

# Complaints Policy

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## 1 Introduction

- 1.1 This policy is designed to effectively manage complaints about Hastoe’s services with a focus on learning lessons and improving services. Complaints are a core Hastoe service.
- 1.2 This policy complies with the Housing Ombudsman’s Complaint Handling Code 2024 and the requirements from the Building Safety Act 2022.

## 2 Purpose

- 2.1 At Hastoe we aim to deliver excellent services to residents, but we recognise that sometimes things go wrong and when this happens we want to put things right and stop it happening again. We value feedback from residents and will use this to improve our services.
- 2.2 This policy will be publicised on our website, resident newsletters, the annual tenant report and via other communications such as appropriate emails and letters and by our own staff in conversation with residents.
- 2.3 This policy also ensures that residents in our higher risk buildings, as defined by the Building Safety Act 2023, are able to raise an issue about:
  - Structural failure and spread of fire in a building (building safety risks)
  - The performance of an accountable person (the accountable person is Hastoe Housing Association)

## 3 Related Hastoe Group Policies and Procedures and UK Legislation

3.1 There are links to the following Group Policies and Procedures:

Complaints Procedure
ActiveH Complaints Handling Guide
Compensation policy and procedure

3.2 The key legislation and/or regulations relevant to this Policy are:

Social Housing (Regulation) Act 2023
Housing Ombudsman Complaint Handling Code 2024
Regulator of Social Housing Transparency, Influence and Accountability Standard
Building Safety Act 2022

## 4 Scope

- 4.1 A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by Hastoe, our own staff, or those acting on our behalf, affecting a resident or group of residents.
- 4.2 A resident does not have to use the word 'complaint' for it to be treated as such. Whenever a resident expresses dissatisfaction we will give them the choice to make a complaint. This includes complaints submitted by a third party or resident representative.
- 4.3 There are some exclusions whereby we will not investigate an issue as a complaint as follows:
- The issue that is being complained about happened over twelve months ago. If there is a good reason why the issue wasn't raised prior to this time we may consider this as a complaint, but this will be at our discretion.
  - Legal proceedings have started and a claim has been filed at court.
  - Matters that have previously been considered under the complaints policy.
- 4.4 Where it is decided that we will not accept a complaint, a detailed explanation will be provided to the complainant and the right to take the decision to the Ombudsman. The individual circumstances of each complaint will be considered before making this decision.
- 4.5 We aim to make it as easy as possible to make a complaint. A complaint can be made to Hastoe by:
- Telephone
  - Face to face
  - SMS
  - The Hastoe website or MyHastoe portal
  - In writing by letter or email
  - A third party such as an MP, Councillor, advocate, friend or family member. Although the complainant will have to give permission in most circumstances.
- 4.6 If a resident raises a complaint via social media, we will not deal with the complaint via social media, but we will advise how they can raise a formal complaint using another channel.
- 4.7 Residents can raise their complaints with any member of Hastoe staff, who will advise the Customer Services team of the complaint so that it can be formally logged on our systems.

## **5 Service Requests**

- 5.1 Service requests are requests made by residents requiring action from Hastoe to put something right, such as a missed appointment, or a complaint about a neighbour. Where these are issues that can

be easily put right by contacting a contractor on the resident's behalf, or raising a case for a Housing Officer to investigate antisocial behaviour, for example, we will not raise these as a complaint.

- 5.2 If, however, the resident is dissatisfied with the repetitiveness of issues with handling a repair, or the resident is dissatisfied with how we've managed previous complaints of ASB, for example, then the issue should be logged as a formal complaint.

## **6 Complaint handling and complaint oversight**

- 6.1 Complaints will ordinarily be managed within the team or department responsible for delivering the service being complained about. Staff managing complaints will be trained in the management of complaints and will prioritise complaints appropriately.
- 6.2 The Housing Director has responsibility for ensuring that complaints are reported to the Board and will lead in liaison with the Housing Ombudsman. The Housing Director will act as the 'complaints officer' as defined by the Housing Ombudsman's complaint handling code.
- 6.3 The Housing Director is accountable for complaint handling and will assess themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.
- 6.4 A member of the Board will have lead responsibility for complaints to support a positive complaint handling culture. This person(s) will be referred to as the Member Responsible for Complaints (MRC).
- 6.5 Complaints in relation to a building safety risk or performance by the Accountable Person (Hastoe Housing Association) raised by residents or others who use Higher Risk Buildings will be subject to the same two stage process as all other complaints. These complaints will also be reported to the Board. The complainants in these cases will be given contact details of the Building Safety Regulator rather than the Housing Ombudsman in order to escalate a complaint.
- 6.6 The meaning of building safety risk in a Higher Risk Building (HRB), means a risk to the safety of people in or about a building arising from the spread of fire or structural failure.

## **7 Reasonable Adjustments**

- 7.1 Reasonable adjustments will be made to accommodate a complainant's needs in accordance with the Equality Act 2010. This may include changes to the complaints policy, procedure or process.
- 7.2 When investigating a complaint, the complaint handler will consider whether reasonable adjustments should have been made to policies, procedures or processes relevant to the complaint to accommodate the needs of the complainant.

## **8 The complaints process**

- 8.1 Hastoe operate a two stage complaints process in accordance with Housing Ombudsman's complaint handling code. Complaints in relation to building safety risk in HRBs will also use this same process.
- 8.2 When a complaint is received at stage one or escalated to stage two the complainant will be asked what the complaint is about and the outcomes that they are seeking. These will be set out in the acknowledgement of the complaint.
- 8.3 At each stage of the complaints process, complaint handlers will:
- Deal with the complaint on its merits, act independently, and have an open mind.

- Give the complainant the opportunity to set out their position.
- Take measures to address any actual or perceived conflict of interest (which may include referring the complaint to an alternative complaint handler).

8.4 A full record will be kept of the complaint and the outcomes at each stage. This will include all correspondence with the complainant (including their original complaint), logs of any telephone calls, any reports or inspections or contact with third parties in relation to the complaint.

## **9 Unacceptable behaviour**

- 9.1 From time to time a small minority of complainants may behave in a way that makes it difficult to effectively investigate their complaint and become overly time consuming to manage.
- 9.2 Staff handling complaints from residents or their representatives displaying unacceptable behaviours should refer to the Acceptable Behaviour policy.

## **10 Stage one complaints**

- 10.1 All complaints received will be raised as a stage one complaint. These will be logged and acknowledged within 5 working days of receipt. The acknowledgement will clearly detail what the complaint is about and what the complainant would like as an outcome to their complaint.
- 10.2 The complaint will be investigated by a member of staff from the department responsible for the service being complained about, who hasn't been involved in dealing with the issue previously, has received training in complaint handling and has the authority to effectively resolve the issues raised.
- 10.3 The complaint handler will make personal contact with the complainant to introduce themselves, reiterate the subject of the complaint, confirm the ideal outcome and the date by which the complaint will be responded to. This contact should be via telephone where possible.
- 10.4 A full written response to the complaint should be made within 10 working days of the complaint being acknowledged. The complaint handler must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the complainant of the expected timescale of the response. Any extension must be no more than 10 working days without good reason, and the reason(s) must be clearly explained to the resident.
- 10.5 When extending the timescale, the complainant must also be provided with the contact details for the Housing Ombudsman.
- 10.6 The response to the complaint must be provided to the complainant when the answer to the complaint is known, not when the outstanding actions required to address the issues are completed. Outstanding actions must be tracked by the complaint handler until all issues are resolved. The complaint handler must provide regular updates to the complainant.
- 10.7 The complaint response must address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice as appropriate.
- 10.8 Where the complainant raises additional complaints during the investigation, these must be incorporated into the stage one response if they are related and the stage one response has not been issued. Where the stage one response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.
- 10.9 The complaint response letter will be clear and contain the following information:
- The complaint stage

- The detail of the complaint and what the complainant requested as an outcome.
- The decision on the complaint
- The reasons for any decisions made
- The details of any remedy offered to put things right.
- Details of any outstanding actions and,
- Details of how to escalate the complaint to stage two if the complainant remains dissatisfied.

## **11 Stage Two Complaints**

- 11.1 If the complainant remains dissatisfied following the stage one response then it must be escalated to stage two of the process.
- 11.2 The stage two complaint must be acknowledged and logged within five working days of the request to escalate being received. The acknowledgement must be clear on what the complaint is in relation to and what the complainant is requesting as an outcome.
- 11.3 The complainant is not required to explain their reasons for escalating the complaint, but the stage two complaint handler will try to contact the complainant to understand why they remain unhappy.
- 11.4 The stage two complaint handler will ordinarily be the director responsible for the service area complained about, but may be any Director of the organisation.
- 11.5 The stage two full response must be made within 20 working days of the complaint being acknowledged. The complaint handler must decide whether an extension to this timescale is needed when considering the complexity of the complaint then inform the complainant of the expected timescale for response. Any extension must be no more than 20 working days without good reason, and the reason(s) must be clearly explained to the complainant.
- 11.6 When extending the timescale, the complainant must also be provided with the contact details for the Housing Ombudsman.
- 11.7 The response to the complaint must be provided to the complainant when the answer to the complaint is known, not when the outstanding actions required to address the issues are completed. Outstanding actions must be tracked by the complaint handler until all issues are resolved. The complainant must be provided with appropriate updates.
- 11.8 The complaint response must address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice as appropriate.
- 11.9 The complaint response letter will be clear and contain the following information:
- The complaint stage
  - The detail of the complaint and what the complainant requested as an outcome.
  - The decision on the complaint
  - The reasons for any decisions made
  - The details of any remedy offered to put things right.
  - Details of any outstanding actions and,
  - Details of how to escalate the complaint to the Housing Ombudsman if the complainant remains dissatisfied.

## **12 Complaints about the Executive Team**

- 12.1 In circumstances where complaints are made about members of the Executive team, the Chief Executive will investigate and respond to the complaint at stage one of the process and a Board member if the complaint is escalated to stage two.
- 12.2 Where the complaint is about the Chief Executive, the Deputy Chair of the Board will investigate and respond to the complaint at stage one and the Chair of the Board will investigate and respond to the complaint at stage two.

## **13 Remedies**

- 13.1 Where something has gone wrong we will acknowledge this and set out, as part of the complaint response, actions already taken or we intend to take to put things right. These may include:
- An apology
  - Acknowledging where things have gone wrong
  - Providing an explanation, assistance or reasons
  - Taking action if there has been a delay
  - Reconsidering or changing a decision
  - Amending a record or adding a correction or addendum
  - Providing a financial remedy (this will be in accordance with our compensation policy)
  - Changing policies, procedures or practices
- 13.2 Any remedy offered will reflect the impact on the complainant as a result of any fault identified.
- 13.3 The remedy offer will clearly set out what will happen and by when, in agreement with the complainant where this is appropriate. Any remedy proposed must be followed through to completion.
- 13.4 When considering an appropriate remedy the complaint handler will take account of the guidance issued by the Housing Ombudsman:

<https://www.housing-ombudsman.org.uk/landlords-info/guidance-notes/ombudsmans-policy-and-guidance-on-remedies/>

## **14 Monitoring and Reporting**

- 14.1 A report of complaints performance and service improvements will be produced on an annual basis and reported to the Board. This report will include:
- The annual self-assessment against the Housing Ombudsman Complaint Handling Code.
  - A quantitative and qualitative analysis of our complaint handling performance, including a summary of the types of complaints we have refused to accept.
  - Any findings of non-compliance with the Complaint Handling Code made by the Housing Ombudsman.
  - Service improvements made as a result of complaints.
  - Any annual report about our performance from the Ombudsman.
  - Any other relevant reports or publications produced by the Ombudsman in relation to our work.
  - Details of any complaints in relation to building safety risk in HRBs.

- 14.2 This report will also be published on the complaints section of our website alongside the Board's response to the report.
- 14.3 A self-assessment against the complaint handling code will also be carried out following any significant restructure, merger and/or change in procedures.
- 14.4 The Member Responsible for Complaints (MRC) and the Board will receive:
- Regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance.
  - Regular reviews of issues and trends arising from complaint handling
  - Regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings, and
  - The annual complaints performance and service improvement report.

## **15 Scrutiny**

- 15.1 We will invite residents to engage with us in scrutinising complaints performance, trends and service improvements.
- 15.2 We will invite residents to engage with us in the annual self-assessment against the Housing Ombudsman Complaint Handling Code.
- 15.3 The Complaints Officer and Member Responsible for Complaints will be present at resident scrutiny sessions which we will aim to hold twice each year.
- 15.4 The Resident's forum, established for the continuing development of Resident Engagement Strategies in Higher Risk Buildings will be engaged in scrutinising complaints performance, trends and service improvements in relation to relevant complaints about building safety risks and the performance of an accountable person.

## **16 Review**

- 16.1 This Policy supersedes all previous policies of its kind. It will be reviewed annually to ensure that it continues to meet the needs of Hastoe Group and is in line with current legislation.