



Operational Manual

Corporate

Complaints

Policy

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**Responsibility: Operations/C&SH/
Development**

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1.0 Introduction

- 1.1 Hightown Housing Association (Hightown) aims to provide excellent services. We recognise that there will be occasions when our customers express dissatisfaction with the service they receive, or with a response to a particular issue or request. When this happens, we will try to address the complaint as quickly as possible to the satisfaction of both the customer and Hightown.
- 1.2 Hightown welcomes complaints as an opportunity to learn, improve and develop services. All complaints will be looked at objectively and fairly.
- 1.3 Complaints will be recorded, response times monitored, and outcomes analysed.
- 1.4 The complaints process, including contact information for the Housing Ombudsman, will be publicised in leaflets and on the Hightown website, and will be included in the tenants' newsletter each spring and the Annual Report to Residents. Information about the complaints process will also be provided upon request
- 1.5 Hightown staff can use discretion where required to meet the needs of disabled or vulnerable customers. Any such decision will be made in agreement with the relevant Director and clearly recorded.
- 1.6 The complaints process, including details of each stage and how to approach the Housing Ombudsman Service, will be publicised on Hightown's website. It will be provided in other formats (e.g. Braille, other languages) upon request.
- 1.7 This policy should be read in conjunction with the Compensation Policy, Dealing with Correspondence and Complaints Procedure, Equality and Diversity Policy, Responding to Correspondence from the Housing Ombudsman Procedure, and the Responding to MP and Councillor Enquiries Procedure.

2.0 Definitions and Scope

- 2.1 This policy applies to all teams within the Operations department, the Development team, Sales team, and Care and Supported Housing (C&SH) department.
- 2.2 For the purposes of this policy, the term “customer” refers to an individual who falls into the category of persons entitled to make a complaint in point 2.6 below.
- 2.3 Where a property is managed by Hightown on behalf of another Housing Association, the arrangements for making complaints under the management agreement will be made clear to residents/service users.
- 2.4 A complaint is 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".
- 2.5 Complaints must be raised within six months of the issue or incident occurring to be dealt with under this policy, and can relate to:
- Failure in quality of service
 - Delay or failure to respond
 - Disagreement with a decision
 - A matter of Hightown’s policy or procedure not being followed
 - Dissatisfaction with the way a member of staff has dealt with an issue, including being treated unfairly
 - Dissatisfaction with a third party/contractor acting on behalf of Hightown
- 2.6 The following people are entitled to make a complaint under this policy:
- A current Hightown Tenant, Leaseholder, Shared Owner, Licensee or Service User, or someone who has a lawful “arrangement to occupy premises”
 - A former Hightown Tenant, Leaseholder, Shared Owner, licensee or Service User (if under three months since the issue or incident occurred)
 - An applicant for housing in any property, of any tenure, owned or managed by Hightown
 - C&SH Service Users who do not live in a property owned by Hightown
 - A non-legal representative/advocate of any of the above where Hightown has received their express authorisation for that person to pursue a complaint on their behalf (for example a friend or family member)
 - A non-legal representative of any of the first four people above who does not have capacity to authorise a representative to act on their behalf

- A person with the legal capacity to make a complaint on behalf of any of the first three people above who is deceased (the Executor or Administrator of the estate).
- 2.7 Expressions of dissatisfaction from people not included in the list above will be responded to as correspondence, with an explanation that the matter is not subject to Hightown's complaints policy but will be looked into and appropriate follow up action taken.
- 2.8 Complaints about the conduct of a member of staff will be investigated by their line manager. Details of any subsequent disciplinary or capability processes will not be disclosed to the complainant.
- 2.9 The following matters are not classed as complaints under this policy:
- Any matter taken or referred to an alternative course of resolution (eg. legal proceedings have been started, tribunals, statutory appeal bodies, external legal representatives, solicitors or the court)
 - Reports of anti-social behaviour
 - Requests for a service (eg. reporting a repair)
 - Requests for advice or information
 - Parking issues
 - Areas where Hightown is not responsible for the service delivery (eg. where the service is the responsibility of an external managing agent)
 - Policy decisions, procedures or rule of law which have been followed correctly
 - Disputes regarding any terms and conditions of any agreement signed by the individual (eg. tenancy agreement, lease, licence)
 - Valuation levels
 - Employment matters, personnel issues, internal grievances or whistleblowing (which are covered by separate policies)
 - Expressions of dissatisfaction or concerns from external C&SH stakeholders (eg. care managers, service finders, statutory professionals) about a member of C&SH staff or management, a policy, or approach to management of premises
 - Any claim being dealt with by Hightown's insurers, or a contractor's insurance where applicable (including personal injury, property damage, or compensation claims)
 - Initial complaints where there is an alternative appeal/review process
 - Where there is a commercial or contractual relationship that is not connected with the customer's application for, or occupation of, a property.
 - Anonymous complaints
 - Matters that have already been considered under this policy.
- 2.9.1 Where a matter is not eligible to be considered under this policy, a detailed explanation will be provided setting out the reasons why the matter is not suitable for the complaints process.

- 2.10 Complaints received via MPs or Councillors may not be dealt with under this policy if they are considered to be general enquiries or service enquiries. In such cases, the procedure for responding to MP and Councillor enquiries will be followed.
- 2.11 Where a customer has made a complaint which is being investigated under Hightown's formal complaints process, they may not add additional unrelated matters to that complaint. Where the additional matters meet the categories of complaints outlined above, these will be logged and investigated as a separate complaint.
- 2.12 Hightown may refuse to deal with a complaint, or deal with it differently from the process outlined above if it is pursued unreasonably or the circumstances otherwise merit it.
- 2.13 The Unacceptable Complainant Behaviour Statement is attached at Appendix 1.

3.0 Making a Complaint

- 3.1 We will accept complaints made in person, verbally or in writing, including by email. Reasonable adjustments will be made where necessary to support customers with a protected characteristic through the complaints process.
- 3.2 Where complaints are received via social media, the Communications team will alert the relevant staff member to log the complaint and make direct contact with the complainant and manage the complaint outside of the social media channel.
- 3.3 Petitions may be treated as a complaint under this policy where the majority of the signatories to the petition fall into the category of persons entitled to make a complaint (see 2.6), and where a lead petitioner has been identified. Complaint responses will be addressed to the lead petitioner with the understanding that they will disseminate the response to the other signatories.
- 3.4 Complaints relating to new developments in the defects period:
 - 3.4.1 Complaints relating to the way in which a developer is handling defects in new homes will be dealt with as outlined in the My New Home leaflet provided to the resident when they move in.
 - 3.4.2 If, after having followed the steps outlined in the My New Home leaflet, the customer remains dissatisfied, the complaint will be dealt with as a Formal Stage One complaint under this policy.

4.0 Complaints Process

- 4.1 Hightown has a two stage formal complaints process, which is preceded by an early resolution step.

4.2 We will acknowledge receipt of a complaint within three working days, which will be counted from the working day after receipt.

4.3 The complaints process is as follows:

Stage	Complaint referred to	Target time for response (counted from the working day following receipt or escalation of complaint)
Early Resolution	Member of staff concerned or their line manager (if staff member is absent or complaint is about conduct of staff member)	10 working days
Stage 1	A Senior Manager	10 working days
Stage 2	A Director or the Chief Executive	15 working days

4.3.1 If it is not possible for a Stage 1 or Stage 2 complaint to be responded to within the timescales above, an explanation will be sent to the complainant with a date by when the response should be received. This should not exceed a further 10 working days without good reason.

4.4 All complaints will be responded to in writing, addressing all points in the complaints and providing clear reasons for any decisions. Where the complainant has requested a verbal response, this will be given and confirmed in writing.

4.5 The person investigating the complaint may, at any stage, arrange a meeting with the complainant to discuss the matter.

4.6 We will consider offering mediation if it is felt that this would help resolve the complaint at any stage.

4.7 An interpreter or other relevant support in making a complaint will be provided upon request.

4.8 Where the investigation into the complaint confirms that there has been a service failure, we will apologise and take reasonable steps to put it right. Where appropriate, the staff member should refer to Hightown's Compensation Policy.

4.9 The complainant shall be given a fair opportunity to:

- set out their position
- comment on any adverse findings before a final decision is made

4.10 At no stage is a response to a complaint or actions arising out of that response to be taken as legal advice or a statement of the customer's legal

position. If the customer requires clarity regarding their legal position, they will be advised to seek their own independent legal advice.

- 4.11 All complaints will be centrally logged for monitoring compliance with this policy.
- 4.12 The Annual Report to Residents will include information on the number of complaints received and changes made to service provision as a result of a complaint.

5.0 Closing a Complaint

5.1 Complaints will be closed in the following circumstances:

- 5.1.1 The customer confirms that they are satisfied with the response at any stage of the complaints process.
- 5.1.2 The customer specifically states that they do not wish to escalate the complaint.
- 5.1.3 The customer has made a complaint about service charges and remain dissatisfied following a Stage 2 response. The customer will be advised that they will need to refer the matter to the First Tier Tribunal (Property Chamber) if they wish to pursue the matter further.
- 5.1.4 The customer refuses or does not supply further information required to investigate the complaint after two requests to do so.
- 5.1.5 A process and timescale for resolving the matter has been agreed with the customer and they have agreed closure, pending resolution.
- 5.1.6 The customer does not contact us to advise that they wish to escalate their complaint to the next stage of the complaints process within 20 working days of the date of the response at any stage.
- 5.1.7 The complaint is deemed to be vexatious and/or the customer has made it clear on more than one occasion that they have no intention of allowing us to resolve the complaint at any stage of the procedure.
- 5.1.8 The customer and/or their representative has behaved in a way that is unreasonable as set out in Appendix 1 or the customer has stated that they will only accept a predetermined outcome which we cannot reasonably offer.
- 5.1.9 If the complaint becomes the subject of legal proceedings or other external remedy, or if at any stage of the complaints process the matter is referred to an external body, for example: a tribunal, statutory appeal body, external legal representatives, or if legal proceedings commence.

6.0 Outcomes

- 6.1 Staff investigating a complaint at any stage will consider whether any changes are needed to working practices or policy to improve the service.
- 6.2 Where it is identified that an error or service failure has occurred, an apology will be given.
- 6.3 Prompt action should be taken to remedy any poor service identified.
- 6.4 In some instances it may be appropriate to offer mediation between the customer and Hightown.
- 6.5 Where applicable, a refund or goodwill payment may be made in accordance with Hightown's Compensation Policy.

7.0 External Remedies

- 7.1 Customers who remain dissatisfied following completion of Hightown's internal complaints process may refer their complaint to an external agency.
 - 7.1.2 Hightown will publicise details of external avenues for complaint resolution in leaflets and on our website.

7.2 The Housing Ombudsman Service

- 7.2.1 The Housing Ombudsman will not usually consider complaints that have not already been through the internal complaints process. There may also be occasions when the circumstances of the complaint or the customer fall outside of the legal jurisdiction of the Housing Ombudsman, and therefore they are unable to consider the complaint. The Housing Ombudsman Service is able to advise customers if this is likely to be the case.
- 7.2.2 Customers wishing to refer their complaint to the Housing Ombudsman Service can do this through a Designated Person (an MP, Councillor or a Tenant Panel). The Designated Person can refer the complaint to the Housing Ombudsman. If the customer chooses not to refer the complaint to a Designated Person, they must wait eight weeks after they have received the final response to their complaint before approaching the Housing Ombudsman directly.

7.3 First Tier Tribunal (Property Chamber)

- 7.3.1 Shared Owners and Leaseholders may apply to the First-tier Tribunal (Property Chamber) for leasehold disputes, or if statutory consultation procedures have not been correctly followed.

7.4 Care and Supported Housing

- 7.4.1 Care and Supported Housing Service users receiving services which are funded by the County Council, Clinical Commissioning Group, or Health Trust

may contact the relevant organisation if they are not satisfied with Hightown's response to their complaint.

7.4.2 The Local Government and Social Care Ombudsman may consider complaints related to adult social care which have completed Hightown's internal complaints process.

7.4.3 Service users receiving support from a regulated service that falls within Hightown's CQC registration may wish to contact the Care Quality Commission on completion of Hightown's internal complaints process.

7.4.4 Details on who to approach will be provided upon request, following completion of Hightown's internal complaints process.

8.0 Monitoring

8.1 The Head of Housing and Heads of Care and Supported Housing will report monthly on the number of complaints received and escalated, the service areas to which the complaints pertain. The Directors Group monitors the monthly reports, which are also electronically available for Board members.

8.2 The Complaints Scrutiny Group made up of residents and staff will meet quarterly to review how complaints not related to C&SH have been handled, to identify any trends in complaints and to recommend any further changes to working practices or policies that have not already been instigated as a result of complaints received.

8.2.1 The Residents Voice and Scrutiny Panel will receive performance information regarding complaints at a frequency of their choosing.

8.3 Complaints relating to Care and Supported Housing are reviewed by service users at quarterly Voicebox meetings.

8.4 The Operations Committee receive quarterly and annual reports on complaints performance, which includes lessons learned from complaints and changes made or proposed amendments to policy so that the learning is embedded.

8.5 Learning and improvements made as a result of complaints is included in the Annual Report to Residents.

Unacceptable Complainant Behaviour Policy

1.0 Introduction

- 1.1 Hightown is committed to providing excellent services and to dealing with complaints fairly and impartially. However, on rare occasions a customer may conduct themselves in a way that is unreasonable or unacceptable.
- 1.2 A customer who is forceful or persistent when pursuing a complaint will not necessarily be considered to be acting in an unacceptable manner, and the circumstances of the complaint will be taken into consideration. However, the behaviour of some customers may be such that they are acting in an unreasonable manner or making unreasonable demands.
- 1.3 Unacceptable behaviour may be verbal, in person, physical or written.
- 1.3 This policy outlines the way in which Hightown will manage unacceptable behaviour from complainants.

2.0 Definitions of unacceptable behaviour

- 2.1 Examples of unacceptable behaviour include (this is not an exhaustive list):
 - 2.1.1 Aggression, threats or abuse: e.g. threats, intimidation, physical aggression, derogatory remarks, inflammatory statements, personal insults, or multiple unsubstantiated allegations.
 - 2.1.2 Unreasonable demands: e.g. unrealistic response deadlines, persistent contact (calls/letters/emails/voicemails), instances on seeing or speaking to a particular member of staff.
 - 2.1.3 Requests for information that it is not reasonable to expect Hightown to provide (for example information Hightown does not have access to, or personal information regarding another individual).
 - 2.1.4 Making an excessive number of complaints or requests for information.
 - 2.1.5 Providing such a volume of supporting information that would take up an unreasonable amount of staff time to deal with.

- 2.1.6 Persistent refusal to accept explanations relating to what Hightown can or cannot do, or refusal to accept valid documents.
- 2.1.7 Continuing to pursue a closed complaint, or a complaint to which the customer has received a final response under Hightown's complaints process.
- 2.1.8 The customer refuses to use a single point of contact where advised.
- 2.1.9 The customer makes complaints about individuals to multiple other bodies and/or individuals before the outcome of, or regardless of the outcome of, the complaints procedure.

3.0 Managing Unacceptable Complainant Behaviour

- 3.1 Authority to manage a complaint outside of the Complaints Policy rests with the relevant Director or the Chief Executive.
- 3.2 The way in which unacceptable complainant behaviour will be managed depends on its nature and extent.
- 3.3 If the complainant's behaviour adversely affects our ability to do our work and provide a service to others, we may restrict their contact with staff or the method in which they may contact us. Wherever possible, we will do this in a way which still allows the complaint to follow our complaints procedure.
- 3.4 Threats of violence, actual violence, or harassment towards any member of staff will not be tolerated. Hightown reserves the right to end all direct contact with the complainant in these circumstances and the matter will be reported to the Police where appropriate. Hightown may also take legal action or enforcement action under the tenancy agreement or lease.
- 3.5 We may not deal with communication in any format which is abusive to staff, or which contains allegations that lack substantive evidence.
 - 3.5.1 In the case of repeated unsubstantiated allegations against staff that have been investigated, we may seek legal advice about appropriate proportionate action in accordance with our responsibilities towards staff members.
- 3.6 We will inform the customer in writing of any measures we are putting in place, and the reasons for doing so. Such measures may include:
 - Arrangements where only designated staff deal with the customer's calls or correspondence
 - Requiring the customer to communicate with us in writing only
 - Returning documents to the customers, and/or advising that any further irrelevant documents will be destroyed
 - Acknowledging receipt of letters/emails on the subject but not entering into further discussion
 - Filing letters/emails on the subject with no acknowledgement
 - Barring the customer from Hightown's premises

- Requiring a written agreement from the customer to be in place regarding any future communication
- Any other action that we consider appropriate.

3.7 A written explanation of the reason(s) for the measures taken and the period for which they apply will be provided, and made available in other formats upon request. The explanation will emphasise that the action is not punitive, but is being put in place to enable an equitable use of Hightown's resources for all its customers, and where applicable, to protect staff carrying out their duties.

3.8 Any arrangement put in place will be reviewed after twelve months if the period of their implementation is not shorter than this.