COMPLAINTS POLICY

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3	13/02/2023	Amendments following self-assessment	Helen Western	Tim Edwards
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		complaints code		
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Complaints Policy and Procedure

1.0 Policy Statement

3CHA aim to deliver a consistently high standard across our service. However, we know that sometimes things go wrong, and residents feel that they are not receiving the service that they should expect.

We welcome compliments and complaints and consider them as an opportunity for improvement.

If residents say they are unhappy with a service – we accept this and will listen and discuss the concerns with residents, avoiding standard letters. We will ask and understand what a resident wants from their complaint and respond appropriately. Satisfaction is a key measure of service quality. We treat complaints seriously and aim to learn from our service failures. Where a service has failed or we have got something wrong we will identify the problem, put it right, apologise and improve the way we do things.

When responding to complaints 3CHA will comply with the Equalities Act 2010 and will make any reasonable necessary adjustments to ensure that anyone is able to make a complaint.

2.0 Procedure

2.1 What is a complaint?

A Complaint is "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."

A complaint may be made when a resident is dissatisfied with a service that we have provided or the way in which the service was delivered. A complaint may be in relation to:

- A failure to comply with policy, procedure or standards of service delivery.
- A decision which the complainant believes is not fair or clear to them.
- The behaviour of 3CHA staff, staff of their Managing agent or contractors.

A complaint is separate from an enquiry or a request. However, concerns about the services received will be considered as a complaint whether or not the word complaint is used. Where a resident expresses dissatisfaction, 3CHA will give the resident the choice to make a complaint. A complaint that is submitted via a third party or representative will be handled in line with this policy.

Where a concern is raised and staff can identify a way to resolve it, this must be the first action – with agreement of the resident. The resolution will not prevent the complaint being pursued or delay any investigation.

Reports of neighbour nuisance and anti-social behaviour are treated as requests for assistance, not as complaints about our service. However, if we fail to deal with the anti-social behaviour or the resident does not feel we have dealt with it or are dealing with it properly, then this may become a complaint.

2.2 Making a complaint

All 3CHA operations staff have undertaken complaint handling training and will manage the initial complaint receipt at the first point of contact. All complaints are recorded, monitored, reviewed and reported on to the executive team and 3CHA Board.

A resident can make a complaint:

- verbally to their support worker or housing officer
- by telephone to their support office (exempt accommodation) or 3CHA
- or by email to 3CHA (feedback@3cha.co.uk)

3CHA will make reasonable adjustments for residents where appropriate under the Equality Act 2010. We will keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. We will keep any agreed reasonable adjustments under active review.

Where possible, the complaint will be dealt with there and then. If this is not possible, the complaint will be passed to the person who can best respond to it and make sure the issues raised are addressed.

A resident can ask a representative to deal with their complaint on their behalf, and to be represented or accompanied at any meeting with 3CHA.

Note: Residents have the right to contact the Housing Ombudsman at any time in the complaints process to seek advice and guidance www.housing-ombudsman.org.uk (see also contact details)

2.3 Exclusions

3CHA will not normally accept a complaint in the following circumstances:

- We will not respond to concerns or complaints that are raised anonymously.
- We reserve the right not to process an issue as a formal complaint if it is being brought to our attention for the first time over 12 months from the

original incident / occurrence. However, each complaint will be considered on its own merits.

- We reserve the right not to process an issue as a complaint if the issue has been raised previously by the complainant, the complaint has been closed and where the complainant did not exercise their right to escalate the complaint (or where the Housing Ombudsman or other relevant body have determined on the case).
- We will not accept a complaint where 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.
- Claims for personal injury will be dealt with by our insurers.
- We will not respond to concerns or complaints about services, organisations or individuals for whom we have no responsibility.

Where a decision is made not to accept a complaint, an explanation will be provided to the resident setting out the reasons why the matter is not suitable for the complaints process. Residents will also be informed that they have the right to take the decision to the Housing Ombudsman.

2.4 Stage 1

When a complaint is received, the person receiving the complaint will:

- Listen, ask and understand what outcome the resident wants from making the complaint ensuring that all aspects of the complaint are clear.
- Speak to the individual and agree with them what we will do and by when.
- Where possible, a complaint will be resolved at the time it is received.
- Acknowledge the complaint **within 5 working days of receipt.**

If a complaint needs further investigation, then we will explain who is dealing with the complaint and will provide a full response **within ten working days of the complaint being acknowledged**. 3CHA will consider the complexity of the complaint and inform the resident of the expected timescale for a response. This would not normally be more than 10 working days. If a complaint is likely to take longer than ten days to resolve, we will explain what is happening and the expected timescale for what actions are planned.

If 3CHA do not keep to the agreed timescales, or if the complainant feels that there is an unnecessary delay in responding, they can ask for the complaint to be escalated to the next stage. If the circumstances are complicated or there are specific reasons why a complaint cannot be investigated within the normal time frame (for example absence of relevant staff or witnesses) 3CHA may refuse to escalate the complaint, but this will be fully explained to the complainant.

All complaints will be recorded.

The manager for the service will make sure that any necessary changes are made to how the service is delivered following a complaint. This may involve changing the way we do something or providing training for individuals or teams to prevent complaints recurring.

2.5 Stage 2

If the resident is not satisfied with our response to their complaint, they can ask for it to be escalated to Stage 2 of the process.

When a request to escalate a complaint is received, the person receiving the request will:

- Ensure that the complaint is logged as a Stage 2 complaint.
- Make reasonable efforts to understand why the complaint remains dissatisfied
- Acknowledge the request to escalate the complaint **within 5 working days of receipt.**

We reserve the right not to escalate the complaint if the request is made over 12 months from the original incident / occurrence.

We reserve the right not escalate a complaint if the outcome was accepted by the resident and the complaint has been closed and or where the Housing Ombudsman or other relevant body have determined on the case.

We will carry out a review of the complaint to make sure we made the correct decision and took the right action in resolving the issue(s).

This review will be completed by a Director of the Association who has not been previously involved in the investigation. A full response detailing the outcome of the review will be provided **within 20 working days** of the complaint escalation request being acknowledged.

3CHA will consider the complexity of the complaint and inform the resident of the expected timescale for a response. This would not normally be more than 20 working days. If a complaint is likely to take longer than 20 working days to resolve, we will explain what is happening and the expected timescale for what actions are planned.

2.6 Feedback

At each stage and within a month of the outcome letter being sent, complainants will be contacted for feedback on the complaints process and their satisfaction with the outcome.

3.0 Complaint remains unresolved at Stage 2

If, having exhausted our complaints procedures, a resident is still dissatisfied, they can take their complaint to the **Housing Ombudsman**.

When a complaint reaches the Housing Ombudsman Service they will decide if it is appropriate for them to consider the complaint. They will usually only consider investigating a case brought to them from residents of landlords and managing

agents who receive services directly and if the resident has already been through the Association's complaints process.

The contact details for the Housing Ombudsman Service are:

- Online complaint form: Online complaint form | Housing Ombudsman Service
- Phone: 0300 111 3000
- Email: info@housing-ombudsman.org.uk
- Postal address: Housing Ombudsman Service, PO Box 152, Liverpool L33 7WQ

4.0 Unacceptable behaviour

3CHA appreciate that someone who is making a complaint may be angry, anxious or distressed and may express their frustration when discussing the matter with staff. However, 3CHA will not tolerate abuse or threats towards staff. In circumstances when the behaviour of a complainant or their representative is not acceptable staff will discuss this with senior managers and agree how to progress the complaint. This may result in restricting methods or frequency of communication or designating one member of staff who will liaise with the complainant.

5.0 Compliments

We may also receive contact from residents who wish to compliment either an individual or the organisation on a particularly good service. Compliments will be recorded in the same way as complaints and passed onto the individuals involved in the service. Compliments form part of our system of feedback about what matters to residents and helps us to identify what is working effectively.

6.0 Persistent, frivolous or vexatious complaints

On some occasions we will receive complaints which may be frivolous or vexatious and where it is not possible to reach a reasonable solution or where the complainant will not accept a reasonable solution.

Such complaints may be as a result of someone being difficult and unreasonable or 'vexatious' but may also be due to a medical condition, mental illness or learning difficult which makes effective communication difficult.

Being persistent in trying to resolve an issue or a complaint is not in itself vexatious, and we will assess each case individually.

If we consider a complaint may be vexatious, we will carry out an assessment and liaise closely with any support/external agencies involved, and we will then agree how to deal with the situation based on the individual circumstances. We may apply a different means of communicating with the resident having considered their individual circumstances or ask them to only communicate with a nominated member of staff. In all cases the decision will be explained to the complainant.

7.0 Learning from complaints

We aim to learn from complaints and use this information to improve what we do. Complaints performance forms part of the quarterly operations report presented to

the Board. Additionally a designated Board member has responsibility for complaints performance and learning from our resident feedback.

When something changes as a result of a complaint, we will inform the resident of what has been changed.

8.0 Publication and review

We will publicise our Complaints Policy on our website alongside our self assessment against the Housing Ombudsman Complaints Handling Code.

The policy will be reviewed annually, or as a result of a change in legislation or following a request from the housing ombudsman.

3CHA Complaints Process

End