

Version

3



Core Business

Complaints

Scope:	This policy applies to all group members
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Complaints

1 Scope

1.1 This policy applies to: all group members

Who can use the complaints procedure?

- Any resident of a Circle Anglia property. This includes tenants, licensees, leaseholders, freeholders, market rent and shared ownership residents.
- Any person who uses a service provided by Circle Anglia. This includes service users who may not be Circle Anglia residents.
- Any person who is applying for housing with us.
- Any person who is affected by our homes or services.
- Family members, health workers, local councillors or other advocates who are making a complaint on behalf of a customer or concerned person; providing the legitimate complainant has authorised them to do so.
- EPIC support staff can act as an advocate for service users.
- Any resident who lives in a Circle Anglia property which is managed by an agent should be referred to the agent's complaints procedure initially. If they are dissatisfied with the outcome of the procedure, the complaint will be dealt with at Stage 2 of our procedure.

2 Policy Statement

2.1 Circle Anglia works to improve people's life chances through providing great homes and reliable services to residents, and through helping build sustainable communities where people want to live and work.

2.2 Our aim is to use the feedback both from consultation, compliments and complaints to help us shape the way our services are provided, improving our services and as a result, increasing customer satisfaction.

2.3 If we receive a comment, compliment or suggestion which could improve organisational service delivery it is important that we recognise this as useful feedback and use it accordingly.

2.4 As a customer-focused organisation we welcome feedback. Complaints are a vital part of customer feedback. Effective complaint resolution offers an ideal opportunity to restore confidence in our organisation and our services.

- 2.5 If someone makes a complaint, it will not affect the way we treat them in the future.
- 2.6 We will record, investigate and resolve complaints as efficiently as possible. The emphasis of the complaints procedure is always on “putting things right”.
- 2.7 We reserve the right to use discretion when applying this policy and procedure.

3 Policy

- 3.1 A complaint can be any expression of dissatisfaction with the services we provide. This means that our customers define what constitutes a complaint.
- 3.2 If a person expresses dissatisfaction about a service failure they may not wish to raise the concern through the complaints procedure. It is best practice to record these reports of dissatisfaction to enable the organisation to monitor and learn from them.
- 3.3 A complaint can be made using a complaint form, in person, by telephone, letter, e-mail, fax or on our customer website.
- 3.4 The member of staff who initially receives the report of the complaint will do everything within their abilities or knowledge to resolve the problem.
- 3.5 Many problems can be resolved at the first point of contact, which means that they will not be addressed or monitored through the formal complaints procedure.
- 3.6 Where a problem cannot be resolved at the first point of contact, the member of staff will confirm with the person if they wish to raise the matter as a formal complaint.
- 3.7 A complaint will only be addressed through our internal procedure once.

Situations in which we will not use the complaints procedure

- 3.8 When a person contacts us to report a complaint, staff must take care to assess if the issue is actually a complaint that would be most appropriately addressed through the complaints procedure.
- 3.9 Where a complaint regards an issue that is not the responsibility of Circle Anglia, we may initially record and investigate the matter as a stage one complaint.

- 3.10 Following our initial investigation we will confirm to the complainant if the issue will not be progressed through the complaints process and we can advise the complainant to contact any relevant external organisations.
- 3.11 Where the decision is made not to address the issue through the complaints procedure, the reasons for this will be clearly explained to the person who reported the issue. The reasons for not investigating the complaint will be recorded on the housing management system.
- 3.12 **Requesting a new service** - when a customer is informing us of a problem for the first time e.g. reporting a repair or notifying us of neighbour nuisance, they may use the word “complaint” but they are in fact requesting a service from us. We will provide the service requested without processing the issue through the complaints procedure.
- 3.13 **If it is more than 6 months old** - a complaint will not usually be dealt with through the procedure if the problem dates back more than 6 months and the complainant has not brought it to our attention during this period. It can be difficult to resolve a complaint where the issues date back a significant period of time. Group partners can use their discretion if there is a valid reason for considering a complaint beyond the 6 month deadline.
- 3.14 **When taking legal action** - if the complainant begins legal proceedings, we will seek clarification from the complainant whether they wish to pursue the issue through legal proceedings or the complaints procedure. If a person is in the process of taking legal action, we can no longer deal with the issue through our complaints procedure. Threats of legal action will not deter us from dealing with a complaint.
- 3.15 **Complaints that refer to external obligations** - where a complaint concerns a matter that is determined by our legal or contractual obligations or government policy, we will not investigate the issue as a complaint. Effective complaint management is about working with the complainant to resolve the issue. Where the issue cannot be changed, investigating the complaint would not offer any further resolution.
- 3.16 **If a complaint refers to a disrepair or defect claim** - where a complaint refers to repair issues the member of staff who receives the initial contact will check the housing management system to check if the claim is already being processed as a disrepair or defect claim. The staff member will contact the relevant Insurance/Repairs team to confirm the status of the claim. This will be done at each stage of the complaints procedure. Where a complaint refers to a

disrepair or defect issue, the member of staff who received the complaint will inform the complainant in writing that our insurers/legal advisors will be dealing with the claim, sending a copy to the relevant insurers or legal team for their records.

4 The Complaints Procedure

- 4.1 Our aim is to resolve all problems at the first point of contact. The member of staff who initially receives the report of the complaint will do everything within their abilities or knowledge to resolve the problem.
- 4.2 Where a problem cannot be resolved at the first point of contact, the member of staff will confirm with the person if they wish to raise the matter as a formal complaint.
- 4.3 The staff member who initially receives the complaint is responsible for taking down the relevant details including:
 - the exact nature of the complaint
 - who the complainant has spoken to in the past
 - any key details from the housing management system, and most importantly
 - what the complainant wants from us to put things right.

The staff member will then forward the details of the complaint to the relevant complaint co-ordinator to record.

- 4.4 The complaint co-ordinator will select the person with the most appropriate level of authority to investigate at each stage of the complaint.
- 4.5 The complaint co-ordinator will send an acknowledgement letter to the complainant within 3 working days of receiving the complaint. This letter will confirm the unique complaint reference number and provide a name and contact number of the person who will be investigating the complaint.

Stage 1

- 4.6 The complaint will be investigated by a relevant team member. The team member will contact the complainant by telephone or visit the complainant, to investigate the complaint fully. We will aim to provide a full response to the complaint within 10 working days.

Stage 2

- 4.7 If the complainant is not happy with the result from stage 1, they can request for the complaint to be escalated to stage 2 within 28 days. The complaint is then investigated by the appropriate next level manager.
- 4.8 The manager will contact the complainant by telephone or visit them, to investigate the complaint fully and understand why the complainant was unhappy with the earlier response. We will aim to provide a full response to the complaint within 10 working days.

Stage 3

- 4.9 If the complainant is not happy with the result from stage 2, they can request for the complaint to be escalated within 28 days to stage 3.
- 4.10 At the third and final stage of our internal complaints procedure the complainant is given the opportunity to present their complaint to an impartial panel.
- 4.11 The panel will be made up of three people and they will be selected from the appropriate Board and their local Neighbourhood Boards or Committees.
- 4.12 The panel will be arranged with consideration for the resident's needs. The date of the panel will be confirmed 10 working days in advance.
- 4.13 The aim of the panel is to review the way the complaint has been investigated and to assess whether our policies and procedures have been followed correctly.
- 4.14 Panel hearings must be conducted in a consistent, fair and objective manner.
- 4.15 Complainants may have a representative to help them present their case. However, solicitors or lawyers are not allowed to represent the complainant as the complaints procedure is not a legal process.
- 4.16 A senior member of staff will be there to represent Circle Anglia. Other Circle Anglia employees may be invited to attend the hearing but they will only be involved in the process if they are asked a direct question by a member of the panel.
- 4.17 A minute-taker will be present to record the proceedings. The minute-taker may only answer questions about the complaints policy or procedure.
- 4.18 The Chair must be experienced in chairing meetings and will have received training on complaint resolution from the Housing Ombudsman Service.

- 4.19 The Circle Anglia representative and complainant will be asked to leave the room to allow the panel to consider the evidence and make their decision.
- 4.20 The panel's decision does not have to be unanimous, a majority decision is adequate. If there are only two panel members then the decision of the Chair is final.
- 4.21 The panel's decision must not contravene our policies and procedures.
- 4.22 If the complaint, or any part of it, is to be upheld, the panel may suggest actions that need to be taken. These actions will be reported back to the appropriate Board and the panel members.
- 4.23 Panel members may also make recommendations for existing policies and procedures to be reviewed following their decision. The actions taken as a result of the recommendations will be reported back to the appropriate Boards and panel members.
- 4.24 Panel members are entitled to offer a goodwill payment. If more than £1000 is recommended, the Chair will contact the budget holder as soon as possible to agree this payment.

Referral

- 4.25 If a complainant feels that our internal procedure has not adequately responded to their complaint, they can refer their complaint to the [Housing Ombudsman Service](#) for housing related complaints.
- 4.26 Support service users can refer their complaint the [Local Authority Supporting People Team or the Care Quality Commission](#).
- 4.27 Complaints regarding some Commercial and Leasehold properties can be referred to the [Leasehold Valuation Tribunal](#).

5 Using discretion

- 5.1 All complaints will be addressed using the standard procedure unless there are valid and evidenced reasons to address a complaint differently.
- 5.2 We reserve the right to not investigate a complaint or to deal with a complaint differently, if the circumstances merit it.
- 5.3 Before a complaint is handled any differently from the standard procedure, the lead handler should discuss the case with their line manager.

- 5.4 Lead handlers should ensure that where complaints are handled differently from the standard procedures, every action is aimed at resolving the issue.
- 5.5 We may forward the complaint through our procedure more quickly than usual, skip a stage of the procedure or refer the case immediately to the Housing Ombudsman Service, Leasehold Valuation Tribunal, Supporting People Team or the Care Quality Commission. These decisions will be agreed by the Head of Department or service manager.
- 5.6 If we decide to address a complaint in a different manner we would need to provide tangible evidence that the issue does not merit further consideration within the organisation or that resolving the complaint via our procedure is not possible.

Goodwill payments

- 5.7 In some instances the person who is investigating the complaint may think that the complainant should receive some recompense for the loss or inconvenience they have suffered. Please see the [goodwill gestures and payments](#) procedure section for further guidance.

6 Unreasonable Behaviour

- 6.1 Where a complainant's behaviour is considered to be unacceptable, we will follow the actions set out in the [unreasonable behaviour](#) procedure. This may include stopping the investigation into the complaint, where the circumstances merit this action.

7 Group Communications

- 7.1 Circle Anglia is committed to responding quickly and appropriately to enquiries that are directed to the Chief Executive Officer (CEO) or received from Members of Parliament (MPs) or local councillors.

Chief Executive Officer (CEO) enquiries

- 7.2 Any correspondence received by a group partner that is addressed to the Chief Executive Officer should be forwarded to the CEO office for recording.
- 7.3 As appropriate, correspondence to the CEO will either result in a new complaint being raised and investigated or will be included as further information to address as part of a complaint that is currently under investigation.

- 7.4 Any complaints that are initially addressed to the CEO will be recorded by the CEO office and then forwarded to the appropriate complaints co-ordinator and follow the standard complaints procedure stages and timescales.

MP and Councillor enquiries

- 7.5 We aim to respond to correspondence received from an MP or local councillor within 5 working days. Group partners will forward a copy of the correspondence to the Executive Director of Group Communications to be recorded.
- 7.6 Please see the Group Communications MP and Councillor procedure for further information.

Press Office

- 7.7 Complaints should be managed in line with the Public Affairs policy.
- 7.8 The press office should be provided with details of any complaints which involve a high-profile issue, a legal challenge or where the complainant states that they intend to contact the media.

8 Training

Circle Anglia employees

- 8.1 Customer-facing staff receive an induction in customer care and call handling.
- 8.2 Each group partner is responsible for ensuring that staff are aware of the complaints procedure and are able to raise awareness and provide appropriate advice to residents and service users.
- 8.3 Complaints co-ordinators can be contacted for guidance on complaint handling.
- 8.4 It is important that we learn from complaints and work to prevent the same problems re-occurring.
- 8.5 All employees must be aware of the complaints procedure and take responsibility for resolving problems.

Board, Neighbourhood Board and Committee members

- 8.6 The Ombudsman offers free training on effective complaint resolution to all Board and Committee members. All panel members will ideally receive this training before sitting on complaint panels.

8.7 It is also recommended that senior managers attend this training course and brief their managers on good practice.

8.8 The Company Secretariat organises attendance at these courses on an annual basis.

9 Service Standards

9.1 Our aim is to resolve any complaints at the first point of contact.

9.2 The complaint co-ordinator will log the complaint, allocate a lead handler and send an acknowledgement letter within 3 working days of the complaint being received.

9.3 We aim to send a full written response within 10 working days of the complaint being logged.

9.4 Stage 1 complaints are handled by the team member responsible for delivering the service, who will contact the complainant by telephone or visit to try and resolve the complaint.

9.5 Stage 2 complaints are handled by the relevant manager who will contact the complainant by telephone or visit to try and resolve the complaint.

9.6 Stage 3 complaints are referred to a panel selected from the appropriate Board and their local Neighbourhood Boards or Committees (including the Joint Commission).

9.7 If a complainant is dissatisfied with the response at any stage, they have 28 days to request their complaint is escalated to the next stage of the procedure.

9.8 All our decisions will be made in line with our policies and procedures and in line with our legal and contractual obligations.

9.9 We will always adhere to the findings of the Housing Ombudsman Service, Local Authority Supporting People Team and Care Quality Commission.

10 Monitoring

10.1 Performance on the management of complaints is reported to:

- Team managers (as appropriate) monthly.
- Senior Management at the registered provider or group partner and EPIC Boards via our KPI and LPI reporting systems.
- Partner boards.

10.2 The amounts of goodwill payments awarded will be recorded and monitored.

11 Equality and Diversity

11.1 It is essential to recognise that customers of all races, ages, religions, gender, sexual orientation, literacy levels and disability should be treated equally and fairly.

11.2 A complaint can be made in person, by telephone, letter, e-mail, fax or via our website www.circleanglia.org/customers

11.3 If someone makes a complaint against us, it will not affect the way we treat them in the future.

11.4 All customers will have access to this document upon request or from our website www.circleanglia.org/customers

11.5 This document can be translated or provided in alternative formats (e.g. Braille, large print, audio, easy read) upon request.

11.6 Complaint panels are arranged so that the complainant can attend and present their case, location, timing and individual requirements will be considered.

11.7 Equality and Diversity training is mandatory for all staff.

12 Publicising the Policy

12.1 Circle Anglia publicises its policies and procedures on Complaints to customers and staff in a number of ways:

- Resident's Handbooks
- Service User Handbooks
- 'Putting Things Right' leaflet
- Resident's Newsletter
- Resident's Website
- CIRANO
- Policy Briefings and

Procedure

13 What happens when we receive a complaint?

- 13.1 It is important to thank the person for bringing the matter to our attention.
- 13.2 The majority of people that make a complaint; simply want their problem to be solved. In most cases, it is possible to resolve the issue without using the structured complaints procedure. The member of staff who receives the initial report should explain that the aim of the complaints procedure is to thoroughly investigate a complaint, which will take time.
- 13.3 All actions taken to resolve the complaint must be made in line with our policies and procedures and our legal and contractual commitments.

14 Informal Complaints or Expressions of Dissatisfaction

- 14.1 A person may raise a concern with a member of staff which is either resolved at the first point of contact or the customer does not wish to follow the structured complaints procedure.
- 14.2 The member of staff should assess whether this issue requires further attention. The matter can be addressed internally without involving the customer further.
- 14.3 When recording informal complaints, it may be appropriate to:
- keep a record on a spreadsheet
 - fill out the customer feedback form on Cirano
 - raise the issue at a team meeting or with a line manager.
- 14.4 There are different practices across the Circle Anglia group for learning from complaints. Some group partners report complaints investigation outcomes to their senior managers at team meetings. At other group partners, complaints are monitored by the continuous improvement team.
- 14.5 Learning from customer feedback can help us to improve the services offered and ensure that mistakes are not repeated.

15 Logging a Complaint

- 15.1 It is the responsibility of the complaint co-ordinator to log all formal complaints within 3 working days of a complaint being received.

- 15.2 The complaint co-ordinator ensures that complaints are correctly coded, that documents and correspondence are properly recorded and that the most appropriate member of staff is appointed as the lead handler.
- 15.3 Where a complaint involves more than one issue or department the complaint co-ordinator will select the most appropriate person to act as the lead handler.
- 15.4 The person selected to be the lead handler on any complaint will not be an individual who is being complained about.
- 15.5 The complaint co-ordinator is not responsible for investigating the background to a complaint, for providing a formal response or dealing with complainants queries regarding the progress of a complaint once it has been assigned to a lead handler.
- 15.6 The complaint co-ordinator will chase-up overdue complaints, but it is the responsibility of the lead handler to make sure the responses are sent within target.
- 15.7 The complaint co-ordinator will write to the complainant, within 3 working days of the complaint being received stating:
- confirmation that the complaint has been formally logged,
 - the unique complaint reference number,
 - the subject matter of the complaint
 - the name of the lead handler and
 - the date which we will aim to send the full response.

A copy of the complaints leaflet should also be enclosed to explain how our policy and procedure works.

- 15.8 Some group partners may request that a complainant signs a written copy of the complaint record, to ensure the details have been understood accurately.

16 Group Communications

- 16.1 The Group Communications team wish to be informed where the complaint received involves a high-profile issue or where the complainant states that they intend to contact the media.
- 16.2 In the course of a complaint, the Circle Anglia Press Office may receive enquiries about the complaint and they need to be aware of key issues.

- 16.3 Where complaints are received that are addressed to the CEO, they will be recorded by the CEO office. However, the complaint will follow the standard procedure and be logged, investigated and resolved by the group partner who the complaint refers to.
- 16.4 The Group Communications team will record and monitor complaints from MPs and local councillors, in accordance with their external enquiries procedure.

17 Escalating a Complaint between the stages

- 17.1 At the end of each stage of the procedure, the complainant is given 28 days in which to request that the complaint is escalated to the next stage.

Missed deadlines

- 17.2 If the complainant misses the deadline for escalating the complaint, a decision should be made between the lead handler and complaints co-ordinator to decide which approach is most suitable:
- Move the complaint to the next stage of the complaints procedure even though the deadline was missed.
 - Close the complaint.
- 17.3 We will consider the reason given for missing the deadline in making our decision.
- 17.4 The lead handler should then write to the complainant stating what decision has been made and why.
- 17.5 We must record why the option was selected.

Using discretion

- 17.6 When a complainant requests that a complaint is escalated we may use our discretion and not escalate the complaint in the usual way.
- 17.7 If a complaint concerns an issue which Circle Anglia cannot change, for example a service or scheme provided by an external organisation, a legal obligation or contractual requirement. We will explain to the complainant, where appropriate, that we will not investigate the complaint any further.
- 17.8 Where applicable, we will provide complainants with details of the external organisation that may be better able to respond to their complaint.

Additional Information

- 17.9 At any stage in the complaint process, a complainant may wish to add new information to the existing complaint.
- 17.10 The lead handler and their line manager must decide the most appropriate course of action. Either:
- the new information is separate from the original complaint and can be logged as a new complaint.
 - the new information is additional to the existing complaint and can be added to the process.
 - the new information would have a large impact on the existing investigation stage and the complaint should be 'moved back' and re-investigated at an earlier stage.

18 Stage One

- 18.1 The lead handler is responsible for investigating the background of the complaint which may involve obtaining information from other colleagues or teams.
- 18.2 The lead handler should contact the complainant within the 10 working day target time, by telephone or in person, to discuss the complaint and to work towards a solution.

The response letter

- 18.3 At the end of their investigation, the lead handler should write a letter to the complainant. The final response should:
- be made in writing
 - be written in plain English
 - cover all of the issues raised in the original complaint
 - if any part of the complaint is upheld, then we should apologise for the inconvenience caused by our actions
 - an explanation of what happened may be appropriate but the most important thing is to focus on what will happen next
 - at the end of the letter, it should be explained to the complainant that if they are not happy with the outcome of the investigation they should contact us within 28 days.
- 18.4 If a full response cannot be provided within the target of 10 working days, the lead handler should address as many issues as possible and send this as a holding letter. This should provide a reason for the delay and an assurance to

provide a further update/final response within the next 10 working days. A copy of the holding letter should be sent to the complaints co-ordinator to update the notes on the system.

- 18.5 The lead handler may delegate some of the tasks to members of their team but the final response letter must be checked and signed by the lead handler. Where relevant, a copy of the letter should be e-mailed to the complaint co-ordinator to record any offers of goodwill made and update the notes on the system. It is the responsibility of the lead handler to ensure that all follow-up action relating to the complaint has been completed.
- 18.6 If the lead handler has made no formal contact with the complainant within 10 working days, the complaint co-ordinator will contact the lead handler's line manager and ask them to intervene.

19 Stage Two

- 19.1 If the complainant is not satisfied with the response at stage one, they can request that the complaint is escalated to the next stage of the procedure. The request should be made within 28 days of the full response to the previous stage being sent.
- 19.2 The complaint co-ordinator will send an acknowledgement letter within 3 working days, to confirm that the request for escalation has been received. The relevant manager is then appointed as the lead handler and the same procedure and targets apply as at stage one.

20 Stage Three

- 20.1 If the complainant is not satisfied with the response at stage two, they can request that the complaint is escalated to the next stage of the procedure. The request should be made within 28 days of the full response to the previous stage being sent.
- 20.2 The complaint co-ordinator will send a letter to the complainant to confirm that their request for escalation has been received.
- 20.3 At stage three of the complaints procedure the complainant is offered the opportunity to have the complaint reviewed by an impartial panel.
- 20.4 The aim of the panel is to assess whether we have handled the complaint appropriately to this point. The panel will review whether our policies and procedures were followed and assess whether we have addressed the complaint appropriately once we were made aware of it.

Arranging a panel hearing

- 20.5 The hearing should be arranged so that the complainant can attend and present their case. The person arranging the panel will make sure the venue is suitable and accessible.
- 20.6 The date, time and venue of the panel hearing should be confirmed to the complainant, relevant colleagues and panel members 10 working days prior to the hearing.
- 20.7 A copy of any documents relevant to the complaint must be sent to the panel members 10 working days prior to the hearing. This may include:
- a copy of any relevant policies and procedures
 - professional reports or surveys
 - any relevant correspondence between Circle Anglia and the complainant.
- 20.8 Any details in these documents which are not relevant to the complaint must be removed from the documents before they are sent; this is to ensure there are no breaches of data protection legislation.
- 20.9 If the complainant cannot attend the proposed panel; the hearing can be re-scheduled. Panels will not be postponed more than once unless there are valid reasons. The hearing can proceed without the complainant being present. The complainant can submit their case in writing.
- 20.10 The costs of the hearing should be covered by the relevant department's complaints budget. We should cover the cost of the complainant's reasonable expenses, such as travel and childcare.

Who should attend a panel hearing?

- 20.11 The panel:
- should be made up of at least three people chosen from the appropriate Board, local Neighbourhood Board or Committees. The Company Secretariat keeps an up-to-date list of board members,
 - should not be a relative or neighbour of the complainant, to avoid a conflict of interest,
 - should ideally be made up of one resident, service user or leaseholder and one non-resident,
 - should decide amongst themselves who will chair the meeting,
 - if one panel member cannot attend, the panel can go ahead with only two members.

- 20.12 The complainant and, if they wish, a relative or friend to support them during the hearing. No legal representative may attend the complaints hearing, as it is not a legal process. If the complainant's friend acts in the manner of a legal representative, the panel must suspend proceedings.
- 20.13 A senior member of staff should attend the hearing to represent Circle Anglia. Other members of staff may attend, however, they will only contribute to the panel hearing if they are invited to do so by the panel.
- 20.14 The senior member of staff has the responsibility of arranging a minute-taker (this will usually be the complaints co-ordinator). The minute-taker will be present to record the proceedings, and may only answer questions about the complaints policy or procedure. They may not be involved in any decision making.

Conduct at panel hearings

- 20.15 Panel hearings must be conducted in a consistent, fair and objective manner; in accordance with this procedure. The panel should not be overly intimidating or formal.
- 20.16 The complainant's rights and privacy will be respected. References to the complainant's personal or domestic circumstance, beyond the relevance of the hearing, are not acceptable.
- 20.17 The complaint should not be discussed outside of the panel hearing and the panel members must submit all documentation to the minute-taker at the end of the hearing.
- 20.18 If the complainant gives their permission, it is acceptable to use an audio-recording device during the proceedings. This will ensure we have an accurate and impartial record to draw the minutes and final letter from.

Procedure at panel hearings

- 20.19 The complainant is invited to present their case, providing all the known facts. The panel members and Circle Anglia representative can then ask questions to clarify any outstanding issues. The onus is on the complainant to demonstrate to the panel that Circle Anglia has failed to deliver an adequate service and that the action taken to resolve the complaint has been insufficient.
- 20.20 The Circle Anglia representative is then invited to respond, providing all relevant facts. This may involve correcting perceived inaccuracies and

providing further information such as any goodwill payments that have already been paid. The panel members and the complainant can then ask questions to clarify any outstanding issues.

- 20.21 If at any time the panel feels that no progress is being made, they should adjourn for a few minutes and decide how to move the proceedings forward.

Panel Decisions

- 20.22 The decision does not have to be unanimous, a majority decision is adequate. If there are only two panel members then the decision of the Chair is final.
- 20.23 If the complaint, or any part of it, is to be upheld, the panel must suggest what action needs to be taken. The Chair may ask to be kept informed of progress if an action plan is put forward and must be clearly stated in the minutes. These actions will be reported back to the appropriate Board and the panel members.
- 20.24 The panel's decision must not contravene our policies and procedures or any contractual or legal obligations. The senior member of staff will be responsible for checking this.
- 20.25 Some decisions may require approval by the relevant Board or committee before they can be acted upon. For example - issues relating to property disposals.
- 20.26 Panel members may make recommendations for existing policies and procedures to be reviewed following their decision.
- 20.27 The panel members are entitled to offer a goodwill payment but have a duty to award payments only where service failure has resulted in genuine distress or inconvenience. Previous offers must also be taken into account. Please see the [Goodwill Payments](#) section for more information.
- 20.28 If the panel is unable to reach a decision within the time allocated or due to the lack of critical evidence, it should be agreed to adjourn and identify a date on which it will reconvene. The complainant should be informed of this date and when they could expect to receive written confirmation of the outcome. The complainant would not always be required to attend.

The final letter

- 20.29 The senior member of staff drafts the final letter to the complainant. This letter must be based on the minutes of the hearing and must include the reasons why the panel came to their decision.

- 20.30 The letter must be sent to the Chair for approval, as it will be sent in their name. The Chair can re-word sections and seek further clarification from other panel members as appropriate.
- 20.31 The letter must be printed on headed paper and sent to the complainant within 10 working days of the panel hearing.

21 The Housing Ombudsman Service

- 21.1 If a complainant is dissatisfied with the outcome of the panel, they are entitled to refer their case to the Housing Ombudsman Service (HOS).
- 21.2 We will provide all of the necessary contact details and publicise the service offered but it is the responsibility of the complainant to refer their complaint.
- 21.3 The Ombudsman will consider complaints from tenants, leaseholders and housing applicants once our internal complaints procedure has been exhausted. The Ombudsman does not have the authority to hear complaints from people who do not have a direct relationship with Circle Anglia.

Ombudsman Investigation

- 21.4 We will be notified in writing if the Ombudsman wishes to investigate a complaint. We will be required to submit information on the case by a certain deadline. This information should be put together by the Head of Department and the relevant teams in an orderly and presentable way, to assist with the investigation. The information requested may include:
- a copy of the final letter to the complainant representing the conclusion of the internal complaints procedure,
 - a copy of background papers used in the briefing of the panel about this complaint. These are likely to be notes or reports written by officers during the internal procedure and should explain what action has been taken to deal with this case,
 - a copy of the notes or record of any hearing or meeting that dealt with this complaint,
 - an indication as to whether the property in question has always been owned by Circle Anglia, was previously owned by a different landlord or was transferred to us as part of a Large Scale Voluntary Transfer (LSVT). Details of the dates of any transfer of ownership, if applicable, would be useful,
 - a copy of the relevant tenancy agreement or lease,

- confirmation of the nature of the complainant's relationship with the organisation e.g. assured or secure tenant, leaseholder, housing applicant,
- a chronology indicating the dates of key events and of the actions taken to tackle the issues raised by the complainant. This should be a chronology of events and actions rather than simply a list of correspondence,
- a copy of our current policy used by staff and any related publications issued to complainants,
- a copy of relevant policies that were in use at the time the complaint refers to,
- a copy of any professional or expert advice received in relation to this complaint,
- details of any legal advice received or legal action that has been taken by either party, in relation to this complaint,
- copies of any relevant correspondence,
- any other background papers, correspondence or relevant documents.

Preliminary determination

21.5 After the case has been investigated, the Ombudsman provides a draft report on the case and the decision. The preliminary determination may make recommendations, either specific to the case or more generally regarding our policies and procedures.

21.6 We are given the opportunity to challenge the report and decision, we would usually have to provide new evidence to support this. The Head of Department must confirm in writing whether we intend to accept or challenge the decision by the given deadline. If the recommendations include any payment, it is helpful for our letter to confirm whether the tenant/leaseholder is in arrears.

Final determination

21.7 The Ombudsman then provides a final report and decision. The Head of Department is required to confirm in writing that we have taken any necessary action by any given deadline.

Contact details

21.8 The Housing Ombudsman's contact details are:

Housing Ombudsman Service,
81, Aldwych

London
WC2B 4HN

Tel: 020 7421 3800
Lo-call: 0845 712 5973
Minicom 0207 404 7092
Fax: 020 7831 1942
E-mail: info@housing-ombudsman.org.uk
Website: www.housing-ombudsman.org.uk

22 Appeal to Local Authority Supporting People Team and the Care Quality Commission

22.1 After stage three of the procedure a service user can refer their complaint to:

- the relevant Local Authority Supporting People Team for complaints about a support service
- the Care Quality Commission for complaints about EPIC's Registered Care services.

22.2 Information on the address and contact telephone numbers for Supporting People Teams will be provided to the complainant at the end of stage three of the procedure as the details vary for each Local Authority area.

22.3 The Care Quality Commission:

4th Floor,
Caledonia House,
223 Pentonville Road,
London,
N1 9NG,

Telephone: 0845 015 0120 or 0191 233 3323

Email: www.cqc.org.uk

23 Leasehold Valuation Tribunal (LVT)

23.1 It may be appropriate to refer leaseholder complaints to the Leasehold Valuation Tribunal (LVT).

23.2 Where appropriate, local contact information for the LVT will be made available for the complainant.

24 Goodwill Gestures and Payments

Goodwill Gestures

- 24.1 Where a complainant has suffered a service failure it may be appropriate to offer a goodwill gesture of up to £50 worth of vouchers or a bouquet of flowers. A goodwill gesture can be more personal than a monetary goodwill payment and may help to restore confidence in our organisation.

Goodwill Payments

- 24.2 A goodwill payment can be made when a person making a complaint has suffered inconvenience as a result of service failure. Examples include:
- more than one missed appointment for the same repair or support service
 - major delay in completing a repair
 - loss of an amenity (caused by Circle Anglia)
 - serious service delays and
 - maladministration or loss of paperwork
- 24.3 Our disrepair obligations and homeloss payments are set out in the [Repairs](#) policy.
- 24.4 Where a complaint about contractor performance, such as a missed appointment, results in a goodwill payment; we will attempt to recover this from the contracting firm.

Deciding the amount

- 24.5 When considering how much to offer a complainant in recognition of the loss or inconvenience they have suffered, it is important to take these key factors in account:
- the time taken to resolve the complaint – beyond stated response times
 - any costs reasonably incurred by the complainant
 - the degree of disruption to the household
 - any failures to follow the complaint handling process
 - recognition of any failure to follow policies and procedures
 - distress and inconvenience suffered by the complainant
 - consideration of the complainants vulnerabilities.
- 24.6 During stages one and two of the process it will be at the discretion of the lead handler to decide how much to offer. At stage three, the panel may offer a

goodwill payment. If the amount offered is more than the values stated below, further approval would be required from the budget holder:

Stage One	£250
Stage Two	£500
Stage Three	£1000

24.7 It may be appropriate to offer a goodwill payment between the amounts stated below. Where amounts are offered 'per day', the daily rate starts from beyond our published repairs targets or response times.

Situation	Amount Offered
Loss of amenity such as water, gas, electricity, sanitation, heating or hot water (where Circle Anglia are liable for provision)	£5 - £10 per day
Failure to provide a support service	Direct refund of any charges for the period specified.
Failure to provide a service to a communal area	A goodwill gesture for all those affected or a reduction of the service charge for the period.

Amenities/Heating

24.8 If temporary heating or portable cookers are provided, this should be taken into account when assessing goodwill payment offers following the loss of an amenity. Where the complainant can evidence that they have incurred extra costs, this amount should be reimbursed, where the extra costs are considered reasonable.

Loss of Room Use

24.9 If a complaint arises because owing to repair works or the fault of Circle Anglia, a household has not had the use of a room, we may offer goodwill payments as a proportion of the weekly rent.

Room	1 Bed/Bedsit	2 Bedroom	3 Bedroom	4 Bedroom
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Kitchen	40%	30%	30%	30%
Bathroom	20%	20%	10%	10%
Living room	20%	20%	20%	20%
Bedroom 1	20%	15%	15%	15%
Bedroom 2	N/A	15%	15%	15%
Bedroom 3	N/A	N/A	10%	10%

Inconvenience Payments

24.10 Where a complainant has suffered an inconvenience such as a missed appointment, it may be appropriate to offer a one-off payment of up to £50.

24.11 Inconvenience payments can be offered as a stand-alone gesture or in addition to a goodwill payment.

24.12 Under the tenancy agreement or lease, residents are required to allow access to their home for repairs to be carried out which may result in them having to take time off work. We will not directly compensate for loss of earnings, even in the unfortunate event of a missed appointment.

Gaining acceptance of the goodwill payment

24.13 The lead handler should ensure that the complainant has signed a [Goodwill Payment Acceptance Form](#) to confirm that they accept the amount. This should be sent out with the final response letter.

24.14 If the complainant accepts the amount and then asks for the complaint to be escalated, we should proceed with the complaint as normal but highlight that a payment has been awarded. The first amount offered will be considered when awarding any further payments.

24.15 If the complainant does not sign and return the form, no payment should be made.

Off-setting the goodwill payment against arrears

24.16 Where the complainant has arrears on a rent or service charge account, the amount to be paid will normally be offset against the debt before any payments are made to the complainant. The lead handler should check the rent account and advise the complainant if any or all, of the amount is to be credited to the rent account to clear the debt.

24.17 Where the complainant has support charge arrears, the amount to be paid is offset against the debt before any payments are made to the complainant.

The staff member arranging payment should check with the EPIC Trust Business Support Team if there are any arrears and advise the complainant if any or all of the amount is to be credited to the support charge account.

Processing the payment

- 24.18 All expenditure must be raised to a specific budget for Goodwill Payments (usually ending with the budget code 3838).
- 24.19 When a goodwill payment is to be credited to a tenant/leaseholder's rent account the lead handler should complete the [Resident Account Adjustment Form](#). When a payment is being made directly to a tenant/leaseholder the Payment Requisition for Tenants Form should be used. In both cases the lead handler should take care to complete the forms, use the correct budget code and obtain authorisation from the budget holder. All supporting documentation should be attached to the form and forwarded to the relevant Income Team.
- 24.20 When a goodwill payment is to be credited to a support charge account. The [Payment Requisition form](#) should be used to make goodwill payments to service users. The lead handler should take care to complete and sign the forms correctly, insert the correct budget code and obtain authorisation from their manager. All supporting documentation should be attached to the form and forwarded to the EPIC Business Support Team for processing.

Compensation for damage or loss

- 24.21 Where damage to goods or personal injury has occurred due to alleged negligence on behalf of Circle Anglia, the complainant can submit a claim to our insurers. In these cases, the person making the claim must be able to provide evidence to support their claim. Goodwill payments are awarded for inconvenience. Please refer to [disrepair/insurance claims](#).

Housing Ombudsman Service

- 24.22 The Housing Ombudsman Service can be contacted for advice on how much goodwill a complainant may be entitled to. The Ombudsman requires information on the individual case before giving advice.

25 Unreasonable Behaviour

- 25.1 A small minority of complainants may use the complaints procedure to cause deliberate nuisance or to obtain money through goodwill payments.
- 25.2 Examples include people who:

- raise a formal complaint for very minor problems
- contact multiple people within the organisation about the same issue to cause confusion
- write numerous letters without adding anything new or constructive to the complaint
- continue to express dissatisfaction without escalating their original complaint through the procedure
- repeat a complaint that has already been dealt with through the procedure
- change part or all of their complaint while it is being investigated
- continue to complain about a problem despite our explanation that the issue is caused by something beyond our control.

25.3 We are encouraged to consult the Housing Ombudsman Service for advice with difficult complaints. They can provide impartial advice to both the complainant and the organisation and they are sympathetic to the issues of dealing with unreasonable complainants.

25.4 EPIC staff can consult with Local Authority Supporting People Teams or the Care Quality Commission if they have concerns about a particular case.

Mediation

25.5 At any stage in the procedure, it may be appropriate to consider the use of mediation between Circle Anglia and the complainant. The complainant may refuse mediation but it can be a useful tool to help resolve the complaint and improve the long-term relationship.

25.6 Communicating solely by telephone, letter or email may be contributing to the problem. A meeting between the lead handler and the complainant may help to resolve the issue.

Support needs

25.7 It is important to consider that complainants who are behaving in an inappropriate or unacceptable manner may have support needs.

Points of Contact

25.8 If a complainant repeatedly contacts several members of staff about the same issue, it is acceptable to request that the complainant solely raises concerns through one member of staff. This can minimise confusion within the complaints process.

25.9 If a complainant repeatedly contacts one member of staff, using several means of communication, such as, by phone, email, letter and in person; it is not unreasonable to request that the complainant only contacts the member of staff by one method of communication.

25.10 It is not unreasonable for a member of staff to explain to the complainant that they do not wish to receive communication from the complainant, but that the staff member will contact them once a day by telephone or email, to update the complainant on the status of the complaint.

Further Action

25.11 If at any time a member of staff feels that they are being abused, threatened or harassed by a complainant this must be addressed. The member of staff should inform their line manager of the situation and decide the best way to respond. Actions may include:

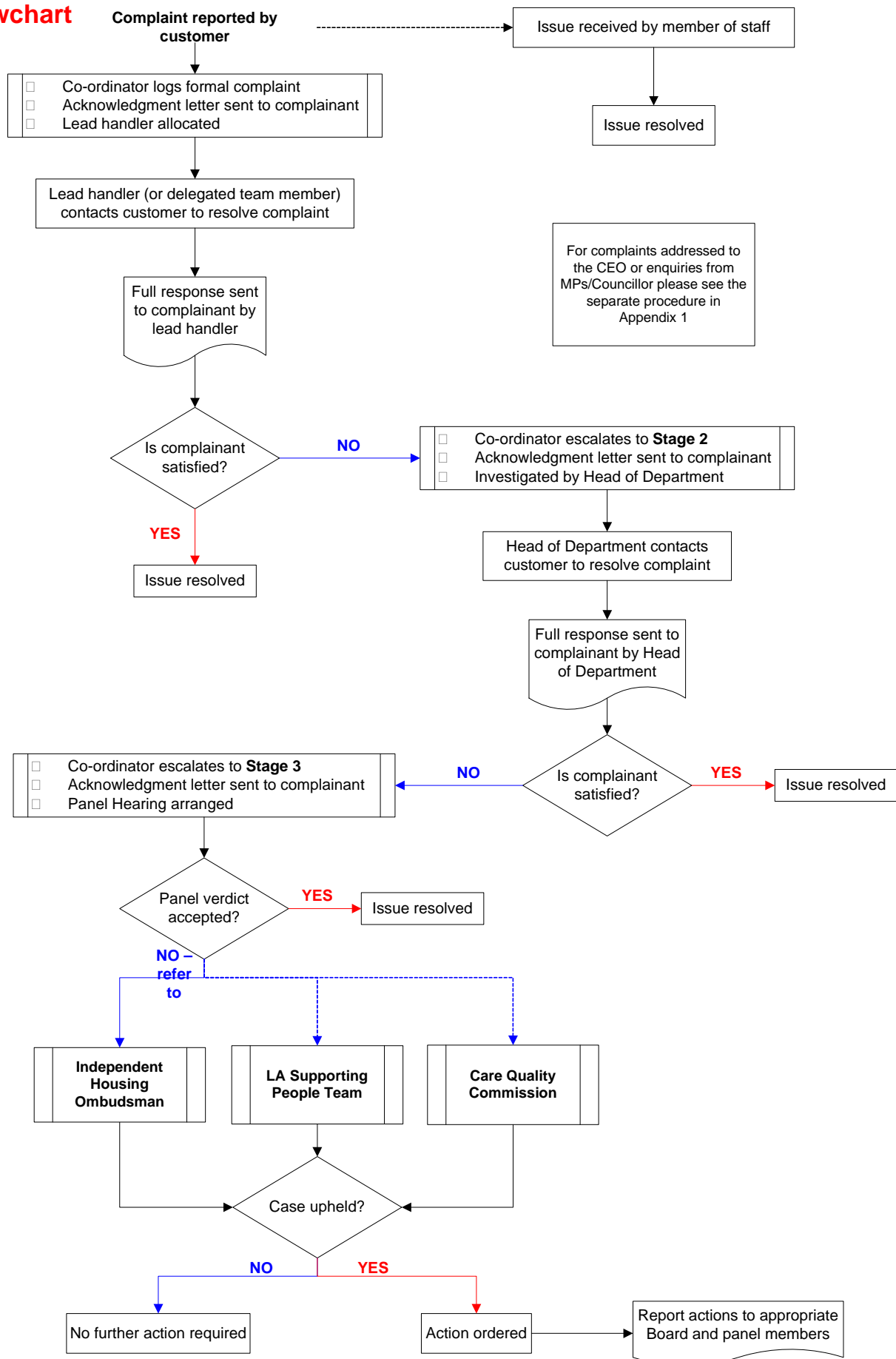
- registering the complainant on the at risk register, in accordance with our [Customers Who Pose a Risk](#) policy.
- restricting the customer's contact with specific members of staff
- informing the police of incidents of criminal behaviour

25.12 We will always inform the police if violent abuse is perceived, threatened or carried out.

25.13 We will explain to the complainant that we may stop investigating their complaint, if they continue to behave inappropriately.

25.14 The [Anti-Social Behaviour](#) policy gives further guidance on addressing and managing unacceptable behaviour.

26 Flowchart



27 Appendix 1

MP/Councillor procedure

Objectives of procedure

- To improve the response times to MPs
- To improve the quality of the letters received by MP and ensure that key messages around service and delivery are highlighted (Head of Public Affairs to work with RPs)
- To provide the Chief Executive Officer (CEO) with data on response and content of letters
- To use the information to monitor relationship between the group and Members of Parliament (MPs)

Diagram of procedure letters received by CEO

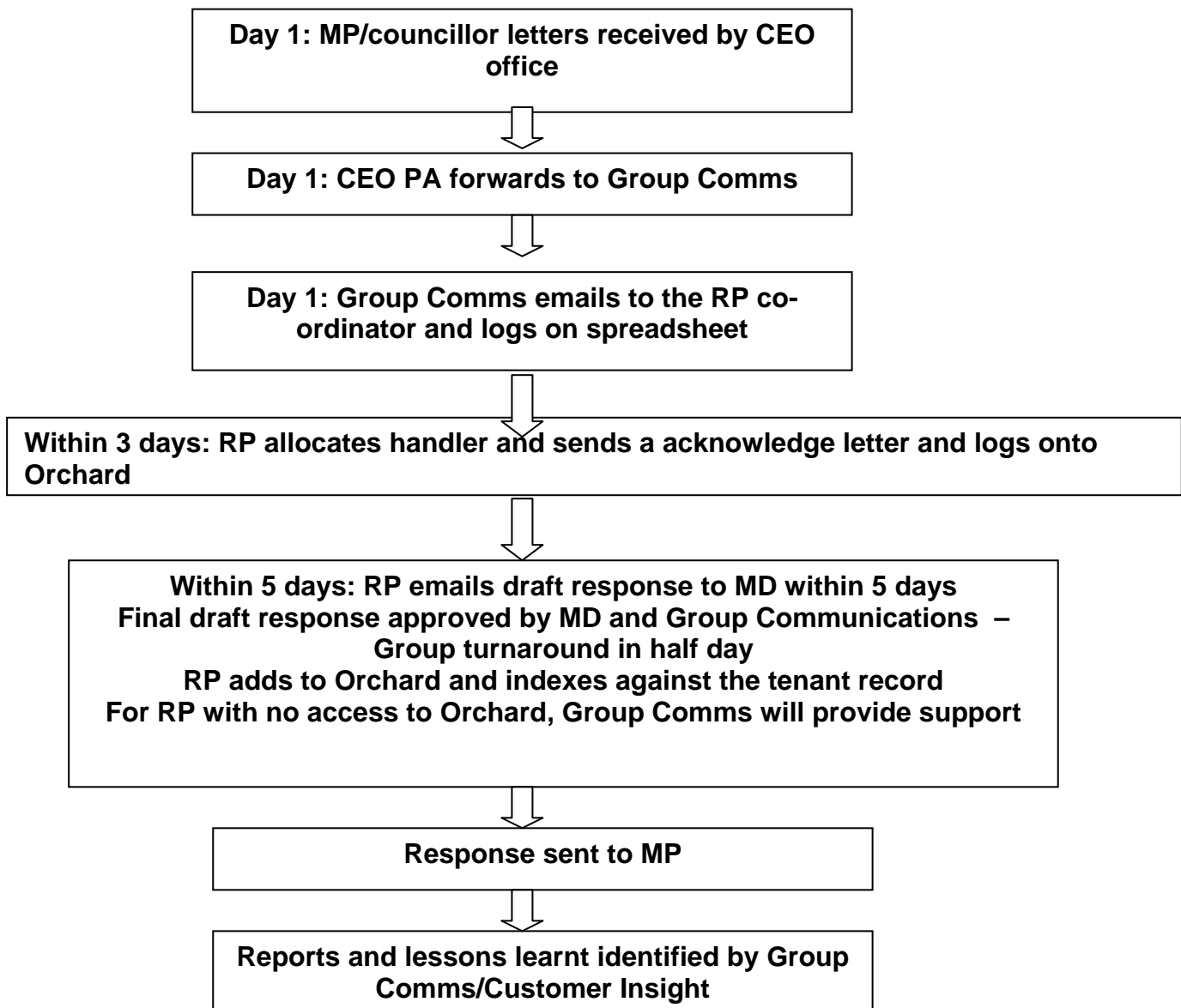
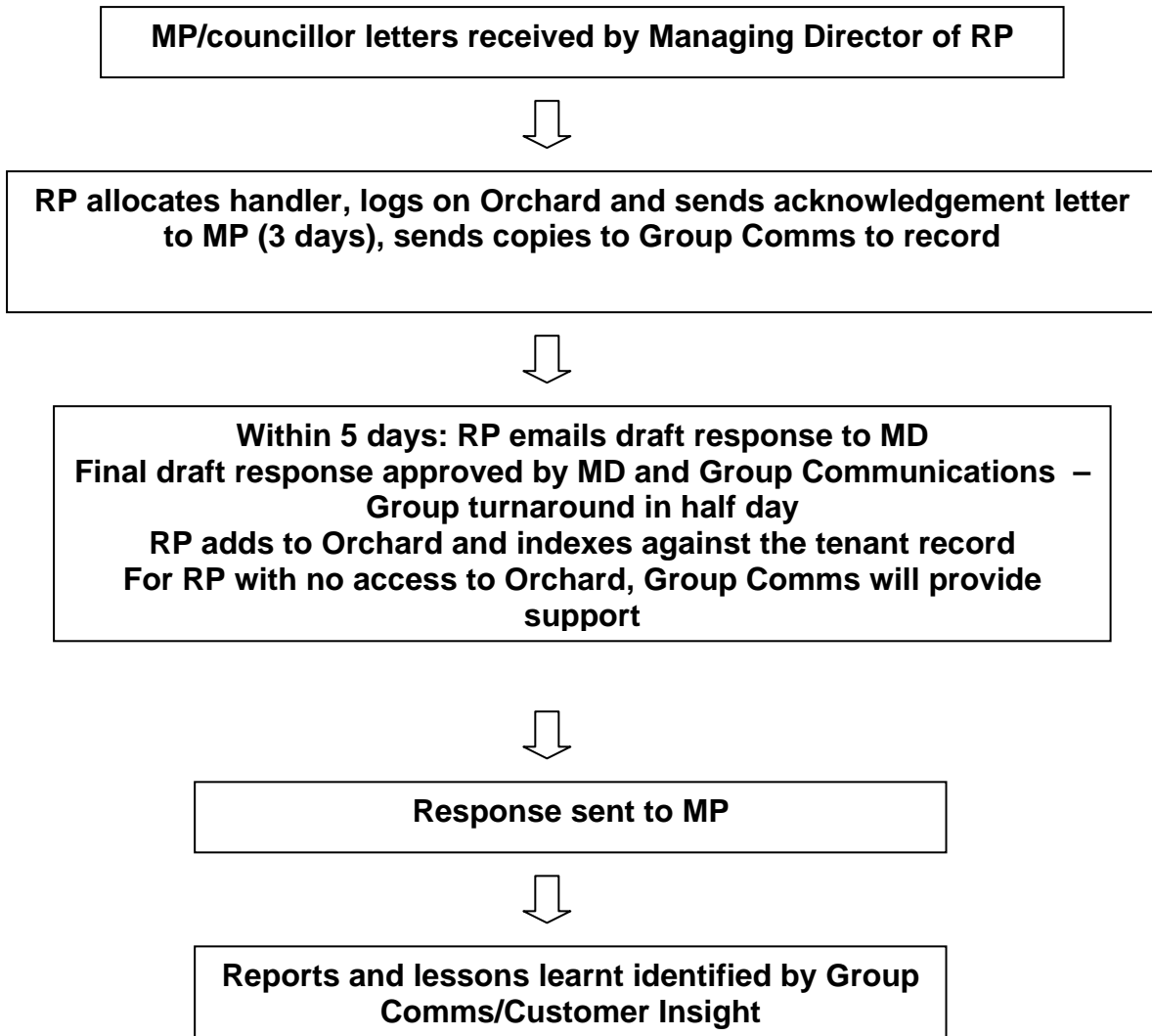


Diagram of procedure letters received directly to the RP



Glossary

Term	Definition
GPF	Group Policy Forum
SMPRG	Senior Managers Policy Review Group

Related Documents

Document	Link
Connected Policies:	Anti-Social Behaviour Customers Who Pose a Risk Repairs Service Charges
Forms and Letters:	Complaint form Resident Account Adjustment Form Goodwill Payment Request form Goodwill Payment Acceptance Form Goodwill/Compensation Form
Leaflets:	Putting Things Right
Other:	

Version history

Version no.	1	Date effective:	October 2006
Full / partial review?	New group policy		
Brief summary of changes:	N/A		
Staff consultation (teams):	GPF, SMPRG, Staff		
Resident consultation:	Have Your Say, OFHS, OF TML		
Signed off by:	GPF 30 th June 2006		
Author:	Robert Tristram, Quality Manager Jason Christensen, Policy Officer		

Version no.	2	Date effective:	January 2007
Full / partial review?	Partial review		
Brief summary of changes:	3.24, 15.7 Ombudsman address updated		
Staff consultation (teams):	N/A		
Resident consultation:	N/A		
Signed off by:	GPF 30 th June 2006		
Author:	Robert Tristram, Quality Manager Jason Christensen, Policy Officer		

Version no.	3	Date effective:	April 2009
Full / partial review?	Full review		
Brief summary of changes:	Integration of new group partners, inclusion of comments and compliments, discretionary decisions, goodwill payments reviewed, unacceptable behaviour added,		
Staff consultation (teams):	Neighbourhood, Income, C&L, Property, Continuous Improvement, Complaints Co-ordinators at all group partners. Group Communications.		
Resident consultation:	<p>All group partners via the benchmarking representatives. Feedback from residents of: EPIC, South Anglia, Old Ford, Russet, Mole Valley, Wherry, Circle 33, Roddons.</p> <p>Changes made as a result of feedback:</p> <p>Resident's recommended that the reasons for not investigating a complaint where it involved an issue which Circle Anglia cannot change should be clearly explained to the complainant.</p> <p>Residents recommended that where a complainant has missed the escalation deadline, the complaint should only be escalated where there is a good reason for missing this deadline.</p>		

	<p>Goodwill payments amounts were decided upon with resident involvement and approval.</p> <p>Managing unacceptable behaviour – resident's recommended meeting with the complainant to talk through the complaint and the unacceptable behaviour.</p> <p>A resident's complaint about personal information being needlessly shared by the organisation with the complaint panel has resulted in a clear procedural change that only relevant and non-sensitive information may be shared.</p>
Signed off by:	GPF 24 th April 2009
Author:	Amy Carter, Policy Officer