

Policy & Procedure for Greenwich Hospital Sheltered Housing

T 1G - TENANT COMPLAINTS PROCEDURE AND COMPENSATION (GSHS)

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1. Policy

Ideally, Greenwich Hospital attempts to manage its business so that complaints do not arise in the first place and looks to its managing agent, CESSAC and the on-site staff to take action or draw attention to problems before there is a need for a complaint to be made. Where a complaint does arise, it should be dealt with at the lowest level able to provide an answer or the redress sought.

This complaints policy applies to any individual using or directly affected by services provided by Greenwich Hospital Sheltered Housing (GSHS).

CESSAC and Greenwich Hospital provide a service for making complaints to:

- Give dissatisfied individuals a mechanism for seeking redress.
- Collect feedback to enable performance to be reviewed and continuously improve services.

Definition of 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.”

Staff are trained to recognise the difference between an informal complaint (pre-complaint), survey feedback and a formal complaint. Staff are encouraged to take appropriate steps to resolve the issue for the person complaining as early as possible.

An informal complaint is when staff are initially advised of a problem and are given the opportunity to put things right. Many problems can be resolved by frontline staff without the need to refer the matter as a formal complaint. These are known as “informal complaints” and are recorded and monitored proactively, as with formal complaints.

However, when staff have failed to put things right and the complaint remains unresolved, a formal complaint should be made following this policy.

Policy aims and objectives

CESSAC and Greenwich Hospital aim to resolve all informal and formal complaints as quickly as possible. They wish to ensure that all complaints, both informal and formal are dealt with objectively and that they apologise where at fault. They will compensate people in line with policy H26 – Compensation Payments – where applicable.

Complaints from either external organisations or individuals who are not tenants will be dealt with in accordance to this procedure for tenants’ complaints.

CESSAC aims to respond to all complaints within 5 working days of them being received, formal ones in writing. Where complainants remain dissatisfied with the service, they may ask for their informal or formal complaint to be escalated either to a Stage 1 or Stage 2 review as outlined in Section '2' below.

For all complaints, the complainants will be told who is responsible for dealing with their complaint and who will be their point of contact throughout. CESSAC's lead "Complaints Officer", with responsibility for overseeing all informal and formal complaints, is the Director of Housing (DoH).

The Complaints Officer role is to ensure that:

- CESSAC, acts sensitively and fairly.
- Staff are trained to receive complaints and deal with residents who may sometimes be distressed and upset.
- Complainants are able to access staff at all levels to quickly resolve their informal or formal complaint.
- Staff have the authority and autonomy to act to resolve disputes quickly and fairly.

CESSAC will learn from mistakes and will publish information about complaints each year, including the number of complaints received, together with summary information on what they are about and whether upheld.

Greenwich Hospital and CESSAC are mindful of their duties as outlined in The Equality Act 2010, to make reasonable adjustments for complaints with disabilities. They will make reasonable adjustments where necessary for those people with protected characteristics, to ensure that they provide the same services, as far as is possible, to all residents regardless of their status under the Act. Details about reasonable adjustments are available in Annex C of this policy.

2. Procedure

How a complaint can be made

Greenwich Hospital and CESSAC want to make the GHSB complaints process as easy to access and understand as possible and therefore provide several ways for complainants to make a complaint:

Informal complaints:

Where complainants have a complaint about a decision or action of, CESSAC or Greenwich Hospital, or a member of staff, they should initially speak to or email their Scheme Manager who will, if possible, resolve the complaint through informal discussion. Tenants are asked to use or read the Complaint Form (see Annex A), which is designed to help ensure they make it clear both what they are complaining about and what they would like to happen as a result. If the issue concerns the Scheme Manager, or the tenant is not satisfied with the result of this discussion with the Scheme Manager, then they should follow the following formal steps in order.

Formal complaints:

Formal complaints may be raised in the following ways:

- Email using enquiries@cessaha.co.uk (available for use 24/7).
- Telephone by calling 02392 829319 and leaving a message (available for use 24/7).

- In person by visiting CESSAC Head Office: 1 Shakespeare Terrace, 126 High Street, Portsmouth, PO1 2RH. Available (except for Bank Holidays) weekdays 8am – 4pm ('til 3pm Fridays).
- In writing to CESSAC Head Office at the above address.

CESSAC reserves the right to use discretion when applying the policy and may deal with a complaint differently where individual circumstances merit it. Any discretion needs to be applied fairly and appropriately and complaints should be progressed so far as possible to maximise the opportunity to resolve a dispute.

There are 3 stages to the formal complaint procedure for GSHH:

- **Stage 1** – investigation of the complaint:
 - Unless a complaint is about that member of staff, an investigation will be carried out by the Tenant Services Manager overseen by the Director of Housing, acting as the “Complaints Officer”.
 - Complaints should be submitted to the Tenant Services Manager in the first instance using the Tenants’ Complaint Form (Annex A) setting out full details of the complaint, and reasons why raising at Stage 1. If submitting either a telephone complaint, or a complaint in person at Head Office, staff will complete this form with the complainant’s help at the time and provide them with a copy for their records.
 - Unless responded to the same day it is received, the Tenant Services Manager will acknowledge receipt of the complaint in writing and provide a copy of the Privacy Notice at Annex B by the end of the next working day.
 - The Tenant Services Manager will thoroughly investigate all the circumstances surrounding the complaint and, as part of their investigation, may arrange to meet the complainant/s.
 - Every effort will be made to **investigate and respond within 5 working days of the date that a complaint is received.**
 - Immediately it becomes evident that it is not possible to complete all agreed actions within the 5-day period, complainants will be advised of the anticipated completion date. Updates will then be sent at 5 working day intervals to keep the complainant informed until it is responded to formally.
 - The complainant may be accompanied at any stage of the proceedings by one other person (see use of advocates).

If complainants are not content with the outcome of their Stage 1 complaint they should:

- **Stage 2** – reviewing a Stage 1 decision:
 - Contact the Director of Housing (using the methods highlighted in ‘How to make a Complaint’ above) stating why they wish the decision to be reviewed.
 - Other than in exceptional circumstances highlighted by a need to make a reasonable adjustment, requests to review a Stage 1 complaint decision must be made within 10 working days of the date of the Stage 1 outcome letter.
 - The Director of Housing will formally acknowledge a request to review a Stage 1 complaint.
 - **A formal Stage 2 response will be sent within 10 working days of the request for a review being received.** If additional time is necessary to fully complete any further

investigations complainants will be advised of the date of the anticipated final response. Updates will then be sent at 5 working day intervals to keep complainants informed. This should not exceed a further 10 working days without good reason.

- The Director of Housing will examine all the facts concerning the complaint, which may include meeting with the complainant/s. Where appropriate, the decision will be reviewed in consultation with CESSAC's Chief Executive Officer.
- The Director of Housing will then issue a written and final management decision, highlighting that if complainants remain dissatisfied, they may ask for their complaint to be reviewed by Greenwich Hospital under Stage 3 of this complaint policy.

If complainants are still dissatisfied they may:

- **Stage 3** – Greenwich Hospital scrutiny:
 - Write to the Chief Executive Officer, CESSAC, who will arrange for all appropriate evidence to be sent to the Director of Greenwich Hospital for scrutiny. It should be noted that the decision arrived at stage 3 will be final. CESSAC's Chief Executive Officer will acknowledge and make **every effort to ensure that Greenwich Hospital provide a response within 21 working days of receipt** of such a complaint. Where this is not possible, the aim is to provide an update and revised estimate of the response time.

If at any stage a complainant does not wish to pursue or continue with the formal Complaints procedure then an attempt may be made to resolve the issue on an informal basis.

Complaints from either external organisations or individuals who are not tenants will be dealt with in accordance to our procedure as for tenants' complaints. Where an external complaint involves one of our tenants, it will be considered at the appropriate stage.

Circumstances not covered by the complaints policy

CESSAC and Greenwich Hospital consider that the following exclusions are fair and reasonable to tenants and applicants.

CESSAC and Greenwich Hospital reserve the right to refuse to deal with a complaint or complaints, or to deal with them differently, if they are pursued unreasonably or could be handled more effectively in a different manner. Additionally, a complaint will not be re-opened at the request of complainants if, after review, it is established that no new evidence relevant to the complaint has been provided.

The complaints policy does not apply where:

- The issue of the complaint occurred over six months ago (where the problem is a recurring issue, any older reports will be considered as part of the background to the complaint if this will help to resolve the issue for complainants).
- The matter has previously been considered under the complaints policy.
- The complaint is about the behaviour of another resident. This would be dealt with under policy T2 – Anti-Social Behaviour.
- The issue is subject to legal action or to an enforcement notice or other statutory notice (CESSAC, on behalf of Greenwich Hospital, will, where possible, try and ensure that complainants are regularly kept informed and that enquiries are responded to within 10 working days, and sooner if possible).

- Complainants refuse to reasonably engage with CESSAC and/or the process after making the complaint, are abusive to staff, or act unreasonably.
- Several related complaints are made that would be more effectively dealt with together rather than on an individual basis. However, in this instance the complaints will be logged, although the policy timescales may not apply depending upon the components to be investigated.
- Complaints made by staff will be dealt with under the grievance procedure outlined in the Employees Handbook.

3. Further information

The use of advocates

Complainants may ask another person to act on their behalf in bringing their complaint. This advocate may be a friend, relative or representative from an external organisation such as Citizens Advice or similar agency. An advocate may not be a solicitor or other legal professional unless they are acting in a 'lay' capacity i.e. not representing the complainant on a professional basis.

Tenant petitions

A complaint made in the form of a petition on behalf of multiple tenants will be treated as one complaint. In this instance, all contact will be made via a nominated signatory.

Anonymous complaints

Anonymous complaints will not be acted upon; they will, however, be brought to the Tenant Services Manager's attention and investigated if deemed appropriate.

Third Party Complaints

Where a complaint involves a third party, e.g. a contractor, CESSAC may need to disclose some of the details about the complaint for it to be properly investigated. Any data shared will be done so in line with the Data Protection Act 2018.

Compensation

Greenwich Hospital will consider the payment of compensation to a tenant where either their or CESSAC's action or lack of appropriate action is demonstrated as having caused the tenant, or tenants, a personal financial loss or an unreasonable loss of a facility or normal service within Greenwich Hospital's control. Complainants who consider that they have a case for compensation should write in the first instance to the Tenant Services Manager providing as much relevant information as possible.

Tenants should be reminded that they are responsible for arranging flat contents insurance on their own furniture and possessions against damage or loss. Failure to do so will not be accepted as a justification to claim on Greenwich Hospital unless it caused the loss. Greenwich Hospital's own insurance only covers the property, structure, machinery (e.g. lifts, boilers etc), communal equipment, employees and third party liability.

Monitoring complaints

All complaints are kept under review for 3 months after which they will be closed, so long as there have been no further issues raised. CESSAC's informal and formal complaints log is reviewed annually by the Greenwich Hospital Sheltered Housing Management Committee (GSHMC).

Confidentiality

All complaints are treated with confidentiality in mind and in line with the Data Protection Act 2018.

Equalities statement

Greenwich Hospital and CESSAC will treat all complainants with fairness and respect. They value diversity and work to promote equality and tackle unlawful discrimination.

Their approach to complaints promotes openness between tenants, applicants and staff in order to understand and resolve the complaint in a positive manner. So far as is reasonable, when investigating complaints, an individual's needs and preferences will be fully considered and support offered. This includes tailoring the approach taken when responding to the complaint where necessary.

Any Related Documents

Policy E1 – Equality and Diversity, H26 – Compensation, T2 – Anti-Social Behaviour.

Distribution

Tenant Policy Folder, Dir GH, DoH, TSM, HSM, all full time CESSAC GHSH staff; File

Annexes

- A. Complaint form.
- B. Privacy Notice (to be given to the tenant at Stage 1 of the Complaint Process).
- C. Details of reasonable adjustments.

Privacy Notice (to be given to the tenant at Stage 1 of the Complaint Process)

It is almost inevitable that, in making a complaint in accordance with the policy above, you have voluntarily provided some personal data. In order to address your complaint, it may well be that the investigation will require more personal details to be sought, either from you or other relevant sources. The legal basis for processing your complaint and any further data is because the Organisation has a legitimate interest in doing so. Therefore, in accordance with the Data Protection Act 2018, it is worth providing you with this Privacy Statement to explain how the Organisation will process any such data collected.

CESSAC will be the Data Controller and will carefully record and securely retain any data collected in order to deal with your complaint. It will only be used for this purpose and only shared with those involved with responding to your complaint in accordance with this policy. The details will be kept for the duration of your tenancy and will only be processed again/further if relevant to any further issues that arise. There will be no other effects on you, except in the unlikely circumstance that it is discovered that your complaint has been made maliciously.

Reasonable Adjustments for Complaints Handling

When considering complaints from people with protected characteristics, Greenwich Hospital and CESSAC will make reasonable adjustments where necessary. This is to minimise barriers that people might face so that those with disabilities have the same access to complaints services, as far as is possible, as those who do not.

How what is a reasonable adjustment is decided

The Equality Act 2010 does not define what is 'reasonable', but guidance from the Equality and Human Rights Commission suggests that the most relevant factors are:

- The effectiveness of the adjustment(s) in preventing or reducing the disadvantage for the disabled person.
- The practicality of making the adjustments.
- The availability of resources including external assistance and finance.
- Any disruption to the service that making the adjustment may cause.
- CESSAC, on behalf of Greenwich Hospital, will monitor the reasonable adjustments made by recording it in the complaints data reported annually to GSHMC.

How these objectives will be met

Greenwich Hospital and CESSAC will do this by:

- Ensuring that no resident, member of staff, consultant, contractor or supplier is discriminated against.
- Ensuring that complaints services are accessible, and appropriately tailored (with reasonable adjustments where necessary) to the individual needs of residents.
- Developing and delivering complaints practices that will provide genuine equal opportunities for all.
- Having in place and monitoring a complaints procedure that is responsive to the needs of tenants with a protected characteristic.
- Promoting diverse tenant participation in key decision-making and service improvement.
- For people protected by The Equality Act 2010, allowing more time than would usually be allowed for them to provide any information needed to resolve their complaint and/or respond to enquiries and other queries.
- Providing specialist support where required, such as a sign language interpreter.

Requesting reasonable adjustments

People will be informed that reasonable adjustments can be provided when dealing with complaints in the following ways:

- By publishing this Complaints policy on the CESSA Housing Association website.
- By including a note on the Complaints policy indicating that the document can be provided in an alternative format on request.
- By regularly advising residents of the policy in the Tenant's Annual Report and other communication with them such as newsletters.