



## **Complaints Policy & Procedure**

**October 2024**

# Contents

	Page Number
<b>Introduction</b>	3
<b>Complaint Handling Objectives</b>	3
<b>Complaints Policy</b>	3
• Definition of a Complaint	3
• Our Approach to Complaints	4
• Publication of Complaints Information	5
• Equality, Diversity and Inclusion	7
• Legislation and Regulation	7
• Relevant Documents	8
• Putting Things Right	8
<b>Complaints Procedure</b>	9
• Methods of raising a complaint	9
• Stage 1	10
• Stage 2: Escalation	12
• Complaints Handling by a third party	14
• When the Complaints Procedure may not be used	14
• Putting things right	15
• Continuous learning and improvement	15
<b>Version History</b>	16



## **Introduction**

This complaints Policy and Procedure is an important document that sets out the approach to managing complaints. We know that we can only fulfil our vision by placing our residents at the centre of everything we do.

We also understand that there are occasions where we may not get it right. This procedure explains how to make a complaint, what to expect from our response and what to do if you are not happy with the outcome.

A positive complaint handling culture is integral to the effectiveness with which we can resolve disputes.

Accountability and transparency are also integral to our positive complaint handling culture. For the purposes of this document, the role of Complaints Officer will be held by the Housing Manager or in their absence the Assistant Housing Manager.

## **Complaint Handling Objectives**

King's Barton Housing Association's (KBHA) standard objectives in relation to complaint handling for all colleagues are to:

- a. Have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments;
- b. Take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and
- c. Act within the professional standards for engaging with complaints as set by any relevant professional body.

## **Complaints Policy**

### **Definition of a Complaint**

A complaint is 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 (including contractors), affecting an individual resident or group of residents.

Types of complaints covered by this policy:

- Delays in responding to an enquiry or request for information
- Failing to provide a service
- Treatment by or attitude of a member of staff or a contractor working on behalf of KBHA.



There are some things that we will not deal with through our complaints' procedure, these circumstances must be fair and reasonable to residents. These include:

- \* A request for a service, such as the first report of a repair
- \* The issue giving rise to the complaint occurred over twelve months ago.
- \* The first reports of anti-social behaviour (ASB) or ongoing nuisance as part of an existing case. Only complaints regarding the handling of an existing ASB case by us will be logged as a complaint.

KBHA can advise on other routes where a complaint is not applicable, based on the specifics of the individual query.

If we decide not to accept a complaint, we must be able to evidence our reasoning.

### **Our Approach to Complaints**

It is important to recognise the difference between a service request, where a resident may be unhappy with a situation that they wish to be rectified, and a complaint about the service they have/have not received.

We understand that we will not get it right all the time. We will treat complaints as an opportunity to improve our services or our communication.

These reviews will be used as opportunities to identify improvements to our service delivery and communication. We will publish the learning from our complaints handling in our annual report each year.

- Residents do not have to use the word "complaint" for it to be treated as such.
- If a resident expresses dissatisfaction, KBHA must give them the choice to make a complaint.
- A complaint that is submitted via a third party or representative must be handled in line with our complaints policy.
- We will accept a complaint unless there is a valid reason not to do so.
- The procedure is available in alternative formats on request.
- A complaint should be resolved at the earliest possible opportunity, having assessed what evidence is needed to fully consider the issues, what outcome would resolve the matter for the resident and whether there are any urgent actions required.
- A record will be kept of every complaint. These records will be reviewed by the Housing Manager on a quarterly basis and reported to the Board.
- We welcome feedback in the form of complaints from anyone who is affected by a service we provide, or decision taken by us including;
  - Residents including joint tenants
  - Any third party negatively affected by our actions or decisions.
  - Any person acting on behalf of a resident (with their consent). For example, a family member, neighbour, advice agency, member of parliament, councillor or the Housing Ombudsman



- Follow-ups on a service request, such as a missed appointment, can often be resolved “there and then” with an apology and by providing another appointment. If further enquiries are needed to resolve the matter, or if the resident requests it, the issue must be logged as a complaint.
- The resident, and if applicable any colleague member who is the subject of the complaint, must also be given a fair chance to set out their position and comment on any adverse findings before a final decision is made.
- KBHA must accept complaints referred to them within 12 months of the issue occurring or the resident becoming aware of the issue, unless they are excluded on other grounds. We must consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so.
- KBHA will not take a blanket approach to excluding complaints; and will consider the individual circumstances of each complaint.
- If a complaint is raised to stage two of our process, an independent review of the complaint will be carried out by the Member Responsible for Complaints . All requests for escalation to stage two must be received within 10 working days of receiving the stage one response. The stage two response will be provided within 20 working days of the request being acknowledged
- If we need more time to investigate complaints at both stages, we will provide an explanation to the complainant containing a clear timeframe for when the response will be received. This should not exceed a further 10 days without good reason. If an extension beyond 10 working days is required, this should be agreed by both parties.
- Where agreement over an extension period cannot be reached, we will provide contact details for the Housing Ombudsman so the resident can challenge the plan for responding and/or proposed timeframe for a response.
- Where residents raise additional complaints during the investigation of a stage 1 complaint, they will be incorporated into the response if they are relevant, and the stage 1 response has not been issued. Where the stage 1 response has been issued, or it would unreasonably delay the response, the complaint will be logged as a new complaint.
- Feedback will be sought from residents relating to the handling of the complaint and these will drive any changes in procedure.
- High volumes of complaints must not be seen as a negative, as they can be indicative of a well-publicised and accessible complaints process. Low complaint volumes are potentially a sign that residents are unable to complain.



- Residents will be given the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with KBHA.
- If there is an ongoing service request KBHA must not stop their efforts to address the service request if the resident complains.
- An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where we ask for wider feedback about our services, we will also provide details of how residents can complain.
- Each complaint must be considered on its own merits.
- KBHA prioritise complaint handling and a culture of learning from complaints. We will provide training to colleagues as deemed necessary . Complaints are seen as a core service and must be resourced to handle complaints effectively
- At each stage of the complaints process, complaint handlers must:
  - a. deal with complaints on their merits, act independently, and have an open mind;
  - b. give the resident a fair chance to set out their position;
  - c. take measures to address any actual or perceived conflict of interest; and
  - d. consider all relevant information and evidence carefully.



## **Publication of Complaints Information**

For details of the Housing Ombudsman, The Complaint Handling Code please see:

<https://www.housing-ombudsman.org.uk/>

Details of both the above and this complaints policy will be published on our website and an article will be included in our newsletter informing residents of this. For residents who prefer this information in an alternative format, they can contact the office using the methods of raising a complaint stated below.

## **Equality, Diversity and Inclusion**

This policy aligns with our wider Equality Diversity and Inclusion Policy by supporting vulnerable residents and creating places where people want to live and build resilience in people and communities.

We are committed to making our complaints process accessible and easy to use for all our customers in line with our statutory duties – as set out in the Equality Act 2010. If you need support in submitting your complaint, please tell us.

You can request a reasonable adjustment from us. Examples of the support we can provide included providing information in alternative formats, adapting the communication method, and allowing more time for a complaint to be brought to our attention.

Any restrictions placed on contact due to unacceptable behaviour must be proportionate and demonstrate regard for the provisions of the Equality Act 2010. Please see the Customer Alert Policy for additional information.

KBHA must keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments must be kept under active review.

Residents must not be treated differently if they complain.

## **Legislation and Regulation**

The key pieces of legislation are:

- Housing act 1985, 1988, 1996 and 2004
- Localism Act 2011
- Equality Act 2010
- Data Protection Act 2018



## **Relevant Documents**

This policy should be read in conjunction with the relevant policy and procedures:

- \* The Complaint Handling Code 2024
- \* Equality and Diversity Policy
- \* Customer Alert Policy
- \* Data Protection Policy
- \*The Repairs Policy

## **Putting Things Right**

Kings Barton will investigate complaints to provide effective dispute resolution, acknowledging where something has gone wrong and to take actions to put things right. This could include a range of remedies that reflect the findings of the investigation and evidence presented. Where applicable mediation maybe offered – this may also be suitable where a complaint is not accepted. At the end of the investigation, a remedy will need to be offered when there has been a service failure and will also need to consider the level of detriment caused to the resident.

The remedy will set out clearly what will happen and by when, in agreement with the resident where appropriate. Legal advice may be sought if required.

Kings Barton will consider compensation if there are any quantifiable losses, as well as the time and trouble a resident has been put to as well as any distress and inconvenience caused. The Housing Manager will agree the level of compensation awarded in line with Standing Orders.

In addition, outcome of a complaint investigation may identify policy, procedure or process changes, which will be followed up following the conclusion of the complaint.





## **Complaints Procedure**

When you first contact us, please make it clear that you are making a complaint. The member of staff you deal with will acknowledge this. In order to resolve a complaint, you will need to let us know the following:

- The property the complaint relates to and your address if different
- What you are complaining about.
- How you would like to see your complaint resolved.

The member of staff you speak to will try and resolve your complaint immediately. In some cases, further investigation may be required, and this will not be possible. You will receive an acknowledgement of your complaint within 5-working days of making the complaint. The acknowledgement will set out the details of the complaint and the outcomes the resident is seeking, with any clarification requested. At this stage a full definition of the complaint will be agreed by both parties. If it has been resolved during this period, this acknowledgement will detail the resolution.

Where a response to a complaint will fall outside the timescales set out in this Code, the KBHA must agree with the resident suitable intervals for keeping them informed about their complaint.

## **Methods of raising a complaint**

If you would like to make a comment, compliment or complaint, or would like to contact us about any other matter, you can contact us via:

- Email – [\*\*info@kingsbarton.co.uk\*\*](mailto:info@kingsbarton.co.uk)
- Use the contact form on the website: <https://www.kingsbarton.co.uk/contact-us.html>
- Tel: 0117 9611171
- Letter sent to our office
- Visit our office : Monday to Friday 09:00-12:30 at 5 Moravian Road, Kingswood
- Or directly with a King's Barton Colleague e.g. during a visit to your home or the site where you live.



### **Stage 1:**

The early and local resolution of issues between KBHA and residents is key to effective complaint handling. The complaint will be passed to the Housing Manager. The Housing Manager (or Assistant Housing Manager in the absence of the Housing Manager) will conduct an investigation.

- Complaints must be acknowledged, defined and logged at stage 1 of the complaint's procedure **within five working days of the complaint being received**.
- We must issue a full response to stage 1 complaints **within 10 working days** of the complaint being acknowledged.
- We must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for 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.
- When we inform a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.
- The complaint response will not be delayed for the completion of any outstanding actions.

This formal response will be provided in writing , in plain language and will contain:

- Confirmation of the complaint and how you wanted to see it resolved.
- Details of the investigation that has been conducted.
- An outline of any legal obligations of both parties and the implications for both parties in relation to the complaint.
- A decision as to whether the complaint has been upheld or not, with reasons and reference to policy and the law.
- Any actions we are taking as a result of the investigation findings.
- Details of any outstanding actions.
- Details of what to do if you are not satisfied with the outcome of your complaint. An escalation of the complaint should be requested within 10 days. Discretion will apply to requests received outside of that timeframe



- We will consider which complaints can be responded to as early as possible, and which require further investigation. KBHA must consider factors such as the complexity of the complaint and whether the resident is vulnerable or at risk. Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the resident.
- A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.
- KBHA must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.
- Where residents raise additional complaints during the investigation, these must be incorporated into the stage 1 response if they are related, and the stage 1 response has not been issued. Where the stage 1 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.

If you are not satisfied with the outcome of your complaint, then you would follow the escalation instructions and proceed to Stage 2. Escalation to Stage 2 can only take place once it has completed Stage 1 and at the request of the resident.



## Stage 2: Escalation

If all or part of the complaint is not resolved to the resident's satisfaction at stage 1, it must be progressed to stage 2 of this procedure. Stage 2 is the our final response.

When you escalate your complaint, you may choose to explain whether you are escalating because a) you disagree with the decision not to uphold your complaint, or b) even though your complaint was upheld, you disagree with the outcome.

KBHA must not refuse to escalate a complaint through all stages of the complaints procedure unless it has valid reasons to do so.

The reasons for this are set out in section 2 of the Complaint Handling Code 2024 and in this policy, and we must comply with the provisions.

Once a complaint has been escalated, it will be passed to board member Amanda Jones also known as the Member Responsible for Complaints ('the MRC'). In their absence the Deputy Chair will cover the role of MRC. The escalation will be defined and logged at stage 2 of the complaints' procedure within five working days of the escalation request being received. .

Residents must not be required to explain their reasons for requesting a stage 2 consideration. KBHA is expected to make reasonable efforts to understand why a resident remains unhappy as part of its stage 2 response.

The person considering the complaint at stage 2 must not be the same person that considered the complaint at stage 1.

KBHA must issue a final response to the stage 2 **within 20 working days** of the complaint being acknowledged.

KBHA must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident 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 resident.

When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.



A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.

We must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.

If any aspect of the complaint is unclear, the resident will be asked for clarification.

The Member Responsible for Complaints will then conduct a review of the handling of the complaint, the investigation and the outcome. The purpose of the review will be to determine the following:

- Whether the investigation was thorough and proportionate to the complaint.
- Whether the decision to uphold or not uphold the complaint was correct with reference to Kings Barton Housing Association policies and procedures.
- Whether the outcome appropriately reflected the finding of the investigation.

The outcome of this review will be communicated in writing, in plain language by the deadline provided and will contain:

- The stage
- The complaint definition
- 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

If you remain dissatisfied with the outcome of your escalated complaint, you will have the option to escalate the complaint with the Housing Ombudsman. The Ombudsman can be contacted by phone on 0300 1113000 or through their website: <https://www.housing-ombudsman.org.uk/>.

Stage 2 is our final response and must involve all suitable colleagues needed to issue such a response.



### **Complaints Handling by a third party**

- Where KBHA's complaint response is handled by a third party (e.g. a contractor or independent adjudicator) at any stage, it must form part of the two stage complaints process set out in this Code. Residents must not be expected to go through two complaints processes.
- KBHA are responsible for ensuring that any third parties handle complaints in line with the Code.

### **When the Complaints Procedure may not be used**

Kings Barton Housing Association will always try and resolve complaints in accordance with the procedure above, however there are certain circumstances where we might decide not to follow this procedure:

1. Where a complainant is abusive or threatening towards colleagues, contractors or board members when making a complaint. The complainant will have the opportunity to raise the complaint when they agree to behave in a reasonable manner.
2. Where a complainant makes repeated complaints about similar or linked issues where these issues are being or have already been investigated through both stages of this procedure.
3. Where an unreasonable period of time has elapsed between incidents to which a complaint refers and the complaint being made, where a full investigation is not achievable.
4. Where legal proceedings relating to the subject of the complaint have been entered into. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
5. Where a complainant is making unreasonable demands of colleague time and resources that are out of proportion to the complaint, as well as the complaint having already been investigated and escalated through the stages.

In any case where a decision is taken not to respond to a complaint in accordance with this procedure, the complainant will be notified in writing by the Housing Manager setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell KBHA to take on the complaint.



## **Putting Things Right**

At either stage 1 or stage 2, where something has gone wrong KBHA must acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include:

- \* Apologising;
- \* 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.

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

KBHA must take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.

## **Continuous Learning and Improvement**

At board meetings the MRC, will be responsible for ensuring the governing body receives regular information on complaints that provides insight on KBHA's complaint handling performance. This person must have access to suitable information and colleagues to perform this role and report on their findings.

The MRC and the Board must receive (as applicable):

- \* 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
- \* annual complaints performance and service improvement report.



**To enable learning and improvement, as applicable KBHA will:**

- \* look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from the complaint.
- \* use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.
- \* report back on wider learning and improvements from complaints to stakeholders, such as Tenants panel, Colleagues and relevant committees.
- \* The Housing Management Team will assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.

**Version History**

<b>Version</b>	4
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