

| | | | | | | |
|--|---|----------|-------------|--|--------------------|----------|
| Title | <u>Complaints and Feedback Policy</u> | | | | | |
| Version number | 5.0 | | | | | |
| Document Type | Policy | X | Procedure | | Terms of Reference | |
| | Strategy | | Print Media | | Report | |
| Scope | Local | | Regional | | Association Wide | X |
| Original policy date | 11.02.2020 | | | | | |
| Consultation and Co-Production | Quality Improvement, Housing | | | | | |
| Reviewing Committee | SLT | | | | | |
| Approving Committee | Board | | | | | |
| Approval Date | 22 May 2024 | | | | | |
| Next review date | 22 May 2027 | | | | | |
| Originating Department (where applicable) | Housing and Support | | | | | |
| Document Owner | Dave Moore, Assistant Director of Housing and Support | | | | | |
| Lead Director or Associate Director | Alison Sargent, CEO | | | | | |
| Status | Approved | | | | | |
| Keywords | Complaints, Feedback, Policy | | | | | |

| Version | Description of Amendments/Revisions | Date |
|----------------|--|-------------|
| 1.0 | Original document | Feb 2020 |
| 2.0 | Updated document | Nov 2021 |
| 3.0 | Updated to new format/branding | May 2023 |
| 4.0 | Updated to adopt code of practice changes Oct 22 | Nov 2023 |
| 5.0 | Reviewed and updated following RSM audit | April 2024 |

The online version is the only version that is maintained and valid. If this document has been printed or saved to another location, the reader must check that the version number matches that of the online version.

Purpose & Scope

The purpose of this policy is to ensure that our Tenants, Residents, Service Users (TRS) and any person or group of people who are affected by an activity or service carried out by the Association can raise their complaint and have it thoroughly investigated and resolved in a timely manner.

This policy is also applicable to anyone who receives or requests a service from Adullam Homes (including external complainants/stakeholder & our partners) and those acting on our behalf, or anyone who is affected by our decisions or actions, such as non-tenant neighbours or applicants for housing.

The Regulator of Social Housing (RSH) Consumer standard “Tenant Involvement & Empowerment” states that “a registered provider shall have an approach to complaints that is clear, simple and accessible that ensures that complaints are resolved promptly, politely and fairly”. This policy sets out to ensure this requirement is met. In addition, the Housing Ombudsman Service complaint handling code sets out what it expects from the sector. This policy ensures that we comply with that code. When we receive a complaint, we will make sure TRS are aware of the Housing Ombudsmen Service and that TRS have the right to access the Housing Ombudsmen Service throughout the lifetime of their complaint. The policy will ensure that feedback from complaints is used to improve the service, deliver high levels of satisfaction and identify learning that supports process improvements.

1.0 Introduction

Adullam Homes Housing Association Limited is committed to providing quality, responsive and timely services that consistently meet or exceed our Tenants, Residents and Service Users expectations. However, we realise that things can occasionally go wrong and that despite our best efforts, we may not always get things right. When this happens, we will act quickly to resolve a problem, keep the individual/s informed of our actions, advise of how we will learn from the experience and do things differently to prevent it happening again. Where this happens, it is important for our Tenants, Residents and Service Users to be able to tell us, so that we can address these concerns.

Adullam’s Mission Statement is ‘Restoring Hope and Dignity’, and this policy links directly to our values:

- **Valuing the Individual**
- **Integrity and Fairness**
- **Striving for Excellence**

2.0 Policy statement

Adullam Homes are committed to providing an excellent service for all and recognise sometimes there will be some dissatisfaction and that a complaint will be made. We will investigate complaints in a confidential and respectful manner, agreeing with the individual how they will be kept informed throughout the process and wherever possible we will seek to resolve complaints informally to achieve a swift and satisfactory outcome without the need for a formal complaint.

In addition to complaints the scope of this Policy also takes account of the ways in which Adullam Homes deals with **Compliments, Comments and Suggestions** as valuable forms of feedback.

2.1 Definitions

Complaint – will be defined as ‘An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents’.

Feedback – will be defined as ‘any method whereby Tenants, Residents and Service Users can express their views on how Adullam Homes delivers its services’.

Compliments - Adullam Homes encourages Tenants, Residents and Service Users to let us know when we have done something they are satisfied with, as well as areas we need to improve. Compliments received will be logged on Pyramid and shared with the Senior Leadership Team when required. Where it has been identified that a member or members of staff have demonstrated delivery of excellent services, they will be sent an internal message of thanks from the relevant manager.

Suggestions and Comments

Adullam Homes encourages suggestions and comments on how it can change and improve the ways in which it works to deliver better services. All suggestions/comments will be logged on Pyramid and any that are adopted will be publicised and individually acknowledged.

2.2 Examples of what we will consider as a complaint include:

- Failure to provide a service that we say we will
- Failure to provide that service to a reasonable standard
- Failure to follow an Adullam policy or published service standard or agreed process
- The unprofessional behaviour of a member of staff (e.g. in breach of Code of Conduct policy)
- Failure to provide information or the right information in a timely manner.

2.3 Adullam Homes may not deal with any of the following as a complaint under this policy:

- An initial request for a repair/service
- Reports of neighbour nuisance or anti-social behaviour
- Complaints about services that are not provided or contracted by Adullam Homes

- An Insurance claim that is made through Adullam Homes Insurance providers
- A complaint which relates to alleged failure to comply with the General Data Protection Regulation (GDPR)
- A complaint relating to an executive or non-executive Director of Adullam Homes (separate procedures will apply in both circumstances)
- A complaint which relates to an event more than six months before the date that we receive the complaint (exceptions considered where safeguarding or Health & Safety is a factor)
- Any issue which is subject to ongoing legal proceedings or investigation.
- A complaint that is repeated and has already been completed under this policy.
- Disagreement with an Adullam policy or procedure. We encourage comments and feedback on our policies and procedures through our co-production structures, involvement and engagement.
- Appeals against decisions such as issuing a warning or an allocation decision. These will be dealt with under the relevant appeals process.
- Complaints or concerns that relate to a safeguarding issue such as abuse or neglect. This will be dealt with through our safeguarding process.

Adullam Homes recognise the difference between a service request and a complaint. A service request is a request from a TRS requiring action to be taken to put something right. Service requests are not complaints, but will be recorded, monitored and reviewed regularly.

A complaint will be raised if the TRS expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. Adullam Homes will endeavour to address the service request if the TRS complains.

When an individual expresses dissatisfaction with services via a survey this is not defined as a complaint, though wherever possible, the person completing the survey will be made aware of how they can pursue a complaint if they wish to. Adullam Homes when seeking feedback about our services, will provide details of how TRS can complain.

2.4 If Adullam Homes decides not to accept a complaint, a detailed explanation will be provided setting out the reasons why the matter is not suitable for the complaints process and their right to contact the Housing Ombudsman Service.

www.housing-ombudsman.org.uk

Email: info@housing-ombudsman.org.uk

Phone: 0300 111 3000

Calls are recorded for training and monitoring purposes.

Write: Housing Ombudsman Service, PO Box 1484, Preston, PR2 0ET

Complaints received from the Housing Ombudsman will be passed to a Senior Manager. The Senior Manager will comply with all requests from the Housing Ombudsman within the timescales provided.

The Complaints Officer will monitor progress for all complaints received from the Housing Ombudsman.

Please see the Complaints Guidance for Housing Ombudsman Complaints Workflow.

3.0 Adullam Homes has adopted the principles set out by the Housing Ombudsman Service in its approach to complaint resolution.

We will: -

- Be fair – treating people fairly and follow fair processes - a constructive approach that applies consistent principles to all complaints and each complaint is considered on the facts of each individual case
- Put things right – where we have got things wrong
- Learn from the outcome of complaints – feedback to service users including the complainant on lessons learnt and actions taken to improve service delivery

4.0 Confidentiality and Anonymous Complaints

4.1 We will respect the confidential nature of the complaints we receive and if the complainant asks us not to speak to particular individuals, we will respect their wishes, but this may restrict our ability to resolve the complaint.

4.2 In keeping records about complaints and any access to our complaints register we will comply with relevant data protection requirements under the General Data Protection Regulations.

4.3 Where complaints are made anonymously, we will investigate wherever possible, however without specific details this may not always be possible although we will always record such complaints. Adullam has a zero-tolerance approach to victimisation of complainants and Tenants, Residents and Service Users can be assured that they will not be treated in a negative way as a result of making a complaint. Where a conflict of interest may be of concern this complaint will be allocated to an independent employee.

5.0 Group Complaints

5.1 Occasionally the same complaint may be made by a number of people. A group complaint will be dealt with using the same process as a complaint made by one person. In these circumstances, where it is appropriate, we will communicate with the “lead complainant” if one is identified. Or this will be signposted to scrutiny champions/panel to support.

6.0 Support for People Wishing to Complaint

6.1 A leaflet outlining the Complaints Policy and procedure is available from our website and can be made available in different formats on request.

6.2 There are a number of scrutiny champions and trained peer mentors based across the Association, they can TRS to make a complaint where they do not feel comfortable in doing so themselves.

6.3 A resident does not have to use the word 'complaint' for it to be treated as such. Whenever a TRS expresses dissatisfaction Adullam Homes will give them the choice to make a complaint. A complaint that is submitted via a third party or representative will be handled in line with our complaints policy.

Adullam will also work with our partners/external agencies and engage with other third parties where relevant to achieve a desirable outcome. Adullam Homes will ensure that any third parties handle complaints in line with the Ombudsman Code. We will accept complaints from our tenants, residents and service users or anyone who has a clear link to us, such as using a service we provide. Where an individual asks a third party to act on their behalf, we will ask for appropriate permissions from that individual before we will do this.

7.0 Making a complaint – How to make a complaint

7.1 Complaints can be made by telephone, letter, e-mail or face to face, using a complaint form via our website, complaints leaflet, QR code and on social media.

7.2 As part of our approach we will always attempt to speak to the individual in person unless they have requested an alternative method of communication. Making a complaint will not have an adverse effect on any other services that someone receives from us. We seek to prevent any person or persons from being discouraged from complaining because English is not their first language; have poor literacy or communication skills; or they have a disability that makes communication difficult.

7.3 We will acknowledge all complaints within five working days and aim to resolve your complaint at First Stage response (Stage 1) within ten working days. If an investigation requires longer than this, we will contact the complainant, agree a suitable extension timescale, keeping them fully informed of the progress of their complaint and when they can expect a full response. Escalation to stage 2 should be done so within 10 working days of the decision response on whether their complaint is upheld or not.

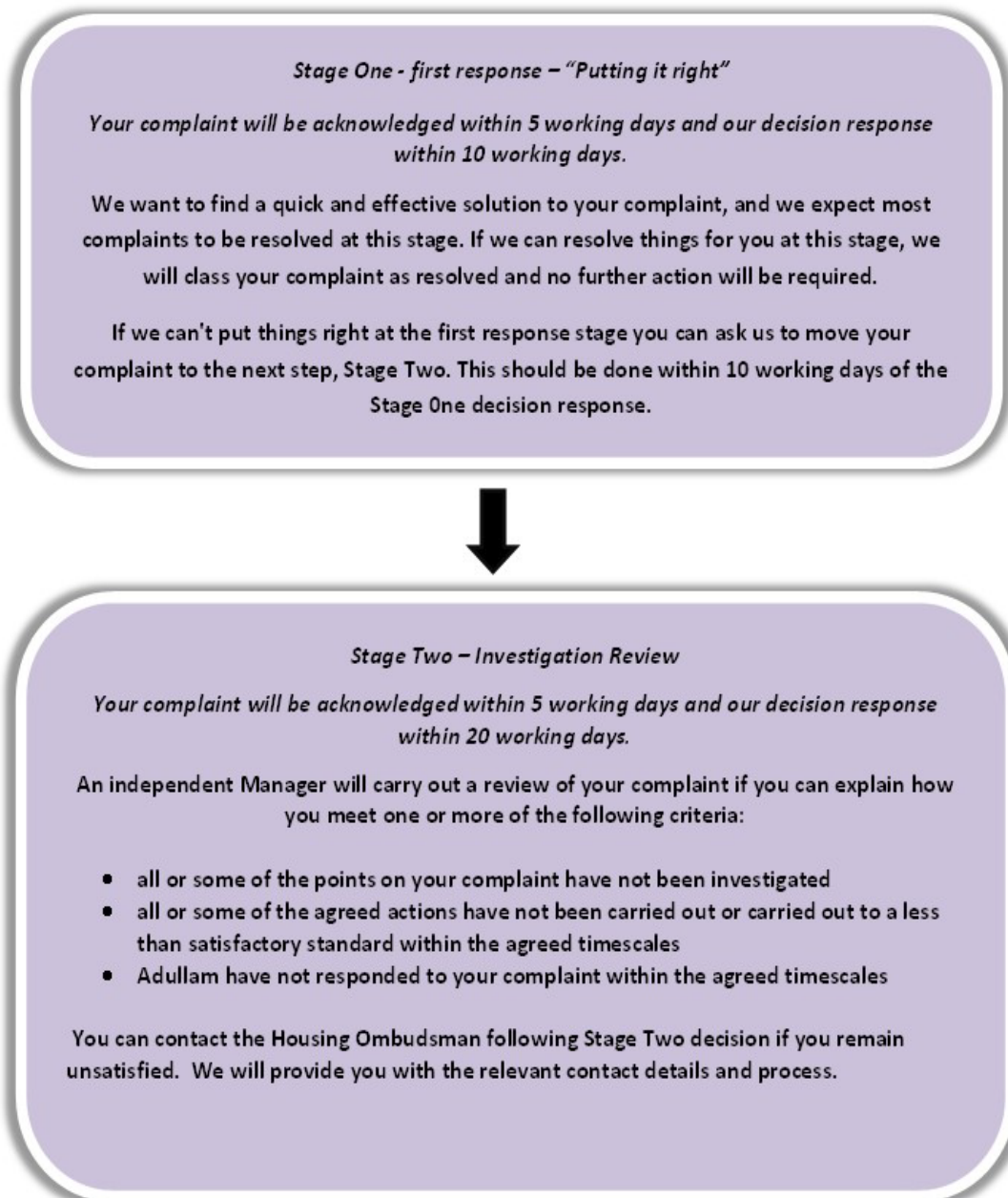
Within 20 working days from the request to escalate the complaint, we will provide the complainant with our decision on whether their complaint is upheld or not, and if it is upheld, what action is proposed to address it. If there is a good reason, we may take longer than this, but we will explain this to the complainant, but it will not exceed a further 10 working days unless an additional extension is agreed by both parties. If there is no agreement the complainant can refer the matter to the Housing Ombudsman. We will provide an explanation and a date by when the stage two response should be received.

You have the right to contact the Housing Ombudsman Service at the response or outcome of Stage Two.

7.4 The Complaints Policy and procedure stages are sequential, and any complaint will be dealt with fully under each stage.

7.5 We will only usually investigate complaints which were made within twelve months of the event which caused the complaint.

8.0 There are two stages to Adullam's complaints process:



9.0 Tenants, Residents and Service Users Scrutiny Panel and additional complaint solutions

9.1 If a complaint has been through Adullam's internal complaints procedure and still not been resolved to the complainant satisfaction, Tenants, Residents and Service Users have the right to ask their complaint to be looked at by a scrutiny panel. The panel is made up of a number of Adullam Tenants, Residents and Service Users who have had special training to enable them to consider complaints under this process.

9.2 Mediation - Mediation may be offered at any stage of the complaints process. Mediation is a balanced, positive way of sorting things out before the conflict starts to affect people's quality of life. Mediation is impartial and fair for all parties involved and helps people to find a way to work out a solution to their problems. Mediation offers both parties the opportunity to help improve communication and look at resolutions.

10 Compensation

10.1 Compensation payments may be paid at the discretion of the investigating manager, in line with this policy and reflect the circumstances of each case.

10.2 Compensation payments may be offered where:

- We have failed to deliver a service to the advertised or expected standard
- In recognition of the time and trouble taken by the individual to make their complaint
- In recognition of distress and inconvenience experienced
- To reflect loss suffered because of a service failure by us

10.2 We do not pay compensation for loss of earnings.

10.3 Compensation payments are used to offset rent or other arrears in the first instance. Reimbursements, such as for a replacement product, or where an individual has incurred additional expense, are paid regardless of arrears on a rent account.

10.4 All compensation payments will be approved by the Executive Director of Housing and Support.

11 Persistent or Repetitious Complaints and Unacceptable Behaviour

11.1 Adullam wishes to respond positively to any concerns or complaints however very occasionally we may reject a complaint without a detailed investigation if we feel that it is deliberately repetitious. This is most likely to apply where the matter has been the subject of a previous complaint that has been dealt with to the best of our ability or the complainant is asking us to look at the same matter again.

11.2 Relatively few of our Tenants, Residents and Service Users behave in a way that is unacceptable or unreasonable however on occasions a complainant may behave in a way that is angry or aggressive towards staff. Where complaints result in a situation where Adullam needs to protect staff from

unacceptable behaviour such as unreasonable persistence or offensive behaviour from the complainant, the Association has adopted the Housing Ombudsman's Unacceptable Actions Policy. Unacceptable behaviour may result in a restriction of the contact the Association has with the complainant and threats or use of physical violence, verbal abuse or harassment may result in the incidents being reported to the police.

11.3 Vexatious Complaints and Unreasonable Persistent Contact Policy and Procedure - For many of the people we have daily contact with, taking action under the terms of this Policy will never be necessary, however, for some who deliberately and/or persistently engage in behaviours which are considered to be unacceptable, it is important that the organisation has a Policy which:

- Sets out our approach to managing individuals who present unacceptable behaviours.
- Is easily accessible, so that our customers, tenants, residents and service users are aware that this Policy exists and know that certain actions will be taken depending on the type and extent of the unacceptable behaviour; and
- States how staff, partners and contractors will be supported when dealing with unacceptable behaviour, whilst acknowledging that where customers or service users make counter-allegations against our staff, these will be reviewed and investigated thoroughly.

This policy defines an individual who is considered subject to the Vexatious Complaints Policy and unreasonable persistent contact procedure. These include individuals who:

- Make unreasonable demands.
- Are unreasonably persistent.
- Refuse to accept the outcome of a complaint or review process and continue to pursue their complaint or issue in a persistent, vexatious or unreasonable manner.
- Are persistently or repeatedly rude - including swearing or using coarse or unacceptable language despite being asked respectfully to modify their language or behaviour.
- Are persistently or repeatedly verbally abusive, aggressive or intimidating – including speaking in a way, tone or volume which can reasonably be perceived as aggressive despite being asked respectfully to modify their language or behaviour. This can also include making derogatory remarks, rudeness or inflammatory or unfounded allegations.
- Makes physical threats towards staff – including threats to physically hurt or harm someone.
- Behaves inappropriately – including the use of sexually suggestive or racially inappropriate language or behaviour or making references to actions or behaviour which is illegal or immoral.

This policy/procedure can be applicable to a current tenant, resident or service user, ex residents and members of the public.

12. Data Protection

We are committed to safeguarding the rights of confidentiality and privacy. All Adullam staff are required to maintain a duty of care towards information regarding Tenants, Residents and Service Users and applicants, in line with data protection legislation and the Data Protection Policy 2018.

13. Monitoring and Learning from Complaints

13.1 Regular monitoring will take place by the Complaints Handling Officer and members of the Senior Leadership Team to ensure that procedures are being followed. Adullam do not view high volumes of complaints as a negative and analyse areas where there are high and low volumes of complaints to ensure individuals are able to make a complaint. See Complaints Handling Officer role below.

13.1.1 - As part of Assistant Quality Assurance Manager Complaints Handling Officer role –

- Monitor the Adullam Homes Complaints policy, procedure and process has been applied/followed throughout Adullam Homes services per Ombudsman regulatory requirements:
 - Create individual Omniprint reports for each service
 - Produce a tracker for each service that will show whether letters have been recorded in Custom tab, and staff-proformas have been received.
 - Send weekly reports to managers with the data relating to their service, including information relating to letters missing from the Custom Tab, missing data from the Complaints details, staff proformas, complaints that are open passed the completion target, ensuring all compliments are closed the day of receipt, any central complaints have been recorded and the relevant manager notified etc.
- Continue to send a monthly report to all managers highlighting the main areas that need addressing.
- Meet with each service manager once a quarter to look at any issues that were not addressed, discuss any patterns of incorrect recording/not following the complaints procedure and highlighting any training needs for the service.
- Provide an overall quarterly report for SLT including any areas that need addressing and inform SLT of any complaints that have been forwarded to Housing Ombudsman.
- Continue to provide overall reports once a quarter to be discussed at the Complaints Group. Meet with Central Managers to ensure they are following the correct procedures with complaints assigned to their Cost Centres.
- Deliver 2 Complaints training sessions every 4-6 months for new staff/those that require refresher training.
- Completion of Annual Self-Assessment against Ombudsman code

13.2 A member of the Adullam Homes Board has been appointed to have lead responsibility for complaints to support the complaints handling process. This person is now referred to as the Member Responsible for Complaints ('the MRC'). -

Reports will be provided to the MRC, Executive Director of Housing and Support, Senior Leadership Team (SLT) and to the Operations Committee / Board every year. The report will highlight:

- The number of complaints
- The nature of complaints
- Process and resolution timeframes
- Trends in the numbers and types of complaints and action taken or proposed to improve these areas of service
- Areas of concern
- Any compensation paid
- Self-assessment reporting against the complaints handling code

13.3 Performance indicators on complaints will also be provided to the Board and they will be notified immediately of any major complaints.

13.4 The number and type of complaints will be published in the Tenants, Residents and Service Users Annual Report.

13.5 Random or specific satisfaction checks will be undertaken to ascertain whether complainants are satisfied with the way that their complaints have been handled.

13.6 Adullam Homes when required will carry out a self-assessment following any significant restructure, merger and/or change in procedures.

13.7 Adullam Homes will review and update the self-assessment following an Ombudsman investigation.

13.8 If Adullam Homes are unable to comply with the Code due to exceptional circumstances, such as a cyber incident, we will inform the Ombudsman, provide information to our TRS who may be affected, and publish this on our website with a timescale for returning to compliance with the Code.

14 Staff Training

14.1 We will use a range of methods to provide training to colleagues and scrutiny panel members/ champions on the Policy and procedure.

This will include:

- Face to face discussions at team meetings

- Internal/External training courses for those colleagues who have a more detailed involvement in complaints handling. Appropriate e learning course and staff training pathways

15 Equality Diversity and Human Rights

15.1 Adullam Homes is committed to ensuring that no person or group of persons will be treated less favourably than another person or group of persons and will carry out its duty with positive regard for the following core strands of equality; Age, Disability, Gender, Race, Gender Identity / Gender Expression, Sexual Orientation, Religion and/or Belief, Civil Partnership and Marriage, Pregnancy and Maternity. Adullam Homes also recognise that some people experience disadvantage due to their socio-economic circumstances, employment status, class, appearance, responsibility for dependants, unrelated criminal activities, being HIV positive or with AIDS, or any other matter which causes a person to be treated with injustice. We will also ensure that all services and actions are delivered within the context of current Human Rights legislation and will endeavour to ensure staff and others with whom it works, adhere to the central principles of the Human Rights Act (1998).

16 Publishing the Policy

16.1 We will publicise our policy on complaints to our Tenants, Residents and Service Users, staff and other stakeholders in several ways, including:

- Tenants, Residents and Service Users Handbook
- Licence and Tenancy documents
- Annual Report
- Adullam Website
- Policy Hub
- Policy briefings and training
- Within routine communications
- Annual Co Production Involvement & Engagement week

17 Implementation

17.1 All Adullam Homes staff have a responsibility for ensuring the effective implementation of this Policy and should take ownership of complaints, appeals and feedback handling. All staff will be expected to cooperate with any internal investigations and scrutiny/panel meetings as required.

17.2 Adullam Homes will:

- have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments.
- take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and

- act within the professional standards for engaging with complaints as set by any relevant professional body. -

18 Review – The Adullam Homes Complaints Policy will be reviewed annually, as near as is possible from the date of Board approval or as required by the introduction of new legislation, regulation or as a result of any Internal/external system audits. The review process will ensure its continuing suitability, adequacy and effectiveness.

Associated documents/legislation, governance hyperlinks:

- Anti-Social Behaviour Policy.
- Complaints Procedure.
- Data Protection Policy.
- Data Protection Act 2018.
- General Data Protection Regulations.
- Dispute Resolution Principles – Housing Ombudsman Service.
- Equality Act 2010.
- Localism Act 2011.
- Mental Capacity Act 2005.
- Regulatory Standards – Regulator of Social Housing.
- Safeguarding Policy
- Social Housing (Regulation) Act 2023