

Complaints and Compliments Policy and Procedure

If you need any information in a different format, for example large print, Braille, audio file or another language, please email

Communications@housing21.org.uk

Version number	8.6
Issue date	March 2023
Review date	One year
Board approval required?	Yes
If yes, date approved by Board	March 2023
Author's name and job title	Cressida Stanley-Williams, Strategic Operations Manager
Policy owner and job title	Pam Mastrantonio, Executive Director for Retirement Living Kris Peach, Executive Director for Extra Care
Policy Steering Group approval date	September 2022

Summary

We aim to provide high quality services and welcome all feedback. We will ensure that compliments are passed on to employees and their line manager and can use them to identify areas of good practice.

Complaints are an opportunity to learn and to improve our service provision across Housing 21, whilst developing good practice for employees through the provision of ongoing learning and development.

We apply a clear, simple and accessible Policy around complaints to ensure they are resolved promptly and fairly in a way that also meets the requirements of the Housing Ombudsman's Complaint Handling Code.

Our definition of a formal complaint is as set out by the Housing Ombudsman Complaints Handling Code (2022):

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

Our Resident Complaint Panel, who provide scrutiny across all areas of complaint handling, feel a complaint is something that has affected a resident’s peaceful enjoyment of living on their scheme, which Housing 21 haven’t dealt with very well.

This policy and separate employee management guidance set out clear direction on:

- How to deal with compliments, informal complaints and formal complaints received from and on behalf of our residents, tenants, leaseholders and clients or someone acting on their behalf
- How formal complaints should be recorded, managed and concluded
- How to manage any persistent complainants fairly and consistently.

Our event reporting system (ERICA) is used to record and monitor various processes. This includes recording compliments, informal complaints and formal complaints; and providing a structured approach to implement improvements to services as a result of customer feedback.

Housing 21 employees should refer to the management guidance for detailed work instructions and procedures.

The Social Housing Regulation Bill dedicates Chapter three to complaints, and the need for them to be dealt with promptly and fairly with access to a strong Ombudsman who will give swift and fair redress.

Effective complaint handling also features in the Fire Safety and Building Safety Acts.

Adherence to this Policy mitigates the risk of the most serious Housing Ombudsman Determination: a Complaints Handling Failure Order.

This policy applies to all Housing 21 residents, tenants, and leaseholders, or a third party or representative acting on their behalf, and all employees responsible for handling complaints and compliments.

Contents

1. Compliments	4
2. What is a complaint?	4
3. How will complaints be received?	4
4. Equality and Diversity and Reasonable Adjustments.....	5
5. What is a formal complaint?	5
6. What is the formal complaints procedure?	5
7. Other advice	6
8. Who can make a complaint?	7
9. Are all complaints dealt with under this complaints procedure?	7
10. Resident engagement	8
11. How we handle complaints.....	8
12. How do we keep records and manage compliments and complaints?.....	8
13. How we work with unreasonably persistent complainants	9
14. Data Retention	9
15. Other related policies and procedures	9
16. Overview of Two-stage Complaints Process.....	11
17. Appendix A - Safeguarding concerns	13

1. Compliments

- 1.1 We welcome receipt of compliments about our employees and services. Compliments are recorded in our system called ERICA and reported on. We ensure the details are passed on to the relevant employee and their line manager, so that the recognition can be acknowledged, and areas of good practice identified.

2. What is a complaint?

- 2.1 A complaint is an expression of dissatisfaction with the services, actions or lack of action by Housing 21, our employees, or those acting on our behalf, which affect a resident or group of residents. This could be where we have failed, or be perceived to have failed, to deliver a service or a promise; or where someone feels they have been unfairly treated.
- 2.2 The complainant does not have to use the word 'complaint' for it to be treated as such. A complaint that is submitted via a third party or representative (with the resident's consent) must still be handled in line with the complaints policy, and as such is also included in the term 'complainant' as applied through this policy.
- 2.3 Some issues may have to be dealt with under other procedures such as anti-social behaviour or safeguarding or because of other conflicts, detailed later in this policy in section nine, only these would constitute a valid reason not to accept an issue as a complaint, which would be set out to the complainant.

3. How will complaints be received?

- 3.1 Our policy is to deal with any informal complaints around dissatisfaction with our services or employees as quickly and effectively as possible. Most informal complaints will be received and responded to locally by the Court Manager, or the Housing and/or Care Manager at the relevant court or scheme.
- 3.2 At this informal stage of complaints handling, we aim to respond within 10 working days. If this is not possible then an update will be provided. If an issue cannot be resolved quickly and simply and without further enquiries, the issue must be logged as a complaint.
- 3.3 If the complainant is dissatisfied with the response (or lack of response) they can ask for their complaint to be escalated as a formal complaint at any point.
- 3.4 It is also possible that enquiries, compliments and complaints are received by other employee whether by phone, letter, via social media, or by email, or directly to the dedicated complaints and feedback email address and phone line. These contacts will

be forwarded to the most relevant employee for response. Our process for allocation of any such contacts will follow the appropriate line management structure according to the type and nature of the communication received.

4. Equality and Diversity and Reasonable Adjustments

- 4.1 Housing 21 aspires to embed diversity and inclusion within all our organisational activities to enable these principles to become part of our everyday processes. We take diversity seriously and will ensure that residents are treated fairly whatever their circumstances.
- 4.2 Should we receive a request for an adjustment to accommodate a complainant's needs, we will assess the request and make provision if deemed reasonable by the complaint handler. We will agree any extended complaint response deadlines with the complainant if needed. If further advice is required, the view of our Respect and Inclusion Lead will be sought.
- 4.3 Complainants will be treated fairly and not treated any differently as a result of making a complaint.

5. What is a formal complaint?

- 5.1 Our definition of a formal complaint is as set out by the Housing Ombudsman Complaints Handling Code (2022):

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

6. What is the formal complaints procedure?

- 6.1 Complainants who are dissatisfied with any aspect of their informal response can ask to escalate to the formal procedure, at any time, through any of the routes available: in person via their local managers, through our feedback telephone line, email address or social media. Housing 21 has a two stage formal complaints procedure.
- 6.2 At stage one, formal complaints should be acknowledged within five working days by the appointed complaint handler. This allows time for the complaint handler to contact the complainant to agree the nature of their complaint, the preferred outcome and timescales for response, which will then be included within the stage one acknowledgement.

- 6.3 Stage one complaints will be investigated and responded to within the subsequent 10 working days. The formal response is reviewed by the Head of Service.
- 6.4 If it is not possible to respond within 10 working days contact will be made to agree an extension period with the complainant. This will generally be up to 10 working days unless there are extenuating circumstances. If an extension beyond 20 working days is required to enable us to respond to the complaint fully, this should be agreed by both parties.
- 6.5 Complainants who are dissatisfied with any aspect of the stage one response can then ask to escalate to stage two, within a six-month period from the date of the stage one response. A stage two review is conducted by the Executive Director for the area of business to which the complaint relates. Only the reasons set out in section nine would constitute a valid reason not to accept an escalation of the complaint, which would be set out to the complainant.
- 6.6 Stage two formal complaints should be acknowledged within five working days by the Strategic Operations Team. This allows time for the Strategic Operations Team, as someone that has been outside of the stage one investigation, to contact the complainant to agree the nature of their complaint, the preferred outcome and timescales for response, which will then be included within the stage two acknowledgement. Stage two complaints should be responded to within 20 working days of acknowledgement. If it is not possible to respond within 20 working days, contact will be made to agree an extension period with the complainant. This will generally be up to 10 working days unless there are extenuating circumstances.
- 6.7 This will conclude our formal complaints procedure.

7. Other advice

- 7.1 A complainant can approach the Housing Ombudsman during any stage of a complaint for advice; although they cannot take up a case until the providers complaints process has been completed. Contact details of the Housing Ombudsman are included in correspondence throughout all the stages of a complaint. Complainants may wish to seek support from other agencies such as Citizens Advice, Lease or Shelter to aid the resolution of disputes.
- 7.2 In the case of complaints relating to care services the complainant can approach the relevant local authority if appropriate and/or the Local Government and Social Care Ombudsman, or Care Quality Commission (CQC).

- 7.3 Where complaints are referred to the Ombudsman Service, we will co-operate fully with any investigation and comply with the resulting decision.
- 7.4 In the case of complaints relating to certain types of disputes such as service charges or rent increases, an application can be made to the First Tier Tribunal (Property Chamber) - (leaseholders and tenants). For a full list of their areas of jurisdiction and contact details for regional offices, please refer to: <https://www.gov.uk/courts-tribunals/first-tier-tribunal-property-chamber>.
- 7.5 Further information and advice on any of these options can be obtained from Strategic Operations Team.

8. Who can make a complaint?

- 8.1 Complaints may come from any source including: residents; family members; friends or advocates of residents; service users; neighbours; service providers; or professionals. We will not treat anyone differently if they make a complaint.

9. Are all complaints dealt with under this complaints procedure?

- 9.1 Some complaints or escalations may be actioned under separate arrangements. These include the following:
- a request for service, rather than a complaint about the services received
 - services for which Housing 21 are not responsible;
 - matters already considered under the complaints policy;
 - complaints which occurred over six months ago unless part of a recurring issue or whether consideration of older reports will help to resolve the issue;
 - safeguarding concerns - refer to Appendix A and the Safeguarding Policy;
 - anti-social behaviour – refer to ASB policy and procedure;
 - insurance claims;
 - where the complainant is taking legal action against Housing 21 on the same issue; or where Housing 21 is taking legal action against the complainant on the same issue and details of the claim have been filed at Court;
 - complaints submitted anonymously (although investigation will be attempted where possible);
 - complaints about our procurement process from contractors and suppliers;
 - data protection breach which is dealt with under GDPR; and
 - where the complainant is an employee of Housing 21 (unless they occupy a Housing 21 property and the complaint related to issues around their tenancy) and the issue maybe better addressed via Human Resources policies e.g. grievance;

- for employees who are keen for concerns to be raised so something can be done to bring about a positive change, please consult the Whistleblowing Policy.

9.2 Any complaints regarding to disrepair or outstanding repairs will be progressed through our complaints process in the first instance.

9.3 The Manager will decide which arrangement should apply. If a complaint is not accepted for consideration or escalation, an explanation should be provided to the complainant setting out the reasons why the issue is not suitable for the complaint procedure. And where relevant what procedure is being followed. We will also advise that the complainant has the right to take this decision to the Housing Ombudsman for review.

9.3 Where a service is not provided or managed by Housing 21 this will be clearly communicated to the complainant at the earliest opportunity. However, this not to undermine any assistance Housing 21 can offer to support or advise a complainant.

10. Resident engagement

10.1. As part of our ongoing work with residents around complaints, we support a Residents Complaints Panel to provide scrutiny of our policy and procedure, our performance and to review a sample of our complaints responses for quality, fairness and lessons learnt. The Terms of Reference are reviewed on an annual basis.

11. How we handle complaints

11.1 We aim to provide high quality services and to welcome, understand and resolve individual complaints in a timely manner. We will apply a consistent approach that allows for monitoring. We will learn from complaints to improve our service provision across Housing 21, whilst developing good practice for employees.

12. How do we keep records and manage compliments and complaints?

12.1 Records of compliments and complaints are recorded and managed within our event reporting system (ERICA) which ensures that the learning from feedback received can be implemented and monitored. In addition, reporting on the numbers and types of complaint across the organisation can be monitored and trends reported upon; and shared with residents via court newsletters, the website and the Annual Report. Performance reporting against the key performance indicators is provided to Board, Executive Committees and line management structures.

12.2 A separate employee guidance document details management of the process and record keeping. However, where required refer to your line manager or the Strategic Operations Team for support and advice.

13. How we work with unreasonably persistent complainants

13.1 Employees will inevitably come into contact with a small number of customers who complain; but in doing so take up an unwarranted amount of time and/or impede the investigation of their or another person's complaint.

13.2 We have adopted the Local Government and Social Care Ombudsman's definition:

“For us, unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints.”

13.3 When dealing with such complainants we will ensure that we do so consistently, fairly and reasonably. We do not view behaviour as unreasonable just because someone is assertive or determined.

13.4 Further guidance on working with complainants of this nature can be found in Unreasonably Persistent Complainants Procedure. Any restrictions being considered on a resident's contact due to unacceptable behaviour should be appropriate to their needs and should demonstrate regard for the provisions of the Equality Act 2010.

14. Data Retention

14.1 The data retention period relating to complaints and compliments has been set as the life of the tenancy plus 12 months. This supports the requirement for previous relevant complaint investigations to be included in current complaints where required. Should the complaint link to an ongoing legal case then we will retain the data in line with the Limitation Act.

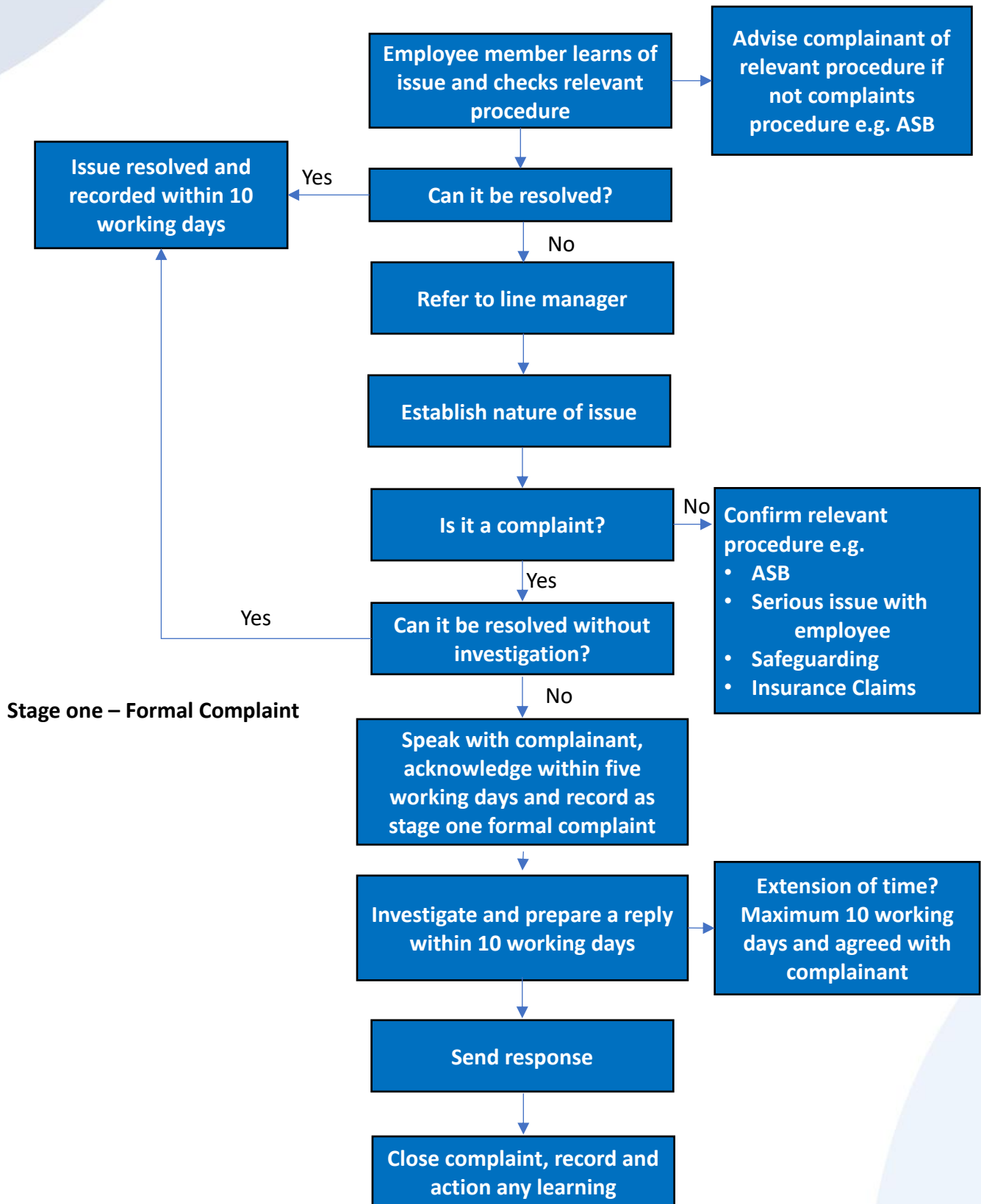
15. Other related policies and procedures

- Complaints and Compliments Management Guidance
- Anti-Social Behaviour Policy and Procedure
- Safeguarding Adults Policy and Procedure
- Unreasonably Persistent Complainants Procedure
- Compensation and Redress Policy and Procedure
- Social Media Policy

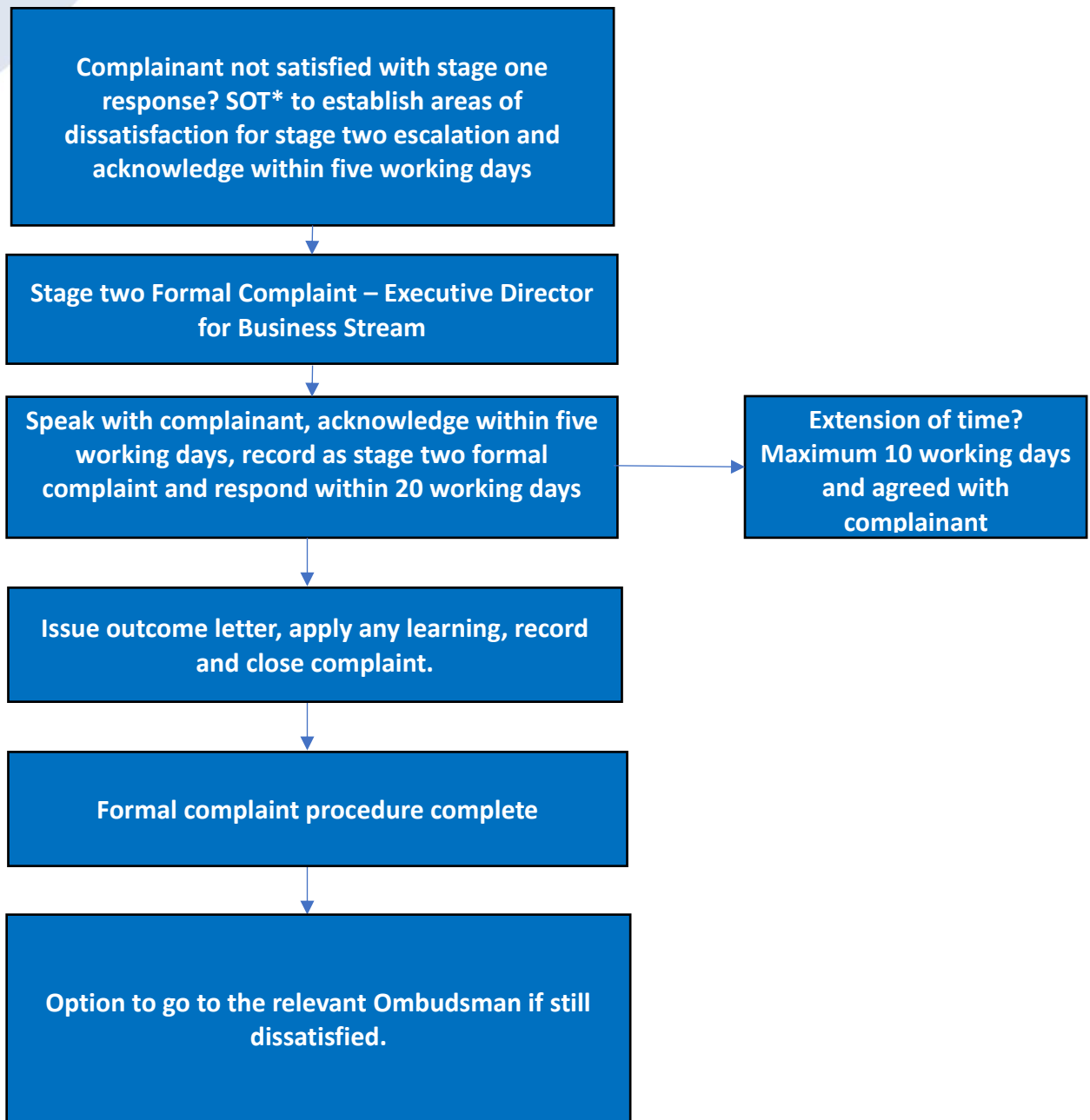
- GDPR Policy and procedures
- Whistleblowing Policy

16. Overview of Two-stage Complaints Process

Informal Complaint



Stage two – Formal Complaint



* Strategic Operations Team

17. Appendix A - Safeguarding concerns

When considering the nature of a complaint employees need to ensure the complaint or concern is not a safeguarding concern. Should this be the case, employees must follow the Housing 21 Safeguarding policy and procedure.

As a provider of housing and care services for older people we have a duty to act appropriately to any allegations, reports or suspicions of neglect and or abuse. The Safeguarding policy applies to all Housing 21 customers (which for the avoidance of doubt includes individuals living in the community in a home owned and/or managed by Housing 21 irrespective of whether they are named on a Housing 21 tenancy agreement or lease).

In line with the Care Act (2014) we aim to:

- stop abuse or neglect wherever possible;
- prevent harm and reduce the risk of abuse or neglect to adults with care and support needs;
- safeguard adults in a way that supports them in making choices and having control about how they want to live;
- promote an approach that concentrates on improving life for the adults concerned;
- raise public awareness so that communities as a whole, alongside professionals, play their part in preventing, identifying and responding to abuse and neglect;
- provide information and support in accessible ways to help people understand the different types of abuse, how to stay safe and what to do to raise a concern about the safety or well-being of an adult; and address what has caused the abuse or neglect; and
- keep the resident informed of any referrals that are in best interest or meet the safeguarding overriding consent criteria.