

## **COMPLAINTS POLICY & PROCEDURE**

### **1 INTRODUCTION AND SCOPE**

- 1.1 This policy and procedure set out the Association's approach to managing Service Requests and Formal Complaints and has been developed in line with our values:
- Passionate, professional, and operating with integrity
  - Caring about tenants, staff, and business
  - Respectful – listening and approachable
  - Innovative – always working to improve.
- 1.2 The purpose of the policy and procedures are to ensure that Service Requests and Formal Complaints are dealt with in a fair, inclusive and effective manner and when we make mistakes or do not meet tenant expectations, that we put it right as quickly as possible.
- 1.3 The policy and procedure apply to anyone making a complaint or expressing dissatisfaction about the Association's services, including all tenants of the Association, those on the Association's waiting list for accommodation, the Association tenants who terminated their tenancy within 12 months and C4C customers who receive a service from the Association, and any other the Association's customer. Complaints can also be received and responded to via a third party (e.g., an MP) with the tenant's permission.
- 1.4 The tenant has the right and will be provided with the opportunity to have a representative deal with their complaint on their behalf and to be represented or accompanied at any meeting with the Association.
- 1.5 Confidentiality and data protection apply to the complaints process: The Association 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.

### **2 LEGISLATION & REGULATIONS**

- 2.1 This policy and procedures comply with the General Data Protection Act (GDPR) (2018), Equality Act (2010), Housing Ombudsman's Complaint Handling Code, the Regulator of Social Housing's Consumer Standards, and the Health & Social Care Act (2008) Regulations 2014.

### **3 AIMS AND OBJECTIVES**

- 3.1 **Response** - The Association Housing Association strives to deliver high quality services to tenants and customers. Every effort is made to get things right the first time but sometimes this does not happen. The policy and procedures set out how the Association will respond to complaints.
- 3.2 **Inclusive** - The policy and procedure strive to be inclusive and allow for all the Association's tenants to have access to the complaints process, and to be heard and treated fairly.
- 3.3 **Learning** - Each Formal Complaint or Service Request is an opportunity to investigate concerns, correct wrongs, to make necessary changes and if appropriate apologise, provide financial remedy, and learn importantly from mistakes.
- 3.4 **Transparency** - The Association understands having a clear, tenant-friendly complaints policy and procedure is the best and healthiest way to build strong professional relationships.

#### 4 **KEY TERMS AND DEFINITIONS**

- 4.1 **Formal Complaint** - To ensure consistency and understanding the Association 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 tenant or a group of tenants.”

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

- 4.2 **Service Request** - the Association'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 tenant to correct or put something right. This can sometimes resolve disputes quickly and avoid the need for a formal complaint.

A Formal Complaint can be made without first making a Service Request, or a Service Request can be escalated to a complaint at any point. The decision to make a Formal Complaint or a Service Request always rests with the person making the complaint.

- 4.3 **Named Person** - when a tenant makes a complaint it will be acknowledged by the Executive and Governance Officer (EGO) within 5 working days who will provide the tenant with the details of a Named Person, usually the front-line manager for the service. The Named Person's role is to ensure the Association responds effectively, acts fairly, and complies with this policy and procedure.

#### 5 **POLICY**

- 5.1 The Association will respond to Service Requests within 3 working days and aim to resolve the concern within 10 working days.

Service requests are recorded and monitored by the EGO, and regularly reviewed by the Senior Leadership Team (SLT). If a tenant remains dissatisfied with the response to a service request it will be escalated to a Formal Complaint.

- 5.2 When the Association receives a Formal Complaint at stage 1 or stage 2, it will be acknowledged by the EGO within 5 working days and the complainant will be provided with the details of the Named Person responsible for their complaint, who is the point of contact throughout the complaint. At stage 2, the Named Person will be senior to the Named Person at stage 1.
- 5.3 If the complaint refers to a contractor working for the Association, the complaint will be managed through the Association's policy and procedures and the complainant will be provided with a Named Person, who is a manager for the Association. The Named Person will liaise with the contractor and ensure that the policy and procedures are complied with.
- 5.4 The Association Operates a 2-stage complaint policy.

**Stage 1 Complaint** - the Association will respond to initial complaints known as Stage 1 complaints within 10 working days of the complaint being acknowledged.

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 and details of the Housing Ombudsman will be provided.

Stage 1 complaints can be received as set out in 5.7 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 of Stage 2 being acknowledged. 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 and details of the Housing Ombudsman will be provided.

Stage 2 complaints can be received as set out in 5.7 of this policy.

- 5.5 **Ombudsman Services** - If the individual remains dissatisfied with the Stage 2 response, the matter can be referred to the Housing Ombudsman Service. If the complaint refers to care services, it can be referred to The Local Government and Social Care Ombudsman and the Care Quality Commission.

If a complaint is referred to the Housing Ombudsman Service, the Association may continue to collaborate with the tenant 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.

- 5.6 The Association recognises the duties outlined in The Equality Act 2010 to

make reasonable adjustments. The Association will make reasonable adjustments where necessary for tenants 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.

**5.7 Accessibility and Awareness** - complaints can be made in the following ways:

- Telephone call to the Association 's Complaints Co-Ordinator (Executive & Governance Officer (EGO). 07842 411 743.
- Letter / email to the Complaints Co-Ordinator.

[Complaints@eldonhousing.co.uk](mailto:Complaints@eldonhousing.co.uk)

The Office, 21 Bardsley Court, 174-176 Selhurst Road  
South Norwood, London SE25 6LX

- Completion of a Complaints Form (see appendix 1).
- Verbally informing a member of staff that you are dissatisfied with the service.
- Representation from a third-party advocate acting on your behalf e.g., MP, Citizens Advice Bureau, friend, or family member.

The Association recognises tenants in extra care schemes receiving higher levels of care may be reticent to complain about the scheme they live in. We are committed to ensuring our extra care tenants are not excluded from the complaint's procedure and can contact the EGO direct, who is independent of their care scheme.

**5.8** The Association will accept all complaints unless there is a valid, fair and reasonable reason to exclude the complaint.

The Association's exclusions are:

- The complaint normally happened over 12 months ago, and therefore the matter cannot be investigated. The decision to accept a complaint which is over 12 months will be considered by a member of the SLT.
- 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 tenant, and we do not have the tenant'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 are 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.

- 5.9 The Association may be unable to fully investigate anonymous complaints and cannot provide a formal written response. Anonymous complaints will be formerly recorded, investigated and the results of the investigation recorded.
- 5.10 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.
- 5.11 A complaint may also be made in the form of a petition. The complaint will be dealt with following the normal complaints procedure, The Association will respond to the address of the first tenant signatory only.
- 5.12 **Where something has gone wrong** – The Association will acknowledge this and set out the actions taken or how the Association intends to take to put things right. These can include:
- Apologising
  - Acknowledging where things have gone wrong.
  - Providing an explanation, assistance, or reasons
  - Taking action if there has been a delay
  - Reconsidering or changing a decision
  - Amending a record or adding a correction or addendum
  - Providing a financial remedy (please refer to the Compensation Policy)
  - Changing policies, procedures, or practices

Factors considered 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 tenant.
- A tenant's particular circumstances or vulnerabilities.

These factors are not mutually exclusive, and other separate factors may be identified.

## **6 REFERRING A COMPLAINT TO THE OMBUDSMAN**

### **6.1 The Housing Ombudsman Service**

The Association hopes all complaints are resolved, however if a tenant 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 been exhausted by the Association's Complaints procedure, although this must be done within 6 months. A complainant, who may be a current tenant, a former tenant, or an applicant of the Association, is eligible to escalate their complaint

to the Ombudsman. However, it's important to note that for a complaint to be eligible for escalation to the Ombudsman, it must have been initially raised during the complainant's tenancy with the Association.

There is an online complaint facility at this website address:

[Complaint Form - Housing Ombudsman \(housing-ombudsman.org.uk\)](https://housing-ombudsman.org.uk)

Or you can contact them using the following details:

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

Phone: [0300 111 3000](tel:03001113000)

Write to:

Housing Ombudsman Service

PO Box 1484

Unit D

Preston

PR2 0ET

## 6.2. **Extra Care Services**

In the case of complaints relating to care, a tenant 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.

There is an online complaint facility at this website address:

[Contact us - Local Government and Social Care Ombudsman](#)

Or you can contact them using the following details:

Call 0300 061 0614 to talk to a complaints' advisor

Write to:

The Local Government and Social Care Ombudsman

PO Box 4771

Coventry, CV4 0EH

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:

Main Telephone: 0300 061 6161

Website: [cqc.org.uk](http://cqc.org.uk)

Email: [enquiries@cqc.org.uk](mailto:enquiries@cqc.org.uk)<sup>1</sup>

Address: CQC House, 2-3 Brannam Court, Brannam Crescent, Barnstaple, EX31 3TD<sup>2</sup>

## **7 MONITORING AND CONTINUOUS IMPROVEMENT**

- 7.1. The Association's Quality Assurance Committee will monitor compliance with the policy and procedure and undertake to consider themes and learning from quarterly complaints reporting by SLT to the Committee. An annual complaint's performance and service improvement report will be provided to the Board and published with the Board's response on the Association's website.
- 7.2. The policy and procedure will be reviewed every 3 years or earlier if legislation, business, sector developments or learning from the annual complaint performance and service improvement report require a review of the policy and procedure, to ensure that it continues to meet the stated objectives and take account of good practice.

## **8 PROCEDURES**

### **8.1 A SERVICE REQUEST**

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, Registered Care Manager or Welfare & Support Officer.

Staff members must ensure that anyone making a Service Request receives a first point of contact within 3 working days with the aim of resolving the issue. 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 must be reported to the EGO who will make a record in the central Service Request Log and ensure requests are appropriately recorded and outcomes logged. The EGO will review the log on a quarterly basis with the SLT to identify any patterns or themes which require addressing to improve service delivery and quality. SLT will report to the Quality Assurance Committee quarterly on their findings and actions.

### **8.2 FORMAL COMPLAINTS**

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



The acknowledgement will set out to the complainant the Named Person who will investigate and 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 Named Person for response within 10 working days from receipt.

The EGO will monitor the investigations to ensure compliance with the policy and procedure.

If it is not possible to complete the investigations within 10 working days, the complainant is informed with an explanation for the delay and provided with a date for a response – this should not exceed a further 10 working days. The complainant will also be provided with details of the Housing Ombudsman (see 6.1).

Where tenants 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 investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.

**A Stage 1 Complaint response will address the following areas:**

- the complaint stage;
- the complaint definition;
- the decision on the complaint;
- the reasons for any decisions made;
- the details of any remedy offered to put things right;
- details of any outstanding actions; and
- details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.

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

The acknowledgement will set out to the complainant the Named Person who will investigate and oversee the stage 2 complaint and the date a response can be expected, which will be 20 working days from receipt. The Named Person will be a manager senior to the Named Person who oversaw stage 1.

Tenants are not required to explain their reasons for requesting stage 2 consideration. The Association will make reasonable efforts to understand why a tenant remains unhappy as part of its stage 2 response, but this may require



a meeting with the complainant, either in person or over the telephone, or Zoom / Microsoft Teams (or other means where both parties can connect). This meeting should explore what resolution would resolve the complaint.

If it is not possible to complete the investigations within 20 working days, the complainant is informed with an explanation for the delay and provided with a date for a response – this should not exceed a further 20 working days. The complainant will also be provided with details of the Housing Ombudsman (see 6.1).

A Stage 2 response will address the following areas:

- the complaint stage;
- the complaint definition;
- the decision on the complaint;
- the reasons for any decisions made;
- the details of any remedy offered to put things right;
- details of any outstanding actions; and
- details of how to escalate the matter to the Housing Ombudsman Service (see 6.1) or for care services delivered by The Association to Local Government and Social Care Ombudsman (see 6.2) if the individual remains dissatisfied.

Stage 2 is the Association's final response. If the Named Person is not a member of the Association's SLT, sign off the final response must be gained from a SLT member before being provided to the complainant.

The Association hopes all complaints are resolved, however if a tenant remains dissatisfied after exhausting the policy, they can ask for a review of the case by the Housing Ombudsman Service (see 6.1) or if it relates to care services delivered by the Association it can be referred to the Local Government and Social Care Ombudsman (see 6.2).

## 9 RECORD KEEPING & MONITORING

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

All papers concerning a complaint will be kept together and stored centrally in a confidential folder by the EGO. This will include records of phone conversations, minutes of meetings, completed forms, e-mails etc. Copies are placed on any other relevant files such as the Tenant's own file for ease of reference 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.

Version Number	The Association V1
Approved by	Board
Approved date	
Effective from	
Date of next review	
Policy owner	
Policy Author	
Consultation	Staff, Tenants' Panel

### Version control

Date	Author	Version	Reason for policy change

**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: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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