

Complaints Policy

Our mission is to enhance the Life Chances of residents and service users through providing great homes, first class services and working in partnership to build sustainable communities.

1 Scope

- 1.1 This policy applies to Circle 33 Housing Trust, Circle Living, Circle Support, Mercian Housing Association, Mole Valley Housing Association, Old Ford Housing Association, Roddons Housing Association, Russet Homes, South Anglia Housing and Wherry Housing Association.
- 1.2 Who can use the complaints procedure?
- Residents, service users and any other person who is affected by our homes or services, including potential residents and service users.
 - Family members of residents or service users, health workers, local councillors or other advocates who are making a complaint on behalf of a complainant; providing the complainant has authorised them to do so.
 - Support staff may act as advocates on behalf of complainants, however they must ensure there is no conflict of interest between their role as member of staff employed to support a service user and another Group partner. If a conflict of interest does arise an independent advocate should be appointed to support the complainant – see Advocacy policy.
- 1.3 Any resident who lives in an agency-managed property should be referred to the agent's complaints procedure initially. If they are not satisfied with the outcome of the procedure, the complaint will be addressed at stage 2 of our procedure.

2 Policy

- 2.1 As a customer-focused organisation we welcome complaints as a vital part of customer feedback. Effective complaint resolution offers an ideal opportunity to restore confidence in our organisation and improve our services.
- 2.2 A complaint can be any expression of dissatisfaction with the services we provide. A complaint can be made using a complaint form, in person, by telephone, letter, e-mail, fax or on our customer website. A complaint will only be addressed



through our internal procedure once.

- 2.3 We will record, investigate and resolve complaints promptly, politely and fairly. The emphasis of the complaints procedure is always on 'putting things right' and making reasonable decisions which reflect that we have considered the individual circumstances of the complainant.

3 The Complaints Process

- 3.1 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 ability and knowledge to resolve the problem. 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.

- 3.2 The staff member who initially receives the complaint is responsible for taking down all of the relevant details including:

- the issue that has caused the complaint; who the complainant has spoken to in the past
- any key details from the appropriate systems/records; what the complainant wants from us to put things right.

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

- 3.3 The complaint co-ordinator will select the person with the most appropriate level of knowledge, experience and authority to investigate at each stage of the complaint. This person is called the case handler. It is important that at each stage, the staff member selected has had no prior involvement with the case.
- 3.4 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 for the person who will be investigating the complaint.

Stage 1

- 3.5 The complaint will be investigated by an officer, who will contact the complainant by telephone or in person, to enter into a dialogue with them and investigate the complaint. The officer will request copies of all correspondence and other evidence that the complainant and members of staff consider to be relevant. We will aim to provide a full response to the complaint within 10 working days. If a full response cannot be provided within 10 working days, an interim letter may be sent with a deadline for when the full response will be provided.

Stage 2

- 3.6 If the complainant is not satisfied with the decision made at stage 1, they can request for the complaint to be escalated, within 28 days, to stage 2. At stage 2, the complaint is investigated by the appropriate next level manager. This

manager will not have previously been directly involved in the complaint investigation.

- 3.7 The manager will contact the complainant by telephone or in person, to enter into a dialogue with them to understand why the complainant was unsatisfied with the earlier response and investigate the complaint fully. The manager will assess the case file and look carefully for any gaps in evidence. The case will be given a complete re-hearing by the manager, rather than a review of the previous response.
- 3.8 We will aim to provide a full response to the complaint within 10 working days. If a full response cannot be provided within 10 working days, an interim letter may be sent with a deadline for when the full response will be provided.

Stage 3

- 3.9 If the complainant is not satisfied with the decision made at stage 2, they can request for the complaint to be escalated, within 28 days, to stage 3.
- 3.10 At the third stage, the complainant is given the opportunity to present their complaint to an independent panel. Panel hearings will be conducted in a polite, fair and objective manner. The panel will be arranged within 10 working days of the escalation request, be convened within 28 days of the acknowledgement letter being sent, and will not be delayed without a valid reason.
- 3.11 The panel will be made up of three people and they will be selected from the appropriate Boards or Committees. The members must have had no involvement in stages 1 or 2 of the complaints process. The date of the panel will be confirmed 10 working days in advance.
- 3.12 Complaint panel hearings may be held in the absence of the complainant and this will be confirmed in writing to the complainant
- 3.13 The aim of the panel is to assess whether the complaint has been handled appropriately, fairly and reasonably. They will also assess whether we have addressed the complaint appropriately since we were made aware of it and review whether our policies and procedures have been followed. The panel will also assess whether the final decision in relation to the complaint decision took into account the individual circumstances of the resident.

Referral

- 3.14 Our aim is to do everything possible to resolve a complaint through our procedures. However, if a complainant feels that our internal procedure has not adequately responded to their complaint, they can take their complaint to the appropriate external agency, for example, the Housing Ombudsman Service for housing related complaints, or to the Local Authority Supporting People Team or the Care Quality Commission for complaints relating to support and/or care services.
- 3.15 It may be more appropriate for complaints from leaseholders regarding service charges to be referred to the Leasehold Valuation Tribunal (LVT).

4 Situations in which we will not use the Complaints Procedure

- 4.1 When a person contacts us to report a complaint, staff must take care to discuss the issues being reported and get as much information as possible, so that the issue can be addressed in the most helpful and appropriate way.
- 4.2 Where the decision is made not to address the issue through the complaints procedure, the full reasons for this will be clearly explained to the person who reported the issue, and the details will be recorded on the customer's file.
- 4.3 **Requesting a new service** - when a customer informs us of a problem for the first time e.g. reporting a repair or neighbour nuisance, they may use the word 'complaint' but they are in fact requesting a service from us. We will usually be able to provide the service without addressing the issue as a formal complaint.
- 4.4 **If an issue 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 time. Discretion may be used if there is a valid reason for the delay.
- 4.5 **When taking legal action** - if a person is taking legal action about an issue, we can no longer deal with the issue through our complaints procedure. However, threats of legal action will not stop us from dealing with a complaint.
- 4.6 **Complaints that refer to statutory or other external obligations** - where a complaint is about something that is outside of Circle's control, for example legislation, government or local authority policy, a contract, tenancy agreement or lease, 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. We will discuss the situation with the complainant, and agree an appropriate way forward depending upon the situation.
- 4.7 **Complaints that refer to Circle policy** - the Group Policy Team can advise whether the issue is driven by external obligations, such as legislation, in which case 4.6 (above) will apply. If the issue is solely an internal Circle policy decision or approach, the issue will be considered as part of the next policy review.
- 4.8 **If a complaint refers to a disrepair or defect legal claim** - where a complaint refers to a disrepair or defect issue which is currently being processed as a claim, the member of staff who receives the complaint will inform the complainant in writing that our insurers/legal advisors will be dealing with the claim.

5 Sensitive Complaints

- 5.1 Sensitive complaints, such as those relating to staff members, or to people who have disclosed sensitive personal information as part of their complaint will be flagged as 'sensitive' when the complaint is logged, to ensure additional confidentiality. See Data Protection & Confidentiality and Equality & Diversity policies.

5.2 All complaints will be handled in accordance with the principles of the Data Protection Act 1998 and with our policy.

6 Using Discretion

6.1 We reserve the right to use discretion when applying this policy and procedure. We may deal with a complaint differently where individual circumstances merit it. Actions taken may include (this list is not exhaustive):

- not investigating a complaint or not escalating a complaint through all 3 stages
- forwarding the complaint through our procedure more quickly than usual, or skipping a stage of the procedure
- referring the complainant to contact an alternative organisation such as the Housing Ombudsman Service, Supporting People Team or the Care Quality Commission at any point in the process.

6.2 Before a complaint is handled any differently from the standard procedure, the lead handler will:

- contact the Housing Ombudsman dispute resolution team (as appropriate)
- discuss the case with their line manager
- record the agreed reasons for varying the standard procedures
- ensure that every action is aimed at resolving the issue in a way that is demonstrably fair and reasonable.

6.3 There must be evidence that investigating the complaint via our procedure is not the most helpful way of meeting the customer's needs or the issue cannot be resolved.

Compensation

6.4 In some instances the case handler may decide to offer some recompense or goodwill payment for loss or inconvenience caused. See the Compensation Policy

7 Unreasonable Behaviour

7.1 We recognise that people who are unhappy about an issue may show signs of stress or frustration when reporting a complaint; however, we will not tolerate abusive, vexatious or threatening behaviour. Examples may include:

- treating staff in an abusive or threatening manner
- refusing to respond to contact from staff, which makes it difficult to investigate and resolve a complaint
- repeatedly contacting several members of staff about the same complaint to deliberately cause confusion in the complaints process.

- 7.2 Where a complainant's behaviour is considered to be unacceptable, we reserve the right to take appropriate action for that particular situation which may include limiting who the complainant can contact or stopping the investigation into the complaint where the circumstances merit this approach.

8 Other Enquiries

Group Chief Executive correspondence

- 8.1 Correspondence sent to the Group Chief Executive about an issue will either be investigated as a new complaint or will be included as further information in a complaint that is already being investigated.

MP and Councillor enquiries

- 8.2 We aim to respond to enquiries received from an MP or councillor within 10 working days. These will be regularly reported on to Boards.

Board and Committee Members

- 8.3 Where Board or Committee Members (Members) wish to raise concerns of any nature, this will not be dealt with through the standard Complaints procedures. Members should speak with the Chair of their Board/Committee or with the Group Company Secretary. It is not appropriate for Members to represent individual customers' complaints or concerns. Board Members should consult their Code of Conduct.

9 Equality and Diversity

- 9.1 Circle will treat all customers and staff with fairness and respect. We value diversity and work to promote equality and tackle unlawful discrimination.
- 9.2 We are committed to helping customers to access information about their homes and services in a way that suits individual needs. Please get in touch with your local provider to discuss this.

Glossary

Term	Definition
Case Handler/Lead Handler	This is the staff member, normally a Manager, who is selected by the Complaints Co-ordinator to investigate the complaint. They may also be referred to as the lead handler. The case handler is responsible for investigating the background of the complaint which may involve obtaining information from other colleagues or teams, and ensuring that all of the relevant information is collated from the tenancy file.
Complaints Co-ordinator	The Complaints Co-ordinator is responsible for ensuring that the complaint is logged, all evidence and correspondence recorded, all timescales adhered to, and the most appropriate staff appointed to investigate and respond to complaints.
Vexatious	Behaviour that is intended to annoy or cause distress.