

Policy & Procedure for CESSA HA Staff & Tenants

DOCUMENTS MAY BE PROVIDED IN ALTERNATIVE FORMAT ON REQUEST

T 01H - COMPLAINTS PROCEDURE (CESSA HA SCHEMES)

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1. Policy

The Association attempts to manage its business so that complaints do not arise in the first place and looks to its 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 CESSA Housing Association's (the Association) services.

The Association provides a service for making complaints to:

- Give dissatisfied individuals a mechanism for seeking redress.
- Collect feedback to enable the Association to review its performance and continuously improve services.

The purpose of this complaints policy is to resolve complaints raised by tenants and applicants quickly and to use the learning from complaints to drive service improvements.

This policy is in line with the requirements of the Housing Ombudsman's complaints handling code, which came in to effect from 1 September 2020. The code ensures that complaint handling data is being used consistently across social landlords, promoting engagement at different levels within a landlord and sets out expectations for Boards, senior executives and frontline staff.

Definition of a Complaint

Following the introduction of the Housing Ombudsman's complaint handling code in September 2020, 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."

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 Association 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

The Association aims to resolve all informal and formal complaints as quickly as possible. It wishes to ensure that all complaints, both informal and formal are dealt with objectively and that it apologises where the Association is at fault. It 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.

The Association 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. The Association's lead "Complaints Officer", with responsibility for overseeing all informal and formal complaints is the Director of Housing.

The Complaints Officer role is to ensure that:

- The Association 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.

The Association will learn from mistakes and will publish information about complaints each year, including the number of complaints received, what they are about and their outcome.

The Association is mindful of its duties as outlined in The Equality Act 2010, to make reasonable adjustments for complainants with disabilities. It will make reasonable adjustments where necessary for those people with protected characteristics, to ensure that it provides 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

The Association wants to make its complaints process as easy to access and understand as possible and therefore provides several ways for complainants to make a complaint:

Informal Complaints:

Where complainants have a complaint about a decision or action of the Association or a member of its 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 819319 and leaving a message (available for use 24/7).
- In person by visiting 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 Head Office at the above address.

The Association 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 as far as possible to maximise the opportunity to resolve a dispute.

The Association has 2 stages to its formal complaint procedure:

- **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 complainants.
 - 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 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 the Chief Executive Officer.
- The Director of Housing will then issue a written and final management decision.

In accordance with the Housing Ombudsman's recommendation that there should only be 2 stages, there will be no further appeals process. Should complainants remain dissatisfied with how their complaint has been handled and/or with the outcome, on request the Association will provide them with details of how to escalate their complaint to the Housing Ombudsman. The Housing Ombudsman will not consider complaints submitted to them for further review until 8 weeks have elapsed from the date of the Association's Stage 2 response.

Where complainants wish a complaint to be reviewed more quickly, they should forward their request to a Designated Person. For more information on who may act as a Designated Persons see: <https://www.housing-ombudsman.org.uk/useful-tools/fact-sheets/3123-2/>.

Circumstances not covered by the complaints policy

The Association considers that the following exclusions are fair and reasonable to tenants and applicants.

The Association reserves 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 by the Association, it is established that no new evidence relevant to the complaint has been provided.

Tenants should be advised that the regular coffee mornings held for tenants to meet with members of the Housing Committee are designed to give tenants the opportunity to pass feedback to committee members. These gatherings are therefore not the forum in which to lodge formal complaints

The complaints policy does not apply where:

- The issue of the complaint occurred over six months ago (where the problem is a recurring issue, the Association will consider any older reports 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 the Association's policy T2 – Anti-Social Behaviour.

- The issue is subject to legal action or to an enforcement notice or other statutory notice (the Association will 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 the Association 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 the Association staff – these are dealt with under the grievance procedure outlined in the Employees Handbook.

3. Further Information

The Housing Ombudsman Service

The Association aims to resolve complaints either at Stage 1, or (in a small minority of cases) at Stage 2. However, should complainants remain dissatisfied, they may ask for a review of the case by the Housing Ombudsman Service.

The Association will cooperate with the Housing Ombudsman's requests for evidence and provide this within 15 working days. If the Association is unable to provide a response to the Ombudsman within this timeframe, an explanation for the delay will be submitted by the Director of Housing. If accepted as reasonable, a revised date will be agreed with the Housing Ombudsman.

The Ombudsman will only investigate a complaint where complainants have exhausted the Association's Complaints procedure, although this must be done within 6 months. For a complaint to be raised with the Ombudsman, complainants must be a tenant/or tenants living in a property owned by the Association or an applicant for its accommodation.

Contact details for the Housing Ombudsman Service are:

Housing Ombudsman Service
81 Aldwych
London
WC2B 4HN
Tel: 0300 111 3000
Lo Call: 0845 712 5973

E-mail: info@housing-ombudsman.org.uk

Web: www.housing-ombudsman.org.uk

The use of advocates

Complainants may ask another person to act on their behalf in bringing their complaint to the Association's attention. 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.

Compensation

The Association will consider the payment of compensation to tenants where its action or lack of appropriate action is demonstrated as having caused the tenants a personal financial loss or an unreasonable loss of a facility or normal service within its control. Tenants 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 are 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 the Association unless it caused the loss. The Association'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. The Association's informal and formal complaints log is reviewed three times annually by its Housing Committee.

Confidentiality

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

Equalities statement

The Association will treat all complainants with fairness and respect. It values diversity and works to promote equality and tackle unlawful discrimination.

Its approach to complaints promotes openness between tenants, applicants and the Association's staff in order to understand and resolve the complaint in a positive manner. So far as is reasonable, when investigating complaints, it commits to fully considering an individual's needs and preferences and will offer support or tailor its approach where necessary.

Governance

The Association's complaints policy meets the requirements of its regulator, the Regulator for Social Housing (RSH), Tenant Involvement and Empowerment Standard and the Housing Ombudsman's complaints handling code.

To ensure complaints are used to help improve services, regular updates on the volume, category and outcome of complaints, alongside complaint handling performance is provided (via the Housing Committee) to the Board. The use of complaint data alongside other management information on stock, services and resident feedback provides greater insight into the Association.

Annually, any issues and trends arising from complaint handling, including discussion of the Ombudsman's yearly landlord performance report and the inclusion of any organisational learning is discussed by the Board and shared in the annual report.

Consideration of individual complaint outcomes where necessary, including findings of severe maladministration by the Ombudsman, or any referrals by it to regulatory bodies, including scrutiny of any subsequent procedural or organisational changes, will be reported.

In addition, annually the Association will confirm that the complaint handling code is being applied.

Where a complaint involves a third party, e.g. a contractor, the Association 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.

The Association is registered with the Housing Ombudsman Service; this service provides individuals with an independent review should they remain dissatisfied at the end of the complaints process. Contact details can be found on the website at www.cessaha.co.uk.

Any Related Documents

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

Distribution

Tenant Policy Folder, the Board; Housing Committee; all full time HA 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 Association 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 Association will process any such data collected.

CESSA HA 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, the Association will make reasonable adjustments where necessary. This is to minimise barriers that such 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.

The Association will monitor the reasonable adjustments made by recording it in the complaints data, which is reported three times a year to its Housing Committee.

How these objectives will be met

The Association 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 Association's 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 annual Tenant's Annual Report and other communication with them such as newsletters.