

# Policy

## Complaints

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<b>Has this policy been signed off by the Client Forum (if applicable)?</b>	6 February 2024
<b>Affected</b>	All staff

**This policy is accompanied by the following supporting documents:**

Appendix 1: Complaints Procedure Flowchart

## Values

<b>Respect</b>	<b>Empowerment</b>
<ul style="list-style-type: none"> <li>Value diversity and fairness</li> <li>Act with honesty and integrity</li> <li>Treat people with care and compassion</li> </ul>	<ul style="list-style-type: none"> <li>Support the needs of each individual</li> <li>Encourage personal development and independence</li> <li>Provide safety, stability and security</li> </ul>
<b>Responsibility</b>	<b>Excellence</b>
<ul style="list-style-type: none"> <li>Work together, in partnership</li> <li>Take responsibility for our actions</li> <li>Continue learning and improving</li> </ul>	<ul style="list-style-type: none"> <li>Provide a first-class service</li> <li>Deliver excellent value for money</li> <li>Explore innovative ways of working</li> </ul>



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# 1. Introduction

## Why complaints are important to us

Our guiding values are Respect, Empowerment, Responsibility and Excellence. Having a clear and accessible complaints policy helps us uphold those values in these ways.

We **respect** your views and want you to feel heard and know that we will take your concerns seriously. Being able to raise complaints helps **empower** you. Making a complaint can help you take control of a difficult situation and gives you a voice. We will take **responsibility** for what may have gone wrong and let you know in a timely manner what we can and can't do to put things right. Complaints help us learn and improve what we do and how we do it, which supports us in our aim of achieving **excellence** in our services.

How we respond to complaints is important as it can impact on your experience of our services and how you feel about us and yourself.

A complaint is an opportunity for us to learn and improve. It is important we listen carefully to you and understand what outcomes you would prefer through your complaint. Colleagues should take ownership of a complaint rather than think of it as a series of processes or tasks to be managed.

Complaints do not need to be negative experiences, but can be a positive way of building, improving and maintaining positive relationships with our clients, and putting our values into action.

## About this policy

- 1.1. We aim to provide high-quality services to everyone we work with. If you are not satisfied with the quality of service provided, you can make a complaint and we will follow the procedure in this policy.
- 1.2. We will treat all complaints seriously. Where we find that our actions have not met our high standards, we aim to learn from this and improve the service we provide. Nobody will be treated differently after making a complaint unless we need to change the way we do things to make it easier for you.
- 1.3. We have updated this policy in line with the Housing Ombudsman's updated Complaint Handling Code (known as "The Code") to make sure it is clear, simple and accessible making sure that complaints are resolved promptly, politely and fairly.
- 1.4. Our complaints process has two stages. This makes sure it is an efficient, accessible and straightforward way of dealing with complaints. You have the chance to challenge any decision we make by asking us to review our decision at stage two.
- 1.5. You can also contact the Housing Ombudsman Service (HOS) for advice at any time during the life of your complaint and you can ask them to review our final stage two decision once you have completed this procedure. We will share the Ombudsman's details with you as part of any complaint.

## 2. Related Policies

### Other policies that support this Complaints Policy

- 2.1. This policy deals specifically with complaints made about our services and the way we (including any colleagues), provide them to you. This includes services provided by our contractors and Board members. It does not deal with complaints made about other people, for example neighbours or members of the public. If you do make a complaint about someone else we will still listen to you but the steps we take will be different. For information about what we will do when you complain to us about someone else, we will follow these policies:
  - a. For complaints about noise or nuisance, please refer to the Anti-Social Behaviour Policy.
  - b. For complaints about abuse, please refer to the Safeguarding Children, Young People and Adults at Risk Policy.
  - c. For complaints about any form of harassment, please refer to the Racist and Hate Incidents Policy and our Domestic Abuse Policy.
- 2.2. If you are using one of these policies and you are not satisfied with the service we provide, you can make a complaint about that. In these situations, we will follow this complaint policy.
- 2.3. When we are dealing with complaints, we may also use these other policies and procedures to help resolve the issue:
  - a. Compensation
  - b. Unacceptable Behaviour
  - c. Reasonable Adjustments
  - d. Vulnerability
  - e. Any other policy about the service you are complaining to us about. For example, if your complaint is about how we handled your reports of antisocial behaviour (ASB), we will use our ASB policy as it's detailed in Chapter 7 of our Housing and Support Manual.

## 3. Definitions

### How we define a complaint

- 3.1. We use the Housing Ombudsman's 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 client or group of clients."*
- 3.2. You do not have to use the word "complaint" for us to treat your issue in this way.
- 3.3. A complaint is different to a service request. If you are asking us to do something or telling us about something for the first time, we will do what we can to fix it without opening a formal complaint case. This is what we call a 'service request'. You might tell us this when you talk to us face to face, over the phone, in an email or letter or via a survey response.

- 3.4. If you have already told us about the same thing before and we have not taken action that we said we would, or you are not happy with the action or decision we have taken, we would treat this as a complaint.

## 4. Legislation and Guidance

### The laws and rules we have to follow

- 4.1. We have to follow the law as it is set out in the Equality Act 2010. We may need to adapt our normal policies, procedures, or processes to meet your needs.
- 4.2. In line with the Code we must make reasonable adjustments for individuals where appropriate under the Equality Act 2010. We must keep a record of any reasonable adjustments agreed with you, as well as a record of any disabilities you have disclosed. Any agreed reasonable adjustments must be kept under active review.
- 4.3. As a landlord we follow different laws. These are set out in the following Acts of Parliament:
  - a. Localism Act 2011
  - b. Housing Act 1996 (schedule 2)
  - c. Social Housing (Regulation) Act 2023
  - d. Data Protection Act 2018 (and UK General Data Protection Regulations)
- 4.4. We also follow the rules from the Housing Ombudsman Scheme in their Complaint Handling Code, and the Regulator for Social Housing, in their Economic and Consumer Standards.
- 4.5. Because we are a charity we also have to follow the rules set out by the Charity Commission. We are voluntarily registered with the Fundraising Regulator for this part of our business. If you complain to us about the way we fundraise we will follow this procedure. If, at the end of this procedure, you are not satisfied with our response, you can take complaints about fundraising to the Fundraising Regulator within two months of our stage two response. We will give you their details during your complaint process with us.
- 4.6. If, for any serious reason such as a total failure of our systems, we are not able to follow this policy, we will tell you and the Housing Ombudsman Service. We will confirm when we will be able to follow it again fully and will keep that time to a minimum as much as we can.

## 5. Our approach to complaints

### How we deal with complaints

- 5.1. We believe that:
  - a. everyone has a right to complain about the service they receive or to challenge us when they feel our actions were not right
  - b. our staff should not discourage anyone from making a complaint by giving you a negative response if you are not happy with something
  - c. our staff should help you to make your complaint if you need them to
  - d. nobody should suffer because they made a complaint
  - e. complaints are a positive opportunity to make our services better

- f. staff should be held to account if we find they have not delivered a good or fair service but they should not be criticised for being part of a complaint
- 5.2. We aim to give a complaints service which:
- a. is easy to access, understand and use (We have an easy-to-read feedback and complaints leaflet we can share with you.)
  - b. gives a full and fair investigation
  - c. respects people's desire for confidentiality
  - d. resolves complaints as early as possible with a fair and reasonable outcome
  - e. provides information to managers so that lessons can be learnt and that services can be improved
- 5.3. We will tell everyone about our complaints policy and procedure when they sign their licence or tenancy agreement with us or start receiving support services from us. We will give you a copy of our complaints leaflet, highlight the complaints section in your handbook and we will have a feedback and complaints poster on noticeboards in each home. This policy will be available on our website all of the time. If you prefer to receive the policy in a different format please tell us and we can help you with this.
- 5.4. If other people would like to make a complaint, we will be clear about how they can do this on our website, for example on the fundraising or client area pages.
- 5.5. We will provide everyone with contact information for the Housing Ombudsman Service. Colleagues will give you early advice about your right to access the Housing Ombudsman Service, if any complaints are made. The Housing Ombudsman Service can help you throughout the life of a complaint through their dispute support advisors.
- 5.6. In all cases you have the right to be supported in making your complaint, and to be accompanied by someone to give you support in any meetings about the complaint. This could be someone who provides support to you, an advocate or a friend.
- 5.7. If your complaint is about a particular member of staff, you can speak to another member of the team. If you have a representative, they can also make a complaint on your behalf. We will make sure we have your permission to talk to them about your complaint before we do anything.
- 5.8. If you are 16 or 17 years of age and living in a Transform Ofsted registered service, you can raise concerns with the Registered Manager or the Nominated Individual. They have responsibilities for the services you receive and their names and contact details are on the notice board in your home. If you have a concern or complaint about the Nominated Individual, you can raise this with the CEO.
- 5.9. You do not have to make your complaint in writing. You can complain:
- a. in person at the local office
  - b. by contacting the Housing Support Manager
  - c. by telephone
  - d. by letter
  - e. by email
  - f. through a translator that we can provide for you, or

- g. by completion of a 'feedback and complaints' form
- h. via any of our social media channels

5.10. If you are not satisfied after we respond to your complaint you can escalate it to stage two of our process. We do not have a timescale on this because there might be other things going on that are more important for you, or a problem might happen again at any time. Whenever you decide to escalate a complaint, we will consider this on a case-by-case basis. We will not refuse to escalate your complaint unless it falls into one of the exclusions below.

5.11. At any stage of your complaint, we will still try to resolve the issue while the complaint is open. A complaint does not mean that our efforts to fix something will stop.

## 6. Exceptions

### Things we will not consider as a complaint

- 6.1. We will consider every complaint on its circumstances, however there are some things that we may not open a complaint about. These are:
- a. where the issue happened (or you became aware of it) more than 12 months ago unless there is a health and safety or a safeguarding issue. If it is a repeating problem, we may consider any older reports as part of the background to the complaint if this will help to resolve the issue.
  - b. if the issue is, or has been part of legal, court, tribunal or ombudsman proceedings. We will consider complaints during any "pre-court protocol" period where it has not been accepted by a court yet.
  - c. if the issue is being or has been considered through an insurance or liability claim. If there are elements of the complaint that are not about insurance or liability, we will still consider those.
  - d. if the issue has already been considered as a complaint or is in the complaint system already.
  - e. if the complaint is made anonymously.
  - f. if the complaint is being pursued in an unreasonable manner. We will use our Unacceptable Behaviour Policy and Procedure where this is the case.
  - g. if you want to report a wrongdoing. Where you are making an allegation of us breaking the law which is in the public interest, then this must be dealt with under the Whistleblowing Policy.

## 7. Roles and responsibilities

### Who will do what, with your complaint?

7.1. We have a complaints team that is made up of our Director of Client Services, Our Head of Policy and Performance and our Client Services Administrator, but you can tell any member of staff about any issue.

7.2. When any member of staff receives a complaint, they should share it with the complaints team. The team will decide the best way to resolve the issue and ask the most appropriate person to investigate. This person is known as the Responsible Individual (RI). This might be the local manager or your complaint might be handled directly by the complaints team.

- 7.3. Where a complaint is very serious, it will be handed to a senior member of staff to investigate and handle. The Board of Trustees and our Member Responsible for Complaints (the Chair of the Client Experience and Impact Committee) may also be told about it.
- 7.4. The Complaints Team are responsible for monitoring and escalating complaints. They must:
- a. act sensitively and fairly
  - b. be trained to receive complaints and work with people when they are distressed and upset
  - c. have access to staff at all levels to resolve complaints quickly and fairly
  - d. have the authority and autonomy to resolve things quickly and fairly
  - e. be competent, empathetic and efficient
  - f. deal with complaints on their merits
  - g. act independently and have an open mind
  - h. take measures to address any actual or perceived conflict of interest
  - i. consider all information and evidence carefully
  - j. keep the complaint confidential as far as possible, only sharing information if needed to properly investigate the issue (for example, if the police requested information)
- 7.5. When we communicate with you about your complaint we will:
- a. agree how often we will contact you about your complaint even if there is no new information to share
  - b. use plain language
  - c. make sure we communicate with you in a way that works for you
  - d. not name specific staff or contractors. Instead we will say “we”, “us”, “our”.
- 7.6. So that our complaints process remains fair we will:
- a. Be clear about what is, and is not possible to resolve your complaint
  - b. Give you the chance to have someone else deal with your complaint for you. We will need your permission to speak to them and they can be included in any meetings.

## 8. Our Complaints Procedure

### What will happen when you complain?

- 8.1. When you make a complaint, we will ask you to tell us in detail what you want us to include in the complaint and what you feel would be a fair and reasonable outcome. This is called a “complaint definition”. You, and any staff member involved in the complaint will have the chance to tell us about your experience of the issue.
- 8.2. We will open a case at Stage one and send you an acknowledgement within five working days of you telling us about the complaint. This will include the “complaint definition” which details what you would like us to investigate and what you would prefer as an outcome. If you have told us you have information that supports your complaint, we will ask you to share this with us. We will use a set template to acknowledge your complaint so that we treat everyone in the same way. The template will include details of the Housing Ombudsman so you can contact them for advice if you want to.
- 8.3. When we investigate your complaint we will consider:
- a. what the complaint is about

- b. what evidence is needed to fully consider the issues
  - c. any risks we need to address
  - d. what outcome would put things right for you
  - e. any urgent action that we need to take (we will take this action as soon as possible, this might be before we send you a full response to your complaint).
- 8.4. If we need more time to investigate your complaint, we will contact you to tell you why there is a delay, and when we will send you a full response. We will only do this where it is necessary and we can only take a maximum of an extra 10 working days to investigate.
- 8.5. We will send you a full response to your complaint within 10 working days of sending you your acknowledgement. This will usually be in writing but we can send you this in a different way if you need us to. We will use a set template to do this so that we treat everyone in the same way. When we send you a response it will include:
- a. the complaint stage
  - b. the outcome of the complaint (what we found)
  - c. the reasons for any decisions we have made
  - d. the details of what we will do (or have already done) to put things right
  - e. details of anything else we still need to do and when we aim to do it by
  - f. details of how to escalate the complaint to stage 2 if you are not satisfied.
- 8.6. If you are not satisfied and decide to escalate your complaint to stage two, we will ask you to confirm which parts of the stage one response you were not happy with. This is so that we can focus our stage two investigation on the right things.
- 8.7. If we decide not to escalate to stage two we will tell you why we are not doing this (it will be in line with our exceptions listed in section 6 above). We will also give you the details of the Housing Ombudsman so you can ask them for advice if you want to.
- 8.8. If we escalate your case to stage two we will send you an acknowledgement within five working days of you telling us you want to escalate the complaint. This will include a new “complaint definition” which details what you would like us to investigate and what you would prefer as an outcome. We will also tell you who will review your complaint and when you will hear from them. This will usually be someone more senior to the person who investigated it at stage one, and they will speak to all staff who were involved in the issue or can help to fix it. If you have told us you have some new information that supports your original complaint we will ask you to share this with us.
- 8.9. When we investigate your complaint at stage two we will review our stage one response to make sure it was a fair and reasonable response. We will make sure we have considered any factors that impact you.
- 8.10. If we need more time to investigate your stage two complaint we will contact you to tell you why we need more time, and when we will send you a full response. We will only do this where it is necessary and we can only take a maximum of an extra 20 working days to investigate.
- 8.11. We will send you a full response within 20 working days of sending you an acknowledgement that we have escalated your case. This will usually be in writing but we can send you this in a

different way if you need us to. We will use a set template to do this so that we treat everyone in the same way. When we send you a response it will include:

- a. the complaint stage
- b. the outcome of the complaint (what we found)
- c. the reasons for any decisions we have made
- d. the details of what we will do (or have already done) to put things right
- e. details of anything else we still need to do
- f. details of how to escalate the complaint to the Housing Ombudsman (or other relevant ombudsman) if you are not satisfied.

## 9. Managing Unacceptable Behaviour

### Resolving complaints when someone's demands are unreasonable

- 9.1. Where someone's behaviour is unacceptable, we will apply our Unacceptable Behaviour Policy and Procedure. This will only be used in situations where the level of contact from someone means that we are not able to respond to a complaint effectively. This might be because of too much contact, or where we need to speak to you about your complaint but you do not respond to us. You can find a copy of this policy on our website, here. Any actions we take will consider our responsibility to the Equality Act 2010.

## 10. Acknowledging Responsibility

### Putting things right

- 10.1. Where something has gone wrong, we will acknowledge this and set out the actions we have already taken, or intend to take, to put things right. We will do this as early as possible in the complaint process so that you do not have to go through both stages of the complaint process to have something put right. We will put things right when:
  - a. We took longer to do something than we should have
  - b. We gave wrong or poor advice, we did not explain something properly, we gave you wrong information or we did not give you information when we should have
  - c. We did not follow our policy or procedure, or we did not take your needs into account when we did follow it
  - d. there was a factual or legal error that impacted you
  - e. there was unprofessional behaviour by staff
- 10.2. We will apologise for any service failure we find, explain what happened and where possible, tell you what we have changed to make sure the same thing does not happen again.
- 10.3. Whenever we do something to put things right, we will be clear with you about what is possible. We will not offer something that means other people would be treated unfairly or may receive a lower level of service than somebody who has complained.
- 10.4. There are different ways we can put things right. Anything we offer will be relevant to the extent of the service failure you received and the impact it had on you. These include:
  - a. acknowledging where things have gone wrong
  - b. providing an explanation, or reasons why something happened
  - c. apologising (saying sorry)

- d. taking action if there has been a delay
- e. reconsidering or changing a decision
- f. changing a record
- g. offering a financial remedy (compensation)
- h. changing policies, procedures or practices (changing what we do or how we do it)

10.5 When you are happy with the outcome of your complaint, we will close your case and ask you to give us some feedback on your experience. If you are not happy with our final response, we will tell you how to contact the Housing Ombudsman Service to ask them to review our decision.

## 11. Self-Assessment, Reporting and Compliance

### How we will report on complaints and follow the rules we are led by

- 11.1. Every year we will complete a self-assessment form which says how we are meeting the rules set by the Housing Ombudsman Service. We will ask our Client Experience & Impact Committee to give us feedback on this before we share it with our Board and then publish it.
- 11.2. Every year we will also publish a report on our website which tells you how many complaints we received, what they were about, and how we put things right. The report will include any changes we have made to what we do and how we do it, based on all of our complaints in that year. It will also include any feedback we had from the Housing Ombudsman Service from any complaints you asked them to review, and we will include comments from our Board about how they think we have managed complaints in that year. If you would like to see this report in a different way, we will make it available to you in a way that you would prefer.
- 11.3. Our Chair of the Customer Experience and Impact Committee is the Member Responsible for Complaints. This means they will oversee what we do with complaints and challenge us on that where they need to. We will tell you who this is on our website and in other relevant documents.

## 12. Scrutiny and Oversight; Continuous Learning and Service Improvement

### How we will make sure we learn from our mistakes

- 12.1. Every time we have a complaint, we will record what we have learned from any mistakes that we made. We will use these lessons to improve what we do and how we do it, within the law and any other rules we need to follow.
- 12.2. We will use the feedback you give us when we close your complaint, to improve the way we respond to complaints in the future. We will share information about complaints with the Client Experience and Impact Committee throughout the year so they can give us feedback on how we can make things better as well.
- 12.3. We will tell you what we have learned, and how things are better from the changes we make. We will also share this information with all colleagues and our Board of Trustees.
- 12.4. Every member of staff will be measured on how they respond to complaints.

## Appendix 1 – Complaints Procedure Flowchart

### When you tell us about an issue, we will:

**Days 1 – 5**

Agree if it's a complaint or a service request.  
If it's a service request, we will fix it straight away.  
If it's a complaint, we will confirm your issue and preferred outcome, open a case and send you confirmation.

**Days 1 – 10**  
(from  
acknowledgement)

Investigate formal complaints – what has happened, look at all our records, speak to our contractors or anyone else involved, and make sure we take any urgent actions.  
We will tell you the outcome within 10 working days.

**Days 10 – 30+**

Complete our outstanding actions, pay any compensation we offered, close the case and ask you for your feedback.

### If you tell us you are not happy with our response, we will:

**Days 1 – 5**

Ask you to confirm what you are not happy with and what you think would be a fair outcome. We will escalate your case to a more senior staff member to review and send you confirmation.

**Days 1 – 20**  
(from  
acknowledgement)

Review our stage one response and decide if we think it was fair and reasonable. We will tell you the outcome within 20 working days.

**Days 20 – 50+**

Complete our outstanding actions, pay any compensation we offered, close the case and ask you for your feedback.

**If you are not happy with our final response you can contact the HOS and they will decide if they will review your case. If they review it, they will ask us to send all our evidence and responses we sent to you.**

**6 – 12 months**

They will write to you and to us and tell us what we need to do next. We might need to take more actions or pay you (more) compensation. We will have 20 working days to do that.