

COMPLAINTS POLICY

1 SCOPE

- 1.1 This policy sets out Eldon's approach to managing complaints and service requests.
- 1.2 The policy applies to all residents of Eldon, those on Eldon's waiting list for accommodation, Eldon residents who terminated their tenancy within 12 months and C4C residents who receive a service from Eldon, and any other Eldon service user.
- 1.3 Confidentiality and data protection apply to the complaints process, Eldon will not share personal, or property information gathered as part of the complaint investigation with any third party who is not entitled to receive it, in line with data protection legislation.

Complaints made by other parties will be responded to outside of the complaints policy.

2 AIMS AND OBJECTIVES

- 2.1 Response - Eldon Housing Association strives to deliver high quality services to residents and service users, every effort is made to get things right first time but sometimes this does not happen. The policy sets out how Eldon will respond to complaints.
- 2.2 Inclusive - The policy strives to be inclusive and allows for all Eldon residents to have access to the complaints process, and to be heard and treated fairly.
- 2.3 Learning - Each complaint or service request is an opportunity to investigate concerns, correct wrongs, to make necessary changes and if appropriate apologise and learn importantly from mistakes.
- 2.4 Transparency - Eldon understands having a clear, resident friendly complaints policy is the best and healthiest way to build strong professional relationships.

3 KEY TERMS AND DEFINITIONS

- 3.1 Formal Complaint - To ensure consistency and understanding Eldon define a complaint as.

"An expression of dissatisfaction, however made, about the standard of service, actions or lack of actions by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or a group of residents".

As a resident you do not need to formally say "I am complaining" to make a complaint, we will treat clear expressions of dissatisfaction as a complaint.

3.2 Eldon's staff are trained to recognise the difference between a service request (pre complaint), survey feedback and a formal complaint. A service request is an opportunity given by a resident to correct or put something right. This can sometimes resolve disputes quickly and avoid the need for a formal complaint.

The decision to make a formal complaint or a service request always rests with the person making the complaint.

3.3 Named Person, when a resident makes a complaint it will be acknowledged and they will be provided with the details of a Named Person, their role is to ensure Eldon.

- Responds to complaints consistently.
- Acts fairly.
- Ensures staff are trained to receive complaints.
- Works across teams to ensure matters can be responded to quickly, avoiding hold ups and log jams.
- Learns and will continue to learn from receiving complaints.

4 POLICY

4.1 Eldon will respond to service requests within an agreed time with the resident.

Service requests are recorded, monitored, and regularly reviewed. If a resident remains dissatisfied with the response to a service request it can be escalated to a formal complaint.

4.2 **Acknowledging a Complaint** - When Eldon receives a complaint, the complainant will be provided with the details of the Named Person responsible for their complaint, they are the point of contact throughout the complaint. This person oversees all complaints.

A complaint will be acknowledged within 5 working days.

4.3 Eldon Operates a 2-stage complaint policy.

Stage 1 Complaint - Eldon will respond to initial complaints known as Stage 1 complaints within 10 working days from receipt of complaint.

If it is not possible to respond within this timeframe, an explanation, and a date by when you will receive the stage 1 response should be provided. This should not exceed a further 10 days without good reason.

Stage 1 complaints can be received as set out in 4.11 of this policy.

Stage 2 Complaint - If the complainant is dissatisfied with the response to the Stage 1 complaint they can request a Stage 2 response.

This will be responded to within 20 working days from request to escalate to Stage 2 if this is not possible an explanation and a date when the Stage 2 response will be provided. This should not exceed a further 10 working days without good reason.

Stage 2 complaints can be received as set out in 4.11 of this policy.

- 4.4 **Ombudsman Services** - If the individual remains dissatisfied with the Stage 2 response, the matter can be referred to the Housing Ombudsman Service (or if the complaint refers to care it can be referred to The Local Government and Social Care Ombudsman),
- 4.5 If a complaint is referred to the Housing Ombudsman Service Eldon may continue to work with the resident to resolve the complaint avoiding the need for the Ombudsman to adjudicate. A referral to the Ombudsman does not mean we will not work to resolve the complaint.
- 4.6 Eldon recognise the duties outlined in The Equality Act 2010 to make reasonable adjustments for individuals with disabilities.

Eldon will make reasonable adjustments where necessary for residents with protected characteristics so as far as possible everyone receives the same service. This may mean for example allowing the complainant additional time to provide information or respond to enquiries.

- 4.7 Eldon will accept all complaints unless there is a valid fair and reasonable reason to exclude the complaint.

Eldon's exclusions are:

- The complaint happened normally over six months ago, and therefore the matter cannot be investigated. The decision to accept a complaint which is over 6 months will be considered by a member of the Senior Management Team.
- The matter should be resolved as part of another policy such as the harassment and anti-social behaviour policy.
- The complaint is made by a third party on behalf of a resident, and we do not have the resident's authorisation to discuss the complaint. We may still investigate the matter for example if it relates to a Safeguarding concern.
- The complaint has been already considered under the complaints policy.
- The complaint concerns insurance claims, ongoing legal action (including rent arrears) or criminal actions.
- Matters concerning staff dealt with through the disciplinary code or through staff management or performance procedures.
- A solicitor / legal professional acting in a professional capacity.

If a complaint cannot be accepted a written detailed explanation will be provided. This decision can be challenged by bringing the complaint to the Ombudsman.

- 4.8 Eldon maybe unable to fully investigate anonymous complaints and cannot provide a formal written response. Anonymous complaint will be formerly recorded, investigated and the results of the investigation recorded.
- 4.9 Should a complaint be received via social media staff will contact the individual directly but not by social media to discuss the situation with them.
- 4.10 A complaint may also be made in the form of a petition. The complaint will be dealt with following the normal complaints procedure, Eldon will respond to the address of the first resident signatory only.
- 4.11 Accessibility and Awareness, complaints can be made in the following ways.
- Telephone
 - Letter / email
 - Telling an Eldon member of staff that you are dissatisfied about the service.
 - Representation from and advocate acting on your behalf such as Citizens Advice Bureau, friend, or family member.

Eldon recognises tenants in extra care schemes receive higher levels of care and maybe reticent to complain about the scheme they live in for this reason. We are committed to ensuring our extra care residents are not excluded from the complaint's procedure.

5 REFERRING A COMPLAINT TO THE OMBUDSMAN

The Housing Ombudsman Service

Eldon hopes all complaints are resolved, however if a resident remains dissatisfied after exhausting the policy, they can ask for a review of the case by the Housing Ombudsman Service.

The Ombudsman will only investigate a complaint where the complainant has exhausted by Eldon's Complaints procedure, although this must be done within 6 months. The complainant must be an Eldon resident or an Eldon applicant for housing to raise this with the Ombudsman.

Housing Ombudsman service
PO Box 152, Liverpool L33 7WQ
Tel: 0300 111 3000
E-mail: info@housing-ombudsman.org.uk
Web: www.housing-ombudsman.org.uk

The Local Government and Social Care Ombudsman

In the case of complaints relating to care, a resident may refer a complaint to The Local Government and Social Care Ombudsman who provides a free, independent service. This can be done directly, or if they are not satisfied with the outcome of the internal process. However, the Ombudsman will require an internal process to be completed before they become involved.

Our care services are registered with the Care Quality Commission (CQC) and although the CQC are unable to investigate individual complaints they are, however, happy to receive information regarding our services. Contact details are provided below:

The Local Government and Social Care Ombudsman
PO Box 4771
Coventry, CV4 0EH
Tel: 0300 061 0614
Web: www.lgo.org.uk

Care Quality Commission Customer Service Centre
City Gate, Gallowgate
Newcastle upon Tyne, NE1 4PA
Tel: 0300 616161
Web: www.cqc.org.uk

6 MONITORING AND CONTINUOUS IMPROVEMENT

This policy will be reviewed every 3 years and the next reviewed in March 2024 – unless legislation, business or sector developments require otherwise to ensure that it continues to meet the stated objectives and take account of good practice.

7 LEGISLATION

7.1 Localism Act 2011

As of April 2013, residents of housing associations can ask for the complaint to be considered by a “designated Person” once the resident has exhausted the internal complaints procedure. “Designated Persons” are defined in the Localism Act 2011 as an MP, a local councillor or a designated tenant panel. A “Designated Person” does not have formal authority but can refer complaints to the Housing Ombudsman Service.

7.2 Equality Act 2020

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Version control

Date	Author	Version	Reason for policy changer