

## HM-PR-02 Complaints Procedure (Housing Services)

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| <b>Version Number</b>                                                            | 4        | <b>Developed by</b>         | Assistant Director – Housing Services     |
| <b>Approval Date</b>                                                             | 21/05/24 | <b>In Consultation With</b> | Deputy CEO<br>Corporate Services Director |
| <b>Classification Type - (Confidential, Restricted, Internal use only, None)</b> |          |                             | None                                      |

### 1.0 Is this the right procedure for the complaint I've received?

- a) Staff should use this procedure to deal with complaints received in all services where we provide housing. This includes 24/7-staffed services, dispersed housing and short-term and emergency accommodation. It should be used for **all** complaints in these services, whether about housing, support or any other matter.

### 2.0 Why do complaints matter?

- a) Complaints are a vital way of ensuring that our residents and service users receive an appropriate service and for Framework to understand when things aren't going as they should. They allow us to improve what we do and can help us to solve real and serious problems for people. All staff, Board Members and volunteers should treat complaints with the highest priority. To support staff to do this, training will be provided.
- b) Complaints are an essential tool to drive organisational learning and improvement. We will analyse complaint themes and trends to ensure that we are improving the experiences of people who live in our properties.

### 3.0 What is a complaint?

- a) A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by Framework, our own staff, or those acting on our behalf. The complaint can be made by a resident or a group of residents, or other person. 'Other person' can include members of the public, family and friends of residents, neighbours, elected officials (such as MPs and Councillors) and other professionals.
- b) Complaints can affect individuals or groups of residents. They can be made verbally (in person or by phone) or in writing (by letter, email, our website or feedback form). Complaints can be made by a third party or representative. A complaint that is submitted via a third party or representative must also be handled in line with this procedure.
- c) Residents do not have to use the word 'complaint' for it to be treated as such.
- d) All complaints require a response from the organisation.

#### 3.1 What isn't a complaint?

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- a) A **service request** is a request that the organisation takes action to deliver something that it should deliver routinely or to put something right that should have been routinely delivered – for example a resident may report a repair that is needed, ask for an appointment to be made or rearranged or ask that cleaning takes place more frequently.
- b) Service requests must be recorded, monitored and reviewed. This is done via the appropriate customer management system (e.g. Inform, Pyramid). A complaint can be made where a service request has not been actioned to the resident's satisfaction. We will not stop our efforts to address a service request if a resident/service user complains.
- c) We manage the quality of our response to service requests and overall service performance through our Quality Assurance processes.
- d) **Reports of anti-social behaviour** (ASB) are not complaints. They are managed using the Anti-Social Behaviour Procedure. If someone is dissatisfied with how an ASB report has been handled, their dissatisfaction should be treated as a complaint.
- e) An expression of dissatisfaction made by a **survey** or via **feedback** (for example at a house meeting or event) is not a complaint, but wherever possible, the person completing the survey or sharing the feedback should be made aware of how to make a complaint. Requests for feedback about our services will contain details of how to make a complaint. Feedback received will be recorded, monitored and regularly reviewed via the appropriate procedure. This can include publications (e.g. annual report to residents), written reports (to service group, Operations Managers, CLT, SLT or Board as appropriate) or qualitative and quantitative analysis to give deeper insight to trends, root causes and themes.
- f) Staff are encouraged to record **compliments** on the Datix system, to give a balanced picture of resident satisfaction and to share good practice with the wider organisation. However, there is no need to respond formally to compliments.

### 4.0 Refusing complaints

- a) We will always accept a complaint unless there is a valid reason not to do so. We will only refuse to accept a complaint, or refuse to escalate a complaint where one of the following applies:
  - The issue giving rise to the complaint occurred over twelve months ago, or the complainant became aware of the issue more than twelve months ago.
  - Legal proceedings have started. This is defined as details of the claim (e.g. the Claim Form and Particulars of Claim) having been filed at court.
  - Where the complaint is in relation to a criminal case that is being dealt with through the Criminal Justice System.
  - The matter raised has previously been considered under the Complaints Policy and Procedure.
- b) Framework may exercise discretion and accept a complaint that should be refused under the above criteria where there are good reasons to do so.

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- c) Framework will not take a blanket approach to excluding complaints; we will consider the individual circumstances of each complaint. If Framework decides not to accept a complaint, an explanation will be provided to the complainant setting out the reasons why the matter is not being considered and advise the complainant of their right to take the matter to the Housing Ombudsman.

### 5.0 Accessibility

- a) Residents must be able to raise complaints in any way and with any member of staff.
- b) All staff must be aware of the complaints procedure and be able to pass a complaint to the Customer Satisfaction Manager.
- c) Framework will make it easy for residents to complain by providing information via our website, handbooks, leaflets, posters and letters. Our information will be produced in clear and accessible language. We will make appropriate reasonable adjustments to support people to complain. For example, we will explain the process to people, provide easy-read leaflets or voice notes and translate leaflets where appropriate. We will ensure that complaint responses are accessible to the individual that has made the complaint.
- d) Framework will make appropriate reasonable adjustments for residents under the Equality Act 2010. A record will be kept of any reasonable adjustments agreed as well as a record of any vulnerabilities or disabilities that a resident has disclosed. Agreed reasonable adjustments will be kept under active review.
- e) Framework will give residents the opportunity to have a representative deal with their complaint on their behalf, and, where reasonable, to be represented or accompanied at any meeting about their complaint.
- f) Framework will provide residents with information on their right to access the Housing Ombudsman service and how they can engage with the Ombudsman about their complaint through our website, handbooks, leaflets and letters.

### 6.0 Responsibility

- a) All staff are responsible for the appropriate handling of complaints and complying with this procedure. Training will be provided. All staff are expected to co-operate with and respond promptly to requests for information from the Customer Satisfaction Manager.
- b) The Customer Satisfaction Manager will co-ordinate the administration of and response to all complaints received, working closely with all colleagues at all levels in service delivery, housing management, repairs and rents (as appropriate) to ensure a collaborative, comprehensive and joined-up response to all complaints. They also have the authority and autonomy to act to resolve disputes promptly and fairly. They will maintain systems for complaint reporting, management and performance and assist the Assistant Director – Housing Services (ADHS) with reporting to the Board. They will also

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co-ordinate liaison with the Housing Ombudsman. They will monitor real time compliance with this procedure including complaint handling time.

- c) Complaints relating to the alleged misconduct of Framework staff will be recorded, acknowledged and monitored through the Customer Satisfaction Team. However, the team will not investigate them and instead they will be passed to the relevant Operations Manager who will ensure they are investigated and responded to either by themselves or an appropriate manager. We are unable to divulge the outcome of these investigations for reasons of confidentiality, but we will explain what our investigations involved. The same timescales apply when dealing with such complaints and the Customer Satisfaction Manager is responsible for keeping and updating records on Pyramid and identifying trends and learning.
- d) Responsibility for oversight of and compliance with the procedure and the work of the Customer Satisfaction Manager sits with the Assistant Director – Housing Services.
- e) The Assistant Director – Housing Services is the lead person responsible for Framework's complaint handling and will ensure that Framework assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.
- f) Directors are responsible for compliance with the policy and procedure within their areas of responsibility.
- g) A Board Member is appointed as the 'Member Responsible for Complaints' (MRC) and is responsible for ensuring that the Board receives regular information on complaints and our performance in handling complaints. They have the lead responsibility for complaints to support a positive complaint handling culture. The MRC is the Chair of the Service Delivery Committee.
- h) There may be occasions where a complaint is handled by a third party (e.g. contractor). In such cases we will ensure the complaint forms part of the two stage complaints process set out in the Code as we do not expect residents to go through two complaints processes.

### 7.0 How to handle a complaint

#### 7.1 Receiving a complaint

- a) Complaints must be actively welcomed by staff members receiving a complaint. There should be no attempt to dissuade residents from making complaints. Residents who make a complaint should not be treated differently and there must be no reprisals or negative consequences for those who raise a complaint.
- b) When a complaint is received it must be recorded on Pyramid by the person who receives it. Staff who receive complaints should provide as much information as possible on the Pyramid record and attach any documents to the complaint record that have been provided by the complainant.

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- c) Automatic workflows in Pyramid will ensure that the Customer Satisfaction Manager is notified and deadlines for acknowledging the complaint and responding to the complaint will be automatically set. The Customer Satisfaction Manager will make relevant managers aware and all responses and actions are to be co-ordinated by the Customer Satisfaction Manager.

### 7.2 Stage 1 Complaints

- a) A complaint that is being made for the first time should be recorded on Pyramid as a 'Stage 1' complaint.
- b) All complaints must be acknowledged in writing and recorded on Pyramid within five working days of receipt by the Customer Satisfaction Manager. This can be by email or letter as appropriate to the individual complainant. The acknowledgement must set out our understanding of the complaint and the outcome that the complainant is seeking. If any aspect of this is unclear, the complainant must be asked for clarification and understanding of the matter must be agreed between both parties. If there are aspects of the complaint that we are not responsible for we will make this clear. If the outcome that the complainant is seeking is unrealistic or unreasonable, we must be clear in our correspondence that this is the case. The acknowledgement should explain that the complainant can expect a full response within ten working days of the acknowledgement.
- c) The complaint will be handled by the Customer Satisfaction Manager (or their appointee in the event of their absence). No person about whom a complaint is made can be responsible for or involved in the decision-making about that complaint.
- d) The Customer Satisfaction Manager will:
- Deal with complaints on their merits, act independently and with an open mind
  - Give the complainant a fair chance to set out their position
  - Take measures to address any actual or perceived conflict of interest
  - Consider all relevant information and evidence carefully
  - Agree the frequency and method of updates with the complainant (e.g. every week by phone)
  - Where appropriate, signpost and support residents to access support from a representative. Residents can be represented or accompanied at any meeting with Framework (where this is reasonable).
  - Keep the complainant updated regularly about progress of their investigation, including when there is no new information to share (for example if a matter cannot be progressed because someone with key information is on holiday)
  - Maintain full records on Pyramid including:
    - The complaint details including date received
    - All correspondence with the complainant
    - Any other documents or relevant correspondence with other parties, including any reports or surveys.

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- e) If a complainant raises additional issues during the investigation, these should be incorporated into the response, if they are related to the original complaint and the response has not yet been issued. A new complaint should be logged where:
- The issues raised are unrelated to the issues already being investigated; or
  - To incorporate the issues would unreasonably delay the response; or
  - The response has already been issued.
- f) A full response to a complaint must be issued within ten working days. This can be extended if the complaint is particularly complex. The complainant must be notified of the extension. Extensions must be no more than ten working days unless there is a good reason, which must be explained to the complainant in writing. The contact details for the Housing Ombudsman must be provided when a complaint response time is extended.
- g) At the conclusion of the investigation, the Customer Satisfaction Manager must issue a written response that states the following, in clear, plain language:
- The stage at which the complaint is being dealt with
  - The agreed definition of the complaint
  - The decision(s) made about the complaint
  - The reason(s) for the decisions referencing relevant policies, laws and good practice where appropriate.
  - The details of any remedy offered to put things right
  - Any outstanding actions, including when these actions will be completed
  - Details about how to escalate the matter if the complainant is not satisfied with the response.
- h) The Customer Satisfaction Manager must fully update the Pyramid record with all relevant information. Copies of all correspondence must be attached to the Pyramid record.
- i) A complaint response must be provided when the decision about the complaint is made, not when the actions to resolve it have been completed. The Customer Satisfaction Manager will track outstanding actions, liaising with colleagues as appropriate. The Customer Satisfaction Manager will ensure that the complainant is kept updated about the progress of outstanding actions.
- j) The Customer Satisfaction Manager will track compliance with deadlines, escalating any failure to meet deadlines to the complaint handler's line manager.

### 7.3 Stage 2 Complaints



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- a) If all or part of a Stage 1 complaint is not resolved to the satisfaction of the complainant, it will progress to Stage 2. Any staff member receiving a Stage 2 complaint must log it on Pyramid as stated in section 7.1.
- b) Complainants are not required to explain their reasons for making a Stage 2 complaint. It is Framework's responsibility to make reasonable efforts to understand why a complainant remains dissatisfied.
- c) The receipt of a Stage 2 complaint must be acknowledged by the Customer Satisfaction Manager within five working days. The acknowledgement must make clear that it is being treated as a Stage 2 complaint and if there are aspects of the complaint that we are not responsible for. The Customer Satisfaction Manager is responsible for acknowledging and tracking complaints but cannot be responsible for investigating the matter. Therefore, all Stage 2 complaints will be assigned to an Assistant Director, Head of Service or Operations Manager who will investigate further ensuring all suitable staff are involved to hopefully provide a satisfactory final response to the resident.
- d) A final response to a Stage 2 complaint will be issued within 20 working days of the complaint being acknowledged. The situations in which this timescale can be extended are rare and will relate to the complexity of the complaint. If the timescale is to be extended, the complaint handler must notify the complainant and explain the reasons for the delay. Any extension must not be more than 20 working days. Where a timescale is extended, the complainant must be provided with details of the Housing Ombudsman.
- e) A complaint response must be provided when the decision about the complaint is made, not when the actions to resolve it have been completed.
- f) At the conclusion of the Stage 2 investigation, the complaint handler must issue a written response that states the following, in clear, plain language:
  - The stage at which the complaint is being dealt with
  - The agreed definition of the complaint
  - The decision(s) made about the complaint
  - The reason(s) for the decisions, referencing relevant policies, laws and good practice where appropriate
  - The details of any remedy offered to put things right
  - Any outstanding actions, including when these actions will be completed
  - Details about how to escalate the matter to the Housing Ombudsman if the individual remains dissatisfied.
- g) The Customer Satisfaction Manager will track compliance with deadlines, escalating any failure to meet deadlines to the complaint handler's line manager. They will also track outstanding actions, providing appropriate updates to the complainant.
- h) Stage 2 is Framework's final response to the matter.

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- i) Some of Framework's accommodation services are also subject to further regulation. This includes The Care Quality Commission (CQC) and OFSTED. In commissioned services, residents can also escalate their complaint to the relevant commissioning body. Information on commissioning bodies, CQC and OFSTED is held and distributed locally in services where this is the case.

### 8.0 Principles for resolving complaints

- a) In all cases and at any stage of the complaints process, the priority should be to resolve the complaint as quickly as possible. We will endeavour to resolve complaints and ensure appropriate remedies are provided at any stage of the complaints process without the need for escalation.
- b) When a complaint is received, Framework will consider if it can be responded to quickly, or if it requires further investigation. We will consider factors such as the complexity of a case or if the resident is vulnerable or at risk when managing our complaints processes. We aim to resolve most stage 1 complaints promptly, and provide an explanation, apology or resolution to the resident.
- c) Framework is an organisation committed to learning and organisational improvement. Complaints are welcomed. Where we have not met appropriate standards of performance, service or behaviour, we should acknowledge this and put steps in place to remedy that situation. In such situations, we should apologise and take appropriate steps to regain the trust of our residents. This can include:
  - Acknowledging where things have gone wrong;
  - Providing an explanation, assistance or reasons;
  - Taking action if there has been delay;
  - Reconsidering or changing a decision;
  - Amending a record or adding a correction or addendum;
  - Providing a financial remedy;
  - Changing policies, procedures or practices.
- d) Any remedy offered must reflect the impact on the resident as a result of any fault identified. The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion. Framework will take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.
- e) The decision to provide a financial remedy will be authorised by the Assistant Director – Housing Services.

### 9.0 Unacceptable Behaviour

- a) Framework works with people who have experienced or continue to experience exclusion and disadvantage. To deliver this, Framework employs staff who are committed to inclusive practice. We continue to develop our psychologically and trauma-informed

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policies and procedures with the expectation that these will support effective resolution of problems and complaints.

- b) Most of our residents who raise complaints will act appropriately and reasonably, seeking and accepting proposed remedies, apologies or explanations. However sometimes the behaviour of our residents when making complaints may be unacceptable. Framework may take action as specified in our Managing Unacceptable Behaviour, Violence and Aggression Policy where the behaviour of a complainant is:
- unreasonably demanding (e.g. requesting large volumes of information, asking for responses within a short space of time, refusing to speak to an individual or insisting on speaking with another)
  - unreasonably persistent (refusing to accept the answer that has been provided, continuing to raise the same subject matter without providing any new evidence, continuously adding to, or changing the subject matter of the complaint)
  - verbally abusive, aggressive or violent and/or uses hateful language (including derogatory remarks, rudeness, inflammatory allegations and threats of violence)
  - overloading Framework with letters, calls, emails or contact via social media (this could include the frequency of contact, the volume of correspondence received or the frequency and length of telephone calls)
- c) When Framework have placed restrictions on residents because of their behaviour this will be recorded on our systems and kept under regular review.

### 10.0 Data protection

- a) All complaints and feedback received will be dealt with confidentially and in accordance with Framework's Data Protection Policy. This will be subject to any requirement to disclose information as required by statutory authorities, and/or as a result of legal obligations.
- b) Responses will not usually identify individual staff or contractors in complaint responses, as they act on behalf of Framework.

### 11.0 Feedback from Complaints

- a) We will seek feedback from residents and service users about our complaint handling through annual perception surveys and other appropriate means.
- b) We will share our complaints performance with residents as part of an annual resident report, including giving examples of when we have changed our practice, procedures and policies as a result of resident feedback.

### 12.0 Scrutiny of Complaints

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a) Board reporting must include:

- Regular updates on the volume, categories and outcomes of complaints
- Analysis of Framework's compliance with this procedure (our 'complaint handling performance')
- Regular reviews of issues and trends arising from complaints
- Regular updates on the outcomes of Housing Ombudsman investigations and progress made in relation to any findings of maladministration
- The annual complaints performance and service performance report which will include:
  - the annual self-assessment against this Code to ensure their complaint handling policy remains in line with its requirements.
  - a qualitative and quantitative analysis of the landlord's complaint handling performance. This must also include a summary of the types of complaints the landlord has refused to accept;
  - any findings of non-compliance with this Code by the Ombudsman;
  - the service improvements made as a result of the learning from complaints;
  - any annual report about the landlord's performance from the Ombudsman; and
  - any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord.

b) We will seek feedback from residents and service users in relation to their experience of making complaints and our response as part of our drive to encourage a positive complaint and learning culture.



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### Complaint form for residents

*If you are a Framework resident and want to make a complaint, you can complete the complaints' form below and give it to a member of staff, or post it to the Customer Satisfaction Manager at Framework Housing Association, Val Roberts House, 25 Gregory Boulevard, Nottingham NG7 6NX.*

*You can also make a complaint by emailing [complaints@frameworkha.org](mailto:complaints@frameworkha.org), speaking to any member of staff or by contacting head office on 0115 8417711.*

|                                  |
|----------------------------------|
| <b>Name</b>                      |
| <b>Address</b>                   |
| <b>Phone number</b>              |
| <b>Email Address</b>             |
| <b>Preferred contact method</b>  |
| <b>Date</b>                      |
| <b>Details of your complaint</b> |
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