

# BELGRAVE NEIGHBOURHOOD CO-OPERATIVE HOUSING ASSOCIATION COMPLAINTS POLICY

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## ***Aims of the complaints policy***

The following are aims of the complaints policy:

- To ensure that members and others have the right to complain about the provision, or non-provision, of services through an accessible, confidential and easy to use procedure, which offers rapid action and response
- To ensure that complaints are dealt with effectively and fairly, even where complaints outcomes are not to the satisfaction of the complainant
- To ensure that complaints are taken seriously and used positively to improve how the co-op operates
- To ensure the complaints procedure complies with the Housing Ombudsman's Complaints Handling Code (known as "the Code" in this policy).

## **Delegated Authority**

- 1 The co-op's Management Committee has delegated management of the complaints policy to the service provider who will designate a Complaints Officer from amongst their staff. The co-op delegates the Complaints Officer to operate the complaints policy and authorises them to:
  - respond to complainants
  - investigate complaints through dialogue with complainants and other parties involved in the complaint
  - initiate actions as set out in this complaints policy
  - involve other service provider staff in complaints resolutions as they see fit and as appropriate
  - make recommendations about the complaint to the co-op chair (or another management committee member in the chair's absence or where the chair has a conflict of interest in relation to the complaint).

- 2 The chair (or another Management Committee member in the chair's absence or where the chair has a conflict of interest) will agree with the Complaints Officer actions to be taken in relation to complaints that do not require policy decisions.
- 3 Complaints cases that require significant actions to be taken will usually require Management Committee approval. Urgent action should usually be approved by the chair (or another committee member) and the Complaints Officer.
- 4 A committee member will also be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the "Member Responsible for Complaints" (MRC). The MRC is delegated to receive regular information from Pinnacle and elsewhere on complaints that provides insight on the co-op's complaints handling performance.

## Welcoming complaints

- 5 The co-op welcomes complaints from its members and encourage anyone using or directly affected by the co-op's services to make a complaint. A member does not have to use the word complaint for it to be treated as a complaint.
- 6 Examples of whom the co-op may receive a complaint from include:
  - members, tenants, other service users, ex-tenants
  - applicants for housing
  - partnership organisations and agencies
  - contractors or consultants
  - neighbours to co-op properties
  - other members of the public.
- 7 Complaints may also be accepted from agencies and others representing the person wishing to make a complaint, such as the Citizen's Advice Bureau, MPs, councillors, support workers, family members and friends or neighbours (Management Committee members may not act as representatives for complainants).

- 8 The co-op will ensure that there is written and signed authorisation that the complainant has given their permission that a representative will act on their behalf.
- 9 The co-op will welcome such representatives to attend meetings with the complainant if the complainant wishes them to do so.

### Issues of concern raised through the Chair

- 10 Any tenant member who is not happy with the way a housing matter has been dealt with through the service provider may raise the matter directly with the Chair.
- 11 However, it is not expected that tenant members have to raise matters directly with the Chair before making a formal complaint. Tenant members may make a formal complaint at any time that they wish to do so.
- 12 The Chair's contact details will be publicised through the website and through other methods. The Chair will discuss the matter with the tenant member and, where appropriate, will refer the matter to the service provider.
- 13 The co-op maintains a repairs log that monitors any repairs issues that are raised through the Chair, and other service issues will be reviewed through the Operations Sub-Group.
- 14 The Chair will advise any tenant member who raises such an issue with them that they may make a formal complaint in accordance with this policy. They will also inform the Complaints Officer that a tenant member has raised their dissatisfaction with a service issue and the Complaints Officer will offer them the opportunity to make a formal complaint. Where a tenant member expressly states to the Chair that they wish the matter to be considered a formal complaint, they will refer the matter to the Complaints Officer who will progress the complaint in accordance with this policy.

## What is a complaint?

- 15 A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or a group of residents.
- 16 A complaint, whether justified or not, may be about something that the co-op should or should not have done or has done badly or has done or not done in accordance with its policies. A complaint may also be about a complainant feeling that they have not been treated fairly or they have been discriminated against in the provision of a service.
- 17 A member does not have to use the word *complaint* for it to be treated as such. Whenever a member expresses dissatisfaction, the co-op will give them the choice to make a complaint.
- 18 A *service request* is a request from a member to the co-op requiring action to be taken to put something right. Service requests are not complaints, but the co-op will record them and will monitor and record their progress.
- 19 A complaint will be raised if a member expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. The co-op will continue to address the service request if the member complains.
- 20 If a member expresses dissatisfaction with services through a survey, this will not be treated as a complaint, but the member completing the survey will be made aware of how they can pursue a complaint if they wish to. If the co-op asks for feedback on its services, it will provide members information on how to make a complaint.
- 21 The co-op will accept and act on complaints unless there is a valid reason not to do so. If the co-op refuses to accept a complaint, it will set out the reasons why to the complainant. It will also advise the complainant that they may take the

decision to the Ombudsman, and if the Ombudsman does not agree that the exclusion has been fairly applied, the co-op will comply with the Ombudsman's requirement that the co-op accepts the complaint.

- 22 The following would not usually be considered through the co-op's complaints procedure unless there are valid reasons to consider them:
- matters that relate to legal proceedings that have started where a Claim Form or Particulars of Claim have been filed at court
  - complaints about something more than twelve months old. The co-op may exercise discretion to accept complaints made outside this time limit where there are good reasons to do so
  - matters that have already been considered under the Complaints Policy
  - issues relating to how the co-op is governed which need to be dealt with through the co-op's Code of Conduct.
- 23 The co-op does not have a set way to consider each complaint. Each complaint made will be considered on its merits. Those handling complaints must act independently and with an open mind. They must give complainants a fair chance to set out their position. They must consider all relevant information and evidence carefully. They must carefully consider any conflicts of interest.

## Receiving complaints

- 24 The co-op can receive complaints:
- in person through the service provider at the co-op's office
  - by phone through the service provider at the co-op's office
  - by letter addressed to the co-op's Registered Office
  - by email at [hello@belgravecoop.org.uk](mailto:hello@belgravecoop.org.uk)
  - through the enquiry form on the co-op's website
  - by reference from the Chair or from another third party.

- 25 If a member raises a complaint issue with any Management Committee member other than the Chair, they will encourage them to raise the complaint through one of the above methods, but they will also inform the Chair or the Complaints Officer that a complaint has been made and the Complaints Officer will offer the member the opportunity to make a complaint.
- 26 Any member of staff working in BNCHA's offices can receive a complaint. Whoever receives a complaint shall ensure that a complaints form is completed setting out the complaint. The co-op will ensure that confidentiality is maintained in the handling of complaints to those managing it.
- 27 Every appropriate effort will be made by the Complaints Officer to resolve complaints straight away. Emphasis will be placed on correcting any service that has failed and ensuring that checks are made to ensure that the problem has been resolved.
- 28 The co-op will comply with the Equality Act 2010 and adapt its normal policies, procedures and processes to accommodate an individual member's needs if there is a need to do so. The co-op will keep records of any reasonable adjustments necessary to enable a member to make a complaint, and this will be regularly reviewed.

## The Complaints Officer

- 29 In selecting the Complaints Officer, the service provider will ensure that they are competent, empathetic and efficient. They should be able to act sensitively and fairly; should be able to receive complaints and deal with distressed and upset members; should have access to staff at all levels in the service provider to facilitate quick resolution of complaints.
- 30 Wherever possible, they will have the authority to make decisions to resolve the complaint (with the agreement of the chair or another committee member where the chair is not available or has a conflict of interest in relation to the

complaint), although it is often the case that complaints are complex and refer to matters that are not covered by co-op policies and therefore may require consideration by the Management Committee.

- 31 The Complaints Officer will take responsibility for ensuring that receipt of the complaint is acknowledged; that an investigation of the complaint takes place; and that there is communication with the complainant throughout and regarding outcomes.

## Complaints Procedure

- 32 The co-op will manage complaints as follows:
  - **Acknowledgement and logging** - complaints will be acknowledged and logged when received using the co-op's complaint form
  - **Confirmation of the complaint** - the co-op will confirm in writing to the complainant the "complaint definition" – what the complaint is about and the outcomes the tenant member is seeking from the co-op. The complaint definition will be sent to the tenant member within 5 working days of receipt of the complaint. If any aspect of the complaint is unclear, the co-op will ask for clarification.
  - **Investigation** – the Complaints Officer will investigate the complaint – giving the complainant and any other parties to the complaint the opportunity to state their views on the subject matter of the complaint. Matters that are easily resolvable in the complaint will be addressed as soon as possible.
  - **Decision-making** – the chair (or another committee member where the chair is not available or if the chair has a conflict of interest in relation to the complaint) and the Complaints Officer (or the Management Committee where the matter requires policy decisions) will decide their

approach to resolution of the complaint and this will be communicated to the complainant

- **Review** – if the complainant is unhappy with the outcome of the investigation, they may request a review and this will be heard by someone independent of the complaint so far – offering the complainant and other parties to the complaint the opportunity to put forward their views. The outcome of the review will be communicated to the complainant and this concludes the co-op’s complaints procedure.

33 The co-op has set the following maximum target times for the complaint procedure:

Complaints procedure	Timescales
Logging & acknowledgement of the complaint	Within 5 working days
Results of the investigation of a complaint	10 working days of the complaint being acknowledged
Results of a subsequent review of a complaint	20 working days from the request for a review

### Stage One – Investigating the complaint

34 The Complaints Officer will ensure that:

- the complaint is acknowledged in writing within 5 working days of receipt of the complaint (if any part of a complaint is not within the co-op’s jurisdiction, the co-op will make this clear to the complainant)
- an investigation of the complaint takes place, including interviews with the complainant and other relevant parties, and a formal written communication with the complainant regarding the outcomes of the investigation within 10 working days of the complaint being acknowledged.

35 If it is not possible to achieve these timescales due to the complexity of the complaint, the Complaints Officer will ensure that the complainant is written to inform them that the investigation of the complaint will take longer than the target



times (and will provide contact details for the Housing Ombudsman). Any extension should not be for longer than an additional 10 working days.

- 36 The Complaints Officer will also ensure that the co-op retains records (in accordance with General Data Protection Regulations) regarding complaints and their follow through and that outcomes to complaints are successfully implemented.
- 37 If a new complaints issue arises during the course of an investigation of a complaint, if the matter relates to the existing complaint, it will also be considered at the same time. If it does not relate to the existing complaint, it will be considered as a new complaint.
- 38 At the end of Stage 1 of a formal complaint, the Complaints Officer will ensure that the co-op writes to the complainant in plain language setting out:
  - the stage the complaint is at
  - a definition of what the complaint is
  - the co-op's decision about the complaint
  - the reasons for the decisions made
  - any remedies offered to put things right
  - details of outstanding actions
  - details of how to escalate the matter to stage 2 if the complainant is not satisfied with the response.

## Stage 2 Review – The co-op's final response

- 39 If the complainant is not happy with some or all of the outcome of their complaint, they may request a review. The request for a review will be acknowledged in writing within 5 working days.
- 40 The co-op will form an independent review panel which will be sufficiently independent of the complaint, the Complaints Officer and anyone else involved at Stage One of the complaint. The complainant and the Complaints Officer will be given reasonable opportunities to put their points of view to the Review Panel.

- 41 The Review Panel will make reasonable efforts to understand why a resident remains unhappy and offer a final response within 20 working days of the complaint being acknowledged and will feed back to the complainant.
- 42 If it is not possible to achieve these timescales, the Review Panel will ensure that the complainant is written to (with contact details for the Housing Ombudsman provided) to inform them that the investigation of the complaint will take longer than the target times. Any extension will not be longer than an additional 20 working days.
- 43 At the end of Stage 2 of a formal complaint, the Complaints Officer will ensure that the co-op writes to the complainant in plain language setting out:
- the stage the complaint is at
  - a definition of what the complaint is
  - the review panel's decision about the complaint
  - the reasons for the decisions made
  - any remedies offered to put things right
  - details of outstanding actions
  - details of how to escalate the matter to the Housing Ombudsman if the complainant is not satisfied with the response.
- 44 Sending written communication to the complainant is the co-op's final response.

## Putting things right

- 45 Where something has gone wrong, the co-op will acknowledge this and will set out actions already taken and what it will do to put things right. Action the co-op may take include:
- apologising
  - acknowledging where things have gone wrong
  - providing an explanation for things going wrong
  - taking action if there has been a delay

- reconsidering or changing a decision
  - amending a record or adding a correction
  - providing compensation or gesture of goodwill (usually in accordance with suggested guidance provided by the Ombudsman)
  - amending our policies and procedures
- 46 In putting things right, the co-op will consider the impact of what went wrong on the member.
- 47 The co-op will set out in writing what will happen and by when, in agreement with the member where appropriate. The Complaints Officer will ensure that the co-op completes any actions agreed by the date specified.
- 48 The co-op will take account of guidance issue by the Ombudsman when deciding on appropriate remedies.

## Communications and the Housing Ombudsman Service

- 49 The Complaints Policy will be available on and downloadable from the co-op's website. The service provider will provide a copy of the Complaints Policy to members on request, either providing a paper copy or by emailing the policy to them. The Complaints Policy will also be referred to as part of regular correspondence with members.
- 50 The co-op will provide members with contact information for the Housing Ombudsman Service as part of regular correspondence with members. Members may access the Housing Ombudsman Service when they wish to and may receive assistance from the Ombudsman during the life of a complaint.
- 51 The co-op will co-operate with the Ombudsman's requests for evidence and provide this within 3 weeks or 15 working days. If a response cannot be provided within this timeframe, the co-op will provide the Ombudsman with an explanation for the delay. If the explanation is reasonable, the Ombudsman will agree a revised date with the co-op.

## Reviewing complaints performance

- 52 The co-op will produce an annual complaints performance and service improvement report for scrutiny and challenge, which will include:
- a) the annual self-assessment against the Code to ensure the complaints policy complies with the Code's requirements;
  - b) a qualitative and quantitative analysis of the landlord's complaint handling performance. This must also include a summary of the types of complaints the landlord has refused to accept;
  - c) any findings of non-compliance with the Code by the Ombudsman;
  - d) service improvements made as a result of the learning from complaints;
  - e) any annual report about the landlord's performance from the Ombudsman;
  - f) any other relevant reports or publications produced by the Ombudsman in relation to the co-op.
- 53 The Complaints and Service Improvements report will be published on the co-op's website following each year end.
- 54 The MRC and the management committee will receive:
- a) regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance;
  - b) regular reviews of issues and trends arising from complaint handling;

- c) regular updates on the outcomes of any Ombudsman investigations and progress made in complying with orders related to severe maladministration findings; and
- d) the annual complaints performance and service improvement report.

#### **Potential risks to be avoided**

- Members or others are deterred from complaining when there is reason for them to do so
- Management committee members consider that members should not make complaints because it is a co-op
- The co-op does not follow through on complaints
- The co-op does not manage complaints in accordance with legal and regulatory requirements