

Housing Complaints Policy

Introduction

We are committed to providing high quality services to those who live in, work in, or visit North Yorkshire, but in any organisation things can go wrong. We want to know when this happens so that we can try to put it right and prevent it from happening again. We would also like to know when we do something well, or if you have any comments you would like to make on our services.

This policy relates to complaints, compliments or comments made about housing.

Compliments and Comments

You may want to let us know when you have received good service and we would like to hear from you. By finding out what our customers value, we can share that information with services to help us improve.

Comments are more neutral in nature and we appreciate constructive feedback from our service users. This can help inform our service planning and operational decision making.

Definition of a Complaint

We define a complaint as an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.

It might be about:

- failure to deliver a service;
- a delay in providing a service;
- unsatisfactory quality of a service;
- the behaviour of a member of our staff; or
- the failure of a member of our staff in following council policy.

What we do not deal with under this policy

There are some things that we will not deal with under this policy. These include:

- Request for service – a routine request for service, such as a request for repair or a request to us to help with a landlord disrepair issue.
- Request for information
- Any matter where another right of appeal already exists, such as homelessness decisions, housing allocations decisions, appeals against enforcement notices or penalty charges.
- Where legal action is intended or is already underway, complaints may be suspended until completion of that process. Any decisions made by the court cannot be considered under the Council's complaints procedure.
- Disagreement with policy or decisions properly taken. However, we may accept a complaint about the way the policy or decision was made, or if you feel it has been applied unfairly.
- Complaints that have already been considered under the complaints policy and a final decision given by the Council, or where any further investigation would not achieve any more for the complainant.
- Complaints that fall under a different complaints policy such as adult social care, children's social care, corporate or councillors code of conduct (see below).
- Complaints about Registered Providers. Registered Providers are wholly independent of the Council and have their own separate complaints processes.

Insurance claims

Complaints about insurance decisions will not be accepted under this policy. However, we will consider complaints about the insurance process, for example delay.

Other complaints policies

Complaints about some of our services are dealt with by different policies. More information can be found on [our website](#). These services are:

- Adult social care
- Children's social care
- Corporate complaints (all other services)
- Councillor code of conduct

Late complaints

As time passes it becomes more difficult to investigate events fairly and fully. We therefore ask that complaints are made no later than 6 months after the date you became aware of the problem. However, we understand that there may be reasons why you may not have been able to bring your complaint during that time and if you feel you have good reason please explain them to us and we will consider whether it is appropriate to extend our timescales.

Who can complain?

A complaint can be made by anyone using a council service, or anyone affected by any error in our service provision, or by any other person on behalf of an individual (in these cases we must have consent from the individual in writing, unless you are a person legally entitled to act for the person using our services – you can use the form at the end of this policy to do this).

The Council will consider complaints made anonymously, but may not investigate, for example where we do not have enough information. If you do complain anonymously we cannot provide a response and will not be able to provide any information should you contact us about it later.

You can ask that your complaint is dealt with in confidence and we will do this where possible, but in some cases progressing the complaint would necessarily reveal your identity. If this is the case we will let you know and discuss next steps.

How to complain

You can make a complaint in a number of ways:

In the first instance, if you know the member of staff who delivers the service you can contact them about the problem and they will do their best to resolve the issue quickly.

Otherwise you can contact us:

- By telephone – call our Customer Service Team on 0300 131 2 131
- Online using [the form on our website](#)
- In writing:
North Yorkshire Council
County Hall
Northallerton
North Yorkshire
DL7 8AD
- In person at one of our public access points – it would be helpful if you could call ahead to make an appointment so that we can make sure an appropriate member of staff will be available for you.

Although we will accept complaints made via social media, in order to maintain confidentiality and privacy, we will not progress them using this method. We will ask you how else you would like to communicate with us in order for us to investigate and provide a full response.

Ideally the complaint should be made immediately, or as soon as possible after the reason for complaint has occurred.

Putting the complaint in writing can be helpful, as it allows you to clearly set out your complaint and is an effective way of making sure we understand your case. You can do this by email or by post, though using our [online form](#) is a fast and efficient way to reach us.

When making your complaint, you should let us know:

- Your name
- Details of how you would like us to contact you
- What has gone wrong. Provide as much **relevant** detail as possible to enable us to understand and look into the matter. This may include details such as dates, locations, names and any relevant documents, photos or videos.
- How this has affected you
- How you would like us to resolve the matter

If you need help to make your complaint, for example an interpreter, or provision of information in different formats please let us know and we will make all reasonable efforts to help you. There is more information on [our website](#).

You can also ask someone else to make the complaint on your behalf, such as a relative or friend, or you can contact a relevant organisation, such as Citizens Advice Bureau or an advocacy service, or you can contact your [local councillor](#). If you do ask someone else to make your complaint for you, we will need to have your consent in writing for us to progress this. You can use the form at the end of this policy if you wish for this purpose.

The two stage process

The Housing Complaints Policy has two stages. Complaints will usually start at stage 1, then, if the complainant remains dissatisfied, progress to stage 2.

However, where progression to stage 2 would not be of benefit to either party, we may refuse a stage 2 request. This would be for:

- complaints that have already been considered under the complaints policy and a final decision given by the Council, or where any further investigation would not achieve any more for the complainant.

Where we do refuse a stage 2 investigation we will write to you to explain why and what your next steps would be.

Stage 1 (Local Resolution)

Stage 1 is handled by the service team relevant to the case. They are in the best position to know the details of your case and potentially provide a fast response. Depending on the circumstances surrounding your complaint, any member of a service team could handle the case, though if your complaint is about a specific individual, they will not investigate the complaint themselves.

You can expect:

- If a response cannot be provided within 5 working days of receipt of the complaint, an acknowledgement will be sent, letting you know who is dealing with your complaint and what will happen next.
- A response within 10 working days of the date of receipt of the complaint (though this may sometimes be extended up to 20 working days, for example for very complex cases, or where key people are not available). This will include a clear statement about whether or not your complaint has been upheld, an explanation of why we have come to that decision, where appropriate an offer of remedy and what we will do to prevent it from happening again, along with how to refer your complaint to the next stage if you are still unhappy.

If the investigation will take longer than 10 working days we will tell you, explaining why and letting you know when you can expect a full response. If we believe the investigation will take longer than 20 working days we will contact you to explain why and to agree a new deadline.

We may suspend a case for reasons such as where a legal process is intended or has started that affects the complaint, or where we are reliant on the outcome of another process e.g. tribunal. We will also suspend a case where it is unclear what the points of complaint are until they are agreed, or if we need more information or documents from you that we require to progress the case.

If you are unhappy with the outcome at this stage, you can ask that your complaint be considered at stage 2. We would expect you to ask for this within 20 working days of the date of the stage 1 response, but will use discretion if we receive this later. We would not consider any stage 2 request received more than six months after the stage 1 response, unless there is a compelling reason to do so.

Your stage 2 request should include your reasons for wishing to progress to the next stage and what your desired outcome is.

Stage 2 (Formal Investigation)

Stage 2 is a formal investigation carried out by an appropriate member of staff who has not had any previous involvement in the case.

At stage 2 you can expect:

- An acknowledgement of receipt within 5 working days.
- Contact to confirm who is dealing with the case, the points of complaint and your desired outcomes. This will happen within 5 working days and then the investigation will be suspended until the points of complaint have been agreed with you.
- Once the points of complaint have been agreed the investigator may contact you to discuss the case. This may be in writing, by phone or in person, depending on the complaint or whether you have specified a preferred method of contact.

- A response from a senior officer within 20 working days (taking into account any suspensions) setting out the decision on the complaint, what actions or remedy we intend to make where appropriate and what to do if you remain unhappy. You will also receive a copy of the investigator's full report explaining what was considered, analysis of your complaint and how we came to our decision.

Where there is good reason, for example a case is particularly complex, or key people are not available, the timescale for response may be extended up to 30 working days. We will contact you to explain why this has happened and when you can expect a response. In exceptional circumstances we may need to extend the timescale further and will write to explain why and agree a suitable extension with you.

A case at stage 2 can be suspended under certain circumstances (see Stage 1), which will be explained to you should this happen.

On completion of a stage 2 investigation the Council will consider the matter closed and will not enter into any further correspondence on the issue, unless **significantly new** and **relevant** information is provided **that may alter the outcome** of the complaint. We would expect this information to be provided at the earliest opportunity. This information will be considered, but we may choose not to take any further action if we believe it would not change the outcome to your complaint.

As above, we may not accept a stage 2 request. If so we will let you know why within 5 working days and tell you how you can refer your complaint to the Housing Ombudsman.

Putting things right

We will ask you what you would like us to do to remedy your complaint (your desired outcome) and, where a complaint is upheld, we will consider this, but it may not be possible to do exactly what you have asked us to.

Where fault has been found, we will apologise and try to put you back in the position you would have been in if nothing had gone wrong. This could be the provision of a service, correcting an error, or a change of decision. It may be that an apology is a suitable remedy for the complaint. The remedy offered will depend on what has happened and the effect, or injustice, that this has caused.

We will look at why the fault happened and aim to make sure it does not happen again. This may result in corrective actions such as staff training, improved provision of information or a change to our procedures.

Ombudsmen

Included in our response at stage 2, or if we have rejected a stage 2 investigation, we will let you know how to refer your complaint on to a suitable independent body for consideration should you remain unhappy. This will usually be the Housing Ombudsman (HO) or the Local Government and Social Care Ombudsman (LGSCO).

Housing Ombudsman

The HO is set up by law to look at complaints about housing organisations that are registered with them, including housing associations and local authorities.

You can approach the HO at any time during your complaint investigation should you require their advice.

The HO is an independent body that will consider complaints about housing. It will normally only consider complaints made within 6 months from the date you first knew about the matter complained about, but can decide to look at older complaints if there is a good reason to do so.

Information on how to refer your complaint to the HO can be found at:

Website: www.housing-ombudsman.org.uk

Telephone: 0300 111 3000

Opening hours: Monday – Friday 9:15am to 5:15pm

Local Government and Social Care Ombudsman

You will usually be expected to have exhausted the Council's complaints policy before referral to the LGSCO and we will make it clear in our responses to you when this has happened.

However, if you have not heard from us within a reasonable time, they may decide to look into your complaint anyway.

The LGSCO is an independent body that will consider complaints about councils, adult social care providers and some other organisations providing public services. It will normally only consider complaints made within 12 months from the date you first knew about the matter complained about, but can decide to look at older complaints if there is a good reason to do so.

Information on how to refer your complaint to the LGSCO can be found at:

Website: www.lgo.org.uk

Telephone: 0300 061 0614

Opening hours: Monday – Friday 10am to 4pm (except public holidays)

How you can help us

We understand that it is frustrating when we do not meet your expectations and just the act of making a complaint can be a very emotional or stressful experience. Our staff will work with you to make the process as easy as possible, but we please ask that you treat them with respect and do not use abusive language or behaviour. We may ask you for more information, or for relevant documents or other evidence and would appreciate if you could provide this quickly where possible so that we can progress the investigation.

Where we consider a customer to be unreasonable in their actions, we will write explaining why we believe this is the case and what action we will take. This is explained in our Unreasonable Complainant Behaviour Policy. On rare occasions, if behaviour is extreme or unmanageable we may decide that we will no longer progress the complaint through our policy.

