

Complaints and Feedback Policy and Procedure

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Introduction

Empower Housing Association (EHA) welcomes all feedback from tenants and their representatives and recognises that this feedback provides valuable information that we can use to design the services we offer.

A key part of this feedback is tenant complaints, which allow us to learn from experiences where things may have gone wrong and make amendments to our working practices to ensure that they don't happen again. We encourage feedback by providing different channels through which tenants can easily make a complaint.

The Board and Senior Managers at EHA recognise that complaint handling is an important strategic role, providing vital insight on our performance and reputation, with the Chair of Board identified as the Complaint Lead.

Complaints can be a good indication of how EHA is performing as a landlord and through learning and implementing change, we aim to improve future service delivery. EHA will therefore ensure that our colleagues are supported and engaged in the complaints process, including the learning that can be gained. Performance data on complaint handling will be considered by the Board within Operations Reports and alongside other key performance indicators to provide assurance, assess any risks, identify emerging trends and learning points to improve services to tenants.

EHA will continue to complete and publish its self-assessment against the Housing Ombudsman's Complaint Handling Code, which promotes the progressive use of complaints and provides a useful framework to support effective handling and prevention of complaints. EHA will continue to provide the Board with the annual Self-Assessment against the Complaint Handling Code for scrutiny and challenge.

EHA will provide tenants with contact information for the Housing Ombudsman on all correspondence with tenants.

Within Operational Reports EHA will provide the Board with a review of the volume, issues and trends and learning arising from complaint handling along with individual complaint outcomes where necessary, including where the Ombudsman made findings of severe maladministration or referrals to regulatory bodies. The implementation of management responses will also be tracked to ensure they are delivered to agreed timescales.

The Housing Manager has lead responsibility for complaints to support a positive complaint handling culture. They will ensure that any complaint is allocated to an appropriate Manager to ensure no conflict of interest in complaint investigation. The Housing Manager is responsible for ensuring EHA's Board receives regular information on complaints that provides insight to the Board on EHA's complaint handling process and learning.

What is a Complaint - Definition

EHA recognise that effective complaint handling is a tenant focused process that enables tenant voices to be listened to and understood.

We have used the Housing Ombudsman definition of a complaint which 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”.

What is not a complaint - Exclusions

There are a number of circumstances in which a matter will not be considered a complaint, and which we consider to be fair and reasonable in accordance with the Housing Ombudsman’s Code. These are:

- A comment, or series of comments, where the tenant is making a suggestion about how we may improve or maintain our service
- A question, or series of questions, where a tenant is requesting information about a service we provide
- A service request, where the tenant is letting us know about a particular issue for the first time; for example reporting a repair or an incident of anti-social behaviour
- The issue giving rise to the complaint occurred over six months ago
- Legal proceedings have been started
- Matters that have already been considered under the Complaints and Feedback Policy.

When we decide not to accept a complaint, we will provide an explanation setting out the reasons why the matter is not suitable for the complaints process.

Tenants have the right to challenge this decision by taking their complaint to the Housing Ombudsman.

Making a Complaint

We will always attempt to resolve a complaint at the first point of contact and empower our colleagues to resolve any concerns there and then. At this stage we will confirm our understanding of the complaint and the outcomes being sought with the tenant. Where this may include legal obligations for both EHA and the tenant, we will ensure we set out our understanding of the obligations clearly.

Complaints can be made by the following means and will be dealt with in the strictest of confidence by our Housing Management Team.

- Telephone
- Visiting our office
- Emailing or writing to our Housing Management Team
- Submitting an online form via our website
- Informing a member of the EHA team during a property visit

EHA will also seek to obtain feedback from the tenant in relation to its’ complaint handling as part of the drive to encourage a positive complaint and learning culture. A Complaint Handling survey will be provided to a tenant once a complaint has either been:

- resolved, or

- referred to the Housing Ombudsman

We will record all complaints on the Housing Management system SDM. As part of every complaint received EHA will ensure there is a review of lessons learned in relation to each complaint. In addition regular reports will be run from the system to identify if there are any trends in tenant dissatisfaction and any lessons we can learn.

EHA has a standard approach to complaint handling for colleagues that reflects the need to:

- have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments
- taking collective responsibility for any shortfalls identified through complaints rather than blaming others

When we receive a complaint, we will adhere to any reasonable arrangements agreed with tenants in terms of frequency and method of communication i.e. braille, email, text where possible.

A tenant and if applicable an employee of EHA who is the subject of the complaint, will also be given a fair chance to:

- Set out their position
- Comment on any adverse findings before a final decision is made

Individual identities of colleagues or contractors will not necessarily be shared in communication with tenants when dealing with a complaint.

EHA will allow tenants the opportunity to have a representative deal with their complaint on their behalf and to be represented or accompanied at any meeting with EHA where this is reasonable to do so.

If we are unable to resolve the complaint at the first point of contact, we will investigate under the formal complaints process. EHA will not unreasonably refuse to escalate a complaint through all stages of the complaints process.

A formal complaint can occur when:

- A tenant is unhappy about a service that they have received from EHA or the attempts that EHA has made to resolve the issue
- A tenant requests that the service they have received be reviewed by a manager, or the tenant has expressly asked for a complaint to enter the formal complaints process
- A colleague has triggered the formal complaints process to reach a resolution with a tenant.

A full record will be kept of the complaint, any review and the outcomes at each stage, including all correspondence with the tenant and with other parties etc.

At the completion of each stage of the complaints process we will ensure that tenants

are communicated with and advised of the following information:

- the complaint stage
- the outcome of the complaint
- the reasons for any decisions made
- the details of any remedy offered to put things right
- details of any outstanding actions
- indicative timescale for remedy/resolution
- learning for EHA from the complaint
- details of how to escalate the matter whether to stage 2 or the Ombudsman if the tenant is not satisfied with the outcome of the complaint investigation.

The process has 2 stages and will be co-ordinated by the Housing Services Manager who is the dedicated Complaints Officer, and Senior Management. If a tenant is unhappy or dissatisfied with a response during the complaints process, they can appeal to the Housing Ombudsman Service.

In some cases, a tenant may have a legal entitlement to redress. EHA's Compensation Policy and Procedure provides further detail.

Complaints received will be detailed within EHA's Operational Reports and presented to the Management team to allow for actions, outcomes and learning to be reviewed.

Stage 1 - Investigation

EHA will make it easy for tenants to make a complaint in a way that is the most convenient for them. The complaint will be acknowledged within five working days. We'll investigate the complaint and discuss with the tenant what they feel is required to resolve the issue. Where the problem is a recurring issue, EHA will consider any older reports as part of the background to the complaint if this helps to resolve the issue for the tenant.

Where tenants raise additional complaints during the investigation process, these will be incorporated into the Stage 1 response if they are relevant, and the Stage 1 response has not been issued. Where the Stage 1 response has been issued, or it is found to unreasonably delay the response, the complaint will be logged as a new complaint.

A complaint response will be sent to the tenant when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned in a timely way with regular updates provided to the tenant. We will provide a full written response within ten working days. If this is not possible, an explanation and a date when the stage one response will be received will be agreed. This should not exceed a further 10 working days without good reason.

Where an agreement for an extension period to Stage 1 cannot be reached EHA will provide the tenant with the Housing Ombudsman's contact details to appeal the plan for responding and/or the proposed timelines for a response.

Stage 2 – Review

EHA will not unreasonably refuse to escalate a complaint to Stage 2 if the Stage 1 complaint is not resolved to the tenant's satisfaction. The tenant can request a review of the complaint within 10 working days of receipt of the outcome.

A Senior Manager will consider the initial findings of the complaint investigation and may choose to take further action. They will ensure there is a clear understanding of the issues outstanding and the outcomes that the tenant is seeking. If any aspects of the complaint are not clear, the tenant will be asked to provide clarity and agree definitions to enable a thorough review of the complaint.

The review outcome will be completed within 10 working days of the request. If this is not possible, an explanation and a date when the stage two response will be received will be agreed. This should not exceed a further 10 working days without good reason.

Where an agreement for an extension period to Stage 2 cannot be reached EHA will provide the tenant with the Housing Ombudsman's contact details to appeal the plan for responding and/or the proposed timelines for a response.

EHA will confirm the following in writing to the tenant at the completion of Stage 2 in clear, plain language:

- the complaint stage
- the complaint definition
- the decision of the complaint
- the reasons for any decisions made
- the details of any remedy offered to put things right
- details of any outstanding actions
- indicative timescale for remedy/resolution
- learning for EHA from the complaint

- details of how to escalate the matter to the Housing Ombudsman Service if the tenant remains dissatisfied.

Housing Ombudsman

If the tenant remains unhappy or dissatisfied with the response to the complaint, they can appeal to the Housing Ombudsman.

Making a referral to the Ombudsman is free and further details can be found at: <http://www.housing-ombudsman.org.uk/>

This can either be done by the tenant directly or can be co-ordinated through the Housing Services Manager. The referral must be made within eight weeks of the final decision.

Related Legislation, Regulation and Codes of Practice

- Housing Act 1985 and 1988 as amended
- Social Housing (Regulation) Act 2023
- Equality Act 2010
- Data Protection Act 2018
- Regulator of Social Housing Regulatory Standards
- Housing Ombudsman Complaints Handling Code

Related Policies, Procedures and Documents

- Anti-Social Behaviour Policy
- Equality, Diversity and Inclusion Policy
- Compensation Policy and Procedure
- Data Retention Policy

Misuse of the complaints process

Unreasonable and persistent complainants are defined as “those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation’s consideration of their, or other people’s complaints.”

In a minority of cases some tenants may decide to pursue their complaints in a way that is unreasonable. They may behave unacceptably or be unreasonably persistent in their contacts with EHA. This behaviour can impede an investigation and have a significant impact on resources. For those tenants who behave in this way or their actions restrict colleagues from carrying out their work and providing services, having regard for the provisions of the Equality Act 2010, EHA may manage this by restricting their access to employees, however we will always maintain at least one point of contact for them.

Compliments

Compliments are a positive measure of tenant satisfaction with colleagues and services. EHA welcome feedback and compliments from tenants and use this information to help shape the services delivered.

Tenants can log complaints and compliments by:

- Telephone
- Visiting our office
- Email to admin@empowerhousing.org.uk
- Submitting an online form via our website
- Informing a member of the EHA team during a property visit
- Writing to us at: Empower Housing Association, 33-35 Hollinshead Street, Chorley, PR7 1EP

Reporting

EHA will look beyond the circumstances of individual complaints and consider whether anything needs to be put right in terms of its policies, procedures and systems. Using the complaint process in this way enables EHA to learn from the

issues that arise for tenants and to take steps to improve the services it provides as a positive consequence. EHA will use feedback and report as follows:

- Quarterly performance reports will be presented to the Board on the volume, category, outcome and learning from complaints and compliments
- The Empower Annual Report will share trends arising from complaint handling and any learning or changes made as a result of complaints and compliments
- The Board will review any orders from the Ombudsman and findings of severe maladministration of the Ombudsman, or any referrals by it to regulatory bodies in relation to EHA
- The Board will review annually the self-assessment to confirm that the Ombudsman Complaint Handling Code is being applied

Policy Review

The policy will be reviewed every two years (or sooner if there is a change in regulation, legislation or codes of practice).