



# 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 Complaint Handling 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”.

If it is the first time you have reported an issue, and an explanation and resolution can resolve the situation quickly to your satisfaction, we will deal with this as a service request. If you are letting us know about a service you have or have not received, and it requires further investigation, we will deal with this as a 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 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 consider 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](mailto:insurance@colchester.gov.uk).
- Matters where legal proceedings have been commenced or indicated and dealing with the complaint could interfere with the legal aspects of the case.

Please note that issues included in the original complaint which are separate to any legal proceedings can be dealt with under this policy.

- 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. [Contact us](#).
- Matters which have previously been considered under the complaints policy unless new information has been provided.
- Cases regarding serious allegations of staff misconduct. These will be dealt with by referral to the Human Resources Team for investigation in line with the Colchester Borough Homes Disciplinary Policy and procedures.
- We may also be unable to escalate complaints through our procedure if reasons to exclude become apparent during an investigation. We will inform you of the reasons and provide details of the relevant Ombudsman Service.

### **3. Who can make a complaint?**

This policy applies to all services provided by Colchester Borough Homes, whether carried out directly by CBH or on behalf of CBH. These include services provided to Colchester Borough Housing tenants, leaseholders and other residents, including those using our homelessness and housing options services.




Complaints can be made directly by the customer, or on a customer's behalf with their permission, in line with data protection policies and legislation. This could be via an MP or local Councillor, Social Services, or a friend or relative, for example. These parties can also represent or accompany the customer to any meeting with the landlord. We will only divulge information to a third party if it is directly relevant to the complaint the customer has given their permission to make.

Suppliers and contractors are advised to address the issues via the relevant service area in the first instance.

### **4. 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 - <a href="https://www.cbhomes.org.uk/Complaints-Compliments-and-Comments">Complaints, Compliments and Comments - Colchester Borough Homes (cbhomes.org.uk)</a>
	E-mailing us at <a href="mailto:complaints@cbhomes.org.uk">complaints@cbhomes.org.uk</a>
	Writing to us Freepost, Colchester Borough Homes, Sheepen Road, CO3 3WG
	Contacting us on <a href="https://www.facebook.com/ColBoroughHomes">Facebook</a> or 'X' (formerly Twitter) using @ColBoroughHomes.
	Calling our Customer Services team on 01206 282514

Where possible, we will respond to complaints via the method preferred by the customer. We will use our discretion to choose the most suitable method if confidentiality issues arise (for example for complaints raised via social media). The Complaints Policy is publicly available via our website and is promoted on social media channels, newsletters sent to all tenants and leaseholders and email newsletters sent to subscribers to those services.

## 5. Time limits

There is normally a 12-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. However, we will always endeavour to be reasonable and longer time limits may be applied, particularly where there is a safeguarding or health and safety issue.

## 6. How complaints are managed

The Housing Ombudsman Service encourages the early and local resolution of disputes between landlords and customers. We recognise that many customers may not wish to follow a formal process and just want an issue resolved. These issues can be dealt with as a service request. This is a request from a customer to their landlord requiring action to put something right. If this does not resolve the issue, then it may lead to a complaint, and it does not affect a customer's right to raise a complaint. We will agree with the customer if the matter is to be dealt with as a service request.

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

## **6.1 Stage 1 – Investigation**

We aim to acknowledge complaints within five working days 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. This is the 'Responding Officer'.

Customers can normally expect a decision within ten working days from acknowledgment 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. Customers will be kept informed, and details of the relevant Ombudsman Service provided.

Where customers raise additional complaints during the Stage 1 investigation, these will be incorporated into the Stage 1 response if they are related, and the Stage 1 response has not been issued. Where the Stage 1 response has been issued, and the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues will be logged as a new complaint.

## **6.2 Stage 2 – Review**

If the customer feels that their complaint has not been resolved satisfactorily at Stage 1, they are able to appeal the decision and escalate to Stage 2. Customers can escalate the complaint up to 12 months from the date of the Stage 1 complaint acknowledgment.

We aim to acknowledge Stage 2 complaints within five working days of receipt with details of the complaint, what will be investigated and by whom.

Stage 2 complaints will be investigated by a member of our Corporate Management Team. They will review the Stage 1 investigation and any clarification or challenge provided by the customer.

Customers can normally expect a response to Stage 2 complaints within 20 working days from our acknowledgment of 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 20 working days without good reason.

Whether an extension is required will be assessed on a case-by-case basis. Customers will be kept informed, and details of the relevant Ombudsman Service provided.

The complaint responses must confirm the following in writing to the resident in clear plain language:

- the complaint stage.
- the complaint definition.
- the decision on the complaint.
- the reasons for any decisions made.
- the details of any remedy offered to put things right.
- details of any outstanding actions.
- details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied.

If your escalation request for a stage 2 review includes information that was not included or relevant to your original complaint at Stage 1, we may open a new Stage 1 complaint.

## **7. Outcomes for formal complaints**

### **7.1 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.

### **7.2 Complaint not upheld**

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

## 8. Local resolution and Ombudsman services

If a customer remains dissatisfied when the CBH complaints policy has been exhausted, then the following options are available:

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

The Housing Ombudsman Service investigates complaints and resolves disputes involving the tenants and leaseholders of social housing providers. Customers can contact the Housing Ombudsman Service at any time for independent advice and support if they are unhappy with the services we have provided.



**Online:** [www.housing-ombudsman.org.uk/residents/make-a-complaint/online-form](http://www.housing-ombudsman.org.uk/residents/make-a-complaint/online-form)



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



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



**Telephone:** 0300 111 3000

Housing options and homelessness customers can contact the Local Government and Social Care Ombudsman.



**Online:** <https://www.lgo.org.uk/make-a-complaint>



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



**In writing** Local Government and Social Care Ombudsman, PO Box  
4771, Coventry CV4 0EH



**Telephone:** 0300 061 0614



If you are a homeowner or are buying your home through Right to Buy and are dissatisfied with the outcome of your complaint, please refer to [Home ownership - Housing Ombudsman \(housing-ombudsman.org.uk\)](https://www.housing-ombudsman.org.uk).

## **9. Unreasonable behaviour**

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

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 Directors Management Team (DMT) or a group established by DMT for this specific function.

Unreasonable behaviour will be dealt with in the context of the Independent Housing Ombudsman's guidance [Managing unacceptable behaviour policy - Housing Ombudsman \(housing-ombudsman.org.uk\)](https://www.housing-ombudsman.org.uk)

Reasonable adjustments will be made if necessary.

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

## **10. Complaint monitoring**

Reports and analysis of complaints received are shared with our Corporate Management Team, Board and Member Responsible for Complaints (MRC) 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.

We must also complete, submit and publish an annual self-assessment against the Housing Ombudsman Complaint Handling Code. This will be published on our website.

## **11. 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.

## 12. 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 Complaint Handling Code](#).

The following legislation is also relevant:

- [Data Protection Act 2018 \(legislation.gov.uk\)](#)
- [Freedom of Information Act 2000](#)

- Equality Act 2010.

### **13. Related documents**

- Your Tenancy - Colchester Borough Homes (cbhomes.org.uk)
- Repairs Policy
- Allocations Policy
- Antisocial Behaviour Policy
- Remedies Policy
- Data protection policy
- CBH Equality, Diversity and Inclusion Policy
- CBH Vulnerable Residents Policy

### Document control sheet

<b>Title</b>	CBH Complaints Policy - April 2024
<b>File location</b>	<a href="https://colch.sharepoint.com/sites/cbh-fnc/corpdoc/PolDevLib/CBH Complaints Policy.docx">https://colch.sharepoint.com/sites/cbh-fnc/corpdoc/PolDevLib/CBH Complaints Policy.docx</a>
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<b>Equality Impact Assessment</b>	Required Yes Latest 01/04/2024 Review due 01/04/2027

### 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.

<b>Version</b>	<b>Type</b>	<b>Date</b>	<b>Description</b>
4.1	Minor amends	June 2021	Amended contact details for insurance. Changed lead officer for policy.
4.2	Minor amends	September 2022	Reviewed to align with revised Housing Ombudsman Code April 2022 including removal references to informal complaints, changing & addition of time limits for complaints & escalation and other minor changes.
4.3	Minor amends	December 2022	In response to customer feedback, removed reference to approaching service area before making a complaint. Please note previous removal of references to democratic filter & 8-week wait to refer to Housing Ombudsman, which no longer apply from 1 October 2022
4.4	Minor Amends	July 2023	In response to customer feedback, to include the difference between a service request and a complaint.
4.5	Minor Amends	April 2024	In response to the revised Housing Ombudsman Service Complaints Handling Code which is statutory from 1 April 2024.