



## **Housing Landlord Complaints Policy**

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## 1.0 Introduction

The Royal Borough of Kingston upon Thames (the Council) acknowledges that sometimes things go wrong and when this happens, we will be accountable, apologise and put things right.

This policy provides the framework for dealing with our customers' views and it explains our processes and our obligations to our customers as a Landlord and outlines the role of the Housing Ombudsman Service (the Ombudsman).

The Social Housing (Regulation) Act 2023 empowered the Ombudsman to issue a code of practice about the procedures members of the Scheme should have in place for considering complaints against them. It also placed a duty on the Ombudsman to monitor compliance with a code of practice that it has issued. More details are available [here](#)

Complaints are investigated in line with the Localism Act 2011, Housing Act 1996 (schedule 2) and Equality Act 2010.

The Council also adheres to the Tenant and Involvement Empowerment Standards [Housing and Landlord Resident Engagement Strategy](#)

## 1.1 Our aims

The Council provides a range of services as a Landlord and on occasion, things go wrong and customers may be dissatisfied and wish to complain about the service they have received. The Council aims to:

- Resolve matters locally and as quickly as possible by being open, accountable and outcome focused.
- Provide good quality services to all customers
- Treat customers fairly
- View complaints positively
- Take action promptly to carry out an investigation
- To provide an opportunity to put things right
- Use complaints as an opportunity to rebuild trust in the landlord-tenant relationship
- Learn from our mistakes
- Use and continue to use the lessons from complaints to help improve services
- Reflect on the Ombudsman's [Dispute Resolution Principles](#) of: Being Fair, Putting Things Right and Learning from Outcomes
- Take account of the guidance issued by the Ombudsman when deciding on appropriate remedies

The policy reflects the requirements of the Equalities Act 2010 and the Council will make reasonable adjustments to this policy to avoid or correct the disadvantage to a person with a disability.

## **2.0 Complaints definition**

Effective complaint handling enables residents to be heard and understood. The starting point for this is a shared understanding of what constitutes a complaint.

The definition of a complaint 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.’

The Council sees complaints as an opportunity, as such staff (officers) are encouraged to actively identify issues. A resident does not have to use the word ‘complaint’ for it to be treated as such.

Whenever a resident expresses dissatisfaction the Council will give them the choice to make a complaint. If a complaint is submitted via a third party or representative it will also be handled in line with this policy, as long as the correct permissions are given.

A service request is defined as:

“A request from a resident to the landlord requiring action to be taken to put something right”.

These are initial requests for a service provided by either the council, its partners or contractors, and should be reported here for [Council housing repairs](#)

Service requests will be recorded, monitored and reviewed regularly.

A complaint will be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. The Council will not stop their efforts to address the service request if the resident complains. The landlord will make it clear to the resident which aspects of the complaint they are and are not responsible for.

When a complaint is logged at Stage 1 or escalated to Stage 2, the landlord will have set out their understanding of the complaint and the outcomes the resident is seeking in a 'complaint definition'. If any aspect of the complaint is unclear, the resident will be asked for clarification.

An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey will be made aware of how they can pursue a complaint if they wish to.

## **2.1 Exclusions**

The Council will accept a complaint unless there is a valid reason not to do so. However, there may be areas where the council is unable or limited in what it can do to investigate. For example:

- The issue giving rise to the complaint occurred over twelve months ago (The Council will consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so).
- Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
- Matters that have previously been considered under the complaints policy.
- Complaints that fall outside our jurisdiction (e.g. complaints about utilities).
- Appeals and tribunals – e.g. Housing Register or banding and service charges. These all have their own procedures.
- The level of rent or service charge or the amount of the rent or service charge increase.
- Issues that concern the terms and operation of commercial or contractual relationships not connected with the complainant's application for, or occupation of, a property for residential purposes.
- Issues that concern terms of employment or other personnel issues, or the ending of a service tenancy following the ending of a contract of employment.
- Matters where the complainant is seeking an outcome which is not within the Council's remit.
- Housing Association (HA) or Social Landlord (RSL) complaints – Complaints about any matters relating to services provided by a Housing Association will not be accepted and should be made directly to the relevant HA or RSL  
[Landlord rights and responsibilities](#)

Please note this list is not exhaustive, complaints will be dealt with on a case by case basis. The Council will accept complaints referred to them within 12 months of the issue occurring or the resident becoming aware of the issues.

If the Council decides not to accept a complaint, a detailed explanation will be provided setting out the reasons why the matter is not suitable for the complaints process, and the Council will clearly communicate a complainant's right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion

has been fairly applied, the Ombudsman may tell the Council to take on the complaint.

The Council reserves the right to use discretion when applying the policy and may deal with a complaint differently where individual circumstances merit it. Discretion will be applied fairly and appropriately and complaints will be progressed as far as possible to maximise the opportunity to resolve a dispute.

### **3.0 Accessibility and awareness**

We acknowledge that some people need help to make a complaint and as such, we will normally accept complaints made on behalf of someone who is unable to do so themselves. However, for reasons of customer confidentiality, we will not accept complaints from one person on behalf of another unless we have their written (digital or otherwise) permission to do so. If consent is not received, the complaint can still be reviewed on the basis that any personal data will not be shared with the individual complaining. Those wishing to complain can be supported by a representative at any time. You can make a complaint yourself or if you need help and support making a complaint you can ask a friend, relative, or someone you trust to make a complaint on your behalf or ask them to accompany you if you meet with us.

We will assist customers in the most appropriate way to resolve their issue. In line with equality legislation we will provide reasonable assistance or adjustments to enable a complaint to be made in a fair and equitable way. Some customers with disabilities may choose to use other methods to make a complaint.

The Council takes its duties under the Equality Act 2010 seriously and will anticipate the needs and reasonable adjustments of residents who may need to access the complaints process by recording and reviewing any reasonable adjustments made, ensuring that the complaints policy is available online and in hard copy and via other formats.

Customers may wish to seek advice from [Citizens Advice](#), [Lease](#) or [Shelter](#) who can aid in the resolution of disputes

Complaints can be made in any format and to any member of staff, these will be passed to the Customer Care team for action.

The Council will publicise details of the complaints policy online and make this policy available by hard copy.

## 4.0 Complaints Process

Complaints can be made in any format including:

- Online complaint [form](#)
- In writing to the Customer Care Team, Guildhall 2, High Street, Kingston, KT1 1EU
- By telephone 0208 547 5000
- By appointment in person or online by contacting the Customer Care Team on the details above

Who can make a complaint:

a. A person who is or has been in a landlord/tenant relationship with RBK.

This includes people who,

- have a lease,
- tenancy,
- licence to occupy,
- service agreement,
- or other arrangement to occupy premises owned or managed by the Council.
- If the complaint is made by an ex-occupier, they must have had a legal relationship with the Council at the time that the matter complained of arose;

b. an applicant for a property owned or managed by RBK;

c. a representative of any of the people above who is authorised by them to make a complaint on their behalf;

d. a representative of any of the people above who does not have the capacity to authorise a representative to act on their behalf. The Council must be satisfied that the representative has the legitimate authority to act on the person's behalf; or

e. a person with authority to make a complaint on behalf of any of the people above who is deceased.

If there is a group of residents wishing to complain about the same issue, there will be one complaint investigation and one response will be issued to all interested parties.

## **4.1 Handling anonymous complaints**

Anonymous complaints will be considered on a case by case basis as to the substance of the complaint, especially where an anonymous complaint might relate to a vulnerable person who might be at risk. If a customer has concerns about giving their name they can speak to a member of the Customer Care team who can answer questions about how the complaint will be handled.

Should there be any safeguarding concerns these should be reported via the following links rather than via a complaint.

Childrens Safeguarding Concerns -

<https://www.kingston.gov.uk/supporting-safeguarding-children/concerned-child>

Adults Safeguarding Concerns -

<https://www.kingston.gov.uk/adult-safeguarding/safeguarding-adults-mean>

## **4.2 Stage One Complaints**

Complaints will be acknowledged, defined and logged at stage one within five working days of the complaint being received. This will include a reference number, a due date and details of the Ombudsman service.

A full response will be issued within 10 working days of the complaint being acknowledged by an investigating officer. The investigating officer will be a Service Officer.

A complaint response will be provided to the resident when the answer to the stage 1 complaint is known, not when the outstanding actions required to address the issue are completed and updates should be provided to the resident on any outstanding actions.

If the investigating officer is unable to respond within 10 working days, they will inform the resident of the expected timescale for response. Where a response to a complaint falls outside the timescales set out in the Housing Ombudsman Code, the landlord agrees, with the resident, suitable intervals for keeping them informed about their complaint.

Any extension must be no more than 10 working days without good reason, and the reason(s) must be clearly explained to the resident. The investigating officer will provide the Housing Ombudsman's contact details when an extension is used.

Where a complaint involves a member of staff, the staff member will be interviewed as part of the initial investigation and kept up to date following each stage of the process, but will not be the investigating officer.

Where residents raise additional complaints during the investigation, these will be incorporated into the stage 1 response if they are related and the stage 1 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.

If all or part of the complaint is not resolved to the resident's satisfaction at stage 1, it will be progressed to stage 2 of the landlord's procedure and that Stage 2 is the landlord's final response.

### **4.3 Stage Two Complaints (Final Response)**

Requests for stage two complaint escalations will be acknowledged, defined and logged as a stage two complaint within five working days of the escalation request being received. This will include a reference number, a due date and details of the Ombudsman service.

Residents will not be required to explain their reasons for requesting a stage 2 consideration.

If all or part of the complaint is not resolved to the resident's satisfaction at stage one, it will be progressed to a stage two complaint unless there is an exclusion as set out in section 2. For example legal proceedings have started or it has been over 12 months since the date of the stage one complaint response.

A full response will be issued within 20 working days of the complaint being acknowledged by the Service Manager or manager of a similar level if appropriate. The person considering the complaint at stage 2 will not be the same person that considered the complaint at stage 1.

A complaint response will be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed and updates should be provided to the resident on any outstanding actions.

If the investigating manager is unable to respond within 20 working days, the investigating manager will inform the resident. Any extension will be no more than 20 working days without good reason. The manager will inform the resident of the expected timescale for response. Where a response to a complaint falls outside the timescales set out in the Housing Ombudsman Code, the landlord agrees, with the resident, suitable intervals for keeping them informed about their complaint. The reason(s) will be clearly explained to the resident. The investigating officer will provide the Ombudsman's contact details when an extension is used.



## 5.0 Housing Ombudsman Service

A complainant has the right to access the Ombudsman at any time throughout the complaints process. However, the Ombudsman will not usually investigate a complaint whilst it is going through the internal complaints process but the Ombudsman may be able to help assist with reaching an early resolution.

Following a stage two complaint and the completion of the Council's internal complaints process, complainants are entitled to refer their complaint to the Ombudsman Service if they remain unsatisfied with the Council's response.

Housing Ombudsman Service

**Tel:** 0300 111 3000

**Email:** [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

**Website:** [online complaint form](#)

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

**Fax:** 020 7831 1942

## 6.0 Managing Unacceptable Behaviour

We have a responsibility to protect and ensure all our publicly funded resources are used appropriately. In a minority of cases people pursue their complaints in a way that is unreasonable. They may behave unacceptably towards staff for example or be unreasonably persistent in their contacts and submission of information. This can impede investigating their complaint (or complaints by others) and can have significant resource issues. These actions can occur either while their complaint is being investigated, or once the complaint investigation has concluded.

Our procedures for managing unreasonable behaviour ensure all complaints are dealt with in an open, fair and proportionate way but to protect our staff and our resources. A link to our procedure on Managing Unreasonable Behaviour can be found [here](#)

Any restrictions placed on a resident's contact due to unacceptable behaviour will be appropriate to their needs and will demonstrate regard for the provisions of the Equality Act 2010. The Council is committed to ensuring that disabled people are not disadvantaged in accessing its housing services. To this end, we will make reasonable adjustments for disabled people and those with support needs in applying this policy and our complaints process.

## **7.0 Compensation and redress**

The Council is committed to providing a high quality service to all our customers at all times. We recognise however, that there are times when services do not meet our high standards and customers are inconvenienced as a result. Where a complaint is justified, an apology will normally be sufficient to correct any inconvenience caused. However, the Council understands that where a complainant has suffered loss or injustice, other remedial action may also need to be considered, including financial compensation. A fuller outline of remedies is often covered in a separate compensation and redress policy [here](#)

## **8.0 Recording, reporting and learning**

Complaints are opportunities to put things right and learn lessons to prevent similar errors from reoccurring. In the resolution of a complaint, both the investigating officer and the relevant service may find that there are recommendations and actions for improvement that can be agreed upon, with follow-on actions that can be put in place, and monitored. If this is the case, these recommendations will be captured within the conclusion of the complaint response.

We record all complaints, analyse any escalations and monitor our complaints on a monthly, quarterly and annual basis. The Council will monitor performance in order to identify underperformance, address any issues, identify any trends and learn from complaints.

The Council will produce an annual self assessment accompanied by an annual complaints report which is published on the complaints section of the [Council's website](#)

## **9.0 Commitment to confidentiality**

All complaints will be dealt with in accordance with the requirements of the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. The identity of the person making a complaint will be made known only to those who need to know in order to consider the complaint and will not be made public by the Council. The Council aims to be open and honest in its responses to complaints but sometimes it is necessary to maintain confidentiality.

We will collect sufficient information for us to investigate and respond to the complaint. The Council works in partnership with other councils and organisations to deliver services, and it will sometimes be necessary to share information with those partners in order to resolve the complaint. We will share the minimum amount of information necessary for that purpose. For further details as to how the council

processes your personal information, please see the council's corporate and service specific Privacy Statements via the website [privacy notice](#)

## **10. Comments and Compliments**

The Council is committed to providing high quality services. Comments and compliments are another form of customer feedback which provide opportunities for identifying service areas strengths and weaknesses. Customers can communicate these to teams directly or to the Customer Care team via the feedback form available on the [Council's website](#)

A comment is defined as:

“a personal opinion or belief, feedback or remark expressed by a customer. Where the customer indicates they expect a reply, or where it is otherwise thought appropriate to do so, this should be dealt with as general correspondence”.

Where a matter is considered a comment they will be thanked for it and the comment passed to the appropriate team.

A compliment is defined as:

“a customer statement of positive recognition or praise for a service or individual”.

Where appropriate officers may acknowledge compliments otherwise they will be logged and reported on with complaints.

## **11. Complaints where Discrimination is alleged**

The Equality Act 2010 provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. It offers protection, in employment, education, the provision of goods and services, housing, transport and the carrying out of public functions.

Protection from unlawful discrimination is provided by the Equality Act in relation to the following protected characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion and belief

- sex
- sexual orientation

The complaints function cannot determine if the Council has breached the Equality Act as this can only be done by a court of law. However, it can make decisions about whether or not the Council has properly followed due process and taken account of an individual's rights in its treatment of them.

The Equality Advisory Support Service (EASS) can offer advice to people who may feel they have experienced discrimination [EASS](#)