



COMPLAINTS POLICY

Approved by Board on 10 February 2016

Responsible Director: Housing Services Director

Responsible Manager: Housing Services Director

Last updated: February 2016

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E4 Complaints Policy

1. NCHA aims to provide a high standard of service to its users and to treat all applicants for housing and other members of the public with courtesy, fairness and efficiency. An important part of the service is the way we deal with complaints. We need to know about any dissatisfaction with our service in order to resolve problems and to help us become more effective.
- 1.1 A complaint is an expression of dissatisfaction with any NCHA service provided to our customers.
- 1.2 In this procedure we inform tenants, the public and other users of NCHA's services of their rights and let them know how they can expect complaints to be dealt with by NCHA
- 1.3 If, when NCHA has dealt with the complaint and the complaints procedure is exhausted, the complainant is still not satisfied with the result, then the matter can be referred to a "designated Person" and thereafter there is an independent body called the Housing Ombudsman Service who will investigate the complaint and decide if it has been dealt with in a proper manner.
- 1.4 A "Designated Person" (DP) can refer complaints to the Housing Ombudsman Service. A DP can be a member of the House of Commons, a member of the Local Housing Authority (Councillor) or a designated Tenant Panel.
- 1.5 The complaints procedure is designed to cover complaints about any aspect of NCHA's tenancy services. It should be noted, however, that the Housing with Care and Support department has a policy and procedure relating specifically to all aspects of its services. Any other general complaints will be referred to NCHA's Chief Executive who will refer it to an appropriate Director.
- 1.6 The making of malicious or vexatious complaints can be a form of harassment or anti-social behaviour whereby an innocent resident or member of staff is subject to unfounded, exaggerated or dishonest complaints by someone seeking to cause a detriment to that innocent resident or member of staff
- 1.7 A vexatious complaint is a complaint without any merit which has been made solely to harass or intimidate another resident or a member of staff.
- 1.8 A malicious complaint is a complaint that is false and the intention is to cause harm or damage to another resident or a member of staff.
- 1.9 Whilst NCHA staff will respond to complaints made in line with the policy, part of their investigation may have to include the possibility that the complainant may have certain motives for making the complaint.
- 1.10 Staff will need to be aware of such possibilities when investigating complaints and if it becomes clear that the complainant is malicious or vexatious then the appropriate action should be taken against the perpetrator as would be for any other form of harassment or anti-social behaviour.

- 1.11 NCHA Complaints procedure is designed to be an informal and internal procedure and is not intended to be a legal process.

2. Introduction

- 2.1 If a complaint is made about the quality of the Association's services or about its policies, it should first be raised with the member of staff who had initially dealt with the problem and it should be recorded as a 'grumble' in the NCHA feedback system. If it can be resolved straight away, then that is the end of the matter. A grumble will be used to improve service delivery in the future. If a tenant wishes to receive a response to their complaint then it should be recorded as a Stage 1 complaint.

3. Procedure

- 3.1 Complaints may be received by telephone, in person, in writing, by email, using social media, or through NCHA's website.
- 3.2 Should the complainant wish to use the formal complaints procedure they should be advised that whilst there are a total of 3 Stages to the procedure, if NCHA decides that it would be a waste of the Association's resources to progress to the next stage, then the matter may be escalated direct to the Designated Person and then to the Housing Ombudsman Service. Examples where this may be the case include instances where NCHA cannot meet the expected outcome desired by the complainant or there are legal barriers to that outcome.
- 3.3 Any such decision would require a Chair's Action report to NCHA's Chair and Vice-Chair for approval prior to notifying the complainant.

4. Stage 1 - Complaint to the Departmental Line Manager

- 4.1 If the complaint has not been resolved by the member of staff, or if the severity warrants it, the complaint will be passed to the appropriate Line Manager for action and investigation.
- 4.2 Complaints may be made in writing, verbally, or via social media sites and, if difficulties arise because the complainant requires additional assistance to make a complaint, NCHA should endeavour to secure such services.
- 4.3 At this stage of the complaint, if not already done so, all details will be recorded in order that the complaint can be tracked and that the service can be monitored.

- 4.4 The Line Manager will reply to the tenant within 10 working days, in writing, giving full details of any decision and the rationale behind it. If it is unlikely that the complainant will receive a decision within 10 working days, for example if further information is required from an external agency, a holding response will be sent detailing the reason for the delay. The letter should also indicate when the complainant will be provided with a response.
- 4.5 The complainant will usually have 20 working days within which to escalate the complaint to the next stage, failing which the complaint will be closed.

5. Stage 2 - Complaint to the Senior Manager

- 5.1 If the complainant is still not satisfied, he/she should be advised to submit their complaint by any method, for example verbally or in writing to the Departmental Manager for his / her consideration.
- 5.2 A suitably trained Senior Manager (from another department or from another section in the same department) will investigate the original complaint together with any other matters that may be relevant. The investigation and subsequent decision may use one of the following methods:
- 5.2.1 If the information provided by the Line Manager is sufficient for the Senior Manager to make an immediate decision, the complainant will be notified of that decision within 10 working days of receipt of the complaint.
- 5.2.2 On receiving the complaint, the Senior Manager may ask the Line Manager and will speak to the tenant to clarify certain points or to investigate them further. Again, if it is unlikely that the complainant will receive a decision within 10 working days, a holding response will be sent detailing the reason for the delay. The letter should also indicate when the complainant will be provided with a response.
- 5.3 Once the Senior Manager has reached a decision and, unless notified to the contrary, the complainant will be notified of the decision within 10 working days of receipt of the complaint. A Director will sign off the decision before the complainant is notified.
- 5.4 The complainant will usually have 20 working days with which to escalate the complaint to the next stage, failing which the complaint will be closed.

6. Stage 3 – Review Stage

- 6.1 Should the complainant not agree with the decision made by the Senior Manager, an appeal may be made to NCHA's Board of Management. It should be emphasised that the Board will only consider a review against the decision made by the Senior Manager and will not entertain matters that have not been raised previously, for example new evidence or new allegations cannot be introduced at this stage.

- 6.2 On receipt of the review request, the Senior Manager will convene a meeting of a sub-committee of the Board of Management, consisting of at least three Board Members. Terms of Reference for the Complaint Board Sub-Committee are attached as Appendix E4.1.
- 6.3 This review meeting will usually be held at NCHA's Head Offices at 12-14 Pelham Road, Nottingham. However if the complainant is unable to attend the venue the meeting can be arranged at a venue more convenient for the complainant.
- 6.4 The complainant will be informed that they will have the opportunity to attend and present their case at this meeting and, by agreement, may be assisted by an advocate or a friend (not a legal representative).
- 6.5 The meeting will normally be held within 28 working days of receipt of the appeal by the Senior Manager. The complainant will be given no less than 10 working days notice of the date of the meeting.
- 6.6 The complainant will be provided with copies of all correspondence relating to the complaint. Notes to assist the complainant are attached as Appendix E4.2.
- 6.7 Copies of all correspondence and a report provided by the relevant Senior Manager will be submitted for the Board of Management hearing.
- 6.8 A manager from the relevant department will be available at the review meeting if required, to provide expert advice on specific issues.
- 6.9 Following the meeting, the complainant will be informed of the decision and the rationale for the decision within 10 working days by the Chair of the Review Panel. The Senior Manager, in conjunction with the Departmental Director, will ensure that any necessary action is taken.

7. Resolution of Complaint

- 7.1 Once a decision has been made regarding a complaint, the complainant will be notified of the Association's decision in writing. Where applicable, an apology will be made and if appropriate, the tenant offered compensation for the Association's service delivery failure (see Section E2 Compensation).
- 7.2 In order for NCHA to receive feedback on the effectiveness of the complaints handling process the complainant will be contacted by telephone at the conclusion of the complaints process to ascertain their views on how the complaint was dealt with and the final outcome of the complaint.
- 7.3 On resolution of a complaint, any learning from the process will be captured as part of NCHA's feedback system and used to improve services in the future.

8. Complaint to a Designated Person

- 8.1 A “Designated person” is defined within the Localism Act 2011 as being:
- a member of the House of Commons
 - a Councillor of the Local Housing Authority for the District in which the property is located or
 - a designated tenant panel for a social landlord which has been registered with the Housing Ombudsman Service (NCHA does not currently have a designated tenant panel).
- 8.2 A complainant can ask the designated person to review their complaint once NCHA’s complaint’s procedure is finished.
- 8.3 If the designated person refuses to refer the complaint, or after a period of 8 weeks, the complainant can bring their complaint direct to the Housing Ombudsman Service.

9. Complaint to the Housing Ombudsman Service

- 9.1 If, after NCHA’s internal complaints procedure is exhausted, and either a designated person agreement or a refusal to refer a complaint to the Housing Ombudsman Service (HOS), then after a period of 8 weeks the complainant could take their complaint direct to the HOS. Written confirmation from the designated person will be required for the HOS to confirm their decision.
- 9.2 The Housing Ombudsman Service, 81 Aldwych, London, WC2B 4HN. Tel: 0300 111 3000 and at their website <http://www.housing-ombudsman.org.uk/>.

10. Communication with Complainants

- 10.1 Staff who are dealing with the complaint at each stage will provide an up-date to the complainant every 10 days, unless the complaint has been resolved within that time when the final decision will have been communicated to them

11. Reporting

- 11.1 An analysis of all complaints will be provided for the Board of Management on an annual basis. The report will contain a summary of complaints received in that period together with any learning points gained from their resolution.
- 11.2 The data obtained from the telephone survey of customer satisfaction will be used to measure the effectiveness of the complaints procedure. Where necessary, the data will be used as a basis to implement changes to improve the service provided by the Association.

12. Satisfaction with Complaints

- 12.1 The level of satisfaction by tenants in how we have handled their complaint and the outcome will be investigated to ensure NCHA continually improves this important area of feedback.
- 12.2 The level of escalation to the next stage of the process will also be measured as this will indicate what proportion of complainants have been satisfied at each stage of the process.
- 12.3 In addition, follow up telephone surveys will be carried out after the conclusion of the complaint to ascertain the level of satisfaction with how the complaint was handled by staff, whether timescales were kept to, whether the complainant was kept informed of progress at all stages and satisfaction with the rationale for the decision made.

13. Learning from complaints

- 13.1 Service managers will regularly discuss and review complaints to ensure the sharing of good practice with the aim of improving levels of satisfaction and reducing slippage and other failings.

NCHA Board Complaints Sub-Committee

Terms of Reference

1. Purpose

- 1.1 The role of the Board Complaints Sub-Committee is to provide the final review stage of NCHA Complaints policy.
- 1.2 This review stage is the third stage contained within the Complaints policy and is the final internal stage of the process. If the complainant is still dissatisfied after this stage then they can take the matter to a Designated Person and if appropriate then the Independent Housing Ombudsman.

2. Membership

- 2.1 The Complaints Sub-Committee will consist of at least 3 Board members drawn from NCHA and will be chaired by a Board member.
- 2.2 The relevant Senior Manager will attend the review meeting to present the case and secretarial support will be arranged to record the outcome.

3. Frequency of Meeting

- 3.1 The Complaints policy states that the review meeting will normally be held within 28 working days of receipt of the complainants request for the review.

4. Feedback to Board

- 4.1 The outcome of the complaints review meeting will be reported to next Board meeting.
- 4.2 Where there are policy implications arising from a Complaints Sub-Committee decision it may be necessary for a separate report to be presented to Board.
- 4.3 Regular reports on complaints and learning from complaints will be presented to Board on an annual basis.

5. Conduct of the Sub-Committee Meeting

- 5.1 The Senior Manager will provide the Sub-Committee with a full report of the complaint, in advance, together with a file of relevant documents presented in a clear, chronological order.

- 5.2 The Board member(s) will agree a chair for the meeting.
 - 5.3 The Complainant (or advocate) will be invited to present their case and the members may ask questions for further information or on points of clarification.
 - 5.4 The Senior Manager will then be asked to respond to the complainants points and again the members may ask questions.
 - 5.5 Once this part of the meeting is concluded the sub-committee members will ask the complainant for any final points they want to make. The Sub -Committee will then advise them that the review meeting has concluded and that they will be informed of the decision, in writing, within 10 working days.
 - 5.6 The Senior Manager will then be asked to withdraw and the Sub-Committee will then discuss the complaint and agree their decision.
 - 5.7 Where the Sub-Committee feel that they are unable to reach a decision, or the issue is considered to have wider policy decisions, they will request that the Senior Manager in conjunction with their Departmental Director prepare a report for the next Board meeting outlining the key issues and asking for a decision. In such cases the complainant will be notified in writing and informed of the revised timescale.
- 6. Conclusion and Implementation**
- 6.1 The Sub-Committee decision will be communicated to the complainant in writing within 10 working days by the Review Sub Committee Chair.
 - 6.2 The learning from the complaint will be a key element of the final report of the Stage 3 review to be prepared by the Senior Manager and subsequently communicated to all relevant staff.

Notes to assist residents attending an NCHA Board Complaints Sub-Committee

- The final stage of NCHA's Complaints process will be arranged for a time and date convenient to you.
- You may bring a friend or other person to advise in a personal capacity during the review meeting, but not a legal representative.
- The review meeting is designed to be informal and the Sub-Committee will usually aim to finish the meeting within one hour.
- If you have any mobility issues we will arrange a suitable venue.
- If you are visually or aurally impaired we will ensure the necessary arrangements are in place so you can fully participate in the meeting.
- The Board Sub-Committee will have been given a file on your complaint with all the papers from your first complaint right up to date.
- When you arrive at our offices for the meeting, someone will meet you and take you to the meeting room and they will explain what will happen next.
- The Sub-Committee will ask you to present your side of the story first and then the relevant Senior Manager will give NCHA's side.
- The Sub-Committee may ask you questions to clarify any issues and may also ask the Senior Manager for clarification.
- Once this part of the meeting is over you will be asked if there is anything further you wish to add and then you can leave.
- The Sub-Committee will try and decide the outcome on the same day, or if they require further information they may delay the process to ensure they have everything they need.
- You will be informed of the outcome within 10 working days, or told if there is to be a delay for further information and when you will get the final decision.
- If, after this final review stage by NCHA, you are still unhappy you can take your case to the Designated Person who may refer your case to the Independent Housing Ombudsman, or after 8 weeks you can go direct to the Housing Ombudsman Service. We will tell you how to do that.