Tenant Complaints Policy

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Confidentiality	C1
Distribution list	HSH Operational Staff, HSH Board of Trustees, HSH Tenants
Sign off date / version	07/08/2024 V1

1. Overview

The Tenant Complaints Policy outlines how Hawes Street Housing manages complaints and feedback and recognises the rights of residents to make complaints about our staff or services. We welcome constructive feedback and complaints, which we will use to improve our service delivery and development.

The policy is designed to provide a mechanism for tenants wishing to make a complaint are able to do so easily, and that we deal with any issues quickly, fairly and consistently.

2. Introduction

HSH accept that sometimes things go wrong. It could be that we have failed to meet service standards, not delivered against one of our policies or have not treated someone fairly. When this happens, our complaints process will apply, as detailed in Appendix 1.

The objective of HSH's complaint handling approach is to:

- have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments
- take collective responsibility for any shortfalls identified through complaints, rather than creating a blame culture
- act within the professional standards for engaging with complaints as set out by the relevant professional bodies.

3. Regulatory & Legal Framework

- Housing Ombudsman Complaint Handling Code
- Social Housing Regulation Act 2023
- Regulator of Social Housing Consumer Standards
    - Transparency, Influence & Accountability Standard – required registered providers to have an effective, fair and accessible complaints process, learn from complaints and ensure residents can hold landlords to account.
- Data Protection Act 2018 & UK GDPR
- Equality Act 2010
- Human Rights Act 1998

4. Complaint Definition

For the purpose of this policy, we define a complaint 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, group or person using or involved with the services of HSH.

HSH recognises that a tenant does not have to use the word 'complaint' for it to be treated as such and commits to giving residents a choice to make a complaint whenever dissatisfaction is expressed. Complaints submitted via a third party or representative must also be handled in line with this policy.

5. Complaints & Service Requests

This policy deals exclusively with complaints and recognises the difference between a complaint and a service request. A service request is a request from a tenant to HSH requiring action to be taken to put something right, such as raising a repairs & maintenance job.

A complaint must be raised if the tenant expresses dissatisfaction with the response to their service request. Efforts to address the service request will not be stopped in the event of a complaint being raised.

6. Policy Aims

HSH aim to provide a high standard of service and satisfaction and recognise that occasionally things go wrong and tenants may wish to make a complaint.

The aim of the policy is to ensure that the complaints process is flexible and responsive to the needs of individual complainants.

The complaints policy and procedure aims to achieve the following:

- Complainants are listened to, understood, and treated sensitively and fairly
- Complainants have the opportunity to explain the outcome they are seeking
- Complainants are not disadvantaged as a result of making a complaint
- Complaints are investigated promptly, thoroughly, honestly and openly
- Complainants are given the opportunity to have a representative to deal with their complaint on their behalf, and to be represented and / or accompanied at any meeting with HSH where appropriate
- Complainants are kept informed of the progress and outcome of the investigation where we consider this to be appropriate
- Explanations and apologies are given where appropriate
- Action to rectify the cause of the complaint is identified, implemented and evaluated
- Learning from complaints informs service development and improvement
- Complaint handling complies with confidentiality and data protection policies
- Persons responsible for complaint handling are given support to effectively deal with the complaint
- The person dealing with the complaint will have the authority and autonomy to act to resolve disputes quickly and fairly. They should be competent, empathic and efficient

7. Housing Ombudsman

Tenants can bring a complaint about HSH to the Housing Ombudsman Service for investigation if the complaints process has been completed and the issues have not been resolved satisfactorily, or if HSH fails in its obligation to respond to a complaint made by a tenant.

Tenants can contact the Housing Ombudsman about a complaint in the following ways:

- Online Complaint Form: https://www.housing-ombudsman.org.uk/residents/make-a-complaint/
- Email: info@housing-ombudsman.org.uk
- Phone: 0300 111 3000 (Opening hours are Monday, Tuesday, Wednesday & Friday 9am – 5pm and Thursday 9am – 3.30pm)
- Write to: Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET

8. Exclusions

HSH will accept a complaint unless there is a valid reason not to do so. If a decision is taken not to accept a complaint, there must be evidenced reasoning for doing so. Each complaint should be considered on its own merits.

The circumstances in which a matter will not be seen as a complaint or escalated are as follows;

- the issue giving rise to the complaint occurred over twelve months ago
- legal proceedings have commenced and court papers have been filed regarding the same matter
- matters that have previously been considered under the complaints policy

Complaints must be accepted within twelve months of the issue occurring, or the resident becoming aware of the issue, unless they are excluded on other grounds. Discretion should be applied when deciding whether to accept complaints made outside of this time limit where there are good reasons to do so.

If a complaint is not accepted, an explanation should be provided to the resident explaining why the matter is not suitable for the complaints process. The resident must be advised of their right to take that decision to the Ombudsman.

9. Accessibility & Awareness

A clear and accessible version of this policy will be distributed to tenants via a number of channels advertised periodically through the HSH newsletter. These include;

- copies available from the HSH Housing Officer on request via email and post
- printed copies held at the HSH office
- electronic copies available via the HSH website (when completed)

To ensure all residents are able to fully access the complaints process, HSH acknowledges that there may need to be some adjustments made to the formatting and distribution of this policy to aid accessibility for certain tenants.

Tenants are able to raise complaints by any means and via any member of staff. All staff must be aware of this Complaints Policy and Process, and be able to pass details of the complaint to the appropriate person within the organisation.

High volumes of complaints will not be seen as a negative, as they can be indicative of a well-publicised and accessible complaints process. Low complaint volumes will be a cause for concern as a potential indicator that residents are unable to make complaints.

All residents will be given the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with HSH staff dealing with a complaint.

At each stage of the complaints process, HSH will provide details to complainants on their right to access the Housing Ombudsman service and how the complainant can engage with the Ombudsman about their complaint.

10. Complaint Handling Staff

The Operations Manager and Housing Officer will take responsibility for complaint handling. They will liaise with the Ombudsman and ensure that complaints are reported to the board as appropriate.

They will prioritise complaint handling and a culture of learning from complaints. These staff members have the authority and autonomy to act to resolve disputes promptly and fairly and have access to staff at all levels of the organisation.

11. The Complaints Handling Process

This is the single policy in place for dealing with complaints raised by tenants and outlines the two-stage process for dealing with complaints from tenants directed at HSH as their landlord. HSH will always work towards early and local resolutions of complaints raised by tenants. Tenants must not be treated any differently whilst in service if they have made a complaint.

Clarification from the complainant will be sought where any aspect of the complaint is unclear. HSH will indicate to the complainant which aspects of the complaint they are and are not responsible for and clarify any areas where this is not clear.

At each stage of the complaints process, HSH must;

- deal with complaints on their merits, act independently and have an open mind
- 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

Where a response to a complaint will fall outside the timescales set out in the Housing Ombudsman's Complaint Handling Code, HSH will agree with the tenant suitable intervals for keeping them informed about their complaint.

HSH will make reasonable adjustments for tenants where appropriate under the Equality Acts 2010. A record will be kept of any adjustments agreed and must be kept under active review.

A full record will be kept of the complaint, and the outcomes at each stage. This must include the original complaint and the date received, all correspondence with the resident, correspondence with other parties and any other relevant information from a resident's In-Form profile.

If a complainant displays threatening or abusive behaviour or language (whether verbal or written) that causes staff, tenants or other users of the service to feel unsafe, HSH reserve the right to put certain restrictions in place in line with our policies and procedures. The rationale for any restrictions must be evidenced, and the restrictions kept under regular review.

12. Complaints Process

Stage 1:

A complaint is acknowledged, defined and logged within 5 working days of the complaint being received.

HSH must issue a full response to stage 1 complaints within 10 working days of the complaint being acknowledged, this response should include the following details set out in clear, plain language;

- the complaint stage
- the complaint definition
- the decision on the complaint
- the reasons for any decisions made
- the details of any remedy offered to put things right
- details of any outstanding actions
- details of how to escalate the matter to stage 2 if the individual is not satisfied with the response

A response will be provided when the answer to the complaint is known and will not be delayed until the completion of any outstanding actions required to address the complaint. Appropriate updates will be passed on to the tenant regarding the any outstanding actions.

Any response will address all points raised in the complaint and provide clear rationale for any decisions taken, making reference to policy, law and good practice where appropriate.

If the complaint is considered too complex to adequately deal with under the above timescales, the tenant must be informed of the expected timescale for response. Any extension must be no more than 10 working days without good reason, and the reason(s) must be clearly explained to the resident. When a tenant is informed of an extension to the timescales, the tenant will be provided the contact details of the Ombudsman.

Where tenants raise additional complaints during the investigation, these must be incorporated into the stage 1 response if they are related, and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.

Stage 2:

If all or part of the complaint is not resolved to the resident's satisfaction at stage 1, it must be progressed to stage 2. Stage 2 is the HSH's final opportunity to respond.

Requests for stage 2 must be acknowledged, defined and logged at stage 2 of the complaint procedure within 5 working days of the escalation request being received.

Tenants must not be required to explain their reasons for requesting a stage 2 consideration. HSH will make reasonable efforts to understand why a resident remains unhappy as part of its stage 2 response. The person considering the complaint at stage 2 must not be the same person that considered the complaint at stage 1.

HSH will issue a final response to the stage 2 complaint within 20 working days of the complaint being acknowledged, this response should include the following details set out in clear, plain language;

- the complaint stage
- the complaint definition
- the decision on the complaint
- the reasons for any decisions made
- the details of any remedy offered to put things right
- details of any outstanding actions

details of how to escalate the matter to the Ombudsman Service if the resident remains dissatisfied

A response will be provided when the answer to the complaint is known, and will not be delayed until the completion of any outstanding actions required to address the complaint. Appropriate updates will be passed on to the tenant regarding the any outstanding actions.

Any response will address all points raised in the complaint and provide clear rationale for any decisions taken, making reference to policy, law and good practice where appropriate.

If the complaint is considered too complex to adequately deal with under the above timescales, the tenant must be informed of the expected timescale for response. Any extension must be no more than 20 working days without good reason, and the reason(s) must be clearly explained to the resident. When a tenant is informed of an extension to the timescales, the tenant will be provided the contact details of the Ombudsman.

Stage 2 is HSH's final response and must involve all suitable staff members needed to issue such a response.

13. Putting Things Right

Where something has gone wrong HSH will acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include:

- apologising
- acknowledging where things have gone wrong
- providing an explanation, assistance, or reasons
- taking action if there has been delay
- reconsidering or changing a decision
- amending a record or adding a correction or addendum
- providing a financial remedy
- changing policies, procedures, or practices

Any remedy offered must reflect the impact on the tenant as a result of any fault identified. The remedy offer must clearly set out what will happen and by when, in agreement with the tenant where appropriate. Any remedy proposed must be followed through to completion.

HSH must take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.

14. Self-assessment, Reporting & Compliance

HSH will produce an annual complaints performance and service improvement report. This will include;

- the annual self-assessment against this Code to ensure their complaint handling policy remains in line with its requirements

- a qualitative and quantitative analysis of HSH's complaint handling performance - this must also include a summary of the types of complaints the HSH has refused to accept
- any findings of non-compliance with this Code by the Ombudsman
- the service improvements made as a result of the learning from complaints
- any annual report about the landlord's performance from the Ombudsman
- any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord

This will be reported to the board and published on the section of the website relating to complaints.

HSH will carry out an additional self-assessment following any significant restructure, merger and/or change in procedures. HSH may be asked to review and update the self-assessment following an Ombudsman investigation.

Where there are exceptional circumstances that mean HSH are unable to comply with the Complaint Handling Code, the Ombudsman and any affected tenants must be informed and provided with a timescale for returning to compliance.

15. Scrutiny & Oversight

HSH are committed to ongoing learning and improvement and recognise that positive complaint handling can be a key component to producing positive changes to service delivery. HSH must report back on wider learning and improvements from complaints to stakeholders, any Tenant Forum that is in place, staff and the HSH Board of Trustees.

The Operations Manager will be the lead staff member accountable for complaint handling, including the identification of themes, trends, systemic issues, serious risks or policies and procedures that require revision.

In addition, the board will appoint a 'Member Responsible for Complaints' (MRC) whose responsibilities will be as follows:

- support a positive complaint handling culture
- ensure the Saltbox Board of Trustees receives regular information on complaints
- provide insight into HSH's complaint handling performance

To fulfil those responsibilities, the MRC will receive (as appropriate):

- regular updates on the volume, categories and outcomes of complaints
- complaint handling performance
- regular reviews of issues and trends arising from complaint handling
- regular updates on the outcomes of the Ombudsman's investigations
- progress made in complying with orders related to severe maladministration findings
- the annual complaints performance and service improvement report.

The MRC and Operations Manager will work together to ensure that all relevant information and insight is passed to the board.

16. Responsibilities

It is the responsibility of the Board of Trustees to approve this Policy.

The Company Secretary is responsible for the monitoring and review of this policy.

The Hawes Street Housing Operations Manager is responsible for ensuring the implementation of this policy and supporting procedures for the maintenance of all necessary records on the CRM system to enable the compilation of regular reports on performance and for the monitoring of performance.

The Housing Officer of Hawes Street Housing is responsible for the day-to-day management and oversight of this policy.