

SHDC Housing Comments, Compliments, Complaints and Compensation Policy

1. Introduction

The purpose of this document is to set out the Council's approach to compliments and complaints made regarding its function as a landlord. The policy also assists us to set out a fair and consistent approach to compensation when the service delivered has not met our standards. The Council's Corporate Complaints policy should be considered for all other complaints.

Compliment and complaint handling performs an important strategic role for the organisation providing vital intelligence on its health, performance and reputation. The policy and underlying procedures will allow the Council to provide a service which reflects our statutory responsibilities as a landlord as well as good practice. The policy will also ensure complaints are handled consistently. All complaints are handled taking into account our Reasonable Adjustments Policy.

We aim to provide excellent housing services and give the best customer service possible. All feedback received is viewed positively as a valuable resource, enabling us to continuously improve the services we provide.

The Complaint Handling Code became statutory on 1 April 2024, meaning that social landlords are obliged by law to follow its requirements.

This Code requires social housing landlords to have an approach to complaints that is clear, simple and accessible. The Regulator for Social Housing's Consumer Standards Code of Practice 2024 focusses on making Landlords address complaints fairly, effectively and promptly to build trust with tenants. This policy supports the Code of Practice by publishing how we promptly and fairly deal with complaints whilst treating complainants with respect, it also sets out how we will engage with tenants, publicise the complaints process and how we support Housing Ombudsman investigations.

This policy incorporates the key requirements of legislation, regulations and guidance including Social Housing (Regulation) Act 2023, Housing Act 1985, Housing Act 1988, Housing Act 1996, Data Protection Act 2018, Freedom of Information Act 2000, Human Rights Act 1998, Equality Act 2010 and Environmental Information Regulations 2004.

This policy applies to

- all existing tenants of the Council
- former tenants who have left a property within the last twelve months
- any individual or group affected by the housing services that the Council and those acting on its behalf provides.

The Council will treat a complaint submitted via a third party or representative, including friends, family, MPs, Councillors and Citizens Advice, in line with our policy and procedure for complaints. In these instances, MPs and Councillors will be acting in their role as a representative. The Council will only share personal information with

representatives where the complainant has given explicit permission for us to do so or otherwise as permitted by the data protection law. Third Party representatives can represent or accompany any meeting with us as their landlord.

Please note where this policy makes reference to 'tenants' it relates to residential tenants, licensees and leaseholders of South Holland District Council excluding those that the Council is assisting under Part VII of the Housing Act 1996.

Definitions

A **request for service** is defined as a request by or on behalf of a tenant or group of tenants for something to be provided or put right.

A **compliment** is defined as positive feedback for a job well done. We record compliments to allow a us to identify and strengthen best practice and to celebrate the success of our colleagues and partners when we get it right.

A **comment** is defined as any other form of feedback about our services. It could include ideas for improvements, observations about our services, and include negative feedback separate to a complaint. We record comments to understand our tenants' views about services, helping to drive service improvement.

A **complaint** is defined by the Housing Ombudsman as: *'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 resident or group of residents.'* (The word 'complaint' does not have to be used for it to be treated as a complaint).

2. Request for service

When a tenant makes a request for service, we will triage their request seeking to resolve it first time. When required, issues may be passed to specialist colleagues. We will communicate with tenants as required to provide updates via their chosen method. Service requests should be sent to our Customer Services Team in the first instance, either through telephone, website, social media direct messages, in writing or through email. Where dissatisfaction is expressed with a response to their service request then a formal complaint would be raised.

3. Compliments

A compliment is defined as a statement of positive recognition or praise for a service or Officer. We welcome compliments to celebrate and recognise Officers for their contributions in providing a great service to our tenants.

We will maintain a central register of compliments. Compliments will be celebrated and shared amongst the department.

4. Complaints

The Council is committed to dealing with complaints in an open and transparent way

that is fair and equal to everyone. Making a complaint will not have an adverse effect on any other services that a tenant receives from us.

We strive to resolve a complaint in a quick and efficient manner treating tenants fairly and with respect.

Tenants can raise their complaints in any way and with any member of staff. This can be verbally, in writing, via our feedback forms, this list is not exhaustive. Our culture will be to accept all complaints on the basis that complaints should not be seen as negative by having a well published and accessible complaints process that will encourage transparency with tenants.

Tenants can complain about issues such as:

- A failure to provide a service at the level or standard set out in the Council's adopted policies, procedures or rules.
- Delays in responding to enquiries and requests where we have exceeded our set timescales
- Misconduct by an Officer.
- A failure to consider all information in coming to a decision.
- A failure to inform people of their rights.
- Malice, bias or discrimination.

Complaints through third parties:

- We recognise that some people who wish to complain may need support to do so. We accept complaints made by third parties (including, for example, family members, friends, advocates, or support workers) on behalf of a complainant and will take steps in line with our Data Protection Policy to make sure that the complainant is in agreement, which may include seeking written permission where this is necessary. We will also give customers the opportunity to be accompanied or represented by a third party at a meeting with us about a complaint where this is reasonable.
- Councillors and Members of Parliament (MPs) may also bring a formal complaint by acting as their constituent's advocate; formal complaints will be handled in line with this Complaints and Compliments Policy,

Items not considered to be a complaint

The following scenarios will be excluded from this policy because they are either covered by another policy or are outside of the Council's control:

Issue	Where this should be directed
Reporting a repair or fault	Please contact our Customer Services Team – 01775 761161.
Complaints from one tenant about another	Please see our Tenancy Management Policy. We will accept complaints if a tenant is dissatisfied with how their case was handled by Officers.

Administration of the Housing Register	Corporate complaints procedure https://www.sholland.gov.uk/Feedback
Issue relating to homelessness/the Housing Options service	Corporate complaints procedure https://www.sholland.gov.uk/Feedback
Setting of rent or service charges	First Tier Tribunal – Property Chamber (Residential Property)
Matters that have already been considered under this or any other Council complaints policy or procedure	These matters are considered to be closed.
Complaints that have been investigated by the Housing or Local Government Ombudsman	These matters are considered to be closed
Damage to a tenant's belongings caused by circumstances beyond the Council's control e.g. through storm or flooding	Contents insurance is the responsibility of the tenant. This is a term of the tenancy and tenants are informed of this requirement at tenancy sign up and at each settling in visit when they move in.
Matters where the Council's/tenant's/a third party's insurer is determining liability.	These matters will be investigated as part of the liability case.
Matters relating to ongoing legal cases (examples include personal injury and housing disrepair claims).	These matters will be investigated as part of the legal case, this only applied where legal proceedings have started.
A request for an appeal or review of a statutory decision	Appeals and reviews will be managed in line with the relevant policy and/or legislation.
Any issue which is set out in Council policy and the policy has been followed	We will not accept a complaint where the Council has followed its own policies. Our Housing policies are available at www.sholland.gov.uk/myhome
The issue giving rise to the complaint occurred over twelve months ago	We will not accept a complaint where the event occurred more than 12 months ago except where there are health and safety issues or safeguarding concerns.
Councillor's conduct	Corporate complaints procedure https://www.sholland.gov.uk/Feedback
Freedom of Information	Freedom of Information policy

requests	https://www.sholland.gov.uk/FOI
Data protection and data protection requests	Data Protection Policy https://www.sholland.gov.uk/dataprotectionpolicy
Complaints from contractors about their commercial or contractual relationships with the Council.	Corporate complaints procedure https://www.sholland.gov.uk/Feedback
Expression of dissatisfaction with services made through a survey	The person completing the survey will be made aware of how they can pursue a complaint if they wish to

We will not consider a complaint where an external appeals process is being pursued. This means in cases where, for example, a leasehold valuation tribunal, rent assessment committee, or a court of law is considering the complaint, we will follow the external process. The decision of the external process will be final, and a complaint related to the same issue cannot be lodged again or reopened.

We may refuse to consider a complaint where we are taking linked legal action against the complainant, including the issue of a claim against the complainant e.g. a complaint about the conduct of an Officer who is a witness in a claim for possession. We will continue to seek complaint resolution with a tenant pursuing Pre-Action Protocol for Housing Condition Claims in line with the Housing Ombudsman Service's guidance from November 2021.

Where we determine the issue will not be treated as a complaint, we will explain why the matter is not suitable for the complaints process and provide information on how to contact the Housing Ombudsman.

Where we conduct surveys, we will ensure that the survey makes tenants aware of this policy and how to give feedback.

Each complaint will be considered on its own merit and there will be no blanket refusal if a complaint fits into a category above. Where we do not accept a complaint, we will provide an explanation to the resident setting out the reasons why and their right to take that decision to the Housing Ombudsman.

5. Making a compliment or complaint

Compliments and complaints can be made in a variety of ways:

- Online at www.sholland.gov.uk/GetInvolved-Feedback
- By email to info@sholland.gov.uk
- By telephone 01775 761161
- By post to Housing Feedback, South Holland District Council, Council Offices, Spalding, Lincs PE11 2XE.

We will accept compliments and complaints from the following individuals:

- a) A person who is or has been in a landlord/tenant relationship with the Council. This includes people who have a lease, tenancy, licence to occupy or other

arrangement to occupy premises owned or managed by the Council. If the complaint is made by an ex-occupier, they must have had a legal relationship with the Council within the last twelve months;

- b) A representative(s) of any of the people above who has that person's written consent to make a complaint on their behalf;
- c) A representative(s) of any of the people above who does not have the capacity to give their consent to someone to act on their behalf. The Council must be satisfied that the representative has the legitimate authority to act on the person's behalf; or
- d) A person with the legal capacity to make a complaint on behalf of any of the people above who is deceased e.g. matters relating to the termination of the tenancy after the tenant has passed.

We will not proceed with complaints where they are:

- Made via social media - we will signpost the complainant to complain via our website. Confidentiality and privacy will be maintained.
- Anonymous however, we will still consider whether action is required by us to deal with the issue.
- Made by a representative of the tenant and the representative is not acting in their best interest. In this scenario, we will consult with the Member Responsible for Complaints (Portfolio Holder for Strategic and Operational Housing).

To ensure tenants are aware of the ways to give us feedback and how to contact the Housing Ombudsman, we have:

- Established a section on our website focused on tenant feedback and how feedback is handled
- Amended frequently used letter templates including gas servicing
- Provided 'feedback cards' to our Officers and contractors to hand out to tenants (for completion after Officers/contractors have left their home)
- Installed posters in our Community Centres.
- Include a section in our annual report on compliments and complaints received, our learnings from them and improvements made.

The complaints process

We will always attempt to speak to the complainant & formally acknowledge their complaint within 5 working days. We will offer the complainant the choice of:

- An informal response to put things right quickly – known as a 'Service Request'.
 - We will treat this as an opportunity to correct or put something right. Examples include re-booking missed appointments, completing an outstanding repair, offering an update to a delayed service.
 - Service Requests" will be recorded and outcomes noted for monitoring trends and performance purposes.
 - If a Service Request is unsuccessful, either because deadlines are missed or the tenant is dissatisfied, the case will be escalated to a formal stage 1 complaint for investigation.
- A formal complaint investigation through our internal process.

There are 2 stages to our formal complaints process following which the matter may be considered by the Housing Ombudsman. We aim to resolve the majority of complaints at stage 1 and, where appropriate, we will resolve the matter informally. We will respond to a complaint when the answer is known not when outstanding actions required to address the issue are complete. Outstanding actions will be tracked and actioned promptly informing the tenant.

All investigations carried out are by Senior Officers / Managers who are trained in complaint handling and the service area they are investigating to ensure that tenants are given confidence complaints will be handled fairly by the appropriate person.

The timescales are set by the Housing Ombudsman in the Complaint Handling Code. Complainants can seek advice from the Housing Ombudsman throughout their complaint, not only when complaints process is exhausted.

If we are unable to comply with the code due to exceptional circumstances, such as a cyber incident, we will inform the Housing Ombudsman and where possible provide information to residents. We will publish this notification on our website if possible and provide an estimate time of resolution to residents and the Housing Ombudsman.

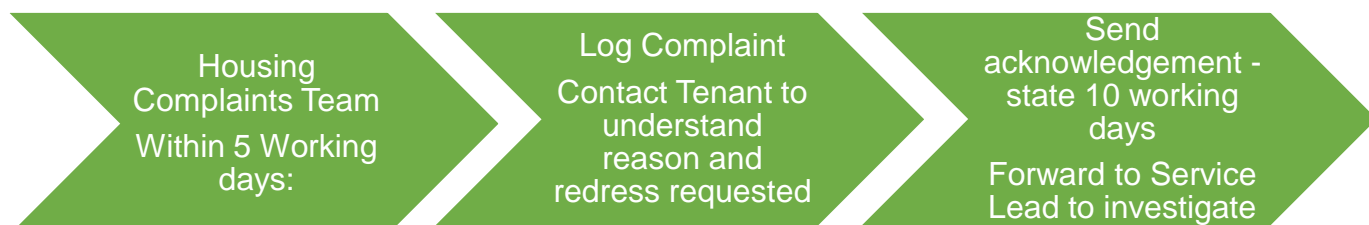
Our complaints process is published on the website including South Holland District Councils Self-assessment against the complaint handling code. Information on the complaints process is included in our suite of standard letters that are used outside of the complaints process. All staff are also required to understand the complaints process and are encouraged to report dissatisfaction by tenants.

The self-assessment of the Housing Ombudsman will be reviewed following:

- A significant restructure
- Merger
- Change in procedure
- A Housing Ombudsman investigation.

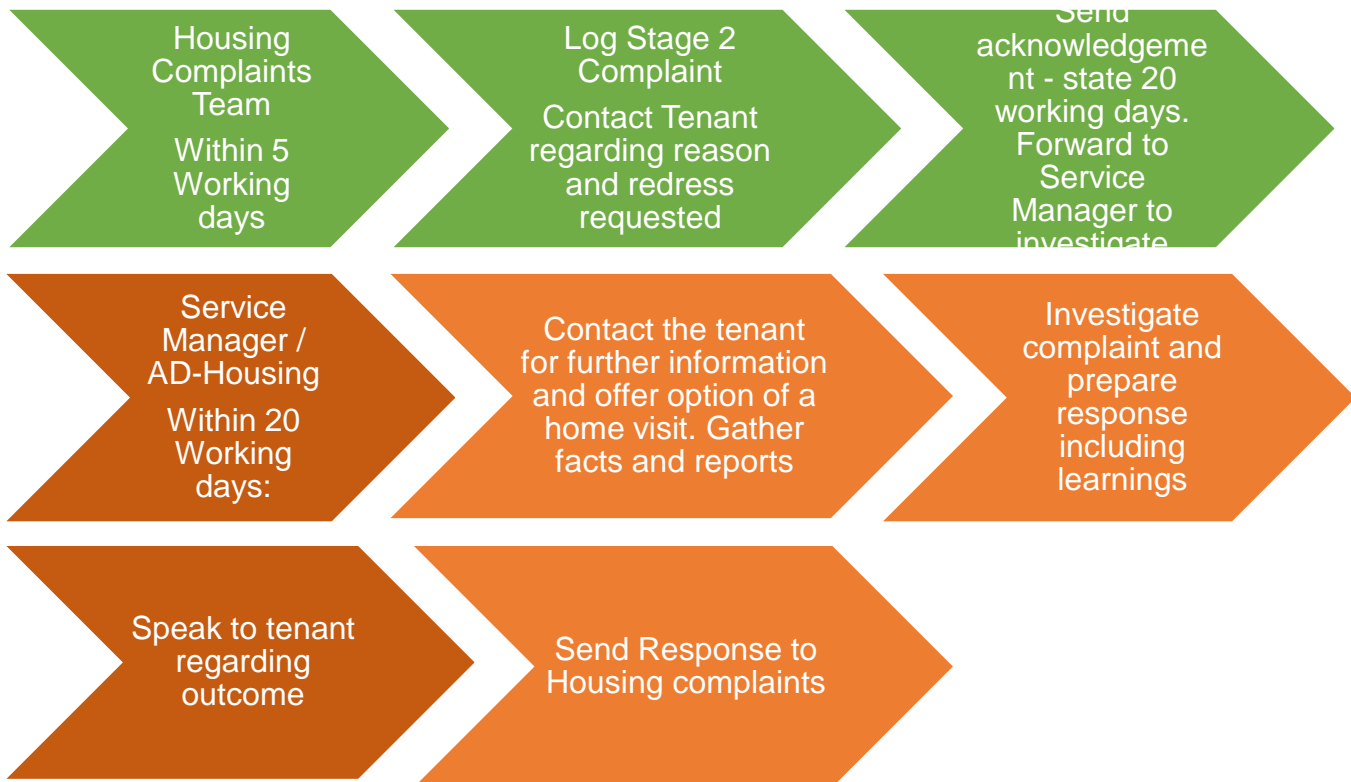
Timeline for complaints

STAGE 1 COMPLAINTS:





STAGE 2 COMPLAINTS:



Stage 1: Formal complaint made
Investigating Officer: Senior Service Officer / Team Leader

Wherever possible, complaints must be acknowledged, defined and logged at stage 1 of the complaints procedure within five working days* of the complaint being received. We will manage expectations, being clear where a desired outcome is unreasonable or unrealistic.

The Senior Service Officer / Team Leader will investigate the complaint and usually respond with their findings within 10 working days** of the complaint being acknowledged and logged. In exceptional circumstances, where there is a good reason for it, the process may take longer, in which case we will notify the tenant of the likely timeframe for a response in our acknowledgement.

Where additional complaints are raised during the investigation they will be incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.

If we are not able to respond within 10 working days, we will contact the complainant to agree an extension. The reasons why an extension is required must be explained and recorded to aid in transparency of the complaint process. If we are unable to agree an extension with the tenant, we will provide them with the contact details of the Housing Ombudsman Service so they can seek support. Where a complaint takes some time to investigate, we will keep the complainant updated as to the progress of the investigation.

Where we make adverse findings against the complainant or any member of staff, agent or contractor of the Council, they will be given the opportunity to comment on those adverse findings before a final decision is made. This may lengthen the process.



Stage 2: review of complaint – Investigating Officer : Service Manager or Assistant Director – Housing

If all or part of the complaint is not resolved to the complainant's satisfaction at stage 1, the complaint can be escalated to stage 2. This request will be logged and acknowledged within 5 working days of the escalation request.

Where additional complaints are raised at stage 2, they will be incorporated into a stage 1 response, if they are relevant and a stage 1 response has not been issued. Where this will delay a response to stage 2, a separate complaint will be logged.

Residents are not required to explain their reason for requesting a stage 2 consideration. The complaint must be progressed unless an exclusion ground applies. In instances where the Council declines to escalate a complaint, the Officer will clearly communicate in writing the reasons for not escalating as well as the tenant's right to approach the Ombudsman about the decision.

Investigating Officer will investigate the complaint and respond within 20 working days** of the request to escalate the review. If we are not able to respond within 20 working days, we will contact the complainant to agree an extension. If we are unable to agree an extension with the complainant, we will provide them with the contact detail of the Housing Ombudsman Service so they can seek support.



Housing Ombudsman

If all or part of the complaint is not resolved to the complainant's satisfaction at stage two, they can escalate the complaint to the Ombudsman.

The contact details for the Housing Ombudsman Service are:

- Online complaint form: www.housing-ombudsman.org.uk/online-complaint-form/
- Phone: 0300 111 3000
- Postal address: Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET

The Council will cooperate with the Ombudsman providing information within 15 working days of request.

*Working days are Monday to Friday excluding bank holidays.

**Timescales can be extended both by agreement and in extenuating circumstances as per the Complaint Handling Code. Within the complaint acknowledgement letter(s), we will set out our understanding of the complaint and the outcomes the complainant is seeking, confirming the deadline for a response. If any aspect of the complaint is unclear, the complainant will be asked for clarification and the full

definition agreed between both parties giving the resident a fair chance to set out their position.

A complaint investigation for stage 1 & 2 will be carried out at the earliest available opportunity. The investigator will:

- Deal with complaints on their merits
- Act independently and have an open mind
- Take measures to address any actual or perceived conflict of interest
- Consider all information and evidence carefully including previous complaints about a recurring issue
- Collaborate and co-operate working with colleagues across other departments
- Present any adverse findings to the complainant before a final decision is made
- Keep the complaint confidential, as far as possible, with information only disclosed if necessary to properly investigate the matter
- Keep the complainant updated of the investigation where the investigation is taking longer than the standard timescale by a method of communication agreed with the complainant.
- Act within the Professional Standards for engaging with complaints as set by the Chartered Institute of Housing.
- Take into account our Reasonable Adjustments Policy

Complaint responses for stage 1 & 2:

- Be written in plain language that is appropriate to the complainant
- Address all of the points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice, where appropriate
- Not identify individual members of staff or contractors (as per Ombudsman recommendations)
- Advise of:
 - The complaint stage.
 - The complaint definition.
 - The decision of the complaint.
 - The reasons for decisions made.
 - The details of any remedy offered to put things right.
 - Details of any outstanding actions - these actions will be tracked and actioned expeditiously with regular updates provided to the complainant. Outstanding actions will not delay the complaint response.
 - Details of how to escalate the matter further if dissatisfied
- Clearly set out the obligations of both parties where the complaint relates to legal obligations as a landlord.

We will not unreasonably refuse to escalate a complaint through all stages of the complaints procedure. Reasons for declining to escalate a complaint will be the same as the reasons for not accepting a complaint (as set out above). Where we refuse to allow a complaint to escalate, we will write to the complainant confirming:

- That the request to escalate the complaint has been refused
- The reasons for refusing the escalation

- The right to approach the Ombudsman about the decision (and their contact details).

We will keep a full record of a complaint, including the original complaint, any further correspondence from the complainant, any acknowledgements and responses to either stage of the complaint.

6. Complaint Outcomes

Housing services categorises decisions about complaints as:

- **Complaint upheld**
This is where the Investigating Officer agrees that the complaint was justified and that there has been a failure to provide the service to the expected standard.
- **Complaint partially upheld**
This is where the Investigating Officer agrees that part of the complaint was justified and there has been a failure to provide the service to the expected standard and part of the complaint was not justified and is therefore not fully upheld.
- **Complaint not upheld**
This is where Housing Services do not agree that the complaint was justified.

Putting things right

Where something has gone wrong, we will ensure that our response acknowledges this, and we will set out the action we have taken or will take to put it right. This may include:

- Acknowledging where things have gone wrong
- Providing an explanation, assistance or reasons
- Apologising
- Taking action if there has been a delay
- Reconsidering or changing a decision
- Amending a record
- Providing compensation; and/or
- Changing policies, procedures or practices.

Remedies will clearly set out what will happen and by when, in agreement with the complainant where appropriate. Any remedy offered must reflect the impact on the resident as a result of any fault identified taking into account any guidance issued by the Housing Ombudsman.

We will look past the individual complaint and consider whether the process or systems need to be reviewed. We will take collective responsibility for any shortfalls identified through complaints.

In some cases, a complainant may have a legal entitlement to redress. We will still offer a resolution where possible after obtaining legal advice regarding how the resolution should be worded.

7. Unreasonable, persistent or vexatious complainants

In general, dealing with a complaint is a straightforward process, but in a minority of cases people pursue their complaints in a way that can delay the investigation of their complaint or can have significant resource implications for the Council making it necessary for special measures to be taken

The Council's Unreasonably Persistent Complaints, Customer Behaviour and Vexatious Requests policy sets out our right to restrict or change access to our services where we consider a customer's actions to be unacceptable. A copy of this document is available on our website at

<https://www.sholland.gov.uk/media/17706/Vexatious-Policy/pdf/SHDC-CouncilDemocracy-InformationGovernance-VexatiousPolicy.pdf?m=637461267801170000>

We may consider legal action, which may include action against the tenancy, where it is apparent that the restrictions have been ineffective, and a tenant continues to act in an unreasonable manner.

8. Compensation

Putting things right is the first step to repairing and rebuilding the landlord and tenant relationship. If something has gone wrong, we will acknowledge this and set out the actions that we have already taken or intend to take to put things right. Remedies can include an apology, an explanation, preventative action, staff training, amendments to policies/procedures, payments for loss or damage, or in exceptional circumstances financial compensation. Any remedy offered will reflect the extent of any and all service failures, and the level of detriment caused to the complainant as a result. We will carefully manage the expectations of residents and not promise anything that cannot be delivered or would cause unfairness on other residents.

Financial compensation is a payment, either obligatory or discretionary, in recognition of loss suffered by the complainant. There are two types of compensation - payments that a landlord is obliged to make (usually due to legal requirements) such as statutory Home Loss and Disturbance payments, and discretionary compensation that the Council can choose to make.

Delegations for payments of compensation are as follows:

- The Assistant Director – Housing has authority to authorise payment of compensation in connection with complaints regarding the Council's function as a social landlord of up to £1,000 in consultation with the Portfolio Holder for HRA & Private Sector Housing.
- All Chief Officers have authority to authorise payment of compensation in connection with complaints regarding the Council's function as a social landlord over £1,000 subject to the agreement of the Monitoring Officer and Portfolio Holder for HRA & Private Sector Housing, and to informing the Performance Monitoring Panel.

Mandatory compensation

As a landlord, the Council has a duty to provide compensation as part of statutory obligations set out in the table overleaf.

Right to Repair (Right to Repair Regulations 1994)	<p>Where 'qualifying repairs' which cost less than £250 are not completed within timescales set out in the Right to Repair legislation.</p> <p>The compensation is fixed at £10, plus £2 for every day that the repair is not finished, up to a limit of £50.</p>
Right to Compensation for Improvements (Compensation for Improvements Regulations 1994)	<p>When tenants move out of their home, they may have a legal right to compensation for improvements (as long as the Council gave permission for the improvements in writing). Tenants must submit a request for compensation. Compensation varies dependent on the improvements carried out.</p>
Disturbance Payments (Land Compensation Action 1973)*	<p>Where tenants are required to move to another property temporarily or permanently (but have lived at the property less than 12 months). The payment is intended to reimburse the resident for actual and reasonable expenses incurred in moving and setting up home, or allow a notional sum in appropriate circumstances. There is a maximum payment allowable as set out in the law from time to time and it will cover such things as removal of contents and furniture, disconnection and reconnection of cookers and washing machines, disconnection and reconnection of aerials or satellite dishes, telephone and broadband, and the redirection of mail.</p>
Homes Loss Payments (Land Compensation Action 1973)*	<p>Where tenants have lived in their property for a minimum of 12 months and are required to move home permanently as a result of redevelopment or demolition of their home. This compensation is paid as a flat rate as set by the Government.</p> <p>A statutory Home Loss payment is only payable where displacement occurs as a result of the compulsory purchase of the property or a possession order is granted to facilitate redevelopment of the land or where a move is inevitably required.</p> <p>It is not payable where a tenant agrees to move voluntarily. The Council may, at its sole discretion, make a discretionary home loss payment to a tenant, who has agreed to move voluntarily where if they had not done so, and a compulsory purchase or a possession order were made, they would have been entitled to a statutory home loss payment.</p>
Disrepair Claims	<p>Compensation (including court costs) where the Council</p>

accepts liability for actionable disrepair and/or the courts order the Council to make payment.

*All Home Loss and Disturbance payments must be authorised by the Assistant Director - Housing. There is a right to appeal these amounts under the Land Compensation Act 1973 and any claims should be made to the Upper Tribunal. You can submit documents and track your case digitally online with the E-Filing service <https://www.gov.uk/guidance/hmcts-e-filing-service-for-citizens-and-professionals> or send the form to their address : Upper Tribunal (Lands Chamber) 5th floor, 7 Rolls Buildings Fetter Lane, London EC4A 1NL. Email: lands@justice.gov.uk Telephone: 020 7612 9710 Fax: 020 7612 9723

Quantifiable loss payments

Payments will be considered where the tenant can demonstrate actual loss as a result of the Council's actions or omissions, or those of a contractor working on the Council's behalf. This could include (but is not limited to):

- Increased utility bills due to disrepair
- Having to pay for alternative accommodation or takeaway food
- Paying for cleaning
- Carrying out repairs where it is proven that the Council has failed to carry out its obligations
- Replacement of lost or damaged possessions. Tenants will need to provide the following within 7 calendar days:
 - Proof of ownership and the value of the lost or damaged item. For example, photos, instruction booklets or receipts
 - Evidence of the damage - this may include the damaged items themselves

This policy is not intended to replace or compensate for the lack of contents insurance - where payment is due, it will be made at the current value, not the value the item was purchased at. It is the tenant's responsibility to insure their possessions against accidental damage e.g. to address with damage following flooding.

If a contractor acting on behalf of the Council causes damage to a tenant's property, we will refer the matter to the contractor. The Council will mediate so that the contractor reaches a fair and reasonable settlement with the tenant.

Discretionary compensation

As part of our approach to resolving complaints, we may offer discretionary compensation in the following scenarios:

- Poor complaint handling
- Delays in providing a service e.g. in undertaking a repair
- Failure to provide a service that has been charged for
- Temporary loss of amenity
- Failure to meet target response times
- Loss of use of part of the property
- Failure to follow policy and procedure

- Unreasonable time taken to resolve a situation.

Compensation may be in the form of one or more of the following:

- An apology
- Specific action by the Council
- Review of policy or procedures
- Gesture of goodwill
- Financial compensation.

In awarding compensation, we will consider:

- Whether any statutory payments are due
- If any quantifiable losses have been incurred
- Any inconvenience and distress caused
- The extent or severity of the service failure
- Vulnerabilities within the household impacted.

Compensation will not be paid in the following scenarios:

- Issues are, or have been, subject to legal proceedings
- Liability issues that are subject to an insurance claim
- Claims that should be covered by a home contents insurance policy, including damage through flood or fire to belongings such as floor coverings
- Claims for personal injury
- Claims for loss of income/time off work
- Issues raised 6 months after the incident/issue arising.
- Loss or damage was caused by the tenant, another household member or visitor to their property. This includes failure to report a repair promptly or to keep an appointment.
- The fault was unforeseeable and/or caused by a 3rd party or the Council had no control over it, such as water leaking from a neighbouring property (unless we had already been alerted to this and had not resolved it promptly)
- Personal possessions are lost, stolen or damaged through no fault of the Council or its contractors
- Service failure or damage that is the result of extreme or unforeseen conditions, such as extreme weather
- Loss of supply of gas, electricity or water that is outside of the Council's control, such as a failure by the utility provider.

In some circumstances, it may be appropriate to offer a combination of recompense which includes work to a tenant's home and a financial compensation payment, but only if this is acceptable and agreed by the tenant in advance as part of their complaint resolution.

Payment of compensation/damages

Before financial awards are approved, consideration will be given to a range of remedies. If financial compensation is considered appropriate by the Investigating Officer, any outstanding debt to the Council including arrears and rechargeable repairs may be deducted from the amount of compensation awarded. Any remaining

balance will be paid directly to the tenant by BACS transfer within 14 calendar days. Payments will only be made to bank accounts held in the name of third parties where there are evidenced safeguarding concerns.

Any payment made will be a full and final settlement and does not imply any acceptance of liability on the behalf of the Council.

8. Learning from complaints

We are committed to using tenant feedback as a learning experience and, where appropriate, we will put things right.

We are committed to improving service delivery through the complaints reporting and feedback process and ensuring our tenant voice is heard. Data on complaint and service request handling, alongside other management information, provides assurance and aids in the assessment of risks. Information on complaints can provide essential insight into the Service including any themes or trends, systematic issues and risks. We will also use the findings to revise policies and procedures, to train staff and contractors and improve communication and record-keeping. Data captured from complaints received will also improve information provided to tenants to help them understand what is the Council's responsibility, what is the responsibility of other organisations and what is the tenant's responsibility.

We will report any improved service change made following a complaint outcome and publish it on the Council's website at www.sholland.gov.uk/myhome and our Annual Report.

Learnings are reported at the quarterly Housing Complaints Working Group attended by the Assistant Director for Housing, Portfolio Holder for Strategic and Operational Housing, Information Manager and Data Protection Officer, Service Leads, Complaints Co-Ordinator and the Tenant Influence and Engagement Lead.

Tenants are informed of learnings at our Complaints and Performance Focus Group and monthly bullet ins are sent out to all tenants signed up to our Tenants Forum.

9. Scrutiny and oversight

Complaint performance is monitored through our tenant led Complaints and Performance Focus Group, Housing Performance and Compliance Clinic, Complaints Working Group and Councillors at Cabinet.

Surveys on the complaints process are sent to all tenants who have submitted a complaint and feedback received used to improve the complaints service.

Monthly performance on complaint volumes, comparisons year on year and compliance with the Complaint Handling Code is provided to the Housing Compliance and Performance Clinic (attended by Portfolio Holder for Strategic and Operational Housing, Director Communities and Assistant Director Housing).

Quarterly reports are produced for Complaints Working Group and the Tenants

Complaints and Performance Focus Group highlighting:

- the number of complaints and compliments received
- performance
- compliance
- trends and learning outcomes
- individual complaint outcomes, where necessary, including where the Ombudsman has made findings of severe maladministration or referrals to regulatory bodies
- Compensation payments awarded.

These two groups challenge and scrutinise performance and outcomes and ensure all complaints are dealt with fairly and transparently according to this policy.

10. Governance

Accountability and transparency are integral to a positive complaint handling culture. We will update tenants on wider learning and improvements in response to complaints and compliments in our annual report and our website.

We produce an annual complaints performance and service improvement report, which is scrutinised by Cabinet which includes:

- An annual self-assessment against the Complaint Handling Code to ensure our complaint handling remains in line with its requirements. This will also be carried out immediately following a significant restructure and/or change in procedures. Following each self-assessment, we will:
 - Publish the outcome of the self-assessment on our website
 - Include the self-assessment in our annual report to tenants as part of our complaints handling performance
- A qualitative and quantitative analysis of our complaint handling performance. This will also include a summary of the types of complaints that have been refused
- Any findings of non-compliance of the Housing Ombudsman Code
- Any service improvements made as a result of the learning from complaints
- Any annual report of our performance from the Housing Ombudsman
- Any other relevant reports or publications produced by the Ombudsman in relation to the work of the of South Holland District Council as a landlord

Tenant's will be surveyed on their satisfaction with complaint handling as part of the annual Tenant Satisfaction Measure surveys, of which are reported to the Regulator of Social Housing and published nationally. As part of the Tenant Satisfaction Measures, we will also supply data to the Regulator of Social Housing regarding the number of complaints received and the percentage of complaints responded to within the Housing Ombudsman timescales.

The Portfolio Holder – Strategic and Operational Housing is the Member Responsible for Complaints (MRC) The lead Officer for Complaints is the Tenant Engagement and Influence Lead , and is responsible for ensuring the Portfolio Holder - Communities & Operational Housing receives regular information on complaints that provides insight on our complaint handling performance.

11. Accessibility and equal opportunities

The Council recognises and values the diversity of its communities. We aim to reduce barriers and ensure that everyone has equal access to the complaints service. The Council is committed to treating everyone fairly and shall ensure that it complies with the Equality Act 2010.

We are committed to making reasonable adjustments to accommodate a person's needs in accordance with the Equality Act 2010. This includes the following:

- Use of plain language;
- Accepting complaints over the phone or in person where it is not reasonable to request that they are submitted in writing;
- Providing information and responses in braille, large print, audio, easy read format and other languages where needed; and
- Providing translators (including sign language translators) where needed.

12. Record keeping and data sharing

We respect the confidentiality of all tenants. The collection, storage, access to, provision and disclosure of data is in accordance with the Council's Data Protection Policy and the provisions of the General Data Protection Regulations (GDPR) and the Data Protection Act 2018.

In order to progress a complaint, it may be necessary to share the complaint with a third party such as a contractor.

13. Complaint Handling Staff

The Tenant Engagement and Influence Lead of the Housing Service is the designated responsible officer for complaint handling (Lead Officer for Housing Complaints). Whilst service complaints are investigated by the officers identified within the policy the "Lead Officer for Housing Complaints " is responsible for ensuring compliance with the policy and code.

Our Data Protection and Privacy statement is available at <https://www.sholland.gov.uk/article/9020/Tenancy-and-Leasehold-Agreement-Management-privacy-notice>

Last reviewed - January 2026

Next Review due – January 2027