

COMPLAINTS POLICY AND PROCEDURE FOR RESIDENTS

1. INTRODUCTION

- 1.1 English Rural Housing Association is committed to the providing quality services and support to residents. Although we will always take time to do our very best, things may occasionally fall short of our and resident expectations. The purpose of this document is to outline how any complaint made by residents about or to the Association will be investigated and resolved as quickly as possible to the satisfaction of all parties. We treat all complaints seriously and look to learn and improve from any failures.
- 1.2 The main objectives of this policy and procedure are to;
 - be easy to access;
 - be simple to understand and use;
 - provide an opportunity for legitimate complaints to be raised;
 - establish time limits in which complaints must be handled;
 - ensure a complaint is investigated in a full and fair manner;
 - ensure that confidentiality is respected;
 - provide a route for an effective resolution
 - provide an opportunity for services to be reviewed as a result of issues raised;
- 1.3 The Association will publish the complaints policy and procedure in order to ensure access from residents and stakeholders. This will include promotion in newsletters and handbooks.

2 WHAT IS A COMPLAINT?

- 2.1 A complaint is an expression of dissatisfaction with us, which may be about an action or lack of action, a service provided or a lack of service, or a decision made by the organisation or staff (including partners). It is the complainants right to complain if they so wish, whether or not their complaint is justified.
- 2.2 Many complaints are resolved quickly once the problem is brought to our attention. Our staff are supported to resolve complaints at this level whenever possible. In simple terms these complaints are often voiced grievances. This policy and procedure will apply to complaints that are not resolved on first contact.
- 2.3 A disagreement with the association's policies is not a complaint for the purposes of this procedure. However we are interested to have feedback about our policies because we will use this when policies are reviewed.
- 2.4 For the purpose of this policy it is important to understand and distinguish the

differences between a complaint, an enquiry and a request. The way the association interprets these is outlined below:

- A **Complaint** is when a complainant tells the association that they are dissatisfied with a service we have provided, or have provided on behalf of others, or the way in which a member of our staff/Board of Management has conducted themselves.
- An **Enquiry** is when the association is contacted and asked about their home, tenancy, service, contract or development, for example an enquiry about the balance on a rent account or property available to rent. If we fail to respond to the enquiry adequately then this could become a complaint.
- A **Request** is when the association is contacted and asked to do something, for example arrange a repair or send out an application pack. If the request is not carried out adequately then it may become a complaint.

- 2.5 The Association will accept complaints made in any format, including letters, emails, fax, phone or personal contact. However, those who wish to pursue a complaint will be encouraged to do so in writing to ensure clear and productive communication between parties involved. We will assist any parties needing help to produce a written complaint. Anonymous complaints will be considered, but the nature of the complaint will determine whether or not any subsequent action will be taken.
- 2.6 Complaints will be accepted from residents, but also MPs, councillors, relatives or external agencies advocating on behalf of residents.
- 2.7 We will handle complaints about neighbour nuisance and anti-social behaviour in line with our Anti-Social Behaviour policies and procedures. If, however, we fail to deal with the initial issue and do not do what we say we will do in our policies and procedures, then any complaint about the failure in our service could be dealt with under the Complaints Policy. Generally we will not consider a complaint about the way we handle a report of Anti-social Behaviour until the ASB case is exhausted.
- 2.8 Complaints must be raised within a reasonable time scale. We will not normally investigate a complaint if it relates to something a complainant has known about for more than six months before making the first contact with us.

3 HANDLING COMPLAINTS

- 3.1 It is the Association's aim to respond to and resolve complaints as quickly as possible. Within five working days of the receipt of a complaint, a letter will be sent to the complainant to:
- acknowledge receipt of the complaint;
 - clarify the complaint;

- clarify the outcome sought;
 - check whether support of any kind is required;
 - confirm the procedure.
- 3.2 Our target time for responding to each stage of the complaints procedure is 21 days. However, if we consider that there is the possibility that a complaint might result in legal action or a liability claim against us, we will seek legal advice and this may mean that we are unable to achieve a resolution within our target times on such a complaint. Complainants will be kept advised of reasons for any unforeseen delays in reaching conclusions.
- 3.3 All complaints received by the association will be logged in and monitored via a Complaints Register held by the Operations Director. The register will be reported to the Management Team and Residents Panel. Complaints monitoring will also be included in performance indicators reported to the Board of Management.
- 3.4 Anonymous complaints made to the association will be investigated if the appropriate Director considers there to be justification or merit and entered in the Complaints Register along with details of any actions taken or not taken and signed off by the appropriate Director.
- 3.5 Responsibility for investigating and resolving complaints will be handled by the appropriate Manager in consultation with the relevant Director. If the staff member or service provider acknowledges responsibility for the problem, the Manager will seek to resolve the matter quickly by getting the problem rectified and advising the complainant accordingly. If, however, the staff member or service provider refutes or challenges a complaint, the Manager will take time to conduct a comprehensive investigation of the issues. Complaints about individual staff members will not be handled by them.
- 3.6 Should the association be unable to resolve a complaint using a process outlined in 3.5 and the complainant appeals against the decision reached then a Complaints Panel will be assembled to review the case and make a final judgement. The panel will usually consist of the relevant Director, Chief Executive and at least two board members (where practicable one will be a resident board member). Resident Board Members will not be asked to participate on a Complaints Panel if the complainant lives within the immediate area as them. Notes will be taken from the Panel discussions. Either a Board Member or Director will chair the Panel and other persons may be invited to attend some or all of a meeting to provide information. The complainant will be able to make direct representation to the Panel. The decision reached by the Panel will be reported to the Board of Management by the appropriate Director and be considered as the association's final judgement.
- 3.7 Complaints about Board Members of the association will be dealt with by a complaints panel in the first instance. The Panel will consist of at least one Director, the Chief Executive and at least two Board Members, including the associations Chairman (where practicable one will also be a resident Board Member). Notes will be taken from the Panel discussions. Either a Board Member or Director will chair the Panel and other persons may be invited to

attend some or all of a meeting to provide information. The decision reached by the Panel will be reported to the Board of Management by the appropriate Director and be considered as the association's final judgement.

- 3.8 It is the association's policy to reimburse reasonable expenses incurred by the complainant whilst attending meetings and hearings.
- 3.9 On very rare occasions, we may decide to leave out one or more stages if we consider the complaint to be:
- Not a correct use of the complaints procedure;
 - Pursued unreasonably or vexatiously;
 - About a factual matter over which it has no discretion; or
 - For practical management reasons.

If we decide to leave out a stage, we will clearly explain why we have made this decision.

- 3.10 If it is impossible to reach an acceptable conclusion with a member of staff or a neighbour, mediation may be offered as a means of resolving an impasse.
- 3.11 Where the association concludes that we are responsible for a complainant having to suffer monetary loss, damage to personal effects or extreme inconvenience, the matter will then be dealt with under our Compensation Policy and Procedure.
- 3.12 If we offer a solution or compensation at any stage, the complainant will have a period of 28 days in which to accept the solution or compensation, after which the offer will be withdrawn.
- 3.13 If a complainant is still dissatisfied, having exhausted the association's complaint procedure, they can refer the matter in the first instance to either an approved tenants' panel; a local councillor or an MP. However, these parties have no obligation to make any judgement on the case, and if they are unable to deal with it they will refer the matter directly to the Independent Housing Ombudsman (IHOS). If the complainant chooses not to refer the complaint to the panel, councillor or MP, after a period of 8 weeks has elapsed since the internal complaints procedure has been exhausted, they can request the Independent Housing Ombudsman Service to consider their complaint by contacting them at Independent Housing Ombudsman at Norman House, 105-109 The Strand, London WC2R 0AA or by email through www.ihos.org.uk. There may be occasions when the IHOS consider that the issue is not one that they should take up. Generally, the IHOS will only consider investigating a case brought to them from residents of an association.
- 3.14 The association will comply with the findings of Housing Ombudsman Service.
- 3.15 Shared owners may be able to use the external services of the Leasehold Valuation Tribunal to resolve complaints about service charges and the terms of their leases.

3.16 A complainant should be asked to write and confirm their satisfaction with the outcome and the matter should be signed off in the Complaints Register by the appropriate Director.

3.17 Templates for use with this document are annexed below.

4 CONCLUSION

4.1 To ensure the successful implementation of this policy the association will look to ensure that all staff are made aware of our commitment to deliver an excellent service at all levels of our operation, and where skill and knowledge gaps are identified will look to improve these through training.

4.2 Compliance and performance associated with this policy and procedure document will be reviewed in accordance with our policy review programme, with due consideration taken to experiences and feedback from satisfaction surveys and performance indicators.

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| Name of document: | Complaints Policy and Procedure |
| Author: | Martin Collett, Operations Director |
| Reviewed by: | Virtual engagement – residents, HM Panel |
| Approved by: | Board of Management |
| Officer(s) responsible for implementation: | All staff |
| Date approved: | 26 March 2008 |
| Last reviewed: | July 2012 |
| Next date: | July 2015 |

Annex 1 – Complaints acknowledgement

To be used on receipt of a complaint to ensure acknowledgement within 5 working days. This letter will be superseded if a formal reply/response to the complaint is agreed prior to the acknowledgement being sent.

[Complainants address]

[Date]

Dear ***[name of complainant]***

Re: *[Brief description of the complaint]*

Complaint ref no. *[To be allocated from the Complaints Register]*

Thank you for your ***[insert method of contact eg. letter, telephone call]*** to English Rural on ***[or dated] [insert date on which complaint was made]*** concerning the above. Your complaint will now be investigated in accordance with our Complaints Policy and Procedure which is enclosed for your reference.

Please be assured that English Rural takes any complaint very seriously and will look to resolve the issue as quickly and amicably as possible for all involved. We will also look to remedy any problems that are identified.

Your complaint will be handled by ***[insert name and title of Manager]*** in consultation with ***[insert name and title of Director]*** who can be contacted on ***[insert contact details for Manager]***.

Thank you for your patience whilst the matter is investigated fully.

Yours sincerely

[Name of Manager]

[Title of Manager]

Annex 2 – Complaints response

To be used when corresponding with a complainant. The content to be signed off by the appropriate Director and details of the response/actions/resolution to be recorded in the Complaints Register.

[Complainants address]

[Date]

Dear ***[name of complainant]***

Re: *[Brief description of the complaint]*

Complaint ref no. *[To be allocated from the Complaints Register]*

[Thank you for your or further to] [insert method and date of most recent contact eg. letter, telephone call] concerning the above. I can confirm that your complaint has now been investigated in accordance with English Rural's Complaints Policy and Procedure and the association's finding are detailed below.

[Wording to be agreed by the Manager and Appropriate Director].

Thank you for your patience whilst this matter was investigated fully. I would be grateful if you could confirm to us if you are satisfied or not with the way this issue has been resolved so that we can have a record for monitoring purposes.

Yours sincerely

[Name of Manager]

[Title of Manager]

Annex 3 – Complaints Panel

To be used when a complaint proceeds to the Panel stage. .

[Complainants address]

[Date]

Dear ***[name of complainant]***

Re: *[Brief description of the complaint]*

Complaint ref no. *[To be allocated from the Complaints Register]*

I am sorry that we have been unable to resolve your complaint to date and confirm that in accordance with our Complaints Policy and Procedure a Complaints Panel has been arranged to consider the matter further. Please note that any decision reached by the Complaints Panel will represent the association's final conclusion in this matter.

The panel will be held on ***[insert date and time of Panel]*** at ***[insert venue]*** and consist of the following representatives from English Rural:

[Insert details of Directors and Members sitting on the Panel].

Other representatives, including yourself may be asked to make representation to the Panel. If you are asked to do so you may bring someone along with you for support or who has also been affected by the complaint you have raised. This is not a legal hearing of any kind and the additional representative will not be able to represent you in this capacity. Reasonable expenses incurred whilst attending the Panel will be reimbursed by English Rural.

Please could you confirm by signing and returning this letter (using the reply paid envelope enclosed) if you would like to make representation to the Complaints Panel. If you do, then you will be contacted prior to with confirmation of arrangements.

Yours sincerely

[Name of Manager]

[Title of Manager]

*I would/would not **[delete as appropriate]** like to make representation to the Complaints Panel detailed above and plan to attend the event.*

*I will/will not **[delete as appropriate]** be bringing an additional representative with me. Their name is..... **[please also describe below their relationship to you or the connection they have with the complaint].***

Annex 4 – Complaints register

To be completed and maintained for each complaint and kept by the Operations Manager at English Rural's Head Office

| <i>Complaint no.</i> | <i>Name and address of Complainant</i> | <i>Brief Description of complaint and resolution</i> | <i>Manager/Director responsible</i> | <i>Complainants satisfaction with outcome</i> |
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