

Complaint and Compliment Policy



Reference:	HS_POL_BIT_COM_1.1	Author:	Customer Services Manager
Scope:	Housing Solutions	Approved by:	Board
Legislation:	Localism Act 2012 Housing Act 1996 Housing Act 2004 Housing and Planning Act 2016 The Welfare Reform and Work Act 2016 UK General Data Protection Regulation (UK GDPR) Data Protection Act 2018 Housing Ombudsman Scheme 2020 Housing & Regeneration Act 2018	Date of approval:	14 December 2022
		Date of next review:	2025
Regulatory/ Governance:	Resident Involvement and Empowerment Standard 2017 Housing Ombudsman Complaint Handling Code 2020		
Related Policies:	ASB and Hate Crime policy Allocations policy Data Protection policy Fire Safety policy Repairs and Maintenance policy Service Charge policy Unreasonable Customer Behaviour Policy Whistleblowing Policy Vulnerable Customers policy		

1. Policy Statement

- 1.1 Housing Solutions is committed to providing a high-quality service and we welcome positive and constructive feedback, viewing all feedback as an opportunity to improve the quality of our services. This policy aims to deliver an efficient and effective feedback and complaint process which is easily accessible to residents and in accordance with the Housing Ombudsman Complaint Handling Code 2022.
- 1.2 Housing Solutions recognises that there may be occasions when we get things wrong, or residents are unhappy about aspects of our service. This policy sets out Housing Solutions' approach to receiving and handling complaints, ensuring they are dealt with in a fair and consistent way restoring the resident's trust in Housing Solutions.
- 1.3 Housing Solutions welcomes compliments from our residents to celebrate and recognise employees and contractors working on Housing Solutions' behalf for their contributions in providing a great service to our residents.

2. Scope and Definitions

- 2.1 The Complaint & Compliment policy applies to all staff members, contractors and sub-contractors employed by or acting on behalf of Housing Solutions, including Board members and involved residents who may be involved in complaint reviews. Concerns about our services can be raised with the assurance they will be investigated in line with this policy and its supporting procedures.
- 2.2 This policy applies to all residents of Housing Solutions irrespective of tenure.
- 2.3 Housing Solutions employees will fully consider resident vulnerability when delivering a first response to service requests and arranging flexible services.

3. Roles & Responsibilities

Role / Team	Responsibilities
Board	The Board is responsible for Housing Solutions' overall approach to complaints and compliments and residents' satisfaction with this aspect of our services. The Board panel members and any resident representative are responsible for responding to a complaint which has passed through Stage 1, and Stage 2 where the resident remains unhappy with the resolution in line with Housing Solutions policy and procedures and wishes to escalate to a 3rd Stage Panel meeting.
Scrutiny and Improvement Team (SIT)	The Scrutiny and Improvement Team (SIT) is responsible for reviewing complaints and compliments quarterly and reporting on complaints to the Board to assess common themes as necessary. Members of the SIT are also members of the Panel for stage 3 complaints.
The Executive Team (ET)	The Executive Team (ET) is responsible for reviewing complaints and compliments quarterly and reporting on these to the Board to assess common themes as necessary. The ET is also responsible, through the departmental roles of its members, for overseeing the implementation of the Complaints and Compliments policy . The Executive Team review all complaints which proceed to Stage 2 and 3 and are responsible for ensuring the organisation learns appropriately from complaints and approves supporting changes to operations.
Senior Managers	Senior Management are responsible for reviewing performance against the complaints and compliments received. Senior Managers are responsible for responding to, the reporting of and learning from complaints escalated to Stage 2 within the agreed timescales under this policy and in compliance with the Housing Ombudsman's complaint handling Code. Senior Managers are also responsible for reviewing and refusing or terminating complaints under sections 5.2 and 5.3
Customer Services Manager	The Customer Services Manager is responsible for the management and trend analysis reporting of complaints to the ET and for maintaining compliance of the policy with the Housing Ombudsman complaints-handling Code.
Managers and Team Leaders	Departmental managers and team leaders are responsible for investigating, reviewing and responding to formal and informal complaints received at Stage1 of the complaints process. With the aim of resolving the complaint within the agreed timescales, for overseeing the implementation of actions required, along with thorough and effective recording, reporting and learning from the outcomes ensuring compliance with the Housing Ombudsman Code.
Complaint Coordinator:	The customer service complaint lead is responsible for the administration of and adherence to the Complaint and Compliment policy.

Employees	A complaint, expression of dissatisfaction or a compliment (an expression of gratitude) may be made to any staff member. All employees have a vital role to play in listening to, reporting and resolving resident dissatisfaction in line with Housing Solutions' policy and procedures. We encourage staff to try to resolve complaints at an early stage to prevent escalation. Where a complaint or dissatisfaction is not able to be resolved by a frontline member of staff it will be escalated in line with the policy.
Other Persons & Parties	Such as contractors, suppliers, partnering organisations and others acting on behalf of Housing Solutions are required to maintain standards. Each will be expected to report complaints in line with Housing Solutions' policies.

4. Definitions

- 4.1 A complaint is where a Housing Solutions resident or other person affected by our services raises an expression of dissatisfaction (however made) about the standard of service or about the action/inaction (or that of others acting on our behalf), which affects an individual resident or a group of residents.
- 4.2 Housing Solutions categorises feedback as follows:
- **Service request**: an expression of dissatisfaction which may be resolved by offering an early solution or explaining the reason behind the dissatisfaction. An example would be a resident who telephones to report that a contractor has failed to meet an AM appointment slot and Housing Solutions are able to arrange an alternative appointment at a time convenient to the resident, which resolves the service request. The monitoring of service requests will help Housing Solutions understand issues that could escalate if not dealt with at an early stage.
 - **Complaint**: an expression of dissatisfaction that is not able to be resolved as a service request and which therefore requires investigation and a full response to be issued.
- 4.3 A compliment: is an expression of gratitude for a service provided on or on behalf of Housing Solutions. The policy encourages all kinds of feedback; anyone who has a relationship with Housing Solutions can compliment an employee, team or the organisation. Compliments are logged within the housing system and are reported and passed to all employees to celebrate areas of good practice.
- 4.4 A 'representative' under this policy is a person who is an official advocate for the complainant and who will deal with all aspects of the complaint on their behalf or a person supporting them more informally in the complaints process. Where a representative is appointed, the resident should provide written consent to us sharing their personal information with the representative in this way.

5. Who can complain?

- 5.1 A complaint may be made by anyone affected by the services provided by Housing Solutions. Residents may make a complaint through a representative acting on their behalf.

Excluded Complaints

- 5.2 A complaint may be refused or closed in the following exceptional circumstances with the agreement of a Senior Manager:

- 5.2.1 Where the substance or main points of the complaint have already been considered and the complaint has exhausted the complaints process, the resident may choose to seek redress from external parties (e.g. Housing Ombudsman, relevant authorities) at the conclusion of the complaints process.
- 5.2.2 Where legal proceedings have started, in that details of the claim (such as a claim form and particulars of the claim) have been filed.
- 5.2.3 Where a complaint is persistent, vexatious or unreasonable (see paragraph 5.3)
- 5.2.4 Housing Solutions will not meet excessive or unreasonable demands in relation to complaint-handling to ensure we are managing residents' expectations fairly and using our resources efficiently. In such circumstances Housing Solutions might find it reasonable to close the complaint, giving a full explanation (with a record) as to why the complaint has been terminated.
- 5.2.5 A complaint regarding anti-social behaviour will be dealt with under our ASB & Hate Crime policy (unless the complaint concerns how we have managed the ASB).
- 5.2.6 The issue giving rise to the complaint occurred over six months ago where the problem is a recurring issue. Housing Solutions will consider older reports as part of the background to the complaint where this might help to resolve the issue for the resident. This may not apply where concerns relate to safeguarding or health and safety issues.
- 5.2.7 Matters have already been considered and have exhausted the Complaint & Compliment policy.
- 5.2.8 A service request (defined at para 4.2) requiring action to put a matter right will be recorded, monitored and reviewed and will not proceed through the complaints process. However, a complaint can be raised if the resident raises dissatisfaction with the response or handling of their service request

5.3 Persistent or vexatious complaints

- 5.3.1 If a resident has made unreasonable complaints in the past, Housing Solutions will not assume that their next complaint is unreasonable. Each case will be considered on its merits. All relevant correspondence will be evaluated to consider the circumstances including:
- 5.3.2 Where a resident has made persistent or unreasonable demands. Where a complaint is being pursued vexatiously i.e. we consider that the complaint is being made to cause unnecessary aggravation, frustration or inconvenience to the organisation and/or its staff rather than seeking to resolve a genuine issue.
- 5.3.3 Whether the resident or their representative has been abusive or threatening to Housing Solutions staff or has produced excessive correspondence.
- 5.3.4 In the circumstances above, persistent or vexatious complaints will be excluded from consideration under the Complaints & Compliments Policy and the Unreasonable Customer Behaviour Policy will be applied in placing appropriate restrictions on further contact from the complainant.

6. Making a complaint or compliment

- 6.1 Complaints and compliments can be made in person, by phone, by email, by webchat, by website or in writing to any member of Housing Solutions staff. Upon receiving the complaint via the resident's chosen method, Housing solutions will log the complaint on the resident's housing file and agree an appropriate method for response. All complaints will be dealt with in line with the timescales under this policy. Social media complaints will progress through our Complaint & Compliment policy to maintain confidentiality and privacy.
- 6.2 Complaints should be made no later than six-months after the complainant is aware of the problem or should reasonably become aware of it. In exceptional circumstances Housing Solutions may agree to accept a complaint after the time limit has passed.
- 6.3 All complaints, whether informal or formal, will be recorded and used to help improve our services.
- 6.4 There are some instances where the issue raised will not be dealt with via the complaints process and will be dealt with under the relevant policy or procedure please refer to (Appendix 1).
- 6.5 Should Housing Solutions not accept a complaint, a detailed explanation will be provided to the complainant setting out the reason(s) why the matter is not appropriate to be dealt with under the Complaints Policy.
- 6.6 Should the resolution not satisfy the complainant, they will be entitled to contact the Housing Ombudsman <https://www.housing-ombudsman.org.uk/> and advised of this entitlement in writing.

7. Formal Complaints stages

When a complaint is received it will be logged in accordance with this policy. Housing Solutions operates an internal three stage process:-

7.1 Stage one:

When the complaint is received it will be acknowledged and logged to the relevant manager responsible for handling the stage one complaint. The relevant manager will contact the complainant within 5 working days to acknowledge the complaint and discuss with the complainant how they will investigate the complaint and the resident will receive a written acknowledgement. The acknowledgement will set out our understanding of the complaint and the outcomes the resident is seeking. If any aspect is unclear we will seek clarification. Where there are recurring issues we may consider older reports as part of the background to find a resolution. Following investigation and review, the relevant manager will aim to respond to the resident within 10 working days from receipt of the complaint. If the complaint is complex the relevant manager will contact the resident and agree an extension within 15 working days or under exceptional circumstances within a further timeframe agreed with the resident. If an extension fails to be agreed the resident may contact the Housing Ombudsman. Following closure of the Stage 1 complaint, a formal response will be provided in writing giving the complainant 21 days to accept the complaint resolution. Should the complainant not accept the Stage 1 resolution, the complainant should inform the manager in writing as soon as possible of the stage 1 points they have not accepted or resolved, this should include what they see as a fair and reasonable outcome to the complaint to allow the manager to confirm a further final resolution.

The resident may ask the Housing Ombudsman to help resolve their complaint at any stage

of the complaints process and they will therefore be the Ombudsman's contact details at the end of stage one of the complaints process.

7.2 Stage two

Should the complainant not accept the Stage 1 final resolution the complainant can escalate the complaint to Stage 2 of the complaints process within 21 days of being advised of the complaint resolution. The complainant should inform the manager of the Stage 1 points that have not been resolved including what they see as a fair and reasonable outcome to the complaint. The Stage 1 response will be investigated by a Senior Manager who has not been involved at Stage 1 and a response provided within 20 working days. Under exceptional circumstances the Senior Manager will agree an extended timeframe with the resident. This should not exceed a further 10 working days.

Following closure of the stage two complaint a formal response will be provided in writing giving the complainant 21 days to accept the complaint resolution. Should the complainant not accept the Stage Two resolution the complainant should inform the manager in writing of the stage 2 points they have not accepted or resolved, this should include what they see as a fair and reasonable outcome to the complaint to allow the manager to confirm a further final resolution.

The resident may ask the Housing Ombudsman to help resolve their complaint at any stage of the complaints process and they will therefore be the Ombudsman's contact details at the end of stage two of the complaints process

7.3 Stage 3

Should the complainant not accept the Stage 2 resolution the complaint can be escalated to Stage 3 of the complaints process. The complainant should inform the manager of the Stage 2 points that are disputed or remain unresolved including a summary of what the complainant feels is a fair and reasonable outcome to the complaint. The complaint will be reviewed by a Panel consisting of three members (including a Board member) from the following groups :

- The Senior Independent Director on the Board (or where they are unavailable another member of the Board)
- A member of the Scrutiny and Improvement Team
- A member of the Executive Team

The panel will consist of three panel members in total for the Panel meeting. The meeting will be arranged with the complainant and the complaints panel. Where reasonable, the complainant may choose to be represented and/or accompanied at the meeting. The complaints panel will report on their final decision within 10 working days following the meeting or in accordance with any further timescale advised to the complainant. (see Appendix 2).

7.4 Escalation

Housing solutions will not unreasonably refuse to escalate a complaint through all stages of the complaint process. In exceptional circumstances, the complaint may be reviewed by a senior member of staff and a decision may be made that it is not appropriate to escalate the complaint. In this instance a full and final explanation will be provided to the complainant with details of the Housing Ombudsman should they be dissatisfied with our decision.

7.4.1 Examples where Housing Solutions may not escalate a complaint may include:

- Changing the basis of the complaint as the investigation proceeds
- Requesting escalation prior to the Stage 1 response being received within Housing solutions published timescales
- Requesting escalation after the 21-day period
- Not cooperating with the complaint's investigation process

8. Complaint closure

8.1 Once a resolution to the complaint is decided, the complaint final response will be issued advising of any actions to be taken and the complaint closed. The complaint will not remain open for outstanding actions to be completed however they will continue to be tracked, and relevant updates provided to residents.

8.2 A complaint is considered closed when the matter has been investigated and responded to and the complainant has not notified Housing Solutions that they wish to escalate the complaint to the next stage within 21 days. If the complainant is a resident of Housing Solutions and is still not satisfied about any aspect of their complaint, they may contact the Housing Ombudsman.

8.3 Following closure of a complaint stage, feedback on the handling and outcome of the complaint is requested to assist Housing Solutions in improving our service

9. Designated person

9.1 Under the Localism Act 2012 tenants of housing associations were able to ask for their complaints to be considered by a 'designated person' when their landlord's internal complaints procedure had finished.

9.2 A designated person was:

- An MP
- A local Councillor
- A recognised tenant panel

9.3 As of 1st October 2022 designated persons no longer have a formal role under the Housing Ombudsman Scheme but you can still contact your MP or local councillor about a complaint if you wish.

9.4 Designated persons have no direct impact on a landlord's internal complaints procedure. A designated person has no legal authority over a landlord's policy or procedure.

10. The Housing Ombudsman

10.1 Housing Solutions is a member of the Housing Ombudsman Scheme and complies with and implements best practice and procedures as recommended by the Housing Ombudsman in the operation of this policy.

10.2 If the complainant is a resident or leaseholder living in Housing Solutions accommodation and is not satisfied with an aspect of their complaint, they may elect to contact the Housing Ombudsman.

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10.4 In circumstances where the internal complaints procedure has been completed but the complaint (or part of the complaint) remains unresolved, the Housing Ombudsman will consider how best to intervene to resolve the complaint, working with both parties for an acceptable outcome.

10.5 You can contact the Housing Ombudsman directly.

10.6 The contact details for the Housing Ombudsman Service are:

- **Online complaint form:** <https://www.housingombudsman.org.uk/residents/make-a-complaint/>
- **Phone:** 0300 111 3000
- **Email:** info@housing-ombudsman.org.uk
- **Postal address:** Housing Ombudsman Service, PO Box 152, Liverpool L33 7W

11. Legislation

- Localism Act 2012
- Housing Act 2004
- Housing and Planning Act 2016
- The Welfare Reform Act 2016
- Data Protection Act 2018
- UK General Data Protection Regulation

11.1 The Regulator of Social Housing regulates registered providers of social housing to promote a viable, efficient and well-governed social housing sector able to deliver homes that meet a range of needs

11.2 The Regulator of Social Housing will consider complaints with a service delivered by the Regulator of Social Housing. They will not consider complaints regarding:

- A complaint about the service you've received from your landlord
- Our regulatory decisions
- Dissatisfaction with the Housing Ombudsman Service
- Matters relating to decisions made by a local council
- Matters relating to decisions made by Homes England

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- Matters relating to decisions made by Homes England

11.5 Leaseholder Valuation Tribunal

11.3.1 If you are a Leasehold resident of Housing Solutions and are not satisfied with the outcome of your stage three complaint, you can refer your complaint to the First-tier Tribunal (Property Chamber). (formerly Leasehold Valuation Tribunal) to access their dispute resolutions service. LEASE (Leasehold Advisory Service) can also provide advice on your complaint <https://decisions.lease-advice.org/>

12. Complaint Outcomes

12.1 Housing Solutions categorises decisions about complaints as:

12.1.1 Complaint upheld

This is where Housing Solutions agree that the complaint was justified and that there has been a failure to provide the service to the expected standard

12.1.2 Complaint partially upheld

This is where Housing Solutions agree 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

12.1.3 Complaint not upheld

This is where Housing Solutions do not agree that the complaint was justified. If the complaint has not been upheld Housing Solutions may make the decision not to allow the complaint to be progressed any further through the internal complaint's stages.

13. Complaint Remedy

13.1 Where Housing Solutions agree that their actions or inactions have resulted in a valid complaint a sincere and honest apology along with an explanation of what is going to be done to improve the service will always be offered as way of resolving a complaint in the first instance

13.2 However, there may be occasions when an apology is not enough. Where Housing Solutions agree that there has been a failure in the service standards promised that has directly resulted in causing the complainant inconvenience and distress, the manager dealing with the complaint at Stage one may offer a minimal payment by way of apology

13.3 At Stage two, if the manager dealing with the complaint believes there has been a significant service failure against the promised standards over a prolonged period, they may decide to increase the minimal payment, at their discretion.

13.4 Complaints at Stage three are dealt with by Board and Resident Board Members who will decide complaint outcomes in accordance with Housing Solutions policy and guidance.

14. Compensation conditions

- 14.1 Housing Solutions will not offer compensation where service failure is the result of extreme or unforeseen circumstances, where Housing Solutions have taken all reasonable steps to restore services, or facilities under the prevailing conditions.
- 14.2 Compensation will not be offered where Housing Solutions has acted reasonably and complied with legal and contractual obligations and in line with service standards.
- 14.3 Non-monetary benefits will not be offered as a method of compensation, for example a new kitchen or a quicker transfer.
- 14.4 If you are in rent arrears or have sundry debts against your account compensation will (except in financial loss payment cases) be paid directly to the rent account to reduce outstanding arrears and/or sundry debts.
- 14.5 Housing Solutions will not pay compensation for loss of, or damage to, personal items which would otherwise be covered by home contents insurance. It is a tenancy obligation that residents always ensure enough home contents insurance cover.
- 14.6 Personal injury complaints will be dealt with by the insurance company employed by Housing Solutions and any compensation payments will be paid on the Insurer's recommendation.
- 14.7 Any offer of compensation will be made on the basis that it does not constitute admission of legal liability.
- 14.8 Further information and guidance on compensation to residents is contained within the Compensation Policy.

15. Withholding Rent or Service Charges

- 15.1 Where a resident is dissatisfied with an aspect of our service and/or makes a formal complaint about the matter, they should work with us to resolve the dissatisfaction or complaint in accordance with this policy. Residents are not entitled to withhold payment of rent or service charges pending resolution of the issue concerned.

16. Equality & Diversity

- 16.1 Housing Solutions recognises the needs of its diverse communities and always acts within the scope of its own Equality, Diversity & Inclusion Strategy and supporting Equality and Diversity Policy, the Human Rights Act 1998, and the Equalities Act 2010. Housing Solutions works closely with its partners to ensure it has a clear understanding of its resident community with clear regularly updated service user profiles. Housing Solutions will record, analyse and monitor information on ethnicity, vulnerability and disability.

17. Accessibility

- 17.1 Housing Solutions provides reasonable adjustments for disabled people under the Equality Act 2010. It is important that everyone has equal access to our information and resources and that people find it easy to communicate with us. We have an inclusive approach to

engaging with people and recognise that we are all different and may have different needs. If you have a disability, health problem or mental health issue, let us know if we can help you by making reasonable adjustments to remove or reduce barriers you might be facing.

- 17.2 All Housing Solutions complaint-handlers receive appropriate training to deal with requests for reasonable adjustments to the complaint process in supporting vulnerable residents or those with additional needs, including accessibility requests

18. Confidentiality

- 18.1 Under the Data Protection Act 2018, UK General Data Protection Regulation (GDPR) and the Human Rights Act 1998, all personal and sensitive organisational information, however received, is treated as confidential. This includes:

- anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or board member
- sensitive organisational information.

- 18.2 Housing Solutions employees will ensure that they only involve other agencies and share information where there is a legal basis for processing the information.

19. Review

- 19.1 This policy will be reviewed on a 3 yearly basis or more frequently in response to changes in legislation, regulatory guidance, good practice or changes in other relevant Housing Solutions' policy.
- 19.2 Our performance in relation to the delivery of the services and activities set out in this policy will be monitored on an ongoing basis through our established reporting mechanisms to our Senior Management Team, Executive Team, Board and associated committees. The Housing Ombudsman self-assessment will be completed annually and will be available to view on our website.

20. Appendices

- 20.1 Appendix 1 Examples of complaints and non-complaints
- 20.2 Appendix 2 Complaint Panel Meeting (Stage 3 complaint)

Appendix 1

This Appendix provides a range of examples of complaints Housing Solutions may receive and how these may be handled.

A resident dissatisfaction that will not be handled as a complaint:

- A routine first-time request for service
- A request for compensation only
- Issues that are in court or have been heard by a court or tribunal and legal proceedings have started
- An appeal against a decision where there is an established appeal route these should be heard through the appropriate appeal process
- An attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have given a final decision and it is out of the timescale for escalation.
- Where a complaint is persistent vexatious or unreasonable (see section 5.3)
- Reported cases of neighbour disputes, anti-social behaviour, hate crime or domestic abuse will not be dealt with through the complaints process, these will be dealt with via the relevant policies, unless you are complaining about how the case has been dealt with.
- A claim being dealt with by our insurers
- Where we are not responsible for delivering the service e.g., Local Authority decisions about nominations or Housing Benefit claims. Residents will be directed to the relevant service provider
- Grievances raised by current employees of Housing Solutions
- Dissatisfaction with a policy, in these circumstances feedback will be considered for the next review.
- Complaints regarding care or support providers. (residents will be redirected to the relevant third-party complaints process)

A resident dissatisfaction that may be handled as a complaint:

- Delays in responding to your enquiries and requests
- Failure to provide a service
- Failure to meet our service standard
- Failure by Housing Solutions to comply with our policy
- Treatment by or attitude of a member of staff or contractor working on behalf of Housing Solutions
- Failure to follow procedures

Appendix 2

Complaints Panel Meetings

The Complaints Panel on the day of the meeting shall consist of a minimum of three members (see Section 7.3, above). Additional Housing Solutions staff involved in the complaints process may be asked to attend the Panel meeting to provide information.

Complainants are entitled to bring someone to accompany them.

Complaint Panel meetings can be heard in person or remotely via video conferencing.

The meeting will take the following format:

The Board member in attendance will act as impartial Chair of the Panel meeting.

- 1) Welcome and introductions from the Chair
- 2) Housing Solutions representative/s invited to present the case to the Panel
- 3) Complainant invited to ask Housing Solutions representative/s questions
- 4) Complainant invited to present their case to the Panel
- 5) Chair invites the complainant to confirm what their desired outcome would be
- 6) Housing Solutions representative/s invited to respond
- 7) The Chair concludes the meeting (Housing Solutions representative/s, complainant and the appointed secretary will be asked to leave the meeting)
- 8) The Complaints Panel deliberate upon their decision
- 9) The appointed secretary will re-enter the meeting to make notes regarding the outcome of the meeting
- 10) The Complaints Panel Chair will write to the complainant within 10 working days from the date of the meeting with their outcome.