

# Complaints Policy (housing)

December 2024

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## 1. Version control

| Date          | Details | Updated by    |
|---------------|---------|---------------|
| December 2024 | V1      | Anita Merritt |

## 2. Introduction

Torbay Council are committed to high standards of customer service. However, there may be occasions when we do not meet those high standards which we set for ourselves. We welcome feedback and we also take any form of complaint seriously. We will try wherever reasonably possible to resolve a complaint to the customer's satisfaction.

This policy explains how customers can make a complaint if they are not satisfied with our services and this applies to all customers of Torbay Council and to any managing agents or sub-contractors working with or on behalf of Torbay Council.

### 3. Definition of a complaint

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We define 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.

We will aim to recognise what a complaint is from talking to a customer without them having to use the word complaint. We will give customers the choice of making a complaint or not.

A complaint can be made in the following way:

- In person
- Letter to: Tor Hill House, Union Street, Torquay
- Online: insert details when website finalised
- Email: [socialhousing@torbay.gov.uk](mailto:socialhousing@torbay.gov.uk)
- Telephone: 01803 201201
- Email or phone the Housing Manager or Housing Officer

Complaints will be accepted via a third party eg friend, family, neighbour or MP. These will be logged accordingly and this Complaints Policy followed.

### 4. When we will not accept a complaint

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We will accept a complaint unless there is a reason not to do so. The list below demonstrates what may not be considered a complaint but will be looked into on its own merits.

- A complaint that a contractor has turned up late to carry out a repair. We will contact the contractor immediately to find out the reason and feedback for a quick resolution. However, if the complaint is about the dissatisfaction of the repair itself then this will be logged and looked into under our Complaints Policy.
- Complaints about another neighbour will be passed on to the housing team to give advice on neighbour disputes.
- Issues regarding Anti-Social Behaviour (ASB) will be dealt with under our ASB policy. We will manage complaints about how we are handling the ASB process under this policy.
- Issues that occurred over 12 months ago but we will consider the circumstances around each complaint.
- Disagreement against a decision where there is already an appeal process in place i.e. lettings decision.

- We will consider the complaints made about dissatisfaction in surveys and these will be signposted accordingly.
- If legal action has begun regarding an issue and an application has already been lodged at Court.
- An issue that is already being investigated by other agencies i.e Police investigation, serious case review.
- A complaint already being dealt with by the Housing Ombudsman.
- Any complaint that is already being dealt with under our Complaints Policy unless there are ongoing issues related to the complaint or an MP or Housing Ombudsman has asked us to review the complaint.

If an issue raised falls under the above categories we will explain why it is not considered under the complaints process and advise them if there is an alternative method or how to contact the Ombudsman.

## 5. Complaint's procedure

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There is a two-stage complaint procedure in place which is dealt with within our Housing team.

We aim to deal with complaints quickly and where applicable offer an apology or resolution.

We will consider if the customer is vulnerable or at risk and follow other relevant policies to minimise any risks.

We will acknowledge complaints in a clear away setting out our understanding of the complaint and what the customer is seeking as an outcome.

A written answer to the complaint will be provided when known and not when the outstanding actions are due to be completed. Any outstanding issues or if a complaint requires an extension will be clearly set out to the customer.

Where additional complaints are raised during an investigation these will be included in the stage 1 response if they are related and if a response has not been finalised. If the stage 1 response has been issued and the new issues are not related these will be logged as a new complaint.

### **Informal - Quick resolution**

Where we receive negative feedback, a representative of Torbay Council will contact the complainant within 2 working days of their complaint being raised and will work to agree a suitable resolution in a mutually agreeable timeframe. The response is much quicker than a formal complaint as we will not normally carry out an investigation or send formal letters but will look to get the problem resolved as quickly as possible.

## **Formal Complaints**

Where we are unable to resolve a complaint through our quick resolution process, or a customer requests to make a formal complaint we operate a two stage formal complaints process:

### **Stage One**

When a complaint is made it must be acknowledged and logged within 5 working days of receipt.

We will let you know who will be dealing with your complaint and how to contact them.

We will investigate the complaint and provide a written response within 10 working days of receiving the complaint and will keep the complainant informed of the progress until resolution.

We will provide details of how to escalate to stage two if the customer is not satisfied with the response. This will then be dealt with by a senior member of staff.

If a complaint is made through a third party then the third party will receive an acknowledgement and a copy of the outcome letter.

### **Stage Two**

If a customer is dissatisfied with the outcome of the complaint review at stage one, the customer can make a request for their complaint to be escalated to stage 2 (appeal panel), within 15 working days of receiving the stage one response.

When a complaint is made it must be acknowledged and logged within 5 working days of receipt.

We will investigate the complaint and provide a written response within 20 working days and will keep the complainant informed of the progress until resolution.

We will let you know who will be dealing with your complaint and how to contact them.

Customers or those acting on their behalf will be allowed to speak to the complaint handler regarding any adverse findings from the outcome of stage one.

Stage two will be dealt with a senior member of staff that has had no previous involvement with the initial complaint therefore the review will be independent. We may involve board members as part of this review stage. This is the final stage of Torbay Council's complaints process for its social housing stock.

## **6. Taking your complaint further**

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If the complainant remains unhappy with Torbay Council's handling of their complaint once the complaints procedure has been exhausted they can refer their case directly to the Housing Ombudsman Service for an independent review.

Details of the Housing Ombudsman Service is available on their website: <http://www.housing-ombudsman.org.uk>

## 7. Learning from complaints

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Complaints and feedback will be promoted to our customers and staff as an opportunity to learn and make improvements to our service.

When something changes as a result of a complaint, we will acknowledge this and set out the actions we have already taken, or intend to take, to put things right. This can include but is not limited to:

- Apologising
- Acknowledging where things where things have gone wrong and providing an explanation and or reasons
- Reconsidering or changing a decision
- Changing policies, procedure or practices

As a result of any fault being identified we will offer a remedy which will reflect the impact on the customer. This offer will set out what will happen, when and in agreement with the customer. This proposal will be followed through to completion.

The board will receive quarterly reports about the volumes of complaints received, at which stage they were resolved, and any trends or themes within the complaints.

All staff will receive training on this policy and this will be ongoing through regular performance reviews.

## 8. Monitoring and Performance

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The Board is responsible for ensuring this policy is kept up to date, implemented within the organisation and monitored and evaluated.

This policy will be reviewed every three years or when there is a change in circumstances, in work practices or the introduction of new legislation.

## 9. Supporting policy

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Equality and Diversity Policy

# Equality Impact Assessment – Housing Complaints

| Protected characteristics under the Equality Act and groups with increased vulnerability | Data and insight   | Equality considerations (including any adverse impacts)  | Mitigation activities  | Responsible department and timeframe for implementing mitigation activities |
|--|--|--|--|---|
| Age  | <p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p> | <p>Torbay Council should ensure that the methods of submitting complaints remain accessible by enabling customers to report by various methods face to face, in writing or via Torbay Council's website. This is particularly relevant to ensure we capture concerns or complaints from harder to reach demographic groups (which often includes younger people), who tend to reach for their device rather than a pen and paper when they are unhappy with a service.</p> <p>Torbay Council should clearly advise that complaints are received via email, in person, in writing and over the telephone, to ensure they capture the needs of our</p> | <p>Sometimes Torbay Council's complainant may be an older person, or someone with limited ability (due to health issues e.g., dementia).</p> <p>Torbay Council need to ensure that correct support is put in place and that referral mechanisms are available to the relevant agencies, and when we are aware of health issues or limited capability in a household,</p> | <p>Pride in Place<br/>Adult Services<br/>Children's Services</p>            |

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|            |   | older or more technology restricted demographic of customers.   | that we have support in place even before a customer may need to complain.   |  |
| Carers     | At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.   | There is no differential impact anticipated.  | Not Applicable   | Not Applicable   |
| Disability | In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness. | <p>Some customers with learning difficulties, hearing or sight impairments or mental health issues may not understand how policies and procedures work. Torbay Council must ensure support is offered in all aspects of tenancy support, and all aspects of raising a formal complaint should the need arise.</p> <p>Torbay Council will work with Support Workers or appointed persons on behalf of the complainant if applicable. This ensures accessibility of the service as well as making any other reasonable adjustments where required (such as letters in alternate formats or specified methods of contact).</p> | <p>Regularly monitor customers contact preferences and update the case management system to this effect.</p> <p>Ensure appointed Support Workers or appointed persons remain relevant/updated.</p> <p>Ensure Torbay Council staff are up to date with relevant mental health training.</p> | <p>Pride in Place</p> <p>Adult Services</p> <p>Children's Services</p> |

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| Gender reassignment            | In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.  | There is no differential impact anticipated.                                     | Not Applicable                          | Not Applicable |
| Marriage and civil partnership | Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.   | There is no differential impact anticipated.                                     | Not Applicable                          | Not Applicable |
| Pregnancy and maternity        | Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas. | There is no differential impact anticipated.                                     | Not Applicable                          | Not Applicable |
| Race                           | In the 2021 Census, 96.1% of Torbay residents described   | Although it is expected there would be little or no impact (Torbay Council would | Torbay Council will ensure any language | Pride in Place |

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| <p>their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.</p> | <p>be aware of any language barriers upon the point of a tenancy being offered), it should be advised that assistance by way of an interpreter can be organised by prior arrangement.</p> | <p>barriers which could impact communication are noted on the case management software upon execution of the tenancy.</p> <p>Torbay Council will review complaints from persons who are not housing customers on a case by case basis.</p> <p>Torbay Council must ensure that provisions are in place before the landlord/tenant relationship is formally executed, and that this provision is ongoing.</p> <p>The housing management team should also ensure relevant departments, namely Revenues, are aware of any language</p> | <p>Communications Revenues</p> |
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|                        |   |  | barriers for the provision of invoicing/revenue collection. |  |
| Religion and belief    | 64.8% of Torbay residents who stated that they have a religion in the 2021 census.  | There is no differential impact anticipated. | Not Applicable  |  |
| Sex                    | 51.3% of Torbay's population are female and 48.7% are male  | There is no differential impact anticipated. | Not Applicable  |  |
| Sexual orientation     | In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.                | There is no differential impact anticipated. | Not Applicable  |  |
| Armed Forces Community | In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces. | There is no differential impact anticipated. | Not Applicable  |  |

| Additional considerations   |  |  |                |  |
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| Socio-economic impacts (Including impacts on child poverty and deprivation)                 |  | There is no differential impact anticipated. | Not Applicable |  |
| Public Health impacts (Including impacts on the general health of the population of Torbay) |  | There is no differential impact anticipated. | Not Applicable |  |
| Human Rights impacts  |  | There is no differential impact anticipated. | Not Applicable |  |
| Child Friendly  | Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people. | There is no differential impact anticipated. | Not Applicable |  |