



Complaints policy

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1. Introduction & purpose

We are committed to delivering a-quality service to our customers, and we strive for continuous improvement. We positively welcome comments, compliments and complaints from customers and aim to learn from their feedback.

This policy complies with the [Housing Ombudsman's Complaint Handling Code](#). In line with the Code, our aim is to:

- Be fair, treat people fairly and follow fair processes
- Put things right
- Learn from outcomes.

2. What is a complaint?

The Housing Ombudsman defines 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”.

We encourage our customers, staff and anyone affected by our actions to firstly approach the relevant service to express their dissatisfaction and give them the opportunity to put things right.

If a customer remains dissatisfied, they can make a formal complaint.

A complaint can relate to, but is not limited to:

- Failure to follow the agreed policy or procedure.
- The behaviour of a member of staff, board member or contractor.
- Harassment, bias or unfair discrimination.
- Unsatisfactory resolution of a claim for compensation (see separate Remedies Policy for more details).
- Services not provided, or not provided within an acceptable timescale or of an acceptable standard.
- Failure to properly take into account relevant matters when reaching a decision, apart from decisions made under homelessness legislation.

The following are NOT considered complaints and are not covered by this policy:

- Cases where appropriate timescales or policy guidance have not yet elapsed
- Insurance claims. These must be submitted in writing or emailed to insurance@colchester.gov.uk.
- Matters where legal proceedings have been commenced or indicated.

- Cases where there is a legal right to a review of a decision made such as homeless decisions and accommodation offers made under homelessness duties.
- Banding awards made under the Gateway to Homechoice Allocations Policy where there is a right to a review.
- Cases regarding services not provided by or on behalf of Colchester Borough Homes
- When approaching CBH for a service for the first time, (e.g. reporting a repair, neighbour nuisance, anti-social behaviour). In these cases the matter should be raised via CBH Customer Services in the first instance.

2.1 Time limits

There is normally a twelve-month time limit from the date of the event giving rise to the complaint to the date the complaint is registered. This is not intended to affect the customer's statutory rights but recognises that a significant lapse of time makes vigorous and meaningful investigation difficult.

3. How to make a complaint

Any contact with CBH can be considered a complaint whether or not it is made in the form of a request for an official complaint. A complaint can be made by anyone accessing, using or benefiting from our services.

The following are ways to make a formal complaint:



Online using our customer feedback form - <https://cbhomes.org.uk/contact-us/complaints-and-compliments/>



Calling our Customer Services team on 01206 282514



E-mailing us at complaints@cbhomes.org.uk



Writing to us Freepost RSST-TJJX-EGAB, Colchester Borough Homes, Sheepen Road, CO3 3WG



Contacting us on [Facebook](#) or [Twitter](#) using @ColBoroughHomes.

Complaints can be made on behalf of a customer with their permission (for example via an MP or local councillor), in line with data protection policies and legislation.

Where possible, we will respond to complaints via the route preferred by the customer. We will use our discretion to choose the most appropriate route if confidentiality issues arise (for example for complaints raised via social media).

4. How complaints are managed

The Housing Ombudsman Service encourages the early and local resolution of disputes between landlords and residents. We recognise that many residents may not wish to follow a formal process and just want an issue resolved. These issues will be dealt with as an “informal” complaint. If this does not resolve the issue, then it may lead to a formal complaint and it does not affect a customer’s right to raise a formal complaint. We will agree with the customer if the complaint is to be dealt with informally.

There are **two stages** to the formal complaints procedure listed below. Consideration will be given at all stages to the individual needs of the complainant and the best way to facilitate them making their complaint.

4.1 Stage 1 – Investigation

We aim to acknowledge complaints within one working day of receipt with details of the complaint, what will be investigated and by whom. We will also ask for any more information that may be required.

Stage 1 complaints will be investigated by an officer or manager who deals with the service the complaint is about.

Customers can normally expect a decision within ten working days from receipt of the complaint. If this is not possible, we will give an explanation and a date by when the stage one response should be received. This should not exceed a further ten working days without good reason. Reasons for delays may include for example:

- a delay by a third party, over which we have no control, in providing information
- requiring further time to undertake interviews
- needing longer to gather all the information required to enable us to properly investigate a long-standing or complex case

Whether an extension is required will be assessed on a case-by-case basis and customers will be kept informed.

4.2 Stage 2 – Review

If the customer feels that their complaint has not been resolved satisfactorily at Stage 1, they are able to appeal the outcome.

Stage 2 complaints will be investigated by a member of our corporate management team. They will review the stage 1 investigation and any additional information or challenge provided by the customer.

Customers can expect a response to stage two complaints within 20 working days from the request to escalate. If this is not possible, we will provide an explanation and a date when the stage two response will be received. This should not exceed a further 10 working days without good reason.

5. Outcomes for formal complaints

5.1 Complaint upheld

A complaint will be considered to have been upheld when there is acceptance that there has been a reasonable cause for dissatisfaction with the organisation.

A complaint may be considered partially upheld in circumstances where there is cause for dissatisfaction in some aspects of the case but not all.

5.2 Complaint not upheld

A complaint will be considered not to have been not upheld if it is factually incorrect, is considered vexatious or where there is no acceptance that there has been reasonable cause for dissatisfaction with the organisation.

6. Local resolution and the Ombudsman services

If a complainant remains dissatisfied when the CBH Complaints Policy has been exhausted, then the following options are available:

- The customer may refer the complaint to their local councillor or MP who can advocate on their behalf to help resolve the complaint locally or refer straight to the relevant Ombudsman service.
- The customer can refer the complaint directly to the relevant Ombudsman service.

Customers can contact the Housing Ombudsman Service if they are unhappy with the services we have provided as a landlord once eight weeks have elapsed from when the complaint was closed:

- Online at <https://www.housing-ombudsman.org.uk/residents/make-a-complaint/online-form>
- By email: info@housing-ombudsman.org.uk
- By telephone: 0300 111 3000
- In writing:
Housing Ombudsman Service

PO Box 152
Liverpool L33 7WQ

Complaints relating to housing or homelessness applications or suitability of accommodation should be referred to the Local Government and Social Care Ombudsman (LGSCO). There is no eight-week wait for this service.

Customers can contact the Local Government and Social Care Ombudsman:

- Online: <https://www.lgo.org.uk/make-a-complaint>
- By telephone: 0300 061 0614

7. Vexatious or unreasonable complainants

In some cases, there may be excessive or unreasonable contact from specific customers that stops us properly considering their, or others', complaints.

If CBH considers someone's behaviour to be unreasonable we will explain why and ask them to change it. In exceptional circumstances we may also limit the amount of contact the customer has with us. If this decision is considered, we will tell the customer in writing of the reasons. Such action will only be taken with the approval of a senior manager and will be reviewed by the Board.

A review process will be set up for six months later and the customer notified of the outcome.

8. Complaint monitoring

Reports and analysis of complaints received are shared with our Corporate Management Team and Board on a regular basis. This information is used to review our performance and ensure we learn from complaints and improve our services.

A report will be published each year showing a summary of complaints made during the year. The report will highlight what we have learnt from the complaints and what we have done and plan to do to improve our services as a result.

9. Reasonable adjustments

We are committed to providing 'reasonable adjustments' for customers with a disability. This helps to ensure equal access to our services. In addition, we ensure that we have "due regard" to the three aims of the general duty of the Equality Act 2010. This includes 'eliminating discrimination, harassment and victimisation' and 'advancing equality of opportunity between people who share a protected characteristic and those who do not'. The protected characteristics are: age; disability; gender reassignment; marriage and civil partnership (though not for all

aspects of the duty); pregnancy and maternity; race; religion and belief; sex; and sexual orientation.

The following are examples of reasonable adjustments we make for our customers on the basis of disability within our complaints process (and more generally):

- Providing documents or correspondence in larger print, or with a specific colour contrast (which may help people with conditions such as dyslexia)
- Giving someone more time than would usually be provided to provide information
- Using the telephone rather than written communication (e.g. for someone with a visual disability)
- Facilitating the use of 'Text Talk' (e.g. for people with a hearing disability)
- Providing documents or correspondence in Braille
- Communicating with a person through their representative or advocate
- Arranging for a single point of contact at CBH
- Providing access to an 'easy read' version of a decision (or other document) for those with a learning disability
- Providing a person who uses British Sign Language (BSL) with an interpreter.

In addition, we seek to ensure that we comply with the 'general duty' of the Equality Act 2010 in the following ways:

- Our Adaptations Service ensures that 'reasonable adjustments' are made for tenants with disabilities
- New or updated policies, services and strategies are subject to an Equality Impact Assessment. This helps to ensure that identified disproportionate negative impacts on the basis of any of the protected characteristics (including disability, and different types of disability) are effectively mitigated.
- An annual report is drafted for Board each year which details how we are meeting the 'general duty', and key 'equality information' is published on our website.

10. References

In formulating and implementing this policy, statutory requirements, performance standards, best practice and guidance from the Housing Regulator, Housing Ombudsman Service have been considered, including the [Housing Ombudsman's Complaint Handling Code](#).

The following legislation is also relevant:

- General Data Protection Regulation 2016
- Data Protection Act 2018
- Freedom of information Act 2000
- Localism Act 2011
- Equality Act 2010.

11. Related documents

- Terms and Conditions of Tenancy
- Repairs policy
- Gateway to Homechoice Allocations policy
- Antisocial behaviour policy
- Remedies policy
- Data protection policy
- Equality Objectives.

Document control sheet

Title	CBH Complaints policy – December 2020					
File location	https://colchbh.sharepoint.com/sites/fnc/corpdoc/PolDevLib/CBH Complaints Policy.docx					
Consultation	<p>In developing earlier versions of the policy, we consulted:</p> <ul style="list-style-type: none"> • Senior Management Team/Directors Management Team • Board • Councillors • Customers who have had experience in the complaints process. <p>Task and Finish Group 2019</p> <p>Corporate Management Team September 2020</p> <p>Task and finish group October 2020</p>					
Approved	Board 01/12/2020					
Next review	01/12/2023					
Circulation method	CBH website, SharePoint					
Equality Impact Assessment	Required	Yes	Latest	01/12/2020	Review due	01/08/2023

Document amendment history

Version	Type	Date	Description
1.0	New policy	June 2013	New policy approved by TLCC & Board
2.0	Minor amends	August 2015	
2.1	Minor amends	December 2016	Amended stage three complaints process
3.0	Minor amends	February 2019	Minor amendments and clarification of Stage 3 complaint section.
4.0	Major amends	December 2020	Amendment in line with Housing Ombudsman Code – Omission of Stage 3 and redefinition of a complaint. Extended period for a Stage 2 investigation. Strengthening the monitoring of complaints. Section added on reasonable adjustments.
4.1	Minor amend	June 2021	Amended contact details for insurance. Changed lead officer for policy.