



TRAFFORD COUNCIL

HOUSING COMPLAINTS POLICY

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VERSION 1.0

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1. Introduction

- 1.1 Trafford Council recognises the importance of complaints and welcomes them as a valuable form of feedback. Working with a resident focus is a key priority and we want our residents to be satisfied with our services. We welcome hearing our residents' comments, compliments and complaints to better understand how residents view our services and to use these valuable opportunities to learn and improve in the future and this supports the Council's Corporate Priority of 'A thriving economy and homes for all'.
- 1.2 In setting out this policy we recognise residents' rights to be heard, understood and respected. We will ensure that tenants are treated fairly, openly, honestly, consistently and appropriately in accordance with our values and behaviours.

2. Purpose of the policy

- 2.1 The aim of the policy is to provide a fair and consistent approach to handing and resolving complaints for the Council's tenants and ensure they are handled appropriately and professionally in line with the Ombudsman's Complaint Handling Code.
- 2.2 Emphasis will be placed on resolving complaints as quickly as possible by the service concerned. We will ensure that staff are equipped to deal with complaints effectively and lessons learned from complaint investigations will be used to directly inform service improvement.
- 2.3 This policy only relates to tenants of Trafford Council Tenants of properties owned by other social landlords should raise any complaints with their respective landlord.

3. What is a complaint?

- 3.1 We use the Housing Ombudsman's definition of a complaint, which is:

'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.'
- 3.2 An expression of dissatisfaction with services made through a survey is not automatically defined as a complaint, however, any surveys sent to residents by the Council will include information as to how they can pursue a complaint if they wish to do so.
- 3.3 Where the issue is being reported for the first time, this will normally be treated as a service request. This is because the majority of such contacts can be handled quickly and effectively to obtain the best outcome for the resident. This approach is in line with guidance from the Housing Ombudsman. Where we raise a matter as a service request, the resident will be made aware of the decision and advised of the next steps.

- 3.4 Where a resident expresses dissatisfaction with our approach to resolving the service request, they will be given the opportunity to raise a complaint. The complaint will be logged at Stage 1 of the procedure.

4. Exclusions

- 4.1 Each complaint will be dealt with on its own merits but routinely, the following would not be dealt with under this complaint's procedure:

- A service request (a request from a resident to the landlord requiring action to be taken to put something right). Where a service request has been raised and the resident is dissatisfied with the response they have received, a complaint about the issue may then be raised
- A complaint regarding the Council's allocation scheme, temporary accommodation, homelessness service, private landlord sector accommodation, or any matters relating to privately owned accommodation. Please contact host@trafford.gov.uk if further advice is needed as to which complaints policy applies
- A dispute with a neighbour which can be dealt with through the terms outlined in a tenancy agreement.
- Requests for information (these will be dealt with by the Information Management Team according to the requirements of the Freedom of Information Act 2000 or Data Protection Act 2018 and accompanying policies, depending on the nature of the request. Where there is a crossover of issues, the Complaints Team and Information Management Team will work together to resolve it)
- MP, Councillor and Citizens Advice enquiries (complaints made by such persons on behalf of residents will however be considered)
- Complaints relating to rent increases (where the rent increase is driven by government guidance/ regulation)
- Complaints about the actions of an organisation that is not working for, or supported by Trafford Council
- Matters that would more appropriately be dealt with by an insurer
- Matters relating to court/ legal proceedings (for example, where details of a claim, such as the Claim Form and Particulars of Claim, have been filed at court)
- Matters whereby other bodies, such as the Police, have commenced investigations into the same issues
- Matters upon which a Court or the Housing Ombudsman has already ruled, or is in the process of considering

- Complaints that have been previously withdrawn by the resident
 - A complaint that has already been investigated and a final response has been issued
 - Where the issues involved are covered by the Council's disciplinary policy for employees.
 - Where the grounds of the complaint are unclear, frivolous, or vexatious (please note the process to manage unreasonable customer contact is set out separately in the Council's Unreasonable Behaviour Policy)
- 4.2 In line with guidance from the Housing Ombudsman, the Council will normally only accept complaints made within 12 months of the issue(s) giving rise to the complaint, or within 12 months of the resident being made aware of the issue(s). However, if there are exceptional reasons provided by the resident for the delay in submitting the complaint, we may make a discretionary decision to consider the matter out of time. This approach is taken as historical matters can be difficult to fully investigate due to the passage of time.
- 4.3 Should the resident report a recurring issue, the complaint investigation will focus on any incidents that have occurred in the last 12 months but historical information may be considered as background information.
- 4.4 If we decide not to accept a complaint under this policy, an explanation will be provided to the resident in writing, setting out the reasons why the matter is not suitable for the complaints process.
- 4.5 A resident has the right to challenge the Council's decision to apply an exemption by bringing their complaint to the Housing Ombudsman Service. Contact information for the Housing Ombudsman Service can be found at paragraph 9.2.
- 4.6 Complaints about other council services will be covered under the Council's general complaints policy <https://www.trafford.gov.uk/about-your-council/complaints/general-council-complaints.aspx>.

5. Who can make a complaint?

- 5.1 Anyone who is a tenant of Trafford Council can make a complaint about the housing services they receive from the Council as their direct landlord.
- 5.2 As per paragraph 2.3, this policy does not apply to complaints about housing owned by another housing provider.
- 5.3 Where a complaint is received from a representative, confirmation for the representative to take the complaint forward on their behalf will be sought from the resident. This ensures compliance with Data Protection requirements and that the residents' wishes are being fulfilled.

5.4 If a resident does not provide a contact name or address or email address, it will not be possible for a reply to be provided. Where an anonymous complaint is made, this will be brought to the attention of the relevant service for internal investigation.

6. Equalities and Diversity and reasonable adjustments

6.1 When implementing this policy, we will have regard to the Equalities Act 2010 and show due regard to an individual's medical condition or vulnerability, such as mental health and learning disabilities. Help and support will be provided to residents to overcome any difficulties in pursuing their complaint. Any support or adjustment made will be determined on a case-by-case basis and with the agreement of the resident.

7. How can a complaint be made?

7.1 Complaints can be made using the following methods

- Email - LAHF@trafford.gov.uk
- By phone: 0161 912 2000
- In writing to: Estates, Trafford Town Hall, Talbot Road, M32 0TH

7.2 All complaints will be logged and residents provided with a complaint reference number including details of who is dealing with the complaint.

7.3 When raising a complaint, residents are asked to provide any relevant supporting evidence/ documentation at the time of making the complaint in order that the issues raised can be fully investigated.

7.4 Residents sometimes make contact about Council services on social media, for example, via the Council's Twitter or Facebook accounts. Details of this type of contact will be forwarded to the relevant service by the Communications Team to determine if the contact should be treated as a request for service or handled as a complaint. If the contact should be treated as a complaint, the service will ensure that the Complaints Team is made aware, and the complaint will be handled offline and in keeping with this policy.

7.5 Residents can expect to receive a consistently good quality service when they contact any member of staff with a complaint and we will deal with all complaints promptly, respectfully and efficiently.

7.6 Where complaints cover multiple issues, we will normally provide residents with a single response.

7.7 If a complaint includes multiple issues relating to areas covered by other complaints legislation, for example, Adult Social Care, then those issues will be managed separately.

- 7.8 Residents can expect to be asked for supporting evidence or additional information where it is felt this is required to complete a robust investigation. Residents will be provided with a timeframe in which to provide the evidence/ information. If the requested evidence/ information is not provided, and it is deemed as vital to complete an investigation, the complaint may be placed on hold until the Council feels it has sufficient information to enable it to investigate fully.
- 7.9 Should residents decline to provide information that is required to complete a complaint investigation, they may be deemed as not engaging with the complaints process.
- 7.10 A full record will be kept of the complaint, and the outcomes at each stage. This will include the original complaint and the date received, all correspondence with the resident, correspondence with other parties, and any relevant supporting documentation such as reports or surveys.

8. Complaint resolution process

- 8.1 The Council operates a two-stage housing complaints procedure for its tenants.
- 8.2 Formal complaints will be logged at Stage 1 of the complaints process.
- 8.3 Complaints will be acknowledged, defined and logged at Stage 1 of the complaints process within five working days of receipt. The acknowledgement will include:
- A summary of our understanding of the complaint
 - The resolution we believe you are looking to achieve
 - Details of the complaints policy and stages
 - Details of how to contact the housing ombudsman
 - A request for clarification when required
- 8.4 Once the full details of the complaint have been obtained, the complaint will be allocated to the relevant service manager for a Stage 1 investigation.
- 8.5 Where possible, a Stage 1 response will be communicated to the resident within 10 working days from the date that the complaint has been acknowledged. If this is not possible, an explanation and a date by when the Stage 1 response will be provided, together with the contact details of the Housing Ombudsman, will be provided to the resident and agreement sought; this will not usually exceed a further 10 days unless there is good reason.
- 8.6 Where a resident raises additional complaints during the investigation, these will be incorporated into the Stage 1 response if they are related, and the response has not been issued. Where the Stage 1 response has been issued, the new issues are unrelated to the issues already being

investigated or it would unreasonably delay the response, the new issues will be logged as a new complaint.

- 8.7 Should a resident wish to escalate their complaint to Stage 2, we ask that an escalation request is made within 4 weeks of the Stage 1 response being received. Residents are not required to provide reasons for escalating their complaint to stage 2.
- 8.8 Requests for Stage 2 will be acknowledged, defined and logged at Stage 2 of the complaint's procedure within five working days of the escalation request being received.
- 8.9 When acknowledging a Stage 2 complaint, we will set out our understanding of the unresolved issues and desired outcomes, where sufficient information has been provided for us to do so. Where sufficient information has not been provided, residents will be asked to confirm their outstanding points of complaint and desired outcome. Provision of this information will help to ensure the Stage 2 response is robust and suitably addresses the complaint. A complaint received at Stage 2 will be assigned to a Senior Officer.
- 8.10 In some circumstances, it may not be appropriate to escalate a complaint; for example, escalation to Stage 2 would be deemed inappropriate where:
- The matter would more appropriately be dealt with by an insurer
 - Matters have progressed to court/ legal proceedings (for example, details of the claim, such as the Claim Form and Particulars of Claim, have been filed at court)
 - Investigations by other appropriate bodies, for example, the Police, have commenced into the same matter
 - The resident has previously withdrawn the complaint after receiving the Stage 1 response
- 8.11 The member of staff considering the complaint at Stage 2 will not be the same person that considered the complaint at Stage 1.
- 8.12 Where possible, the Stage 2 final response will be communicated within 20 working days of the complaint being acknowledged. If this is not possible, an explanation and a date by when the Stage 2 response should be received will be provided, together with the contact details of the Housing Ombudsman, to the resident and agreement sought; the extension will not exceed a further 20 days without good reason.
- 8.13 Stage 2 is the Council's final response; should a resident remain dissatisfied with the outcome of their complaint, they are able to contact the Housing Ombudsman, whose details can be found at paragraph 9.2

9. The role of the Housing Ombudsman Service

- 9.1 The Housing Ombudsman Service is set up by law to look at complaints about housing registered organisations.

- 9.2 The Housing Ombudsman Service can assist residents throughout the life of a complaint and can be contacted:

By Phone – 0300 111 3000

By Post – Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET

By email – info@housing-ombudsman.org.uk

Online <http://www.housing-ombudsman.org.uk/residents/make-a-complaint/>

10. Remedies

- 10.1 Where something has gone wrong, we will set out the actions we have already taken, or intend to take, to put things right.
- 10.2 We will offer appropriate remedy and redress, in accordance with the Housing Ombudsman’s Complaint Handling Code.
- 10.3 The general principle is that any remedy offered should reflect the extent of all service failures, and the impact these faults have had on the resident.
- 10.4 Examples of remedies include:
- Apologising
 - Acknowledging where things have gone wrong
 - Providing an explanation, assistance or reasons
 - Taking action if there has been delay
 - Reconsidering or changing a decision
 - Amending a record or adding a correction or addendum
 - Providing a financial remedy
 - Changing policies, procedures or practices
- 10.5 In considering any financial remedy, we will assess whether statutory payments are due and if any quantifiable losses have been incurred. Consideration will also be given to the time and trouble a resident has been put to and any distress and inconvenience caused.
- 10.6 The service will agree the proposed remedy before a response is issued to the resident. Where agreement cannot be reached between the Service Manager and investigating officer, this will be escalated through the relevant senior line management structure for a final decision.

11. Withdrawal of complaint

- 11.1 Residents may decide to withdraw their complaint verbally or by email or letter. We will confirm the withdrawal of the complaint by email or letter. In some instances, we may continue to investigate the matter internally.

12. Monitoring

- 12.1 The monitoring and review of complaints and service requests gives valuable information about resident perception and service performance and helps to identify areas for organisational learning to drive service improvement. We will look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from the complaint.
- 12.2 The Housing Ombudsman expects landlords to carry out regular self-assessment against its Complaint Handling Code and take appropriate action to ensure compliance. A suitably senior lead person is accountable for our complaint handling. This person will assess any themes or trends and work with colleagues to identify potential systemic issues, serious risks, or policies and procedures that require revision.
- 12.3 The Housing Ombudsman expects that the Member Responsible for Complaints is appointed to have lead responsibility for complaints to support a positive complaint handling culture.
- 12.4 The Housing Ombudsman expects local authority landlords to report the outcome of their self-assessments to elected members.
- 12.5 An annual report regarding complaints performance and service improvement will be produced and shared with the Housing Board. A copy will also be published on the Council's website. The annual report will include:
- the annual self-assessment against the Housing Ombudsman's Complaint Handling Code
 - a qualitative and quantitative analysis of complaint handling performance
 - any findings of non-compliance with the Housing Ombudsman's Complaint Handling Code
 - the service improvements made as a result of the learning from complaints
 - information regarding the landlord's performance from the Housing Ombudsman
 - any other relevant reports or publications produced by the Housing Ombudsman in relation to the work of the Council as a landlord
- 12.6 The annual self-assessment against the Housing Ombudsman's Complaint Handling Code will be reviewed following any significant restructure and/or change in procedures.
- 12.7 Additionally, information relating to complaints will be shared with the Regulator of Social Housing as required.

13. Review of policies

- 13.1 The Council's Housing Complaints Policy will be published on its website (www.trafford.gov.uk)
- 13.2 Residents will be issued with the policy annually. Information will also be provided on notice boards in communal areas.

13.3 This policy will be reviewed annually (or as a change is required). The **Corporate Director for Place** has delegated authority to agree these changes.