



HOUSING COMPLAINTS POLICY

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Introduction

The Regulator of Social Housing (RSH) requires CPBC to adopt an approach to complaints that is simple, accessible and publicised. Complaints should be resolved promptly, politely and fairly. The Housing Ombudsman Complaint Handling Code requires landlords to build a positive and consistent complaint handling culture.

Failure to handle complaints effectively can impact on our overall customer satisfaction and result in an excessive amount of resources being used. Complaints should be resolved promptly whenever possible with the individual circumstances taken into consideration. Landlords must make it easy for residents to complain and consider the Equality Act 2010 to anticipate the needs of and make reasonable adjustments for residents who need to use the complaints process. Residents making a complaint should be asked if they have any needs or disability that would require reasonable adjustments to be made under this Policy. How complex a complaint is and whether the complainant is vulnerable or at risk should be considered as early as possible in the complaint process. Further information on dealing with complaints made by someone vulnerable or with a disability can be found in the Housing Reasonable Adjustments Policy.

We will not discriminate against anyone who makes a complaint. If a complainant behaves inappropriately, we will seek to manage that behaviour as necessary and in line with the Unacceptable Behaviour Policy. All communication will be evaluated to consider the circumstances, including:

- Whether there is a likelihood that complaints are being made to intentionally cause harassment, divert resources or to cause disruption.
- Whether there have been persistent or unreasonable demands made in the past.
- Evidence of abusive or threatening behaviour to staff or producing excessive correspondence or making excessive communications.
- Whether the complainant displays unreasonable behaviour.

Complaints can be resolved at any stage of the complaints process. Information on appropriate remedies are set out in the Housing Compensation Policy. Each complaint must be considered on the individual circumstances of the complaint and the person making the complaint. A blanket approach to complaints must not be taken, with each complaint being dealt with on its own merits and all relevant information and evidence considered.

1. Purpose

- 1.1 The Housing Complaints Policy sets out our approach to handling customer complaints relating to housing. All complaints are dealt with in-line with Castle Point Borough Council's Complaints Process and the Housing Ombudsman's Complaint Handling Code. All complaints should be welcomed, treated seriously and dealt with in a professional manner. We aim to resolve all complaints fairly, effectively and promptly.
- 1.2 Complaints are viewed as an opportunity for us to learn by identifying issues and introducing positive changes in service delivery. We reserve the right to use discretion when applying this Policy and may deal with a complaint differently where individual circumstances merit it. A high volume of complaints is viewed as a 'positive', as it can demonstrate an accessible complaints process.
- 1.3 A complaint is defined in the Housing Ombudsman Service's (HOS) Complaint Handling Code. For the purpose of this Policy, a complaint is "an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by Castle Point Borough Council, council staff or those acting on behalf of the council, affecting an individual resident or group of residents". This can include:
 - something we have said we would do – and didn't;
 - the time it's taken us to sort out an issue;
 - a decision we have made;
 - something we have done – and shouldn't have done.
- 1.4 The aim of this Policy is twofold: firstly, to provide clarity to the tenants and leaseholders of Castle Point Borough Council so they know how complaints can be made and how they will be handled. Secondly, for members of staff who provide landlord services so they know how to receive a complaint and how complaints and residents must be treated. Our tenants and leaseholders can make a complaint to any member of staff, by telephone, email or face to face. A resident does not have to use the word "complaint" in order for it to be treated as such.

2. Scope

- 2.1 The Policy covers the handling of complaints relating to properties owned and/managed by the Council's Housing Service, including rented and leasehold. It can be used by anyone that has a landlord/tenant relationship with us or has a service agreement related to accommodation with us. We will only consider complaints relating to a rehousing application in the way the application was managed under this Policy.
- 2.2 We will consider and recognise the difference between a service request and a complaint utilising the Housing Ombudsman's guidance and example case studies in the Complaint Handling Code. If a resident is dissatisfied with our response to their service request, it will be recorded as a complaint.
- 2.3 We will accept a complaint from a representative, including a MP or local Councillor, who is authorised by the person wishing to make a complaint. This could be a friend or family member or a representative from an external organisation. We will require written permission from the person wishing to make

the complaint.

2.4 We will consider each individual circumstance of each complaint request. We will not deal with complaints:

- that relate to an issue that occurred more than 12 months ago (we will apply discretion to this time limit where there are good reasons);
- where legal proceedings have started with a claim form filed at court;
- if matters have previously been considered under the Complaints Policy.

When we decide not to deal with a complaint, we will provide an explanation to the resident or representative and the contact details of the Housing Ombudsman.

1.5 Where a resident is seeking compensation for personal injury, the circumstances around the alleged service failure may be investigated as part of the complaints process but complainants will be advised to contact our insurers to respond to that aspect specifically regarding the personal injury claim.

1.6 The Housing Ombudsman will only investigate and adjudicate on complaints where there is, or was, a landlord/tenant relationship which includes customers who have a lease, tenancy, license to occupy, service agreement or other arrangements to occupy premises owned or managed by Castle Point Borough Council. A resident has the right to challenge any decision not to record a complaint with the Housing Ombudsman.

3 Policy Statement

3.1 Castle Point Borough Council is committed to handling complaints in accordance with the Housing Ombudsman's Complaint Handling Code. We will:

- give the resident a fair chance to set out their position;
- be easy to reach and helpful at all times, with a customer friendly process that enables residents to be heard and understood;
- deal with complaints on their merits, acting independently with an open mind;
- take measures to address any actual or perceived conflict of interest;
- try to resolve our resident's problem as quickly as possible;
- offer help and support to our residents;
- fully investigate complaints, considering all relevant information and evidence carefully;
- learn from our mistakes;
- use complaints to improve the services we provide to our residents.

3.2 Whenever we conduct a survey, we will always remind residents of how they can make a complaint if they wish to. When we are asking for wider feedback, we will also provide details of how they can make a complaint. Our Annual Tenant Satisfaction Measures (TSM) surveys are checked for expressions of dissatisfaction.

4. Related Documents

- Housing Compensation Policy 2025
- Housing Reasonable Adjustments Policy 2025

- Unacceptable Behaviour Policy 2024
- Housing Policy Summary

5. The Complaints process

- 5.1 We operate a two-stage complaint process, each with clear timescales that are compliant with the Housing Ombudsman's Complaint Handling Code 2024. We will try to resolve a complaint at the first point of contact and provide the resident with a resolution to their complaint.
- 5.2 Complaints are owned by the relevant service area within Housing and investigated by Managers who have been trained in managing complaints, in accordance with the Housing Ombudsman's Complaint Handling Code.
- 5.3 The Housing Customer Relations team's role is to:
- provide oversight to ensure compliance with the complaints process;
 - consider which complaints can be responded to as early as possible, and which require further investigation;
 - support lead officers with formal written complaint responses;
 - provide oversight to enable compliance with the Housing Ombudsman Complaints Handling Code and the Housing Ombudsman dispute resolution principles;
 - consider the complexity of the complaint and whether the resident is vulnerable or at risk;
 - support residents in navigating the complaints process and keep them updated throughout the process.
- 5.4 Complaints are formally acknowledged:
- All complaints will be acknowledged, either by letter or email, within 5 working days of the complaint being received. If clarity is required as to the outcomes being sought, or if the basis of the complaint is not clear, the Customer Relations team will contact the person making the complaint.
 - Our acknowledgement will make it clear which aspects of the complaint we are and are not responsible for and clarify any areas where this is not clear. It will also set out the date the response is due.
 - Residents will also be provided with details regarding their right to access the Housing Ombudsman Service for advice at any time.
- 5.5 The Housing Customer Relations team will:
- assess the complaint and determine the most appropriate service area to investigate;
 - discuss the complaint with the lead officer and allocate for investigation;
 - gain the correct authority for permission to share from the resident if the complaint is made by a third party;

6. The Complaint Stages

6.1 Stage 1 complaint

- 6.1.1 Complaints can be made through a variety of ways, including by email, telephone, online, in writing or in person, and all staff should be able to take the details of a complaint and pass the details through to the relevant email contacts (housingcomplaints@castlepoint.gov.uk) to enable them to be correctly recorded and acknowledged. Unless a complaint or expression of dissatisfaction can be resolved within one day, it should formally be logged and acknowledged.
- 6.1.2 All complaints must be confirmed as a failure of service before they are acknowledged as a complaint. Areas that are often confused as whether they should be dealt with as a complaint are:
- **Rent and Service charge** – the level of rent increase or the reasonableness of a service charge should not be deemed a complaint, unless the complaint is about our failure to manage the process, or services were not delivered.
 - **Anti-social Behaviour** - should not be recorded as a complaint, unless the complaint is regarding how we have handled a report of ASB.
 - **Allocations and Lettings** – decisions regarding lettings will be dealt with under the Allocations and Lettings Policy, unless the handling of an application has not followed our published procedures.
- 6.1.3 If a decision is made not to accept a complaint, an explanation will be provided. It will set out the reasons why the matter is not suitable for the complaints process and advise them that they can contact the Housing Ombudsman for advice.
- 6.1.4 Once a formal acknowledgement has been sent to advise that the complaint has been logged and is currently being investigated, a folder should be set up in the 'Shared Complaints' folder for all documents and communications related to the complaint to be saved into. The response date will be 10 working days from the day the acknowledgement was sent.
- 6.1.5 Once a complaint has been logged it should not be withdrawn unless it was raised in error. All complaints that are received should be dealt with in line with this Policy and any issues not covered under landlord responsibilities should be made clear to the complainant.
- 6.1.6 Complaints should be logged and recorded by the service area that the complaint is for, and which category the complaint falls into and an overview of the complaint. If a complaint is against a contractor working on behalf of the Council, the contractor will be asked to investigate and provide sufficient information to enable a response to be drafted unless delegation for the response has been agreed.
- 6.1.7 Once a complaint has been registered it will be assigned to lead officer (a Manager) who will be responsible for carrying out an investigation into the issues raised. This should involve discussions with others and checking existing records to establish whether the issue has been raised before.
- 6.1.8 The lead officer may contact the complainant to clarify exactly what the issue is and how they would like to see it resolved. If the problem is a reoccurring issue they should consider any previous reports as part of the background to the

complaint, if this will help to resolve the issue.

6.1.9 The lead officer must consider the complaint in full to enable them to decide whether or not the complaint should be upheld. If an extension is required, this should be agreed with the complainant along with dates to keep them updated while the investigation is ongoing.

6.1.10 Extensions should not be more than 10 working days, and the complainant should be advised of the contact details of the Housing Ombudsman and their right to contact them. Where a response cannot be sent within 10 working days, the Customer Relations Officer will agree with the complainant suitable intervals for keeping them informed about their complaint and provide details of how to contact the Housing Ombudsman Service.

6.1.11 At Stage 1, the lead officer will:

- consider any vulnerabilities and consider any urgent actions that may be necessary;
- fully investigate the complaint;
- keep the resident informed of the progress of the complaint;
- send a full written response and confirmation of the agreed actions for any proposed resolution within 10 working days of the complaint being acknowledged that addresses all points raised in the complaint and provides clear reasons for any decisions;
- address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice.

6.1.12 A complaint response should be provided when the answer to the complaint is known. This may be before the actions needed to resolve the complaint are completed. In such cases the outstanding actions must be actioned promptly and tracked until complete, with updates provided to the complainant until all actions are complete.

6.1.13. Finally, the Housing Customer Relations team will:

- check any learning identified is fully recorded;
- close the complaint, if no further contact is received after 10 working days of the resolution offer being sent;
- ensure a full record of the complaint and the outcomes at each stage, retaining all relevant documents;
- add any outstanding actions to our Complaints Tracker, so they can be actioned promptly and appropriate updates provided.

6.1.14 If additional complaints are raised during the investigation, these must 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, or the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues will be logged as a new complaint.

6.1.15 All Stage 1 responses will follow our template that will confirm in writing in clear plain language:

- 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 and timescale;
- f) details of any outstanding actions and timescale;
- g) details of how to escalate the matter to stage 2;
- h) contact details of the Housing Ombudsman Service.

6.2 Stage 2 complaints

- 6.2.1 If the complainant remains dissatisfied, they can request to escalate to Stage 2 within 28 days of the receipt of the Stage 1 response. This should be acknowledged within 5 working days and the complaints folder checked to ensure it includes all related information needed to carry out the Stage 2 investigation. Residents are not required to explain their reasons for requesting escalation to Stage 2 and the person considering the Stage 2 must not be the same person who dealt with the complaint at stage 1.
- 6.2.2 We may ask the resident to allow us time to carry out the actions set out in our Stage 1 response, before they escalate their complaint to stage 2 of the process. Where we do this, we will set out the reasons why it is not suitable for the complaint to be escalated and the right to take the decision to the Housing Ombudsman Service.
- 6.2.3 At Stage 2, an Assistant Director is responsible for carrying out an independent review of the Stage 1 response. Their investigation should focus on the handling and reasonableness of the complaint at Stage 1 and whether Housing agreed policies and practices have been followed in full.
- 6.2.4 No new unrelated complaint issues should be considered at this stage. If new issues are raised this should be dealt with as a new complaint.
- 6.2.5 A full written response should be sent within 20 working days from the Stage 2 acknowledgement being sent. Complaints should not ordinarily be extended at this stage unless in exceptional circumstances and if required, no more than 20 working days.
- 6.2.6 The Housing Customer Relations team will:
- ensure there is a clear understanding about why the resident is dissatisfied with the Stage 1 response and if required make contact with the resident to clarify;
 - acknowledge to the resident that the complaint has been escalated to a Stage 2 in writing within 5 working days;
 - prepare a Stage 2 assessment pack detailing the actions taken to date, the reasons for dissatisfaction, highlight any deficiencies or gaps in the Stage 1 investigation response or compliance with the Housing Ombudsman's Complaints Handling Code;
 - where a response cannot be sent within 20 working days, the Complaints Officer will send a holding response advising the reasons why and when the resident can expect a response, with details of the Housing Ombudsman Service.

6.2.7 The Stage 2 investigating officer will:

- investigate the complaint under Stage 2 by making contact with the resident ensuring all relevant parties are consulted at the appropriate level to ensure the reason for dissatisfaction is responded to and any identified risks are managed;
- assess any vulnerabilities and any actions that may be necessary;
- provide a written Stage 2 response in plain language when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed;
- the response will confirm the following:
 - 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 and the timescale
 - f. the details of the learning
 - g. the details of how to escalate the matter to the Ombudsman if the individual remains dissatisfied
- address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice;
- ensure systems are in place to monitor and track the actions promised to resolve all complaints and that they are completed within appropriate timescales;
- ensure that all learning identified is progressed including amendments to policies and procedures where necessary.

6.2.8 If no contact has been made within 2 weeks of the Stage 2 response being sent, the complainant may be contacted to check they understood the response, and whether they felt the matter was resolved.

6.3 Remedies

6.3.1 Each case needs to be considered on its own merits and circumstances. We will use the Housing Ombudsman's [guidance on remedies](#) to decide what the most appropriate remedy is in each individual case. Questions that will help us decide what the appropriate remedy to a complaint is include the following:

- what has gone wrong?
- can it be put right – what actions could be taken to remedy the situation?
- how has the complainant been adversely affected?
- is there an actual quantifiable financial loss – for example, has the complainant incurred costs as a result of what happened, or not received payments that they should have?
- what other impact has there been (for example distress caused)?

- did the complainant's actions or inactions, or those of a third party (for example a complainant's advocate), contribute to what happened in the case?
 - what remedy would be proportionate, appropriate and reasonable in the circumstances of the case
- 6.3.2 Where something has gone wrong, we will acknowledge an error has occurred, and set out the actions we have already taken, or intend to take (with a timescale) to put things right.
- 6.3.3 We will consider the cumulative impact of any service failure. The impact experienced by the complainant could include distress and inconvenience, time and trouble, disappointment, loss of confidence, and delays in getting matters resolved.
- 6.3.4 We will endeavour to agree any remedy with the resident, setting out what will happen, and the timescale. We will follow through any proposed remedy, making sure it is completed in a timely way.

7 Complaints referred to the Housing Ombudsman Service

- 7.1 Residents have the right to refer their complaint to the Housing Ombudsman at any point during the investigation and details of how to do this will be included in the complaint correspondence. The Housing Ombudsman will not begin their own investigation into the Council's complaint handling until the Stage 2 complaint process has concluded.
- 7.2 Following the exhaustion of the Council's complaints process, complaints may be investigated by the Housing Ombudsman Service and the resident can refer their complaint to them.
- 7.3 The Housing Customer Relations team will:
- respond to all correspondence and requests for information from the Housing Ombudsman within the specified timescales;
 - review the outcome of the Ombudsman's investigation and either accept the outcome or ask for a review of the decision;
 - where we accept the outcome of the Ombudsman's investigation we will act upon any findings or recommendations by them;
 - work closely with the relevant senior officer to respond to the Ombudsman within their given timescales.

8 Self-assessment reporting and compliance

- 8.1 Castle Point Borough Council has appointed the Complaints Monitoring Officer as our complaints lead (Assistant Director – Legal and Democratic Service & Monitoring Officer). The complaints lead will meet regularly with the Senior Leadership team to ensure learning from complaints feeds into improvement plans for all service areas.
- 8.2 We will undertake an annual self-assessment (See Appendix A) against the Complaint Handling Code, this will be published on our website. We will undertake a review sooner, if directed by the Housing Ombudsman Service, or if we have a change in system or procedures.

- 8.3 The Assistant Director of Housing Health and Partnerships will produce an annual complaints performance and service improvement report for scrutiny and challenge that will be shared with our involved residents, Senior Leadership team and Cabinet to include:
- a) our annual self-assessment against the Housing Ombudsman's Complaint Handling Code, to ensure our Complaints Policy remains in line with the requirements.
 - b) a qualitative and quantitative analysis of Castle Point Borough Council's complaint handling performance. This will also include a summary of the types of complaints we have refused to accept.
 - c) any findings of non-compliance with the Complaint Handling Code by the Ombudsman.
 - d) the service improvements we have made as a result of the learning from complaints.
 - e) any annual report about the landlord's performance from the Ombudsman.
 - f) any other relevant reports or publications produced by the Ombudsman in relation to the work of the council.
- 8.4 The Annual Housing Complaints Performance and Service Improvement Report will be published on the complaints section of our website. The Assistant Director for Housing, Health and Partnerships will report back on wider learning and improvements from complaints to stakeholders, involved residents, and staff. A formal report will be made to the Council Audit and Governance Committee and Cabinet.
- 8.5 All complaints must be recorded on the Complaints Spreadsheet and a folder set up for each complaint if required. This will monitor complaint categories, relevant dates, outcomes and learnings. A quarterly report on complaints will be produced by the Housing Customer Relations Officer and sent to the Senior Leadership Team and Member Responsible for Complaints (MRC).

9 Communications & Training

- 9.1 All customer facing staff must be trained and aware of the Complaints Policy, and any related policies, and their responsibility in handling complaints. The Ombudsman's e-learning modules are available for all staff involved in the complaint process.
- 9.2 All staff and contractors will take a collaborative and co-operative approach to resolving complaints promptly and work together to take collective responsibility for any failing, acting professionally and adopting the principles set out in this Policy.
- 9.3 Information on how to make a complaint will be available in a clear and accessible format and readily available through all communication channels. Including details of the Housing Ombudsman and the Complaint Handling Code.

10 Review

10. This Policy will be reviewed annually or earlier if there is a significant restructure or change in regulatory requirements.