
Complaint Policy



22 September 2022

Three Yearly – Board of Management

1.0 Policy statement

Our mission is **to provide and maintain a high standard of specialised housing and support services for older and vulnerable people, delivered through a strong brand, service excellence, and meaningful partnerships.** Our Complaint Policy plays an important role in building and maintaining trust in our brand and in identifying opportunities for service improvement.

Following the introduction of the Housing Ombudsman's Complaint Handling Code, a complaint is universally defined as *'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.'* The complainant does not have to use the word 'complaint' for it to be treated as such.

A 'service request' is a request from a resident requiring action from us to put something right, i.e., a repair request or a report of noise nuisance or antisocial behaviour, and is not automatically identified as a complaint. A complaint occurs when the resident raises dissatisfaction with our response to their service request, or where the complainant specifically requests that their contact with us is logged as a complaint.

If the complainant has not specifically requested that their dissatisfaction is logged as a complaint and their dissatisfaction falls into a 'there and then' situation, as referenced by the Housing Ombudsman, it can be progressed outside of the Complaint Policy. A 'there and then' situation is where a resident may be dissatisfied with the service provided, but can be quickly resolved to the resident's satisfaction with minimal further enquiries. 'There and then' situations will not be logged as a complaint, however any proactive learning will be captured and shared to prevent similar complaints. Our first priority is therefore to put things right locally and informally to allow a quick and effective solution to be reached without the need for lengthy investigations.

We will raise awareness of our complaint handling arrangements and make it easy and simple for dissatisfaction to be raised. We will ask complainants to tell us what resolution they are seeking. Making a complaint will not result in any adverse changes to the services provided to the complainant.

We will seek to manage resident and customer expectations and will not make promises that cannot be delivered, or offer outcomes that would cause unfairness to other residents or customers.

We will comply with the Housing Ombudsman Complaint Handling Code and when necessary, co-operate with the Ombudsman Service during any investigation.

2.0 Regulatory responsibilities

This Complaint Policy ensures that we meet our regulatory obligations as set out in The Regulator for Social Housing's Tenant Involvement and Empowerment Standard. In order for the Association to comply with the NHF Code of Governance 2020 we must be able to demonstrate 'Resident focus: The board has access to insight into the views and needs of the organisation's residents and other customers (including insight into their concerns and complaints) and uses this to inform decisions where appropriate.'

We are registered with the Housing Ombudsman Service; providing our residents and customers with an independent review of our complaints process. As part of our membership obligations, we must comply with the Housing Ombudsman's Complaint Handling Code.

We will carry out an annual self-assessment against this Code and report the findings to the Board of Management, the Resident Involvement Group and to our residents via our website and annual report.

We will reflect and consider any transferable learning from the Ombudsman's yearly landlord performance report, if applicable, and will report our findings to the Board of Management and the Resident Involvement Group.

3.0 Responsibilities and accountabilities

Complaint handling performance is an important strategic role, providing vital intelligence on our performance and reputation. The **Board of Management**, with the support of the Audit and Compliance Sub-committee, is responsible for:

- promoting a positive complaints culture within the Association;
- seeking assurance that the Association has a learning culture which manages risk;
- ensuring there are robust learning processes in place;
- ensuring service improvements are being implemented;
- ensuring compliance with the membership obligations under the Housing Ombudsman Scheme.

By:

- approving the Complaint Policy;
- appointing a governance lead with responsibility for complaints. This role will be responsible for ensuring the Board of Management receives regular information on complaints to provide insight on the complaint handling performance;
- the Audit and Compliance Sub-committee reviewing complaints handling performance on a quarterly basis, reporting any concerns to the Board of Management and considering any updates to the risk register;
- considering all Complaint Handling Failure Orders and maladministration claims made against the Association, and the management action being taken to rectify;
- reviewing the Association's annual self-assessment of the Housing Ombudsman Complaint Handling Code;
- reflecting on the outcomes of the Housing Ombudsman's annual landlord performance report, if applicable.

The **Executive Management Team** is responsible for:

- implementing and embedding the Complaint Policy;
- maintaining a no blame culture;
- celebrating positive feedback and compliments;
- considering internal and benchmarked complaint analysis reports on a regular basis, highlighting performance and identifying areas for improvement, including themes, trends and risks;
- considering all Complaint Handling Failure Orders and maladministration claims made against the Association and overseeing the management action being taken to rectify;
- completing a self-assessment against the Housing Ombudsman Complaint Handling Code;
- identifying any learning from the Housing Ombudsman annual landlord performance report, and if applicable, incorporate into our policies, procedures and practices;
- ensuring a summary of complaint performance is reported through the agreed Governance structure, to the Resident Involvement Group and to all residents through the resident annual report.

Our **Complaints Officer (the PA to the Chief Executive)** will take responsibility for overseeing, responding, evaluating and monitoring formal complaints. He/she will:

- ensure that the outcomes being sought by the complainant are clear at the start of the investigation, this includes managing residents' expectations from the outset, being clear where a desired outcome is unreasonable or unrealistic;
- give everyone involved in the complaint the chance to explain their point of view;
- act independently and have an open mind;
- set out our understanding of our obligations as Landlord and if applicable those of the complainant;
- where applicable, reference the signposting to other organisations such as Citizens Advice, the Leasehold Advisory Service and Shelter to aid the resolution of the dispute;
- keep the complainant regularly updated;
- retain clarity of where resolution has or has not been reached;
- ensure that the complaint has been impartially investigated;
- give the complainant opportunity to comment on any adverse findings, where the investigations identify adverse findings to that made as part of the complaint, before a final decision is made;
- maintain a full record of each complaint, this includes any reviews and the outcomes at each stage. This should include the original complaint and the date received, all correspondence with the complainant, correspondence with other parties and any reports or surveys prepared;
- log complaints on to our complaint dashboard;
- liaising with the Housing Ombudsman when necessary;
- liaise with the Director of Operations and the Senior Officer Team to share any trends and ongoing learning and development opportunities;
- report outcomes of investigated complaints quarterly to the EMT.

Senior Officers and **Line Managers** are responsible for:

- embedding the Complaint Policy and culture within their teams;
- complying with policies, procedures and deliver effective cross team communication;
- identifying training and development needs so that team members are confident in delivering their role and responsibilities;
- ensuring they and their teams respond promptly and proactively to service failings and apply the necessary improvements to prevent reoccurrence;
- responding to complaints in a timely, impartial and professional manner, as set out by this policy, utilising any opportunity to resolve a complaint as a ‘there and then’ situation;
- being honest and transparent so that any concerns are captured and enable an honest assessment of future risk.

All **employees** are responsible for:

- having a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments, utilising any opportunity to resolve a complaint as a ‘there and then’ situation;
- being open, accountable and respectful when handling reports of dissatisfaction, adopting a preventative and outcome focused culture to try and prevent similar complaints;
- assist and support the Complaints Officer when requested;
- responding impartially to any complaint and taking a step back to question individual actions, along with considering whether our policies, procedures and practices could have led to a complaint being made;
- taking collective responsibility for any shortfalls identified through complaints rather than blaming others;
- acting within the Professional Standards for engaging with complaints as set by the Chartered Institute of Housing, [click here](#).

4.0 Compliments

We welcome and encourage our customers to find the time to say ‘well done’ if a member of staff or service merits it. Compliments from customers are a great boost to our teams. Compliments are important as they help us to monitor what works well and when members of staff have been particularly helpful. Any compliments received, however small, will be shared with our front-line teams. We will include both written and verbal compliments within a central compliment register and from time to time publish on our website.

5.0 Making a complaint

Anyone who receives a service from us can make a complaint. This includes our residents, applicants for housing or anyone else affected by our services i.e., people living next to our housing schemes. We have developed a complaint form to help us understand the nature of the complaint and the desired resolution.

This can be completed in writing, by email, via the internet or we can complete the form with a customer over the telephone or in person. Please note that for any complaints received via social media, we will contact the complainant directly to discuss the situation with them. We will not respond to the complaint via social media.

A third party can make a complaint on the behalf of a customer. However, permission for us to engage with a third party must be recorded on our 'LH26 resident contact' form or made as part of the complaint request. If the request is made as part of a verbal complaint, we will acknowledge this approach in our complaint acknowledgement sent to the complainant with the option to refute it. We will send copies of any correspondence regarding the complaint to the complainant, with a copy to the third party unless we are given any other instructions to follow.

If an MP or Councillor approaches us as a representative of a customer to log a complaint this will be separate to their role as a Designated Person, see section 7.5.

6.0 Exclusions

There are some instances where the issue that is raised will not be dealt with via the complaints process, these are:

- a first request for service, information or an explanation of our policies and procedures e.g., reporting a repair;
- a complaint about a service where we have no responsibility, such as a local authority nomination procedure or an action of the Care Provider commissioned by Lincolnshire County Council to provide care within our Housing with Extra Care Schemes. In such cases we will provide support to enable the complainant to log their complaint with the appropriate person;
- the issue giving rise to the complaint occurred over six months ago. However, it may not be appropriate to exclude any complaints that concern safeguarding or health and safety issues. Where the problem is a recurring issue, we will consider any older reports as part of the background to the complaint if this will help to resolve the issue for the complainant;
- anonymous letters although these may be investigated if they are a cause for concern;
- letters that have been sent to the Chief Executive will not form part of this complaint process, unless based around dissatisfaction, and the Chief Executive will write separately to the customer;
- a petition on behalf of multiple customers, unless based on dissatisfaction, and will be dealt with in the same way as other contact with our customers;
- legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court;
- reported cases of neighbour disputes, anti-social behaviour, hate crime or domestic abuse, unless the complaint is about how we have handled the case;
- following the service of a section 21 notice as a separate appeal process is available;
- the complaint is an attempt to reopen a previously concluded complaint, or to have a complaint reconsidered where we have already given our final decision;

- the unreasonable manner of the complainant including frivolous or vexatious complaints.

In all instances we will provide the complainant with a detailed explanation of the reasons why, in our opinion, their complaint is not suitable for our Complaint Policy. A complainant has the right to challenge this decision by bringing their complaint to the Housing Ombudsman.

We are committed to ensuring that our staff are treated with respect. To protect our staff, we will not engage with any threatening or abusive behaviour. We will deal with any unacceptable behaviour under our 'violence at work policy'.

Where a complaint suggests that abuse or neglect is taking place, we will refer to our Safeguarding policies and procedures.

7.0 Complaint handling framework

7.1. Formal complaint framework

Our formal complaint framework consists of two stages; Stage One – formal investigation and Stage Two – complaint review.

Outcomes of all formal complaints should be confirmed in writing, with all points raised in the complaint addressed with clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate. Communication with complainants will not generally identify individual members of staff or contractors. This is because the Association takes responsibility for the actions of its employees and contractors rather than apportioning responsibility by directly naming individuals where there is no reason to do so.

A complaint response will be sent to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue, are completed. At the completion of each stage of the formal complaint process we will acknowledge and apologise where things have gone wrong and confirm the following:

- the stage of our Complaint Policy;
- the complaint definition;
- the outcome of the complaint;
- the reasons for any decisions made, referencing the relevant policy, law and good practice where appropriate;
- the details of any remedy offered to put things right, including timescales;
- details of any outstanding actions, confirming that these will be tracked and actioned promptly with regular updates provided;
- what actions we will take to prevent the issue from happening again;
- if the complaint is at Stage One, details of how to escalate the matter to Stage Two;
- if the complaint is at Stage Two, details of how to escalate the matter to the Housing Ombudsman Service.

7.2. Complaint timescales

We will log and acknowledge a formal complaint within 5 working days of receipt. This includes confirming our understanding of their complaint and their requested outcome.

We will make a Stage One decision within 10 working days from receipt of the complaint. If this is not possible, an explanation and a date by when the Stage One response should be received. This will not normally exceed a further 10 working days without good reason and this should be agreed by both parties. Where agreement over an extension period cannot be reached, we will make the complainant aware that they can contact the Housing Ombudsman and challenge our proposed timeliness of response.

We will make a Stage Two decision within 20 working days from the request to escalate being made. If this is not possible, an explanation and a date by when the Stage Two response should be received. This will not normally exceed a further 10 working days without good reason.

7.3. Stage One complaint – Formal investigation

A Stage One complaint will be overseen by our Complaints Officer, who will seek assistance from colleagues to help investigate the complaint, seek clarity of any legislation, policy or regulatory considerations and look to find an acceptable resolution.

Where a complainant raises additional complaints during the investigation, these will be incorporated into the Stage One response if they are relevant and the Stage One response has not been issued. Where the Stage One response has been issued, or it would unreasonably delay the response, the complaint should be logged as a new complaint.

If having received our response the complainant believes that we have not responded or resolved all of the issues, our Complaints Officer will explore if there is anything more that could be done to resolve the complaint at this stage. This includes reviewing any new information not previously provided to us.

If the reason for dissatisfaction concerns compensation, this is not in itself reason to escalate the case to Stage Two and instead we will attempt to address the award of compensation at this stage.

If we believe we have taken all reasonable actions to resolve the complaint or we are unable to deliver the outcome requested by the complainant, we will explain this and the next step in our Complaint Policy.

We will close a complaint if the complainant is satisfied with our response. This includes seeking feedback on our complaint handling arrangements.

7.4. Stage Two – Complaint review

If a complainant feels we have not addressed their complaint in a reasonable or fair way and they remain dissatisfied with our response, they can request a review. We ask complainants to request a review within 20 working days of receiving our Stage One response, unless there is good reason for delaying such request.

In order to ensure the focus of an escalated complaint is clear, complainants will be asked to explain why they remain unhappy with our original response, their reason for wanting to progress the complaint to Stage Two and how they would like to see the complaint resolved. Where necessary we can provide support to ensure an accurate record of the request is made.

The complaint will be reviewed by either the Specialist Housing Manager, Asset Manager, or a member of the Executive Management Team. A decision will be made as to whether the review will be carried out individually, or due to the nature of the complaint, or the expectations of the complainant, it would be beneficial to convene a complaint panel to enable a more holistic review. If a panel is convened the complainant will be given opportunity to attend.

This is the final stage of our internal complaints process and the complainant will be advised of their right to refer the complaint to the Housing Ombudsman in accordance with section 7.5 below.

7.5. External appeals

If following the outcome of the review a complainant remains unhappy, they can elect for their complaint to be considered further by a Designated Person. The Building Safety Act 2022 includes amendments that will remove the Designated Person requirements and this is expected to become effective between 28 October 2022 to 28 April 2023. Once this requirement is removed from legislation it will be removed from this policy.

A Designated Person is an MP, Local Authority Councillor or a recognised Tenant Panel. The role of the Designated Person is to obtain resolution locally when an organisations internal complaints process has been exhausted. We welcome this and will endeavour to work with the Designated Person where customer consent has been obtained.

Where potential solutions are proposed by the Designated Person, we will review them and respond accordingly.

The Designated Person may choose to refer the complaint on to the Housing Ombudsman, but only if the complainant's permission has been sought first.

Alternatively, the complainant can wait eight weeks from the date we notified them of our final decision regarding their complaint and then ask the Housing Ombudsman Service to directly review their complaint.

7.6. Compensation

Customers seeking compensation or financial redress do not need to make a formal complaint to have their request considered and can contact us explaining why they are seeking compensation from us.

As a charitable organisation, we rarely offer compensation unless the complainant has suffered financial loss, like damage to their personal belongings or paying for a service they did not have.

Factors taken into consideration include:

- how much the customer has been disrupted;
- how long it has taken to put right;
- if there has been significant distress.

Any remedy offered must reflect the extent of any service failures and the level of detriment caused to the complainant as a result.

Any decision to award compensation, must reflect any statutory payments that are due, if any quantifiable losses have been incurred, the time and trouble a complainant has been put to as well as any distress and inconvenience caused.

In some cases, a complainant may have a legal entitlement to redress. In such circumstances we will look to offer a resolution where possible, obtaining legal advice as to how any offer of resolution should be worded.

8.0 Resident Involvement Group (RIG)

The Association has established a Resident Involvement Group as part of our resident engagement strategy and has the following role in respect of complaint handling:

- review quarterly complaint summary analysis, i.e., the number of complaints received per stage, resolution times and any learning leading to changes in our service;
- identify and complete any scrutiny activities resulting from complaint feedback;
- check that any recommendations that come out of the scrutiny or complaint handling is implemented.

The identity of individual complainants or scheme will not be released to RIG members.

The Housing Ombudsman's annual landlord performance report, where applicable, will be reviewed by the RIG.

Wider learning and improvements from complaints will be reported to all residents as part of our annual report to residents.

9.0 Unreasonable or repetitive complaints

Most of the complaints we receive are made reasonably and in good faith and because customers are genuinely unhappy with our service. We will do our best to resolve these.

We use the Housing Ombudsman Service Guidance on unacceptable behaviour to manage complaints where the complaint or behaviour of the complainant is unreasonable, [click here](#). We do not view behaviour as unacceptable just because someone is assertive or determined.

When the contact from the customer is unreasonably persistent or vexatious, we reserve the right to stop corresponding over matters that simply repeat the same complaint. In doing so we recognise that we are entitled to treat such a complainant differently but we will explain our reasons so as to ensure we continue to treat the complainant fairly and respectfully and with regard to the provisions set out in the Equality Act 2010. When communicating our decision to the complainant we will remind them of their right to approach the Ombudsman if they wish to challenge our decision.

10.0 Data Protection

Where a complaint involves a third party, for example the conduct of a contractor, it will be necessary for us to disclose some of the details about the complaint to them in order for us to investigate. Where the information is of a sensitive nature, we will discuss this with the complainant before we share any data. Any data shared will be done so, in line with the Data Protection Act 2018 and requirements of the UK General Data Protection Regulations (the GDPR).

11.0 Equality and Diversity

Our approach to complaints promotes openness between customers and our staff to understand complaints and resolve the complaint in a positive manner. We will always seek to understand customers' needs and preferences and identify where a complainant may need reasonable adjustments in line with the Equality Act 2010. We will offer support or tailor our complaint handling approach to ensure all complainants can easily access and engage with this policy regardless of their background, appearance, age, beliefs or lifestyle. We will be aware of the effects of bias and prejudice on decision making. For further information on reasonable adjustments please refer to our CP8 Equality and Diversity policy.

12.0 Monitoring and reporting

All formal complaints will be recorded and performance against the policy monitored and reported annually to the Board, quarterly to the Audit and Compliance Sub-committee and to the Executive Management Team.

Complaint performance includes:

- The number of complaints received, per category/function;
- The % outcome of complaints (upheld or not upheld);
- The % of formal complaints resolved at Stage One;
- The % of formal complaints resolved at Stage Two;
- The % of formal complaints acknowledged within published timescale;
- The % of formal complaint responses sent within the Code timescales
 - Stage One
 - Stage One (with extension)
 - Stage Two
 - Stage Two (with extension)
- The stage most complaints resolved;

- The % of formal complaints resolved to residents' satisfaction;
- Identification of any trends and ongoing learning and development opportunities;
- The number of complaints logged with the Housing Ombudsman;
- The number of Housing Ombudsman's Complaint Handling Failure Orders.

Information will be published annually to residents in our annual report and this includes the number, the reasons, the outcomes of complaints (upheld/not upheld) and whether we made any changes to our policies and procedures as a result of learning from complaints.

The development of the SDM complaint module is required during the remainder of 2022 to enable detailed recording and scrutiny of data.

13.0 Review

This policy will be reviewed every three years by the Board or earlier as a result of changes to the Tenant Involvement and Empowerment Standard, the Housing Ombudsman Complaint Handling Code or following a change in legislation.

Section 7.5 (Democratic Filter) will be removed once the relevant section of the Building Safety Act 2022 has been enacted.