

Complaints Policy Tenant and Leaseholder

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1. Introduction

- 1.1 Slough Borough Council performs a social landlord function in relation to its retained rented and leasehold housing stock. As a Registered Provider of social housing, the services are subject to the regulatory requirements of the Regulator of Social Housing as set out in the Regulatory Framework for Social Housing in England.
- 1.2 The Housing Ombudsman is an independent organisation set up by law to look at complaints about the housing organisations that are registered with them. This policy complies with the requirements of the Ombudsman's Complaints Handling Code which came into effect on 1 September 2020.
- 1.3 This policy does not apply to members' enquiries or complaints raised by locally elected Councillors or the MP. Complaints and enquiries raised by members will be managed in line with the Corporate Complaints Policy and the Members Code of Conduct.

2. What is a complaint: terms used and what they mean

- 2.1 Our definition of a complaint is "an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by our organisation, our staff, or those acting on our behalf, affecting an individual resident or group of residents."
- 2.2 The Complaints Manager is the council's Head of Customer Service who will be the primary contact for the Housing Ombudsman.
- 2.3 The Ombudsman refers to the Housing Ombudsman and not the Local Government Ombudsman.
- 2.4 Intellex is the council's complaints' management system.
- 2.5 The Service means any service managed and delivered by the council that is funded wholly from the Housing Revenue Account.

- 2.6 Complainant can refer to tenant, resident, customer or leaseholder.

3. How do you make a complaint

- 3.1 Complaints will be accepted in any way, including (but not limited to):
- verbally (either by phone or face to face)
 - by email
 - via the council's website
 - through social media
 - through an advocate, friend or family member where the resident's authority has been obtained (see 3.4 for complaints on behalf of deceased residents)
 - in writing.
- 3.2 Complaints will be logged on Intellex and managed in accordance with this policy regardless of whether the resident has specifically used the word 'complaint'.
- 3.3 A two stage complaints process will be used to manage and respond to complaints. All complaints will be acknowledged within 5 working days of receipt and:
- responded to within 10 working days of the complaint being acknowledged at Stage 1 of the process
 - reviewed and responded to within 20 working days of the complaint being acknowledged at Stage 2 of the process.
- 3.4 A complaint can be made on behalf of a resident who has passed away. In these cases, we will accept complaints from the executor or administrator of the deceased resident's estate (the complainant will need to supply documentation proving their status). In cases where the resident died intestate, we will accept a complaint from a Next of Kin (the complainant will need to supply documentation confirming they are the Next of Kin). If the service does not receive information from the complainant that they are either an executor, administrator, or Next of Kin they will not accept a complaint on behalf of a deceased resident.

4. What is a service request

- 4.1 Many of the reports that the council receive for Housing Management just require us to do, remove, fix or clean something. We will treat these as a request for us to do something (a service request) rather than a complaint unless you have already reported it, and we have failed to do something.
- 4.2 If a service request is not responded to in a reasonable timescale or in a reasonable way, this lack of action or poor standard of response would be considered a complaint such as:
- a missed bin collection
 - graffiti removal
 - broken streetlights
 - litter
 - fly tipping
 - potholes
 - abandoned cars
 - grass cutting.

The council values complaints as unsolicited feedback that allows the service to remedy a mistake, resolve a problem and learn from residents' experiences when things go wrong.

5. Complaints that fall outside the Tenant and Leaseholder Complaints Policy

- 5.1 Even though you may want to use the complaint's process, many of our services have an alternative formal review, appeal, challenge process or procedure that must be followed.
- 5.2 This includes, not exclusively: first time service requests (see 4, what is a service request). In these cases, the formal complaint's process is not able to be used, below are some examples, please note that this is not an exhaustive list:
- Code of Conduct of Elected Members (Councillor's). The Monitoring Officer is responsible for considering complaints that a Councillor may have breached the Code of Conduct for Councillor's

- Parking Charge Notices PCN (fines)
- Education complaints schools' admissions and exclusions appeals. It is a legal requirement for every school in the country to have a complaints policy and they should be accessible on their website or on request from the school office. In the first instance you should follow that policy
- Housing Benefit calculation
- Planning decisions. All formal planning decisions are no longer eligible to be considered under the formal corporate complaints process as under the law we are unable to alter these. There is a separate appeal process for rejected planning applications
- Special Education Needs Tribunals
- Council Tax banding decisions
- A complaint has already been considered by the council and completed both stages of the corporate complaint's procedure
- Refusals to disclose information under the Data Protection Act (DPA)
- Representations from Trade Unions
- Complaints about suitability of interim housing
- Complaints about suitability of temporary accommodation and s.184 decisions (s.202 review). Disputes about the findings of s.202 review. Decisions about housing priority band. Housing medical decisions
- Outcome of statutory enforcement action
- Complaints from landlords about dilapidations in Private Sector Leased properties
- Matters of law or central government policy
- Service Charges or Major Work Invoices where an issue is not upheld through the above processes, it is not uncommon for us to then receive a corporate complaint regarding the same or related issue. In these circumstances we are sorry, but the complaint will not be accepted
- Complaints from staff about personnel matters, including appointments, dismissals, pay, pensions and disciplinary action
- Complaints about a registered housing provider
- Requests for information (these are dealt with under separate procedures: the Freedom of Information Act - and Subject Access Requests)

- Complaints about the merits of an insurance claim or matters that would be more appropriately considered by an insurer
- Complaints where the customer or the council has started (not threatened) legal proceedings
- Complaints under statutory obligations
- Complaints already been decided by a court or independent tribunal
- Complaints that are criticisms or disagreement with council policy or decisions
- Complaints that are submitted anonymously (although we may still investigate the issue) where the council has no power or duty to provide service.

5.3 If there is any doubt about whether the complaint should be accepted, the customer should be advised to submit the complaint to the council for consideration.

5.4 If the council receives a complaint and decides not to accept it on the above grounds, the complainant should be told why and, where possible, an alternative route should be suggested.

6. Time limits

- 6.1 We will not normally consider a complaint that is made more than 12 months after the individual first became aware of the issue they want to complain about, as it is far easier to find out what happened and to put things right if complaints are received at the time.
- 6.2 However, if there are exceptional circumstances (illness, changes in personal circumstances) provided by the complainant for the delay in submitting the complaint, the council may make a discretionary decision to consider the complaint providing the circumstances are evidenced. If the council receives a complaint and decides not to accept it on the above grounds the customer should be told why.

7. Acknowledging complaints

- 7.1 All complaints will be acknowledged within 5 working days of receipt.
- 7.2 The acknowledgement will include:
- Clarification of the nature of the complaint. Where this is unclear, the person responsible for logging the complaint will contact the complainant to clarify the complaint
 - The date by which a formal response will be sent
 - Details of the team or service that will be investigating and responding to the complaint
 - Details of how the complainant can contact the Housing Ombudsman should they wish to do so
 - A link to the Complaints Policy/Procedure on the council website.

8. Support and Advocacy

- 8.1 If you feel daunted at the prospect of making a complaint or are not sure how to go about it or how best to put your case, we will help.
- 8.2 We will encourage you where possible to seek the support of friends, family, or other advocates such as the Citizen's Advice Bureau as they are independent.
- 8.3 We will help you find such support and will assist people who have difficulty with written or spoken English and to those with a disability and require additional support.
- 8.4 The council will, where appropriate, accept complaints from advocates or third parties, provided the person affected gives written permission. In some cases, for example children or vulnerable people, if it seems that the person is unable to give permission, a judgement will be made as to whether it is appropriate to accept the complaint from an unconfirmed representative.

9. Stage 1 Complaints

- 9.1 An appropriate designated officer will be responsible for investigating the complaint at Stage 1 of the process. They will be responsible for ensuring that they deal with the complaint on their merits, act independently, and have an open mind. Give the resident a fair chance to set out their position, take measures to address any actual or perceived conflict of interest; and consider all relevant information and evidence carefully.
- 9.2 They will ensure that responses are comprehensive and comply with this policy.
- 9.3 Responses to complaints at Stage 1 will include:
- confirmation of the complaint stage
 - the description of the complaint, including all points to be investigated and addressed
 - the outcome of the complaint
 - the reasons for any decisions made
 - details of any remedies offered to put things right
 - details of any outstanding actions and a timeframe for addressing these
 - details of how to escalate the matter if dissatisfied.
- 9.4 Details of all communication in relation to a complaint will be recorded on Intalex.
- 9.5 Where it is not possible to meet the timescales outlined above, due to annual leave or sickness absence etc, an extension of time should be agreed with the complainant and the date that they can expect a full response confirmed with them in writing. They must be provided with the contact details of the Housing Ombudsman.

10. Stage 2 Management review

- 10.1 A senior officer will review the complaint and respond in full. The response will set out:
- description of the complaint, including all points to be addressed/investigated
 - the outcome of the review
 - the reasons for any decisions made
 - details of any remedies offered to put things right
 - details of any outstanding actions and a reasonable timeframe to resolve
 - details of how to contact the Housing Ombudsman service should the complainant wish to do so
 - confirmation that the complaint has now reached the end of the council's complaints procedure and will be closed
 - the response must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law, and good practice where appropriate.
- 10.2 The senior officer considering the complaint at stage 2 will not be the same person that considered the complaint at stage.
- 10.3 Request to escalate to Stage 2 must be received (date sent via email or date of postmark if hard copy) within 1 calendar month of the date the Stage 1 response was sent. Requests received outside of this timescale will only be reviewed at the discretion of the relevant senior officer.
- 10.4 Residents must not be required to explain their reasons for requesting a stage 2 consideration.
- 10.5 Stage 2 is our final response and must involve all suitable staff members needed to issue such a response.
- 10.6 A copy of the Stage 2 response will be logged on Intalex and the complaint closed at this stage unless an extension of time has been agreed with the complainant.

11. Putting things right

- 11.1 Where something has gone wrong, we will acknowledge and set out the actions we have taken, or intend to take, to put things right. 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, adding a correction, or addendum
 - providing a financial remedy
 - changing policies, procedures, or practices.

12. Things to include in your complaint

- 12.1 When you do complain so we know what to investigate, please tell us clearly and concisely by giving as much information as possible:
- what we did wrong and when
 - what should have happened in your opinion
 - what policy or procedure has not been followed and why (if known)
 - how we can put it right
 - and any other outcomes you are wanting.

13. Complaints against our contractors/partners

- 13.1 Several services are currently delivered on our behalf by private suppliers or are undertaken by our partners. Complaints can be made to Slough Borough Council so we can log and monitor in the same way we do for services delivered by council staff.
- 13.2 This will allow us to monitor complaints via the contract monitoring process and continually ensure we put our residents first.

14. Complaints Policy and Procedures

- 14.1 The council will promote this complaints policy and process to all council tenants and leaseholders. This promotion will include:
- information on the council's website
 - information in any resident newsletter
 - routine communication, including emails and letters.
- 14.2 All council officers in relevant services (including sub-contractors/partner organisations) will be aware of the complaint's procedure relating to the council's housing management function and be able to advise residents on how to access the process and what they can expect.
- 14.3 It is the responsibility of all managers to ensure that officers are aware of the complaints process, how it can be accessed and how complaints relating to housing management services are managed.
- 14.4 The Housing Ombudsman service will be widely promoted alongside the complaints process so that residents are aware that they can access the support provided by the Ombudsman.

Complaints Policy - Tenant and Leaseholder