

Complaints Policy

1.0 Introduction

- 1.1 We are committed to providing excellent services that meet the standards agreed with our customers. We recognise that sometimes the service may fail, and residents may receive a less than satisfactory service. Where this occurs, we are always keen to understand, learn and identify how we can improve the way we do things.
- 1.2 Complaints are taken seriously and dealt with professionally and our response plays an important part in shaping our image as an organisation committed to customer care and to maintain or repair our relationship with the resident or complainant.
- 1.3 We should always respond positively when we have failed in service delivery and look to resolve the issue. Our response can take a range of forms such as a sincere apology, a customer service gesture and in certain circumstances a compensation payment.
- 1.4 Our aims are to:
 - Welcome complaints and consider them as an opportunity for improvement
 - Learn from complaints and use this information to improve what we do
 - Listen and discuss complaints with the complainant involving them at every opportunity
 - Ask and understand what a complainant wants from their complaint and respond appropriately
 - Empower staff to be confident to respond to a complaint and consistently provide a high standard of service
 - Provide a dedicated team to coordinate complaints
 - Appoint an Investigating Officer as a point of contact to investigate and manage the complaint through to completion

2.0 Purpose

- 2.1 The Policy sets out our approach to dealing with and learning from complaints. We aim to deal fairly, equally, honestly, consistently and impartially with all complaints. We must also identify areas where service failure or an inability to meet our published standards of service requires remedial action.
- 2.2 This policy also incorporates changes introduced by the Localism Act 2011 to the way complaints about social landlords are handled.

2.3 This Policy also helps to ensure that we adhere to the Housing Ombudsman's Complaint Handling Code. Details of which can be found on the Housing Ombudsman website at <https://www.housing-ombudsman.org.uk>.

3.0 Confidentiality

3.1 ccha takes the issue of data management very seriously and will do all it can to ensure that the principles laid down by the General Data Protection Regulations 2016 and the Data Protection Act 2018 ("GDPR") are observed and well governed.

3.2 For the purposes of this policy and how we manage the information that we hold on individuals as part of our claim management processes, ccha will comply with its obligations under GDPR.

4.0 Definitions

4.1 A **Complaint** is:

'An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by ccha, our staff or those acting on our behalf, affecting an individual resident or group of residents'

A complaint is separate from an enquiry or a request. The complainant does not have to use the word 'complaint' in order for it to be treated as such.

4.2 An **Enquiry** is when a resident contacts us to ask us something about their home or tenancy. For example, a resident might ask for information about their rent account or for an explanation of a policy. This is not a complaint. If we fail to provide this information, then this could become a complaint.

4.3 An **Service request** is when a resident contacts us to ask us to do something to their home or tenancy. For example, a resident may ask for a repair to their home. This is not a complaint.

4.4 An **Escalated service request** is where the resident remains dissatisfied because we have not responded in a timely manner or actioned the initial service request or enquiry satisfactorily, but the resident does not wish to make a formal complaint at this stage and/or the matter is capable of an easy or quick resolution.

4.5 A **complainant** is one of our residents, service users, applicants or a representative acting on their behalf. They can also be a member of the public directly affected by the services we provide or the actions of our staff or contractors whilst they are working on our behalf.

4.6 A **representative** is a person chosen by the complainant to assist in the presentation of their complaint including elected representatives but not a lawyer retained on the complainant's behalf.

4.8 **KPIs** are our set key performance indicators for managing complaints. Details can be found in the Complaints Procedures document.

4.9 An “**unresolved problem**” is that specified in paragraph 6.2 below.

4.10 **CX** is ccha’s data management system.

5.0 Related Policies and Procedures

5.1 This policy should be read in conjunction with the Complaints Procedures and the following related documents:

- Compensation Policy
- Right to repair scheme
- Repairs and Planned Maintenance Service Standards
- Data Protection Policy
- Insurance procedures
- Equality, Diversity and Inclusion Strategy
- Unacceptable User Policy
- Reasonable Adjustments Policy
- Customer Service Standards
- Safeguarding Policy
- Lettings and Allocation Policy
- Anti-social Behaviour Policy

6.0 Scope

6.1. This policy applies to any complainant making a complaint against us or our contractors.

6.2 When a complainant contacts us because they are dissatisfied with something we have or have not done we will consider this to be a complaint. A complaint could include one or more of the following unsolved problems:

- Dissatisfied with a delay in providing a service
- Dissatisfied because we have failed or refused to provide a service
- Dissatisfied with the poor quality of service received or a mistake that has been made
- Dissatisfied because we have removed or withdrawn a service
- Dissatisfied with a staff member’s behaviour
- Dissatisfied because the complainant has been unreasonably disadvantaged by the inappropriate application of a policy
- Dissatisfied because we have unfairly discriminated against a complainant

6.3 Where the problem is a recurring issue, older reports not previously investigated under the complaints procedure will be considered as part of the

background to the complaint if this will help to resolve the issue for the complainant.

- 6.4 Where additional complaints are raised 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 will be logged as a new complaint.
- 6.5 Where the complainant has a legal entitlement to redress, ccha will offer a resolution where possible, obtaining legal advice as to how any offer of resolution should be worded.
- 6.6 If the issue is not a complaint within the definition of this policy, we will deal with it through the relevant alternative policy or procedure.

7.0 Exclusions

- 7.1 There are some circumstances that may fall outside the scope of this policy, for example:

- 7.1.1 The issue giving rise to the complaint occurred over 6 months ago. However, complaints which concern safeguarding or health and safety issues may still be investigated.

- 7.1.2 Where legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim have been filed at court.

Guidance on the Housing Ombudsman pre-action protocol is provided in the staff complaints procedures.

The decision of the external process will be final and a complaint on the same issue cannot be reopened or lodged for the first time.

- 7.1.3 Matters that have already been considered under the complaints policy.

- 7.2 Where we do not accept a complaint, we will provide a detailed explanation to the complainant setting out the reasons why the matter is not suitable for the complaints process and explaining their right to refer this decision to the Ombudsman.
- 7.3 The application of any relevant exclusions will be considered at each stage of the process. Where the outcome being challenged relates to a Stage 1 decision then the correct course of action is to escalate and re-consider this again during the Stage 2 investigation.

8.0. Persistent or Unreasonable Complaints

- 8.1 If a complainant has made unreasonable complaints in the past, we will not assume that the next complaint is unreasonable. The merits of each case will be considered rather than the attitude of the complainant.
- 8.2 If a complaint is deemed as persistent, unreasonable, vexatious or frivolous, the complaint may be refused. In such circumstances we will inform the complainant of what alternative methods will be used to manage communications with the complainant.
- 8.3 Any restrictions placed on a complainant's contact due to unacceptable behaviour will be appropriate to their needs and demonstrate regard for the provisions of the Equality Act 2010.

9.0 Fair and Equal Treatment

- 9.1 The Equality Act 2010 will be complied with providing for our normal policies, procedures, or processes to accommodate an individual's needs. ccha will respond to reasonable adjustment requests in line with the Act and our complaint handlers will have received training to deal with such requests.
- 9.2 We will make sure everyone is treated fairly and without discrimination, regardless of their race, gender, sexual orientation, disability, religion or belief, gender re-assignment, pregnancy and maternity, marriage and civil partnership and age. We will promote inclusion, challenge discrimination and seek to make reasonable adjustments to ensure that everyone can access our services and that no one is excluded inappropriately from any services or activities provided by us.
- 9.3 An Equality Impact Assessment has been undertaken and has indicated that this policy would not discriminate against any specific groups.
- 9.4 If someone is dissatisfied with the arrangements for providing reasonable adjustments, ccha will respond in accordance with our complaints policy and may seek external advice where appropriate.

10.0 Staff Conduct

- 10.1 The highest standard of behaviour from our staff is expected. Further guidance is provided in our Complaints Procedures document.
- 10.2 If a resident feels the behaviour of a member of staff is unacceptable the formal complaints process will be followed.

11.0. Making a Complaint

- 11.1 A complainant can make a complaint by any method – verbally or in writing. A complaints form is available in paper form or on our website if preferred.

- 11.2 A detailed procedure on how to process a complaint is contained in the Complaints Procedure document for staff including the timeframes for responses and use and application of CX.
- 11.3 A 'How to make a complaint' leaflet is available for residents and a separate more detailed Resident Complaints Procedure is also available and can be sent on request.

12.0 Complaint Stages

Escalated service request (ESR)

- 12.1 Where a complainant may be dissatisfied with our service but not at a level where they wish to take the matter forward as a formal complaint and the issue is capable of resolution at an operational level, we will treat the matter as an escalated service request.
- 12.2 If the resident is not satisfied with the outcome or requests the matter is escalated then a formal complaint will be raised.

Formal Complaint

- 12.4 **Stage 1** complaints will be logged and acknowledged in writing within 2 working days of receipt. They will then be passed to an appropriate manager, or by delegation to a senior officer, for investigation. A written response detailing the outcome of the complaint will be sent within 10 working days from the receipt of the complaint. The complainant has 10 working days to consider our response and if they remain dissatisfied the complainant can request an escalation to Stage 2 stating their reasons why and what outcome they are looking for.
- 12.5 If the complaint relates to a member of staff the appropriate Line Manager will be appointed as the Investigating Officer at Stage 1.
- 12.6 **Stage 2** complaints will be logged and acknowledged in writing within 2 working days of the request to escalate. A Director will be appointed to investigate. A written response will be sent within 20 working days from receipt of the request to escalate detailing the outcome of the investigation.
- 12.7 ccha's formal response confirms that this completes ccha complaints process. If the resident wishes to escalate their options are explained.
- 12.8 Complainants will be contacted to discuss the complaint by the Investigating Officer. Where additional time is needed to complete the investigation, complainants will be informed of the reasons for this. Any extension of time required will be with the mutual consent of the complainant.
- 12.9 Where agreement over an extension period cannot be reached, we will provide the Housing Ombudsman's contact details to the complainant to enable them

to challenge ccha's plan for responding and/or the proposed timeliness of ccha's response.

External Complaints

- 12.10 On the occasions when we are unable to conclude our complaints process to the satisfaction of the complainant, they will be advised of their right to approach a designated person such as an MP, Councillor or Designated Tenant Panel or to escalate to the Housing Ombudsman.

Designated Person

- 12.11 With effect from 1 October 2022 the requirement for the resident to refer to a designated person or wait eight weeks before the Ombudsman considers their complaint has been removed. Residents can now access the Ombudsman service directly if they are unhappy with the landlord's final response to their complaint.

Designated Panel

- 12.12 The option to refer to a Tenant Panel remains and ccha have a Service Level Agreement with Croydon Housing Complaints Panel (CHCP) to refer complainants to the panel if requested for an independent review.

MP Enquiry

- 12.13 We do not correspond with the complainant directly but provide information to the MP to respond.

The Ombudsman

Housing Ombudsman Service

- 12.13 Following a Stage 2 complaint, the complainant can refer their case directly to the Housing Ombudsman.
- 12.14 On receipt of a complaint either passed on from a designated person or received direct from the complainant, the Housing Ombudsman will investigate the complaint and inform the complainant, designated person (if involved) and landlord of:
- The results of the investigation
 - Details of any determination made against the landlord

- 12.15 For general advice, complaints and escalations, residents are able to contact the Housing Ombudsman Service in the following ways:

Telephone: 0300 111 3000

Email: info@housing-ombudsman.org.uk

On-line form: <https://www.housing-ombudsman.org.uk/residents/make-a-complaint/>

Complaints correspondence in writing: Housing Ombudsman Service, PO Box 152, Liverpool, L33 7WQ

Other correspondence in writing: Housing Ombudsman, Exchange Tower, Harbour Exchange Square, London, E14 9GE

Financial Ombudsman Service

12.16 For complaints relating to financial matters residents can access the Financial Ombudsman Service in the following ways:

Telephone: 0800 023 4567

Email: complaint.info@financial-ombudsman.org.uk

Complaints correspondence in writing: The Financial Ombudsman Service, Exchange Tower, London E14 9SR

13.0 Monitoring and Learning

13.1 ccha operates a positive complaints handling culture seeking to learn and improve on our processes and service delivery.

13.2 All complaints will be logged, tracked and managed via our data management system CX. Responses and progress will be monitored against set KPIs and timescales.

13.3 Standard key performance reporting, including themes and learning, is in place and issued either quarterly, biannually and/or annually to residents, staff, leadership and the Board. This is communicated in a number of formats including:

- The Annual Report
- The Housing Ombudsman Complaint Handling Self-assessment
- Connections magazine
- Website quarterly performance reporting
- Periodic reports and summaries to staff, leadership and the Board
- Annual performance report by the Customer Investment Team
- Quarterly complaints forum to review learning

13.4 The quarterly forum is held with representatives from all relevant departments involved in the process. Details of the structure and operation can be found in the complaints procedures.

13.5 The Chair of the Remuneration and Nomination Committee is responsible for helping to support a positive complaints culture and ensuring the board receive regular information on complaint handling performance.

13.6 The Housing Ombudsman Complaint Handling Self-assessment will be completed on an annual basis and will be reported to the Board and published on our website and in our Annual Report.

14.0 Complaints Management and Training

- 14.1 Staff are expected to manage and respond to complaints using a collaborative and co-operative approach towards resolving them, working with colleagues across teams and departments. They should take a collective responsibility for any shortfalls identified through complaints rather than blaming others and act within the Professional Standards for engaging with complaints as set by the Chartered Institute of Housing.
- 14.2 All staff will receive regular complaints training and those directly involved in complaints handling will regularly attend selective sessions offering advice and guidance in delivering best practice in complaint handling.
- 14.3 The Housing Ombudsman offers a free online dispute resolution e-learning for Landlords which can be accessed at all times.
<http://www.housing-ombudsman.org.uk/learning-faqs/dispute-resolution-e-learning/landlord-e-learning/>

15.0 Compliments

- 15.1 We may also receive contact from a party who wishes to make a compliment about a member of staff or the organisation on particularly good service.
- 15.2 A compliment can be received verbally or by email or in writing. This could take the form of a thank you card or similar.
- 15.3 Compliments will be recorded electronically in the same way as complaints and passed onto the individuals involved in the service.
- 15.4 Compliments form part of our system of feedback about what matters and helps us to identify what is working effectively.
- 15.5 We record the number of compliments received annually and monitor our performance.

Version History	
Policy Name	Complaints Policy
Version Code	3.0
Lead Officer	Director of Customers
Equality Impact Assessment	March 2020
Resident Consultation	February 2020
Colleague Consultation	February 2020
Date of Issue	October 2022
Review Date	October 2025
Policies and Procedures Replaced	Complaints Policy 2020 V2.2
Amendments Made	<p>September 2022</p> <ul style="list-style-type: none"> • Designated person section updated following change in law <p>August 2022</p> <p>Response to complaint handling code v2</p> <ul style="list-style-type: none"> • Service request definition altered to confirm escalation to a formal complaint if we fail to deliver • Added policy ref to unacceptable behaviour, reasonable adjustments and EDI • How we will respond to additional complaints added • Exclusions amended to clarify position on legal proceedings • Section added re declining to accept or escalate a complaint • Timescale for complainant request to escalate specified • How an extension to the timescale will be addressed • Ref to learning from complaints