Housing Complaints Policy

Policy for Medway Council Tenants

Scope

Medway Council operates its complaints procedure in line with the [Housing Ombudsman’s Code.](https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/the-code-2024/) This document is to provide tenants and leaseholders with information on how to complain to Medway Council. If you are not a Medway Council tenant or leaseholder, [give your feedback on the website](http://www.medway.gov.uk/yourfeedback) where you will find information about Medway Council’s corporate complaints procedure.

# Legislation and Guidance

Legislation

* + 1. The Localism Act 2011Housing Act 1996 (schedule 2)
    2. Housing Act 1996 (schedule 2)
    3. Equality Act 2010
    4. General Data Protection Act 2018
    5. Housing Ombudsman Scheme
    6. Consumer Standards 2024Social Housing White Paper
    7. Housing Ombudsman Complaints Handlers Code
    8. Data Protection Act 2018

# Policy

## Complaint Process and Timeframes

* + 1. The Housing Ombudsman defines a complaint as ‘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. A resident does not have to use the word ‘complaint’ for it to be treated as such. In our contacts with you we will try to correct any issues quickly, however if further enquiries are needed to resolve the matter, or if you request it, the issue will be logged as a complaint.
    3. A complaint that is submitted via a third party or representative will still be handled in line with this complaints policy.
    4. Housing Services takes all data protection seriously. All collection, storage, access to, provision and disclosure of data complies with the Data Protection Act 2018. You can [download our housing privacy policy on Medway.gov](https://www.medway.gov.uk/info/200134/housing/720/housing_privacy_policy).
       1. Following receipts of a complaint, an experienced officer within the team will make contact with the complainant by telephone or your preferred method of contact to discuss your complaint. Staff should manage residents’ expectations from the outset, being clear where a desired outcome is unreasonable or unrealistic.
       2. HRA tenants and leaseholders can also contact the [Housing Ombudsman Service](https://www.housing-ombudsman.org.uk/) for advice at any point including for the following reasons: if they are having difficulty reporting an issue, if they feel Housing Services is not responding correctly or if they are dissatisfied with the response from the landlord.
       3. Housing Services will promote the details of the Housing Ombudsman Service to tenants, and publish information about the Housing Ombudsman on the Medway Council Website:
       4. Housing Ombudsman Service Exchange Tower Harbour Exchange Square London E14 9GE. www.housing-ombudsman.org.uk (online complaints form available from this website) Tel: 0300 111 3000 Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk?subject=Email%20for%20Housing%20Ombudsman)
          1. Financial complaints (such as money or debt advice) can also be made to the Financial Ombudsman Service
          2. Financial Ombudsman Exchange Tower Harbour Exchange Square London E14 9GE [Financial Ombudsman website](https://www.financial-ombudsman.org.uk/)  Tel: 0300 123 9 123

## Putting things right

* + 1. We will be flexible in our approach and help our customers through the complaints process in a way that works best for them.
    2. We will take ownership of a complaint, act quickly to identify the problem and put it right straight away. Our focus is always on resolving issues at the first stage wherever possible.
    3. We will be responsive, approachable, and helpful at all stages of the complaint’s procedure. No customer will suffer any disadvantage because of making a complaint.
    4. We will acknowledge and apologise for any failure identified, give an explanation and, where possible, inform the resident of the changes made or actions taken to prevent the issue from happening again.
  1. When considering what action will put things right, we will carefully manage the expectations of our residents. We will not promise anything that cannot be delivered or would cause unfairness to other residents.
  2. Any remedy offered must reflect the extent of any service failures and the level of detriment caused to the resident as a result.

## Financial Remedies

* + 1. When awarding financial remedies, Housing Services will consider whether any statutory payments are due, if any quantifiable losses have been incurred as well as the time and trouble a resident has been put to as well as any distress and inconvenience caused – See Financial Remedies Policy for guidance.

## How Housing deal with your complaint

* + 1. Housing Services will contact you by telephone to discuss your complaint.
    2. Housing Services will acknowledge your complaint within 5 working days and aim to investigate and to respond to complaints by phone, letter, or email within 10 working days from the date of our acknowledgement where possible. Where a response is given by telephone or in person, we will provide written confirmation of our response.
    3. If this is not possible an explanation will be offered and a date by which a response should be received. This generally will not exceed a further 10 days without good reason.
    4. If it is taking longer than anticipated, we will inform you of the reason for the delay and when you can expect to receive a response.
    5. Our response to your complaint will be set out clearly in relation to the points you have made and can be provided by letter, email, face to face or by telephone.
    6. If we are unable to resolve your complaint at stage 1, we will advise you that you can escalate your complaint to Stage Two should you wish to do so.

## Stage 2

* + 1. Stage Two addresses complaints that have not been resolved to the complainant’s satisfaction at Stage One.
    2. A request to escalate the complaint to Stage Two should be made to the Customer Relations Team by emailing [stage2complaints@medway.gov.uk](mailto:stage2complaints@medway.gov.uk) or the Housing Team.
    3. We will acknowledge your complaint within 5 working days and aim to investigate and to respond to complaints in writing within 20 working days from the date of our acknowledgement where possible.
    4. If this is not possible an explanation will be offered and a date by which a response should be received. This generally will not exceed a further 20 days without good reason. If it is taking longer than anticipated, we will inform you of the reason for the delay and when you can expect to receive a response.
    5. Our response to your complaint at Stage Two is final. Within our final response, we will inform you of your right to take your complaint to the Housing Ombudsman if you remain dissatisfied. We will provide the contact details for the Housing Ombudsman Service.
    6. A full record shall be kept of the complaint, any review, and the outcomes at each stage, in line with our [Privacy Policy.](https://www.medway.gov.uk/info/200217/freedom_of_information/347/data_protection/1)

## Housing Ombudsman

* + 1. If you remain dissatisfied at the end of the complaints process, you may raise your complaint with the Housing Ombudsman.
    2. The Housing Ombudsman complaints handling code has been implemented to raise standards in complaint management across the sector.
    3. Housing Services are committed to complying with the requirements of the Housing Ombudsman’s complaint handling code and will share its self-assessment at least annually with our customers.
    4. Housing Services will cooperate with the Ombudsman’s requests for evidence. If a response cannot be provided within this timeframe, Housing Services shall provide the Ombudsman with an explanation for the delay. If the explanation is reasonable, the Ombudsman will agree a revised date with the landlord.
    5. Failure to provide evidence to the Ombudsman in a timely manner may result in the Ombudsman issuing a complaint handling failure order.
    6. If we determine not to accept a complaint, we will provide a detailed explanation to the complainant setting out the reasons why the matter is not suitable for our complaints process. In addition, we will provide the details of the Housing Ombudsman Service where the complainant can challenge our decision.
  1. Accessibility and awareness
     1. Medway Council Housing Services will make it easy for residents to complain, by providing different channels through which residents can make a complaint. For example:
        1. Via the Medway Council Housing Complaints webpage
        2. Directly to Medway Council staff over the phone or in person
        3. By letter, or otherwise in writing
     2. We welcome the involvement of advocates, and where it is felt that a complainant would benefit from the support of an advocate, depending on the nature of the complaint, we will signpost you to the appropriate advocacy service.
     3. Housing Services can offer support of the Community Interpreting Service to tenants making a complaint.

## Exclusions

* + 1. Housing Services shall accept a complaint unless there is a valid reason not to do so.
    2. A full list of exclusions to this policy is available in Appendix A.
    3. Where Housing Services decides not to escalate a complaint, we will provide an explanation to the resident. It should make clear that its previous response was its final response to the complaint and provide information on referral to the Housing Ombudsman.

## Anti-Social Behaviour

* + 1. A complaint about neighbour nuisance and antisocial behaviour, it will be dealt with under our Anti-social behaviour policy. If we do not follow what we say in our policy, this may become a complaint.

## Repair Notification

* + 1. Requests from a customer that a defect within the property is addressed.

## Claims for damages or insurance claims

* + 1. A direct claim for money not arising from a complaint following an event or incident for which the claimant believes Medway Council, or its contractors are responsible.

## Disrepair Claims

* + 1. A claim being dealt with by Medway Councils Housing’s legal representative(s).

## Legal Claims

* + 1. A claim being pursued on behalf of a customer, leaseholder, member of the public or third-party seeking redress through the courts.

## Accidents

* + 1. Accidents and incidents will be dealt with under our accident and incident procedures, however complaints about the way an accident or incident have been dealt with will be covered under this policy.

## Complaints about staff or contractors

* + 1. Housing Services are committed to being open and accountable for the actions of our staff and others acting on our behalf. If you have serious concerns about our staff, please come forward and let us know.
    2. If a fraud, theft, or other crime may have been committed we will be obliged to inform the police of the concerns. If the complaint involves the safeguarding of children and/or vulnerable adults, we will be obliged to report the concerns via Medway Councils safeguarding procedures.
    3. If you have a complaint about a member of our staff, and our investigation finds that a member of staff acted in such a way as to merit disciplinary action, our normal disciplinary policies will apply.
    4. The amount of detail we can share relating to internal disciplinary actions may be limited by the need to maintain employee confidentiality, but we will advise you that this is the course of action being taken.
  1. Concerns about legal liability
     1. In some cases, a resident may have a legal entitlement to redress. There may be concerns about legal liability in this situation. Even so, we will still offer a resolution where possible, as that may remove the need for the resident to pursue legal remedies.
     2. Housing Services has a duty to rectify problems for which we are responsible. However, where necessary a resolution can be offered with an explicit statement that there is no admission of liability. In such a case, legal advice as to how any offer of resolution should be worded should be obtained.
     3. For further information on remedies please see [Housing Ombudsman Dispute Resolution Policy](https://www.housing-ombudsman.org.uk/about-us/corporate-information/policies/dispute-resolution/policy-on-remedies)
  2. Continuous learning and improvement
     1. Learning outcomes will be recorded for all complaints, this includes those at the informal stage. We will publish service improvements we make as a result of complaints to our customers.
     2. Learning and improvement from complaints are included in the Housing Services Annual Report.
     3. Housing Services reports back on wider learning and improvements from complaints to our residents, managers, and staff.
     4. Feedback is regularly provided to the tenant scrutiny panel and HRA Governance Board, alongside scrutiny of the Ombudsman’s annual landlord performance report.
     5. Housing Services proactively uses learning from complaints to revise policies and procedures, to train staff and contractors and to improve communication and record-keeping.
     6. The response to each complaint will contain a link to the Complaints Learning Survey. This survey focuses on the process of making a complaint and the response to it. The feedback from this survey is monitored regularly to ensure that residents are able to make a complaint with ease and receive a sufficient response in reasonable timeframes.
  3. Staff Training
     1. All staff and contractors will be trained in this policy, its associated processes including Customer Services, and the requirements of the Housing Ombudsman Complaints Handlers Code.

# Role, responsibilities, and authority

* 1. The Assistant Director for Regeneration, Culture and Environment retains the overall responsibility for the implementation of this policy.
  2. The Chief Housing Officer is responsible for the operational delivery of this policy and the associated procedures. This includes responsibility for monitoring and review, staff awareness and training, policy development and communication to customers.

# Monitoring, review, and evaluation

* 1. This policy will be reviewed on a biennially basis or in line with legislative or regulatory changes.
  2. Complaints will be monitored on a quarterly basis and presented to a Scrutiny Panel and HRA Governance. We also submit KPIs on an annual basis.
  3. Quarterly updates will be provided to Departmental Management Team and HRA Governance Board.

This version published: February 2025

Next review due: February 2026

**Appendix A**

Scope of the Medway Council Housing Complaints Policy

What is not covered by this policy

* Enquiries from members of parliament and locally elected members. These will be dealt with through our MP and Councillor Enquiries process.
* Complaints about parish or town councils. These should be sent directly to the relevant parish or town using the information provided on their websites.
* Statutory complaints about Children’s or Adults Social Care Services. There are separate processes to deal with these. For more information, or to make a complaint about Medway Council’s [Children’s Docia; Care Services](https://www.medway.gov.uk/info/200422/complaints/1293/make-a-complaint-about-a-childrens-social-care-service) or [Adults Social Care Services](https://www.medway.gov.uk/info/200169/adult_social_care/1294/make_a_complaint_about_adult_social_care), contact:
* Email: [sccm@medway.gov.uk](mailto:sccm@medway.gov.uk)
* Telephone: 01634 333036
* Address: Customer Relations Team, Medway Council, Dock Road, Chatham, Kent ME4 4TR
* Requests for a service, for example, a missed waste collection. These will be dealt with as a [Service Request](https://www.medway.gov.uk/contact).
* Complaints about an employee which fall within our Code of Conduct policy. These are dealt with internally as a staff conduct complaint under the council’s HR procedures.
* School complaints, unless the complaint is about the Council’s statutory education responsibilities (such as school transport, provision of Education and Health Care Plan, and school admission). Customers should send complaints to the relevant school, as schools have their [own complaints procedures.](https://www.gov.uk/complain-about-school)
* Where there is already an appeals process for decisions made by the council, for example, home to school transport, school admissions, planning decisions, housing benefit decisions, council tax, business rates and recovery, parking charge notices, or housing allocations. We can only investigate the handling of the application under our complaints procedure, not the decision itself.
* Complaints about councillors. The council’s Monitoring Officer deals with complaints about [Councillor code of conduct.](https://www.medway.gov.uk/info/200167/councillors/118/councillor_code_of_conduct)
* All potential insurance claims. The council’s insurance team, and those of its contracted partners, deal with these.
* Potential data incidents or data breaches under the Data Protection Act 2018, or dissatisfaction with the outcome or processing of a Freedom of Information or Environmental Information Request or a Subject Access