



# Complaints Policy 2024

# Complaints Policy

## 1. Introduction

- 1.1 PCHA aims to provide an excellent service to all our residents, ensuring that they feel both valued and respected. We acknowledge that sometimes things go wrong and when they do our aim is to put things right as soon as possible. We believe that complaints are an excellent opportunity to listen and respond to our residents in a proactive way.
- 1.2 Our principal customers are our residents and therefore this policy applies to them and not others who may receive a service from us, although of course we will respond to anyone that complains about our service.
- 1.3 We will comply with the Complaint Handling Code as set out by the Housing Ombudsman.

## 2. Policy Objectives

This policy aims to:

- Set out a definition of a complaint that can be clearly understood by both residents and staff
- Take a proactive and fair approach to managing complaints
- Ensure we put things right within reasonable timescales and keep residents fully informed
- Enable and empower our staff to deal with complaints effectively and quickly
- Be responsive to the individual needs of our residents
- Be open, transparent and easy to understand
- Help us to learn from complaints and shape our services as a result
- Set out a process for dealing with unreasonable complaints.

## 3. Policy

Our aim is to provide the best standard of service for all our residents, and we welcome suggestions, comments and views on how to improve the services we offer. We recognise that from time to time things go wrong but we believe that most problems can be easily resolved; our aim is to get it right first time so every effort will be made to resolve matters as soon as possible at the point of

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a complaint being made.

## 3.1 What is a complaint?

The Housing Ombudsman's Complaint Handling Code defines a complaint as *"... 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, affecting an individual resident or group of residents"*. In broader terms, a complaint could be when a resident feels:

- We have failed to adequately respond to their initial request
- We have been unhelpful or rude
- We have failed to meet our stated standards or promises
- We have given unclear, misleading or unsuitable advice
- We have not complied with our policies or procedures.

3.1.1 A complaint is not a first attempt to request a service, such as a repair, or let us know something has gone wrong. A service request is "a request from a resident requiring action to be taken to put something right". This will usually be the first time we have been made aware of dissatisfaction with our service. Service requests are not considered to be complaints but they will be recorded and reviewed regularly.

3.1.2 If a resident is dissatisfied with our response to a service request, then we will automatically consider this to be a complaint and will follow the process laid out in this policy.

3.1.3 We have special procedures for reporting anti-social behaviour and neighbour nuisance/disputes and these will not be dealt with under this complaints policy unless we have failed to deliver to our agreed service standards. Neither will initial service charge queries be dealt with under this policy unless we have failed to provide an acceptable service. Similarly, we will not deal with decisions where there is already a right of appeal unless we have not followed our own processes.

3.1.4 Complaints do not have to be made in writing and may be made in several different ways. Residents can complain using the following methods:

- Letter
- Email (we have a dedicated email address)

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- Telephone
- Social media
- Website
- Office visit
- During a home visit

Residents do not have to use the word complaint and we will make reasonable adjustments for those who need additional assistance.

- 3.2 There are some occasions when we will not consider a matter under our complaints policy. We will not take a blanket approach to excluding complaints and will consider the individual circumstances of each complaint. We will not normally be able to deal with the following via the complaints process:
- Complaints about other residents (see 3.1.3)
  - Any matter which is already being (or has been) dealt with by a solicitor
  - Matters that are being/have been dealt with by our insurers
  - Complaints already being dealt with by the Ombudsman or MP
  - Any matter that occurred more than 12 months ago
  - Complaints that have already been through the process or which, in PCHA's opinion, are being pursued in an unreasonable manner
  - Complaints that fall outside our jurisdiction (e.g., complaints about utilities).

If we decide not to accept a complaint or to escalate it, a detailed explanation will be provided to the resident setting out the reasons why the matter is not suitable for the complaints process. Alongside the explanation we will inform the resident that they can refer this decision to the Ombudsman.

- 3.3 Should the complaint be regarding the service provided by any agent or contractor acting on behalf of PCHA, we will expect the agent/contractor to try and provide the resolution in the first instance but should they fail to do so, it will automatically be escalated to Stage 2 of our complaint process.
- 3.4 When we receive a complaint, we welcome it as an opportunity to improve our relationship with our residents and improve our service. We will not be defensive as our values are to be open, transparent and accountable to our residents. We simply welcome the opportunity to hear where residents feel we have got things wrong and where they feel we need to improve as this helps us

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shape our service delivery. As such, staff are encouraged to actively identify complaints and a resident will not have to use the word “complaint” or to ask to “make a complaint”. Complaints do not have to be in writing although in this case we will complete a complaint form to ensure there is a clear audit trail.

- 3.5 Where a complaint is received through a social media platform we will respond to the post advising that we will contact the complainant directly. This will ensure confidentiality is maintained.
- 3.6 We aim to ensure all complaint investigations are fair and therefore we will:
- deal with all complaints on their merits
  - act independently and have an open mind
  - take measures to address any actual or perceived conflict of interest
  - consider all information and evidence carefully
  - keep the complaint confidential as far as possible
  - take account of the residents’ individual needs
- 3.7 All complaints and compliments will be recorded to help identify learning outcomes, trends and improvements.
- 3.8 We may use external support at any point in the process if deemed necessary.

## 4.0 Our Complaints Procedure

- 4.1 We will always try to deal with any query or complaint from a resident as quickly as possible. All staff will try and find resolution as quickly as possible to any service request to the resident’s satisfaction. If this cannot be achieved within two working days it will automatically be escalated to our 2-stage complaints process.
- 4.1.1 At all stages the objective is to investigate and respond as quickly as possible, agreeing a timescale with the resident and keeping them informed of any delays. Whilst we believe it is important to agree timescales at the outset, we will always aim to comply with the timescales set out by the Ombudsman as follows:
- Stage one - We will acknowledge, define and confirm the resident’s desired outcomes and log the complaint within 2 working days of a

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complaint being received. We aim to issue a full response within 10 working days of its acknowledgement. If this is not possible, an explanation and a date by when the stage one response should be received. This will not normally exceed a further 10 days without good reason.

- Stage two response - Requests to escalate to Stage 2 must be received within 20 working days of receiving the Stage 1 response but individual circumstances will be considered if a request to escalate is received outside of this timescale. We will acknowledge, define and confirm the complainant's desired outcome and log the complaint within 2 working days of the request to escalate being received. We aim to issue a full response within 20 working days from request to escalate – if this is not possible an explanation and a date when the stage two response will be received. This will not normally exceed a further 10 working days without good reason.

4.1.2 If a response to a complaint will fall outside the timescales set out in our Policy, then we will seek to agree with the resident suitable intervals for keeping them informed about their complaint. Residents will always be provided with contact details of the Ombudsman service when any extensions to timescales are proposed.

4.1.3 When a complaint is made, it shall be acknowledged and logged at each stage of the complaints procedure. We will confirm our understanding of the complaint and the outcomes being sought with the resident. Clarification should be sought if the complaint is not clear. We will ensure that the complainant is provided with information on their right to access the Ombudsman service.

4.1.4 Complainants will have the opportunity to have a representative deal with their complaint on their behalf and may be represented or accompanied at any meeting with PCHA.

4.1.5 If a complaint response is handled by a third party such as a contractor or

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independent adjudicator at any stage, it will form part of our two stage process.

## 4.2 Responsibilities

4.2.1 The officer responsible for complaint handling is the Head of Resident Services. We recognise the importance of this particular responsibility and having the role in place is an important factor in ensuring that the complaints handling process works well. With this in mind, we will ensure that the designated officer is:

- Able to act sensitively and fairly
- Trained to receive complaints and deal with distressed and upset residents
- Has access to staff at all levels to facilitate quick resolution of complaints
- Has the authority and autonomy to act to resolve disputes quickly and fairly.
- Ensures that any third parties handle complaints in line with the Code

It should be noted that as a small organisation it is not always possible to provide an alternative Complaints Officer.

4.2.2 The Member Responsible for Complaints (the “MRC”) is the Chair of PCHA’s Board. They are responsible for ensuring that the Board receives regular information on complaints, providing insight on our complaint handling process and the annual complaints, performance and service improvement report. The MRC also ensure that the Board receives regular updates on the outcomes of any Ombudsman investigations or orders issued.

## 4.3 Stage 1 Complaint

4.3.1 If our attempt to resolve a service request is unsuccessful, a formal complaint will be recorded and investigated. It will then be handled as a Stage 1 formal complaint and the relevant department Head (or Director) will contact them within two working days to discuss the matter and try to find a positive resolution; wherever possible we will meet with the resident face to face. At this point the manager will agree a timescale with the resident. The investigating manager will aim to complete the investigation as quickly as possible and will feed back to the resident, normally in person, followed by an outcome letter detailing the outcome and any agreed actions. The outcome

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letter will 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

4.3.2 Where additional complaints are raised during a Stage 1 investigation, these will be incorporated into the Stage 1 response if they are related and the Stage 1 response has not been issued. If the new issues are unrelated to the ones already being investigated, or it would unreasonably delay the response, or where the Stage 1 response has already been issued, the new issues will be logged as a new complaint.

## **4.4 Stage 2 Complaint – Review**

4.4.1 If the resident feels we have not dealt with their complaint effectively at Stage 1, they can request for their complaint to be reviewed. This will be acknowledged within 2 working days.

4.4.2 Residents are not required to explain their reasons for requesting a Stage 2 review. We will make reasonable efforts to understand why the resident remains unhappy and what resolution is being sought as part of our review.

4.4.3 The review may be carried out by a member of the Executive Team (or Board member) who will investigate the matter as quickly as possible, providing an outcome letter detailing the outcome and any agreed actions. Their decision is final.

4.4.4 In the case of a resident where we are not the landlord, the landlord will normally be part of the review process at Stage 2. In the case of PCHA's housing management contract with Bromley Council, the Head of Housing Schemes (or equivalent) will review the complaint alongside PCHA.

## **4.5 Outcomes**

At any stage the complaint may be upheld, partially upheld or not upheld and this will be clearly communicated in any outcome letter. At all stages our objective is to find a positive resolution, although there will be times when the resident's desired outcome is simply not possible/reasonable.



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4.5.1 At the completion of each stage of the complaints process we will write to the resident advising them of the following:

- the complaint stage
- the outcome of the complaint
- the reasons for any decisions made
- the details of any remedy offered to put things right
- details of any outstanding actions
- details of how to escalate the matter to the Ombudsman if dissatisfied.

4.5.2 Where something has gone wrong, we will acknowledge this and set out the actions already taken, or that we intend to take, to put things right. When considering what action will put things right, we will carefully manage the expectations of residents and will not promise anything that cannot be delivered or would cause unfairness to other residents. We will ensure that any remedy offered reflects the extent of any and all service failures, individual circumstances and the level of detriment caused to the resident as a result. We may offer a remedy at any stage in the complaint process where appropriate.

4.5.3 Remedies may 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

## 4.6 Closing Complaints

Complaints will be closed if no request for a review has been received within 10 working days of the date of the outcome letter. Further complaints, even if of a similar nature, will be treated as new complaints unless the complaint is due to the fact we have not completed the agreed actions in the outcome letter. Closed complaints will not be re-opened.

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## 4.7 The Housing Ombudsman

If a complaint is not resolved at the end of our internal complaint process the resident can refer the matter directly to the Housing Ombudsman. Complainants may contact the Housing Ombudsman service at any time.

For more information about designated persons or the Ombudsman the resident may visit the Ombudsman's website <http://www.housing-ombudsman.org.uk/> or telephone them on 0300 111 3000.

We will provide early advice to residents regarding their right to access the Housing Ombudsman Service, not only at the point they have exhausted the complaints process but at each stage.

- 4.7.1 We will complete an annual self assessment of our performance against the Complaint Handling Code to demonstrate compliance.

## 4.8 Compensation

We recognise that occasionally we may fail to meet acceptable standards of service which may result in loss, damage or inconvenience to our residents and in these circumstances compensation may be appropriate. In awarding compensation, we will consider all the individual circumstances, including any quantifiable losses that have been incurred, the time and trouble a resident has been put to and any distress and inconvenience caused.

- 4.8.1 Compensation may be awarded at any stage of the complaint process. We will usually only consider the payment of compensation where we have failed to deliver our published standards of service or where we have failed to perform to a reasonable standard.
- 4.8.2 Any offer of compensation will be made in full and final settlement of the complaint and the resident should be aware that their acceptance of the offer will be considered to be confirmation that the complaint has been resolved to their satisfaction. Any compensation for residents will normally be offset against any arrears on their account.

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## 4.9 Unreasonable Complaints

We reserve the right to refuse to consider or review complaints when a resident's actions or behaviours are deemed to be unreasonable or unacceptable. We will always try to find a way to work with residents before reaching this stage and we always aim to respond in a proportionate and fair way. However, very occasionally, we will have to use this clause in order to ensure the safety and wellbeing of our staff and protect PCHA's resources. We are a small organisation and one complainant behaving in an unreasonable manner can take up significant resources in a very small team; this in turn can have an impact on the service offered to other residents.

The following are examples of when this clause may be applied:

- The resident is using threatening, aggressive or offensive language or behaviour
- The volume of emails or calls received are extensive and unmanageable
- The outcomes sought are completely unreasonable
- There is nothing further PCHA can reasonably do to assist
- The complainant continues to raise the same or a closely related complaint even after the complaint process has been fully exhausted
- The resources needed to deal effectively with the complaint are disproportionate to the benefit of the outcome sought.

In the case where we identify the complainant as being unreasonable, in the first instance we will:

- Explain this clearly to the resident and set out our expectations going forward
- Take detailed notes and record this on the system
- Assess the residents needs and refer them for support if required

If the above does not result in a change to behaviour, we will warn the resident that this is deemed unacceptable. Before taking this or any other action, we will consider the impact and severity of the behaviour.

However, as a last resort, we may choose to restrict access or refuse to consider a complaint. In this case we will explain this decision in writing and give the

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resident the right to appeal. Any decision to restrict access will be approved by the Chief Executive and reviewed regularly.

## **4.10 Legal Action**

At any stage the Chief Executive or Board may take legal advice and consider the use of injunctions or other legal remedy, if it is assessed that a serial or persistent complainant is causing harassment or is considered to be a threat to staff.

## **4.11 Continuous learning & Improvement**

We recognise complaints as an important part of our resident engagement work and understand their importance in terms of learning and improving services. All complaints are shared with the team and discussions take place to consider the lessons learnt. Feedback is also provided to the Board regularly see 5.2.

## **5. Monitoring**

5.1 We will record and monitor every complaint including details such as what the complaint was about, how it was resolved, how quickly it was resolved and what we learned.

5.2 The Board will receive:

- regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance
- regular reviews of issues and trends arising from complaint handling
- regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings
- the annual complaints performance and service improvement report

## **6. Equality and Diversity**

6.1 PCHA respects and values the differences of our residents, partners and staff and we will treat everyone we work with fairly, and with respect. This policy has been considered in light of PCHA's equality and diversity policy and is compliant with its principles.

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6.2 We will comply with the Equality Act 2010 and will adapt our process or make reasonable adjustments to accommodate an individual's needs wherever possible and reasonable.

## 7. Communicating and Publicising

7.1 We will make it easy for residents to complain, by providing different channels through which residents can make a complaint.

7.2. We will make our complaint leaflet available in a clear and accessible format for residents; this will be publicised on the website in a downloadable format.

7.3 The complaints policy and process should be publicised in leaflets newsletters, online and as part of regular correspondence with residents. A copy of this policy will be provided when requested.

7.4 The Annual Report on Complaints, self assessment against the Complaint Handling Code and the Board statement in relation to these documents will be published annually on the website.

<b>Date last reviewed:</b>	<b>June 2024</b>
<b>Date for next review:</b>	<b>June 2027</b>