltenham.gov.uk">housing@cheltenham.gov.uk</a>
Online via the CBC Website	<a href="http://www.cbh.org">www.cbh.org</a> <a href="#">Visit our complaints page</a>
Telephone	0800 408 0000
In writing	Complaints Officer, Cheltenham Borough Council Housing Services, Hesters Way Resource Centre, Cassin Drive, Cheltenham, GL51 7SU

Type of contact	Details
In person	To any CBC representative, or in person at our area offices <a href="#">Contact Us - CBH   Cheltenham Borough Homes</a>
Social media channels	Facebook and X (formerly Twitter)
CBC customer portal	<a href="http://portal.cbh.org">portal.cbh.org</a>

If complaints are received via our social media, our communications team will contact the resident via private/direct message to acknowledge their post and to ascertain further contact details. The matter will then be passed directly to the Complaints Officer to follow up in stated timescales. CBC Housing Services value complaints and see these as a positive form of feedback.

## Who can complain?

Any tenant or leaseholder of CBC Housing Services or their representative who has been given appropriate consent (third party authorisation will be obtained by CBC prior to any communication). All other complaints will be managed through [Cheltenham Borough Council complaints policy](#).

## Complaint Handling Approach

It is in the customer and CBC's interests to resolve issues as soon as they arise, but CBC Housing Services recognise this isn't always possible. A complaint should be made as soon as possible after the event and within twelve months of the event occurring or the customer becoming aware of the issue.

All complaints are administered by CBC Housing Services Complaints Officer, who will contact the dissatisfied customer to acknowledge receipt of the complaint within 5 working days, and to ensure a clear understanding of the complaint and the desired outcome(s).

At first point of contact the Complaints Officer will determine if there are any reasonable adjustments that need to be made.

Complaint handlers will work in partnership with the Complaints Officer and any members of CBC staff or third parties such as contractors, keeping them informed and seeking their input on resolutions and learning, to promote a positive complaint handling culture and improvements in service delivery.

In some cases, a customer may have an entitlement to legal redress. In these circumstances a resolution will be offered on the basis of legal advice.

CBC Housing Services keep a full record of each complaint, and its outcomes at each stage of the process, this includes, but is not limited to:

- the original complaint and date received.
- all correspondence in relation to the complaint.
- any relevant supporting documents such as reports or surveys.

# Complaint Process

There are two stages to the CBC Complaints procedure:

## Complaint Stage 1

CBC Housing Services will acknowledge complaints in writing within five working days. If any aspect of the complaint is unclear CBC Housing Services will ask the customer for clarification and agree the full definition and desired outcome. The customer will be provided with the following details:

- A unique reference number.
- The complaint definition (confirming areas of complaint that CBC are, and are not responsible for).
- Desired outcome.
- An expected response date.
- Where possible the name of the staff member that will be investigating the complaint.
- Details of how to contact the Housing Ombudsman Service.

CBC Housing Services will respond to the complaint within 10 working days of the complaint being acknowledged.

Exceptionally, CBC Housing Services may seek to agree an extension to the stage 1 procedure, to respond fully to the complaint.

Any agreed extension will be documented in writing to the customer, clearly stating the extended time frame in which the response will be received. This will not exceed a further 10 days without good reason.

When an extension period is agreed, CBC Housing Services will provide the Housing Ombudsman's contact details so the customer can challenge the timescales for responding and/or the proposed timeliness of CBC's Housing Services response.

CBC Housing Services will send a written complaint response, addressing all points raised in the complaint, and providing clear reasons for any decisions, referencing relevant policy, law, and good practice where appropriate.

The following details will be provided in writing to the customer at the completion of stage 1 in clear language:

- The complaint stage.
- The complaint definition.
- The decision on the complaint (upheld / upheld in part / not upheld).
- The reasons for any decisions made.
- The details of any remedy offered to put things right.
- Details of any outstanding actions.
- That if the customer does not agree with the decision, they may contact CBC Housing Services within ten working days of receiving the stage 1 closure letter to request that the complaint be considered at Stage 2.

If an escalation request has not been received, the complaint will be closed after ten working days. However, any escalation request received after this date, and within twelve months of the stage one response being issued will be considered in line with this policy.

Where customers raise additional complaints during the investigation, these should be incorporated into the stage one response if they are related, and the stage one response has not been issued.

If a response has been issued, or the new issues are unrelated to the issues already being investigated, or it would unreasonably delay the response, the additional issues should be logged as a new complaint case.

## Complaint Stage 2

A complaint will be progressed to Stage 2 of CBC Housing Services. CBC will not unreasonably refuse to escalate a complaint to Stage 2.

If CBC Housing Services declines to escalate a complaint to Stage 2 of the procedure, a detailed written explanation will be provided to the customer setting out the reasons not to escalate, and the customer's right to challenge that decision with the Housing Ombudsman.

On receipt of the escalation request, CBC Housing Services will acknowledge, define and log the Stage 2 escalation within five working days. Customers are not required to explain their reasons for requesting a Stage 2, however CBC Housing Services will make reasonable efforts to understand why, the customer remains dissatisfied.

Stage 2 complaints will be allocated to a Senior Officer who will contact you to discuss the complaint in full and check the reasons for the complaint escalation and give you a fair opportunity to set out your position and establish the resolution you are seeking.

The Senior Officer will then conduct a thorough, unbiased, and empathetic review of the stage one findings, drawing in the expertise of other senior colleagues where required, with the expectation of responding with twenty working days.

Exceptionally, CBC Housing Services may agree an extension to the Stage 2 procedure with the customer, to respond to the complaint fully.

Any agreed extension will then be documented in writing to the customer, clearly stating the extended timeframe in which a response will be received. This will not exceed a further twenty days without good reason.

When an extension period is agreed, CBC Housing Services will provide the Housing Ombudsman's contact details so the customer can challenge the timescales for responding and/or the proposed timeliness of CBC's response.

CBC Housing Services will send a written complaint response when the outcome of the Stage 2 complaint is known, addressing all points raised in the complaint, and providing clear reasons for any decisions, referencing relevant policy, law and good practice where appropriate.

The following details will be provided in writing to the customer at the completion of Stage 2 in clear language:

- The complaint stage.
- The complaint definition.
- The decision on the complaint (upheld / upheld in part / not upheld).



- The reasons for any decisions made.
- The details of any remedy offered to put things right.
- Details of any outstanding actions.
- Details of how the customer can escalate the matter to the Housing Ombudsman Service if they remain dissatisfied.

Any outstanding actions will be tracked and actioned promptly, with appropriate updates provided to the customer by the complaint handler.

## **Reasonable adjustments**

In accordance with the Equality Act 2010, CBC Housing Services are committed to making reasonable adjustments to meet the diverse needs of customers. Reasonable adjustments may include, but are not limited to:

- Adhering to a customer's preferred communication method and frequency.
- Providing written communication in a format which is accessible to the customer, such as large print, on coloured paper, or in braille.
- Use of interpretation services where language may be a barrier.
- Taking a flexible approach to the timing and location of meetings, as required to ensure accessibility.

CBC will also allow a customer to be represented or accompanied at any complaint meeting. CBC will allow a resident to have a representative deal with their complaint once a 3<sup>rd</sup> party form has been received.

## **Complaint correspondence**

CBC Housing Services will adhere to any reasonable arrangements agreed with a customer in terms of frequency and method of communication, and clearly record these in the case notes.

Complaint responses sent by CBC Housing Services will:

- Have an open tone and language, with no jargon and show empathy to the complainant.
- Stage 1 or Stage 2 (final response) response will be clearly identified.
- Address all elements of the complaint.
- Inform the customer of the outcome of the complaint including CBC Housing Services position and the complainant will be given a chance to respond and challenge any area of dispute before the final decision.
- Clearly set out reasons for any decisions.
- Refer to any relevant policy, procedure, legislation or good practice when providing a response.
- Acknowledge and apologise for any mistake or service failure and where applicable an explanation of what went wrong.
- Consider the outcome the complainant is looking for and if this can be achieved.
- Give clear details and timescales for any action CBC will take, for example timescales for repairs.
- Explain what CBC Housing Services have learnt from the complaint and what changes, or improvements will happen as a result.
- Give details of any redress offered, for example compensation or other actions.
- Signpost the complainant to other sources for advice or support, for example Citizens Advice Bureaux, Age UK, Leasehold advisory service.
- Provide details of how the complainant can escalate their complaint if not

satisfied with the response.

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

## **Putting matters right**

When CBC Housing Services has upheld or upheld in part a complaint, it is important that this is acknowledged, and that actions are identified to put things right. These may include:

- Apologising.
- Acknowledging where things have gone wrong.
- Providing an explanation.
- Acting, if there has been a delay in service.
- Reconsidering or changing a decision.
- Amending a record or adding a correction.
- Providing a financial remedy.
- Changing policies, procedures, or practices.

CBC Housing Services will consider Housing Ombudsman guidance when determining an appropriate remedy.

Any remedy that CBC Housing Services offer will reflect the impact on the customer because of any fault identified. The remedy will set out clearly what will happen and by when, and that any remedy proposed will be followed through to completion.

## **Housing Ombudsman**

CBC Housing Services will publicise the role of the Housing Ombudsman and the Complaints Handling Code via our website and CBC News publication.

All complaint correspondence sent out at Stage 1 & Stage 2 states the customer's right to access the Housing Ombudsman service throughout their complaint, and not only when the CBC complaints procedure is exhausted.

CBC Housing Services will co-operate fully with any investigation pursued by the Housing Ombudsman. In such cases the Complaints Officer will act as the liaison for the investigation under the authority of the Director of Service or CEO.

At the end of a Stage 2 investigation, the complainant will be advised on how they may escalate the complaint following the exhaustion of CBC Housing Services complaints process. This will be communicated both in writing and verbally.

## **Complaints and Disciplinary Procedures**

CBC Housing Services Complaints and Disciplinary Procedures must be kept separate. Following the investigation of a complaint, it falls to the investigating officer to report any need for referral to the following:

- an investigation under the Colleague Disciplinary Procedure; OR
- an investigation of a criminal offence.

Should the need for referral arise, the Director of Service and Head of Human Resources should be notified immediately.

If a decision is taken to embark upon a disciplinary investigation, any other aspects of the complaint should be investigated under the complaint's procedure. The complainant will be advised that an internal procedure is being followed with no details.

## **Unacceptable Behaviour Policy**

CBC has an Unacceptable Behaviour Policy which communicates the need for appropriate conduct from customers and / or their representatives.

Any restrictions put in place because of a breach of that policy are clearly communicated to the relevant party, along with the reason for them, and their duration.

CBC will conduct a proportionality assessment before putting any restrictions in place, giving due regard to the Equality Act 2010.

Any person subject to restrictions will be advised of their right to appeal.

All restrictions are recorded on the Staff Personal Safety Register, which is reviewed regularly by the Wellbeing & Safety Group.

## **Exceptional Circumstances**

If CBC are unable to comply with the Complaints Handling Code due to exceptional circumstances, (for example a cyber incident), we will inform the Housing Ombudsman, provide information to customers who may be affected, and publish this on our website, proving a timescale for returning to compliance with the code.

## **Performance Monitoring**

A quarterly report will be shared with CBC Leadership teams and CBC Housing Committee detailing the number of complaints for each service area together with the lessons learnt.

The Cabinet Member for Housing and Customer Services / Member Responsible for Complaints will receive a quarterly and annual complaints report.

The Complaints Officer provides an overview of complaints to all colleagues via our intranet on a quarterly basis.

Discussions are held with service managers where complaints learning has been identified to establish actions required to improve a service, and a timescale for this.

Updates on complaints will be included in tenant newsletters and published on our website.

Performance measures will include: the number of complaints received at each stage, percentage of stage 1 complaints resolved within agreed timescales, the number of complaints upheld, upheld in part, and the average time taken to resolve a complaint.

An annual complaints report will be prepared for scrutiny and challenge. The report will include:

- Reference to the annual Housing Ombudsman Complaint Handling Code self - assessment.
- A qualitative and quantitative analysis of the landlord's complaint handling performance, including a summary of the types of complaints CBC has refused to accept.
- Any findings of non-compliance with this Code by the Housing Ombudsman.
- The service improvements made because of the learning from complaints.
- Any report about the landlord's performance from the Housing Ombudsman;
- Any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord.
- This report will be presented to the CBC Housing Committee, and published on the CBC Housing Services website, along with any response provided by Housing Committee.

## **Member Responsible for Complaints**

The statutory Complaint Handling Code requires landlords to have a Member Responsible for Complaints on their governing body.

The role is to champion a positive complaint handling culture. To provide assurance to the governing body on the efficacy of its complaints system, including challenging the data and information provided to the Board. To seek assurances from the complaints team and where appropriate the operational teams that complaints are being managed, change is happening and that customers are being heard through the process. To ensure complaint handling promotes service improvement for customers and learning and business improvement for the organisation.

## **Confidentiality**

All complaints received will be dealt with confidentially and in accordance with the requirements of GDPR and Data Protection legislation. CBC reserve the right to discuss complaints with relevant colleagues and/or third parties. Information will only be shared to assist with the investigation and processing of complaints and not for any other reason.

## **Training**

Training will be provided for colleagues that carry out complaint investigations.

Refresher training will take place for all colleagues following any significant changes to the Housing Ombudsman Complaint Handling Code and/or internal CBC processes.

## **Review**

This policy will be reviewed every 3 years unless there are any legislative changes. Annually, complete an annual self-assessment against the Housing Ombudsman complaint handling code.

In the event of restructure, merger and, change in procedure or at the direction of the Housing Ombudsman, this policy and self-assessment will be reviewed.