

## **COMPLAINTS PROCEDURE**

The Complaints Procedure sets out Eldon's approach to managing service requests and complaints. The purpose of the Complaints Procedure is to ensure that the Service Request / Complaints are dealt with in a fair, impartial, and speedy manner. The procedure sets out the way in which Eldon and complainant may enter into a dialogue to deal with the complaint and where possible, to put things right.

Both the complaints policy and procedure are to be displayed in each Eldon scheme and notice board, on request and on the Eldon website.

Eldon will publish information about complaint responses each year.

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.

### **1 DEFINITION OF A COMPLAINT**

1.1 Eldon has adopted the Housing Ombudsman's definition of a complaint 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 groups of residents”.

### **2 WHO CAN MAKE A SERVICE REQUEST OR COMPLAINT?**

2.1 The procedure 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.

If someone makes a complaint who is not included in this group they will be responded to separately and outside of this procedure, but in line with stage 1 of the policy, advice from a Senior Management Team member must be obtained.

### **3 A SERVICE REQUEST**

3.1. A service request is an opportunity to raise a concern without having to make a formal complaint. Anyone wishing to make a service request about the Association's services should in the first instance speak to the scheme House Manager, Premises Officer or Welfare & Support Officer.

A complaint can be made without first making a service request, or a service request can be escalated to a complaint at any point. The complainant decides.

### **3 A SERVICE REQUEST cont'd**

Staff members must ensure that anyone making a service request receives a first point of contact within 3 working days to resolve the issue by the staff member. If the service request cannot be resolved at the first contact point the staff member must investigate and respond with a resolution within 10 working days.

Any Service Request that cannot be resolved within the timeframe must be escalated to a formal complaint and notification sent to the person who made the Service Request.

If a staff member receiving a service request considers it to be of a serious nature the complaint must be immediately escalated to a Formal Complaint and the person making the request informed.

All service requests will be recorded in the Service Request Log and held in the scheme office which is reviewed on a weekly basis by the House Manager or Welfare & Support Officer to ensure requests are appropriately recorded and outcomes logged.

The Housing Manager reviews the Service Request Log on a quarterly basis in order to identify any patterns or themes which require addressing in order to improve service delivery and quality.

## **4 COMPLAINTS**

### **4.1 Complaints can be received by:**

- Telephone
- Eldon's formal complaint form (*Appendix 1*), letter or email
- Telling an Eldon member of staff
- Representation from an advocate acting on behalf of the person such as the Citizens Advice Bureau, friend, or family member.

### **4.2 Reasonable adjustments - Reasonable adjustments will be made for residents with protected characteristics, this may mean allowing additional time to provide information in response to enquiries etc (part of The Equality Act 2010).**

### **4.3 Complaints that cannot be accepted - Eldon will accept all complaints unless there is a valid, fair, and reasonable reason to exclude the complaint:**

- 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 who would not be responsible for responding to the complaint to maintain independence.
- 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. Before you let a complainant know Eldon will not accept their complaint please gain written confirmation first from a member of the Senior Management Team.

This decision can be challenged by bringing the complaint to the Ombudsman.

**4.4 Critical Factors to Complaint Response and Resolution** - Before responding to a complaint or service request it is important to identify the issues raised so resolution can be achieved, this may mean your response include the following:

- 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 a financial remedy.
- Changing policies, procedures or practices.

Factors to consider in formulating a remedy can include:

- Length of time that a situation has been ongoing.
- Frequency with which something has occurred.
- Severity of any service failure or omission.
- Number of different failures.
- Cumulative impact on the resident.
- A resident's particular circumstances or vulnerabilities.

These factors are not mutually exclusive, and you may identify other separate factors.

Legality - Sometimes there will be concerns about legal liability and a complainant's legal entitlement to redress. If this is the case we still need to find resolution where possible. If Eldon can find a solution it can remove the need for the resident to pursue legal remedies.

As a Landlord Eldon has a duty to rectify problems if we are responsible. However, where necessary a resolution can be offered with an explicit statement that there is no admission of liability. In such a case please discuss with a member of the Senior Management Team.

4.5 **Stage 1 Complaint** - Acknowledgement of the complaint is issued within 5 working days of the complaint being received.

The acknowledgement will set out to the complainant the name of the officer who will oversee the complaint and the date a response can be expected. It will also briefly set out the complaint to ensure we have identified the complaint correctly.

The complaint will be passed to the appropriate Team for response within 10 working days from receipt.

The Company Secretary is advised of the complaint and records this within the Complaints Records on the computer under Head Office Shared – Complaints. The Company Secretary will monitor the investigations to ensure that these are completed following these procedures.

If it is not possible to complete the investigations within 10 working days, the complainant is informed and provided with a date for a response – this should not exceed 10 working days.

A Stage 1 Complaint response will address the following areas:

- The complaint will be titled “Complaint Stage 1 Reference No”
- the outcome of the complaint, the complainant will be notified if the complaint is not up help, partially upheld or fully upheld.
- the reasons for the decisions made
- the details of any remedy offered to put things right
- details of any outstanding actions

Closing a stage 1 complaint - The closing paragraph to a stage 1 complaint will be as follows:

*“If however you wish to pursue the matter further, you may request that your complaint be referred to Stage 2. To do this you should contact:*

*Complaints  
Company Secretary  
Eldon Housing Association Ltd  
2<sup>nd</sup> Floor (North Wing), Legion House,  
73 Lower Road  
Kenley, CR0 5NH*

*E-mail:           adickson@eldonhousing.co.uk.*

*Please explain why you remain dissatisfied and what you expect from a further review. A request for a review should be made within 6 months of the date of this letter.”*

A Stage 2 complaint can be received by:

- Telephone
- Eldon's formal complaint form (appendix 1) Letter or Email
- Telling an Eldon member of staff
- Representation from an advocate acting on behalf of the person such as the Citizens Advice Bureau, friend, or family member.

4.6 **Stage Two** - Acknowledgement of the Stage 2 complaint is issued within 5 working days of being received. It will also briefly set out the complaint to ensure the response is correct.

If the Stage 2 complaint is received by telephone the acknowledgment will need to include what the complaint is and what the complainants expected outcomes are.

The acknowledgement will set out to the complainant the name of the officer who will oversee the Stage 2 complaint and the date a response can be expected, which will be 20 working days from receipt.

The complaint will be investigated by the appropriate member of the Senior Management Team who will be independent of the Stage 1 investigation or the Chief Executive.

This where possible it will include an interview with the complainant, either in person or over the telephone, or Zoom / Microsoft Teams (or other means where both parties can connect) which will be recorded on a Complaint Investigation Form (*Appendix 2*).

This interview should be used to explore what resolution the complaint wants, if the complainant sets out any new expectations in terms of resolution you must write (letter or email if appropriate) to them setting out their new expectations within 3 working days

The investigation and written response to the complainant will be completed within 20 days of the Stage 2 complaint being made. The acknowledgement of the stage 2 complaint will include a date when the response will be received.

A Stage 2 response will address the following areas:

- The complaint will be titled "Complaint Review Reference No"
- the outcome of the review.
- the reasons for the decisions made.
- the details of any remedy offered to put things right apology if appropriate.
- details of any outstanding actions.

If it is not possible to complete the investigations within 20 working days, the complainant is informed and provided with a date for a response. Any extension should not exceed a further 10 days without good reason.

An Investigation Checklist (*Appendix 3*) is completed throughout the process and is retained on file when the complaint is concluded.

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 or if it relates to care services delivered by Eldon it can be referred to the Local Government and Social Care Ombudsman.

Closing as stage 2 complaint - The closing paragraph to a stage 2 Housing complaint will be as follows

*"I trust we have now addressed all the points you have raised in your correspondence."*

*If however you are not satisfied with our response you can contact the Housing Ombudsman*

*Housing Ombudsman service  
PO Box 152, Liverpool L33 7WQ  
Tel: 0300 111 3000*

*You can also contact the Housing Ombudsman via [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk) for further assistance.*

*The Ombudsman Service is free, independent and impartial."*

The closing paragraph to a Stage 2 Housing regarding Social care will be as follows

*"If however you are not satisfied with our response you can contact the Local Government and Social Care Ombudsman*

*The Local Government and Social Care Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH  
Tel: 0300 061 0614  
[www.lgo.org.uk](http://www.lgo.org.uk)*

*You can also contact the Local Government and Social Care Ombudsman via their helpline number is **0300 061 0614***

*The Ombudsman Service is free, independent and impartial."*

## **5 OMBUDSMAN**

- 5.1. If a complaint concerns housing it should be referred to the Housing Ombudsman and if the complaint concerns care it should be referred to The Local Government and Social Care Ombudsman.

Whilst the complaint is being referred to the Ombudsman if appropriate you can continue to work with the tenant to resolve the complaint, if you are uncertain you are able to contact the Ombudsman service for advice.

## 5.2 The Housing Ombudsman Service – There contact details are:

Housing Ombudsman service  
PO Box 152, Liverpool L33 7WQ  
Tel: 0300 111 3000

E-mail: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)  
Web: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

The Housing Ombudsman Code is an important guide which informs Eldon's policy and procedure.

<https://www.housing-ombudsman.org.uk/wp-content/uploads/2020/11/Complaint-Handling-Code.pdf>

## 5.2 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.

Eldon's 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](http://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](http://www.cqc.org.uk)

## 6 RECORD KEEPING & MONITORING

### 6.1 Eldon recognises the need to learn from complaints and the requirement to keep copies of all complaints raised, actions taken, and outcomes achieved.

It is important to ensure that records are accurately kept.

All original documentation, notes of phone calls, conversations etc., completed forms and discussion notes relating to the complaint are filed.

## **6 RECORD KEEPING & MONITORING cont'd**

All papers concerning a complaint must be kept together and must include records of phone conversations, minutes of meetings, completed forms, e-mails etc. It is important the file is kept in chronological order in the Scheme's Complaints Folder and copies are placed on any other relevant files such as the Tenant's own file for ease of reference by an appeal panel or to provide information to an outside agency such as the Housing / Care Ombudsman Service. Where there is more than one complaint, separate files may be opened for each complaint.

Line Managers are required to review complaints logs quarterly and use the opportunity to review and improve service delivery and quality. Annual monitoring and assessments should also be carried out by Line Managers with reports sent to regulators/funders. Reports should also be made to the Board of Management on a quarterly and annual basis.

They are further protected under the following Acts:

- Equality Act 2010
- Public Interest Disclosure Act 1998
- Human Rights Act 1998
- The Housing Act 1988
- Health & Safety and Environment Health Legislation



## COMPLAINT FORM

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_ Mobile: \_\_\_\_\_

E-Mail: \_\_\_\_\_

How Would You Prefer to Be Contacted?

By Telephone:

By Mobile:

By E-Mail:

By Letter:

Details of your complaint: \_\_\_\_\_

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What do you think we should do to put things right? \_\_\_\_\_

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Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**COMPLAINT INVESTIGATION FORM**

Name of complainant: .....

Name/position of officer completing this form: .....

Telephone conversation/personal visit (delete as applicable)

Name of complainant: .....

Address: .....

Tel. No. .... E-Mail: .....

Names of any other people present at interview or giving information:

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Additional Details of Complaint: (if sufficient not provided in Formal Complaint Form)

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Any witnesses? (Note names and contact addresses or telephone numbers if possible.)

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Any security/safety measures needed or that have been requested by the complainant.

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Does the complaint relate to a criminal act, and if so, have the Police been informed? (If yes please note date, Crime Ref. No. etc.)

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What action does the complainant want to be taken?

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Action proposed by Association.

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Investigating Officer: ..... Dated: .....

# INVESTIGATION CHECK LIST

## SERVICE REQUEST:

Service Request recorded in scheme Informal Complaints Log

Service Request – contact made within 3 working days

Services Request – resolution within 10 working days

Escalated to Formal Complaint

(please note a Service Request was known as an Informal Complaint)

## COMPLAINTS:

Complaint acknowledged on day received

Company Secretary informed

Investigation and response within 10 working days

All papers relating to investigation retained and filed and copy.  
passed to Company Secretary for retention in Complaints File

**Refer to the procedures at all times for full guidance.**