



# Complaints Policy

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## Introduction & Purpose

This policy aims to provide the framework through which complaints will be dealt with. We are committed to delivering a high quality service to our customers, and we strive for continuous improvement wherever possible. Customer feedback is an essential way of identifying service failures, so we positively welcome comments and complaints from customers and are willing to accept and learn from their feedback.

The Colchester Borough Homes complaints process and policy underpins all of our service areas, helping us acknowledge where mistakes are made and measuring our performance to ensure we are meeting our customer service standards.

Colchester Borough Homes recognises that people have the right to complain about the failure and non-provision of services. This document outlines the Colchester Borough Homes complaints policy, which provides guidance to any person on how to make a complaint and how we will handle and manage complaints effectively.

This policy is for:

- All customers wishing to complain and make contact with CBH
- All staff who are responsible for responding and managing complaints.
- All other CBH staff, stakeholders, contractors and temporary staff

We are committed to providing an effective complaints policy and procedure, which:

- Is user friendly
- Is accessible to all complainants
- Is private and confidential
- Encourages staff to be open & respond positively to complaints
- Provides a staged approach with a 'built in' appeal process – with the emphasis on trying to resolve the complaint at each stage
- Records, monitors and reports on the nature and number of complaints to residents, staff and the Board
- Provides an opportunity for the organisation to learn and improve service delivery and to demonstrate how this has been achieved

This policy document explains what a complaint is, who is involved in dealing with complaints and how the procedure works for complainants and staff.

A complaint is an expression of dissatisfaction by a customer or service user about the standard of service, actions or lack of action by Colchester Borough Homes.

We have reviewed our complaints policy and procedure to ensure it complies with the new minimum standards for housing organisations' handling of complaints. It sets out the following required outcome:

*“Housing providers should have an approach to complaints that is clear, simple and accessible that ensures complaints are resolved promptly, politely and fairly.”*

## **1. Formal Complaints**

A formal complaint can include the following (but is not limited to):

- Failure to follow the agreed policy or procedure.
- The behaviour of a member of staff, board member or contractor.
- Harassment, bias or unfair discrimination.
- Failure to take proper account of relevant matters when reaching a decision.
- Unsatisfactory resolution of a claim for compensation (see separate Compensation Policy for more details).
- Services provided, or not provided, are not within an acceptable timescale or are not of an acceptable standard.\*
- Dissatisfaction with a response to a query or a request for service.\*

\* These can also be considered an informal complaint and can be at the discretion/judgement of the person taking the initial contact.

## **2. Informal Complaints**

These are expressions of dissatisfaction that can be promptly resolved either at the first point of contact or soon after. These often relate to the service provided. Colchester Borough Homes welcomes informal complaints as they provide an excellent early indicator of trends and offer the opportunity to improve services. Colchester Borough Homes will make every effort to investigate and resolve informal complaints where appropriate.

## **3. Complaints regarding Contractors, third parties or partners**

Informal and formal complaints regarding affiliated Contractors, third parties or partner organisations, can be referred to the third party for investigation through their complaints procedure with the view of giving them the opportunity to put things right. This does not affect the customer's right to CBH's complaint procedure. These complaints will be recorded and monitored for any areas of concern.

#### **4. Insurance claims**

Insurance claims are not covered by the Complaints Policy and should be submitted in writing.

#### **5. Appeals**

Appeals of decisions made against policy should be referred to the relevant Director of the service. These are not considered complaints if the correct procedure has been followed.

#### **6. Legal proceedings**

Matters where legal proceedings have been commenced or indicated will also be excluded from the Policy.

#### **7. How to make a complaint**

Complaints, informal complaints and enquiries can be made:

- By telephone: 01206 506706
- By letter: FREEPOST COLCHESTER BOROUGH HOMES
- By email: [complaints@cbhomes.org.uk](mailto:complaints@cbhomes.org.uk)
- CBH website: [www.cbhomes.org.uk](http://www.cbhomes.org.uk)

A complaint can be made by anyone accessing, using or benefiting from our services and also on behalf of a customer with their permission.

#### **8. Confidentiality**

Customers have the right to request that we treat their information in confidence. We will make staff members aware that they wish for their complaint to be treated confidentially and this will be handled in accordance with the Data Protection Act.

#### **9. How complaints are managed**

There are three stages to the formal complaints procedure. Consideration will be given at all stages to the individual needs of the complainant and the best way to facilitate them making their complaint.

### **9.1 Stage 1 – Investigated by Team Leader/Service Area Manager**

We aim to acknowledge complaints within one working day of receipt. Acknowledgement should be via the same method as the complaint is received or as specifically requested.

Stage 1 complaints will be investigated by a designated member of staff. This may involve a discussion or personal visit by the investigating officer to the complainant.

We aim to respond to formal complaints within ten working days and will communicate the outcome of the complaint to the customer. However, there may be circumstances where it is not possible to conduct a full investigation within this timescale. If further time is required to investigate we aim to respond within 28 days.

### **9.2 Stage 2 – Reviewed by Senior Manager**

If the Customer feels that their complaint has not been resolved satisfactorily they are able to appeal the outcome.

Stage 2 complaints will be investigated by one of our senior management or Directors. The customer will be advised of the process and we aim to respond within ten working days. However, there may be circumstances where it is not possible to conduct a full investigation within this timescale. If further time is required to investigate we aim to respond within 28 days.

We reserve the right to end investigations of policy disputes at stage two. This does not affect the customer's right to approach a designated person such as a local councillor or MP.

### **9.3 Stage 3 – Complaints Panel (final internal review)**

With a view of local resolution where appropriate if the customer is dissatisfied of the stage two outcome then the complaint may be reviewed by Colchester Borough Homes Board Members. This will usually be investigated by a panel of three Board Members within 20 days of the request with a view to include one independent member, one local Councillor and one tenant member.

The complaint will be presented as a scenario and will not contain personal information of the complainant. The presentation of the complaint will be in line with guidance from the Housing Ombudsman. The panel can uphold a decision or request further information or investigation to make any further recommendation to the investigating officer. The customer will be informed of the outcome of the Board's review within 5 working days.

We will deliver regular refresher training for those Board Members who participate in the panels in order to strengthen this procedure.

At each stage of the complaint investigation the Housing Ombudsman dispute resolution principles will be considered. Colchester Borough Homes recognises that not every complaint or complainant is the same and where appropriate discretion for

resolutions outside of policy demands will be considered. Colchester Borough Homes will treat complaints fairly, put things right and learn from outcomes.

## **10. Case Reviews**

Where appropriate or complex complaints are received a case review will be held with all members of staff who have had dealings with the matter. This will give the opportunity to study the complaint and work across the department or cross departmentally for resolution of the complaint.

## **11. Time limitation**

There is a twelve month time limit from the date of the event giving rise to the complaint to the date the complaint is registered. This is not intended to affect the customers' statutory rights, but recognises that a significant lapse of time makes vigorous and meaningful investigation difficult.

## **12. Outcomes for formal complaints**

### **12.1 Complaint Resolved**

A complaint is considered resolved where all actions are agreed to the customer's satisfaction.

### **12.2 Complaint Upheld**

A complaint will be considered to have been upheld when there is acceptance that there has been a reasonable cause for dissatisfaction with the organisation.

A complaint may be considered partially upheld in circumstances where there is more than one element to the complaint or where the substance of the complaint cannot be completely proved.

### **12.3 Complaint Not Justified**

A complaint will be considered not to have been justified if it is factually incorrect, is considered to be vexatious and where there is no acceptance that there has been reasonable cause for dissatisfaction with the organisation.

## **13. Local Resolution and the Independent Housing Ombudsman Service**

The Government has introduced measures through the Localism Act that affect the way complaints are progressed. The changes are intended to ensure that complaints are dealt with at a local level and reduce the number referred to the Ombudsman. This means that since April 2013, tenants have the choice to either approach a 'designated person' (an MP or Borough Councillor) or a 'tenant panel'. Following consultation with tenants and our Board we do not have a recognised tenant panel.

If a complainant believes that their complaint has still not been resolved after completing all stages of the Colchester Borough Homes complaints process, they may refer the complaint to their local Councillor or local MP who will advocate on their behalf to resolve the complaint locally. If they cannot do this, the councillor or MP may refer the complaint to the Housing Ombudsman Service.

After waiting for eight weeks (from the date of the Stage 2 or Board review decision letter), the complainant may refer their complaint directly to the Housing Ombudsman Service. The Housing Ombudsman Service provides an independent and free service to tenants.

Customers can contact the Housing Ombudsman Service by:

- Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)
- Telephone: 0300 111 3000

To review some of the examples from housing complaints, a web site has been set up to give tenants, stakeholders and staff easier access to complaint outcomes and some of the more important ombudsman decisions. This can be found at:

- Ombudsman Says: [www.ombudsmansays.info](http://www.ombudsmansays.info)

#### **14. Anonymous Complaints**

Colchester Borough Homes will treat anonymous complaints seriously and investigate them where sufficient information is provided and the information raises concerns regarding service delivery.

However, it is important to note that if a person wishes to remain anonymous then this limits our information gathering and ability to objectively investigate.

#### **15. Unreasonable Complainants**

Colchester Borough Homes aims to provide a fair and open service to all customers and to resolve complaints as quickly and effectively as possible. In some cases, however, there may be excessive or unreasonable contact from specific customers that impedes our ability to properly consider their own, or others', complaints.

In these cases we may take action to limit the amount of contact the customer has with us. This action could include (but is not limited to):

- Limiting the person to contact CBH in writing only
- Limiting the person to contact on certain days only
- Limiting the person to contact a named member of staff only
- Deciding to respond only to new complaints or issues (although all correspondence will be reviewed)

The sanctions listed above will only be applied in exceptional circumstances and after careful consideration of all aspects, including Equality & Diversity and Health & Safety. If this decision is considered, we will advise the customer in writing the reasons behind this. Such action will only be taken with the approval of a Senior Manager and will be reviewed at the Operations Committee of the Board.

The customer will be notified in writing that the agreed sanction has been put in place with full explanation given as to the reasoning behind the decision. Guidance on the right to appeal will be included.

A review process will be set up for six months after the sanction and the customer notified of the outcome.

## **16. References**

In formulating and implementing this policy, statutory requirements, performance standards, best practice and guidance from the Housing Regulator, Housing Ombudsman Service, Chartered Institute of Housing and Housemark Complaints Accreditation Framework have all been taken account of and recognised.

The following legislation is also relevant. More information can be found at [www.ico.gov.uk](http://www.ico.gov.uk):

- Data Protection Act 1998
- Freedom of information Act 2000
- Localism Act 2011

## **17. Related Documents**

This policy describes the approach of Colchester Borough Homes, to managing complaints. It supplements and should be read in conjunction with the following documents which can be found on our website ([www.cbhomes.org.uk](http://www.cbhomes.org.uk)):

- Customer Service Standards
- Terms and Conditions of Tenancy
- Repairs Policy
- Antisocial Behaviour Policy
- Compensation Policy
- Information & Confidentiality Policy
- Complaints Procedure

## **18. Consultation**

In developing this policy we consulted with the following:

- Property Services Consumer Panel
- Task & Finish Tenant Consultation Workshop
- Operations Committee

An independent review of the complaints process was carried out by Helen Gregory and reported to the Board on 29 April 2013. This review included consultation with involved tenants, staff and Board Members, and is available on request from the Board Assurance Officer.

## **19. Review and Compliance Monitoring**

We will review this policy at least every two years. This process will take into account:

- Changes in the external environment we operate in, such as changes to the law and regulation relating to housing complaints
- The quality of the service as measured through customer feedback
- The findings of any related Resident Scrutiny review (e.g. mystery shopping)

We monitor and manage complaints performance using a range of methods:

- Quarterly reporting to Operations Committee the Board
- Monthly performance report to Directors Management Team and Senior Management Team
- Analysis and report trends in complaints and compliments and any actions taken to improve our services as a result of complaints
- Reviews of individual cases
- Review of customer satisfaction and feedback by the Service Improvement and Development Group

### Document Control Sheet

<b>Title:</b>	Complaints Policy		
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<b>Equality Impact Assessment:</b>	This policy complies fully with CBH Equality and Diversity strategy. CBH recognises its proactive role in valuing and promoting diversity, fairness, social justice & equality of opportunity by adopting and promoting fair policies and procedures.		
<b>Document Amendment History</b>			
<b>Version</b>	<b>Type</b>	<b>Date</b>	<b>Description</b>
1.0	New policy	June 2013	New policy approved by TLCC & Board
2.0	Updated policy	August 2015	
2.1	Updated policy	December 2016	Amended stage three complaints process