



## COMPLAINTS POLICY

### 1 Introduction

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- 1.1. CHISEL aims to give an excellent service to our residents and other customers. We acknowledge that sometimes things go wrong and our aim is to put things right as soon as possible. We want to know when this happens or when customers are unhappy with the service they have received from us so that we can learn and improve the way we work. We believe that complaints are a real opportunity to listen and respond to our customers in a proactive way.
- 1.2. Whilst our principal customers are our residents, there are others who may receive a service from us. This policy applies to all residents and anyone else who receives a service from CHISEL, referred to as our customers in this policy
- 1.3. The National Housing Federation defines a complaint as *“An expression of dissatisfaction, however made, about the quality of service, actions or lack of actions by the organisation, its contractors or its staff affecting the complainant as an individual or group of individuals, whether justified or not”. This includes complaints that may be no more than merely an expression of dissatisfaction.”*
- 1.4. The Localism Act has introduced an additional democratic filter to complaints within social housing as of 1<sup>st</sup> April 2013. Once a complainant has exhausted our internal process they may choose to have their complaint looked at by a “designated person” – a local councillor, MP or recognised tenant panel. The Housing Ombudsman Service will also accept direct referrals from customers, but only once 8 weeks have elapsed since the completion of our internal complaints procedure. CHISEL has no desire to prolong the complaints process for customers so this policy aims to reflect this legislative change.
- 1.5. The aim of this policy is to set out how we will listen, respond and learn from problems and mistakes so that we can improve the services we deliver.

### 2 Policy Objectives

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- 2.1 This policy aims to:
  - Set out a definition of a complaint that can be clearly understood by both customers and staff
  - Take a proactive approach to managing complaints
  - Enable and empower our staff to deal with complaints effectively at the earliest stage in the process
  - Be responsive to the needs of our customers
  - Be open, transparent and easy to understand
  - Reflect current best practice
  - Help us to learn from complaints and shape our services as a result
  - Set out a process for dealing with unreasonable complaints

### 3. Policy

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3.1 Our aim is to provide the best standard of service for all our customers and we welcome suggestions, comments and views on how to improve the services we offer. We recognise that from time to time things go wrong but we believe that most problems can be easily resolved; our aim is to get it right first time so every effort will be made to resolve matters then and there.

#### 3.2 What is a Complaint?

A complaint is an expression of dissatisfaction any customer feels about an aspect of our service, policies, actions and decisions.

3.2.1 A complaint could be when a customer feels:

- We have failed to respond to their initial request
- We have been unhelpful or rude
- We have failed to meet our stated standards or promises
- We gave unclear, misleading or unsuitable advice
- Our policies or procedures are incorrect or unfair

A complaint is not a request for a service, or an enquiry.

3.2.2 Our complaints procedure starts to apply only after we have given our first response or made the first attempt to deal with the matter, and the customer is not happy with our response or efforts.

3.2.3 We have special procedures for reporting anti-social behaviour and neighbour nuisance and these will not be dealt with under this complaints policy unless we have failed to deliver to agreed service standards. Similarly we will not deal with decisions where there is a right of appeal unless we have not followed our processes.

3.3 We will not be able to deal with the following via the complaints process:

- Any matter which is already being (or has been) dealt with by a solicitor.
- Matters that are being/have been dealt with by our insurers.
- Complaints that have already been through our internal process or which, in the opinion of the Association, are being pursued in an unreasonable manner. In these circumstances, if a complainant wants to pursue the matter they will need to do so as described in 1.3.
- Complaints that fall outside our jurisdiction (e.g complaints about utilities).
- Complaints relating to issues that took place more than 6 months ago.

3.4 Should the complaint be in regards to any agent acting on behalf of CHISEL, for example an agent we have employed to manage a service, customers may be advised to proceed through the agent's complaint handling process first before we will consider the matter. CHISEL requires that managing agent complaints procedures for CHISEL owned homes are approved by CHISEL.

3.5 When we receive a complaint, we welcome it as an opportunity to improve our relationship with our customers and improve our service. We will not be defensive as our values are to be open, transparent and accountable to our residents. We simply welcome the opportunity to hear where customers feel we have got things wrong and where they feel we need to improve as this helps us shape our service delivery.

- 3.6 Because we see complaints as an opportunity rather than threat, staff are encouraged to actively identify complaints. A customer will not have to use the word “complaint” or to ask to “make a complaint”. Staff will record any expression of dissatisfaction as a complaint and respond following our procedure.
- 3.7 We will do everything we can to resolve an issue informally and resolve the complaint/issue quickly. We will try to do this within 3 working days, as a First Fix solution, and if we cannot resolve it to the customer’s satisfaction then we will escalate this to the formal stage of the complaints procedure.
- 3.8 All complaints and compliments will be recorded to help identify trends and improvements.

#### **4. PROCEDURE**

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4.1 **How we will respond when we receive a complaint.**

When a customer tells us that they are unhappy with something, the staff member who is told this will take personal responsibility for recording the information. The customer can tell us about their complaint on the telephone, in writing, by email or in person. They can also ask someone else to complain on their behalf if they would feel more comfortable having an advocate contact us. An advocate could be a friend or a family member. The customer would need to confirm in writing that they are happy for us to liaise with their advocate before we respond to the complaint.

- 4.2 First Fix: Any member of staff may try to resolve the issue, although in reality this is most likely to fall to the Housing Manager. The member of staff will find out from the customer what they are unhappy about, what they would like to be done to resolve the matter and the timescale for resolution. The member of staff will do everything to resolve the complaint within 3 working days and if it is resolved to the customers satisfaction it will be resolved as a First Fix.

- 4.3. Complaint (Stage 1): If the customer’s complaint cannot be resolved to their satisfaction within 3 working days, it will be treated as a formal complaint and passed to the Managing Director who will:
- Speak to the customer within 3 working days to clarify the issues, identify the desired outcome and agree a timescale for the response
  - Investigate the complaint
  - Speak to the customer to summarise the key points of the draft outcome letter and then \*(these first 3 steps may happen simultaneously)
  - Write to the customer confirming how the complaint has been resolved, within the agreed timescale
  - Ensure any actions agreed are followed up and carried out and that the customer is asked to confirm this has happened.

(In the absence of the Managing Director, this will be carried out by the MD’s deputy).

- 4.4 Panel Review (Stage 2): If the customer feels that we have not dealt with their complaint in a proper or fair way, they can ask for a Panel Review. This request must be made within 10 working days of the date of the complaint response letter; otherwise the complaint will be closed. When making a request for a Panel Review, it is important that they tell us what has been unfair, and how they would like their complaint to be resolved. If a complaint has been upheld at the first stage, it will not

be escalated to a Panel Review unless the customer clearly informs us of the resolution they are seeking.

4.4.1 We will always try to work with customers to resolve problems without unnecessary delay and it may be possible to resolve their complaint without the need for a Panel Review meeting. If a Panel Review meeting is deemed necessary, an independent panel of 2 or 3 board members will hear their complaint in person; one of the panel will normally be a resident board member. In the event that the complainant fails to attend the arranged meeting the Review Panel will consider the complaint in the customer's absence. The panel's role is to decide whether the complaint has been handled correctly and fairly and their decision is final. The panel will provide their decision in writing to the customer and the Managing Director within 10 working days of the panel meeting.

4.5 Outcomes – at any stage the complaint may be upheld, partially upheld or not upheld and this should be clearly communicated in any outcome letter. At all stages the objective is to find a positive resolution although there will be times when the customers desired outcome is simply not possible/reasonable. Where actions are agreed as part of the resolution, the complaint will be closed but the actions will remain live on the system until the relevant manager signs them off as complete.

#### **4.6 Independent Review**

If a complaint is not resolved at the end of our internal complaint process the customer can:

- Refer the matter to a Designated Person OR
- Wait 8 weeks and refer the matter directly to the Housing Ombudsman

4.6.1 A Designated Person may be a local Councillor (excluding County or Parish Councillors) or a Member of Parliament. CHISEL does not currently have a recognised tenant panel. They can try to resolve your complaint or refer it to the Housing Ombudsman. A designated person does not have any powers but we will work with them positively to find an outcome that is fair and agreed by both parties. At this stage we may meet with the designated person without the customer present.

For more information about designated persons or the Ombudsman the customer may visit the Ombudsman's website <http://www.housing-ombudsman.org.uk/> or telephone them on 0300 111 3000.

#### **4.7 Compensation**

We recognise that occasionally we may fail to meet acceptable standards of service which may result in loss, damage or inconvenience to our residents and in these circumstances compensation may be appropriate.

4.7.1 Compensation may be awarded at any stage of the complaint process if the complaint is upheld; our aim is to put the customer back in the position they would have been if the failure in service delivery had not occurred. We will usually only consider the payment of compensation where we have failed to deliver our published standards of service or where we have been negligent. It is not necessary to make a complaint to obtain compensation.

4.7.2 Any offer of compensation should be made as a full and final settlement of the complaint and the customer should be aware that their acceptance of the offer will be

considered to be confirmation that the complaint has been resolved to their satisfaction.

#### **4.8 Unreasonable Behaviour**

We reserve the right to use our unreasonable behaviour policy, when a customer's actions or behaviours are deemed to be unreasonable. We will always try to find a way to work with customers before reaching this stage, but very occasionally have to use this policy in order to ensure the safety and wellbeing of our staff and avoid waste of staff and board time. The following are examples of when this policy might be used in terms of complaints:

- The customer is using threatening or offensive language or behaviour
- There is nothing further CHISEL can do to assist
- The complainant continues to raise the same or a closely related complaint even after the complaint process has been fully exhausted
- The resources needed to deal effectively with the complaint are disproportionate to the benefit of the outcome sought.

#### **4.9 Legal Action**

At any stage the Managing Director or Board may take legal advice and consider the use of injunctions or other legal remedy, if it is assessed that a serial or persistent complainant is causing harassment or is considered to be a threat to staff.

### **5. Monitoring**

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- 5.1 A customer complaint is an opportunity to learn about what or how we need to improve our service. We therefore want to learn from every complaint and to capture and share the things that we learn so that everyone can improve.
- 5.2 In order to do this we will record and monitor every complaint including details such as what the complaint was about, how it was resolved, how quickly it was resolved and what we learnt. We will produce an annual summary of lessons learnt and service improvements made and publish this to Board and residents.
- 5.3 We will contact customers after they have complained to find out about their experience of the process and we will seek to learn from this feedback and to change our processes and approach to reflect customers' views.
- 5.4 We will carry out regular complaint reviews in order to continuously look at how we can improve our handling of complaints.
- 5.5 Performance regarding complaint handling will be regularly reported to the Board.

### **6. Equality and Diversity**

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- 6.1 CHISEL respects and values the differences of our customers, partners and staff. We will treat all customers fairly and with respect.
- 6.2 We will provide customers with any support they need throughout their complaint, this could include translating information or providing an interpreter if their first language is not English.

6.3 We will accept complaints from a customer's advocate or representative when the customer has confirmed they would like that person to act on their behalf.

6.4 We will monitor complaints against our equal opportunities categories.

## **7 Consultation and Publicising the Policy**

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7.1 This policy has been consulted on through the website and newsletter.

7.2 This policy will be publicised to residents through:

- The Residents Handbook
- Resident leaflets
- The website
- Residents meetings

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