



Complaints Procedure

Document History

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Approvals

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Complaints Procedure

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 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 complainant's 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 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 procedure 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 a complaint about the failure in our service may be dealt with under the Complaints Policy.

- 2.6 CH accepts complaints made in any format delivered to a staff member or business, including letters, emails, phone, text message 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 recorded 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.
- 2.13 It is CH's aim to respond to and resolve complaints as quickly as possible.
- 2.14 Complaints will be dealt with:
 - 2.14.1 promptly courteously, systematically and fairly and
 - 2.14.2 in confidence, provided that any information received does not require CH to disclose in accordance with any other statutory obligations imposed upon it.
- 2.15 All complaints received by CH will be logged in and monitored. Complaints monitoring is included in performance indicators reported to the Board of Management and in CH's annual reviews posted on its website.

3 Complaint Acknowledgement

- 3.1 In the first instance, the CH staff person receiving a complaint will record the complaint and attempt to resolve the concern at the point of first contact.
- 3.2 If the complainant believes the concern has not been resolved, the CH staff member will assign an appropriate CH staff member to respond.
- 3.3 Responsibility for investigating and resolving complaints will be handled by the appropriate staff member responsible for the service delivery of the subject of the complaint. If the staff member may be a subject of the complaint, another staff member will be assigned to investigate the complaint.
- 3.4 If in doubt, the Chief Executive should be consulted to advise appointment of the investigator. Complaints about individual staff members will always be referred to the Chief Executive.
- 3.5 If the complaint is not closed with the complainant within five working days of the receipt of a complaint, if the complaint will move to Phase 1 investigation.

4 Phase 1 Investigation

- 4.1 Within 5-working days of receipt of the complaint, CH will respond in writing to the complainant to:
 - 4.1.1 acknowledge receipt of the complaint;
 - 4.1.2 clarify the complaint;
 - 4.1.3 clarify the outcome sought;
 - 4.1.4 check whether support is required;
 - 4.1.5 confirm the procedure.
- 4.2 If the CH staff member or service provider acknowledges responsibility for the problem which resulted in a complaint, the investigator will seek to resolve the matter quickly by getting the problem rectified.
- 4.3 If, however, the CH staff member or service provider refutes or challenges a complaint, the investigator will move the complaint to phase 2 to take time to conduct a comprehensive investigation of the issues.
- 4.4 Phase 1 investigation should be complete within 10 working days of receipt of the complaint. The investigator will write to the complainant informing them either noting one of two outcomes of phase 1:
 - 4.4.1 The complaint has been investigated, upheld or not upheld, and the resulting outcomes; or
 - 4.4.2 The complaint requires further investigation and is moving to phase 2.

5 Phase 2 Investigation

- 5.1 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.
- 5.2 CH will reimburse reasonable expenses incurred by the complainant whilst attending meetings and hearings. Claims for reimbursement will be made in writing to the investigator. CH staff are available to assist a complainant to make such a claim.
- 5.3 The target time for responding to phase 2 stage of the complaints process is 10 working days from completion of phase 1. However, if we consider that there is the possibility that a complaint might result in legal action or a liability claim against CH, legal advice will be sought and this may mean that we are unable to achieve a resolution within our target times on such a complaint. The complainant will be kept advised of reasons for any unforeseen delays in reaching conclusions.
- 5.4 Following completion of phase 2, the investigator will write the complainant informing them of the outcome of the investigation into their complaint including any actions that have or will be taken.

6 Appeals

- 6.1 Should CH be unable to resolve a complaint using the process outlined above and the complainant appeals against the decision reached, the appeal will be reviewed follows:

- 6.1.1 If the investigator was not the Chief Executive, the Chief Executive will receive the appeal, review the case and make a final judgement.
 - 6.1.2 If the investigator was the Chief Executive, the Chair of the Board will receive the appeal, review the case and make a final judgement.
 - 6.1.3 Complaints about the Chief Executive or Board Members of Cirencester Housing will be dealt with by a three person panel consisting of the Chair, Chief Executive if the complaint is not about him/her, and a Board Member. In such circumstances, appeals will be received by the Chair of the Audit Committee to review the case and make a final judgement.
- 6.2 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.
 - 6.3 Following completion of the appeal review, the investigator will write the complainant informing them of the outcome of the appeal and informing them of CH's final judgement.
 - 6.4 The target time for concluding the appeal is 20 working days from receipt of request for appeal.

7 Concluding the Complaint

- 7.1 On very rare occasions, we may decide to leave out one or more stages if we consider the complaint to be:
 - 7.1.1 Not a correct use of the complaints procedure;
 - 7.1.2 Pursued unreasonably or in a vexatious manner;
 - 7.1.3 About a factual matter over which it has no discretion; or
 - 7.1.4 For practical management reasons.
- 7.2 If we decide to leave out a stage, we will clearly explain why we have made this decision.
- 7.3 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.
- 7.4 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.

8 Housing Ombudsman Service

- 8.1 Tenants may refer complaints to the Housing Ombudsman Service (HOS) (www.housing-ombudsman.org.uk) by following the steps outlined below:
 - 8.1.1 **Step 1: Tell your landlord.** They may be able to put things right. All landlords have complaints procedures that should be easy to use, fair and designed to put things right.
 - 8.1.2 **Step 2: Complain to a designated person.** If you are unable to resolve your complaint through your landlord's complaints procedure you can contact a designated person who can also help find a solution. The designated person can be an MP, a local councillor or a Tenant Panel. Their role is to help resolve disputes between tenants and their landlords which they can do in whatever way they think is most likely to work. If the designated person cannot help they can

refer a complaint to the Ombudsman. If you have decided not to contact a designated person you can come directly to the Ombudsman eight weeks after your landlord has given you its final response to your complaint.

- 8.1.3 **Step 3: Escalate your complaint to the Ombudsman.** Once Step 2 has been complete, the tenant can request the Independent Housing Ombudsman Service to consider their complaint by contacting them at:

Phone 0300 111 3000

www.housing-ombudsman.org.uk

Housing Ombudsman Service

PO Box 152

Liverpool L33 7WQ

- 8.2 CH will comply with the findings of Housing Ombudsman Service.
- 8.3 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.