



Slough Borough Council's Tenant and Leaseholder Complaints Policy

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.

2. Terms used and what they mean

- 2.1 **A complaint** is defined as an expression of dissatisfaction, however made, about the standard of service provided, 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. Please note that service requests (i.e., a resident makes an initial report of anti-social behaviour or requests a repair for the first time) are not complaints. 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.
- 2.2 **The Complaints Manager** is the Council's Corporate Complaints Manager 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 **Intalex** 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.

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3. Policy Statement

- 3.1 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.
- 3.2 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 to do so has been obtained (see 3.6 for complaints on behalf of deceased residents).
 - In writing
- 3.4 Complaints will be logged on Intellex and managed in accordance with this policy regardless of whether the resident has specifically used the word 'complaint'.
- 3.5 A two stage complaints process will be used to manage and respond to complaints. All complaints will be acknowledged within 2 working days of receipt and:
- Responded to within 10 working days at Stage 1 of the process
 - Reviewed and responded to within 20 working days at Stage 2 of the process
- 3.6 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. Acknowledging Complaints

- 4.1 All complaints will be acknowledged within 2 working days of receipt.
- 4.2 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.

5. Stage 1 Complaints

- 5.1 An Operational Manager (e.g., Tenancy Team Leader level) or an appropriate, designated, officer will be responsible for investigating the complaint at Stage 1 of the process. They will produce background information for the relevant Service Manager (e.g., Neighbourhood Manager level) to use when they respond to the complainant at Stage 1. The Service Manager will be responsible for ensuring that responses are comprehensive, cover all the points raised by the resident and comply with this policy. A response must be sent to the complainant within 10 days of receipt.
- 5.2 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 (to the Group Manager)
 - Details of how to contact the Housing Ombudsman service should the complainant wish to do so
- 5.3 Details of all communication in relation to a complaint will be recorded on Intalex.
- 5.4 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.

6. Stage 2 management review

- 6.1 All requests to escalate a complaint to Stage 2 will be sent to the appropriate Group Manager setting out:
- The reason for the request to escalate
 - The Stage 1 complaint and the response

Requests 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 Group Manager.

- 6.2 The Group Manager will review the response sent at Stage 1 and the details of the request to escalate to determine whether to escalate the complaint to Stage 2. An escalation request may be refused, and a complaint closed at Stage 1 if the response at Stage 1 cannot be changed because it reflects statute, legislator obligations or it complies with the Council's published policies and procedures. Under these circumstances the Group Manager will write to the complainant to advise them that:
- The complaint is being closed as Stage 1
 - The reason/s why the complaint is not being escalated

- Their right to contact the Ombudsman to ask them to review the complaint and how to do this.

7. Stage 2 complaint response

7.1 A Stage 2 complaint will be reviewed and responded to by the Group Manager where the reason for the request is based on:

- Dissatisfaction with the investigation process at Stage 1
- Dissatisfaction with the management decision/s made at Stage 1 where that decision/s is not based on statute, legislation or the Council's published policies and procedures.
- The response at Stage 1 has failed to consider all aspects of the complaint

The complainant must state what grounds they are basing their request for Stage 2 on. They can be offered help from the Participation Officer to draft that request.

7.2 If any of the grounds in 7.1 are met, the relevant Group Manager will carry out a desk top review of the complaint and may choose to interview the investigating officer and/or the complainant to determine whether or not they:

- Uphold the Stage 1 decision, or
- Reach a different decision based on their investigation including any additional information given to them by the Service Manager and/or complainant
- Refer the complaint to the Resident Complaints Panel (see 7.4)

7.3 The Group Manager will respond, in full, to the complainant within 20 working days of receiving the request to escalate the complaint to Stage 2. The response will set out:

- The description of the complaint, including all points to be investigated and addressed
- 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 these
- 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
- An explanation about why they are, or are not, referring the complaint to the Resident Complaints Panel.

7.4 When the Group Manager first reviews the request for a Stage 2 investigation, they must immediately assess whether it is appropriate to refer the complaint to the Resident Board. At this stage, the Group Manager may refer the complaint to the Resident Complaints Panel for review. This decision will be based on:

- The benefit of an independent review by the Panel to reach an appropriate remedy to the complaint
- The benefits of the Panel to intervene to facilitate an appropriate resolution and make recommendations to the relevant Director to remedy/resolve the complaint. This may include a recommendation to review policies and procedures.

- Whether or not there are actions the Panel could realistically take in addition to any already proposed by the Group Manager.
- The workload of the Panel. The Panel is made up of volunteers and where convening a Panel may take a significant length of time and, therefore, delay resolving the complaint then a Panel review will not be held. However, if this is the only reason for not holding a Panel meeting the Group Manager's Stage 2 response will be sent to Panel members for their comment so any learning can be implemented.

7.4.1 The Group Manager must alert the chair of the Resident Board to all Stage 2 requests received and the outcome of the initial review to decide if it is appropriate to refer the case to the Resident's Complaints Panel. If there is disagreement between the Group Manager and the Chair about whether a Panel should be convened, the final decision will be made by the relevant Director. The Director's decision will be final.

7.4.2 If a complaint will be reviewed by the Resident Complaints Panel the Group Manager must advise the complainant about this and confirm if this affects the timescales for sending a full response to the Stage 2 request. The communication from the Group Manager must also outline the next steps the complainant will see.

8. Resident Complaints Panel

8.1 The Resident Complaints Panel will consist of up to 3 Resident Board members, chaired by the Independent Chair of the Resident Board (in the case of any split decisions the Chair has the casting vote).

8.2 Complaints will only be escalated to the Resident Complaints Panel where:

- The Panel has scope to consider and recommend alternative remedies to the complaint, e.g., the request to escalate the complaint does not relate to statutory, legislative or policy related issues.
- The request to escalate is not related to disputes relating to compensation.
- The Panel are able to act to facilitate an appropriate remedy/resolution which may require more senior agreement from Slough Borough Council.
- It could add value to the complainant in terms of fully understanding the nature of the complaint and the impact of the issue on them and/or their household

8.3 A Complaints Panel meeting will be organised by the Participation Officer in liaison with the Independent Chair of the Resident Board. An electronic Complaints Pack will be compiled consisting of:

- The Stage 1 complaint and response.
- Summary of SBC case if not detailed in the Stage 1 response.
- The escalation request from the resident.
- Any other new evidence or supporting information to a maximum of an additional 6 documents (excluding any documents already submitted as part of the Stage 1 complaint and request to escalate to Stage 2). The Participation Officer can support the complainant to decide what additional information to include if the complainant wants to

include more than the 6 new documents. The Participation Officer can liaise with the Chair of the Resident Board if there are good reasons to waive this restriction.

8.3.1 All parties who will be submitting evidence to be considered by the Complaint's Panel must provide all documentation to the Participation Officer within 1 calendar week (i.e., 7 days excluding weekends and Bank Holiday) of a request being received. Any information received after this date will only be accepted at the discretion of the Panel Chair and the late submission will be fed back in the report to the relevant Director.

8.4 The Participation Officer will send the Complaints Pack to the complainant, to the Panel members and any officers, including representatives from Osborne Property Services, that will be attending the Panel meeting. The Participation Officer will ensure that invitations to the meeting and background documents are sent to everyone who will attend, including anyone the complainant would like to bring to support them (this could be a McKenzie Friend, a family member, neighbour, friend etc.). The meetings can be held virtually or in real life depending on the preference of the complainant and Panel members. The decision of the Chair is final when deciding whether the meeting is virtual or not.

8.5 Minutes of Panel meetings will be taken by the Participation Officer and sent for approval to the complainant and Panel members. The Panel's recommendations will then be sent to the appropriate Director and Group Manager. The Group Manager will use these minutes to respond to the complainant in a Stage 2 response to:

- Clearly state the outcome of the investigation carried out by the Group Manager into the complaint including how it was dealt with at Stage 1 of the process.
- Confirm the main points from the Complaints Panel meeting (the final version of the minutes will also be included as an appendix) and approve or reject the Panel's recommendations and the reasons for doing so.
- Confirm any actions to be taken, together with timescales, to remedy the complaint.
- List any outstanding actions and timescales for completing these.
- Advising the complainant of their right to approach the Ombudsman to ask them to review the complaint, if they remain dissatisfied with the outcome, and how they can do this.

This response will be sent within 7 working days of the date of the Panel meeting.

8.6 A copy of the Stage 2 response will be logged on Intellex and the complaint closed at this stage unless an extension of time has been agreed with the complainant.

9. Complaints Policy and Procedures

9.1 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 communications, including emails and letters

- 9.2 All Council officers in relevant services (including sub-contractors/partner organisations) will be aware of the complaints 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.
- 9.3 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.
- 9.4 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.

Version control

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