

# Complaints Policy

## Document History

Version	Date	Change	By
1.0	3 Aug 2017	Board approved – amendments incorporated	M Margrie
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## Approvals

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# Complaints Policy

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## 1 Introduction

- 1.1 Cirencester Housing (CH) aims to provide services that effectively and efficiently meet our customers' needs. In the event that any expression of dissatisfaction is received, CH aims to resolve complaints swiftly to the customer's satisfaction. We treat all complaints seriously and look to learn and improve from any failures.
- 1.2 A customer is a person or entity who receives services from Cirencester Housing Limited.
- 1.3 This policy and procedure will apply to complaints that are not resolved on first contact.

## 2 What is a Complaint

- 2.1 A complaint is an expression of dissatisfaction with us, for example an action or lack of action, a service provided or a lack of service, or a decision made by CH or staff (including partners and contractors). 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 on first contact whenever possible.
- 2.3 This policy and procedure will apply to complaints that are not resolved on first contact.
- 2.4 A disagreement with CH'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.
- 2.5 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 CH interprets these is outlined below:
  - 2.5.1 A **Complaint** is when a complainant tells CH 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, service provider or contractor has conducted themselves.
  - 2.5.2 An **Enquiry** is when CH 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.
  - 2.5.3 A **Request** is when CH 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.
  - 2.5.4 A complaint about **neighbour nuisance and anti-social behaviour** is when a complainant tells CH that they are unhappy with others that live or are frequenting the vicinity. Such complaints will be responded to in accordance with CH's Anti Social Behaviour Policy. 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 may be dealt with under the Complaints Policy.

- 2.6 CH accepts complaints made in any format, including letters, emails, fax, phone or personal contact.
- 2.7 Those who wish to pursue a formal 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.
- 2.8 Anonymous complaints will be considered, but the nature of the complaint will determine whether or not any subsequent action will be taken.
- 2.9 Complaints will be accepted from tenants, residents, but also MPs, councillors, Citizens Advice Bureau or external agencies advocating on behalf of residents.
- 2.10 In general, we will not consider a complaint about the way we handle a report of Anti-Social Behaviour until the ASB case is exhausted.
- 2.11 Anonymous complaints will not usually be accepted for reasons of transparency and the complainant will be informed of this wherever possible. Anonymous complaints may be investigated if the Chief Executive considers there to be justification or merit and entered in the Complaints Register along with details of any actions taken or not taken.
- 2.12 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 CH's aim to respond to and resolve complaints as quickly as possible.
- 3.2 In the first instance, the CH staff person receiving a complaint will attempt to resolve the concern at the point of first contact. If the complainant believes the concern has not been resolved, the CH staff member will record receipt of the complaint and assign an appropriate CH staff member to respond.
- 3.3 Within five working days of the receipt of a complaint, CH will respond in writing to the complainant to:
  - 3.3.1 acknowledge receipt of the complaint;
  - 3.3.2 clarify the complaint;
  - 3.3.3 clarify the outcome sought;
  - 3.3.4 check whether support is required;
  - 3.3.5 confirm the procedure.
- 3.4 Complaints will be dealt with:
  - 3.4.1 promptly courteously, systematically and fairly and
  - 3.4.2 in confidence, provided that any information received does not require CH to disclose in accordance with any other statutory obligations imposed upon it;
- 3.5 Responsibility for investigating and resolving complaints will be handled by the appropriate staff member in consultation with the Chief Executive. If the staff member or service provider acknowledges responsibility for the problem, the staff

member 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 Chief Executive will take time to conduct a comprehensive investigation of the issues. Complaints about individual staff members will always be referred to the Chief Executive.

- 3.6 Investigations may involve complainants being interviewed. Complainants will have the right, at their own cost, to have a friend or advocate present at any interview. If the complainant wants to exercise this right, they must notify CH in writing at least 2 business days prior to the interview the name of the person and the relationship to the complainant. Failure to do so will result in the interview being rescheduled.
- 3.7 Our target time for responding to each stage of the complaints procedure is 15 working 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.
- 3.8 All complaints received by CH will be logged in and monitored via a Complaints Register. Complaints monitoring is included in performance indicators reported to the Board of Management.
- 3.9 CH will reimburse reasonable expenses incurred by the complainant whilst attending meetings and hearings. Claims for reimbursement will be made in writing to the Chief Executive. CH staff are available to assist a complainant to make such a claim.

## **4 Appeals**

- 4.1 Should CH be unable to resolve a complaint using the process outlined in paragraph 3 and the complainant appeals against the decision reached, the Chief Executive will receive the appeal, review the case and make a final judgement.
- 4.2 Where the Chief Executive has investigated and responded to the complaint, and the complainant appeals against the decision reached, the Chair will receive the appeal and review the case and make a final judgement.
- 4.3 Complaints about the Chief Executive or Board Members of CH will be dealt with by a complaints panel in the first instance. A three person panel will be convened consisting of the Chair, Chief Executive if the complaint is not about him/her, and a Board Member.
- 4.4 The complainant will be able to make direct representation to the party or panel reviewing the case. The decision reached on appeal will be reported to the Board of Management and be considered as CH's final judgement. Notes will be taken from appeal discussions.

## **5 Concluding the Complaint**

- 5.1 On very rare occasions, we may decide to leave out one or more stages if we consider the complaint to be:
  - 5.1.1 Not a correct use of the complaints procedure;
  - 5.1.2 Pursued unreasonably or in a vexatious manner;
  - 5.1.3 About a factual matter over which it has no discretion; or

- 5.1.4 For practical management reasons.
- 5.2 If we decide to leave out a stage, we will clearly explain why we have made this decision.
- 5.3 Where CH 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.
- 5.4 If we offer a solution or compensation at any stage, the complainant will have a period of 14 days in which to accept the solution or compensation, after which the offer will be withdrawn. This time may be extended at CH's discretion.

## **6 Housing Ombudsman Service**

- 6.1 Tenants may refer complaints to the Housing Ombudsman Service (HOS) ([www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)) by following the steps outlined below:
  - 6.1.1 **Step 1:** Tenant makes a formal complaint to the landlord.
  - 6.1.2 **Step 2:** Having exhausted CH's complaint procedure and if the tenant is still dissatisfied, the tenant has two options:
    - 6.1.2.1 Contact a designated person (a local councillor, MP or the landlord's recognised tenant panel). The designated persons have no obligation to help resolve the case. A designated person has no legal authority over a landlord's policy or procedure. If they are unable to deal with it they can refer the matter directly to the HOS.
    - 6.1.2.2 Or, the tenant can wait for a period of 8 weeks to elapse since the CH complaints procedure has been exhausted and proceed to Step 3.
  - 6.1.3 **Step 3:** Once Step 2 has been complete, the tenant can request the Independent Housing Ombudsman Service to consider their complaint by contacting them at:

Housing Ombudsman Service  
Exchange Tower  
Harbour Exchange Square  
London  
E14 9GE  
Phone: 0300 111 3000  
Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)  
[www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)
- 6.2 There may be occasions when the HOS consider that the issue is not one that they should take up. Generally, the HOS will only consider investigating a case brought to them from tenants of an association and further guidance on the procedure can be found on their website.
- 6.3 CH will comply with the findings of Housing Ombudsman Service.
- 6.4 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.