



**HARTLEPOOL**  
**BOROUGH COUNCIL**

## **OFFICER DECISION RECORD**

Department: Development, N/hoods and Regulatory Servs

Division:

Date of Decision / Issue  
of Licence: 31/10/2024

Officer Making Decision: MR T HANSON

Subject / Description &  
Reason for Decision: Housing Management Service Complaints Policy

*(for publication)*

The Housing Ombudsman (HO) is to publish their new statutory complaints handling code. Their initial intention was for this to be a joint code with the Local Government and Social Care Ombudsman however following consultation they decided that a joint code was not feasible due to the complexity of services covered and the different statutory powers of each Ombudsman.

The HO published their statutory code in February 2024 with an implementation deadline of 1st April 2024. Unfortunately, this has meant that the Council are unable to get our new Housing Management Service Complaints Policy prepared in time for approval at the final Finance and Policy Committee of the year.

The new Policy for implementation from 1st April 2024 differs from the previous policy (which was based on the Council's Corporate Complaints Policy) in order to ensure compliance with the new Code from the HO. The new Code shows that very little of our approach is open to local discretion and we will be monitored on compliance annually through a self-assessment process and during the investigation of individual complaints by the HO.

A report will be presented to Finance and Policy Committee to present the new Policy and outline the requirements in detail (including the self-assessment process and the role of the Chair of Finance and Policy Committee as Member Responsible for Complaints).

The policy is attached.

Type of Decision: Non Key

Nature of Delegation Being Exercised:	GD22 - Variations to existing policies and procedures together with new policies/procedures which do not have significant service or corporate impact, where changes are necessary to ensure compliance with the law, Ministerial Direction or Government Guidance.
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Alternative Options Considered & Rejected:	Not to follow the directive of the Housing Ombudsman
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Any Declared Register of Interest:	No
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**OFFICER WITH THE DELEGATION**

**NAME:** MR T HANSON

**POSITION:** Executive Director Dev N/hood & Reg Serv

**IN CONSULTATION WITH...**

**NAME:** TONY HANSON

**POSITION:** Executive Director Dev N/hood & Reg Serv



# **Housing Management Service Complaints Policy**

**April 2024**

## Hartlepool Borough Council Housing Management Service Complaints Policy

- 1.1 Hartlepool Borough Council Housing Management Service, known as the Landlord throughout this policy, aims to provide high quality housing management services that meet the needs of local people. We want to make our service as efficient and effective as possible. To do this we need to know whether we are getting it right and how we can improve our service.
- 1.2 In response we promise to listen carefully to what people have to say and respond promptly to their comments and complaints. Any information that is provided will be treated confidentially. We aim to deal with any complaints impartially, objectively and professionally. Making a complaint will not affect the treatment or services that individuals or their family receive.
- 1.3 This policy has been developed in line with the statutory requirements of the [Housing Ombudsman Complaint Handling Code](#).
- 1.4 Hartlepool Borough Council Housing Management Service defines a **complaint** as...

*...an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.*

- 1.5 The Landlord and the resident must recognise the difference between a service request and a complaint. A service request is a request from a resident that requires an action to be taken to put something right. A service request is not a complaint but will be recorded, monitored and reviewed regularly. A complaint must be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing.
- 1.6 Complaints can be made through this policy by:
  - a person or persons who are or have been in a landlord/tenant relationship with the Hartlepool Borough Council Housing Management Service; or
  - someone who has applied for a property owned or managed by the Hartlepool Borough Council Housing Management Service (other than statutory allocations and applications for assistance from people who are homeless or threatened).

## 2. Exclusions

- 2.1 We, as the Landlord, will accept a complaint unless there is a valid reason not to do so. If we decide not to accept a complaint we will set

out the reasons why and provide evidence to support our decision. Each complaint will be considered on its own merits.

2.2 This policy sets out the circumstances in which a matter will not be considered a complaint and these circumstances will be fair and reasonable to all tenants. Exclusions include:

- The issue giving rise to the complaint occurred over twelve months ago.
- Legal proceedings have started. This is defined as details of the claim such as a claim form and Particulars of Claim, have been filed at court.
- Matters that have previously been considered under the complaints policy.
- If the complaint refers to a service not provided by Hartlepool Borough Council Housing Management Service.
- If it relates to a policy approved by Committee, unless it's about the failure to comply with this policy.

2.3 We will accept a complaint that has been referred within 12 months of the issue occurring or the resident being aware, unless it is excluded on other grounds. As a Landlord we will consider whether to apply discretion to accept complaints made outside this time limit where there is a good reason to do so.

2.4 If we decide not to accept a complaint we will provide an explanation to the resident setting out the reasons why the matter is not suitable for the complaints process along with the resident's right to take that decision to the Housing Ombudsman. If then the Housing Ombudsman does not agree that the exclusion has been fairly applied, the Housing Ombudsman may tell us, the Landlord, to take on the complaint.

2.5 We will not take a blanket approach to excluding complaints, we will consider the individual circumstances of each complaint.

### **3. Confidentiality and privacy**

3.1 Information will only be shared as outlined in accordance with the Data Protection Act 2018 and GDPR. We will keep a full record of the complaint, any review and the outcome at each stage, including all documents, relevant correspondence with the complainant or their representative and other parties, surveys and report.

### **4. Accessibility and awareness**

4.1 At the outset and at every stage of the complaints process we will provide clear guidance as to who will be responding to a customer's complaint, including how to escalate if the customer is dissatisfied with the response.

- 4.2 As the Landlord we will provide different channels through which a resident can make a complaint. We have considered our duties under the Equality Act 2010 and will anticipate the needs and reasonable adjustments required by residents who may need to access the complaints process.
- 4.3 Residents can raise their complaint in a number of ways:
- by completing a complaints form;
  - in writing a letter or by email;
  - over the telephone or in person to any member of staff to be redirected to the Housing Management Service.
- 4.4 Residents have the opportunity to have a representative to deal with their complaint on their behalf. This could be an advocate, a Councillor or Member of Parliament or a family member or friend. We will need to confirm, in writing, that this person has the authority and consent to represent you. This is because providing a response to the complaint may involve disclosing personal information relating to the resident and Hartlepool Borough Council need to ensure that the rights of the individual are protected.
- 4.5 At any point of the complaints process the resident is entitled to engage with the Housing Ombudsman about their complaint and the contact details are:

Housing Ombudsman Service  
PO Box 152  
Liverpool  
L33 7WQ

**Online form:** <https://www.housing-ombudsman.org.uk/residents/make-a-complaint/>

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

**Phone:** 0300 111 3000

## Complaints Handling Process – Summary

### Service Request

If you have a request for a service or a problem please get in touch and we will seek to resolve as soon as possible. If any specialist services are required we will ensure that you, the resident, is kept up to date with progress. Service requests can be made via Customer Services on 01429 523336 or by email to [customerservice@hartlepool.gov.uk](mailto:customerservice@hartlepool.gov.uk)



### Stage 1

If you are dissatisfied with how we have dealt with your service request you can then raise a complaint. This can be done via letter, email, over the phone or in person. Your complaint will be acknowledged, defined and logged **within 5 working days** of receipt. A full response will be issued **within 10 working days** of the complaint being acknowledged.



### Stage 2

If all or part of your complaint is not resolved to your satisfaction then you can request for it to be progressed to Stage 2 – a final response. A request for Stage 2 will be acknowledged, defined and logged **within 5 working days** of receipt. We will issue a final response **within 20 working days** of the escalation being acknowledged.



### Housing Ombudsman

If you are still unhappy with the outcome you have the right to ask the Housing Ombudsman to review your complaint. The Housing Ombudsman is an independent body set by law to review housing complaints. ([www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk))

## Complaints Handling Process - Detailed

### 5. Stage 1

- 5.1 If an issue cannot be resolved through a service request the complaint should be escalated to a Stage 1 complaint. Complaints can be received in a variety of forms – by letter, email, over the phone, online form and in person. Where complaints are taken over the phone or in person then the person taking the complaint will record the name and contact details of the complainant, their preferred method of contact and the detail of their complaint. We will look at resolving the complaint promptly with an explanation, apology or resolution provided where appropriate.
- 5.2 Stage 1 complaints will be acknowledged, defined and logged **within 5 working days** of the complaint being received. We will confirm the subject of the complaint to ensure we are investigating the right issue(s). A full response will be issued **within 10 workings days** of the complaint being acknowledged.
- 5.3 If an extension on this timescale is required due to the complexity of the complaint then you, the resident, will be informed of the expected timescale for response. Any extension will be no more than 10 extra working days without good reason and that reason will be clearly explained. When you, the resident, are informed of an extension you will also be provided with the contact details of the Housing Ombudsman.
- 5.4 If additional complaints are raised during the investigation, these will be incorporated into the Stage 1 response if they are related and the response has not yet been issued. Where the Stage 1 response has been issued, 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 in accordance with the Housing Ombudsman Complaints Handling Code.
- 5.5 The response to Stage 1 will address all the points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate. The response will confirm the following in writing to you, the resident, at the completion of Stage 1 in clear, plain language:
- a) The complaint stage;
  - b) The complaint definition;
  - c) The decision of the complaint;
  - d) The reasons for any decision made;
  - e) The details of any remedy offered to put things right;
  - f) Details of any outstanding actions; and
  - g) Details of how to escalate the matter to stage 2 if you are not satisfied with the response.



## 6. Stage 2

- 6.1 If all or part of your complaint is not resolved to your satisfaction at Stage 1 you can request that it your complaint be progressed to Stage 2. The Stage 2 response will be our final response. Your request for Stage 2 will be acknowledged, defined and logged **within 5 working days** of receipt of your request.
- 6.2 You are not required to explain your reasons for requesting Stage 2 consideration but we, the Landlord, will make reasonable efforts to understand why you remain unhappy. The investigating officer for Stage 2 will not be the same person who considered your Stage 1 complaint.
- 6.3 We will aim to issue a final response to Stage 2 **within 20 working days** of the escalation request being acknowledged. If an extension is required due to the complexity of the complaint you will be informed of the expected timescale for a response. Any extension will be no more than 20 working days without good reason and the reason(s) for the extension will be clearly explained. If we inform you of an extension we will also provide you with the contact details of the Housing Ombudsman.
- 6.4 The response will be provided when the answer to the complaint is known and not when the outstanding actions are completed. Outstanding actions will still be tracked and actioned promptly with appropriate updates provided to you, the resident. We will address all points raised in the defined complaint providing clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.
- 6.5 We will confirm in writing the following at the completion of Stage 2:
- a) The complaint stage;
  - b) The complaint definition;
  - c) The decision of the complaint;
  - d) The reasons for any decision made;
  - e) The details of any remedy offered to put things right;
  - f) Details of any outstanding actions; and
  - g) Details of how to escalate the matter to the Housing Ombudsman if you are not satisfied with the response.

## 7. Putting things right

- 7.1 If something has gone wrong we will acknowledge it and set out any actions we have already taken, or intend to take, to put things right. These can include:
- Apologising;
  - Acknowledging where things have gone wrong;

- Providing an explanation, assistance or reasons;
- Taking action if there has been a delay;
- Reconsidering or changing a decision;
- Amending a record or adding a correction or addendum;
- Providing a financial remedy; and
- Changing policies, procedures or practices.

7.2 We will take into account the guidance issued by the Housing Ombudsman when deciding on any appropriate remedy. The remedy will reflect the impact on the resident as a result of any fault identified. The remedy will clearly set out what will happen and by when with agreement with the resident.

## **8. Housing Ombudsman Service**

8.1 The Housing Ombudsman can independently review a customer complaint if it has been through the full Hartlepool Borough Council Housing Management Service Complaints Procedure (Stages 1 and 2). The Housing Ombudsman is an independent body set up by law to review housing complaints. Throughout the process all complainants will be told of their right to contact the Housing Ombudsman Service if they are still not satisfied and will be provided with contact details. ([www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk))

## **9. Other Information**

### **Collective complaints**

- 9.1 Where appropriate complaints made by a number of individuals on the same subject will be dealt with as one investigation. It may be appropriate for each complainant to receive a response directly unless a representative has been nominated on behalf of the individuals.

### **Withdrawing a complaint**

- 9.2 You may withdraw your complaint at any time by contacting the Housing Management Service and letting them know. Consideration will be given as to whether the concerns raised still need to be fully investigated, for instance if there were safeguarding concerns relating to you or other individuals.

### **Anonymous Complaints**

- 9.3 All anonymous complaints i.e. where an individual does not provide their name or contact details will be reviewed and investigated where appropriate, however it will not be possible to provide a response. If an anonymous complaint does not provide enough information to enable the Council to investigate or take further action, then the Council will not be able to investigate.

### **Social Media**

- 9.4 In line with Council procedure, the Housing Management Service will not respond formally to complaints which have been uploaded to any social media platform. Please use the contact details outlined above.

### **Persistent and Unreasonable Complaints and Complainants**

- 9.5 In general, dealing with a complaint is a straightforward process but in a minority of cases people pursue their complaints in a way that can impede the investigation of their complaint or can have significant resource implications for the authority. A separate Corporate [Managing Unreasonable Customer Behaviour](#) policy is in place for the Council to deal with the very small number of complainants whose frequency of contact with the Council, unreasonable or persistent complaints, or unacceptable behaviour makes it necessary for special measures to be taken.

- 9.6 Before implementing any of the provisions set out in this policy, officers must consider whether Hartlepool Borough Council Housing Management Service's procedures have been followed correctly, whether full and reasonable responses have already been given and whether the complainant is now inappropriately persistent or behaving unreasonably.

### **Privacy information and Data Protection**

- 9.7 All personal information collected is for the purpose of responding to customer feedback and complaints and will only be shared with relevant service areas of the Council or third parties where the law enables the Council to do so (e.g. MP's or councillors). For more information about how the Council processes your personal data please visit:  
[https://www.hartlepool.gov.uk/info/20032/access\\_to\\_information/500/access\\_to\\_information](https://www.hartlepool.gov.uk/info/20032/access_to_information/500/access_to_information)

### **Confidentiality**

- 9.8 The Housing Management Service will consider the importance of confidentiality when handling customer feedback and complaints. However to enable a complaint investigation to be undertaken, personal information will be shared with the investigating officer and on occasions other officers where necessary. Personal information will not be shared with anyone unnecessarily and will be handled in line with data protection legislation.

### **Self-assessment, reporting and compliance**

- 9.9 We will produce an annual self-assessment against the Housing Ombudsman Code, which will contain an analysis of the complaints received and the outcomes. It will also highlight any service improvements made as a result of learning from the complaints as well as any findings of non-compliance with the Code by the Housing Ombudsman. The annual self-assessment will be published on our website alongside our governing body's response.

### **Scrutiny and oversight: continuous learning and improvement**

- 9.10 As a Landlord we will look beyond the circumstances of an individual complaint and consider where service improvements can be made for all residents as a result of finding fault. Any wider learning and improvements will be reported to stakeholders where required.

- 9.11 The Assistant Director for Development and Growth is accountable for complaint handling with regards to the Housing Management Service and the Chair of Finance and Policy Committee has lead responsibility for complaints to support a positive complaints handling culture in the Housing Management Service. This elected member will be known as Member Responsible for Complaints – MRC. The MRC and the Finance and Policy Committee will review as a minimum:
- updates on the volume, categories and outcome of complaints, alongside complaint performance;
  - issues and trends arising from complaint handling;
  - updates on Housing Ombudsman investigation and compliance; and
  - the annual complaints performance and service improvement report.

### **Review of Policy**

- 9.12 This policy will be reviewed annually as part of the annual self-assessment against the Housing Ombudsman Complaint Handling Code as required by the Housing Ombudsman.