



Telford & Wrekin
Co-operative Council

**Protect, care and invest
to create a better borough**

Resolving Complaints and Improving Services

Policy & Procedure for Complaints from Council Tenants

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Section 1- Scope of the Representations and Complaints Procedure

1. Defining representations and complaints

- 1.1 At Telford and Wrekin Council we welcome all feedback from customers, this is because it helps us improve the way we do things and to learn from things that have gone wrong. Please let us know if you are not satisfied, or have a suggestion about how we could do things differently. We also welcome comments and compliments.
- 1.2 The intention of this document is to set out the procedure for a Telford & Wrekin Council tenant who would like to make representations, including complaints about, the actions, decisions or apparent failings of our Housing service and to allow any other appropriate person to act on their behalf.
- 1.3 A complaint is an expression of dissatisfaction about the Council's action or lack of action or about the standard of a service, whether the action was taken or service provided by the Council itself or a person or body acting on behalf of the Council.

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.”

Tenants can complain, where they believe that their landlord, the Council, has:

- Failed to do something it should have done
- Behaved unfairly or discourteously
- Failed to carry out a service to a recognised standard
- Done something wrong
- Done something it should not have done

It is recognised that this definition does not cover every scenario and that complaints can range from major grievances to minor annoyances.

We realise that it would be unrealistic to register every such statement within the procedure, particularly in cases where it is possible to deal with the matter of concern there and then or where the concerns are a service request. However, you do not have to use the word 'complaint' for it to be treated as such.

In cases where a tenant is chasing a service request, such as a missed appointment, this can often be resolved there and then and may not need to enter the complaints system. However, if further enquiries are needed to resolve the matter, or if the tenant requests it, the issue will be logged as a complaint.

2. Our Policy on Complaints

2.1 Users of any service provided on or behalf of Telford & Wrekin Council should have access to a simple, well-publicised procedure.

2.2 The policy is framed to:

- Provide high quality and responsive service;
- Acknowledge that all people who receive services have a right to complain if they think that something that should have been done has not been done, or that something has been done poorly or incorrectly.

2.3 We know that things can go wrong with services, and that staff and managers can make mistakes. When this happens, we believe it is important to put things right, as rapidly and as effectively as possible. Through this complaints procedure, we are committed to working with tenants, their advocates, carers and relatives, listening to them and deciding with them, where possible, the most effective way of sorting out whatever has gone wrong, with a view to putting the tenant back into the position they were in prior to any injustice occurring.

2.4 Above all, the way we deal with complaints will be based on

- Customer focus – listening to what people tell us
- Responsiveness – acting on what people say to us
- Promptness – making sure people get answers in good time
- Transparency – dealing openly and honestly with problems
- Proportionality – making sure that the resolution fits the complaint
- Learning – making sure complaints result in changes and improvement, where appropriate

2.5 We are committed to:

- dealing with complaints and comments quickly and effectively; and
- using complaints, comments and compliments to review and improve our services

2.6 We recognise our responsibility to ensure that our tenants have a proportionate level of awareness of their entitlement to complain among people who use or may be eligible for services. We will therefore make sure, in a number of ways that people are well informed and reminded that the complaints procedure is available if necessary. Tenants can expect assistance and support if they have cause to use it.

Among the ways in which we will meet this obligation are:

- Information about the complaints process will be made available in a variety of ways e.g. on the Council website, by means of leaflets and posters.
- Our tenants will be given details by staff members in the course of their work.
- Case management correspondence will routinely incorporate references to the right to make complaints.
- A dedicated email address for complaints

We believe that the needs of our tenants are our top priority and we are committed to putting our tenants first by improving the quality of our service and our tenants' experience of them.

- 2.7 For this procedure to be of benefit, we think it is crucial for all tenants to be well informed about how the complaints process works, so that everyone is aware of their rights and obligations. Recognising that we serve a diverse community, we will therefore make details of the procedure available on request in a range of formats, in order to maximise its accessibility and to ensure it remains inclusive.
- 2.8 Whenever we deal with a comment or a complaint, we will look critically at what has happened, to see what lessons we can learn and ensure that any changes which need to be made are applied. This not only applies to the case being complained about, but across the service. If we believe that something has gone wrong, then we need to put it right and to make sure that the tenant has not lost out as a result. If when the investigation concludes the complaint was not justified, we will provide a full written explanation. In all cases, we will provide clear information about how to take matters further, so that the person making the complaint can decide if that is what they want to do.
- 2.9 We realise that the different procedures which could be applicable when concerns are raised about services (e.g. the complaints procedures of other bodies, a provider's own in-house complaints arrangements, disciplinary processes, criminal investigations etc.) could result in confusion for tenants. In cases like this, complaints staff will ensure that there is consultation and engagement with complainants, and that sound decisions are reached with them about which procedure should take precedence, and why. We regard it as crucial however that people are provided with clear information about the possible interplay between different procedures and are reassured that they are entitled to request that any remaining issues can be taken up through this complaints process, once the other process is concluded.
- 2.10 We recognise that many people fear that making a complaint may result in reprisals or in a deterioration of the service provided, and so we offer an assurance that we would regard this as wholly unacceptable, and that we would take very seriously any concern that this had happened. We will work to ensure that all members of our staff and management have a positive and informed view of complaints, and will give whatever help is necessary to enable people to get due benefit from the procedure.

3. What may be complained about?

- 3.1 A complaint may arise as a result of many things relating to service functions such as:
- An unwelcome or disputed decision;
 - Concern about the quality or appropriateness of service;
 - Delay in decision making or provision of services;
 - Delivery or non-delivery of services including complaints procedures;
 - Quantity, frequency, change or cost of a service;
 - Attitude or behaviour of staff;

- Policy and procedures

4. Who can complain under this procedure?

4.1 This procedure is open to Telford & Wrekin Council tenants.

Please note: This procedure does not cover complaints in relation to Wrekin Housing Group or Nuplace who are a separate organisations to the Council.

4.2 Where the complaint is being made on behalf of another person:

Telford and Wrekin Council will consider representations including complaints made to us by any third party who is contacting us on the tenant's behalf. If someone makes representations on a tenant's behalf written consent will be sought, before the complaint is registered.

4.4 The Complaints Manager may decline to register a complaint if it appears that it is being brought by a representative who is not acting in the best interests of the tenant. Any such decision will be recorded and notified in writing to the tenant.

4.4 From time to time the council receives anonymous complaints, these will be logged and passed to the relevant service for investigation, whilst a response cannot be sent in these cases it is important that we investigate and taking learning from these complaints.

4.5 Complaints will not be registered more than a year after the matter giving rise to concern arose. Nevertheless, the Complaints Manager may waive this time limit if;

- It would not be reasonable to expect the tenant to have made the complaint sooner, and
- It is still possible to deal with the complaint effectively and fairly.

5. What is excluded from this procedure?

5.1 The procedure will **not** apply where it is a:

- request for service
- request for information

5.2 This complaints procedure specifically excludes certain matters;

- **Legal matters** – issues that involve a legal action by or against, Telford & Wrekin Council.
- **Insurance matters** – issues that involve an insurance claim against Telford & Wrekin Council.
- **Repeat matters** – that have previously been considered under the complaints procedure.

5.3 If a complaint is not accepted, a detailed explanation will be provided to the tenant setting out the reasons why the matter is not suitable for the complaints procedure and the right to take the decision to the Housing Ombudsman Service.

5.4 **Relationship to other Policies and Processes**

This procedure may be suspended if any of the following procedures are invoked:

- a) Disciplinary and Grievance Procedures
- b) Harassment Procedures
- c) Police Investigation- Criminal
- d) Safeguarding Procedure

5.5 Any complaint which contains an allegation or suspicion of fraud, corruption or financial irregularity, whether allegedly carried out by an employee or third party against the Council, will be reported immediately to Audit Services for investigation.

5.6 **Complaints concerning staff from other agencies**

The complaint will be recorded by the Customer Relationship Team. The Customer Relationship Team will seek permission from the tenant to pass the complaint to the relevant person who has the responsibility for managing complaints for the other agency.

5.7 **Complaints regarding external contractors**

If the complaint involves services that are provided for the Council by external providers, in the first instance the Council would wish to be notified if there is a problem. However, it is important that the external provider be given the opportunity to investigate and try and resolve the complaint directly with the tenant.

Each external provider has their own complaints procedure in line with their contractual obligation to the Council. The Council will maintain an oversight of all complaints dealt with under the contractual arrangement.

5.8 **Compensation Claims**

When a complaint gives rise to a potential or actual insurance claim; usually this involves the tenant suffering loss or injury arising out of an alleged negligent act by the Council, its employees or agents. Such complaints will be forwarded to the Council's Insurance Team and the tenant informed.

Section 2- How the Process Works

6. How the process works

- 6.1 You can make a complaint through a variety of channels either in person, by phone, in writing or by email using the details below, or, you can fill in the Customer Feedback Form online at [Customer Contract, Customer Strategy, Complaints Compliments and Feedback - Telford & Wrekin Council](#).

In person at Customer Relationship Team, Telford & Wrekin Council, Darby House, Lawn Central, Telford, TF3 4JA

Phone Customer Services on 01952 382006

Write to: Customer Relationship Team, Telford & Wrekin Council, Darby House, Lawn Central, Telford, TF3 4JA

Email us at customer.relationship@telford.gov.uk

- 6.2 Regardless of the medium used or the point where it arrives within the organisation, each complaint must be notified immediately to the Customer Relationship Team, so that it can be registered and formally acknowledged within two working days. If the complaint has been received verbally, staff in the Customer Relationship Team will make a written account of it which will be sent to the tenant for approval in an appropriate format, the complaint will be formally acknowledged when the written account has been approved.

- 6.3 There are two stages in the procedure, allowing for the initial response by the service concerned (usually the Service Delivery Manager or Team Leader) and a second stage investigation by an investigator independent of the service being complained about.

6.4 Stage 1- Service Investigation

- 6.4.1 If it has not be possible to resolve the complaint informally, the complaint will be recorded formally by the Customer Relationship Team on the Council's Complaints System.
- 6.4.2 All complaints should be acknowledged by the Customer Relationship Team within two days of receipt. The acknowledgement letter/email should clearly state the reference number, name and contact details of the investigating officer, which will normally be the Service Delivery Manager or Team Leader responsible for the service in question.
- 6.4.3 Within the acknowledgment the Customer Relationship Team will set out its understanding of the complaint and confirm the outcomes that the tenant is seeking. If any aspect of the complaint is unclear, the tenant will be asked for clarification and the full definition agreed between both parties.
- 6.4.4 The Housing Service will investigate the complaint and respond to the tenant within the timescales set out in this procedure.
- 6.4.5 The investigator will;

- deal with complaints on their merits
- act independently and have an open mind
- take measures to address any actual or perceived conflict of interest
- consider all information and evidence carefully
- keep the complaint confidential, with information only disclosed if necessary to properly investigate the matter.

6.4.6 The investigator will keep to reasonable arrangements agreed with tenants in terms of frequency and method of communication.

6.4.7 A full response should be sent within 10 working days of the complaint and should advise the tenant of their right to take the complaint to Stage 2 of the complaints procedure. This request should be made by the tenant within 20 working days of receiving the response to their concerns.

6.4.8 It may be appropriate on occasion for a complaint to be put on hold and a holding response sent. For example where there are ongoing legal proceedings or the matter is being considered via another process, which needs to be completed before it can be considered via the complaints process. Tenants will be informed of the reasons why a 'holding' response is considered appropriate, when the formal investigation will recommence and the timescale for completion.

6.4.9 Where an investigation is unlikely to be completed within 10 working days, the investigating officer should request an extension from the Customer Relationship Team giving a reason for the extension. The Customer Relationship Team will send an update informing the complainant of the extended response date, which should then be completed within a maximum of 20 working days.

6.4.10 On completion, the investigating officer should pass a copy of the full response to the Customer Relationship Team so that the action taken can be recorded on the complaints system and any outstanding or follow up actions can be monitored.

6.5 **Stage 2- Independent Investigation**

6.5.1 If the tenant is not satisfied with the outcome of the investigation at Stage 1, they may request that the complaint be reviewed providing their reasons for this. A request can be made to progress their concerns to Stage 2 by completion of a Stage 2 escalation pro-forma or by emailing the Customer Relationship Team. Confirming the reason for escalation and the outcome required by the tenant. The request for a review and any subsequent investigation would be considered by the Senior Formal Complaints Investigator, who is a member of the Customer Relationship Team and Independent from the Housing Service.

6.5.2 We will acknowledge your Stage 2 complaint within two working days. The tenant will be asked to provide details of why they feel that their complaint has not been fully responded to at Stage 1;

6.5.3 A complaint will not be escalated to Stage 2 of the procedure if any of the exclusions apply as outlined in Part 5 of this procedure. If a complaint is not escalated, a detailed

explanation will be provided to the tenant setting out the reasons why the matter is not suitable for the complaints procedure and the right to take the decision to the Housing Ombudsman.

6.5.4 The Independent Senior Formal Complaint Investigator will compile a full response within 20 working days. In exceptional circumstances the response timeframe may be extended to a maximum of a further 10 working days. In which case an explanation will be sent to the complainant.

6.5.5 The purpose of Stage 2 in this procedure is to consider if:

- The tenants complaint was fully understood and addressed;
- All of the relevant evidence was taken into account;
- The Council's policies and procedures were properly followed;
- The complaints process was carried out properly and fairly;
- The conclusions were reasonable and fair and reached on the basis of evidence;
- Any other actions or remedies are appropriate.

It is not to:

- Reinvestigate the complaint – it will focus on understanding continuing concerns and consider whether the Stage 1 resolution was undertaken fairly and that the conclusions reached were reasonable;
- Revisit a decision taken by committee or an officer under delegated powers;
- Undermine the professional judgement of officers;
- Deal with any new matters that were not part of the original complaint;
- Cover any points dealt with by a court or where an appeal against a decision lies with a court or other legal process.

6.5.6 On completion of the Stage 2 investigation, the recommendations will be passed to the Director to agree any recommendations / service improvements resulting from the investigation. The investigation report will then be forwarded to the complainant and will include information on their right of redress to the Housing Ombudsman Service, if they continue to remain dissatisfied.

6.5.7 The Stage 2 response will confirm in clear and plain language;

- The complaint stage
- The complaint definition
- The decision of the complaint
- The reasons for any decisions made
- The details of any remedy offered to put things right
- Details of any outstanding actions

- How to escalate the matter to the Housing Ombudsman Service, if the tenant remains dissatisfied

6.6 Special Cases

In certain cases, the general rules regarding who investigates complaints will not apply. These cases will be as follows:

- At Stage 1, if the complaint relates to the actions of the Service Delivery Manager/ Team Manager who would normally act as investigating officer, it should be referred to the appropriate Director for action.
- Any complaint against a Director should be referred to the Chief Executive for action.

6.7 The Process

	Action	Timescale	Responsibility
Stage 1			
1.	To notify the Customer Relationship Team of any complaint which has been received elsewhere in the Council	Immediately, by phone, fax or email	All members of staff
2.	Send a formal acknowledgement to the tenant that the complaint has been received and registered.	Within 2 working days	Customer Relationship Team
3.	To pass the complaint to the relevant Service Delivery Manager	Within 2 working days	Customer Relationship Team
4.	To undertake investigation and actions to resolve the complaint informally at Stage 1 to the tenant's satisfaction. The findings should be communicated in writing to the tenant.	10 working days (extendable by 10 more working days if the complaint is complex)	Relevant Service Delivery Manager
Stage 2			
1.	Tenant makes a request to escalate their complaint to Stage 2. Provide details of the complaint and what they consider has not been addressed.	Within 20 working days of the Stage 1 response.	Complainant
4.	To provide the tenant with a formal Stage 2 response.	Within 20 working days of receiving complaint.	Senior Formal Investigator
5.	To discuss Learning to prepare a Service Action Plan to monitor any service improvements.	Within 25 working days of complaint response having been sent to the complainant.	Senior Formal Complaint Investigator

7 Resolution and Remedies

- 7.1 Where some justification is found for a complaint, consideration needs to be given to the question of appropriate remedy.
- 7.2 An apology and/or explanation will always be needed where any part of the complaint is upheld. It may be necessary to determine who can provide remedial action and what arrangements are needed.
- 7.3 The Council's guidance in the use of financial redress is that this should be made in exceptional circumstances where some direct financial loss has been incurred, and where agreement has been reached with the Director.

8 Housing Ombudsman Service (HOS)

- 8.1 If you remain dissatisfied following the response at Stage 2 of this procedure you may raise your dissatisfaction regarding tenancy related matters with the Housing Ombudsman Service.
- 8.2 The Housing Ombudsman Service is an independent and impartial service and gives a service which is confidential and free of charge. The Housing Ombudsman Service is set up to look at complaints about housing organisations that are registered with them.
- 8.3 The Housing Ombudsman Service will consider complaints, in accordance with their dispute resolution principles if you are not happy with how the Council has dealt with their complaint.
- 8.4 The support the Ombudsman will offer will depend on the individual circumstances of your complaint. After assessing the grounds of your complaint, they might signpost you to another organisation that might be better placed to help you. They could also help you to get a response from us or escalate your complaint through our procedure. It may be that the Ombudsman can work with you and us to reach an agreement and resolve the complaint that way. Or, if you aren't happy with the way we dealt with your complaint they can investigate the way we handled your complaint and the decision that was reached.

Information about the Housing Ombudsman Service can be found on their website www.housing-ombudsman.org.uk.

The Housing Ombudsman's contact details are:

Housing Ombudsman Service
PO Box 152
Liverpool
L33 7WQ

Tel: 0300 111 3000

Email: info@housing-ombudsman.org.uk

9 Improving services following complaints

- 9.1 A primary objective of the complaints process is to ensure that mistakes are identified and remedied, and that they are not repeated in future. Achieving this requires analysis of what went wrong, why the mistake was made and what changes are needed to ensure that it does not recur.
- 9.2 We are committed to ensuring that all possible lessons are learnt from the complaints we deal with, that our services improve as a result and that any mistakes that are identified are not repeated. For this reason, we have put in place ways of maximising the learning opportunities which arise from complaints.
- 9.3 Most complaints prove capable of being resolved with relative informality at the first stage. It is nevertheless crucial that the issues and themes which arise from these complaints are considered carefully and comprehensively so that any poor practice or structural difficulties are identified and addressed. The number and type of complaints are reported on a monthly, quarterly and 12 monthly basis to the Senior Management Team with a summary of comments, recommendations and any emerging themes.
- 9.4 Complaints which are handled at Stage 2 invariably raise important issues for the Council and the Investigator's report provides an invaluable independent perspective on the service provided and on the matters which resulted in the complaint.
- 9.5 A summary of learning points and changes made arising from complaints will be included in the annual report on complaints.

10. Unacceptable behaviour and unreasonable persistent complainants

- 10.1 We are committed to providing an inclusive, responsive and easily accessible complaints process. We will generally not impose restrictions upon the way in which tenants are able to contact or communicate with staff members.
- 10.2 In line with the authority's duty of care however, staff are entitled to protection from complainants whose behaviour is abusive, offensive or threatening. In such cases, the Customer Relationship Team will inform the complainant why his/her behaviour is considered unacceptable and ask him/her to change it. If this has no effect, possible ways forward will be discussed at a formal (noted) strategy meeting, convened and chaired by the Customer Relationship Team. Decisions and action in such cases must be consistent, proportionate to the concerns, time-limited and subject to review at least on a six monthly basis.
- 10.3 Among the possible measures available are
- Restriction of access to service area sites
 - Routing of all contact with the person through a named staff member

- Requiring contact with the person to be by letter only
- Proposing a formal agreement with the complainant about his/her behaviour
- Accessing legal advice regarding obtaining an injunction
- Notification to the police
- Notification to the keeper of the Council's Personal Safety Precautions Register

10.4 Whilst no single definition of an unreasonable persistent complainant exists, vexatious behaviour may include some or each of the following, this is not an exhaustive list;

- Refusing to specify grounds of the complaint, despite offers of assistance from the council.
- Refusing to cooperate with the complaints investigation process whilst still wishing the complaint to be resolved.
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- Unwillingness to accept the terms of the complaints procedure.
- Insisting on the complaint being dealt with, in ways that are incompatible with the complaints procedure or good practice.
- Making what appear to be groundless complaints about the staff dealing with the complaint, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements made at an earlier stage.
- Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large number of detailed but unimportant questions and insisting they are fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Making unnecessary excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous council staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after the complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these "new" complaints which should be put through the full complaints procedure.

- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- Repetition of identical or similar complaints, but failure to accept any outcome
- Excessive focus on the complaints process, as opposed to the desired outcome
- Focus on unrealistic and unachievable outcomes
- Unreasonably persistent and repetitious contact with the service area
- Tendency to approach different parts of the organisation, in the apparent hope of eliciting different responses
- Abusive or threatening behaviour or language towards council staff.

10.5 Subject to any considerations about unacceptable behaviour, it is crucial to ensure that the substance of any complaint which seems to be being pursued in a vexatious manner is considered and investigated with the same rigour as any other complaint, as far as possible. Only on this basis could the service area justify any later course of action which had the effect of treating the complainant differently from others.

10.6 The basis on which a vexatious complainant might be treated differently from any other complainant stems from the authority's obligation to deploy its resources as fairly as possible. This entails avoiding using resources disproportionately and unproductively in respect of some individuals. Responding to vexatious complaints can be stressful to the staff involved and the authority's duty of care to its employees requires appropriate remedial action to be taken in such cases.

11. Performance monitoring

11.1 Performance by areas of service is monitored on a monthly basis with reports produced for management as required. The Customer Relationship Team will produce an annual report for Telford & Wrekin Council providing an overview of the complaints that have been received and overall performance. This report will be published on the Council's website.

12. Council Tenant Complaints Flowchart

Key
 CRT – Customer Relationship Team
 HOS- Housing Ombudsman Service

