

This guidance is for staff dealing with complaints about housing. It should be considered alongside the NYC Housing Complaints Policy.

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Introduction

Complaints are valuable. They provide us with useful feedback that can be used to identify issues and inform improvements to our services. As a council we take complaints seriously and prioritise this process in order to both provide a good service to complainants and learn as much as we can from them. This is a core service, affecting all services across the Authority.

All staff must complete the mandatory elearning package so that they are aware of the importance of good complaints handling, our procedures and what to do if they receive a complaint.

In order to handle complaints in the best way, staff must:

- have a collaborative and cooperative approach towards resolving complaints, working with colleagues across teams and departments;
- take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and
- act within the professional standards for engaging with complaints as set by any relevant professional body.

Definition of a complaint

It is difficult to say definitively what is a complaint and what is not. The formal definition is:

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/service user or group of residents/service users.

It should be noted that a customer does not have to use the word 'complaint' in order for us to deal with it as such. Similarly, just because someone says 'I want to complain about...' does not mean that the complaints procedure is the appropriate process to follow.

It can be difficult to decide if something should be treated as a complaint or not. To avoid inconsistency the Complaints Officer for the Community Development Directorate will assess all potential complaints to make that decision.

Service Requests

Often a customer will use the word 'complaint' in a request for us to do something which we would see as being 'business as usual', such as a repair. It may be that they are reporting a fault rather than making a complaint. In these cases, we would call these 'service requests'.

Sometimes a service request can escalate to become a complaint, for example where we have promised action, but have delayed carrying it out, or failed to complete it altogether. In these cases it would be appropriate to escalate to a stage 1 complaint. It is important to note that a service request can continue even if it has been escalated to a complaint. For example, where a customer has complained that a repair has not been carried out within the timescales we promised, that repair should still be progressed while the complaint runs alongside it.

Although service requests fall outside of the complaints policy, they must be recorded, monitored and reviewed regularly until completion.

What to do if you receive a complaint about Housing Services from a customer

If the complaint is something that you can resolve straight away, do so. For example, a complaint could be made over the phone and you are able to provide an explanation/resolution immediately, but you must provide the Complaints Officer with all relevant documentation/records of conversations in order to complete the central record. This should be sent to ComDev.Complaints@northyorks.gov.uk

Otherwise, any complaint (or anything you think may be a complaint) about Housing Services must be sent to ComDev.Complaints@northyorks.gov.uk for assessment, recording, acknowledgement and allocation.

The Complaints Officer will check whether the case is within scope and whether it should be treated as a complaint or in a different way. If accepted as a complaint, they will look at the complexity of the case and any vulnerability or risk for the complainant to make a decision on an appropriate timescale for investigation. Following this they will log the case, send an acknowledgement of receipt and will allocate an officer to prepare a response.

They will contact the investigating officer to provide the details of complaint, what is expected from them and the deadline by which to provide a draft response.

What to do if you have been allocated a complaint for investigation

Key actions

An investigator must:

- Deal with each complaint on its merits
- Act independently and have an open mind
- Give the complainant a fair chance to set out their opinion
- Take measures to address any actual or perceived conflict of interest
- Consider all the relevant information and evidence carefully

At stage 1 the investigator should carry out an appropriate investigation and prepare a draft response to the customer. They must send this to the Complaints Officer within the timescales they have been given. For stage 2 it is the same process, however, they will produce a full investigation report rather than a response letter.

The investigator can contact the Complaints Officer at any time for support and guidance.

Stage 1 Complaint

The standard timescale for a response is 10 working days from the date of acknowledgement, however you must make all efforts to provide a response as soon as is reasonably possible. This timescale may be extended by the Complaints Officer if, for example, it is a particularly complex case. If an extension has not been applied and you believe that there is good reason to extend the deadline, contact the Complaints Officer to discuss this.

The investigation

It may be helpful in the first instance for the investigator to contact the complainant to introduce themselves, to clarify anything, or if they think a general discussion would be helpful. The investigator should keep a record of any conversations they have.

Briefly, an investigation should be proportionate to the complaint. In some cases this will be a desktop exercise, looking solely at correspondence or internal policies. Other cases will involve interviewing witnesses to the case, reviewing legislation or national guidance, working with other organisations, seeking legal advice, retrieving documents from archive and so on. Basic steps of investigation are:

- Listen to what the customer has to say in their complaint
- Identify the points of complaint (the Complaints Officer will do this – if you believe they should be different contact the Complaints Officer to discuss this)
- Identify what evidence you need to consider and how you will gather it
- Gather the evidence and analyse it
- Make a decision for each point of complaint – Upheld, Partly Upheld, Not Upheld or Undecided
- If there are several points of complaint, make an overall decision for the complaint
- If the complaint is upheld or partly upheld determine what would be an appropriate remedy – see [Remedies](#) below

Please see the [Investigation Checklist](#) at the end of this document.

Draft Response

The draft response should be set out in a letter format, addressed to the complainant. Producing a good stage 1 response is very important, whether the complaint is upheld or not. It can avoid escalation and therefore time and resource, but most importantly it provides the best service for our customers.

The response must include:

- What stage in the process the complaint is at
- The complaint definition (the points of complaint and the complainant's desired outcomes)
- Any points that were not investigated and why
- Any relevant legislation, policy or guidance in relation to your investigation
- An analysis of the evidence for each point of complaint (these may be grouped together) giving a clear decision and an explanation of how that decision was reached.
- Where there is more than one point of complaint, the overall decision for the complaint
- Where any point of complaint is upheld: an apology; appropriate remedies, setting out timescales for any outstanding; and what we will do to prevent the fault from happening again. This should be in agreement with the complainant where appropriate.
- How to escalate the complaint to the next stage, with contact details and timescale.

It can sometimes be useful to set out a timeline of events, or give a narrative of what happened to make your response clearer.

Response Checklist

Read and check your response. Read and check it again. If it is a complex case you might like to get someone else to proofread it too:

- **Have you answered every point of complaint?** If there is a reason you have not investigated anything, or made a decision to discontinue investigating it, you must set this out and explain why.
- **Is there a clear decision?** There must be a clear decision for each point of complaint. Where there is more than one point you must provide an overall decision for the complaint and make it clear.
- **Would a layperson understand your response?** Is it in plain English? Is there any jargon or unnecessarily complicated language? If you are using acronyms make sure you have explained what they stand for. Use simpler words like 'try' instead of 'endeavour'.
- **Is it clear?** Set out the complaint, the facts and your analysis and how you have reached your decisions. Would the average person understand what you have said?
- **Have you used an appropriate tone?** Check that you have not been defensive or emotional. If you had received the response, would you think it was appropriate? Sometimes you do need to be firmer in your response – but be careful not to go too far. Just think about the situation, the history of the case and the previous behaviour of the customer and adjust your tone as necessary.
- **Be personal.** Use 'you' and write as if you are speaking with the person. Call the Council 'us' or 'we', not 'the Organisation' or 'Authority'. Say 'our' instead of 'the Council's'. If you have to give a bad message, think about how you would like to receive that news. Still be clear and factual, but be human.
- **Check for accuracy.** Dot the I's and cross the T's. Check spelling and grammar. Check that every fact you say is true.
- **Say sorry if something has gone wrong.** A good apology is essential.
- **Is there a reference to stage 2?** You must tell the complainant how to escalate to the next stage.

It is important that we handle complaints promptly. It is best practice and helps to maintain a good relationship with the complainant. The Complaints Officer will set a deadline for a draft response to be sent to them (ComDev.Complaints@northyorks.gov.uk), but this should be sent as soon as you have reached your decision and set it out. Do not delay, even if there are outstanding action points.

Additional points raised

Sometimes the complainant will raise additional points of complaint after the investigation has started. Whether you include these in your investigation or not depends on the situation.

- If the new points do not relate to the complaint you are investigating, they should be treated as a new complaint. Inform the Complaints Officer and they will take that forward.
- If the new points do relate to the complaint and you have not yet sent your response, think about whether including them in your investigation would unreasonably delay your response. Let the Complaints Officer know about the additional points of complaint and discuss how you think they should be handled.
 - If the new points would delay the response but it would not make sense to treat them as a separate complaint, you could contact the complainant to explain why an extension in this case would be appropriate and to agree an extension with them.
 - If the new points would significantly delay the response and you feel that they would be better considered as a separate complaint let the Complaints Officer know.
 - If your timescales would not be affected then include them in your investigation.
- If your response has already been sent, contact the Complaints Officer to let them know about the additional points of complaint.

Stage 2 Complaint

The Stage 1 complaint will include details of how to ask for the complaint to be escalated to Stage 2 – by contacting the Complaints Officer. If you receive a request to escalate a complaint to Stage 2 direct, contact the Complaints Officer.

The Complaints Officer will assess any request for a complaint to move to Stage 2. They will send an initial acknowledgement of receipt, log the request and will then assess to the case to decide whether or not it would be appropriate to investigate the complaint any further. They may contact you if you were the stage 1 investigator to discuss the case for this purpose.

- If the Complaints Officer decides that further investigation would not be appropriate they will write to the complainant to inform them, explain why and refer them to the ombudsman.
- If the decision is to investigate, the Complaints Officer will allocate a suitable investigator and will contact them to give them all the relevant information. They will also send a full acknowledgement to the complainant to explain what will happen, who by and by when.

The Complaints Officer will write to the complainant as above within 5 working days of receipt of the Stage 2 escalation request.

As the investigator you will be sent the details of the case including the Stage 1 complaint and response. As part of this, the Complaints Officer will advise what timescale you should work to.

The standard timescale for a Stage 2 complaint is 20 working days, but this can be extended by up to a further 20 working days if, for example, it is a particularly complex case. The timescale for producing the investigation report will be a little shorter to allow time for adjudication. In exceptional circumstances, the timescale may be extended further. If this happens we must keep the complainant informed about their case at suitable details. This will be arranged by the Complaints Officer.

If there has been no extension to timescales and you believe there are reasons why there should be, discuss this with the Complaints Officer.

See Stage 1 for a brief explanation of how to [investigate](#). Also look at the [Investigation Checklist](#) at the end of this document.

If you are not sure of process, or need any guidance or support contact the Complaints Officer (ComDev.Complaints@northyorks.gov.uk).

Investigation Report

At Stage 2 the investigator will prepare a full report of their investigation within the timescales set by the Complaints Officer. This will then go to a senior officer (via the Complaints Officer) for adjudication and a covering response.

The report must include:

- The date of outcome, the complaint reference, complainant name and investigator's name
- The stage of complaint
- The complaint definition (points of complaint and desired outcomes)
- Any points of complaint that were not considered and why
- What evidence you considered – which documents, what legislation/policy/guidance, who you spoke to/interviewed
- A description of what happened
- How you analysed the evidence for each point (or group of points) of complaint and came to your decision
- A clear outcome for each point (or group of points) of complaint
- Where there is more than one point of complaint, the overall decision for the complaint
- Where any point of complaint is upheld, your recommendations for remedy (see [Remedies](#) below) and what we should do to prevent the fault from happening again. These actions should be in agreement with the complainant where appropriate. There may be some recommendations for action even if the complaint itself is not upheld.

Stage 2 is the final response of the Council and all suitable staff members must be included that are required to produce a full report.

When the report is ready use the [Response Checklist](#) at Stage 1 to quality check it. When the report is finalised it should be sent to the Complaints Officer without delay (ComDev.Complaints@northyorks.gov.uk).

The Complaints Officer will review your report. If they feel there is anything missing or unclear they will contact you to discuss this. If the adjudicating officer requires any further information you will be contacted to provide this.

Remedies

Where any point of complaint has been upheld or partly upheld, we must be open and honest about it, acknowledging what went wrong and offering some form of remedy.

This will vary, depending on what the fault was and how this has impacted on the complainant. When considering what would be an appropriate remedy, you must take into account the Housing Ombudsman's guidance on remedies.

You should also take into account if the remedies you are thinking of are actually achievable for the service concerned. For example you may suggest that a full review take place within a month, but resources may not be available at that time, or it may be more complex than you think and would take longer than anticipated.

The aim is always to put the complainant back in the position they would have been in had the fault not happened. This cannot always be done, for example a service that was delayed but was ultimately provided, and so other remedies can be considered.

Examples of remedies are:

- An apology should always be made if fault is found
- Providing an explanation
- Providing a service that should have been provided
- Providing an additional service
- Carrying out staff training or guidance
- Reviewing or changing a decision
- Amending a record or adding a note or addendum
- Changing policy, guidance, procedures or practices
- Financial remedy

Each recommended remedy should be set out clearly with reasoning and an appropriate timescale. They should be made in agreement with the complainant where appropriate.

You should look beyond the individual aspects of the complaint and consider if there are any wider service improvements that should be made as a result of the learning from the case.

If you are unsure about remedies you can contact the Complaints Officer for advice and guidance.

The adjudicating officer will consider the recommendations you make and will have the ultimate decision on what will happen. The Complaints Officer will record agreed actions and will monitor them until they are completed, providing the complainant with appropriate updates.

Suspending a Case

There are some instances where it would be appropriate to suspend a complaint. Some examples are:

- Where the complaint definition is not clear or has not been agreed and we are waiting for the complainant to respond
- Where legal action is underway
- Where we are reliant on the complainant providing further information or documents in order for us to progress the case
- Where the progression of the complaint is reliant on another process

This list is not exhaustive, but any reason for suspension must be justifiable. Suspensions for staff availability or high workload for example would not be acceptable.

If you think there is good reason to suspend the complaint you must contact the Complaints Officer explaining why the case should be suspended. They will let you know if the case can be suspended for that reason, or explain why not. If not, they will discuss with you next steps.

Ombudsmen

If a complainant remains dissatisfied following the conclusion of the Council's complaints process they may refer it to the Ombudsmen. There are two ombudsmen for housing services:

- The Housing Ombudsman deals with complaints in relation to social housing
- The Local Government and Social Care Ombudsman deals with other housing complaints

The ombudsman will contact the Council via the Link Officers in the Corporate Complaints Team. If the Link Officers require information they will contact the Complaints Officer who will coordinate a draft response for the Housing Service.

If you have been involved in a complaint the Complaints Officer may contact you for information. You must provide this as soon as possible and within the timescales they set. On rare occasions the ombudsman will visit the Council to inspect records and/or to interview staff. If this happens the Complaints Officer will let you know what you need to do.

Records

Remember to keep good records of your complaint handling. Any correspondence between you and the complainant or other relevant parties, or any relevant supporting documentation (such as report or surveys) should be sent to the Complaints Officer to put on the central record.

Help and Advice

For any help and advice about the complaints process please contact the Complaints Officer ComDev.Complaints@northyorks.gov.uk – more details can be found on the intranet - [Housing complaints \(sharepoint.com\)](#)

If they are not available you can contact the Corporate Complaints Team on 01609 797976. More details can be found on the intranet - [About complaints \(sharepoint.com\)](#) (see Central Services)

Investigation Checklist

Do you understand what the complaint is and what you are expected to do?

If not, contact the Complaints Officer ComDev.Complaints@northyorks.gov.uk

Listen to the customer

Consider the complaint and try to understand why they have complained. It may be helpful to call them to introduce yourself, clarify any points of complaint, or just have a general conversation with them about their complaint. Be honest and open and manage expectations as best you can. Explain what outcomes are achievable and what are not.

Identify the points of complaint

The Complaints Officer will have done this for you, but if you think the points should be different, have a discussion with them.

Is any urgent action necessary at the outset?

You may identify from the complaint that someone may be at risk and that action is required before you look at the complaint. For example, the complainant may say that they are in danger, so that should be addressed first.

Identify the evidence you will need and gather it

Read the complaint. Look at the points of complaint. In order to investigate what happened, what information will you need and how are you going to get it? Some types of evidence are:

- Legislation, policy or guidance
- Correspondence
- Records, documents, archive etc.
- Witness statements/interviews
- Plans, photos, videos or voice recordings

It can be helpful to set this out in a table to ensure you don't miss anything.

Point of complaint (or group of points)	Evidence required	Evidence Source	Plan/schedule

Having a plan is especially helpful if the complaint is complex. Think about how you will get the evidence – you may need to speak with someone – when will they be available? How will you store your evidence? Make sure it is well organised and accessible.

Don't delay – your investigation depends on the evidence you gather. Get as much together as possible as soon as you can so that you have time to analyse it properly and come to your decision.

Analyse the evidence

Be objective, consider the facts, not the emotion. What does the evidence say and how reliable is it? Some evidence is absolute, for example a photo or the date on an email. Other evidence does not carry the same weight, for example hearsay.

Think about how the evidence relates to the complaint and use it to make an informed decision. Use your judgement to decide between differing accounts of what happened. Look at the legislation, policy or guidance to see how that compares to what actually happened.

Make a decision for each point (or group of points) of complaint and the complaint as a whole

Is it upheld, partly upheld, not upheld, or is there no evidence which allows you to make a decision, for example where it is one person's word against another's – in this case it may be 'undecided'.

Where there is more than one point of complaint you must consider the outcome for each point and reach an overall decision for the case. For example if one point is upheld and another not, the overall decision may be partly upheld.

If something went wrong be honest and apologise. Then think about a remedy

We should try to put the complainant back in the place they would have been had the fault not happened. This is not always possible. Think about what went wrong and how this affected the complainant. What should we do to put it right?

If you are unsure about anything contact the Complaints Officer