



# 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 recognise that any time a tenant expresses dissatisfaction we will offer the choice to make a complaint, and this can include a complaint submitted by a third party or representative which will be handled in line with this policy. We encourage feedback by providing different channels through which tenants can easily make a complaint.

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

EHA will provide tenants with contact information for the Housing Ombudsman on all correspondence with tenants and will publish details on the website for ease of access for tenants and their representatives. Details will also be included within tenant newsletters issued throughout the year.

If EHA is unable to comply with the Housing Ombudsman Complaint Handling Code due to exceptional circumstances, EHA will inform the Housing Ombudsman and update the EHA website providing an indicative timescale for returning to compliance with the Code.

## **Scope of the Policy**

This policy seeks to meet the requirements of the Social Housing (Regulation) Act 2023 and the revised statute from April 2024 to comply with the Housing Ombudsman Complaint Handling Code.

Whilst regulatory requirements are aimed at the provision of services to tenants, the standards that have been adopted in the policy apply to all EHA tenants or non-service users making a complaint. This includes complaints made directly by tenants, their advocates and representatives.

## **The Policy**

### **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”.

Whilst initial service requests are not classified as complaints, if we have not resolved a service request to the satisfaction of the tenant, a complaint will be raised if the tenant expresses dissatisfaction, even if we are continuing to deal with the service request. We will record, monitor and review these regularly as another key area of learning.

Where we ask for feedback via surveys or any other feedback method, we will ensure that details of how to complain are provided to the tenant or their representative.

### **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
- Feedback from tenants provided via surveys and general wider feedback opportunities
- 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 twelve months ago
- Legal proceedings have been started such as the Claim, Form and Particulars of Claim having been filed at court.
- Matters that have already been considered under the Complaints and Feedback Policy.

When we decide not to accept a complaint, each complaint will be considered on it’s own merits and we will provide an explanation setting out the reasons why the matter is not suitable for the complaints process. Tenants will be informed that they have the right to challenge this decision by taking their complaint to the Housing Ombudsman.

Discretion may be used to accept complaints made outside of the 12-month time limit where it is deemed there is good reason to do so.

### **The Process - Making a Complaint**

We will always attempt to resolve a complaint at the first point of contact and empower all our colleagues to resolve any concerns there and then and we would encourage tenants to make a complaint to any colleague.

If we are unable to resolve 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.

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 confidence by our Housing Management Team.

- Telephone
- Visiting our office
- Email to [admin@empowerhousing.org.uk](mailto: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

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

- deal with complaints on their merits, act independently, and have an open mind
- Ensure clarity of responsibility for relevant aspects of the complaint with the tenant
- give the tenant a fair chance to set out their position
- take measures to address any actual or perceived conflict of interest
- consider all relevant information and evidence carefully
- 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
- ensure all colleagues are trained in the management of complaints
- endeavour to remedy a complaint at the earliest opportunity at any stage of the process without the need to escalate

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 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

### **Reasonable Adjustments**

When we receive a complaint, in line with the Equality Act 2010 we will adhere to any reasonable adjustments agreed with tenants in terms of frequency and method of communication i.e. braille, email, text where possible. EHA will record any reasonable adjustments made as well as a record of any disabilities which have been disclosed. We will review the tenants requirements and any reasonable adjustments made throughout the management of the complaint.

### **Communication**

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

EHA will give 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.

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 complaint definition
- the decision on the complaint – addressing all points raised
- clear reasons for any decisions made – referencing relevant policy, law and good practice
- 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.

At both stages, 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 will still be tracked and actioned in a timely way with regular updates provided to the tenant.

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

In some cases, a tenant may have a legal entitlement to redress. EHA's Compensation Policy and Procedure provides further detail on the actions which should and can be taken to put things right.

### **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 defined, logged and 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.

All aspects of the complaint will be considered at an early stage and any vulnerabilities or risk concerns with regard to the tenant will be taken account of to ensure that where EHA can resolve a complaint promptly it will do so.

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 will 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, and frequency of updates will be agreed with the tenant. 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 review will be acknowledged, defined and logged at stage 2 **within 5 days of the escalation request being**

**received.** No reasoning or explanation is required from the tenant as to why they wish to escalate their complaint.

Director or CEO 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 20 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 20 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 on the complaint - addressing all points raised
- the clear reasons for any decisions made- referencing relevant policy, law and good practice
- 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.

### **Responsibilities**

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.

The Housing Services Manager is the dedicated Complaints Officer, and Senior Manager. They have the 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 Services 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.

### **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 and keep this under regular review.

### **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 also log compliments by:

- Telephone
- Visiting our office
- Email to [admin@empowerhousing.org.uk](mailto: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 and Monitoring**

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:

- Complaints will be reported on in EHA's Operational Reports and presented to the Management team to allow for actions, outcomes and learning to be reviewed.
- 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.
- 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 implementation of management responses will also be tracked to ensure they are delivered to agreed timescales.
- Board will review annually the self-assessment to confirm that the Ombudsman Complaint Handling Code is being applied alongside the annual complaints performance and service improvement report to be published with a relevant response from Board.
- The annual self-assessment will be submitted to the Housing Ombudsman in line with the required timescale.

Further self-assessments may be required and would be reported to Board:

- following any significant change in procedures or organisational structure
- as the result of an Ombudsman investigation

### **Review**

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