



Isle of Wight
Council

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Registered Provider Housing Complaints Policy

Document Information

Title:	Registered Provider Housing Complaints Policy
Status:	Draft v1.1
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Internal Consultation:	ASCH Leadership Corporate Complaints Team
External Consultation:	
Issue Date:	November 2024
Approved by:	Director of Adult Social Care & Housing
Approval Date:	November 2024
Review Frequency:	Every 2 Years
Next Review:	November 2026

Version History

Version	Date	Description
1.1	November 2024	Final

This publication is also available in Braille, in large type and on audiotape. Please contact the Isle of Wight Council on (01983) 821000 (Type talk available)

1.0 Introduction

- 1.1 We aim to deliver a good quality service and positive customer experience. If we do not meet our service standards, we will:
- Apologise
 - Accept responsibility
 - Acknowledge your expectations
 - Put things right when they're in our control within reasonable timescales
 - Keep you informed
 - Listen to you to improve what we do
- 1.2 This Policy sets out a consistent and fair approach to responding to complaints from residents, customers, and stakeholders, which aims to resolve issues at the earliest opportunity
- 1.3 We've developed this Policy in accordance with the Housing Ombudsman's Complaint Handling Code, our statutory and legal duties.
- 1.4 This Policy does not apply to:
- Residents of properties that are not managed by the Isle of Wight Council
 - Complaints concerning care and support services; these have their own policy and are monitored by the Care Quality Commission
- 1.5 The terms 'you' and 'your' in this Policy mean residents, customers, or stakeholders. The terms 'we', 'our' and 'us' means Isle of Wight Council.
- 1.6 You can contact the Housing Ombudsman Service for advice at any point throughout our process. See section 8 for details.
- 1.7 We'll collect and store your information in line with our Data Protection Policy.
- 1.8 We will publish this Policy, and information about the Housing Ombudsman and their Complaint Handling Code on our [website](#)

2.0 What is a complaint?

- 2.1 We've adopted the Housing Ombudsman's definition of 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.'*
- 2.2 Where we ask for feedback about our services through a survey, we will provide details of how individuals can complain so they can pursue any dissatisfaction if they so wish.

2.3 **Building safety complaints**

2.3.1 If your complaint is related to building safety and meets the criteria below, you have the right to escalate it to the Building Safety Regulator when you've exhausted our two stage complaints process.

Under the Building Safety Act 2022, it's a 'relevant complaint' if you live in a 'higher risk' building and your complaint is about:

- The performance of Isle of Wight Council where we are the 'principal accountable person' or an 'accountable person'
- The performance of a third-party 'accountable person'
- Building safety risks such as structural safety issues and spread of fire issues in or about the building e.g.
 - flammable cladding on the outside of a building
 - fire doors or smoke extraction that are not working or missing, increasing
 - the risk of a fire spreading
 - failure of the building's structure, such as parts of the building collapsing, cracks, or parts of the building falling off

2.3.2 If we believe your complaint doesn't meet the criteria of a 'relevant complaint', you may contact the Building Safety Regulator for final determination.

2.4 **Consumer credit regulated activity**

You have the right to make a complaint about any aspect of our regulated consumer credit agreements or welfare benefits advice via any method listed in 5.1. The process is free of charge.

2.5 **Service requests**

The Housing Ombudsman Service defines a service request as 'a request from a resident to their landlord requiring action to be taken to put something right'.

1. Defined under the Building Safety Act 2022 as at least 18 metres in height or at least seven storeys.
2. An 'accountable person' is either a person or organisation responsible for repairing any of the common parts of the building. Common parts include the structure, corridors, lobbies, and exterior spaces such as pathways and gardens. There is only one 'principal accountable person' but there may be more than one 'accountable person'.

When you first let us know about your concern, as a starting point we'll ask you what you'd like us to do to put things right. We can often resolve service requests, such as a missed appointment or repair delay, immediately with an apology and by providing another appointment. We may be able to resolve this outside of our complaints process, recording it as a service request and monitoring it to completion.

If we need to make further enquiries to resolve the matter, you're dissatisfied, or if you ask us to at any point, we'll log it as a complaint. We'll continue to address any service requests after we've logged a complaint.

3.0 Who can make a complaint?

3.1 Anyone can make a complaint about the services we, or anyone working for us (e.g. contractors), provide. However, you may only be able to escalate your complaint to the Housing Ombudsman Service if you have a landlord/tenant relationship with us. This includes leaseholders and other residents with agreements to occupy premises with a member landlord/managing agent.

3.2 If you prefer, you can authorise someone else to make a complaint on your behalf i.e., an 'advocate'. This could be a friend/relative or representative from an external organisation (such as Citizens Advice). If you'd like an advocate to act on your behalf, or represent you at any meetings with us, let us know.

3.3 We treat complaints received through petitions or a group of residents in the same way as all other complaints. If helpful, we're happy to meet the petitioners or group.

In terms of handling the complaint efficiently, we'll ask for a single point of contact to be nominated.

If the complaint escalates to a stage two review, we will allow one other petitioner/resident to be involved.

3.4 If your building is managed by a third-party agent or if the Isle of Wight Council isn't the freeholder, we will

- Liaise with the relevant parties to get all the information we need and resolve the matter
- Investigate and respond to your complaint in line with this Policy.

3.5 We expect all residents to behave reasonably and cooperate with us throughout the process.

3.6 We treat all residents fairly; we won't treat you unfavourably because you've made a complaint.

Our Unacceptable Behaviour Policy outlines how we manage unacceptable behaviour from residents and/or their representatives.

4.0 What can you complain about?

4.1 You can complain about our standard of service, actions or lack of action by us or anyone working for us (e.g. contractors) within 12 months of the issue happening or of you becoming aware of the issue.

We may use our discretion to accept older complaints if there's good reason you hadn't raised it before.

- 4.2 If the problem is a reoccurring or ongoing issue, we'll consider any older reports as background to the investigation.
- 4.3 If you make a complaint and we complete our process, we're unlikely to accept another complaint about the same issue unless you provide new information. If you're unhappy with our decision, please see section 8, which explains other options.
- 4.4 We won't accept new complaints that have already been investigated or are under investigation by the Housing Ombudsman Service.
- 4.5 There may be some circumstances where your complaint is better dealt with outside our complaints process. If this is the case, we'll provide an explanation setting out why and the action you can take. You'll be able to approach the Housing Ombudsman Service once you've received our decision.

Table 1: provides examples of where we'll advise alternative action outside our complaints process. This list is not exhaustive.

Concerns raised:	What action we will take:
Where legal proceedings have been started. This is defined as a Claim Form or Particulars of Claim have been filed in Court.	Our solicitors will communicate directly with your legal representative, if you have one.
Service charge queries	You can use our Service Charge Dispute Resolution process . A manager with knowledge of the service charges or scheme will look at your query. If you feel the services being delivered aren't to an acceptable standard, we'll consider this as part of our complaint process.
Rent charges or increases	If you're dissatisfied with your rent charge or increase, the relevant team will respond to your enquiry.
Personal injury or third party liability claims (including those against contractors)	You may need to contact your own insurance company, or we may refer these to our insurers.
Behaviour of our residents e.g. alleged anti-social behaviour	We have a separate policy for dealing with anti-social behaviour (ASB). We'll consider complaints about the handling of your ASB case under our complaints process.

Subject access requests	If you have concerns about the content of your subject access request, you can contact our Corporate Information Unit. You may also contact the Information Commissioner's Office (ICO). We can deal with other complaints about our handling of your request under our complaints process.
Decisions made in accordance with our statutory obligations, or legislation/regulation	We're unable to reverse these decisions. Examples include succession and the Right to Rent. We'll deal with issues relating to how we handled the matter as a complaint.
Issues subject to contact restrictions	Where the specific issue being raised is subject to contact restrictions under our Unacceptable Behaviour Policy . We'll act according to the contact arrangement we have with you.

4.6 We'll consider the individual circumstances of each complaint. If we decide not to accept a complaint, we'll provide an explanation setting out the reason why. If you're unhappy with our decision, you're able to approach the Housing Ombudsman Service for advice.

5.0 How you can contact us

5.1 There are a range of ways you can raise a complaint:

- Our website
- Phone
- Letter/email
- In person

If you need help in raising a complaint in another way, just let us know.

5.2 Reasonable adjustments and vulnerable needs

5.2.1 We'll take your preferences into account when communicating with you and we'll make reasonable adjustments in line with the Equality Act 2010.

6.0 Putting things right

6.1 Where something has gone wrong, we will acknowledge this and put things right in one or more of the following ways:

- Apologise
- Acknowledge where things have gone wrong

- Provide an explanation, assistance or reasons
- Take action if there has been delay
- Reconsider or change a decision
- Amend a record or add a correction or addendum
- Provide a financial remedy
- Change policies, procedures or practices

6.2 Where a complaint is upheld, we will tell you what we will do to remedy what has gone wrong or to reduce the likelihood of the error being repeated. We will also advise what steps may be available if you remain dissatisfied with our response or the proposed remedy.

We will consider whether any practical action could provide all or part of a suitable remedy. For example, ensure necessary repairs are completed or assess entitlement to a benefit and make the payment.

We may also consider any practical action suggested by you.

6.3 Any remedy offered will reflect the impact of any fault identified.

6.4 The remedy offer will clearly set out what will happen and by when. Any remedy proposed must be followed through to completion.

6.5 We will take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.

7.0 Our complaints resolution process – stage one

7.1 We will respond to complaints as early as possible.

Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution will be provided to the resident. In cases where the resident is vulnerable or at risk we will prioritise the response in line with the Equality Act 2010.

7.2 If you're unhappy with our response to your service request or wish to raise a complaint at stage one of our process, we'll contact you within five working days to:

- Acknowledge your complaint; we'll confirm which aspects of your complaint we are, and are not, responsible for and clarify any areas where this is not clear.
- Establish full details of your complaint, clarifying with you anything that's unclear.
- Find out how you'd like us to resolve it. We'll be clear where your desired outcome may be unreasonable or unrealistic, but we'll focus on what we can do.

7.3 If you raise multiple complaints at the same time, we'll provide you with one point of contact, where possible. If you raise further concerns when we've

already issued a response, or it would unreasonably delay our response, we'll log it as a new complaint.

- 7.4 We aim to give you a full response within 10 working days of the acknowledgement date.
- 7.5 If, for any reason, we need more than 10 working days to respond to your complaint, we'll explain why and inform you of the expected timescale for our response. You can contact the Housing Ombudsman for advice at any point. We'll continue with our investigation and provide a response within the extended timeframe. Any extension will be no more than 10 working days unless there is a good reason, in which case the reason(s) will be clearly explained.
- 7.6 We'll email our acknowledgement and formal response (unless you've requested a different communication method). Our response will confirm:
- The complaint stage
 - Definition of your complaint
 - Our decision on the complaint
 - Reasons for our decision
 - Clear details of any remedy offered to put things right, including timescales we've agreed with you
 - Details of any outstanding or further actions required and how we'll monitor progress
 - How you can contact us to discuss our findings
 - Details of how to escalate your complaint to stage two if you're not satisfied with the outcome.
- 7.7 We may close your complaint if you refuse to engage with us to resolve the complaint, for example:
- Failing to respond to contact for a prolonged period and we've exhausted all methods of contact
 - Refusing to allow access to your home
 - Failing to provide information when requested within agreed timescales.

If we decide to close your complaint, we'll always confirm this in writing.

8.0 Unhappy with our decision? – Stage two

- 8.1 We will explore if there's anything further we can do, or you can ask us to review your complaint at stage two of our Policy. You must request this within 20 working days of the date of our formal response. We may consider requests after this time at the discretion of the manager responsible for the service.
- 8.2 We will ask you about the reasons you remain dissatisfied with our reply and the outcome you'd like to resolve your complaint.

- 8.3 Within five working days of you contacting us, we'll acknowledge your request and confirm our understanding of the issues and outcomes you're seeking. We'll clarify any details of your complaint that are unclear. We'll confirm which aspects of your complaint we are, and are not, responsible for and clarify any areas where this is not clear.
- 8.4 An appropriately trained member of staff with no previous involvement in your complaint will conduct the review.
- 8.5 Stage 2 will be our final response and will involve all relevant staff provide a response.
- 8.6 We will contact you with our decision within 20 working days of our acknowledgement of your complaint. Our response will confirm:
- The complaint stage
 - Definition of your complaint
 - Our decision on the complaint
 - Reasons for our decision
 - Clear details of any remedy offered to put things right, including timescale we've agreed with you
 - Details of any outstanding or further actions required and how we'll monitor progress
 - How you can contact us to discuss our findings
 - Your right to contact the Housing Ombudsman Service if you remain dissatisfied.
- 8.7 If, for any reason, we need more than 20 working days to respond to your complaint, we'll explain why and inform you of the expected timescale for our response. You're entitled to contact the Housing Ombudsman for advice at any point. We'll continue with our investigation and provide our response within the extended timeframe. Any extension will be no more than 20 working days unless there is a good reason, in which case the reason(s) will be clearly explained.
- 8.8 There may be occasions when we won't accept a request to review a complaint, for example if the outcome being sought isn't within our power or ability to deliver. In these cases, we'll write to you and explain why. We'll give the options available to you, including your right to contact the Housing Ombudsman, the Building Safety Regulator (if applicable), or the Financial Ombudsman Service (if applicable).

See Table 1 for examples of why we may not accept a request to review. This list is not exhaustive.

9.0 What if you disagree with the review decision?

- 9.1 You're able to contact the Housing Ombudsman Service at any point throughout your complaint for advice. Once you've exhausted our complaints

process at stage two, you may ask the Housing Ombudsman Service to mediate or investigate the case on your behalf.

9.2 The Housing Ombudsman Service may not consider complaints that fall within the jurisdiction of another:

- Ombudsman
- Complaints-handling body (such as the Information Commissioner)
- Regulator (such as the Regulator of Social Housing or Building Safety Regulator)
- Property Redress Scheme.

Appropriate referral will depend on the specific complaint. We, or the Ombudsman, will signpost you to the relevant body as appropriate.

9.3 You can find Housing Ombudsman Service contact details below, on our website, or at housing-ombudsman.org.uk.

Housing Ombudsman Service
PO Box 1484
Unit D
Preston
PR2 0ET
Telephone: 0300 111 3000
Email: info@housingombudsman.org.uk.

9.4 If you're unhappy with the outcome of a building safety complaint (as defined in 2.2), you can escalate it to the Building Safety Regulator on 0300 790 6787 or at <https://www.gov.uk/guidance/contact-the-building-safety-regulator>. You may contact them for advice at any point.

9.5 For consumer credit regulated activity, you're able to contact the Financial Ombudsman Service at any point throughout your complaint for advice. Once you've exhausted our two stage complaints process, you may ask the Financial Ombudsman Service to mediate or investigate the case on your behalf. You can find their contact details below or at www.financial-ombudsman.org.uk.

Financial Ombudsman Service
Telephone: 0800 023 4567
Email: complaint.info@financial-ombudsman.org.uk

10.0 Learning from complaints

10.1 We are committed to learning from complaints to improve our services. We have formal mechanisms in place to make sure we gather learning from complaints and use this insight to improve services. We'll share our annual complaint report, along with our response, on our website by 30 June each year.

10.2 The complaints manager will carry out regular monitoring of complaints and provide a summary to senior management team meetings.

10.3 We will consider whether service improvements can be made as a result of any learning from the complaint.

11.0 What have we done to make sure this Policy is fair?

11.1 We've carried out an Equality Impact Assessment to consider the positive and negative impacts this Policy may have on people with protected characteristics under the Equality Act 2010.

12.0 Review

12.1 We will review this Policy to address legislative, regulatory, best practice or operational issues.

12.2 We will carry out a self-assessment following any significant change or if recommended following an Ombudsman investigation.

12.3 If we are unable to comply with the Code due to exceptional circumstances, we will inform the Ombudsman, provide information to anyone who may be affected and provide a timescale for returning to compliance with the Code.