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Description automatically generatedPolicy Name: Complaints Policy

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| Originator: | Ustar Miah |
| Executive Management Team Approval Date: |  |
| Review date: | July 2025 |

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| **1** | **Introduction** |
| 1.1  1.2 | Steve Biko Housing Association (SBHA) aims to provide a good quality service which is responsive to need. However, even in the best organisations, errors can happen. SBHA is open to comments, compliments, suggestions and complaints about any of the services provided. To deal with this fairly we have a clear complaints policy with a simple 2 stage procedure (See Appendix A).  All our customers are welcome to complain about services from Steve Biko Housing Association and challenge decisions through our complaints system. It is our clear objective to resolve any concerns or complaints at the first point of contact, but there may be instances where customers wish to take the complaint further. This complaints policy provides for a positive approach to deal with complaints and a consistent approach. |
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| **2.** | **Statement of Intent** |
| 2.1  **2.2**  **2.3**  2.4  2.5  2.6  2.7  2.8  2.9 | This policy covers customer complaints. SBHA defines a customer as a tenant, leaseholder, anyone applying for a SBHA home, and any person, agency, partner, or organisation seeking information from us or affected by our services.  It is important to decide exactly what we mean by the word ‘complaint’. Customers may complain to us on a variety of issues, some of which are not complaints in the true sense.  To try and clarify this issue, the definition suggested by the Commissioner for Local Administration which is also recommended for use by the Housing Ombudsman defines a complaint as being:  *“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*.” Steve Biko Housing Association accepts this definition.  The word complaint does not need to be used for it to be treated as such. We will recognise the difference between a service request (pre-complaint), survey feedback and a formal complaint and take appropriate steps to resolve the issue for customers as early as possible.  The aims and objectives of the complaints policy are summarised below:   * Resolve complaints at the first point of contact, wherever possible * Resolve all complaints using this policy * Have a well-publicised and easily accessible complaints procedure * Have a system that is easy to use and easy to understand * Ensure complaints received are dealt with and rectified as efficiently and as quickly as possible and within reasonable time targets. * Have excellent service standards to minimise the number of complaints received * Establish a good relationship with the complainant. * Be fair, impartial and helpful * Be consistent * Observe confidentiality and respect privacy * Use complaints positively to improve services   The Housing Ombudsman Service is set up by law to look at complaints about the housing organisations registered with them. Steve Biko Housing Association is a member of the Housing Ombudsman Scheme.  It is mandatory for all local authorities and registered social housing providers to be members of the Ombudsman Scheme. The Housing Ombudsman Scheme has specific authority which sets out the matters they can consider. Their service is free, independent, and impartial.  The Housing Ombudsman Service does not have jurisdiction where the complainant does not have a landlord/tenant relationship with a member landlord or managing agent. Jurisdiction includes leaseholders and other residents with agreements to live in premises.  This policy is based on the Housing Ombudsman Complaint Handling Code and Dispute Resolution principles – be fair, put things right and learning from outcomes. It also includes our approach to compensation using the Housing Ombudsman Remedy Guidance.  This policy is in line with relevant legislation including the Housing Act 1996 (schedule 2), General Data Protection Act 2018, Localism Act 2011, Equality Act 2010, Housing Ombudsman Scheme and Tenant Involvement Empowerment Standards and Government White Paper. |

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| **3** | **Policy** |
| 3.1  3.2  3.3  3.4 | The purpose of this policy is to provide information on how we resolve customer complaints in an honest, transparent, and visible way to build trust with our customers.  SBHA is committed to providing a high-quality service for its customers and treating all customers fairly. We recognise that on occasions things go wrong and customers may wish to complain. This Policy sets out how SBHA will respond where customers make a complaint.  Complaints are way to demonstrate that we listen and act on concerns. We are committed to viewing complaints positively, learning from mistakes and implementing service improvements. We aim to resolve matters as quickly as possible by being open and accountable.  What is a Complaint?  Steve Biko HA would consider the examples below as being admissible complaints:   * Dissatisfaction with the implementation of a specific policy. If the policy provides for an appeals stage, then this will be used first. * Dissatisfaction with the way a decision has been reached or with the actions taken in implementing that decision * Dissatisfaction with the way a neighbour dispute has been handled * Complaints against all our internal/external partners, customers and stakeholders * Reasonable complaints about the administrative processes * Failure to provide a service * Failure to achieve standards or quality of service * Failure to fulfil statutory or contractual responsibilities   We will make it easy for customers to complain, by providing different channels through which they can make a complaint. This can include email, telephone, letter, online or through social media.  We will make the complaint policy available in a clear and accessible format for customers including publicising the policy on our website and through regular correspondence with customers.  We will ensure customers are provided with contact information for the Housing Ombudsman Service and notified that they can refer their complaint to the service at any point in the process.  We will handle the complaint through the 2 stages as highlighted in appendix A.  **Informal Complaints** – In order to try and resolve complaints as quickly as possible we may initially deal with the problem or service failure under this process.  We aim to resolve the failure in service and get matters resolved within five working days. An informal complaint is dealt with much quicker than a formal complaint as we will not normally carry out an investigation or send formal letters.  The complainant will receive an agreed plan of actions and timescales to deal with their issue. |

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| **4** | **Implementation** |
| 4.1  4.2  4.3 | If a customer is unhappy with a service, we have provided or we have been unable to resolve an issue to their satisfaction they can raise a formal complaint.  A manager will respond to the complainant and send acknowledgement in 5 working days.  A manager will investigate the complaint and will provide a written response within 10 working days of receiving the complaint at Stage 1 of the process.  The formal response will include: the complaint stage, the outcome of the complaint, the reasons for any decisions made, details of any remedy offered to put things right and any outstanding actions.  We aim to fully resolve the complaint and carry out agreed actions within 30 calendar days where it is the responsibility of SBHA or one of our contractors. If longer is required, we will contact the complainant to agree a new timescale.  When a complaint is closed, customers will be advised how to contact the Housing Ombudsman Service if they wish to pursue their complaint further.  If the complainant is dissatisfied with the outcome of their formal complaint, they will be able to appeal the decision which is Stage 2 of the process. We will advise customers that this request must be made within 14 working days of SBHA’s final response letter at formal complaint stage.  **Right of Appeal**  A tenant, leaseholder, or party with a contractual relationship with SBHA can raise a formal complaint and then has the right to an appeal stage although the complaint should be in relation to the service defined in their contract. Relatives of a deceased tenant or leaseholder complaining on their behalf have the right to access both stages.  The appeal will only consider any issues that were included in the original formal complaint.  We will write to the complainant within 20 working days from the date of request for escalation setting out whether the appeal has been accepted or declined and the reasons for this decision.  The grounds on which an appeal will be considered are:  a) There was a material administrative error in the information received and considered; or  b) There is evidence to suggest that a policy or procedure is incorrect in terms of government legislation, or  c) There is evidence key information presented as part of the original complaint has not been considered, or  d) That the complaint has not been conducted in accordance with SBHA’s complaint policy, or  e) The complainant had been prevented from attending or submitting evidence by illness or other compelling cause that related to personal circumstances, or  f) The complainant feels they have been treated unfairly or disadvantaged accessing the complaint process because of a protected characteristic identified in the Equality Act, or  g) The value of financial compensation is incorrect. This will only be considered where SBHA has not followed the Housing Ombudsman remedy guidance or has not taken directly relevant evidence of monetary loss into account in making an award. Evidence of monetary loss must have been submitted as part of the original complaint. We may offer to review the offer of compensation outside a formal appeal to support a swift resolution where this is the only issue.  Where an appeal is accepted, it will be heard by a panel which will normally include a Board Member, and the Director who will not have been significantly involved in the complaint and the customer will also be invited to attend.  The decision at appeal stage will signify the end of SBHA’s internal complaint process. If the complainant wishes to pursue their complaint after completing this internal complaint process, they can contact the following:  Designated Person – A designated person can be a local councillor (not County or Parish), or the local MP were identified as the designated person. The designated person can try to resolve the complaint locally or refer the case to the Housing Ombudsman if the complainant requests. The designated person will not decide upon the case – they will try to find a resolution  Housing Ombudsman Service – the complainant will be informed about how to contact the Housing Ombudsman service in all correspondence and will be advised they can contact the Housing Ombudsman Service at any point during the complaint process. When the internal complaints process has concluded, the complainant will be advised how to contact the Housing Ombudsman Service if they remain dissatisfied. SBHA will cooperate by providing evidence supporting the complaint to be investigated by the service. Referral to the Housing Ombudsman Service should be undertaken within 8 weeks of the final decision letter  We support and will signpost the use of organisations such as Shelter and Citizens Advice to aid local resolution where appropriate.  2.5. We retain discretion to close complaints early where the following applies:   * Our investigation is complete, and a response sent * There is no further contact after the timescales sent out in the correspondence * When resolution is agreed, and we have committed to deliver the action.   **Approach to remedies and resolution**  Or approach when considering remedies to a complaint follows the Housing Ombudsman Service remedy guidance and includes:   * **Be Fair** – we will seek fair outcomes ensuring we treat each case individually and taking into account the behaviour of complainant as well as our actions * **Put Things Right** – we will consider a range of measures to put things right for a complainant including financial compensation where appropriate * **Learn from Outcomes** – We will ensure that changes are made to policies, procedures, systems, staff training or all of these to reduce future complaints.   Where a complaint is upheld, we will consider a variety of remedies, which could include:   * An apology – acknowledging an error and taking responsibility * Specific action – such as completing repairs or changing a decision * Amending policies or procedures * Financial compensation – for quantifiable financial loss or other financial redress.   We will normally offer financial remedy based on the Housing Ombudsman Remedy Guidance, where applicable. It will take into consideration evidence of financial loss, the duration of avoidable distress or inconvenience, seriousness of impact, potential mitigating actions by the complainant, level of rent or service changes, and looking at similar cases.  The Housing Ombudsman Service is an alternative resolution process and remedies are not intended to be punitive. The Service does not make orders of compensation in the way that a court may order payments of damages.  **Applicability and exclusion**  We will not normally consider a complaint if the issue giving rise the complaint occurred more than 6 months ago. Where the problem is re-occurring, we will consider older reports if this helps resolve the issue. We will consider this where health and safety or illness has prevented a complaint being raised in the 6 months period.  We do not accept complaints from groups of customers; however, we may accept an individual complaint as a lead complaint and any decisions made, may apply to other named individuals in the same circumstances. We would apply the same decisions without the need for multiple investigations.  If legal proceedings have started, we will continue our complaints process only where no court proceedings or settlement agreement has been reached.  In circumstances where complainants are thought to be unreasonable, unreasonably persistent, or even vexatious, and this behaviour is having a significant or detrimental impact on staff this may affect the way a complaint is dealt with. In these cases, we will decide on the most appropriate way to manage and conclude the complaint.  **Confidentiality** SBHA will comply with collection, storage, access to, provision and disclosure of complaint data in accordance with our privacy policy and with the Data Protection Act 2018. |

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| **5** | **Performance** |
| 5.1  5.2  5.3 | The Board will receive quarterly updates on the number of complaints received and an overview of the concerns raised, action taken to resolve the complaint and at what stage the complaint was dealt with at.  For informal complaints, the investigating Manager will keep a record of these on Sharepoint and formally feedback on issue raised and how resolved and review action(s) taken at the monthly team meeting. This will ensure all staff are aware of all informal complaints that have ben received, how they were addressed and resolved and ensures any learning/good practice is shared as widely as possible.  An annual complaints report will be developed at the same time as the annual report and presented to the Association AGM. Regular updates on complaints will also be provided via the Associations website highlighting key areas that the complaints related to, and actions undertaken to address these issues. |

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| **6** | **Consultation** |
| 6.1 | Formal consultation to be undertaken with Tenant Improvement Group in June 2022. |

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| **7** | **Review** |
| 7.1 | The Policy will be reviewed every three years, as near as is possible from the date of approval by the SBHA Board to ensure its continued effectiveness or sooner if required by the introduction of any new legislation / regulation affecting the management of rent to buy properties or as a result of system audits. |

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| **8** | **Equality Impact Assessment** | |
| 8.1 | Was a full Equality Impact Assessment (EIA) required? | No however, one was carried out as part of the review process for this policy |
| 8.2 | When was EIA conducted and by who? | July 2022. Ustar Miah |
| 8.3 | Results of EIA | No disproportionate impact on any individual or group |

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| **9** | **Scheme of Delegation** |
| 9.1 | Responsible officer for formulating policy and reporting to committee on its effective implementation.  Management team is responsible for overseeing compliance with this policy.  All staff are responsible for implementing this policy. |

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| **10** | **Amendment Log** | | | |
| Date of revision: | | Reason for revision: | Consultation record: | Record of amendments: |
| 25th Juy 2022 | | Policy has been updated based on the Housing Ombudsman Complaint Handling Code and Dispute Resolution principles update April 2022 | Tenant Improvement Group consulted 9th June 2022 |  |
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**APPENDIX A**

COMPLAINTS PROCEDURE

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| STAGE 1 – INVESTIGATION |  | RESPONSE AND TARGET |
| This stage will occur if an informal resolution of the complaint cannot be achieved and a formal complaint has been made. |  |  |
| Complaint received by SBHA – complaint recorded and acknowledged within 5 working days, and referred to the Assistant Director of Operations (ADO) for investigation. The complainant will be issued with a reference number. The ADO should not be implicated in the complaint. |  | 5 working days for acknowledgement by Designated Officer |
| ADO to contact the customer to clarify the complaint and to explain the procedure ensuring this is understood. The designated officer will respond in writing. |  | 10 working days to investigate and respond. If for any reason this is likely to take longer, the customer will be informed and provided with the expected date for a response, with reasons. The response will inform the customer of the next stage of the procedure. |
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| If the complainant is satisfied with the response any necessary action will take place and the matter concluded. |  | The Customer is allowed 10 working days to take the complaint to the next level by writing to the designated officer. |
| If the problem is not resolved once the investigation is complete, then the customer should state clear reasons for continued dissatisfaction to the ADO |  |  |

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| STAGE 2 - APPEAL (APPEALS PANEL) |  |  | |
| If the complainant is still dissatisfied, either the ADO or the Director will acknowledge the customer’s request to go to the next stage |  | | 5 working days for acknowledgement by SBHA | |
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| The ADO will arrange an appeals panel of the Board in consultation with the Director. |  | To next available Appeals Panel meeting. (Not to exceed 20 working days.) | |
| An appeal report if required, along with accompanying documentation is considered at the Panel. (approved by the Director) The customer has the right to view any report and other information to be presented to the panel in advance and to attend the panel with a friend to express their views.  Senior member of appeals panel writes with decision to the complainant |  | The customer will be informed of the right to appeal to the Independent Housing Ombudsman  PO Box 152  Liverpool  L33 7WQ  Telephone : 0300 111 3000  Fax: 020 7831 1942  Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)  The Ombudsman will seek to resolve complaints once the Associations own procedures have been exhausted. This service is free for the complainant. | |