



ADUR DISTRICT
COUNCIL

Adur Homes

**Interim Feedback and
Complaints Policy and
Procedure**

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Introduction

Adur Homes is committed to providing consistent, efficient, and fair standards of services to all of its tenants. We welcome both positive and negative feedback to help us improve our standards and the quality of housing services provided.

When we receive a complaint we will, as appropriate:

Apologise

- Take action to put things right as quickly as possible
- Use your feedback to change and improve the way we deliver our services

The purpose of this policy and procedure is to ensure that there is a consistent and fair approach to responding to complaints which aims to resolve the issues at the earliest opportunity.

This policy and procedure seeks to build on the Council's corporate arrangements and adds relevant or specific details that are appropriate for Adur Homes tenants.

Aim of the Policy and Procedure

We recognise the need to provide an efficient professional housing service which is responsive to your views and needs.

The aim of this policy and procedure is to demonstrate Adur Homes' commitment to delivery of a transparent, clear to understand approach in the management of feedback and complaints based on being fair, putting things right, and learning from outcomes.

When dealing with feedback and complaints, it is our aim to work with tenants so we understand what the issues are and what tenants would like to happen to resolve them. We are committed to treating all tenants fairly and will make sure that individual needs are taken into account when applying this policy and that any reasonable adjustments are made in line with the Equality Act 2010.

What is feedback?

Feedback is information about tenant reaction or opinion as a result of actions or behaviour undertaken by Adur Homes. It can be either positive or negative and used as a basis for service improvement. All feedback is recorded and a copy is sent to the relevant service manager to review and feed into their work plans accordingly.

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’.

Making a complaint

All tenant complaints will be treated equally regardless of the way they are submitted, and customers do not have to use the word ‘complaint’ for it to be treated as such.

If you need any support or assistance in making a complaint then please let us know so that we can ensure any reasonable adjustments are made in line with the Equality Act 2010 and our Equality Policy.

How to raise a complaint and give feedback

- Website [Submit an online form](#)
- Email customerfeedback@adur-worthing.gov.uk
- Letter Customer Feedback, Adur District Council % Worthing Town Hall, Chapel Road, Worthing West Sussex, BN11 1HA
- Telephone 01273 263000

Any complaints made via our social media sites will be, where possible, dealt with in line with this complaint policy, to protect confidentiality and privacy we will reply and

ask you to contact us directly by the above contact methods with further details so that we can log your complaint.

A complaint submitted via a third party or authorised representative will wherever possible, be handled in line with this complaints policy.

There are some issues which we cannot deal with under this policy which are detailed at Appendix 1. If a formal appeal process exists then this will be used to address your concerns for example council tax and planning applications.

If we decide not to accept a complaint, an explanation will be provided setting out the reason why the matter will not be dealt with under the complaints policy and will inform you of what to do next.

If you are unhappy with this decision, you have the right to take your complaint to the ombudsman.

How your complaint is managed

Stage one complaints

Your complaint will be handled by a nominated person within the relevant housing service relating to your complaint. This individual will.

- Act independently and have an open mind
- Take measures to address any actual or perceived conflict of interest
- Consider all relevant information and evidence carefully
- Keep the complaint confidential as far as possible in line with our standards of confidentiality with information disclosed if necessary to the investigation.

If any aspect of the complaint is unclear you will be asked for clarification and the clarified complaint will be agreed between you and Adur Homes. For example we may call to clarify our understanding of the complaint and find out what resolution the customer is seeking.

Our aim is to provide you with a full response within 15 working days from the date the complaint was received. If this is not possible, we will contact you and let you

know why we are not able to do this and when we will provide a response. This will not exceed a further 10 working days without good reason.

Examples of a 'good reason' could include but are not limited to

- A delay by a third party, over which we have no control, in providing information
- Requiring further time to undertake interviews and/or
- Needing longer to acquire all the information required from multiple sources to enable us to properly investigate a long-standing complex case

The complaint response will be sent to you when the answer to the complaint is known. It will not be delayed until any outstanding actions are completed.

Outstanding actions will be tracked, and updates provided to you.

Where you raise additional complaints during the investigation, these will be incorporated into the Stage 1 response if they are relevant, and the stage 1 response has not been issued. Additional time may be required to respond to this updated complaint and this will be explained, giving an estimated response time as appropriate. Where the Stage 1 response has been issued, or it would unreasonably delay the response, the complaint will be logged as a new complaint.

Stage two complaints

If you are dissatisfied with the stage 1 response, or you feel that stage 1 has been unreasonably delayed, you can ask for your complaint to be escalated to Stage 2.

When requesting for your complaint to be escalated we will need to know the reasons why you are unhappy with our response and the outcome you are seeking.

Stage 2 complaints will be handled by a Senior Officer not previously involved in the Stage 1 complaint.

You will have 28 days from the date of the stage 1 response to request a review. If you do not let us know within this timeframe, then we will not normally re-open your complaint unless there are exceptional circumstances. This decision will be made by the Head of Service or Director.

If any aspect of the complaint is unclear you will be asked for clarification and the clarified complaint agreed between you and the Council. The timescale for responding to the complaint may change as a result of this clarification and the resident will be informed of any changes in timescales and the reasons for this change.

Our aim is to respond in full to you within 15 working days of receipt of your request for review. If this is not possible, we will contact you and let you know why we are not able to do this and when we will provide a response. This will not exceed a further 10 working days without good reason.

If the issue your complaint is about is subject to the attention of any formal Council meetings, then your response may be delayed enabling the relevant debate / decision-making process to be achieved. You will be kept advised of when you should expect a response

All complaints relating to social landlord services will have regard to the Ombudsman Complaint Handling Code (see below).

How you can help us

We understand that it is frustrating when we do not meet your expectations. We will do everything we can to resolve your complaint. In return we ask that you: -

- To help with the investigation we ask that you provide as full and detailed a factual account of the reasons for your complaint as you can so that we can fully investigate.
- Treat our staff with respect
- Do not use abusive language or behaviour when communicating with us
- Engage with all reasonable requests made in an effort to resolve your concerns

Closing the complaint

If after sending our response to your complaint and attempting to make contact with you to discuss it, there is no further contact from you within 20 working days, the complaint will be closed. The complaint may be reopened if further information is

provided at the discretion of the service or the Council is directed to do so by the Ombudsman.

Next steps

There is no further right of appeal to the council following completion of a review at stage 2 of this policy unless your complaint is related to social housing services. Within our final response, we will inform you of your right to take your complaint to the Ombudsman if you remain dissatisfied.

The Local Government and Social Care Ombudsman can investigate complaints about the Council's services including housing allocations and homeless applications. Our landlord function comes under the jurisdiction of the Housing Ombudsman, and the Housing Ombudsman's Complaints Handling Code sets out requirements for registered social landlords to respond to complaints effectively.

Local Government Ombudsman (LGO)

Also referred to as LGO and they will investigate the following housing related council services - their fact advice sheets are available via the links below:

- [Homelessness applications](#)
- [Harassment or illegal eviction by your private landlord](#)
- [Possessions in council storage](#)
- [Housing transfers](#)
- [Housing applications](#)
- [Housing adaptations for people with disabilities](#)
- [Housing complaints by private landlords](#)
- [Neighbour nuisance and anti-social behaviour](#)
- [Private housing disrepair](#)
- [Right to buy applications](#)

The normal practice of the LGO is not to begin an investigation until the council has had the opportunity to try to resolve the complaint. It is important, therefore, that you contact us first. See:

- [How to make a complaint - on the Local Government Ombudsman website](#)

Housing Ombudsman (HO)

Also referred to as HO and they will investigate the following housing complaints:

- disputes involving the tenants and leaseholders of social landlords (housing associations and local authorities)
- leasehold services
- rent/service charges
- moving to a property - tenancy / transfer / mutual exchange
- Tenant Behaviour
- repairs / housing standards
- environmental health issues of property
- complaints about housing staff
- councils' handling of the complaints process

You can escalate your complaint directly to the HO after you receive our final Stage 2 response, and ask for their intervention and assistance at any point throughout the complaints process. See:

- [How to make a complaint - on the Housing Ombudsman website](#)

Additional Information

Complaints of discrimination and harassment

These will be dealt with sensitively, considering the nature of the issues raised when appointing an investigator.

In cases of harassment, we will consider the characteristics of the investigating officer, and if appropriate, discuss this with you before appointing an investigator. We will use appropriate information to assess overall levels of discrimination and harassment amongst different groups and will feed into the appropriate corporate policy review mechanisms to improve policy and practice

Complaints received via third party

When we receive a complaint from you via an elected member, advocate, or other third party we will handle this in line with this complaint policy and direct our response to you and the third party unless you instruct us otherwise.

Complaints received by the Chief Executive

Complaints received by the council's Chief Executive will be passed to Adur Homes who will ensure that you are responded to in line with this policy. Service request will be directed to the relevant service

Complaints relating to more than one council service

Where a complaint includes issues for more than one part of the council, we will aim to provide you with a single response whenever possible

Complaints and legal proceedings

In line with guidance from the Housing Regulator we will continue to use the complaints process, even where legal action has been suggested, as there still may be an opportunity to resolve the matter.

It is expected that the complaints procedure is utilised and that both you and the Council will follow the required Pre-Action Protocol process before legal proceedings are issued.

Complaints against members of staff

If you have an issue about a member of staff, we will investigate and take appropriate action in accordance with our internal procedures.

Anonymous complaints

Anonymous complaints about the service where of a serious matter will be investigated as far as possible.

Listening to those affected

The resident, and if applicable any staff member who is the subject of a complaint, will be given a fair chance to:

- set out their position

- comment on any adverse findings before a final decision is made

Dealing with complainant's unreasonable behaviour

There are a small number of customers whose behaviour we feel is unreasonable in pursuing the resolution of their complaint. An Unreasonable Behaviour procedure exists to deal with these instances and is set out in Appendix 2.

Continuous learning and development

We recognise the valuable feedback that a complaint can provide, and we have mechanisms in place to ensure that we capture this when we conclude a complaint.

We will analyse the complaints received to look for common as well as emerging themes and trends. And use this insight to make improvements to our service delivery and/or complaints process.

Performance statistics and complaint outcomes will be shared with our Corporate Management Team to promote continuous development and service improvements, and to identify issues or trends arising from complaint handling.

We will report back on learning and improvement from complaints via an annual report.

Learning from complaints will be shared in our resident newsletter and with staff.

Anonymised case studies may additionally be shared with resident engagement groups.

We will complete a self-assessment against the Housing Ombudsman's complaint handling code each year by 1 May 2022 and following any significant restructure or change in procedures. The outcome of the assessment will be reported to the relevant committee and will be published on our website and included in our annual report.

Policy Review

This policy will be reviewed and updated annually.

Equality and Diversity

Equality and Diversity is important to us and we are committed to making sure that people are treated fairly and with dignity. Our aim is to remove unnecessary barriers for everyone who works for us or uses our services. All staff receive equality and diversity training as part of their role.

Compensation

Adur Homes Compensation policy is being drafted and will set out Adur Council's approach to compensation to Adur Home tenants who have experienced loss,

damage, inconvenience or distress due to service failure or other faults by the Council.

Appendix 1

What we cannot deal with under this procedure

Contents

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What we cannot deal with under this procedure

Requests for service or information

As an example, if you request a repair to a council property or witness fly-tipping – these are alerting us to work that needs to be done. These requests may however become a complaint if we do not deal with them appropriately.

Appeals procedures

If an appeals procedure applies to your complaint, we will refer you to this and notify you of our actions at the outset.

Appeals procedures must be completed before we can investigate any other issues you raise with us. If this is the case, we will let you know.

The following are examples of complaints where there is an appeals process and so we will not deal with them under this policy: -

- Housing allocation scheme (Housing Register)
- An eviction decision
- Review of homelessness decision
- An enforcement notice

Current enforcement action in place

Where a live enforcement case is ongoing and under investigation, the enforcement case must be brought to conclusion before any complaint can be submitted.

Complaints regarding issues that occurred over 12 months ago

We would not normally investigate complaints about something that happened more than 12 months from the date of your complaint. At the discretion of the Head of Service or Director however a complaint may be reopened if there are exceptional circumstances.

Complaints about Councillors

To make a complaint about a Councillor, please refer to our [website](#) for further advice.

Dissatisfaction with decisions of the Monitoring Officer, Data Protection Officer, or Section 151 Officer

Any concerns relating to the decisions by the Monitoring Officer, as such, Data Protection Officer, as such, Section 151 Officer, as such, or Head of Paid Service, as such are excluded from this complaints process.

Allegations of fraud, theft or corruption by a member of our staff

We are committed to being open and accountable for our staff. Please refer to our [website](#) for further advice.

Where legal proceedings are involved

When a legal challenge is being made regarding whether a decision, action or lack of action is lawful. This is a separate process to the Ombudsman so will not be considered under the complaint policy.

Employment issues

Complaints made by our employees concerning their employment with us, or from job applicants who wish to complain about our recruitment and selection process will be dealt with by the relevant recruiting manager or HR as applicable.

Complaints about Freedom of Information (FOI) requests (Internal Review)

These complaints will be handled by the Information Governance Manager. In cases where we decided not to provide the information to you, the Manager must consider

advice from the information management service. The Manager will notify you of the outcome of our investigation within 20 working days of receipt of your complaint.

If we cannot respond in full within this timeframe, we will advise you why we need more time. Under legislation, we must ensure that we respond fully to you within 40 working days from receipt of your complaint.

There is no further right of appeal to the council following this investigation. Within our response we will inform you of your right to take your complaint further if you remain dissatisfied. Our response will contain the contact details for the Information Commissioner www.ico.gov.uk.

Appendix 2

Unreasonable Behaviour Procedure for Adur Homes

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Introduction

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INTRODUCTION

1.1. The Council's Constitution gives residents the right to complain and Adur Homes is committed to dealing with all complaints fairly and comprehensively.

1.2. This Unreasonable Behaviour Procedure is required because a small minority of those who make complaints act unreasonably. The procedure is intended to explain to tenants what happens when the duty to act reasonably is not complied with.

2. PURPOSE/STANDARD REQUIRED

2.1 The purpose of the procedure is to give guidance on when a complainant's behaviour has become unreasonable. It identifies situations where a complainant, either individually or as part of a group of complainants, might be unreasonable.

2.2 This procedure applies where unreasonable behaviour is identified.

3. EXAMPLES OF UNREASONABLE BEHAVIOUR

3.1 Demonstrating unreasonable behaviour is described by the Housing Ombudsman:

'Behaviour is not unacceptable just because a person is assertive or determined. There may have been distressing circumstances leading up to a customer contacting the landlord and people may act out of character. Behaviour may become unacceptable however if it is so demanding or persistent that it places unreasonable demands on the landlord and impacts the level of service that can be offered to others.

It is helpful to provide examples that would normally include:

- *unreasonable demands (eg requesting large volumes of information, asking for responses within a short space of time, refusing to speak to an individual or insisting on speaking with another)*

- *unreasonable persistence (refusing to accept the answer that has been provided, continuing to raise the same subject matter without providing any new evidence, continuously adding to or changing the subject matter of the complaint)*
- *verbal abuse, aggression, violence (this is not just limited to actual physical or verbal abuse but can include derogatory remarks, rudeness, inflammatory allegations and threats of violence)*
- *overload of letters, calls, emails or contact via social media (this could include the frequency of contact as well as the volume of correspondence received as well as the frequency and length of telephone calls)'*

3.2 In all cases where it is considered by the Head of Housing that a complainant's behaviour may be becoming unreasonable, a referral is to be made to the Information Management Team who will review the matter in consultation with the Director of Communities and the Cabinet Member and / or the Leader of the Council and make a determination as to whether or not this procedure applies. If it is considered that the behaviour displayed may be for a reason related to disability and/or any language barrier the Head of Wellbeing will also be contacted for advice.

3.3 Before treating behaviour as unreasonable, the complainant will be given a copy of this procedure along with notice of its possible implementation and given the opportunity to amend their behaviour within an appropriate time period.

3.4 Where there is no change in behaviour or the behaviour has been identified as unreasonable in accordance with this procedure the matter will be reviewed with the Head of Housing and obtain agreement to treat the complainant as unreasonable and for this procedure to be applied. Matters to be considered and satisfied as part of this review will include (this list is not conclusive or exhaustive):

- Refusing to specify the grounds of a complaint, despite offers of help
- Refusing to cooperate with the complaints investigation process
- Refusing to accept that certain issues are not within the scope of a complaints procedure
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced
- Changing the basis of the complaint as the investigation proceeds
- Denying or changing statements they made at an earlier stage

- Introducing trivial or irrelevant new information at a later stage
- Raising many detailed but unimportant questions, and insisting they are all answered
- Submitting falsified documents from themselves or others
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various service areas organisations
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous Council / Adur Homes staff, or detailed letters every few days, and expecting immediate responses
- Submitting repeat complaints without substantive changes. In these circumstances we will advise the customer that we will not be responding or commenting to complaints that have already been addressed unless there is new information and the complaint will then be passed to the service.
- Refusing to accept the decision; repeatedly arguing points with no new evidence
- Raising a formal complaint for very minor problems
- Continuing to complain about an issue despite explanation that the issue is caused by something beyond the Council's / Adur Homes control
- Using abusive or aggressive language in correspondence or contact which may also constitute nuisance or anti-social behaviour
- That the complaint is being or has been properly investigated
- That any decision reached on the complaint is the right one
- That communications with the complainant have been adequate
- That the complainant is not now providing any significant new information that might affect the Council's / Adur Homes view on the complaint
- The proportionality and appropriateness of the proposed restriction in comparison with the behaviour and the impact on staff.
- The Cabinet Member and / or Leader of the Council have been consulted.

OPERATING THE PROCEDURE

4.1 If a decision has been made that the procedure is to be applied the Head of Housing will decide how complaints are dealt with going forward. This may mean that the complainant is advised as follows (this list is not conclusive or exhaustive):

- that all complaints must be put in writing only
- that telephone contact is prohibited
- that the Council will accept contact with the complainant via only one method of communication only (either in person, by telephone, letter, email or any combination of these)
- that all communication must be made to one named officer or email address only

- that unless in the case of an emergency response is due the complaints will be limited, for example, to once per week and/or
- that the Council has no option but to consider taking legal action

4.2 The methods above can be used singularly or in combination depending on the circumstances of the matter and whether the complaint remains ongoing or is concluded. These methods are to ensure that officer time is not unreasonably expended responding repeatedly to unreasonable complaints.

- that all complaints must be put in writing only
- that telephone contact is prohibited
- that the Council will accept contact with the complainant via only one method of communication only (either in person, by telephone, letter, email or any combination of these)
- that all communication must be made to one named officer or email address only
- that unless in the case of an emergency response is due the complaints will be limited, for example, to once per week and/or
- that the Council has no option but to consider taking legal action

NOTIFICATION TO COMPLAINANT

5.1 Once a decision has been made that this procedure shall apply, Adur Homes will notify the complainant in writing of:

- the reasons their conduct has been treated as unreasonable;
- the action that will be taken and details of any restrictions placed on the complainants contact with the council (see 7.1);
- How long any restrictions will last (for example 6 months, 1 year, etc); and
- The complainant's right to a review of the decision – see 6.1

REVIEW

6.1 A review of the decision to treat the complainant as unreasonable will be carried out after a period of 6 months. The complainant will be informed of the outcome. If restrictions are to continue to be applied a new review date will be set.

REPETITIOUS COMPLAINTS

7.1 If a complainant makes a complaint that is essentially about the same matter as

a previously concluded complaint and does not contain any new information, then in the event that the complainant has not used all stages of the complaints procedure they should be advised to proceed to the next stage up to and including the final stage of the relevant complaint policy or procedure.

7.2 If the complainant has had a decision from the Ombudsman that is not in their favour, then they should be advised in writing that the matter has been concluded and that Adur Homes will not respond to any further correspondence or complaints relating to the same issue. Where a complaint is under consideration, new items, unless they relate in substance to the matter which is being considered, cannot be added for consideration, and will need to be the subject of a further complaint.

COMPLAINANT CONDUCT

8.1 In some circumstances the conduct of the complainant will be such that it is causing nuisance or annoyance and if at any time a member of the Council's staff feel that they are being abused, threatened, or harassed by a complainant this must be addressed.

8.2 Where the conduct of the complainant is such that it is threatening, abusive or constitutes harassment, further action may include restricting the complainant's contact with the Council in accordance with this procedure and/or taking steps in accordance with the Council's Customer of Concern Protocol.

RECORD KEEPING

9.1 Records of all decisions relating to this procedure will be kept. Such decisions for which records will be kept include but are not limited to:

- When a referral under Section 3 of this procedure is made
- When any decision is made because of such referral to include:
 - A decision not to apply the procedure
 - A decision to make an exception to the procedure once it has been applied
 - A decision to apply the procedure