

Complaint and Compliment Policy



Reference:	HS_POL_BIT_COM_1.1	Author:	Deborah White Resident Service 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 Data Protection Act 2018 Housing Ombudsman Scheme 2020 Housing & Regeneration Act 2018	Date of approval:	23 September 2020
Regulatory/ Governance:	Resident Involvement and Empowerment Standard 2017 Housing Ombudsman Complaint Handling Code 2020	Date of next review:	2023
Related Policies:	ASB and hate crime policy Allocations policy Data protection policy Fire safety policy Repairs and maintenance policy Service charge 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, constructive and all feedback and view them as opportunities to improve our quality of services. The 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 2020.
- 1.2 Housing Solutions recognise 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 residents trust in Housing Solutions.
- 1.3 Housing Solutions welcomes compliments from our residents to celebrate and recognise employees for their contributions in providing a great service to our residents.

2. Scope

- 2.1 The complaint policy applies to all staff members, contractors and sub-contractors employed by or acting on behalf of Housing Solutions, including Board members that respond to and provide services to residents. Concerns about our services can be raised with the assurance they will be investigated in line with our complaint and compliment policy and 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

- 3.1 **Board:** The Board are responsible overall for review of the complaints and compliments. The Board panel members 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.
- 3.2 **Executive Team:** The Executive Team (ET) are 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 learning from complaints and approving changes to operations.
- 3.3 **Service Improvement Team:** The Service Improvement Team (SIT) are responsible for reviewing complaints and compliments quarterly and to be a member of the Panel for stage 3 complaints.
- 3.4 **Senior Managers Team.** The Senior Management Team (SMT) are responsible for reviewing performance against the complaints and compliments received. SMT are responsible for responding, reporting and learning against complaints escalated to Stage 2 within the agreed timescales in line with the policy. SMT are responsible for reviewing and refusing or terminating complaints under section 5.2 and 5.3
- 3.5 **Customer Service Manager:** The Customer Service Manager is responsible for the management and trend analysis reporting of complaints to the ET
- 3.6 **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.
- 3.7 **Complaint coordinator:** The complaint coordinator is responsible for the administration and adherence to the complaint and compliment policy
- 3.8 **Employees:** A complaint or 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, 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 they will escalate in line with the policy.
- 3.9 **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 raises an expression of dissatisfaction however made about Housing Solutions action or lack of action about the standard of service provided by or on behalf of Housing Solutions affecting an individual resident or a group of residents
- 4.2 Housing Solutions categorises complaints in two ways:
- **Informal complaint:** an expression of dissatisfaction which may be resolved by offering a 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. The monitoring of informal complaints will help Housing Solutions understand issues that could escalate if not dealt with at an early stage.
 - **Formal complaint:** an expression of dissatisfaction that is not able to be resolved informally. Formal complaints require 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 Association. Compliments are logged within the Housing System reported and passed to all employees celebrating areas of good practice.

5. Who can complain?

- 5.1 A complaint may be made by anyone affected by the services provided by Housing Solutions. Residents have the opportunity to choose to have a representative deal with their complaint on their behalf.
- 5.2 A complaint may be refused or terminated under the following exceptional circumstances with a Senior Manager agreement:
- 5.2.1 If the complaint is about the same matter that has already been considered with only very minor differences and has exhausted the complaints process, Housing Solutions will advise that the matter is closed. The resident may then have the right to seek redress from external parties (designated persons, Housing Ombudsman, relevant authorities)
 - 5.2.2 Complaint escalation may be refused at Senior Management Team discretion, if the resolution required by the complainant is out of the remit or responsibility of Housing Solutions. This will be explained to the resident.
 - 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 such circumstances Housing Solutions might find it reasonable to terminate the complaint, giving a full explanation as to why the complaint has been terminated
- 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 Whether a resident has made unreasonable demands
 - 5.3.3 Whether there is a strong likelihood that complaints are being made to

intentionally cause aggravation, divert resources or disrupt the function of Housing Solutions operatives

- 5.3.4 Whether the resident or their representative has been abusive or threatening to Housing Solutions staff or has produced excessive correspondence.

6. Making a complaint or compliment

- 6.1 Complaints and compliments can be made in person, by phone, by email, by webchat, by website, Social media or in writing to any member of staff within Housing Solutions. Upon receiving the complaint via your chosen method Housing solutions will log the complaint on your housing file and agree an appropriate method for response. All complaints will be dealt with in line with our complaint policy timescales.
- 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 be able to accept a complaint after the time limit has passed.
- 6.3 All complaints informal or formal will be recorded and used to help improve our services
- 6.4 There are some instances where the issue that you raise 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 The complaints process may not apply when:
- 6.5.1 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 if this will help resolve the issue for the resident. This may not apply where concerns relate to safeguarding and Health and safety issues
 - 6.5.2 Legal proceedings have started
 - 6.5.3 Matters have already been considered and have exhausted the complaints policy
 - 6.5.4 The complainant refuses to reasonably engage with us, is abusive to staff or acts unreasonably. In this instance the complaint will be logged but may not be responded to or pursued
- 6.6 Should Housing Solutions not accept a complaint a detailed explanation will be provided to the resident setting out the reasons why the matter is not suitable for the complaints process.
- 6.7 Should the resolution not satisfy the complainant, the complainant will be entitled to contact the Housing Ombudsman <https://www.housing-ombudsman.org.uk/>

7. Formal Complaints stages

When a complaint is received it will be logged in accordance with the 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 complaints. 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. Following investigation and review the relevant manager will aim to respond to the resident within 10 working days. If the complaint is complex the relevant manager will aim to resolve within 15 working days or

under exceptional circumstances within an agreed timeframe with the resident. Following closure of the stage one 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 one 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.

7.2 Stage two

Should the complainant not accept the Stage one final resolution the complaint can escalate to stage two of the complaints process within 21 days of the complaint resolution. The complainant should inform the manager of the stage one points that have not been resolved including what they see as a fair and reasonable outcome to the complaint. The stage one response will be investigated by a Senior Manager and a response provided within 20 working days. Under exceptional circumstances the Senior Manager will agree an extended timeframe with the resident.

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.

7.3 Stage three

Should the complainant not accept the Stage two resolution the complaint can be escalated to Stage three. The complainant should inform the manager of Stage two of the 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 a minimum of one of the following:

- A Board member
- A member of the Service 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. (see Appendix 2)

8. Complaint closure:

- 8.1 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.
- 8.2 If the complainant is a resident of Housing Solutions and is still not satisfied about any aspect of their complaint, they may contact a designated person, or if they prefer, they can wait eight weeks and contact the Housing Ombudsman.

9. Designated person

- 9.1 The Localism Act 2012 states that tenants of housing associations will be able to ask for their complaints to be considered by a 'designated person' when their landlord's internal complaints procedure is finished.

- 9.2 A designated person can be:
- An MP
 - A local Councillor
 - The Housing Solutions Service Improvement Team has ensured that the Panel is recognised for the purpose of complaints and has registered this with the Housing Ombudsman Service. The complainant may choose a single member, a group of members or the entire Panel.
- 9.3 A designated person will help resolve the complaint in one of two ways; they can try and resolve the complaint themselves or they can refer the complaint straight to the Housing Ombudsman. If they refuse to do either the resident can contact the Ombudsman directly.
- 9.4 The designated person can try to put things right in whichever way they think may work best. If the problem is still not resolved following the intervention of the designated person either they or the resident can refer the complaint to the Ombudsman.
- 9.5 Complaints to the Ombudsman do not have to be referred by a designated person, but if they are not there must be at least 8 weeks from the end of the landlord's complaint process before the Housing Ombudsman can consider the case.
- 9.6 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 Scheme.
- 10.2 If the complainant is a resident living in Housing Solutions rented accommodation and is still not satisfied with an aspect of their complaint, they may elect to contact the Housing Ombudsman (or the designated person can refer the complaint to the Housing Ombudsman).
- 10.3 On condition 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.
- 10.4 You can also contact the Housing Ombudsman directly but please note that the Ombudsman will not be able to investigate your complaint until eight weeks from the date of this letter.
- 10.5 The contact details for the Housing Ombudsman Service are:
- 10.6 Online complaint form: <https://www.housingombudsman.org.uk/residents/make-a-complaint/>
- 10.7 Phone: 0300 111 3000
- 10.8 Email: info@housing-ombudsman.org.uk
- 10.9 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 and Work Act 2016
- Data Protection Act 2018
- 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

11.3 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. Complaints Decisions

12.1 Housing Solutions categorise 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 retain full discretion to award compensation as they see fit.

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 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 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.

15. Withholding Rent

- 15.1 Before withholding rent for a repair, you must follow a specific procedure that is set out in the Housing Act 2004. The housing advice charity SHELTER can provide information about your rights and responsibilities in this area. Any rent withheld by a complainant who has not followed the procedure set out in the Housing Act 2004 will be treated as rent arrears

16. Equality & Diversity

- 16.1 Housing Solutions recognises the needs of a diverse population and always acts within the scope of its own Equality and Diversity Policy, the Human Rights Act 1998, and 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 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.

18. Confidentiality

18.1 Under the Data Protection Act 2018, 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.

20. Appendices

20.1 Appendix 1 Examples of complaints and non-complaints

20.2 Appendix 2 Complaint Panel Meeting (Stage 3 complaint)

Appendix 1

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.