

DECISION RECORD ¹

Officer Key Decisions are subject to the Council's Call-In Procedure ([Part 4 of the Council's Constitution](#))

Subject: Housing Compliance Policies – Complaints Policy	
Staff Contact: Greg Arends Tel: x2081	Executive Member: Cllr Jeanette Thomas Portfolio: Housing and Housing Development

1. Decision

To approve an updated Complaints Policy that meets the requirements of the Housing Ombudsman's Complaints Handling Code published in February 2024.

2. Reasons for the decision

In Autumn 2023 the Local Government and Social Care Ombudsman (LGSCO) and Housing Ombudsman (HOS) consulted on a new joint handling code for complaints handling to bring together two quite different approaches.

The consultation process discovered some difficulties with implementing a joint code as originally intended. As a result the HOS issued an updated Complaint Handling Code as statutory guidance under the Housing Ombudsman's powers in the Housing Act 1996, as amended by the Social Housing (Regulation) Act 2023, to take effect from 1st April 2024. At the same time the LGSCO decided to issue a similar but not identical code as non-mandatory guidance for authority. The LGSCO indicated they may make the code mandatory for local authorities in 2026.

The updated Complaints Policy is revised to reflect the Complaint Handling Code issued by the HOS as statutory guidance, and with the LGSCO's non-mandatory code.

As well as enabling compliance with the HOS's new statutory guidance, the updated policy will help to drive improvements for our customers both in housing and elsewhere, in addition to other focussed effort by officers on processes, development of a stronger learning culture, strengthening of the use of systems, and improved oversight of complaints.

3. Alternative options considered and rejected ²

No alternative options are proposed as the Complaint Handling Code from the HOS is statutory guidance.

4. Consultation

- (a) Comments of Executive Member ^{3 4}

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I support the new policy to make the Council compliant with the updated Complaints Handling Code from the Housing Ombudsman, and it's vital we support the push to drive improvements to the services we're delivering for our tenants and leaseholders.

(b) Comments of other consultees ⁵

5. **Following consultation with, and the concurrence of the Executive Member, I am proceeding with the proposed decision.**

Signed:

Title: Date:

6. **PLEASE RETURN COMPLETED/SIGNED FORM TO CONSTITUTIONAL SERVICES FOR PUBLICATION**

¹ for guidance see Borough Solicitor's note "Taking Decisions"

² details of any alternative options considered and rejected by the officer at the time the decision was made

³ record any conflict of interest declared by any Executive Member consulted. If an Executive Member declares a conflict of interest DO NOT PROCEED without seeking advice from the Borough Solicitor

⁴ If the matter has general significance for the Council and/or is, or is likely to be, controversial, then the officer shall consult the appropriate Executive Member before proceeding. In some cases it will be necessary to consult more than one Executive Member, and in some cases the Leader of the Council will need to be consulted

⁵ If the matter has local significance, but no general significance for the Council and no controversial aspects, the officer shall consult or inform the local member in writing (or by e mail) and proceed. It is essential that all officers responsible for delivering services ensure that local members are kept well briefed on issues affecting their areas.

Complaints Policy

Stevenage Borough Council

2024

Date created	March 2024
Approved by	Senior Leadership Team
Owner	Strategic Director
Version	1
Author(s)	Sally Norman (Corporate Policy & Performance Manager) Greg Arends (Head of Customer and Digital Services)
Business Unit and Team	Customer Services Centre
Policy Review Date	March 2026
Equality Impact Assessment Date	March 2024

For translations, braille or large print versions of this document please email equalities@stevenage.gov.uk.

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1. Purpose

- 1.1** This policy sets out the council's arrangements for complaint handling and reflects its commitment to providing service users and residents with an effective and transparent approach for dealing with complaints.
- 1.2** As a council we recognise that complaints provide us with an opportunity to improve. They offer a chance to put things right. This policy sets out our position on the following:
- The definition of a complaint
 - When a complaint won't be considered
 - Stages of the complaint process
 - How to escalate a complaint
 - Remedy and compensation
 - Reasonable adjustments
 - Our approach to accountability and transparency
 - Unreasonably persistent complainants
- 1.3** This policy updates the council's Complaints Policy (2022) in response to the new statutory Housing Ombudsman Service (HOS) Complaint Handling Code (2024) and Local Government and Social Care Ombudsman (LGSCO) Complaint Handling Code (2024). Both codes will come into effect from 1 April 2024.

2. Scope

- 2.1** This policy underpins all Council policies, strategies and schemes and must be upheld by all council staff.

3. Legal and Regulatory Framework

- 3.1** This policy sets out how the council will comply with the requirements of the following:
- Housing Act 1996 (section 51 of, and Schedule 2) as amended by the Localism Act 2011
 - Building Safety Act 2022
 - Social Housing (Regulation) Act 2023
 - Local Government Act 1974 (section 23(12A) and Part III)
 - Membership conditions of the Housing Ombudsman Scheme (came into effect 1 October 2023)
 - Housing Ombudsman Service (HOS) Complaints Handling Code (2024)

- Local Government & Social Care Ombudsman (LGSCO) Complaint Handling Code (2024)
- 3.2** The Social Housing Regulation Act (2023) requires Local Housing Authorities in England who are registered providers of social housing to be members of the Housing Ombudsman Scheme. As a condition of membership of the Scheme, a member must:
- a. agree to be bound by the terms of the Scheme;
 - b. establish and maintain a complaints procedure in accordance with any good practice recommended by the Ombudsman, including the Complaint Handling Code;
 - c. as part of that procedure, inform residents of their right to bring complaints to the Ombudsman under the Scheme;
 - d. publish its complaints procedure and, where applicable, its membership of the Scheme, and make information about both easily accessible to those entitled to complain on its website and as part of regular correspondence with complainants throughout their complaints process;
 - e. manage complaints from residents in accordance with its published procedure or, where this is not possible, within a reasonable timescale.
- 3.3** The HOS and LGSCO published revised versions of their Complaint Handling Codes in February 2024. The HO Complaint Handling Code is a statutory document, which means that the council is obliged by law to follow its requirements. The LGSCO Code is issued as 'advice and guidance' under the Local Government Act (1974), which means that the council should consider the code when responding to complaints. The principles, processes and timescales in each code are aligned, which means that the council is able to provide coordinated complaint handling across services covered by both codes.
- 3.4** Under the Housing Ombudsman Scheme, the HOS complaints jurisdiction is specific to the following groups:
- a person who has a lease, tenancy, licence to occupy, service agreements or other arrangement to occupy premises owned or managed by the council
 - An ex-occupier if they had a legal relationship with the council at the time the matter complained about arose
 - A representative or person who has the authority to make a complaint on behalf of any of the people listed in the two previous points (see section 4.5)
- 3.5** Under the Local Government Act (1974), the Local Government and Social Care Ombudsman (LGSCO) jurisdiction is specific to complaints about the council's wider activities and administrative functions, for example:
- homelessness applications and the statutory duty to provide homelessness advice and accommodation

- complaints about the operation of a council's housing allocation, including assessments of priority or banding given to an applicant applying for a home in its borough
- complaints about housing benefit applications
- bin collections
- planning applications (although by law the LGSCO cannot normally investigate a complaint where there is or was a right of appeal to a government minister).

3.6 The lists in section 3.4 and 3.5 are not exhaustive and further information on specific areas of jurisdiction can be found on either the HOS or LGSCO websites by typing 'Which ombudsman is for social housing?' in a search engine (See Appendix A).

4. Policy

Definition of a Complaint

- 4.1** A complaint is an expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by the council, its own staff, or those acting on its behalf, affecting an individual resident or group of residents. These complaints can relate to:
- Dissatisfaction with the service provided, including failure to achieve specific standards of service
 - Delays in responding to service requests
 - Dissatisfaction with staff behaviour
 - Dissatisfaction with our procedure
 - Dissatisfaction with council policy
- 4.2** A resident does not have to use the word 'complaint' for it to be treated as such. Whenever a resident expresses dissatisfaction the council will give that person the choice to complain. This includes circumstances where the council has actively sought residents' feedback or where dissatisfaction has been expressed in other forums (e.g. social media). In these cases, the council will ensure the resident is given the opportunity to complain by providing details of how to make a complaint directly, or by providing information as part of the mechanism through which feedback has been sought.
- 4.3** A complaint needs to be made within 12 months of the problem occurring or the resident becoming aware of the issue. It is at the council's discretion if complaints made outside this time limit are to be considered. These cases will be referred to the council's Assistant Director (Digital & Transformation) for decision.
- 4.4** If the council decides not to accept a complaint, a detailed explanation will be provided setting out the reasons why the matter is not suitable for the council's complaints process. This written confirmation will also advise of the right for this decision to be taken to the Ombudsmen. The council would not accept a complaint for the reasons set out in section 4.5 and 4.6, or if a complainant chooses to submit their complaint

without contact details. If a complainant chooses to omit their contact details, we will treat this as anonymous feedback.

4.5 Representation by others

In cases where complainants require another person to act as their representative (see section 3.4) the council may seek confirmation from the complainant to confirm they agree. All complainants will be able to have representation or be accompanied at any meeting with the council.

When a complaint won't be considered

4.6 Some complaints aren't actually complaints at all but are 'service requests'. A service request is a contact from a resident that brings a matter to the council's attention for the first time, and requests a service offered by the council, for example:

- reporting a missed bin
- raising a concern about food hygiene in a restaurant
- reporting anti-social behaviour
- reporting an adult or child safeguarding concern

4.7 In these cases, the council will advise the best way to raise the request or report the concern. If once a request has been made and the resident is dissatisfied with the council's response to the service request, a complaint can be made to the council. The raising of a complaint will not stop the councils' efforts to address the service request.

4.8 In addition to service requests, the council will not consider a complaint relating to:

- Legal proceedings - this is defined as details of the case having been filed at court
- Matters that have previously been considered under the Complaints Policy and either a determination has been reached and/or escalated to the appropriate ombudsman
- Insurance claims (unless the complaint is perceived to be as an outcome of maladministration)
(Please see www.stevenage.gov.uk/about-the-council/insurance-claims-against-the-council)
- Employment related personnel matters
(Please see the council's Grievance Policy (2023))
- Where a statutory right of appeal exists
(Appealing a Planning decision for example)
- Complaints about the conduct of a councillor (please see <https://www.stevenage.gov.uk/council-and-democracy/councillors/councillors-code-of-conduct>)

Stages of the complaint handling process

- 4.9** Service users and residents are able to submit a complaint via the council's website, by phone, or by meeting with a council officer in-person. Further details of how to make a complaint are set out in Appendix A.
- 4.10** Under the requirements of the HO and LGSCO Complaint Handling Codes, all council staff will be able to refer a complaint to the appropriate member of staff responsible for oversight of complaints and in-line with the council's complaint handling procedure. This includes complaints made directly to a member of staff which does not use one of the methods outlined in 4.9.

4.11 Priority Responses

Where a complaint indicates that a resident is vulnerable or at risk, the complaint will be escalated to the appropriate Head of Service for review. Where there are adult or child safeguarding concerns this will be raised through the adult and child safeguarding process set out in the Adult at Risk Safeguarding Policy (2022) and Children Safeguarding Policy (2022).

The council operates a 2-stage complaints procedure:

Stage 1 – Formal response by the Service Manager

- 4.12** The complaint will be acknowledged within 5 working days of receipt, and a written response provided within the following 10 working days.
- 4.12.1** The complaint will be investigated by the most appropriate Service Manager, with support from their team.
- 4.12.2** To help clarify or resolve the complaint, the council may want to talk to the complainant or their representative (see section 3.4) over the phone or in person. If the council are able to resolve the complaint over the phone, the council will send the complainant a written response to summarise what was agreed.
- 4.12.3** Complex complaints and cases that involve more than one service may take the council longer to investigate. If this is the case the council will notify the complainant and set out the extension timescale. The extension can be for no more than 10 working days. When notifying the complainant of the extension the council will provide the contact details of the relevant Ombudsman.
- 4.12.4** At the completion of stage 1 the council will provide the complainant the following in writing:
- a) the complaint stage;
 - b) the complaint definition;
 - c) the decision on the complaint;

- d) the reasons for any decisions 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 the complainant is not satisfied with the response.

Stage 2 – Review by Senior Manager

- 4.12.5** If all or part of the complaint is not resolved to the complainant's satisfaction at stage 1, it will be progressed to stage 2. Stage 2 is the final response stage. The complaint will be acknowledged within 5 working days of receipt, and a written response provided to the complainant within the following 20 working days.
- 4.12.6** The review of the complaint will not be carried out by the same officer who considered the complaint at stage 1.
- 4.12.7** If an extension is required due to the complexity of the complaint the reason will be explained to the complainant. The extension will not exceed 20 days. When notifying the complainant of the extension the council will provide the contact details of the relevant Ombudsman.
- 4.12.8** At the completion of stage 2 the council will provide the complainant the following in writing:
- a) the complaint stage;
 - b) the complaint definition;
 - c) the decision on the complaint;
 - d) the reasons for any decisions 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 Ombudsman Service if the individual remains dissatisfied.

4.13 Additional Complaints

Where residents raise additional complaints during the investigation, these will be incorporated into the stage 1 response if they are related to the original complaint and the stage 1 response has not been issued. Where the stage 1 response has been issued, or the new complaint is unrelated to the complaint already being

investigated or it would unreasonably delay the response, a new complaint will be logged.

How to escalate a Complaint

- 4.14** The HOS and the LGSCO are free services which residents can complain to at any time. However, they will usually only investigate a complaint if it has exhausted the council's internal procedure. Further details on how to escalate a complaint can be found in Appendix A.

Remedy and Compensation

- 4.15** Where something has gone wrong the council will acknowledge this and work with the complainant to set out the actions it has already taken, or intends to take, to put things right. These actions can include:

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

- 4.15.1** The council will work with the complainant to identify a suitable remedy, and in doing so will set out what will happen and by when. Where the remedy is financial the council will be motivated to try and put the complainant back in the position they would have been had that error not occurred. This will be guided by the appropriate Ombudsman guidance.

Reasonable Adjustments

- 4.16** Under the Equality Act (2010) the council is required to ensure that the way we work does not place people with disabilities at a disadvantage when accessing services. The council's approach to consideration and implementation of reasonable adjustments in relation to complaints includes:

- We will record details of any disabilities or vulnerabilities that a resident may disclose
- Recording approved reasonable adjustment requests and keeping these under active review
- Providing opportunity for the complainant to have a representative deal with their complaint on their behalf, and to be represented or accompanied at complaints meetings where required.

For further information please refer to the council's Reasonable Adjustments Policy (2024).

Accountability and Transparency

- 4.17** The council takes a positive approach to learning from complaints. We encourage our staff to learn from things that have gone wrong so we can make them better in the future. To help this, the council will produce an Annual Complaints Performance and Service Improvement Report for scrutiny and challenge. This report will include the annual self-assessment against the HO and LGSCO Complaint Handling Codes to ensure that the Complaints Policy remains in line with requirements.
- 4.17.1** The Annual Complaints Report will be presented to the council's Executive and Overview & Scrutiny Committee and made available to residents online via the council's website. This will be published alongside information about the Complaint Handling Codes and the role of the Ombudsmen.
- 4.17.2** As a commitment to Cooperative council principles, the Annual Complaints Report will be shared with residents at the cooperative neighbourhood resident meetings. These meetings will give the council, residents and members the chance to meet and discuss issues, local challenges and opportunities for service improvement.
- 4.17.3** The council's Senior Leadership Team will be responsible for ensuring services are effectively and fairly operating the complaints process and are incorporating lessons learnt from complaints. In addition, a Member Responsible for Complaints ('the MRC') will be identified within the council's Executive, and will receive:
- a) regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance;
 - b) regular reviews of issues and trends arising from complaint handling;
 - c) regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings; and
 - d) the annual complaints performance and service improvement report.
- 4.17.4** The council's Complaints Policy and details about how to make a complaint, contact the relevant Ombudsman and details of each Ombudsman's Complaint Handling Code will be published on the council's website.

Unreasonably Persistent Complainants

- 4.18** There are a small number of people who pursue their complaints in a way that can prevent proper investigation of their complaint or other peoples, or who refuse to accept the determination of their complaint. These cases require the council to commit significant and inappropriate levels of resource to investigating the complaint. We refer to such complainant's behaviour as 'unreasonable' and, exceptionally, will take action to limit their contact with the council and its staff. For further information please refer to the council's Unacceptable Behaviour Policy (2022).

5. Monitoring and Review

- 5.1** This policy will be reviewed by the relevant Business Unit's Head of Service or Service Manager every 2 years (see page 1 for details of Business Unit) or earlier if there is a change in legislation. Where more than 10% of the policy content is changed the Assistant Director and appropriate Portfolio Holder will be required to decide if the policy needs to be formally reconsidered by the Executive or appropriate decision-making body.
- 5.2** Where there is a request for the content of the policy to be reviewed in response to a complaint, the relevant Business Unit's Assistant Director will be notified. If the Assistant Director agrees that a review of policy is required, this will be discussed with the appropriate Portfolio Holder. The Head of Service or Service Manager will be responsible for implementing a subsequent policy review.

6. Equalities

- 6.1** Under the Equality Act (2010) the council has a legal duty to fulfil the requirements of the Public Sector Equality Duty (PSED). Through this duty and in the application of this policy, the council will carry out its functions in a way that:
- Removes discrimination, harassment, victimisation and any other conduct that is unlawful under the Equality Act (2010)
 - Promotes equal opportunities between people who have a protected characteristic(s) and those who don't
 - Encourages good relations between people who have a protected characteristic(s) and those who don't

Further information on the council's fulfilment of the PSED is set out in the Equality, Diversity and Inclusion (EDI) policy (2022).

- 6.2** The EDI policy (2022) is applicable to all employees of the council, and all councillors and contractors or suppliers who provide services on behalf of the council.

7. Data Protection

- 7.1** The council regards respect for the privacy of individuals and the lawful and careful treatment of personal information as very important to delivery of services. The council will ensure that it treats personal information lawfully and proportionately as set out in the General Data Protection Regulation (GDPR) and

Data Protection Act (2018). For further information on the councils approach to handling information please see [Data Protection Act \(stevenage.gov.uk\)](https://www.stevenage.gov.uk)

8. References and Resources

Stevenage Borough council (SBC) Equality, Diversity & Inclusion Policy (2022)

SBC Data Protection Guide (2018)

SBC Reasonable Adjustments Policy (2024)

SBC Unacceptable Behaviour Policy (2022)

SBC Staff Protection Register Policy

SBC Adults at Risk Safeguarding Policy & Procedure (2022)

SBC Children Safeguarding Policy & Procedure (2022)

Complaints Policy (2024) Equality Impact Assessment (EqIA)

9. Abbreviations and Definitions

EDI	Equality, Diversity and Inclusion
EQIA	Equality Impact Assessment
GDPR	General Data Protection Regulation
HO	Housing Ombudsman
LGSCO	Local Social Care & Housing Ombudsman
MRC	Member Responsible for Complaints
PSED	Public Sector Equality Duty
SBC	Stevenage Borough Council

10. Appendices

Appendix A – Making and Escalating a Complaint

11. Version History

Date	Outlined Amendments	Author
19/03/24	Final Draft Approved - SLT	Sally Norman

Appendix A – Making and Escalating a Complaint

As a council, we are committed to providing excellent customer service and we welcome feedback from our customers. We will always seek to do our best, but we recognise that sometimes things go wrong. If you are dissatisfied with the level of service you have received we want to know so we can investigate what's happened and try to put things right.

Your feedback gives us the opportunity to learn and improve our services.

You can make a complaint in one of the following ways:

- Using our online form which can be accessed at <https://www.stevenage.gov.uk/have-your-say/compliments-and-complaints>
- Using your My Stevenage online account
- By phone on 01438 242242
- Through a third party, like a relative, support worker or advocate. With your written consent

If you do not have access to online or telephone services please visit the council's office at Daneshill House to use a council computer. Our doors are open between 9am and 5pm Monday to Friday.

If you would prefer to meet with an advisor please book an appointment using the online booking form available at https://myaccount.stevenage.gov.uk/service/Customer_Service_Centre_Appointment_Booking

Please try and let us know about your complaint as soon as possible, we know that sometimes this isn't always possible, but any complaints made after 12 months of the problem occurring will be at the council's discretion to investigate.

If you are dissatisfied with the council's decision in relation to the outcome of a complaint, you can appeal to the relevant ombudsman. There are two different ombudsmen covering different aspects of what we do.

Local Government & Social Care Ombudsman (<https://www.lgo.org.uk/>)

They can investigate most complaints including waste and recycling, council tax, Environmental Health, homelessness, and housing options services including our council housing allocations policy. **Note: They do not deal with complaints about council housing.**

Tel: 0300 061 0614

Postal Address:

PO Box 4771
Coventry
CV4 0EH

Housing Ombudsman (<https://www.housing-ombudsman.org.uk/>)

The Housing Ombudsman can investigate complaints about council housing such as repairs, leasehold services, and lettings. **Note: They do not consider complaints about council housing allocations policy, homeless and housing options services.**

Find information about the <https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/>.

Email: info@housing-ombudsman.org.uk
Tel: 0300 111 3000

Postal Address:

PO Box 152
Liverpool
L33 7WQ