

## Complaints Policy & Procedures

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**Related documents:**

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### 1 Purpose

- 1.1 This policy documents how service users may complain about CHL services, and what will happen when a complaint is received. The policy has been drafted and complies with the Housing Ombudsman Code of Practice.

### 2 Introduction and aims

- 2.1 Cromwood Housing Limited (CHL) provides social housing and housing management services to tenants in housing need.
- 2.2 CHL employs a management agent (MA) partner, to deliver all CHL's services. The MA follow CH's complaints policy in the management of complaints.
- 2.3 CHL strive to meet the high standards it has set itself in the delivery of services to tenants. When this doesn't happen, tenants and others affected by its services may wish to complain. In such instances, CHL will focus on finding a solution for the complainant as quickly as possible.
- 2.4 CHL encourages people to come forward and make complaints when things have gone wrong in order that CHL can learn from mistakes and make things better for tenants in future.
- 2.5 By listening to our tenants and dealing with complaints about our services, we can learn and improve our services.
- 2.6 At all times, CHL will work with other agencies, including local authorities and social services, to support tenants who wish to make a complaint.
- 2.7 The Complaints policy aims to:
- 2.7.1 Set out a clear and fair way for tenants and others to make complaints;
  - 2.7.2 Focus CHL on finding solutions that meet resolve the situation; and
  - 2.7.3 Recognise that CHL tenants are vulnerable and may face additional barriers to making their views and voices heard

### 3 Legislation and Regulation

- 3.1 This policy is compliant with the consumer standards set by the Regulator of Social Housing.
- 3.2 CHL is a member of the Housing Ombudsman Service, and as such, this policy seeks to comply with its Complaint Handling Code. An annual self-assessment is completed to ensure we are reviewing compliance with the Code.

#### **4 What is a complaint?**

- 4.1 For the purpose of this policy, a complaint is: An expression of dissatisfaction, however made, about the standard of service delivered, actions or lack of action by the organisation in response to a request for service, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.
- 4.2 This also applies to those people supporting our tenants who may also come into contact with our services, such as support services and any advocates for the tenant.
- 4.3 The use of the word “complaint”, or “complaining” does not constitute a complaint. This Policy and our internal procedures will support complainants on a case-by-case basis.

#### **4.4 Complaints that cannot be dealt with under this policy**

- 4.4.1 Contact with CHL from a tenant asking for a service for the first time or making a complaint about the behaviour of a neighbour for the first time, is not a complaint but is a service request. If CHL subsequently fail to respond to that service request in line with its published policy, that matter may become a complaint.
- 4.4.2 Complaints about being refused accommodation or about eviction action are dealt with through the Allocation and Lettings Policy and the Tenant Income Management Policy, which are available on request
- 4.4.3 Anonymous complaints
- 4.4.4 a complaint that has already been fully investigated in-line with this policy
- 4.4.5 a complaint about an employee about any matter relating to their employment
- 4.4.6 where the issue took place more than 12 months ago
- 4.4.7 complaints that are being pursued in an unreasonable manner
- 4.4.8 this policy does not cover complaints that are subject to legal action, where action has commenced following pre-action protocol
- 4.4.9 this policy does not cover complaints which are subject to insurance claims, until the outcome of the claim has been confirmed
- 4.4.10 Complaints that are not the result of activity carried out by CHL or the managing agent such as complaints about other services that are supporting the tenant. Where possible, CHL will signpost the complainant to the relevant process.
- 4.5 The circumstances of each individual complaint will be considered before any exclusion is applied. Discretion may be applied to these exclusions if there are good reasons to do so.
- 4.6 In the event that a complaint is excluded by CH, this will be clearly communicated to the complainant. Signposting will be made to the Housing Ombudsman should the complainant be unhappy with this initial response.

#### **4.7 Who can make a complaint?**

- 4.7.1 A tenant can make a complaint if they are the person who is affected by the action, or a tenant can give consent for somebody else to act on their behalf.
- 4.7.2 Due to the nature of the services we provide, complaints can also be made by a third party or representative such as appointed Care Providers, Advocates, Social Workers and other support staff working with the named CHL tenant.

#### **5 How to make a complaint**

- 5.1 Information about how to make a complaint or provide feedback can be found on our website at <https://cromwood.co.uk/contact-us>. You can also contact the Helpdesk team on (London) 020 8826 2800, or 020 8826 2800 (Manchester) for more information.
- 5.2 Complaints can be made by email, telephone or in writing. We ask tenants or their designated representative to let us know if they need any help in making their complaint and we will ask a member of staff to make contact and offer support. The named Complaints Officer for CHL will be the Legal Services Manager. The Chief Executive will be the governing body director responsible for complaints.

#### **6 Putting things right**

- 6.1 We always aim to resolve expressions of dissatisfaction quickly and wherever possible at first point of contact.
- 6.2 If the matter cannot be resolved, we follow a two stage complaints process (stage one and stage two). If we have made a mistake, there are several ways we can try to put things right, including:
  - 6.2.1 Apologising;
  - 6.2.2 Acknowledging where things have gone wrong;
  - 6.2.3 Providing an explanation, assistance or reasons;
  - 6.2.4 Taking action if there has been delay;
  - 6.2.5 Reconsidering or changing a decision;
  - 6.2.6 Amending a record or adding a correction or addendum;
  - 6.2.7 Providing a financial remedy ("gesture of good will payments")
  - 6.2.8 Changing policies, procedures or practices.
- 6.3 All remedies are informed by the guidance issued by the Housing Ombudsman.
- 6.4 Any remedy offered will reflect the impact on the complainant as a result of any fault identified.
- 6.5 Any remedy offer will clearly set out what will happen and by when, in agreement with the complainant where appropriate. Any remedy will then be followed through to completion.



## **7 Process**

- 7.1 Complaints will be managed in the first instance by the managing agent, with CHL being consulted. An acknowledgement of the complaint must be sent within 5 working days.
- 7.2 A member of the team will contact the complainant to discuss the complaint. This contact will seek to identify and confirm the definition of the complaint (i.e. the reason(s) for the complaint being made). We will also seek to understand what resolution may be possible or appropriate. At this point, the member of staff will also check on any support the complainant may need and identify any reasonable adjustments to help in handling the complaint.
- 7.3 A trained officer will be allocated to the complaint as a central point of contact for the complainant. This officer must not have any conflicts. In the event of potential conflicts, an alternative officer will be assigned to manage the complaint.
- 7.4 Attempts will be made to resolve the complaint at the earliest opportunity.
- 7.5 We will aim to respond fully in writing within 10 working days from the day the complaint was received detailing the outcome of our investigation into the complaint. This will include whether the complaint has been upheld or not.
- 7.6 If the complaint response is going to take longer than 10 working days to issue to the complainant, a member of the team will contact the complainant within 10 working days of the complaint being received. The reason(s) for the delay will be communicated to the complainant. At this stage, an extension of the investigation will be agreed with the complainant. Any extension will not exceed 20 working days from the date the complaint was received.
- 7.7 If at the end of 20 working days, there is still not a full response available for the complainant, a further extension can be agreed, but only on the grounds of good reason. In the event an agreement cannot be reached the complainant will be provided with the details of the Housing Ombudsman for them to support if required.
- 7.8 Contact with the Housing Ombudsman can be made at any stage of the complaints process. Information can be provided by staff members or is available via. their website [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)
- 7.9 The response will be sent to the complainant once the outcome of the investigation is known. If there are outstanding actions to be completed as part of the resolution, these will be detailed in the response. Regular updates on the completion of these actions will be communicated to the complainant until such time, they have all been resolved.
- 7.10 In the event, that the complainant makes additional complaints during the Stage One process, these will be considered in accordance with the following guidance:
- 7.11 If the issues relate the existing complaint, these will be addressed as part of the existing investigation and response
- 7.12 Issues not relating to the existing complaint shall be submitted as new complaints and investigated from the beginning in-line with this Policy.

7.13 The final Stage One response will include:

7.13.1 the complaint stage;

7.13.2 the complaint definition;

7.13.3 the decision on the complaint;

7.13.4 the reasons for any decisions made;

7.13.5 the details of any remedy offered to put things right;

7.13.6 details of any outstanding actions; and

7.13.7 details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.

7.14 Stage 2: If the complainant is not happy with the outcome of their complaint given at Stage One, they can request that we review the original investigation. Complainants will not need to provide a reason for requesting a Stage 2 consideration. We will make reasonable efforts to understand why the complainant remains unhappy as part of the Stage 2 investigation and response. Reasons why a complainant may remain unhappy include:

7.14.1 The issue has not fully completed stage one of our Complaints Policy

7.14.2 The Stage One process was not correctly or completely followed

7.14.3 There was something inaccurate in the response given

7.14.4 The customer has new information or evidence to give us, that was not available originally

- 7.15 If the above criteria is not met, we may decide not to escalate a complaint to Stage Two. In the event that this happens, the reasons behind the decision not to escalate will be clearly communicated, in writing to the complainant.
- 7.16 We ask that complainants contact us at the earliest opportunity if they are dissatisfied with the outcome of our Stage One investigation.
- 7.17 Stage Two complaints will be acknowledged within five working days of the request being received. Stage 2 complaints will be investigated and responded to by any suitable staff members needed to issue such a response (this may include contributions from staff within the managing agent).
- 7.18 The Head of Operations will contact the complainant to review the initial investigation to ensure it was thorough and that it followed our Complaints Policy. If they are satisfied that the investigation did meet this criteria, the original decision will be upheld. In the unforeseen absence of the Head of Operations, this will be conducted by CH's Chief Executive.
- 7.19 We will respond to all Stage Two complaints within 20 working days of the request being received.
- 7.20 If the response is likely to exceed this timescale, the Head of Operations/ Chief Executive will contact the complainant within this period to agree an extension of up to a further 20 working days from the original deadline for the response. This can only on the grounds of good reason. In the event an agreement cannot be reached the complainant will be provided with the details of the Housing Ombudsman for them to support if required.
- 7.21 The response will be sent to the complainant once the outcome of the investigation is known. If there are outstanding actions to be completed as part of the resolution, these will be detailed in the response. Regular updates on the completion of these actions will be communicated to the complainant until such time, they have all been resolved.
- 7.22 The final Stage 2 response will communicate a decision as to whether the complaint has been upheld or not upheld following the review. The response will address all
- 7.23 points raised by the complainant in the Stage 2 complaints definition. Clear reasons will be provided for any decision, referencing relevant policy, law and good practice where appropriate.
- 7.24 All Stage 2 complaint responses will detail:
  - 7.24.1 the complaint stage;
  - 7.24.2 the complaint definition;
  - 7.24.3 the decision on the complaint;
  - 7.24.4 the reasons for any decisions made;
  - 7.24.5 the details of any remedy offered to put things right;
  - 7.24.6 details of any outstanding actions; and
  - 7.24.7 details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied.

7.25 The investigation will also consider what remedies can be offered and within what timeframes to resolve the complaint in full. Any remedy should not be at the detriment or be seen as any unequal treatment of other tenants.

7.26 Stage 2 is the end of our internal complaints process.

**7.27 What if I am still not happy with the outcome of the complaint?**

7.27.1 If after completing our internal complaints process, the complainant remains dissatisfied, they can refer the complaint to the Housing Ombudsman, who will review the complaint independently. CHL are members of the Housing Ombudsman scheme and are required to have regard to the Ombudsman's findings. The Housing Ombudsman can be contacted by telephone on 0300 111 3000 or email at [Contact us - Housing Ombudsman](mailto:Contact us - Housing Ombudsman) ([housing-ombudsman.org.uk](mailto:housing-ombudsman.org.uk))

7.27.2 In all instances, regardless of how the complaint progresses, an audit trail of documents, file notes and other correspondence shall be maintained for CHs records.



## **8 Learning from complaints**

- 8.1 Satisfaction with our services is very important to CH. We use feedback, including complaints to shape improvements to our services and procedures.
- 8.2 The Board shall receive a policy compliance report at least once a year showing the number of complaints, nature of complaints and learning from complaints.
- 8.3 CHL produce an annual report where performance on complaints handling, including lessons learnt will be included.

## **9 Unreasonable, abusive or inappropriately persistent complaints**

- 9.1 CHL are committed to providing high standards of customer service to all tenants. This includes our management of complaints, handling them in a fair and impartial way at all times.
- 9.2 Sometimes, there can be instances where tenants pursue complaints in an unreasonable and or persistent way. This can impact the ability of staff to provide high standards of customer service to other customers.
- 9.3 CHL reserves the right to restrict access to the Complaints Policy where we deem a complainant to be persistent, abusive or unreasonable. This will always be subject to the grounds set out in the Equalities Act. The grounds for any restrictions being made include, but are not exclusive to:
  - 9.4 Harassing or verbally abusing or intimidating CHL or The MA staff
  - 9.5 Refusing to specify the reason for the complaint, despite offers of assistance.
  - 9.6 Pursuing a complaint that has already been subject to a full investigation under the CHL Complaint Policy.
  - 9.7 Where CHL have correctly followed its policies and procedures.
  - 9.8 Persistently searching for an outcome which CHL has already clearly explained is not possible or realistic for policy, legal or other valid reasons.
  - 9.9 Continually raising new issues to prolong contact from staff or changing the substance of the original complaint.
  - 9.10 Making unjustified complaints where there is no evidence of service failure.
  - 9.11 Deliberately attempting to bypass the complaints policy by corresponding with senior members of staff directly.
  - 9.12 Submitting false documents and evidence with their complaint.
  - 9.13 Refusing to accept decisions or the outcome of the complaint.
  - 9.14 Making an unreasonable amount of contact to CH, in any form, in relation to specific complaint(s).

## **10 Equality, Diversity & Inclusion**

- 10.1 CHL will make its complaints process available on its website, and on-sites care providers. Content shall be accessible and understandable to CH's residents, some of whom have vulnerabilities of a physical or mental nature. To this end, CHL will record complaints from residents that are made on their behalf from advocates and carers. Information about complaints shall also mention CHs membership of the Housing Ombudsman service.
- 10.2 All requirements for complaints management are managed in accordance with this policy and the Housing Ombudsman's Code. Any allegation that a tenant has been treated unfairly on the basis that the tenant is a member of a protected group (defined by the Equalities Act 2010) will be investigated, with the board addressing any matters upheld from that investigation.

## **11 Discretionary payments**

- 11.1 CHL aims to be fair and proportionate in its response to complaints. There are instances where we will consider a gesture of good will 'without prejudice' to be considered by way of compensation payment.

## **12 Monitoring and reporting**

- 12.1 We are committed to learning from complaints and having a culture of continuous improvement in the delivery of our services to tenants and partners.
- 12.2 Any complaints related performance reports or wider insight from tenant feedback will be shared with our Board, tenants, partners and also our staff and those of the managing agent where relevant to drive service improvement.
- 12.3 Monthly performance reporting will be issued to Board when complaints are received, alongside themes and trends from other sources of insight, including customer satisfaction surveys and the Tenant Satisfaction Measures.
- 12.4 An annual complaints performance and service improvement report will be produced for scrutiny and challenge. This report will include:
- 12.5 annual self-assessment against the Housing Ombudsman Complaint Handling Code to ensure policies and processes meet the requirements
- 12.6 a qualitative and quantitative analysis of our complaints performance including a summary of the types of complaints we have refused to accept (if applicable)
- 12.7 any findings of non-compliance with the Housing Ombudsman Complaint Handling Code
- 12.8 the service improvements made as a result of the learning from complaints
- 12.9 any annual reports about our performance issued by the Housing Ombudsman
- 12.10 any other relevant reports or publications produced by the Housing Ombudsman in relation to the work of CH.

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