

## Red Devon Housing Limited Complaints Policy

Document: RDH02 – Complaints Policy (V.2024)

### Purpose

This policy is for the guidance of Staff and Committee Members when dealing with Service Requests and Complaints. The aim is to equip staff and trustees with the ability to deal with both elements promptly, sensitively, impartially and in complete confidence.

Service Requests and Complaints can be made by residents in person, or by representative, advocate or relative on a resident's behalf. They can also be forthcoming from external individuals and organisations. Both Service Requests and Complaints can be communicated by any reasonable method.

Any member of staff may receive a complaint and many will be able to be 'put right' by that staff member immediately. If this is not the case a staff member may decide that the best course of action is to refer the complaint either to their line manager or to the line manager of the department to which the complaint concerns (i.e. Management/Administration, TSOs, Maintenance, Catering or House Services) for their action. Line Managers must firstly decide whether the issue should be deemed a complaint or a service request. In either case, consideration should be given on how to 'put it right'. Line managers may decide that the issue needs to be referred to the next level of management.

This policy, together with the complaints procedure, will be included in all future Welcome Packs which will be provided to all tenants. The policy and procedure will also be accessible on the company website and on the company notice boards at both Brook House and Overbrook.

### Definitions

*A **Service Request** is a request from a resident to the company requiring action to be taken to put something right. Service Requests are not complaints, but must be recorded, monitored and reviewed regularly (The Complaint Handling Code, Housing Ombudsman (2024)).*

*A **Complaint** is defined as: 'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the company, its own staff, or those acting on its behalf, affecting a resident or group of residents.' (The Complaint Handling Code, Housing Ombudsman (2024)).*

Although it is hoped that complaints will be minimal, it is recognised that there is a right (and the company supports that right) to complain when service users, relatives or outside agencies, are dissatisfied with any aspect of the service we provide. A resident does not necessarily have to use the word 'complaint' for it to be treated as such. Whenever a resident expresses dissatisfaction landlords must give them the choice to make a complaint. A complaint that is submitted via a third party or representative must be handled in line with the landlord's complaints policy.

The company must give residents the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the company representatives at all stages.

Staff and Committee members should recognise that complaints can be used as a positive feedback tool the resolution of which can be used proactively to determine forward planning and of service in conjunction with service users and support staff.

The Company must accept a complaint unless there is a valid reason not to do so. If landlords decide not to accept a complaint, they must be able to evidence their reasoning. Each complaint must be considered on its own merits.

There may be circumstances in which a matter will not be considered as a complaint or escalated, and these circumstances must be fair and reasonable to residents.

Acceptable exclusions include:

- the issue giving rise to the complaint occurred over 12 months ago
- legal proceedings have started - this is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court
- matters that have previously been considered under the complaints policy.

The Company must accept complaints referred to them within 12 months of the issue occurring or the resident becoming aware of the issue, unless they are excluded on other grounds. The Company must consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so.

If the Company decides not to accept a complaint, an explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell the landlord to take on the complaint.

The Company must not take a blanket approach to excluding complaints; they must consider the individual circumstances of each complaint.

### **Service Requests**

A Service Request should be made verbally or in writing (such as on a Maintenance Slip). In most cases this will be the only step necessary in order to resolve an issue of concern.

An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where landlords ask for wider feedback about their services, they also must provide details of how residents can complain.

Apart from the primary function of Red Devon Housing Ltd, which is to provide suitable accommodation to older people, there are a variety of operations carried out by the company. These include:

- House Services
- Maintenance
- Catering
- Tenancy Support
- Laundry
- Administrative Support

All of the staff work exclusively on the site where the accommodation is located therefore the interface with residents is extensive.

As a result, staff receive literally dozens of Service Requests on a daily basis. It is neither practical nor possible to record all of these requests with the staffing resources currently employed. Consequently, only Service Requests which cannot be resolved within an appropriate timeframe or which have a high probability of escalating to a Stage 1 Complaint, will be recorded.

A Service Request should first be passed to the member of staff responsible for the issue it relates to (maintenance, catering, laundry etc) to deal with the issue. In most cases a problem can be resolved quickly and effectively at this initial level.

A Service Request that cannot be resolved immediately, or in a timeframe acceptable to the service user/complainant, must be referred to the Line Manager of the staff member receiving the request. At this time, the service user/complainant should be asked if they wish the request to be escalated to a Stage 1 Complaint. Even if the Service Request is elevated to the Stage 1 Complaint level, Line Managers must continue in their efforts to resolve the request.

If no resolution can be found that is acceptable to the service user/complainant, the matter must be escalated to a Stage 1 Complaint and referred to the Manager who is the designated Complaints Officer.

## **Complaints Stages**

### **Stage 1 Complaints**

The company must have processes in place to consider which complaints can be responded to as early as possible, and which require further investigation. The company must consider factors such as the complexity of the complaint and whether the resident is vulnerable or at risk. Most Stage 1 Complaints can be resolved promptly, and an explanation, apology or resolution provided to the resident.

Complaints must be acknowledged, defined and logged at Stage 1 of the complaints procedure **within five working days of the complaint being received.**

The company must issue a full response to Stage 1 complaints **within 10 working days of the complaint being acknowledged.**

The company must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 10 working days without good reason, and the reason(s) must be clearly explained to the resident.

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

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

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

When a complaint is acknowledged at either stage, The company must be clear which aspects of the complaint they are, and are not, responsible for and clarify any areas where this is not clear.

At each stage of the complaints process, complaint handlers must:

- a) deal with complaints on their merits, act independently, and have an open mind;
- b) give the resident a fair chance to set out their position;
- c) take measures to address any actual or perceived conflict of interest; and
- d) consider all relevant information and evidence carefully

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

The company must confirm the following in writing to the resident at the completion of Stage 1 in clear, plain language:

- a) the complaint stage
- b) the complaint definition
- c) the decision on the complaint
- d) the reasons for any decisions made
- e) the details of any remedy offered to put things right
- f) details of any outstanding actions
- g) details of how to escalate the matter to Stage 2 if the individual is not satisfied with the response.

## **Stage 2 Complaints**

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

Requests for Stage 2 must be acknowledged, defined and logged at Stage 2 of the complaints procedure within **five working days of the escalation request being received**.

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

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

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

The company must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 20

working days without good reason, and the reason(s) must be clearly explained to the resident.

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

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

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

The company must confirm the following in writing to the resident at the completion of stage 2 in clear, plain language:

- a) the complaint stage;
- b) the complaint definition;
- c) the decision on the complaint;
- d) the reasons for any decisions made;
- e) the details of any remedy offered to put things right;
- f) details of any outstanding actions; and
- g) details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied.

Stage 2 is the company's final response and must involve all suitable staff members needed to issue such a response.

### **Putting Things Right**

Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include:

- Apologising;
- Acknowledging where things have gone wrong;
- Providing an explanation, assistance or reasons;
- Taking action if there has been delay;
- Reconsidering or changing a decision;
- Amending a record or adding a correction or addendum;
- Providing a financial remedy;
- Changing policies, procedures or practices.

Any remedy offered must reflect the impact on the resident as a result of any fault identified.

The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.

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

### **Scrutiny & Oversight**

The company must appoint a suitably senior lead person as accountable for its complaint handling. This person must assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.

In addition to this, a member of the governing body (or equivalent) must be appointed to have lead responsibility for complaints to support a positive 18 complaint handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC').

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

As a minimum, the MRC and the governing body (or equivalent) must receive:

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

The company must have a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to:

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

### **Further Action**

If the complainant feels that the complaint has still not been resolved after following this process the complainant should be advised to take their complaint to the final stage by writing to the Independent Housing Ombudsman at the following address:

The Independent Housing Ombudsman Ltd  
Housing Ombudsman Service  
PO Box 152  
Liverpool  
L33 7WQ

Tel: 0300 111 3000

Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

Help and advice can also be obtained (including an online complaint form) from their website at: <https://www.housing-ombudsman.org.uk>

### **Complaints From External Individuals or Organisations**

When a complaint is made by an external individual or organisation it must be referred via the House Manager to the Chair of the Management Committee (or in his/her absence another Committee member) immediately if possible but certainly within 24 hours of being

received. However, the Chair of the Management Committee must be informed, before the next meeting of that Committee, as to any action taken to resolve the complaint and the outcomes.

Should there be a failure to resolve the issue by the company a complainant should be referred to the Independent Housing Ombudsman or other appropriate authority as necessary.

### **Further Reading**

Although much of the Complaint Handling Code issued by the Housing Ombudsman is replicated in this document, this Complaints Policy (RDH02) should be read in conjunction with the Complaint Handling Code (dated 08 February 2024).