

	<b>Compliments, Complaints &amp; Suggestions Policy</b>  <b>SD-POL-01</b>
<b>Date:</b> July 2024	<b>Instruction Developed By:</b> Head of Business Services
<b>Review Period:</b> 3 years	<b>Instruction Owned By:</b> Head of Business Services
<b>Date reviewed:</b> Jan 25	Reviewed to ensure policy is inline with guidance from the housing ombudsman
<b>Next Review:</b> July 2028	

## 1. Policy Aims and Purpose

This policy aims to provide structure, guidance and consistency to our stakeholders, customers and staff in relation to complaints, compliments and suggestions (CCS). Like all agencies, we will sometimes get things wrong. It is essential that a system and culture exists to ensure that mistakes are not repeated, and lessons are learned.

This policy sets out our approach to dealing with feedback from our customers. The policy is designed to effectively manage complaints about Action’s services with a focus on learning lessons and improving services. Feedback covers compliments, complaints and suggestions. Our policy reflects best practice and conforms to the principles set out by the Ombudsman Services mentioned below.

The policy is published on our website and is presented alongside Action’s current Complaints Handling Code self-assessment, aligning with the latest requirements of the Housing Ombudsman.

Compliments, complaints and suggestions are an extremely valuable source of information to us, and we welcome all feedback as these allow us the opportunity to improve. We adopt a fair, sensitive, inclusive and accurate approach to the handling of feedback.

## 2. Legal and Regulatory

This policy aims to comply with current legislative and regulatory requirements including but not limited to the following:

- Social Housing (Regulation) Act 2023
- Homes and Communities Agency Regulatory Standards (Consumer Standards)
- Housing Ombudsman Service
- Local Government Ombudsman Service
- Consumer Protection Act 1987
- Consumer Right Act 2015
- Unfair Terms in Consumer Contracts Regulations 1999
- Localism Act 2011
- Equality Act 2010
- Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 16

### 3. What does this policy cover?

This policy is applicable to complaints, compliments and suggestions made by any customer or any individual that comes into contact with the organisation or its contractors. It outlines our approach to answering concerns about:

- Customer Service
- Application of policy and procedure
- Fair/equal treatment.

Depending on the outcome of an investigation into a complaint, other policies and procedures may need to be invoked.

### 4. What is not covered by the CCS policy?

This policy will not apply to any matter for which there is an established internal or external appeals procedure allowing the matter to be properly investigated and resolved by another route. Matters which have already been considered under the complaints process will not be considered.

Where a complaint appears at first inspection to relate to one of the following, the response will be determined by a different policy:

- Allegations of abuse and safeguarding concerns (please see Safeguarding Children/Safeguarding Adults Policy)
- Anti-social behaviour (please see Anti-Social Behaviour Policy and procedures)
- Health and Safety concerns (please see Health and Safety Policy and procedures)
- Contracting concern raised by a commissioner (refer to a member of the Executive Team)
- Internal complaints (please see the Grievance Policy)

Action recognises the difference between a service request and a complaint. A service request is a request from one of our residents to us as their landlord requiring action to be taken to put something right. Service requests are not complaints, these requests are logged, monitored and reviewed regularly. If a customer is not happy with the way Action is handling their service request, then the customer can raise a complaint.

### 5. Complaint Definition

#### **A complaint is:**

*An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.*

Action recognises that a customer does not need to use the word 'complaint'. Complaints can be made by customers, other agency staff members or general members of the public. A third party can make a complaint on behalf of someone. A complaint can be made:

- By phone
- In person
- In writing – e-mail, text, letter, web form

Clients will be supported to make a complaint, if necessary, though sensitivity should be employed if the complaint is about their keyworker, for example.

## 6. Exclusions

We will always accept a complaint unless there is a valid reason not to do so. We will not be able to accept or escalate a complaint if:

- Complaints that refer to statutory or other external obligations (i.e. things we must do by law): In these circumstances an explanation of such obligation will be provided.
- It is a request for a service: for example, when a tenant or resident informs us of a problem but are actually requesting a service for the first time e.g. repair, ASB.
- The issue occurred over 12 months ago, unless it is part of an ongoing issue.
- Where a tenant or resident does not agree with a decision made in accordance with our policies and procedures.
- The complaint has already exhausted our policy: in these cases, tenants or residents will have the right to speak with their MP/Councillor or relevant Ombudsman about closed complaint outcomes they are not satisfied with.
- Aspects of a complaint that refers to any issue where legal proceedings have commenced (either from us or a tenant) and have been filed at court. These will be dealt with through the legal process and handled by our Legal Advisors. Examples include injunctions or other tenancy breaches, a legal disrepair claim, legal defect claim or personal injury claim.
- Where we feel a complaint is vexatious. Where a complainant (or parties acting on their behalf) displays unacceptable behaviour, this will be raised with a Senior Manager to make a determination on whether or not it is a vexatious complaint. If a complaint or complainant is deemed to be vexatious then we will inform the complainant and advise that their complaint will not be investigated. Any findings of a vexatious complaint will be kept under regular review.

Action considers each complaint based on the individual circumstances. We will inform the customer in writing if their complaint falls into any of these categories and that it will not be considered further. Customers will also be given details of the Housing Ombudsman should they wish to appeal against any decisions.

## 7. Dealing with a Complaint

The early and local resolution of issues between Action and our customers is key to our effective complaint handling. Our customers from time to time may need to raise an issue, which can be resolved quickly. Sometimes this can be about managing expectations e.g. if a repair order is categorised as 28 days and has not been completed at day 21. This kind of thing can be resolved without the need to formalise a complaint.

Action has a two-stage complaint process in line with the Housing Ombudsman's complaint handling code.

When a complaint is received at stage one or escalated to stage two the complainant will be asked what the complaint is about and the outcomes that they are seeking. These will be set out in the acknowledgement of the complaint.

At each stage of the complaints process, complaint handlers will:

- Deal with the complaint on its merits, act independently, and have an open mind.
- Give the complainant the opportunity to set out their position.
- Take measures to address any actual or perceived conflict of interest (which may include referring the complaint to an alternative complaint handler).

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A full record will be kept of the complaint and the outcomes at each stage. This will include all correspondence with the complainant (including their original complaint), logs of any telephone calls, any reports or inspections or contact with third parties in relation to the complaint.

## **Stage 1**

If a formal complaint is received, it must be logged on Action's complaints tracker and forwarded to Action's inbox via [Complaints@actionorg.uk](mailto:Complaints@actionorg.uk) for the Complaints Team to respond. An acknowledgement response will be sent in writing or by email within 5 working days of the complaint being received

The acknowledgement will clearly detail what the complaint is about and what the complainant would like as an outcome to their complaint.

A full response to the complaint should be sent within 10 working days from the date the complaint was acknowledged. The complaint response must address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice as appropriate.

If due to the complexity of the complaint an extension of these timescales is required, Action will contact the complainant and inform them of the expected timescale for a response. This will usually be no more than 10 working days unless there is good reason, and this will be clearly explained. The complainant will also be provided with the Housing Ombudsman contact details at this time.

Where the complainant raises additional complaints during the investigation, these must be incorporated into the stage one response if they are related, and the stage one response has not been issued. Where the stage one 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.

The complaint response letter will be clear and contain the following information:

- The complaint stage
- The detail of the complaint and what the complainant requested as an outcome.
- 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 complaint to the Ombudsman if the complainant remains dissatisfied

## **Stage 2**

If the complainant appeals the response at stage 1 and wishes for a review of their complaint, this will be passed to stage 2 of the process. The stage two complaint must be acknowledged and logged by a member of Actions Senior Management Team (SMT) within five working days of the request to escalate being received.

Residents will not be required to explain their reasons for requesting a stage 2 consideration and a member of the Actions SMT, independent from the manager who responded at Stage 1 will contact them and make reasonable efforts to understand why they remain unhappy.

A final formalised response will be sent to the complainant within 20 working days of the complaint being acknowledged. The right of appeal should be noted in the response.

If due to the complexity of the stage 2 complaint an extension of these timescales is required, Action will contact the complainant and inform them of the expected timescale for a response. This will usually be no more than 10 working days unless there is good reason, and this will be clearly explained. The complainant will also be provided with the Housing Ombudsman contact details at this time.

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- Details of any outstanding actions and,
- Details of how to escalate the complaint to stage two if the complainant remains.
- dissatisfied

## **8. Reaching a decision**

Sometimes it will not be possible to give a definitive answer to a complaint. For example, it may be the case that the complainant is giving one perspective a member of staff is giving another. Investigating officers should attempt to assess what is the most likely version of events 'on the balance of probabilities.' In some cases, fault or blame cannot be accepted or denied and a statement saying this is perfectly acceptable.

## **9. Compensation, redress and goodwill gestures**

Where something has gone wrong, we will acknowledge this and set out, as part of the complaint response, actions already taken or we intend to take to put things right. These may include:

- An apology
- Acknowledging where things have gone wrong.
- Providing an explanation, assistance or reasons
- Taking action if there has been a delay.
- Reconsidering or changing a decision
- Amending a record or adding a correction or addendum
- Providing a financial remedy (this will be in accordance with our compensation policy)
- Changing policies, procedures or practices

At any stage of the procedure, a goodwill gesture or offer of redress can be considered, if that will provide an acceptable solution. If an investigating officer considers this appropriate, they must discuss the matter with the CEO and gain approval before making the offer to a complainant.

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

When considering an appropriate remedy, the complaint handler will take account of the guidance issued by the Housing Ombudsman.

## **10. Independent Housing Ombudsman Enquiries**

All enquiries from the Independent Housing Ombudsman should be referred immediately to the CEO who will: -

- Record the receipt of the enquiry.
- Action a thorough response in accordance with the enquiry request.

## **Compliments**

**A compliment is:**

An expression of appreciation of an action or series of actions by a member of staff or a general expression about the service or services we provide (that has not been solicited or provoked from the individual).

**How to respond to a compliment**

All compliments should be treated appropriately and professionally. If somebody expresses appreciation about something that you as an individual, or another member of staff have done, they should be offered the opportunity to complete a compliments form. Compliments received via other means e.g. a suggestion box should also be responded to in a similar manner. However, if a person makes a compliment that is inappropriate you should reaffirm your professional position and react in line with Action's Code of Conduct.

Compliments should be recorded. You should consider whether it is polite and proportionate to reply to any compliments received.

**11. Monitoring & Record Keeping**

A report of complaints performance and service improvements will be produced on an annual basis and reported to the Board. This report will include:

- The annual self-assessment against the Housing Ombudsman Complaint Handling Code.
- A quantitative and qualitative analysis of our complaint handling performance, including a summary of the types of complaints we have refused to accept.
- Any findings of non-compliance with the Complaint Handling Code made by the Housing Ombudsman.
- Service improvements made as a result of complaints.
- Any annual report about our performance from the Ombudsman.
- Any other relevant reports or publications produced by the Ombudsman in relation to our work.
- Details of any complaints in relation to building safety risk.

This report will also be published on the complaints section of our website alongside the Board's response to the report.

A self-assessment against the complaint handling code will also be carried out following any significant restructure, merger and/or change in procedures.

Recording details of complaints and compliments is vital if we are to improve our service delivery. The data will be reviewed regularly to ensure any weaknesses in policy or practice are identified and acted upon. Complaints and compliments will be logged for benchmarking centrally via the intranet process. Information and examples of best practice will be shared and disseminated as appropriate with staff teams across the organisation.