

Appendix A: Self-assessment form

This self-assessment form should be completed by the complaints officer and it must be reviewed and approved by the landlord's governing body at least annually.

Once approved, landlords must publish the self-assessment as part of the annual complaints performance and service improvement report on their website. The governing body's response to the report must be published alongside this.

Landlords are required to complete the self-assessment in full and support all statements with evidence, with additional commentary as necessary.

We recognise that there may be a small number of circumstances where landlords are unable to meet the requirements, for example, if they do not have a website. In these circumstances, we expect landlords to deliver the intentions of the Code in an alternative way, for example by publishing information in a public area so that it is easily accessible.

Section 1: Definition of a complaint

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
1.2	A complaint must be defined as: <i>'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.'</i>	Yes	https://www.wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/	This is clearly defined on our website.
1.3	A resident does not have to use the word 'complaint' for it to be treated as such. Whenever a resident expresses dissatisfaction landlords must give them the choice to make complaint. A complaint that is submitted via a third party or representative must be handled in line with the landlord's complaints policy.	Yes	https://www.wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/	As above. Our complaints definition states that a complaint is 'an expression of dissatisfaction' therefore a resident does not have to use the word 'complaint'. Complaints by a third party or representative are handled in line with our complaints policy, but consent to act on a residents' behalf must be evidenced.
1.4	Landlords must recognise the difference between a service request and a complaint. This must be set out in their complaints policy. A service	Yes	https://www.wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/	The distinction between a service request and complaint is set out within our Housing Corporate

	request is a request from a resident to the landlord requiring action to be taken to put something right. Service requests are not complaints, but must be recorded, monitored and reviewed regularly.		The Housing Corporate Complaints Policy is attached in appendix 1 .	Complaints Policy which is on the website.
1.5	A complaint must be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. Landlords must not stop their efforts to address the service request if the resident complains.	Yes	This is covered in our Staff Guidance on Complaints Handling which is attached in appendix 2 .	See Section 2 of the staff guidance. When a complainant is notified of their service request being dealt with as such, if a complainant then seeks to escalate to a stage 1 complaint, even if they are awaiting their service request response, we would at that point escalate their complaint to stage 1.
1.6	An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where landlords ask for wider feedback about their services, they also must provide details of how residents can complain.	Yes	N/A	At the end of the Annual Resident Perception Survey conducted by BMG, an external company, residents are advised of how to make a complaint if they are dissatisfied. Furthermore, the complaints teams are always aware that complaints come in through a variety of methods. We accept complaints through emails,

				<p>telephone calls and through our complaints form. It does not have to be any specific way. Complainants that ask for guidance on how to make a complaint are guided through our Wandsworth complaints page and colleagues clearly explain that it does not have to be on the form on the website.</p>
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Section 2: Exclusions

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
2.1	Landlords must accept a complaint unless there is a valid reason not to do so. If landlords decide not to accept a complaint they must be able to evidence their reasoning. Each complaint must be considered on its own merits	Yes	See 1.5 – this is covered in staff guidance on complaints handling	<p>Section 2 of staff guidance. All complaints are considered on a case-by-case basis and colleagues are aware that they must provide a valid reason if the Council does not wish to accept a complaint.</p> <p>The Central Complaints Team also provide comprehensive support and guidance and regular staff training on complaints handling</p>
2.2	A complaints policy must set out the circumstances in which a matter will not be considered as a complaint or escalated, and these circumstances must be fair and reasonable to residents. Acceptable exclusions include:	Yes	See 1.4 and 1.5 – this is covered in the both the Housing Corporate Complaints Policy and the staff guidance on complaints handling	Section 2 of the staff guidance and Section 5 of the Housing Corporate Complaints Policy.

	<ul style="list-style-type: none"> • The issue giving rise to the complaint occurred over twelve months ago. • 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. 			
2.3	Landlords must accept complaints referred to them within 12 months of the issue occurring or the resident becoming aware of the issue, unless they are excluded on other grounds. Landlords must consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so.	Yes	https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/ and see 1.4 for Housing Corporate Complaints Policy and 1.5 for staff guidance	This is stated in Section 10 of the Housing Corporate Complaints Policy, Section 2 of the staff guidance and on our website - the Council will take due consideration of extenuating circumstances in the cases of those that may require it.
2.4	If a landlord decides not to accept a complaint, an explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the 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 landlord to take on the complaint.	Yes	Staff guidance on complaints handling – see 1.5	Refer to 2.2. Set out in Section 2 (2.6) of the complaints handling guidance.

2.5	Landlords must not take a blanket approach to excluding complaints; they must consider the individual circumstances of each complaint.	Yes	Staff guidance on complaints handling – see 1.5	This is in Section 3 of the staff guidance.
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Section 3: Accessibility and Awareness

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
3.1	Landlords must make it easy for residents to complain by providing different channels through which they can make a complaint. Landlords must consider their duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of residents who may need to access the complaints process.	Yes	https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/ See 1.4 for Housing Corporate Complaints Policy and 1.5 for Staff Guidance	Our complaints policy (Section 13) signposts residents to advocacy and sets out that the Council will make reasonable adjustments (Section 14) as required to ensure that residents are able to complain. We will also take complaints in any format to ensure that all residents are able to make a complaint. The Central Complaints Team also provide comprehensive support and guidance and regular staff training on complaints handling This is also covered in the staff guidance Section 14.
3.2	Residents must be able to raise their complaints in any way and with any member of staff. All staff must be	Yes	https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/	Refer to 1.6 and 3.1.

	aware of the complaints process and be able to pass details of the complaint to the appropriate person within the landlord.			
3.3	High volumes of complaints must not be seen as a negative, as they can be indicative of a well-publicised and accessible complaints process. Low complaint volumes are potentially a sign that residents are unable to complain.	Yes	https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/ Annual Complaint Reports are published on our complaints webpages to promote transparency and accessibility See 1.4 for Housing Corporate Complaints Policy and 1.5 for Staff Guidance	We always take complaints as an opportunity to learn and reflect on our processes which is set out in our publicly available annual complaint reports. Section 2 of the Housing Corporate Complaints Policy sets out our positive approach to complaints. Our complaint values are also set out in Section 1 of the staff guidance on handling complaints. The Central Complaints Team also provide comprehensive support and guidance and regular staff training on complaints handling
3.4	Landlords must make their complaint policy available in a clear and accessible format for all residents. This will detail the two stage process, what will happen at each stage, and the timeframes for responding. The policy	Yes	https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/ See 1.4 Housing Corporate Complaints Policy and 1.5 staff guidance on complaints handling	Richmond and Wandsworth Council encourages complaints in any format. This is set out in Section 14 of the Housing Corporate Complaints Policy, our complaints webpages and

	must also be published on the landlord's website.			Section 14 of the staff guidance on complaints handling. Officers are regularly briefed and reminded that they should accept complaints by phone or in person as well as via email, letter and online forms. There is no need to tell callers they must log a complaint via the online form or in writing. When requests are made for a more suitable format, i.e. in an email due to a visual impairment, this is considered and applied accordingly.
3.5	The policy must explain how the landlord will publicise details of the complaints policy, including information about the Ombudsman and this Code.	Yes?	See 1.4 Housing Corporate Complaints Policy	This is explained in Section 15 of the Housing Corporate Complaints Policy.
3.6	Landlords must give residents the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the landlord.	Yes	https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/	Refer to 3.1.
3.7	Landlords must provide residents with information on their right to access the Ombudsman service and how the	Yes	https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/	This information is on our complaints webpage, within our Housing Corporate

	<p>individual can engage with the Ombudsman about their complaint.</p>		<p>See 1.4 Housing Corporate Complaints Policy and 1.5 staff guidance on complaints handling Stage 1 and 2 templates.</p> <p>Homelife Issue100 March 2024 (wandsworth.gov.uk)</p>	<p>Complaints Policy, within staff guidance on complaints handing and on complaint acknowledgment and response templates at stage 1 and responses at stage 2.</p> <p>In addition, Homelife is a resident newsletter circulated regularly which provides details on how to make a complaint and take it forward with the Ombudsman should they require it.</p>
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Section 4: Complaint Handling Staff

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
4.1	Landlords must have a person or team assigned to take responsibility for complaint handling, including liaison with the Ombudsman and ensuring complaints are reported to the governing body (or equivalent). This Code will refer to that person or team as the 'complaints officer'. This role may be in addition to other duties.	Yes	The Corporate and Statutory Complaints Team are based within the Chief Executive's Department and overseen by the Statutory & Corporate Complaints Manager who is the organisational strategic lead for complaints. Within this team, the Corporate & Ombudsman Complaints Manager acts as the Ombudsman link officer	Stage 1 complaints are handled by the Housing Business Support Hubs but supported by the Central Complaints Team. The Central Complaints Team also provide comprehensive support and guidance and regular staff training on complaints handling
4.2	The complaints officer must have access to staff at all levels to facilitate the prompt resolution of complaints. They must also have the authority and autonomy to act to resolve disputes promptly and fairly.	Yes	The Statutory and Corporate Complaints Manager sits within the same reporting structure as the Council's Monitoring Officer. The Complaints Manager and their team regularly attend Senior Management Team meetings to provide complaints performance updates, works closely with senior managers and directorate complaint leads to provide advice on resolving complaints and presents annual complaint reports to Members	As above.

			through the Councils committee process	
4.3	Landlords are expected to prioritise complaint handling and a culture of learning from complaints. All relevant staff must be suitably trained in the importance of complaint handling. It is important that complaints are seen as a core service and must be resourced to handle complaints effectively	Yes	The central Complaints Team offer regular complaint training to teams, complaints is now on mandatory staff induction and see 1.5 for staff guidance on complaints handling	In addition all new managers are trained by a colleague in the Housing Business Support team when they start in the organisation to ensure complaints are at the front of their mind. With all complaints when upheld, partially upheld, or even not upheld, the Housing directorate take the time to reflect and learn lessons where we uphold or partially uphold our complaints. Senior managers are communicated the Ombudsman press releases by the Corporate Complaints team too, in which they can share with colleagues if they wish. The Complaints Manager regularly attends Senior Management Team meetings to update on complaints performance, themes and learning

Section 5: The Complaint Handling Process

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
5.1	Landlords must have a single policy in place for dealing with complaints covered by this Code. Residents must not be treated differently if they complain.	Yes	https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/	Both Wandsworth and Richmond Council share the same Corporate Complaints Policy and the guidance is not different in any way.
5.2	The early and local resolution of issues between landlords and residents is key to effective complaint handling. It is not appropriate to have extra named stages (such as 'stage 0' or 'informal complaint') as this causes unnecessary confusion.	Yes	https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/	There are only two stages to the Corporate Complaints Policy.
5.3	A process with more than two stages is not acceptable under any circumstances as this will make the complaint process unduly long and delay access to the Ombudsman.	Yes	https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/	As above.
5.4	Where a landlord's complaint response is handled by a third party (e.g. a contractor or independent adjudicator) at any stage, it must form part of the two stage complaints process set out in this Code. Residents must not be expected to go through two complaints processes.	Yes	Co-op complaint policy (appendix 3)	For Co-operatives that manage properties on behalf of Wandsworth Council, they are expected to respond at stage 1 and offer a stage 2 escalation to the Council.

5.5	Landlords are responsible for ensuring that any third parties handle complaints in line with the Code.	Yes	Co-op complaint policy	As above. It is our responsibility for ensuring that the Co-operatives follow the procedure.
5.6	When a complaint is logged at Stage 1 or escalated to Stage 2, landlords must set out their understanding of the complaint and the outcomes the resident is seeking. The Code will refer to this as “the complaint definition”. If any aspect of the complaint is unclear, the resident must be asked for clarification.	Yes	See 1.5 for staff guidance on complaints handling	See section 4 (4.2 and 4.3) of the staff guidance.
5.7	When a complaint is acknowledged at either stage, landlords must be clear which aspects of the complaint they are, and are not, responsible for and clarify any areas where this is not clear.	Yes	See 1.5 for staff guidance on complaints handling and on Stage 1 and 2 acknowledgement templates see 3.7	In our acknowledgements we summarise their complaints and what they are relating to. In the case when it is not clear, colleagues need to correspond with the complainant to identify where it is not clear.
5.8	At each stage of the complaints process, complaint handlers must: <ul style="list-style-type: none"> a. deal with complaints on their merits, act independently, and have an open mind; b. give the resident a fair chance to set out their position; c. take measures to address any actual or perceived conflict of interest; and 	Yes	See 1.5 for staff guidance on complaints handling	This is covered in Section 3 (3.4) of the staff guidance on complaints handling. The Central Complaints Team also provide comprehensive support and guidance and regular staff training on complaints handling

	d. consider all relevant information and evidence carefully.			
5.9	Where a response to a complaint will fall outside the timescales set out in this Code, the landlord must agree with the resident suitable intervals for keeping them informed about their complaint.	Yes	See 1.5 for staff guidance on complaints handling	See section 4 (4.5) and Section 5 (5.9) of the staff guidance on complaints handling. This sets out that the complainant should be contacted if the response will need to be extended to the 20 working day timescale allowed within the HO Code for more complex complaints or if complaint responses for any such reason cannot be responded to on time.
5.10	Landlords must make reasonable adjustments for residents where appropriate under the Equality Act 2010. Landlords must keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments must be kept under active review.	Yes	https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/ See 1.4 Housing Corporate Complaints Policy and 1.5 staff guidance on handling complaints	Our complaints policy signposts residents to advocacy and sets out that the Council will make reasonable adjustments as required to ensure that residents are able to complain. We will also take complaints in any format to ensure that all residents are able to make a complaint. All staff in the Corporate Complaints Team are fully trained to deal with complaints in this way. The

				<p>Team also provides complaints training to internal departments, ensuring that the complaints procedure is accessible.</p> <p>This is also covered in Section 3 (3.1) and Section 14 of the staff guidance.</p>
5.11	Landlords must not refuse to escalate a complaint through all stages of the complaints procedure unless it has valid reasons to do so. Landlords must clearly set out these reasons, and they must comply with the provisions set out in section 2 of this Code.	Yes	<p>https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/</p> <p>1.5 staff guidance on handling complaints</p>	<p>Refer to section 2. Section 2 of the staff guidance on handling complaints sets out valid exemptions from the Corporate Complaints Policy.</p>
5.12	A full record must be kept of the complaint, and the outcomes at each stage. This must 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.	Yes	<p>https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/</p> <p>See Annual Corporate Complaints Report on the website</p>	<p>There are two stages to Richmond and Wandsworth Council's corporate complaints procedure (stage 1 and stage 2). The Departments keep an audit trail of all emails/records of stage 1 complaints and provides statistics to the central Complaints Team on a quarterly basis. The Central Complaints Team keep records for all</p>

				complaints that escalate to stage 2. Complaint files include all correspondence and relevant supporting documentation. Data is used to produce the Annual Complaint Reports.
5.13	Landlords must have processes in place to ensure a complaint can be remedied at any stage of its complaints process. Landlords must ensure appropriate remedies can be provided at any stage of the complaints process without the need for escalation.	Yes	<p>See 1.5 staff guidance on complaints handling.</p> <p>https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/</p> <p>See Annual Corporate Complaints Report on the website</p>	<p>As part of the complaint investigation and the learning element, managers review outcomes and implement remedies as appropriate (such as an apology, action to remedy the issue e.g. arrange a repair, a compensatory payment, staff training, amendment to a procedure etc.). Under our complaints procedure, learning has been identified for all upheld or partially upheld complaints, and, if applicable, service improvements put in place. This learning is included in the Annual Report to Committee.</p> <p>The Central Complaints Team also provide comprehensive support and</p>

				guidance and regular staff training on complaints handling.
5.14	Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives. Landlords must be able to evidence reasons for putting any restrictions in place and must keep restrictions under regular review.	Yes	See Unreasonable complainant policy (appendix 4) and 1.5 for staff guidance on handling complaints	<p>The Unreasonable Complainant Behaviour Policy sets out that any restrictions on communication will follow the guidance in the Council's Equalities Policy. Also, the Council has a high level bi-monthly panel meeting which reviews decisions on restrictions made due to unreasonable behaviour to ensure they have been made fairly and reviewed regularly.</p> <p>This is also covered in the staff guidance on complaints handling – see section 8.</p>
5.15	Any restrictions placed on contact due to unacceptable behaviour must be proportionate and demonstrate regard for the provisions of the Equality Act 2010.	Yes	See 5.14	As above in 5.14.

Section 6: Complaints Stages

Stage 1

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
6.1	Landlords must have processes in place to consider which complaints can be responded to as early as possible, and which require further investigation. Landlords must consider factors such as the complexity of the complaint and whether the resident is vulnerable or at risk. Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the resident.	Yes	<p>https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/</p> <p>See 1.4 Housing Corporate Complaints Policy and 1.5 staff guidance on complaints handling</p>	<p>As of 1st April 2023, all complaints that fall under the HO's jurisdiction will be responded to within 10 working days, and the complainant will be kept informed if the response will need to be extended to the 20 working day timescale allowed within the HO Code for more complex complaints.</p> <p>This is covered in Section 3 (3.2) of the staff guidance on complaints handling.</p> <p>The Central Complaints Team also provide comprehensive support and guidance and regular staff training on complaints handling.</p>

6.2	Complaints must be acknowledged, defined and logged at stage 1 of the complaints procedure <u>within five working days of the complaint being received</u> .	Yes	https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/ See 1.4 Housing Corporate Complaints Policy and 1.5 staff guidance on complaints handling.	The Council's corporate target is to acknowledge all stage 1 and stage 2 complaints within two working days. This is set out on the website, within the corporate complaints policy, and in staff guidance on complaints handling
6.3	Landlords must issue a full response to stage 1 complaints <u>within 10 working days</u> of the complaint being acknowledged.	Yes	https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/ See 1.4 Housing Corporate Complaints Policy and 1.5 staff guidance on complaints handling	Refer to 6.1 and 6.2.
6.4	Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 10 working days without good reason, and the reason(s) must be clearly explained to the resident.	Yes	https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/ See 1.4 Housing Corporate Complaints Policy and 1.5 staff guidance on complaints handling	Refer to 6.1 and 6.2.
6.5	When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.	Yes	https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/ See 1.4 Housing Corporate Complaints Policy and 1.5 staff guidance on complaints handling	Refer to 6.1. We always provide the details of the Housing Ombudsman in all stage 1 acknowledgements. This is set out in the staff guidance on complaints

				handling Section 4 (4.5) and Section 5 (5.9)
6.6	A complaint response must 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. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.	Yes	https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/ See 1.4 Housing Corporate Complaints Policy and 1.5 staff guidance on complaints handling	Our complaints procedure sets clear timescales for responding to complaints. Officers are expected, in line with good complaints practice, to track any actions agreed as part of the complaint after the response has been sent.
6.7	Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.	Yes	See 3.7 for Stage 1 and 2 templates. (Appendices 5 and 6).	The corporate complaint templates provide a framework to ensure that complaint responses address all points raised in the complaint and reference any relevant policy and law. These templates are available on the internal intranet and accessible by all staff, alongside the guidance on effective complaints handling.
6.8	Where residents raise additional complaints during the investigation, these must 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	Yes	https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/ 1.5 staff guidance on complaints handling	This is set out in the staff guidance on complaints handling in Section 4 (4.10)

	investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.			
6.9	Landlords must confirm the following in writing to the resident at the completion of stage 1 in clear, plain language: <ul style="list-style-type: none"> a. the complaint stage; b. the complaint definition; c. the decision on the complaint; d. the reasons for any decisions made; e. the details of any remedy offered to put things right; f. details of any outstanding actions; and g. details of how to escalate the matter to stage 2 if the individual is not satisfied with the response. 	Yes	See 3.7 for Stage 1 template.	Similarly to 6.7. We have a corporate complaint template that covers all of these points effectively. These templates are available on the internal intranet and accessible by all staff, alongside the guidance on effective complaints handling and remedy offers.

Stage 2

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
6.10	If all or part of the complaint is not resolved to the resident's satisfaction at stage 1, it must be progressed to stage 2 of the landlord's	Yes	https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/ See 1.4 Housing Corporate Complaints Policy	As per the Council's complaints procedure, all complainants who receive a stage 1 response have the opportunity to escalate to stage 2 if

	procedure. Stage 2 is the landlord's final response.			they remain unhappy or dissatisfied with their response. We only have two stages in our procedure.
6.11	Requests for stage 2 must be acknowledged, defined and logged at stage 2 of the complaints procedure within five working days of the escalation request being received.	Yes	https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/ See 1.4 Housing Corporate Complaints Policy and 1.5 staff guidance on complaints handling	The Council's corporate target is to acknowledge all stage 1 and stage 2 complaints within two working days. This is set out in the Corporate Complaints Policy and staff guidance on complaints handling
6.12	Residents must not be required to explain their reasons for requesting a stage 2 consideration. Landlords are expected to make reasonable efforts to understand why a resident remains unhappy as part of its stage 2 response.	Yes	See 1.5 staff guidance on complaints handling	If a complainant requests a stage 2 review, we do not require them to explain their reasoning and this is set out in Section 5 (5.3) of the staff guidance on complaints handling. The Business Support Team or Central Complaints Team will contact

				<p>complainants if there is any uncertainty as to why they remain unhappy as part of their stage 2 complaint.</p> <p>The Central Complaints Team also provide comprehensive support and guidance and regular staff training on complaints handling.</p>
6.13	<p>The person considering the complaint at stage 2 must not be the same person that considered the complaint at stage 1.</p>	Yes	<p>https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/</p> <p>See 1.5 staff guidance on handling complaints</p>	<p>A senior manager will review the stage 1 response, and then write to them with the decision for stage 2. The staff guidance on handling complaints Section 5 sets out that a senior manager will conduct the stage 2 review.</p>

6.14	Landlords must issue a final response to the stage 2 <u>within 20 working days</u> of the complaint being acknowledged.	Yes	https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/ See 1.4 Housing Corporate Complaints Policy and 1.5 staff guidance on complaints handling.	This is detailed in the Housing Corporate Complaints Policy and staff guidance on complaints handling.
6.15	Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 20 working days without good reason, and the reason(s) must be clearly explained to the resident.	Yes	See 1.5 staff guidance on handling complaints,	This is covered in Section 4 (4.6) of the staff guidance on handling complaints. Also, when a case is complex and requires further time, the Business Support Team will liaise with the Corporate Complaints Team to inform the complainant of the delay and explain the reasoning for it.
6.16	When an organisation informs a resident about an extension to these timescales, they must be provided with the contact	Yes	https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/ See 1.5 staff guidance on handling complaints.	This is set out in Section 4 (4.5) and Section 5 (5.9). The Central Complaints Team also provide

	details of the Ombudsman.			comprehensive support and guidance and regular staff training on complaints handling.
6.17	A complaint response must 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. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.	Yes	https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/ See 1.4 Housing Corporate Complaints Policy	As per 6.6. Our complaints procedure sets clear timescales for responding to complaints. Officers are expected, in line with good complaints practice, to track any actions agreed as part of the complaint after the response has been sent.
6.18	Landlords must address all points raised in the complaint definition and provide clear reasons for any	Yes	See 3.7 for stage 1 and 2 templates.	As per 6.7. The corporate complaint templates provide a framework to ensure that complaint responses address all points raised in the complaint and reference any relevant policy and law. These templates are available on the internal intranet and

	decisions, referencing the relevant policy, law and good practice where appropriate.			accessible by all staff, alongside the guidance on effective complaints handling.
6.19	Landlords must confirm the following in writing to the resident at the completion of stage 2 in clear, plain language: a. the complaint stage; b. the complaint definition; c. the decision on the complaint; d. the reasons for any decisions made; e. the details of any remedy offered to put things right; f. details of any outstanding actions; and g. details of how to escalate the matter to the Ombudsman	Yes	See 3.7 for Stage 2 template	As per 6.9. We have a corporate complaint template that covers all of these points effectively. These templates are available on the internal intranet and accessible by all staff, alongside the guidance on effective complaints handling and remedy offers.

	Service if the individual remains dissatisfied.			
6.20	Stage 2 is the landlord's final response and must involve all suitable staff members needed to issue such a response.	Yes	https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/ See 1.4 Housing Corporate Complaints Policy and 1.5 staff guidance on complaints handling	A Senior Member of staff reviews the stage 2 as per our procedure and all suitable staff are interviewed as part of the review of the stage 1 investigation. Stage 2 responses are clear that this is the final response.

Section 7: Putting things right

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
7.1	Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include: <ul style="list-style-type: none"> • Apologising; • Acknowledging where things have gone wrong; • Providing an explanation, assistance or reasons; 	Yes	See 1.5 staff guidance on complaints handling.	Refer to 5.13. Section 1 (1.4) and Section 11 (11.2) of the staff guidance sets out these measures to put things right when a complaint is upheld The Central Complaints Team also provide comprehensive support and guidance and regular staff

	<ul style="list-style-type: none"> • 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. 			training on complaints handling.
7.2	Any remedy offered must reflect the impact on the resident as a result of any fault identified.	Yes	See 1.5 staff guidance on complaints handling	As above point 7.1.
7.3	The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.	Yes	See 1.5 staff guidance on complaints handling	As 7.1. We also ensure that in our responses that any remedy is clearly stated to the complainant in how it is processed and when (if applicable). Set out in staff guidance on complaints handling Section 11 (11.2)
7.4	Landlords must take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.	Yes	See 1.5 staff guidance on complaints handling	As 7.1 Set out in staff guidance on complaints handling Section 11, 11.4. This is based on the Ombudsman's guidance on deciding the appropriate remedies.

Section 8: Self-assessment, reporting and compliance

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
8.1	<p>Landlords must produce an annual complaints performance and service improvement report for scrutiny and challenge, which must include:</p> <ul style="list-style-type: none"> a. the annual self-assessment against this Code to ensure their complaint handling policy remains in line with its requirements. b. a qualitative and quantitative analysis of the landlord's complaint handling performance. This must also include a summary of the types of complaints the landlord has refused to accept; c. any findings of non-compliance with this Code by the Ombudsman; d. the service improvements made as a result of the learning from complaints; e. any annual report about the landlord's performance from the Ombudsman; and f. any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord. 	Yes	<p>https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/</p> <p>See Annual Corporate Complaints Report on the website</p>	<p>The Statutory and Corporate Complaints Manager in Richmond and Wandsworth produces an Annual Report that is approved by the Council's Monitoring Officer before final review and agreement by Members at the Committee and Executive meetings.</p>

8.2	The annual complaints performance and service improvement report must be reported to the landlord's governing body (or equivalent) and published on the on the section of its website relating to complaints. The governing body's response to the report must be published alongside this.	Yes	https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/ See Annual Corporate Complaints Report on the website	As 8.1.
8.3	Landlords must also carry out a self-assessment following a significant restructure, merger and/or change in procedures.	Yes	Previous self-assessment.	We carried out a self-assessment last year in 2023. We are carrying out this self-assessment for 2024. The next self-assessment will be carried out in 2025.
8.4	Landlords may be asked to review and update the self-assessment following an Ombudsman investigation.	N/A	N/A	If needed, we can carry out a review.
8.5	If a landlord is unable to comply with the Code due to exceptional circumstances, such as a cyber incident, they must inform the Ombudsman, provide information to residents who may be affected, and publish this on their website Landlords must provide a timescale for returning to compliance with the Code.	Yes	We are fully aware of our responsibilities to inform the Ombudsman in such circumstances and provisions are in place within our business continuity planning	The Corporate Complaints team would act as the responsible team in this type of event, and they are the link between the Council and the Ombudsman.

Section 9: Scrutiny & oversight: continuous learning and improvement

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
9.1	Landlords must 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.	Yes	<p>https://wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/</p> <p>See Annual Corporate Complaints Report on the website</p>	<p>As part of the complaint investigation and the learning element, managers review outcomes and implement remedies as appropriate (such as an apology, action to remedy the issue e.g. arrange a repair, a compensatory payment, staff training, amendment to a procedure etc.). Under our complaints procedure, learning has been identified for all upheld or partially upheld complaints, and, if applicable, service improvements put in place. This service improvement learning can be included in the Annual Report to Committee.</p> <p>The Central Complaints Team also provide comprehensive support and guidance and regular staff</p>

				training on complaints handling
9.2	A positive complaint handling culture is integral to the effectiveness with which landlords resolve disputes. Landlords must use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.	Yes	Refer to point 4.3.	Refer to point 4.3. As well as the intelligence provided through the Annual Complaints Report, the Complaints Manager attends Senior Management Teams on a quarterly basis to provide complaint performance updates and report on themes and risks. They also highlight any system issues or risks to the Council's Monitoring Officer to inform service improvement.
9.3	Accountability and transparency are also integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints to stakeholders, such as residents' panels, staff and relevant committees.	Yes	Browse Meetings, 2000 - Wandsworth Borough Council - Annual committee reports Housing performance and statistics - Wandsworth Borough Council - Annual Area Housing Panel Performance Reports. Homelife letter in 3.7.	The complainant is informed as are any other necessary parties. We have the facility to share these lessons e.g. through the Homelife newsletter/ housing panels/ Annual Reports etc. Complaints data is provided in the Annual Report to residents published in Homelife and in the Annual Report presented to the Area Housing Panels.

				The Annual Complaints Report submitted to Committee includes anonymised examples of complaints where learning has led to service improvements.
9.4	Landlords must appoint a suitably senior lead person as accountable for their complaint handling. This person must assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.	Yes	The Statutory and Corporate Complaints Manager is the organisations strategic lead for complaints	The Statutory and Corporate Complaints Manager is appointed who maintains a regular presence in directorates to support a positive culture of complaints. They also assess themes and trends, assess risks and produce an Annual Report that is approved by the Council's Monitoring Officer before final review and agreement by Members at the Committee and Executive meetings.
9.5	In addition to this a member of the governing body (or equivalent) must be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC').	Yes	The Executive receive the Annual Complaints Report through Overview and Scrutiny Committee. The Statutory and Corporate Complaints Manager works in close liaison with the Monitoring Officer, who in conjunction with the relevant director briefs lead members on	Refer to 4.1 and 9.3.

			complaint themes, risks and issues as and when required.	
9.6	The MRC will be responsible for ensuring the governing body receives regular information on complaints that provides insight on the landlord's complaint handling performance. This person must have access to suitable information and staff to perform this role and report on their findings.	Yes	As 9.5	Also see 9.5
9.7	As a minimum, the MRC and the governing body (or equivalent) must receive: <ul style="list-style-type: none"> a. regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance; b. regular reviews of issues and trends arising from complaint handling; c. regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings; and d. annual complaints performance and service improvement report. 	Yes	The Complaints manager will take six monthly performance reports to Director's Board which will be shared with the MRC by the relevant lead director	See 9.5
9.8	Landlords must have a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to:	No	Work in progress	The Complaints Manager has approval from Director's Board to work with HR to embed standard complaint handling

	<p>a. have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments;</p> <p>b. take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and</p> <p>c. act within the professional standards for engaging with complaints as set by any relevant professional body.</p>			<p>objectives on the generic appraisal forms and job descriptions</p>
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RI~~CHMOND~~ AND ~~WANDSWORTH~~ ~~COUNCILS~~ ~~COMPLAINTS~~ ~~PROCEDURES~~ ~~AND~~ ~~REGENERATION~~ ~~IN~~ ~~PERSON~~ ~~AND~~ ~~PROCESSES~~

Pr~~oced~~ur~~e~~

The Housing and Regeneration Department follows the two stage Corporate complaints procedures for Richmond and Wandsworth Councils available on the [Councils' websites and on the Loop](#). The accurate recording of complaints is important as the information reflects the nature of complaints being received and distinguishes between complaints about service delivery and dissatisfaction with the Councils' policies.

N ON	
>	Introduction
>	Recording Complaints
>	Complaint Levels
>	Local Government and Social Care Ombudsman
>	Housing Ombudsman Service
>	RMOs/ Co-ops
>	Letters/Forms/Other Information

1 ~~I~~nt~~r~~od~~u~~ct~~i~~o~~n~~

1.1 The Department must record all complaints made in person at the Department's customer services points, via telephone, email or letter.

Richmond Council and Wandsworth Council define a complaint as follows:

“A complaint is an expression of dissatisfaction with the Council, however expressed, whether justified or not”

and as ...

“... ~~a~~ ~~complaint~~ ~~is~~ ~~an~~ ~~expression~~ ~~of~~ ~~dissatisfaction~~ ~~with~~ ~~the~~ ~~Council~~ ~~or~~ ~~by~~ ~~a~~ ~~contractor~~ ~~or~~ ~~partner~~ ~~that~~ ~~requires~~ ~~a~~ ~~response~~”.



2 ~~R~~ec~~o~~rd~~i~~ng

2.1 ~~Recording Complaints~~

The Department is required to produce complaints data broken down by type and by length of time taken to respond.

Complaint types are as follows:

~~Quality, delayed, not provided~~

Examples include: Quality, delayed, not provided, insufficient, outside of timescales, system errors, no response given; includes poor performance by contractor.

~~Issues outside of legislation/policy/Law/Rights of Appeal etc.~~

Examples include issues outside of legislation/policy/Law/Rights of Appeal etc., the Council is not the lead Authority. Also, outside of Council's remit, repairs that are a tenant's responsibility.

~~Attitude, incorrect information, equalities issue, accuracy etc.~~

Examples include: Attitude, incorrect information, equalities issue, accuracy etc. on the part of a member(s) of staff; would also include those not in line with SSA Values and Behaviours.

~~Actions or assessment not carried out or delayed or agreed timescales not met.~~

Examples include actions or assessment not carried out or delayed or agreed timescales not met.

~~Disagreements with policy, payment delays, difficulty of process.~~

Examples include disagreements with policy, payment delays, difficulty of process.

Poor information

Examples include poor information provided by staff, service/ council website, or telephone menu.

2.2 What the Department will take into consideration

The Department will take the following points into consideration when assessing the complaint:

- whether the service has been given the opportunity to resolve the complaint;
- whether the complainant has stated that they want to make a complaint;
- the nature of the issue and whether the Council’s corporate complaints procedure is appropriate in the circumstances; and
- what the complainant would like to happen next.

The above list is not exhaustive, and the Department will consider each issue individually. For assistance in ascertaining what constitutes a complaint please contact the Business Support Team - hrdirector@richmondandwandsworth.gov.uk

A complaint may concern one or more of the following:

- The Council has done something which the complainant considers should not have been done;
- The Council has failed to do something that they consider should have been done;
- The service provided by the Council was not good enough; the complainant received poor quality of service or there was poor communication;
- There has been a failure or a delay in providing a service;
- Mistakes were made in the way a decision has been reached or a case has been handled;
- The Council has given incorrect or misleading information;
- Staff have been rude or unhelpful or behaved inappropriately.

For a comprehensive list of what does and does not constitute a complaint please see the [Corporate Complaints Procedure on The Loop](#).

2.3 How to raise a complaint

People can raise a complaint via the following means:

- Use the online complaint form on the Council website
www.wandsworth.gov.uk/complaints
www.richmond.gov.uk/complaints
- Send an email to the person they have been dealing with or the service that they are not happy with
- Write a letter to, or telephone, the person they have been dealing with or the service that they are not happy with

Details of the complaint – complaints should include:

- Contact details
- All the relevant points of the complaint. It would be helpful if they were in a numbered list
- Be clear about what is hoped to be achieved and what will put the matter right. The desired outcomes should be fair and proportionate to the issue raised

We understand that the complainant may feel strongly about the issue but would ask that they are polite and refrain from being aggressive.



3.1 **Stage 1 – Initial response** – Once a complaint is received, the Service Manager will check to see whether it should be treated as a complaint under the [corporate complaints procedure](#). Details of the complaint and what outcome is required need to be clear to assist the service in resolving the complaint. In some cases, further information may be needed about the complaint for the service to fully consider the matter. If further details are required, please contact the complainant and ask for more information. Once the complaint is received and there is no further information required, the process is as follows:

When a complaint is raised, the Service Manager and Business Support Team will check to see whether it should be treated as a complaint under the [corporate complaints procedure](#). Details of the complaint and what outcome is required need to be clear to assist the service in resolving the complaint. In some cases, further information may be needed about the complaint for the service to fully consider the matter. If further details are required, please contact the complainant and ask for more information. Once the complaint is received and there is no further information required, the process is as follows:

- The Service Manager must send a copy of the complaint (if received directly) to the Business Support Team who will acknowledge receipt of the complaint by email, post or phone within 2 working days.
- A Service Manager from the service being complained about will oversee an investigation and come to a decision about the complaint; except where it is the Service Manager being complained about, in which case a more senior officer will lead.
- A written response will be provided to a complaint within 10 working days from receipt. If this timescale cannot be met, then the complainant must be informed in writing (or by email) and a record kept on file and recorded in the complaints log by the Business Support Team.
- Log the below details:
 - a prescribed complaint type;
 - a prescribed complaint reason;
 - the date received and the date closed;
 - the time (in days) taken to provide a full response;
 - the complaint outcome (so we can learn from complaints) – upheld, partially upheld, not upheld;
 - the action taken to remedy the complaint and any learning noted for the team;
 - equalities information pertaining to the complainant;
- satisfaction information on how the complaint was handled.

The Business Support Team will retain copies of the complaint, the acknowledgement, any holding responses and the final stage 1 response on file according to the retention policy. The Business Support Team will also record information gathered, learning from the complaint, and monitor progress of stage 1 complaints.

3.2

Stage 2 – Richmond – 2 working days

Stage 2 – Richmond – 25 working days

If the complainant is still unhappy following the Stage 1 response, they can contact the Directorate via the Business Support Team who will collate the Stage 1 documentation and refer the complaint to the Corporate Complaints Team who will log the complaint to be signed and sent out in the name of the Director of Housing and Regeneration. Stage 2 is a review of the Stage 1 response and the handling of the complaint to ensure it has been thoroughly investigated and that an appropriate response was provided.

The process is then as follows:

- The Council will acknowledge receipt of the complaint in writing within 2 working days. The recipient of the complaint must also notify the Corporate Complaints Team who will then liaise with the complainant throughout the Stage 2 process.
- The review will be undertaken by a Senior Manager or Head of Service
- The Council will provide a written response, with a decision on the complaint, following a review at Stage 2 within 25 working days from receipt. If the Council are not able to meet this timescale, the complainant will be kept informed by the Corporate Complaints Team.
- Sign off is completed by:
 - Richmond – Director
 - Wandsworth – Director

This will be the Council’s final decision and marks the end of the corporate complaints procedure. At the end of the Stage 2 response the complainant will be provided with the contact details of the Local Government and Social Care Ombudsman and/or the Housing Ombudsman Service, as that would be the complainant’s next and final recourse if still dissatisfied.

3.3 Stage 2

If the complainant is still dissatisfied, they may contact the Local Government and Social Care Ombudsman (LGSCO) and/or the Housing Ombudsman Service (HOS).

The LGSCO and the HOS deal with different types of complaints. The former will consider complaints about the Councils’ wider activities, for example in discharging their statutory duties in homelessness and planning enforcement. The Housing Ombudsman will deal with all complaints about the Councils’ landlord function from its tenants and leaseholders. See attached list and below to see the full list of services the respective Ombudsman covers.

The HOS and LGSCO can consider complaints directly once the landlord’s internal complaints procedure has been exhausted.

If contacted by either Ombudsman, the Department must provide all requested documentation within the given timescale. If it is not produced in time the Council will be at risk of receiving a complaint handling failure order. This will be co-ordinated through the Corporate Complaints Team.

Further information on the Ombudsman services is provided in section 4.0 and 5.0



4.0 Local Government and Social Care Ombudsman

4.1 The [Local Government and Social Care Ombudsman](#) considers a range of complaints about local authorities. The list below contains those relevant to the Department:

- housing allocations under the Housing Act 1996 Part 6 e.g. reasonable preference criteria, assessment of applications and award of points or banding

- homelessness under Housing Act 1996 Part 7 e.g. applications for assistance under the homelessness legislation, homelessness advice and how applications are dealt with
- general housing advice e.g. about housing options, handling of reports from tenants of private landlords about unlawful eviction and harassment etc.
- housing benefit and how a claim was handled
- housing improvement grants
- sale or disposal of land on housing estates e.g. applications or requests to buy parcels of land owned by the Council and Right to Buy
- planning and building control at Council owned properties e.g. applications for planning permission, planning enforcement etc.



5 000 00000000 00 00d00 00 00r0000

5.1 The [Housing Ombudsman Service](#) will consider complaints about:

- leasehold services such as sales processes for leasehold properties, and general leasehold services provided by the landlord such as repair responsibilities under the lease;
- moving to a property such as type of tenancy offered, mutual exchange or decision to renew a fixed term tenancy;
- rent and services charges;
- occupancy rights including succession, assignment and possession proceedings;
- property condition e.g. repairs, major works or disabled adaptations;
- tenant behaviour e.g. anti-social behaviour harassment or noise nuisance;
- estate management e.g. cleaning or communal repairs, parking;
- complaint handling e.g. delays in the process;
- compensation e.g. home loss or disturbance payments or for tenant improvements

In 2022, the ‘democratic filter’ was removed, which meant residents no longer have to contact a designated person or wait eight weeks before referring their complaint to the Housing Ombudsman.

HOS and Complaint Handling Code strengthened powers to issue complaint handling failure orders where a landlord has breached the terms of the Code. In these circumstances the landlord will be given 3 months to rectify. The HOS can publish the failures and the names of the landlords in their annual report.

Where systemic issues are suspected, the Housing Ombudsman Service can investigate and refer to the Regulator for Social Housing who has strengthened powers to issue uncapped fines, Performance Improvement Plans and publish names of affected landlords.

As of 1 April 2024, a new [Complaint Handling Code](#) became statutory, meaning that landlords are obliged by law to follow its requirements. The Code aims to achieve best practice in complaints handling and ultimately to provide a better service to residents.

5.2 The Housing Ombudsman Service will only consider complaints which have, in their opinion:

A complaint:

- Relates to the actions or omissions of a member which, in the Ombudsman’s opinion, have adversely affected the complainant in respect of their application for, or occupation of, property;
- Falls within the Ombudsman’s jurisdiction;
- Falls within the Ombudsman’s jurisdiction.

A complaint is duly made when:

- It has been referred to the Ombudsman;
- It has exhausted, or the Ombudsman has decided it has exhausted, the member’s internal processes for considering complaints;
- The Ombudsman has obtained evidence that the requirements in paragraph 34 are met.

5.3 Complaints which the Ombudsman cannot consider:

The Ombudsman cannot consider complaints which, in the Ombudsman’s opinion:

- were not referred to the Ombudsman by one of the people who can use the Scheme;
- concern matters which do not relate to the actions or omissions of a member of the Scheme;
- concern matters that are the subject of court proceedings or were the subject of court proceedings where judgement on the merits was given;
- concern matters in respect of Local Housing Authorities in England which do not relate to their provision or management of social housing, or the management of dwellings which they own and let on a long lease.

Complaints which the Ombudsman may not consider:

The Ombudsman may not consider complaints which, in the Ombudsman’s opinion:

- are made prior to having exhausted a member’s complaints procedure, unless there is evidence of a complaint-handling failure and the Ombudsman is satisfied that the member has not taken action within a reasonable timescale;
- were brought to the Ombudsman’s attention normally more than 12 months after they exhausted the member’s complaints procedure;
- were not brought to the attention of the member as a formal complaint within a reasonable period which would normally be within 6 months of the matters arising;
- concern policies which have been properly decided by the member in accordance with relevant and appropriate best practice, unless the policy may give rise or contribute to a systemic service failure;
- concern the level of rent or service charge or the amount of the rent or service charge increase;
- concern matters where a complainant has or had the opportunity to raise the subject matter of the complaint as part of legal proceedings;
- concern matters where the Ombudsman considers it quicker, fairer, more reasonable or more effective to seek a remedy through the courts, other tribunal or procedure;
- 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;
- concern terms of employment or other personnel issues, or the ending of a service tenancy following the ending of a contract of employment;
- concern matters raised by a complainant on behalf of another without their authority; unless sub-paragraphs apply;
- fall properly within the jurisdiction of another Ombudsman, regulator or complaint-handling body;
- are being pursued in an unacceptable manner; to raise again matters which the Housing Ombudsman, or any other Ombudsman has already decided upon;
- are about matters which relate to the processes and decisions concerning a member’s governance structures;
- concern matters which, in the Ombudsman’s opinion, do not cause significant adverse affect to the complainant;
- concern matters where the complainant is seeking an outcome which is not within the Ombudsman’s authority to provide.



6 **R** **M** **r**

6.1 Resident Management Organisations (RMOs)/Co-operatives (Co-ops) should report complaints figures to the Business Support Manager every quarter for complaints monitoring and reporting. The Business Support Manager will forward housing management complaints statistics each quarter to the Policy and Performance Support Officer (Policy and Performance Section) for reporting to the Area Housing Panels.

Details specific to how the RMO should deal with complaints are set out in the RMO’s MMA.



Complaints	Complaints	Complaints
Template for Stage 1 – Acknowledgement email/ letter (R)		Complaints Wandsworth
Template for Stage 1 – Acknowledgement Council Policy (R)		Complaints Richmond
Template for Stage 1 – Complaint Response (R)		
Template for Stage 2 – Acknowledgement email/ letter from the service (R)		
Template for Stage 2 – Complaint Response (R)		
Template for Stage 1 – Acknowledgement email/ letter ()		
Template for Stage 1 – Acknowledgement Council Policy ()		
Template for Stage 1 – Complaint Response ()		
Template for Stage 2 – Acknowledgement email/ letter from the service ()		
Template for Stage 2 – Complaint Response ()		

Proposed	Author	Date	Procedure
Martina Kane		1 April 2024	1 st September 2004 August 2020, October 2021, April 2023
Michael Llu		12 June 2024	June 2024 amendment – removed from 3.2. p2 <i>The complainant will need to submit their request within 20 working days of receiving the Stage 1 response. They will need to explain why the Stage 1 response has not resolved the complaint and what outcome they are seeking in order to resolve the matter at Stage 2.</i>

Note: If any changes are required to the procedure please contact the author or, if the author is no longer available, please contact the Policy and Performance Team.

Guide to handling Corporate complaints for Richmond & Wandsworth staff in the SSA

May 2024

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1.0 **Richmond and Wandsworth Councils – 2024 Complaints Strategy**

1.1. Staff working in the Shared Staffing Arrangement for both Richmond and Wandsworth Councils operate under five core values:

- Think bigger
- Embrace difference
- Lead by examples
- Connect better
- Put people first

1.2. These values should be kept in mind when dealing with complaints, from the point the initial concern has been received and throughout the handling of the complaint. If we make a mistake, we need to know about it so that we can do our best to put things right and learn from it so that it doesn't happen again. A positive complaint handling culture is integral to the effectiveness with which the council resolves disputes. High volumes of complaints must not be seen as negative, as they can be a sign of an accessible and well-publicised complaints process. Sometimes low complaint numbers are a sign that people find it difficult to complain.

1.3. We want to:

- give customers an effective way to complain about the services we provide so that they are heard and understood
- if possible, resolve complaints straight away
- accept that things can go wrong but we can put things right and learn from them
- deal with complaints fairly and consistently
- regularly monitor complaints and make sure we meet our standards

1.4. When a complaint is made and upheld we will:

- apologise
- acknowledge and explain where things have gone wrong
- provide an explanation, assistance or reasons
- take action if there has been a delay
- learn from our mistakes, and tell the customer what we are doing to make sure the same mistake does not happen again
- put things right – as far as possible we should put the customer back in the same position they were in before the problem happened. This could involve reconsidering or changing a decision, amending a record or adding a correction, providing financial remedy, or changing policies, procedures or practices.

2.0 **Definitions**

2.1. *'A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or a group of individuals'*. (Local Government and Social Care Ombudsman - LGSCO) or

2.2. *'An expression of dissatisfaction, however made, about the standard of services, actions or lack of actions by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents'* (Housing Ombudsman Service – HOS)

- 2.3. A customer does not have to use the word 'complaint' for it to be treated as such. Whenever an expression of dissatisfaction is given, the customer must be given the choice to make a complaint.
- 2.4. It is also important that we recognise the difference between a complaint and service request. A service request is a simple issue or request for a service that can be put right quickly and does not involve a protracted investigation and written response. Service requests must still be recorded, monitored and reviewed regularly.
- 2.5. If a complaint is refused for any of the reasons set out below the Council or the Housing Ombudsman or the Housing Disputes Resolution Panel. A person has a right to contact the Ombudsman at any stage and failure to inform them of this right could result a complaining handling failure against the Council. It is advisable to seek advice from the Complaints Team if you are refusing a complaint.
- 2.6. We accept complaints made within **12** months of the issue occurring or the complainant becoming aware of the issue, unless they are excluded on other grounds. For complaints made outside of this time limit, we must consider whether to apply a discretion to accept complaints where there are good reasons to do so.
- 2.7. Certain types of complaints are dealt with through a separate complaints procedure because there are specific policies or processes already in place for dealing with them, including:
 - Housing Benefit appeals
 - Council Tax disputes
 - Planning application appeals
 - School admission appeals
 - School exclusions
 - Special Educational Needs decisions (Education, Health and Care Plan appeals)
 - Penalty Charge Notice appeals
 - Homelessness decisions

In addition, the following matters are dealt with through the Corporate complaint procedure:

- First time requests for services (faults/service requests) e.g. a dripping tap.
- Requests for information (these are dealt with under separate procedures: the Freedom of Information Act and Subject Access Requests)
- Matters for which there is a right of review, appeal, or an alternative complaints procedure.
- A complaint that has already been considered by the Council and completed both stages of the Housing Corporate Complaints' Procedure.
- A complaint where a decision has already been reached by a court, an appeal process, or an external independent tribunal
- A complaint where either the customer or the Council has started legal proceedings
- A complaint that is being, or has been investigated, by the Housing Ombudsman
- Any complaints that are made by people or organisations working with the Council in their professional capacity, e.g. another local authority or an external provider or contractor. This complaints process is for complaints made by members of the public.
- Matters that come under the Council's employment procedures
- Complaints about a registered housing provider outside the Council's jurisdiction.
- Complaints against an elected Councillor – there is a separate procedure (Appendix 1)
- Complaints about lawful decisions taken by a Committee of the Council

- Complaints about Children's or Adults Social Care – the statutory complaints procedure should be used for these (Appendix 1)
- Insurance claims against the Council

Routine matters dealt with as **informal requests** or **queries** in the first instance are not treated as a formal complaint. A service request is a request requiring action to put something right.

However, if the issue is raised twice and not resolved, on the third time of reporting it will be dealt with as a formal stage 1 complaint. Examples include:

- A missed bin collection
- Minor repairs to a property
- Dog fouling
- Noise nuisance
- Graffiti removal
- Fly-tipping

3. **Dealing with a concern or complaint**

- 3.1. When discussing a concern or complaint with a customer, the first step is to consider if any **reasonable adjustments** or **reasonable provisions** are required (also see part 14 Accessibility).
- 3.2. Local/early resolution: Try to resolve any complaint straight away (within a day or two) by the service being complained about. In some cases you might be able to resolve the problem without it escalating to a formal complaint if the issues are straight forward. Early local resolution is better for both the Council and the complainant in terms of time, energy and cost.

You should:

- be polite, honest and sensitive
 - tell the customer what they can reasonably expect you to do, what you can or can't do and the time limits
 - give the customer a contact name and phone number
 - make sure the customer does not have to repeat their complaint to various staff
 - look at the problem from the customer's point of view
 - keep the customer informed about what you are doing to deal with their complaint
 - ensure you do not delay in giving a service or information
 - make sure you tell the customer if you are not going to be able to respond by the due date, and give them a new date by which you hope to respond
 - resolve the problem if possible
 - carry out any actions or promises you have made
- 3.3. Our Corporate complaints procedure has two stages. If you can't resolve the problem locally (within a day or two) or it is clear that the customer wishes to make a formal complaint, the matter should proceed to a formal complaint at stage 1 – please tell the customer how to take the matter further by making a formal complaint.
 - 3.4. At each stage of the complaints process, complaint handlers must
 - Deal with complaints on their merits, act independently, and have an open mind
 - give the complainant a fair chance to set out their position
 - take measures to address any actual or perceived conflicts of interest
 - consider all the relevant information and evidence carefully

- make any reasonable adjustments for complainants where appropriate under the Equality Act 2010

4.0 **Stage 1** Complaints Procedure

- 4.1. When local resolution is inappropriate, or has failed to resolve the problem, the issue should be dealt with at stage 1 of the corporate complaints procedure. This stage is a thorough investigation into the complaint. The complaint should be handled by the **Senior Manager** or the **Senior Manager** **Senior Manager** being complained about.
- 4.2. The complaint must be **received** **received** **received** **received** and the email or letter should include the name of the manager who will be investigating, the date the response will be sent and an understanding of the complaint and the outcome being sought
- 4.3. If any aspect of the complaint is unclear, this should be clarified with the complainant at this stage.
- 4.4. The reply to a stage 1 complaint must be sent within **2** **working** **days** **working** **days** **working** **days** **working** **days** of the date you received the complaint. The manager should keep a copy of the reply and record it in line with the monitoring procedure used in their department
- 4.5. Stage 1 complaints cannot have the 20 day deadline extended (but some Housing Complaints falling under the HOS can have an additional 10 working days in exceptional circumstances). If there is an unavoidable delay in responding, a member of staff must write or telephone the customer with a clear timeframe of when they can expect a reply and how often they will be kept informed about the complaint, ideally with their agreement (however the response will still be marked outside of time if it exceeds the timeframe) . At this stage the complainant must be given the details of how to contact either the LGSCO or HOS, particularly if they are unhappy that the complaint is being extended. The complaint will be recorded as out of time if it exceeds the 20 working day timescale.
- 4.6. It is only expected that delays or extensions will only be used in complex cases (potentially where more than one service or organisation is involved) with a full explanation provided to the complainant. The LGSCO or HOS do not accept staff resources or work pressure as a reason to delay a complaint response
- 4.7. All formal complaints, however they are made, must receive a written response which includes the manager's decision - either 'upheld', 'partially upheld' or 'not upheld'.
- 4.8. All complaints that partially or uphold issues should consider and set out any learning from the complaint.
- 4.9. A complaint response must be provided when the response is known, not when outstanding actions are completed. Any identified learning and actions must still be tracked and completed promptly, with updates provided to the complainant if appropriate.
- 4.10. If additional complaints are raised during the investigation, these should be incorporated into the stage 1 response if it has not been issued. If the response has been issued and the new issues are unrelated to the issues already investigated or would unreasonably delay the response, the issues should be logged as a new complaint.
- 4.11. There are template letters on the complaints Loop pages for staff to use for:
 - acknowledging a stage 1 complaint
 - informing the customer of a delay in responding
 - writing a stage 1 response

4.12. The acknowledgment will need to include a complaints equalities monitoring form (and a pre-paid envelope if sending by post), unless the customer has already provided this information by using an online complaint form. If a customer returns a completed equalities monitoring form via post or has completed the equalities questions on the online complaint form, please make sure you record the information on your agreed reporting templates, or pass it to the Business Support team who complete the quarterly complaints returns for your service area.

Important: Do not forward the equalities data with the complaint when passing the complaint form to internal colleagues. This is classed as a breach of confidentiality.

5.0 **2** – **R**

5.1. The complainant will be asked at the end of the stage 1 response, that if they wish to escalate to stage 2, it is helpful if they can do this within 28 days, however complaints should be accepted if they are made within 12 months. If more than a year has elapsed, a stage 2 would normally not be accepted, but if the complainant has been unwell or out of the country, then a sensible view would be to accept it. We must not refuse to escalate a complaint unless there are valid reasons. Each case must be judged on its own merits and it is advisable to seek advice from the Complaints Team before refusing a stage 2. If a stage 2 request is refused, the Complaints Team will contact the complainant to fully explain the reasons.

5.2. Please be aware that whilst the Council is expected to make reasonable efforts to understand why a complainant remains unhappy with the stage 1 investigation, a complainant does not have a right to request for requesting their complaint to be considered at stage 2

5.3. At stage 2 of the corporate complaints process, a **Manager** will conduct a review of the stage 1 investigation, to determine whether the decision was fair and the complaint responded to in full. The timescale for a stage 2 response is **25** days. **28** days.

5.4. **2** **d**

- Receipt of the request for stage 2 must be **acknowledged** by the service, in most cases by email. The complainant should be advised that a member of the Complaints Team will be in contact to formally acknowledge the stage 2 complaint. The Complaints Team will set out their understanding of the issues and outcomes the complainant is seeking. If any aspect is unclear, the Complaints Team will ask for clarification and agree this with the complainant; however, a complainant does not have to give a reason for escalating their complaint.
- The service must then **notify** the complainant **via** email (email below) who will send further information to the complainant regarding the name of the Senior Manager, and the date they can expect a response.
- The address of the Corporate Complaints inbox is: Corpcomplaints@richmondandwandsworth.gov.uk

5.5. When the Complaints Officers Team and Senior Manager has reviewed and agreed the draft letter, the Complaints Team will send the response to the complainant, ideally by email, or by post if they don't have an email account.

An internal process has been put in place to ensure that the first draft is produced in good time for agreement and sign off, as set out in the table below.

r D	A
D 1 1	First draft is written by delegated manager (often the service manager who wrote the stage 1 as they know the complaint best) and reviewed by the directorate before being passed to the Complaints Team for first review
D 11 2 2 5 d	<p>a) Draft is reviewed by the Complaints Team and sent back to the service manager and their AD to review</p> <p>b) Draft is reviewed by the service manager and by the AD, to agree/reject suggested changes. Further changes or comments are sent back to the Complaints Team. Final draft for Director is agreed.</p>
D 21 25 3 d 2 d	<p>a) Final draft is reviewed by signing manager (usually Assistant Director or Director) and any further changes agreed with the Complaints Team</p> <p>b) Final draft sent out by the Director’s (or AD’s) office, copy to Complaints Team.</p>

5.6. r

5.7. For both Richmond and Wandsworth, signing stage 2 responses is done at Director or Assistant Director level but this can be delegated to a Head of Service.

5.8. The stage 2 response should be sent to the customer within 25 r d r d r d r d r

5.9. The stage 2 timescale of 25 working days cannot be extended (although some Housing complaints that fall under the HOS have an additional 20 working day extension available in exceptional circumstances). Both Richmond and Wandsworth should achieve a target of responding to 80% of stage 2 complaints on time. Performance against this KPI is reported to Director’s Board each quarter.

5.10. If there is a delay in responding - due to exceptional circumstances - the complainant must be kept fully informed of the delay and told when they can expect the response and how often they will be kept informed about the complaint, ideally with their agreement (however, the response will be marked as out of time if it exceeds the timeframe). At this stage the complainant must be given the details of how to contact the either the LGSCO or HOS, particularly if they are unhappy that the complaint is being extended. The Complaints Team will inform the complainant about the reason for the delay and the revised deadline.

5.11. There are template letters on the complaints Loop pages for:

- acknowledging a stage 2 complaint (service) – please note, the Complaints Team will follow up with their own acknowledgement giving further details to the complainant
- writing a stage 2 response

6. **A**

6.1. At the end of the letter the customer must be informed of their right to take their complaint to the [Local Government and Social Care Ombudsman](#) (LGSCO) if they are not satisfied with the response.

N **r** **d** **2**: the majority of housing related complaints should be signposted to the [Housing Ombudsman Service \(HOS\)](#) rather than the LGSCO.

6.2. Please note: a number of housing matters (such as housing benefit, housing improvement grants, housing allocations, noise nuisance, homelessness, rents and service charges etc) come under the remit of the LGSCO rather than the HOS. There is a factsheet available to assist Local Authorities in deciding which ombudsman to use for social housing complaints. However, the Complaints Team quality assure all stage 2 responses and will advise on the appropriate Ombudsman.

7. **r**

7.1. If a complaint is about more than one service, you should:

- send a copy of the complaint to each service area involved
- ensure that a decision is made at the start as to which manager will be responsible for co-ordinating the response to the complainant – only one reply covering both service areas should be sent
- keep the customer informed about how you intend to deal with their complaint
- get in touch with the Complaints Team if you need assistance with complaints about more than one service; they can help decide who is best placed to co-ordinate the response

8. **r**

8.1. Richmond and Wandsworth have an Unreasonable Complainant Behaviour Policy <https://theloop.richmondandwandsworth.gov.uk/how-we-work/complaints/unreasonable-complainant-behaviour-policy/>.

8.2. The Complaints Team work in close partnership with Customer Services who also have an Unreasonable Customer Behaviour Policy as some customers exhibiting unreasonable behaviour fall across both procedures.

8.3. A panel of senior managers from the Complaints Team and Customer Services meet on a bi-monthly basis to review and and agree restrictions on unreasonable complainants and customers.

8.4. Members of staff should contact the Complaints Team regarding any complainants who repeatedly contact the Council about the same matters, or contact the Council about a number of different complaints over a short period of time, causing disruption to staff in several teams. The Complaints Team may be able to assist with advice regarding complainants displaying unreasonable behaviour.

8.5. For any concerns about unreasonable customers (customers who are not involved in the complaints process), please see the guidance on the Loop <https://theloop.richmondandwandsworth.gov.uk/how-we-work/unreasonable-customer-behaviour-policy/>.

9.0. If you are responsible for dealing with a complaint, make sure you allow enough time to understand the nature of the complaint, as some can be complex or confusing. You will need to ensure all points are answered and a satisfactory response is given.

9.1. If you are responsible for dealing with a complaint, make sure you allow enough time to understand the nature of the complaint, as some can be complex or confusing. You will need to ensure all points are answered and a satisfactory response is given.

9.2. You should allow time for investigating all the issues you have identified in order to respond within our published timescales. You might need to search through large files, databases or get comments from colleagues. You might also need to read relevant policies or procedures or contact a third party for information, including legal advice. If you need information from other staff to complete your investigation, it would be useful to give them deadlines to reply to you.

9.3. You should allow time for investigating all the issues you have identified in order to respond within our published timescales. You might need to search through large files, databases or get comments from colleagues. You might also need to read relevant policies or procedures or contact a third party for information, including legal advice. If you need information from other staff to complete your investigation, it would be useful to give them deadlines to reply to you.

9.4. It is important that you keep a clear record of your investigation. This is useful if a complaint moves to the second stage or is referred to the LGSCO or HOS.

9.5. You must be fair and honest when investigating a complaint. If you find that the Council has acted unreasonably, made a mistake or failed to deliver a service, you should be open and honest and say this in your reply. Don't be afraid to apologise. You should also think about how you could resolve any injustice caused to the customer (see 'Remedies for a complaint' section below). Where something has gone wrong, you must acknowledge this and set out the actions you are already taking to put things right which can include:

- Apologising
- Acknowledging where things have gone wrong
- Providing an explanation, assistance or reasons,
- Taking action if there has been a delay
- Amending a record or adding a correction or addendum
- Providing financial redress
- Changing policies, procedures or practices

9.6. Tips for investigating a complaint:

- break the complaint down into separate issues and make sure you address each one
- allow sufficient time to investigate all the issues you have identified
- discuss the complaint with the customer to get a better understanding of the issue. Phoning the customer at the start of the investigation can be very effective in resolving the complaint as it shows that time and care has been taken to listen to them.
- if appropriate, write a chronology of events (this is very useful for highlighting gaps in information and potential questions)
- avoid making assumptions. Keep an open mind. If you have not upheld similar complaints in the past, do not assume that you will come to the same conclusion again – each case should be viewed on its own merits
- discuss the complaint with your manager and colleagues. They might have investigated a similar complaint or have some suggestions for how you could resolve the complaint
- 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

9.7. Please remember, the published timescales are:

- stage 1 complaints: 20 working days (10 working days for some Housing complaints)
- stage 2 complaints: 25 working days (20 working days for some Housing complaints)

9.8. If there are exceptional reasons why you cannot reply within these time-scales, you should contact the complainant, explain the reason for the delay, ideally with their agreement, and provide a new deadline for your reply. By doing this you will ensure the complainant is kept informed and give them confidence that their complaint will be dealt with thoroughly. However, it is important to be aware that if you do not respond within the agreed timescales, the complaint will still be recorded as 'out of time'.

10. Responding to complaints

10.1. Tips for responding to complaints:

- Always use the stage 1 or stage 2 template as the basis of your response to ensure the complaint contains the right information and looks professional in line with corporate branding guidelines
- Write in plain English
- Do not use technical or legal phrases unless necessary
- Explain acronyms and abbreviations
- Be clear, concise and ensure all issues are addressed, use sub headings and bullet points to show clearly which point you are responding to
- Be factually accurate

10.2. Your reply should include the following:

- a definition of the complaint and desired outcome
- a short summary of how you investigated the complaint
- a summary of the facts and your findings
- a clear explanation of your conclusions
- a clear explanation of your decision
- an appropriate remedy (an apology; what action you are going to take to resolve the complaint)
- learning for the Council, especially if the complaint is upheld or partially upheld
- how the customer can appeal against your decision

10.3. When you have considered all the facts relevant to the complaint, you need to decide if you:

- agree with the customer and **uphold** their complaint
- disagree with the customer and **do not uphold** their complaint
- agree with some of the customer's complaint and **partially uphold** their complaint

10.4. An apology may be appropriate even if you are unable to uphold their complaint.

10.5. Before giving your decision, you should consider carefully:

- how the customer will view it
- the wording you use in your reply – use plain English and stick to the facts
- avoid expressing biased or unjustified views
- make sure your response and your decision shows that you have considered each point and all the facts - and fairly interpreted the complaint
- If the complaint is upheld, you should explain how you intend to resolve the complaint in a way which is fair to both the complainant and the Council.
- Apologise for any failure of service, even if you do not uphold the complaint
- If you do uphold a complaint, that's fine – if we have made a mistake, we should be open and admit it

10.6. You should feel confident that you have made the right decision. You should not make a decision just to please the customer, a Member or your colleagues.

10.7. You should ensure that you have a clear record of your actions and any agreed dates for completion.

10.8. When you are happy with your reply and have sent it to the customer at stage 1, or to the Complaints Team at stage 2, you will need to:

- put a copy of your reply on any relevant electronic file for future reference. It is important that the complaint is recorded properly so that it is included on the quarterly stage 1 complaint returns which are required by the Complaints Team each quarter.
- carry out any actions you recommended in your reply (e.g. give a refund, etc). You should monitor this action to make sure it is completed within the specified time limit if you have given one
- send a copy of your reply to all relevant staff for information
- If the complaint was 'upheld' or 'partially upheld', please ensure your manager is aware of the learning you have identified. If there are changes to be made to a process, you will need to inform your manager about what you intend to do to ensure the problem will not happen again in the future. You should agree a date with your manager by which you will implement the changes.

11 Redress

11.1 Redress

11.2. Our corporate complaints procedure contains the following redress policy. When any part of a complaint is upheld we should:

- apologise
- provide an explanation about why things went wrong
- provide an assurance that we will ensure the same thing won't happen again, and monitor to see that it doesn't
- take action to put things right - as far as possible the complainant should be restored to his or her position before the service failure
- identify learning for the Council and any service improvements that we will be making as a result of the complaint
- explain our reasoning if we don't uphold the complaint

Redress

11.3. In addition to the remedies listed above, we accept that there will be occasions when mistakes will cause additional expense, financial loss or undue hardship, inconvenience or distress to the customer.

11.4. We follow the remedies guidance issued by the LGSCO and HOS in deciding the appropriate amount of financial redress.

11.5. Financial redress should only be paid after an investigation of the complaint. The investigation should determine the answers to the following questions:

- Has the Council or its employees, failed to do something or done something wrong?
- Does the error/omission amount to negligence or a failure to meet a legal obligation to the complainant?
- Has the complainant suffered financial loss, additional expense or inconvenience as a result?

- Have there been failures in handling the complaint?

If the answer to any of these is 'yes', there may be grounds for financial redress.

- 11.6. [Guidance for Councils](#) [on](#) [Financial Redress](#)
- 11.7. Where a service failure is identified, it should be compensated by providing that service, where possible, together with an apology, an explanation for the service failure and evidence that steps have been taken to prevent a recurrence of the problem.
- 11.8. Where this is inappropriate or not possible, officers have the discretion to make a token gift with the apology, for example a free swim if a swimming pool was too cold.
- 11.9. Where the Council's wrongful action (or inaction) has caused a financial loss, additional expense or inconvenience, officers should consider reimbursement or recompense.
- 11.10. As far as possible, the aim is to put the customer back in the position they would have been in if there had been no fault by the Council.
- 11.11. Financial redress should not necessarily be seen as a last resort and both the LGSCO and HOS expect Councils to have identified and provided suitable remedy (including financial redress) before a complaint reaches them. It serves as a recognition of a customer's right to reasonable levels of service.
- 11.12. The Council uses the guidance provided by the LGSCO and HOS when considering financial redress :
- the effect of the complainant's own action (partly at fault)
 - money not paid to the complainant (e.g. housing benefit – usually straightforward repayment)
 - quantifiable loss (costs incurred e.g. payment for additional help for a child with special educational needs because of delay in drawing up an Education, Health and Care Plan)
 - loss of non-monetary benefit (loss of education because a child is out of school for a period and no suitable alternative provision has been made)
 - loss of value (planning devaluation of property)
 - lost opportunity (lost right of appeal because not informed of next steps)
 - distress (stress, inconvenience)
 - professional fees in pursuing dispute (legal, planning consultant etc.)
 - time and trouble, i.e. time taken to pursue the complaint (not to be confused with distress)
 - off-setting compensation (e.g. award used to off-set rent arrears)
 - interest (where specific sum not paid at the proper time, or because of money which would not have been spent but for the poor service)
- 11.13. In all cases where a payment of any kind is being considered, managers should refer to the [Guidance for Councils on Financial Redress](#) provided by the LGSCO, dated 2021 and [Guidance for Councils on Financial Redress 2022](#) provided by the Housing Ombudsman Service. The Complaints Team should contact to provide advice to ensure that the Ombudsman remedies guidance is being followed appropriately (corpcomplaints@richmondandwandsworth.gov.uk)
- 11.14. The guidance is by subject – adult social care, benefits and debt recovery, children and education, environment and public protection, housing and planning. It gives remedy examples for each subject, based on real cases. The Ombudsman's investigators follow this

- 14.2. If a customer makes a complaint by phone or in person, you must ask them to put their complaint in writing. You should offer to take their details and fill in a complaint form for them or you could complete the online complaint form on the public website on their behalf.
- 14.3. Customers may also require information in large print, easy read or require the support of an interpreter, advocate or British Sign Language services. Contact details are below:

Richmond Council

https://www.richmond.gov.uk/services/adult_social_care/adult_social_care_information_and_advice/who_we_can_help/someone_to_speak_on_your_behalf_independent_advocacy

https://www.richmond.gov.uk/contact_the_council/british_sign_language

<https://theloop.richmondandwandsworth.gov.uk/how-we-work/translation-and-interpreting-services/>

Wandsworth Council

<https://www.wandsworth.gov.uk/health-and-social-care/adult-social-care/adult-social-care-information-and-advice/who-adult-social-care-can-help/someone-to-speak-on-your-behalf-independent-advocacy/>

<https://www.wandsworth.gov.uk/contact-the-council/british-sign-language-bsl/>

<https://theloop.richmondandwandsworth.gov.uk/how-we-work/translation-and-interpreting-services/>

15 Equalities monitoring

- 15.1. Equalities monitoring is designed to help us look at who uses our complaints procedure, and to improve access for all customers.
- 15.2. A complaints equalities monitoring form (and a pre-paid envelope, if posting) should be sent with all stage 1 responses, unless the customer has already given us this information (i.e. on an online complaint form or a form from a complaint leaflet).
- 15.3. To make sure that our equalities information gathering and monitoring complies with the Data Protection Act, GDPR regulations, and the Council's Personal Information Policy:
 - you cannot use information gained from a complaints equalities monitoring form for any purpose other than complaints monitoring and analysis
 - complaints equalities information can be shared between departmental business support teams who log and monitor complaints and the Corporate Complaints Team for complaints purposes only, and in an anonymous format
 - complaints equalities information can only be published generally in statistical format

16 Complaints made on behalf of constituents by Councillors, MPs or through other individuals or organisations

- 16.1. Complaints made on behalf of constituents by Councillors, MPs or through other individuals or organisations, such as Citizens' Advice, are dealt with as part of the corporate complaints procedure.

16.2. Complainants may involve a Councillor or MP at any stage. If a Member or MP were to refer a complaint on behalf of a constituent to an officer while it was already being processed at one of the two stages it would not be treated differently but would continue to be dealt with according to the agreed procedure. When responding to communications from a third party, staff need to have regard for the Data Protection Act and GDPR guidance when disclosing information.

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17.1. Most services have a Business Support team in their Directorate whose role it is to log complaints, to support staff and managers to deal with complaints effectively and to gather regular data and monitoring information on complaints.

17.2. Contact details for each Directorate’s Business Support team are listed below:

00r0000	Ar000 0000rd	0 00 00 0000000
Chief Executive	CEO, Democratic Services, Policy and Communications, Resident Engagement, Economic Development, Stronger and Safer Communities, Chief Executive's and Leader's support, planning & transport (building control, development management, strategic transportation)	Corporate Corporate Complaints Team Corpcomplaints@richmondandwands.worth.gov.uk
Adult social care services	Learning Disabilities, Mental Health, Access Team, Preparation for Adulthood, Care Management, Hospital Integrated Discharge, Occupational Therapy, Safeguarding, Finance, External Care Provider services (home care, residential and nursing care)	adultscomplaints@richmondandwands.worth.gov.uk
Children’s social care services - delivered by AfC for LBR - WBC	MASH, Family Safeguarding (child protection and child in need), disabled children, looked after children	childrenscomplaints@richmondandwands.worth.gov.uk
Education services	Education Welfare, Early Years, Special Educational Needs and	Richmond corporate complaints: Complaints@achievingforchildren.org.uk

Richmond	Area covered	Contact details
- delivered by AfC for LBR - WBC	Disability, SEND transport, school inclusion, school admissions, pupil support, school improvement, children's services finance	Wandsworth corporate complaints: childrenscomplaints@richmondandwandsworth.gov.uk
Environment and Community Services	waste and recycling, highways, property, parks and contracts, parking operations, sports and leisure, libraries, registrars and cemeteries, inspection and enforcement	ECSBusiness@richmondandwandsworth.gov.uk
Housing and Regeneration	Housing options, housing allocations, homelessness, housing management, regeneration, home ownership, housing policy and development, property services, facilities management, design service and construction	HRDirectorate@richmondandwandsworth.gov.uk
Finance	Revenues and benefits, council tax, business rates, parking compliance, pensions, cost of living, insurance, audit, fraud	FinanceDirectorate.Complaint@richmondandwandsworth.gov.uk
Change and Innovation	Corporate programme and transformation team, customer services, electoral services, ICT, Insights and Analytics, Human resources,	

17.3. The Corporate and Ombudsman Complaints Manager and Corporate Complaint Officers in the Complaints Team have overall responsibility for the corporate complaints procedure and for complaints monitoring. If you need advice or information and your Business Support team has not been able to help, please contact a member of the Corporate Complaints Team.

1.1 Adults and Children's social care

18.1. Statutory complaints about adults and children's social care issues follow specific statutory complaints procedures. They are:

- o **Adults' social care** - **Adults' Complaints Procedure**
- o **Children's social care** - **Children's Complaints Procedure**

18.2. The Adult and Children's Complaints Manager and Statutory Complaint Officers in the Complaints Team assists residents or service users wishing to make complaints about adults'

or children's social care services from the start of their complaint through to the final resolution.

- 18.3. Information about the [Adults social care complaints procedure](#) can be found on our public websites. Please read this carefully before you deal with a complaint from a service user.
- 18.4. Information about the [Children's social care complaints procedure](#) can be found on our public websites. Again, please read this carefully before you deal with a complaint from a child or young person, or from a parent or carer.
- 18.5. There are template letters for staff to use when responding to adults or children's social care complaints, and the Statutory Complaints Team can help with any concerns you may have and will send templates when complaints are allocated to investigating managers. In the long-term statutory templates will be added to the complaint pages on the Loop.

complaints: adultscomplaints@richmondandwandsworth.gov.uk
childrenscomplaints@richmondandwandsworth.gov.uk
020 8891 7937

1 **R**

19.1. **E**

- 19.2. If an external candidate (including a temporary worker currently engaged by the Council) has a complaint about a recruitment and selection process, they should be advised to contact the HR Helpdesk in the first instance.

HRhelpdeskRichmondandwandsworth@richmondandwandsworth.gov.uk

2 **I**

- 20.1. If an existing employee (internal candidate) has a complaint about a recruitment and selection process, they should raise this informally in the first instance with the manager of the service they applied to join, or with HR. Complaints which cannot be resolved informally should be dealt with using the [SSA's Grievance Procedure](#).

AND RECORDING INFORMATION PRACTICE PROCEDURE

RM RECORDING Procedure

The Housing and Regeneration Department follows the two stage corporate complaints procedures for Wandsworth Council available on the Councils' website and on the Loop. In line with the advice of the Housing Ombudsman, all RMOs/ Co-ops must also have a two-stage complaints procedure. The accurate recording of complaints is important as the information reflects the nature of complaints being received and distinguishes between complaints about service delivery and dissatisfaction with the Councils' policies.

CONTENTS

Table with 2 columns: arrow icon, text. Rows include: Introduction, Recording Complaints, Complaint Levels, Reporting, The Housing Ombudsman Service, Useful Contacts.

1. Introduction

1.1 RMOs must record all complaints made in person at the RMO's customer services points, via telephone, email or letter.

The RMO adopts the Council's corporate definition of a complaint which is as follows:

"A complaint is an expression of dissatisfaction with the service provided or not"

and as ...

"...is provided or by a contractor or partner) that requires a response".



2. Record and Report

2.1 Record and Report

RMOs are required to produce complaints data broken down by type and by length of time taken to respond.

Complaint types are as follows:

Service delivery issues

Examples include: Quality, delayed, not provided, insufficient, outside of timescales, system errors, no response given; includes poor performance by contractor.

Issues outside of RMO's remit

Examples include issues outside of legislation/policy/Law/Rights of Appeal etc. Also, outside of RMO's remit, repairs that are a tenant's responsibility.

Other issues

Examples include: Attitude, incorrect information, equalities issue, accuracy etc. on the part of a member(s) of staff; would also include those not in line with the RMO's values.

D Examples include actions or assessment not carried out or delayed or agreed timescales not met.

Examples include actions or assessment not carried out or delayed or agreed timescales not met.

D Examples include disagreements with policy, payment delays, difficulty of process.

Examples include disagreements with policy, payment delays, difficulty of process.

P Examples include poor information provided by staff, service/ council website, or telephone menu.

Examples include poor information provided by staff, service/ council website, or telephone menu.

2.2 **2.2** The following points must be taken into consideration when assessing the complaint:

The following points must be taken into consideration when assessing the complaint:

- whether the RMO has been given the opportunity to resolve the complaint;
- whether the complainant has stated that they want to make a complaint;
- the nature of the issue and whether the complaints procedure is appropriate in the circumstances; and
- what the complainant would like to happen next.

The above list is not exhaustive, and each issue should be considered individually. For assistance in ascertaining what constitutes a complaint please contact the Business Support Team in the (email: HRDirectorate@richmondandwandsworth.gov.uk) Housing and Regeneration Department.

A complaint may concern one or more of the following:

- The RMO has done something which the complainant considers should not have been done
- The RMO has failed to do something that they consider should have been done
- The service provided by the RMO was not good enough; the complainant received poor quality of service or there was poor communication
- There has been a failure or a delay in providing a service
- Mistakes were made in the way a decision has been reached or a case has been handled
- The RMO has given incorrect or misleading information
- Staff have been rude or unhelpful or behaved inappropriately

For a comprehensive list of what does and does not constitute a complaint please see the [Corporate Complaints Procedure on The Loop](#).

2.3 **2.3** People can raise a complaint via the following means:

People can raise a complaint via the following means:

- [Make a complaint - Wandsworth Borough Council](#)
- Send an email to the person they have been dealing with or the service that they are not happy with
- Write a letter to, or telephone, the person they have been dealing with or the service that they are not happy with

Details of the complaint – complaints should include:

- Contact details
- All the relevant points of the complaint. It would be helpful if they were in a numbered list
- Be clear about what is hoped to be achieved and what will put the matter right. The desired outcomes should be fair and proportionate to the issue raised

We understand that the complainant may feel strongly about the issue but would ask that they are polite and refrain from being aggressive.



3.0 **Complaints Procedure**

3.1 **Stage 1 – Initial Response**

When a complaint is raised, the appropriate manager will check to see whether it should be treated as a complaint under the complaints procedure. Details of the complaint and what outcome is required need to be clear to assist the service in resolving the complaint. In some cases, further information may be needed about the complaint for the service to fully consider the matter. If further details are required, please contact the complainant and ask for more information. Once the complaint is received and there is no further information required, the process is as follows:

- The Manager must acknowledge receipt of the complaint by email, post or phone within 2 working days and log the below details:
 - a prescribed complaint type, and
 - a prescribed complaint reason
 - the date received and the date closed
 - the time (in days) taken to provide a full response
 - the complaint outcome (so we can learn from complaints) – upheld, partially upheld, not upheld.
 - the action taken to remedy the complaint
 - equalities information pertaining to the complainant
 - satisfaction information on how the complaint was handled
- A manager from the area being complained about will oversee an investigation and come to a decision about the complaint; except where it is the manager being complained about, in which case a more senior officer will lead, if there is no more senior officer then it may be passed to the relevant Area Housing Manager in the Housing and Regeneration Department.
- A written response will be provided to a complaint within 10 working days from receipt. If this timescale cannot be met, then the complainant must be informed in writing (or by email) and a record kept on file and recorded.

The RMO will retain copies of the complaint, the acknowledgement, any holding responses and the final stage 1 response on file according to the retention policy. The RMO must also record information gathered, learning from the complaint, and monitor progress of stage 1 complaints. Complaints recorded will be fed back to the Business Support Team on a quarterly basis using the Quarterly Monitoring Reports detailed in the RMO Monitoring Process and Procedure.

3.2 **Stage 2 – Review**

If the complainant is still unhappy following the Stage 1 response, they should be advised to raise their complaint to the relevant Area Housing Manager and Business Support Team. They will collate the Stage 1 documentation and refer the complaint to the Corporate Complaints Team who will review Stage 1 and the handling of the complaint to ensure it has been thoroughly investigated and that an appropriate response was provided.

The process is then as follows:

- The Housing and Regeneration Department will acknowledge receipt of the complaint in writing within 2 working days. The recipient of the complaint must also notify the Corporate Complaints Team who will then liaise with the complainant throughout the Stage 2 process.
- The review will be undertaken by a Senior Manager or Head of Service
- The Council will provide a written response, with a decision on the complaint, following a review at Stage 2 within 20 working days from receipt. If the Council are not able to meet this timescale, the complainant will be kept informed by the Corporate Complaints Team.
- Sign off is completed by a Senior Manager, usually the Assistant Director/ Chief Executive

This will be the Council's final decision and marks the end of the complaints procedure. At the end of the Stage 2 response the complainant will be provided with the contact details of the Housing Ombudsman Service, as that would be the complainant's next and final recourse if still dissatisfied.

3.3 **Final Decision**

If the complainant is still dissatisfied, they may contact the Housing Ombudsman Service (HOS) directly.

The Housing Ombudsman will deal with all complaints about the Councils' landlord function from its tenants and leaseholders.

If contacted by either Ombudsman, the RMO and Department must provide all requested documentation within the given timescale. If it is not produced in time the Council will be at risk of receiving a complaint handling failure order. This will be co-ordinated through the Corporate Complaints Team.

Further information on the Ombudsman services is provided in section 5.0



4 **R**

4.1 RMOs should report complaints figures to the RPO every quarter via the quarterly monitoring reports which are passed to the Policy and Performance Support Officer (Policy and Performance Section), these reports are used for the Co-op Forum reports. The Business Support Manager will contact the RMO directly each quarter and the RMO will provide their stats. These stats are added into the departmental complaints tables which are used for corporate reporting and sent to the Policy and Performance Support Officer for reporting to the Area Housing Panels.

Details specific to how the RMO should deal with complaints are set out in the RMO's MMA and the Resident Involvement RMOs Monitoring Process and Procedure.



5 **d**

5.1 The Housing Ombudsman Service will consider complaints about:

- leasehold services such as sales processes for leasehold properties, and general leasehold services provided by the landlord such as repair responsibilities under the lease
- moving to a property such as type of tenancy offered, mutual exchange or decision to renew a fixed term tenancy
- rent and services charges
- occupancy rights including succession, assignment and possession proceedings
- property condition e.g. repairs, major works or disabled adaptations
- tenant behaviour e.g. anti-social behaviour harassment or noise nuisance
- estate management e.g. cleaning or communal repairs, parking
- complaint handling e.g. delays in the process
- compensation e.g. home loss or disturbance payments or for tenant improvements

In 2022, the 'democratic filter' was removed, which meant residents no longer have to contact a designated person or wait eight weeks before referring their complaint to the Housing Ombudsman.

HOS and Complaint Handling Code strengthened powers to issue complaint handling failure orders where a landlord has breached the terms of the Code. In these circumstances the landlord will be given 3 months to rectify. The HOS can publish the failures and the names of the landlords in their annual report.

Where systemic issues are suspected, the Housing Ombudsman Service can investigate and refer to the Regulator for Social Housing who has strengthened powers to issue uncapped fines, Performance Improvement Plans and publish names of affected landlords.

As of 1 April 2024, a new [Complaint Handling Code](#) became statutory, meaning that landlords are obliged by law to follow its requirements. The Code aims to achieve best practice in complaints handling and ultimately to provide a better service to residents.

5.2 The Ombudsman will not investigate complaints which, in the Ombudsman's opinion:

- are made prior to having exhausted a member's complaints procedure, unless there is evidence of a complaint handling failure and the Ombudsman is satisfied that the member has not acted within a reasonable timescale;
- are made within 8 weeks of having exhausted a social landlord's complaints procedure (unless a designated person has refused to refer the complaint to the Ombudsman or has agreed to the complaint being brought to the Ombudsman and the refusal or agreement has been confirmed);
- concern the operation, process or decisions relating to the designated persons referral system;
- were brought to the Ombudsman's attention normally more than 12 months after they exhausted the member's complaints procedure;
- were not brought to the attention of the member as a formal complaint within a reasonable period which would normally be within 6 months of the matters arising;
- concern policies which have been properly decided by the member in accordance with relevant and appropriate best practice, unless the policy may give rise or contribute to a systemic service failure;
- concern the level of rent or service charge or the amount of the rent or service charge increase;
- concern matters that are, or have been, the subject of legal proceedings and where a complainant has or had the opportunity to raise the subject matter of the complaint as part of those proceedings;
- concern matters where the Ombudsman considers it quicker, fairer, more reasonable or more effective to seek a remedy through the courts, a designated person, other tribunal or procedure;
- 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;
- concern terms of employment or other personnel issues, or the ending of a service tenancy following the ending of contract of employment;
- concern matters raised by a complainant on behalf of another without their authority; unless the complainant does not have capacity to authorise representation;
- fall properly within the jurisdiction of another Ombudsman, regulator or complaint-handling body;
- are being pursued in an unreasonable manner including frivolous or vexatious complaints;
- seek to raise again matters which the Housing Ombudsman, or any other Ombudsman has already decided upon;
- are about matters which relate to the processes and decisions concerning a member's governance structures;
- concern matters which, in the Ombudsman's opinion, do not cause significant adverse effect to the complainant; or
- concern matters where the complainant is seeking an outcome which is not within the Ombudsman's authority to provide.

If the designated person is approached to refer the complaint but is unsure if it is exempt, then they should contact the Housing Ombudsman and seek advice.

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1. Introduction

- 1.1. The Council is committed to dealing with all customers fairly and impartially and to provide high quality service at all times. This includes those who wish to complain, offer comments or provide us with feedback.
- 1.2. The Council delivers a wide range of public services. We welcome all kinds of feedback about our services, but we also recognise that a very small number of people can act in a way that is inappropriately challenging.
- 1.3. Normally, people who wish to complain are allowed full access to the Council and all of its services as required. However, there are a small number of complainants who, because of their behaviour and the manner in which they approach officers in the Council in relation to their complaint, may need to have their contact restricted. They may behave unacceptably or be unreasonably persistent in their contact. This can impede investigating their complaint(s) and can have significant resource implications. These actions can occur either while the complaint is being investigated, or once the Council has finished the complaint investigation.
- 1.4. This guidance sets out the Council's approach to dealing with unreasonable behaviour from residents who wish to complain. This guidance should assist staff in determining what is unacceptable and unreasonable complaint behaviour and proposes options for how to manage this behaviour consistently. A policy that can be shared with complainants if they start to behave unreasonable can help in managing their expectations and their behaviour, while the substance of their complaint is addressed.
- 1.5. The policy covers 'unreasonable complaint behaviour' which may include one or more isolated incidents, as well as 'unreasonably persistent behaviour', which is usually a build-up of incidents or behaviour over a longer period. The policy follows the guidance published by the Local Government & Social Care Ombudsman on [Guidance note on management of unreasonable complainant behaviour](#).
- 1.6. It is important to identify between people who make a number of complaints because they really think things have gone wrong, and people who are unreasonably persistent in making their complaints.
- 1.7. This policy supports the Council's Complaints Procedures:
 - Corporate
 - Children's social care
 - Adult social care
- 1.8. It is crucial that the Council and staff do not discriminate against any complainant and ensures that this procedure is not used to restrict customers

from accessing the complaints process who are not displaying unreasonable complaint behaviour. Vigilance and appropriate management of the process is essential. No one person should make a decision to invoke the process. Managers should routinely monitor use of the process and ensure that complainants are still receiving an acceptable service.

1.9. It is entirely possible that customers will continue to have ongoing contact and receive services while this process is applied to them. This is appropriate and the purpose of the guidance is to manage contact. It also sets out how the corporate monitoring, oversight and coordination of all actions taken under the policy shall be undertaken. This will include a review process to evaluate complainants the policy is applied to and allow for this to be lifted or continued dependent on agreed factors.

1.10. If staff have any concerns regarding personal safety of staff (including their own) then staff should refer to the separate guidance - The Unreasonable Customer Behaviour Policy which can be used in conjunction with this policy.

2. **A**

2.1. While implementing this policy the Council's aims remain to:

- Deal fairly, respectfully and consistently with all members of the public that contact the Council. This includes customers whose behaviour during or after making a complaint is considered unreasonable;
- Provide accessible services for all customers. However, we retain the right to manage a person's contact with our services where we conclude that their behaviour in relation to their complaint is unreasonable; and
- Support staff to be able to manage unreasonable complaint behaviour and to ensure that people who act in an unreasonable manner do not impact the physical or mental well-being of staff, other customers or themselves;
- Consider the Councils' responsibility to meet individual service needs for complainants who are vulnerable or disabled. Particular care needs to be taken for those with hidden disabilities that could impact on how they interact with Council officers such as mental health, Autism, or Tourette's. Where possible efforts should be made to provide alternative options or non-direct contact channels such as voicemail or email. This should follow the guidance set down in the [SSA Equalities Policy](#), with reference to the guidance for Reasonable Adjustments for Service Users and Data Protection Policy.

3. **r**

3.1. **d r d**

3.2. Repeated instances of contact are likely to be the most common occurrence of unreasonable behaviour. These occur where people cannot or will not accept a decision (or the explanation or position offered) by the Council to them. Such customers will persistently complain or contact staff, either to

overturn an existing, final, decision or to attempt to have a level of service increased.

3.3. In most instances when we consider someone's behaviour is unreasonable we will explain why and ask them to change it. We will also advise them, if the behaviour continues, we may take action to restrict their contact with the council and our staff. Single incidents may be unacceptable but continuous unreasonable behaviour will usually be found when the complainant shows the following behaviour over time:

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

3.4. **A**

3.5. Instances where complainants display aggressive or abusive behaviour that would be considered excessive. This includes language (oral or written) or behaviour that may cause staff to feel threatened or abused.

3.6. Examples are likely to include (but not limited to):

- A threat directed at any Council Staff, the Council itself or any other person present at the time of the contact.
- Aggressive or threatening manner, which continues after the customer has been asked to change their behaviour or attitude.

4. Reasonable and Unreasonable Complaints

- 4.1. Instances where a complainant has displayed unreasonable behaviour should be reported to the responsible manager for that service area and the Complaints Team. The Complaints Team will be responsible for maintaining a central log for the purposes of monitoring, oversight and coordination of actions taken under the policy.
- 4.2. Evidence of the unreasonable complaint behaviour is necessary, and it is important to note that the policy will not be invoked if there is insufficient evidence to support the Councils' actions.
- 4.3. Evidence such as contact logs, file notes, emails, social media, screen shots, visits etc. can be used to demonstrate the unreasonable complaint behaviour on the part of the complainant. They should be logged in one place.
- 4.4. For example:
 - If the complainant has used inappropriate language in an email or letter, retain a copy of the email or letter;
 - If the complainant has been abusive during a phone call to Call Centre staff, retain a copy of the recording;
 - If a complainant has been abusive during a phone call which has not been recorded, then the officer or councillor involved should make a written record of the phone call.

5. Internal Procedure

- 5.1. Any officer in the Council can request that a complainant's behaviour is considered through this procedure. In the first instance they should raise this with their line manager and Head of Service and then with the Complaints Team.
- 5.2. The Complaints Manager will discuss the issues with staff/their manager/Head of Service.
- 5.3. Consultation with other services may be required if they have also raised concerns about this complainant. A decision will then be made as to whether this requires escalating the matter to senior management, along with recommendations for managing contact with the complainant going forward.
- 5.4. Each case will then be considered on an individual basis a decision to invoke this policy will be made by the Complaints Manager in conjunction with the Assistant Director and or Director of the relevant service area. In this way an essential check is made, and no unilateral decisions can be made.

- 5.5. The application of such restrictions will be reviewed on a 6 monthly basis by panel of senior managers to review cases, make any recommendations to ensure consistency, strategic oversight and appropriate application of the policy. The Panel will include the Monitoring Officer from each council and will also receive legal input.
- 5.6. A decision to invoke this policy must be made on the basis of documented evidence that demonstrates that a complainant's unreasonable behaviour has taken place. This information may be subject to an information request (FOI or SAR) reinforcing the importance of robust and accurate records management.
- 5.7. Good judgement and discretion must be used in applying the criteria to identify a potential unreasonable complainant and in deciding what action to be taken in specific cases.
- 5.8. It must also be noted that although the decision might be made to apply the policy to a complainant demonstrating unacceptable behaviour to a specific area of the council's business, their dealings with other services – for example social care - might be deemed acceptable. In these circumstances, a blanket application of the policy might not be appropriate.

6

- 6.1. In most instances before any action is taken under this policy we will explain to the complainant in writing what aspects of their behaviour has given cause for concern and ask them to change it. The complainant will be warned that if the behaviour persists, their case may be considered under the Unreasonable Complaint Behaviour Policy. A copy of the Unreasonable Complaint Behaviour Policy will be included with the warning letter. Template letters will be made available to managers.
- 6.2. Where the behaviour is so extreme that it threatens the immediate safety and welfare of an employee we will report the matter to the police and/or consider taking legal action. In such cases, we may not issue a warning letter.
- 6.3. The Council will only restrict communication with the complainant if they have informed them that their behaviour is unreasonable and have asked them to modify their behaviour (excepting cases covered in 6.2). The Council will explain what action will be taken if the warning is ignored. If they do not modify their behaviour, the Council will take steps to restrict communications with the complainant. The Council can use a number of options, and these are set out in the next section of this policy.

7.1.1. Restriction of access and contact

7.1. If the Complaints Manager in conjunction with the Assistant Director/Director decides a restriction is appropriate. The level of restriction that the Council apply will be proportionate, taking into account the nature, extent and impact of the customers behaviour on Council staff and other customers.

7.2. Actions which may be considered to restrict access and contact include:

- Requiring the complainant to communicate only with one named member of staff.
- Placing limits on the number and duration of contacts with staff per week or month.
- Offering a restricted time slot for necessary calls.
- Limiting the complainant to one form of contact (telephone, letter, email etc.).
- restricting telephone calls to a dedicated complaints line with a dedicated voicemail. This will be monitored by the Complaints Team and any contact will be actioned as appropriate
- requiring any personal contacts to take place in the presence of a witness and in a suitable location.
- refusing to register and process further complaints about the same matter
- advising the complainant that a designated member of staff will read all future correspondence and place it on file but not acknowledged, unless it contains relevant new information.
- reserving the right to respond to individual issues that may arise, depending on the presenting issue (i.e. there is no contradiction in advising a customer that they should not expect a response to each inquiry then selecting individual points to respond to);
- reminding the complainant of their right to approach the LGSCO or HO if they remain dissatisfied.
- Inform the customer that, in appropriate circumstances, the council reserves the right to pass reports of serious unreasonable behaviour and threats of physical violence to the police.

7.1.2. Notification of restriction

8.1. If the Council decides to impose a restriction, the Complaints Manager in conjunction with the Assistant Director/Director will make this decision. The Complaints Manager will write to the complainant with a copy of the policy to explain:

- why the decision has been taken
- what action the council is taking
- the duration of the action
- the review process of the policy
- inform the complainant how they can seek to appeal the decision if they disagree with it and the process for doing so.

- 8.2. The decision to restrict or stop a complainant's access to the council's offices and officers may only be taken by the Complaints Manager conjunction with the relevant Assistant Director/Director. All complainants have the right of appeal. Appeals must be made in writing to the Complaints Manager, setting out the reasons they feel the decision to restrict access should not be actioned. The decision of the Complaints Manager will be final and where relevant advise the complainant of their right to refer the matter to the Local Government & Social Care Ombudsman for them to investigate.
- 8.3. The Complaints Team will ensure that service restrictions are on logged centrally and that other service areas that have direct contact with this customer are also informed of any restrictions if relevant to their service area.
- 8.4. The Complaint Team will note the decision and place copies of this, and any letters sent to the complainant in a central file, to be retained for future reference.
- 8.5. The file record will also include a date of the decision to categorise the complainant as unreasonable, when the status will be reviewed and when it is due to end. This will normally be a period of between 3 and 6 months although the exact date will depend on the nature of the incident. Please note that unreasonable status may be reviewed, and a person placed back on the register if there is sufficient justification and it is deemed necessary to do.
- 8.6. The service area will be responsible for ensuring that any member of their staff distressed by an incident are supported and the services of the Staff Counselling Service or any other support service made available.

9.0. New issues from complainants with restrictions under this policy

- 9.1. Any complaints about new issues from complainants with restrictions under this policy will be considered on their own merits. The Complaints Manager will review all new correspondence and decide whether the new complaint is justified.

10.0. Right of appeal

- 10.1. When a letter is sent to a complainant advising them of a restriction imposed on them, the letter will include information about the customer's right of appeal against the decision.
- 10.2. All appeals must be made in writing, either via email or letter.

10.3. If the complainant decides to appeal the Council’s decision, the appeal will be reviewed by the Complaints Manager in conjunction with the relevant Director of the Assistant Director who made the original decision.

10.4. The result of the appeal which is final will be communicated to the complainant in writing.

11 **Unreasonable complainant status**

11.1. Once complainants have been determined as unreasonable, there needs to be a mechanism for withdrawing this status at a later date. Reasons for this might, for example, be where complainant has subsequently demonstrate a more reasonable approach.

11.2. Staff who have recommended the unreasonable behaviour status at the outset should similarly recommend that this status be withdrawn when appropriate.

11.3. The Complaints Team will also have recorded the date for a review of the status of any complainant categorised as unreasonable and will highlight the case for regular review by the Complaints Manager, as well as the Assistant Director and Service that imposed the restriction as necessary. They will take a final decision and subject to approval, normal contact with the complainant will resume.

12 **Relationships between the council and complainants**

12.1. Relations between the council and complainants sometimes break down badly while complaints are under investigation, and there is little prospect of achieving a satisfactory outcome. In such circumstances there may be nothing to gain from following through all stages of the council’s complaints procedure. The Complaints Manager may approach the Local Government & Social Care Ombudsman to establish whether they will consider a complaint before complaints procedures have been finished. A complainant also has the right to approach the LGSCO if they are not happy with how the Council has managed and applied ‘unreasonable complainant status’.

13 **Record keeping**

13.1. The Complaints Team will keep a record of all complainants who have had this policy applied to them. All correspondence including all incoming and outgoing letters and emails will be recorded on in a central location. The information retained will include:

- The name and address of each complainant who is treated as unreasonable.
- When the restriction came into force and when it ends.
- What the restrictions are.
- When the complainants, Council's departments and any other services were advised of the restrictions.

13.2. Records will also need to include:

- When a decision is taken not to apply the policy when a member of staff asks for this to be done.
- When a decision is taken to make an exception to the policy once it has been applied.
- When a decision is taken not to put a further complaint from this complainant through the Council's complaints procedure for any reason.
- When a decision is taken not to respond to further correspondence, make sure any further letters or emails from the complainant are checked to pick up any relevant new information.



Wandsworth Borough Council
Housing and Regeneration
Department
The Town Hall
Wandsworth High Street
London SW18 2PU

Please contact: [[Enter Manager's name here](#)]
Telephone: [[Enter Manager's Tel.no](#)]
Email: [Enter Manager's email here @richmondandwandsworth.gov.uk](#)
Web: www.wandsworth.gov.uk
Minicom: (020) 8871 8403

[[Enter name of complainant here](#)]
[[Enter 1st line of name and address here](#)]
[[Enter 2nd line of name and address here](#)]
[[Enter 3rd line of name and address here](#)]

Our ref: [[insert ref](#)]
Your ref: [[Insert ref no](#)]
Date: [[Insert date](#)]

Dear [[Enter name of complainant here](#)]

Stage 1 complaint: [[Enter subject of complaint here in bold](#)]

[[Introductory paragraph](#)] (*essential*)

I am writing in response to your email dated xxxx at stage 1 of the Council's corporate complaints procedure (this sentence must be included but other information can be added here as necessary)

Your complaint (*essential*)

Chronology (*optional, and if lengthy, it could be moved to the end as an appendix*)

The legal background (*only use this if applicable – insert legal background relevant to the case you are investigating*)

Investigation and findings (*essential*)

Conclusions (*optional*)

My decision (*essential*)

Recommendations/Actions to be taken *(as appropriate)*

Learning for the Authority *(essential where upheld or partially upheld)*

Appeal *(essential)*

This concludes my response at Stage 1 of Wandsworth Council's corporate complaints procedure. If you remain unhappy with my response, you may, under Stage 2 of the procedure, refer your complaint to Brian Reilly, Director of Housing and Regeneration, by email to hrdirector@richmondandwandsworth.gov.uk or by writing to him at the Housing and Regeneration Department, Town Hall, Wandsworth High Street, London SW18 2PU. You should do this within 20 working days of the date of this letter.

Please see the following link to the Council's complaints procedure:

<https://www.wandsworth.gov.uk/the-council/have-your-say/make-a-complaint/>

You also have a right to access the Housing Ombudsman Service at any time for assistance with your complaint: info@housing-ombudsman.org.uk. Please bear in mind however that the Ombudsman will usually expect you to have completed the Council's corporate complaints process before they investigate your concerns. *(only insert if the matter relates to an issue under the HO jurisdiction)*

Yours sincerely

[Name of Manager]
Job Title



Wandsworth Council

The Town Hall
Wandsworth High Street
London SW18 2PU

Please contact: Brian Reilly

Telephone: 020 8871 6591

Email:

HRDirectorate@richmondandwandsworth.gov.uk

Web: www.wandsworth.gov.uk

Minicom: (020) 8871 8403

[Enter complainant's name here]

[Enter 1st line of address here]

[Enter 2nd line of address here]

[Enter 3rd line of address here]

Complaint ref: CW0XXX

Date: [Insert date]

By email: [Complainant's email address]

Dear

Your stage 2 complaint regarding [enter subject of complaint here in bold]

I am writing in response to your email dated xxxx at stage 2 of the Council's corporate complaints procedure (this sentence must be included but other information can be added here as necessary)

Your complaint (essential)

Chronology (optional, and if lengthy, it could be moved to the end as an appendix)

The legal background (only use if applicable – insert legal background relevant to the case you are investigating)

My review (essential)

Conclusions (optional)

My decision (essential)

I am **upholding** / **not upholding** / **partially upholding** [\[delete as appropriate\]](#) your complaint for the reasons given above.

Actions to be taken [\(if applicable\)](#)

Learning for the Council [\(essential where upheld or partially upheld\)](#)

Appeal [\(essential\)](#) Please choose either HO or LGSCO – delete as appropriate

[Housing Ombudsman](#)

I confirm this letter concludes stage 2 of the Council’s corporate complaints procedure. If you remain dissatisfied with this response, it is open to you to refer your complaint to the Housing Ombudsman.

You can contact the Housing Ombudsman directly:

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

Telephone: 0300 111 3000 (lines are open Monday to Friday from 9:15 to 17:15)

Email: info@housing-ombudsman.org.uk

[LGSCO](#)

If you are not satisfied with the Council’s response to your stage 2 complaint, you may complain to the Local Government and Social Care Ombudsman. The Ombudsman is independent and can investigate to see if a local council has acted unfairly or if you have been caused an injustice.

You can contact the Ombudsman at:

Local Government and Social Care Ombudsman PO Box 4771 Coventry CV4 0EH	Tel: 0300 061 0614 Online complaint form: www.lgo.org.uk
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Yours sincerely

Brian Reilly
Executive Director of Housing and Regeneration

cc: Corporate Complaints team