

Complaints Policy

Homes & Neighbourhoods

DRAFT

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Document Control

Governance

Table 1 – Policy information

Item	Response
Title	Complaints Policy
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Author	Robert Scott
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Revision history

Table 2 – History of revisions

Date	Version	Author	Authorised by	Revision details
05/09/2022	1.0	Michelle Anderson-Dore	SMT	First publication
18/03/2024	2.0	Michelle Anderson-Dore	SMT	Revised in line with Housing Ombudsman Complaint Handling Code, mandatory from 01/03/2024
30/01/2025	3.0	Robert Scott	SMT	Format/drafting reviewed to improve accessibility & align with

Date	Version	Author	Authorised by	Revision details
				RSH Consumer Standards. minor changes in process.

1. Introduction

1.1 Purposes of this policy

- 1.1.1 Kirklees Council is committed to providing high quality services to all residents in the district. However, we recognise that there are times when our services do not meet the high standards we set ourselves and that this can lead to complaints.
- 1.1.2 As a social housing landlord, we have developed a complaints process for council tenants, leaseholders, and third parties (other residents). The process aims to be simple and accessible. It enables complaints to be resolved quickly, consistently and fairly, while meeting relevant codes of practice, regulations, and statutory requirements.
- 1.1.3 This policy sets out Homes & Neighbourhoods' complaints process and the associated service standards that tenants and others can expect.
- 1.1.4 The policy also describes how opportunities for learning from complaints will be identified and used to make improvements to the way we work and deliver services for our customers.

1.2 Legal context

- 1.2.1 This policy responds to the [Social Housing \(Regulation\) Act 2023](#) and the associated [Regulatory Standards](#) by addressing the following requirements:

Transparency, Influence and Accountability Standard

- Registered providers must treat tenants and prospective tenants with fairness and respect.
 - Registered providers must communicate with tenants and provide information so tenants can use landlord services, understand what to expect from their landlord, and hold their landlord to account.
 - Registered providers must ensure complaints are addressed fairly, effectively, and promptly.
- 1.2.2 The Social Housing (Regulation) Act 2023 also legislates that social housing landlords must comply with the **Housing Ombudsman Complaint Handling Code (the Code)**. The Code aims to achieve best practice in complaint handling and ultimately to provide a better service to residents. This policy is developed to meet the requirements published in the Code.

1.2.3 This policy supports Kirklees Council in complying with the following legislation and guidance:

- Housing Act 1996
- Equality Act 2010
- General Data Protection Regulations 2016
- Data Protection Act 2018
- Building Safety Act 2022
- Social Housing (Regulation) Act 2023
- Housing Ombudsman’s Complaint Handling Code 2024

1.3 Definitions

1.3.1 For the purposes of this policy, the following definitions apply:

Table 3 – List of definitions used in this policy

Term	Definition
Tenant	A person that has an active tenancy or lease agreement, living in a home owned by Kirklees Council.
Resident or customer	A tenant, leaseholder or other person who has a licence or other arrangement to occupy a council home or receive a service provided by Homes & Neighbourhoods.
Licensee	Where permission has been given to a resident to occupy a property but the resident does not have a tenancy agreement for the property.
Complainant	A person making a complaint about a service provided by Homes & Neighbourhoods.
Homes & Neighbourhoods, H&N, we, us	Kirklees Council’s housing management service, inclusive of all departments and teams.
Staff or officer	An employee of Homes & Neighbourhoods.
Contractor or agent	A person working on behalf of Homes & Neighbourhoods.
Customer Experience Team	A small team of specialist staff who monitor and record complaint handling.
MRC	Member Responsible for Complaints – the council’s Cabinet Portfolio Holder for Transport and Housing.

2. Objectives and scope

2.1 Policy objectives

2.1.1 We understand that sometimes things go wrong. This policy is designed to ensure that if residents have the need to complain, we handle the complaint well and in line with the statutory [Housing Ombudsman Complaint Handling Code](#). It ensures that we put things right for residents, identifying learning and make improvements from complaints.

2.1.3 Throughout the complaints handling process, we aim to:

- be fair – treat people fairly and follow fair processes
- put things right
- provide a simple and accessible two-stage complaints process
- Resolve dissatisfaction at the first point of contact wherever possible.
- Ensure building safety related complaints are escalated to the appropriate responsible person.
- Monitor and record complaints through our Customer Experience Team.
- Take steps to put things right and, where possible, to restore the complainant to the position which existed prior to the service failure.
- Use complaints to learn, improve and develop services.

2.2 Policy scope

2.2.1 This policy is relevant to all staff, contractors and agents of Homes & Neighbourhoods.

2.2.2 Where the complaint is one that crosses over into other service areas, we will ensure a joined-up approach and will fully co-operate with other services to achieve the right outcome for the resident. This may include the Local Government and Social Care Ombudsman, where appropriate.

Definition of a complaint

2.2.3 Homes & Neighbourhoods applies the following definition of a complaint:

'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.'

2.2.4 Examples of the types of complaint we can consider include where:

- We have failed to provide a service when we should.
- We have provided a poor standard of service.
- We have made a mistake in the way we have provided the service.
- We have failed to meet our existing service standards or comply with our policies and procedures.
- Our staff behaviour has not been acceptable.
- We have failed to communicate as we promised.
- We have not managed reports of Anti-Social Behaviour.
- We have given wrong or misleading advice.

- There is a delay in undertaking work which cannot be explained within the terms of policy and procedure.
- We display bias or inequality of treatment

What is not a complaint?

2.2.5 When you are telling us about a problem for the very first time, we will try to resolve first expressions of dissatisfaction quickly as a normal service request.

2.2.6 Exceptions to 2.2.5 above will be made where the complaint concerns the behaviour of a member of staff, or where it immediately requires a senior manager to consider a complex area of policy or legislation. (See Appendix A -[Complaint Handling Code](#)).

2.2.7 Homes & Neighbourhoods will not consider any of the following as a complaint:

- Making an initial request for service or information.
- Making an initial report about anti-social behaviour (ASB); this will be managed in line with our ASB policy.
- Matters that have previously been considered under the Complaints Policy and have been through both stages will not be considered again under this policy. Residents will instead be signposted to the Housing Ombudsman Service (see Roles & Responsibilities below).
- Complaints concerning the level of rent or service charge or the amount of the rent or service charge increase. (We will accept complaints about the quality or frequency of work paid for via service charges).
- Complaints about the actions of an organisation that is not working for, or supported by, Homes & Neighbourhoods or Kirklees Council.
- Personnel matters including issues about staff employment or former employment including applications for employment. We will accept complaints about the behaviours or actions of a member of staff that has a direct impact on a resident.
- Where legal proceedings have been started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
- Where the issue being raised should be dealt with under any statutory review procedure including but not limited to decisions made under the terms of Kirklees Allocations Policy.
- Complaints relating to insurance claims which are managed by the council's Risk Management and Insurance Department
- Things that happened more than 12 months ago which were known about and have not been raised since. (There may be rare exceptions to this exclusion where appropriate, e.g. where the complaint relates to health and safety or safeguarding concerns).
- Anonymous complaints - we would usually expect a complainant to be willing to provide their details to progress a complaint. (There may be rare exceptions to this exclusion where appropriate, e.g. where the complaint relates to health and safety or safeguarding concerns).
- When a complaint is very similar to a resolved complaint that has been raised before and relates to an aspect of general law which we have correctly applied then, subject to the exercise of discretion, we will advise that the matter is closed.

- When a resident repeatedly makes serious allegations that employees or contractors have committed criminal, corrupt, or perverse conduct without any evidence.
- 2.2.8 Although we will not normally treat the scenarios listed above as complaints under the terms of this policy, we will deal with them in an appropriate manner, and we will provide confirmation of the decision in writing.
- 2.2.9 Each complaint is considered on an individual basis, we do not take a one size fits all approach when excluding complaints.
- 2.2.10 We record and report on any complaints that we have not accepted.
- 2.2.11 Dissatisfaction with services made through a survey. If residents express dissatisfaction with services when completing a satisfaction survey, we do not treat this as a complaint. All surveys will clearly outline how to make a complaint if the resident wishes to do so.

Who can make a complaint?

- 2.2.12 A complaint can be raised by any person or group of people affected by an activity or service provided by Homes & Neighbourhoods, including:
- Current tenants/licensees and members of their households
 - Former tenants/licensees
 - Leaseholders
 - MPs and Councillors
 - Advocates of the complainant such as friends, relatives, or other representatives (providing prior consent from the complainant is received)
 - A resident or group of residents who have been affected by our activities and services in the locality.
 - Clients/customers for some contracted/outsourced services.
- 2.2.13 If we are contacted by a third party or representative including family members or friends, we will establish with them how the resident would like to progress the complaint. Once we have established the need for a service request or a formal complaint, we would obtain permission from the resident they are representing. We would not ask for permission if the representative was a Local Authority Councillor, MP because they have the resident's contact information, summary of issues, and are acting in the capacity of their role. This shows they have implied consent. We would however still establish whether the contact from the Local Authority Councillor, MP is an enquiry, service request or are they representing the resident to make a complaint.

3. Policy statement

3.1 How to make a complaint

3.1.1 We offer a wide range of ways for our residents to make a complaint. These are:

- Online: By completing the [online complaint form](#) on our website.
- Phone: By speaking to a member of the Customer Support & Information Team on 01484 414886.
- In person: By speaking to a member of Homes & Neighbourhoods staff (e.g. Housing Management Officer)
- In writing: Homes & Neighbourhoods, PO Box 1720, Huddersfield, HD1 9EL
- Social media (by private message). For residents wishing to lodge a complaint by social media, we request that this is done by private message on the following channels:
 - Facebook - <https://www.facebook.com/KirkleesHN>
 - X (formerly known as Twitter) - <https://x.com/HNKirklees>

3.1.2 In some circumstances, we are able to accept complaints in person. Residents would need to book an appointment in advance for this. The discussion would be held with a member of the Customer Experience Team, or another officer who's not directly involved in the complaint. We would agree a convenient venue with the customer (at home or in a community building).

3.2 How we deal with complaints about high-rise residential buildings

3.2.1 A high-rise residential building (HRRB) is defined as a building that has at least 7 floors or is at least 18 metres high, and include at least two residential units.

3.2.2 The Building Safety Act 2022 requires landlords to set up a process for residents in high rise residential buildings to be able to make a complaint about a building safety risk. Residents in HRRBs can complain to the accountable person(s) and the principal accountable person about building risks. Relevant complaints include:

- Structural failure that could lead to part or all of the building collapsing, or parts of the building falling off.
- Flammable cladding on the outside of a high-rise building.
- Any risk in the building that could lead to a fire spreading, such as Fire doors or smoke extraction which are not working or missing that may increase the risk of fire spread.
- Performance of an accountable person, including their communication to residents
- Their responses to raised concerns
- How they manage building safety risks

3.2.3 All complaints about high rise buildings will be dealt with in line with this policy.

3.2.3 If the resident is not satisfied with our procedure, they can refer a complaint to the Building Safety Regulator <https://www.gov.uk/guidance/contact-the-building-safety-regulator> online or by telephone 0300 790 6787

3.3 Accessibility

- 3.3.1 We are committed to ensuring that our complaints process is accessible to all and can offer help and support to ensure any concerns from residents or their advocates are listened to and understood.
- 3.3.2 Kirklees Council's Inclusion and Diversity Strategy sets out our commitment to equality of opportunity for all and identifies what types of support we may be able to provide to support customers to make a complaint.
- 3.3.3 An Integrated Impact Assessment (IIA) has been undertaken to inform the development of this policy.
- 3.3.4 Individual tenant vulnerabilities will be considered when complaints are made, in line with the council's Vulnerable Tenant Policy. Where appropriate changes to the way Homes & Neighbourhoods process the complaint may be made to ensure that tenants do not face additional barriers in accessing the service.
- 3.3.5 Some residents may prefer to have a representative deal with their complaint on their behalf, and to be represented and/or accompanied by them at meetings with Homes & Neighbourhoods. The representative may be by an advocate, carer, family member, Local Authority Councillor, agency, or professional body. Where this is the case, we must have prior consent from the resident which authorises us to communicate with their appointed advocate or representative on their behalf.
- 3.3.6 A resident may contact the Housing Ombudsman at any time throughout the course of their complaint for advice and support.
- 3.3.7 Complainants may also choose to seek assistance and advice from external agencies, such as [Citizens Advice](#).

3.4 Unacceptable behaviour or actions

- 3.4.1 We understand that upsetting and distressing circumstances can result in people acting out of character and we do not view behaviour as unacceptable just because a resident is assertive or determined. However, the actions of an individual(s) who is angry, demanding, or persistent may sometimes lead to unreasonable demands or unacceptable behaviour towards staff. If this happens, we may take action to tackle the behaviour.

3.5 Complaint handling process

Early resolution

- 3.5.1 Sometimes residents tell us they are unhappy with something and may not wish to make a formal complaint but just that we put things right. We refer to this as a service request (see Appendix A- [Complaint Handling Code](#).) Our early resolution approach will aim to

resolve these concerns at the first point of contact. The Customer Experience Team will take the lead in helping to put things right as quickly as possible.

3.5.2 Where our early resolution fails to resolve the matter, or where the issue is particularly serious, such as a health & safety or safeguarding issue, or a complaint about staff behaviour, we will move on to a formal two-stage complaint process. The process and associated timescales are set out below:

Stage 1

3.5.3 Where an investigation is required, we will acknowledge a complaint within 5 working days and provide a final response within 10 working days. An appropriate Housing Manager or Team Leader will take lead responsibility for investigating the issue raised and for responding to the complaint.

The stage 1 response will contain:

- The complaint stage.
- The details of the complaint (complaint definition).
- The decision on the complaint.
- The reasons for the decision/s.
- The details of any actions we will take to put things right including timescales for this.
- Details of how to escalate the matter to stage 2 if the resident is not satisfied with the response.

3.5.4 We respond to a complaint when we know the answer to the complaint, not when we complete the actions required to address the issue.

3.5.5 We will let the resident know that they have 4 weeks to consider our response and to request that the complaint is escalated through to the next stage of the process. While we would not expect residents to restate their complaint if asking for it to be reviewed, we would expect them to tell us what elements have been resolved, and what areas they remain dissatisfied with.

3.5.6 Where residents raise additional complaints during the investigation, we incorporate these into the stage 1 response if they are related and the stage 1 response has not been issued.

3.5.7 Where we have issued the stage 1 response, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, we log the new issues as a new complaint.

3.5.8 There may be occasions when due to the complexity of the complaint, we need extra time to investigate. Should an extension to the standard timescale be needed we will inform them resident of this and the reasons. Where possible we aim to do this at least 2

working days before the deadline. Any extension must be no more than a further 10 working days without good reason.

Stage 2

3.5.9 If the resident is not happy with the Stage 1 response, the complaint will escalate to Stage 2. We will acknowledge the escalation within 5 working days and provide a final response within 20 working days. An appropriate Service Manager or General Manager will take lead responsibility for reviewing the Stage 1 investigation and response.

3.5.10 The person investigating the complaint at stage 2 will not be the same person that investigated the complaint at stage 1. If we have accepted the complaint and responded at stage 1, we would only refuse to escalate the complaint to stage 2 for either of the following reasons:

- If the complaint should not be looked at further because it could compromise legal proceedings to do so.
- If it has now become clear that this complaint has previously fully exhausted the complaints process.

3.5.11 The stage 2 response will contain:

- The complaint stage.
- The details of the complaint (complaint definition).
- The decision on the complaint.
- The reasons for any decisions we have made.
- The details of any actions we will take to put things right including timescales for this.
- Details of how the resident can escalate the matter to the Housing Ombudsman if they remain dissatisfied.

We respond to a complaint when we know the answer to the complaint, not when we complete the actions required to address the issue.

3.5.12 At each stage of the process, we will aim to speak to the resident directly to explain how we will investigate the complaint and to ensure that we understand the complaint and the outcome the resident is seeking.

3.5.13 Our final response to the resident will be in writing and will be the end of our complaint's procedure. After a complaint has gone through both stages of our complaint's procedure, and if the resident remains dissatisfied, they can complain to the Housing Ombudsman

3.5.14 There may be occasions when due to the complexity of the complaint, we need extra time to investigate. If we need an extension to the Stage 2 standard timescale, we will inform the resident of this and the reasons, where possible at least 2 working days before the response is due. Any extension must be no more than a further 20 working days without good reason.

3.6 Putting things right

- 3.6.1 Where a complaint has been upheld, Homes & Neighbourhoods will, where possible, offer a remedy to return the resident to the position they would have been in if things had not gone wrong. The remedy will depend on the individual circumstances of the case, but will usually be achieved by:
- Acknowledging where things have gone wrong
 - Providing an explanation, assistance or reasons
 - Making an apology
 - Reviewing a decision we have already made
 - Reviewing our policies or procedures
 - Amending a record
 - Consider offering compensation, in line with the Homes & Neighbourhoods Redress Policy
- 3.6.2 We will consider each case on its own merit and offer the most suitable remedy to resolve the issue. The priorities are to take steps to put things right for the resident, and to learn and make service improvements.

4. Roles and responsibilities

4.1 Homes & Neighbourhoods' responsibilities

- 4.1.1 Team leaders and managers will be responsible for ensuring that their staff are aware of and comply with the provisions of this policy through supervisions and appraisals.
- 4.1.2 Training and procedures will be made available to managers, staff and officers to ensure they are aware of their responsibilities.
- Our Head of Housing Management and Partnerships is the Lead Officer with responsibility for complaint handling and compliance with the Housing Ombudsman Code.
- 4.1.3 Our Senior Management Team have shared responsibility for ensuring their service areas handle complaints in line with this policy and the Housing Ombudsman Code. They have responsibility for ensuring resolutions are delivered effectively and their service responds to any learning.
- 4.1.4 We have a Member Responsible for Complaints ('the MRC') who has lead responsibility for complaints. They receive regular information on complaints that provides insight on complaint handling performance. The Cabinet Member for Transport and Housing has lead responsibility for governance of and assurance that our complaint policy and practice aligns to the Housing Ombudsman Code.

- 4.1.5 We will co-operate with the Housing Ombudsman or other regulatory body with responsibilities for oversight of complaints handling.

4.2 Working with Councillors and MPs

- 4.2.1 We know that some residents will want to involve a local elected representative. The key role of the Local Authority Councillor is to make sure that a concern is fully considered in a timely fashion. They may use their knowledge and experience to offer information about whether they feel a policy or legislative requirement has been appropriately followed.
- 4.2.2 However, a Councillor or MP cannot become involved with, or influence or make a decision on an individual situation.
- 4.2.3 They may use the resident's experience to inform their opinion on a policy or law, however, an individual councillor/MP cannot alter that policy or law

4.3 Working with other services

- 4.3.1 We recognise that some complaints “crossover” with other Kirklees Council services, and also that some elements of the complaint may be under the jurisdiction of the Local Government & Social Care Ombudsman. In such cases, we will liaise with the individual services in question, or with the council's corporate Customer Standards Team to discuss and agree how the concerns will be considered. It may be that a joint response can be practically collated (our preferred outcome) and, if so, we will agree which service will take the lead on drawing the response together. We will explain this to the resident and discuss it with them.

4.4 The Housing Ombudsman

- 4.4.1 The role of the Housing Ombudsman is to encourage and assist landlords and tenants to resolve disputes at the earliest opportunity.
- 4.4.2 Residents can contact the Housing Ombudsman Service at any point before or during the complaints process. The Ombudsman cannot investigate complaints while they are going through our internal complaints process. However, the Ombudsman may be able to help complainants and Homes & Neighbourhoods reach a resolution.
- 4.4.3 If a resident remains dissatisfied with our response following the complaints process, they can make a complaint to the Housing Ombudsman who will investigate fairly and impartially.
- 4.4.4 The Housing Ombudsman can be contacted in several ways:

Online: [Housing Ombudsman website](#)

Phone: 0300 111 3000

Email: info@housing-ombudsman.org.uk

Writing: Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET

5. Monitoring and review

5.1 Monitoring, Learning and improvement

- 5.1.1 We are committed to creating a positive complaint handling culture in Homes & Neighbourhoods. We provide annual and quarterly reports on learning and service improvement to Senior Managers, the Member Responsible for Complaints and relevant governing bodies and staff. We publish an Annual Complaints and Service Improvement Report to Cabinet and publish this on the [complaints and compliments page](#) of the council's website.
- 5.1.2 Resident satisfaction is very important to Homes & Neighbourhoods and we use feedback from complaints to shape improvements to our services and procedures. When a complaint is resolved, we will identify any learning opportunities. The Customer Experience Team will work with the appropriate Service Manager or Strategic Manager to identify any themes or trends and implement positive changes in service delivery.
- 5.1.3 We annually submit and publish Tenant Satisfaction Measures (TSM) data according to requirements set by the Regulator of Social Housing.
- 5.1.4 Our reporting for Tenant Satisfaction includes information on volumes of complaints, response timescales and proportion of respondents who report making a complaint in the last 12 months who are satisfied with their landlord's approach to complaints handling.
- 5.1.5 We carry out an annual self-assessment against the Housing Ombudsman's Complaint Handling Code to ensure this policy remains in line with its requirements as set out by the Housing Ombudsman. We will also conduct a review of the self-assessment following a significant restructure or change in our procedures. We publish our self-assessment and Annual Complaints Performance and Service Improvement report on our website by 30th June each year and we will also include a response to our self-assessment from Council Cabinet. Our latest self-assessment can be read on our [complaints and compliments webpage](#).

5.2 Policy review

- 5.2.1 This policy will be reviewed on an annual basis as part of our regular self-assessment, or in response to relevant changes in legislation, regulation or organisational structures.

- 5.2.2 Any significant changes will be consulted on prior to implementation. Relevant approvals will be sought from Homes & Neighbourhoods' Senior Management Team and the Cabinet Member for Transport and Housing in their capacity as MRC.
- 5.2.3 This policy will be published on the complaints and compliments page of the council's website and will be made available to residents on request.
- 5.2.4 This policy, how to make a complaint, and information about the Housing Ombudsman Service will be publicised through a range of communication channels e.g. letters, tenant publications and social media.

6. Associated policies and procedures

6.1 Associated council policies

6.1.1 The following Kirklees Council Homes and Neighbourhoods strategies and policies are relevant:

- [Homes & Neighbourhoods Service Standards](#)
- [Anti-Social Behaviour \(ASB\) Policy](#)
- [Redress Policy](#)
- [Repairs & Maintenance Policy](#)
- Vulnerable Tenant Policy (link to be added once approved)

6.1.2 The following broader Kirklees Council strategies and policies are relevant:

- [Kirklees Council Access Strategy 2021-26](#)
- [Kirklees Council Inclusion and Diversity Strategy](#)
- [Kirklees Council Safeguarding Policy](#)