



Complaints Policy

April 2019

Important

Policies and procedures must be coordinated through the Business Development Team for compliance, auditing and control purposes. A Policy Registration Form must be completed before any revisions are made by contacting the Business Development Team at NH.Policy@networkhomes.org.uk

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Version Control – Change Record

Date	Author	version	Reason for change
28/08/16	Complaints Manager	v.1.1	Updated to reflect audit recommendations
31/07/17	Complaints Manager	v.2.1	Updated to reflect ELT and Complaint Steering Group recommendations
18/09/17	Complaints Manager	v.2.2	Reflected ELT requirements re: complaints against Chief Exec and Board members
26/04/18	Complaints Manager	v.3.0	Heading inserted 3.13 2.1 deleted reference to ‘and welcomes’ 3.7 Inserted additional sentence stating that we have a 3 stage complaints process.

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Appendices:

None

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1. Introduction

- 1.1. This policy applies to Network Homes (including SW9 Community Housing).
- 1.2. This policy complies with the HCA Tenant Involvement and Empowerment Standard.
- 1.3. The policy provides a framework for fair and consistent management and resolution of customer complaints. We have updated the procedure to include the new arrangements for complaints brought in by the Localism Act 2011.
- 1.4. In line with the guidance provided by the Housing Ombudsman, our complaints procedure emphasises working with customers and taking reasonable actions to resolve complaints in a fair, prompt and polite manner, taking into account the individual circumstances of the complainant.

2. Aims and Objectives

- 2.1 Network Homes recognises the importance of customer complaints as a valuable form of feedback about our services. We will learn from and use the information gained from complaints to help drive forward improvements and to respond positively to our customers' needs and expectations. We want to resolve all complaints quickly and effectively. Our aim is to resolve any problems straight away where possible.

3. Policy Statement

Overview of our complaint policy

- 3.1 A complaint is defined as 'a communication expressing dissatisfaction with the service provided by us and/or our service partners'. This includes complaints about:
 - a delay in providing a service
 - a failure to provide a service
 - a mistake made in the way we provided a service
 - the failure to act in a proper way
 - the provision of an unfair service
- 3.2 We accept complaints about all services provided by Network Homes or anyone else working for us.

Who can complain?

- 3.3 We accept complaints from our tenants, shared owners and leaseholders. Other members of the household can act as advocates for the tenant, shared owner or leaseholder as can other third parties, such as the CAB, however we require the written consent from the leaseholder, shared owner or tenant confirming they have authorised the third party to act on their behalf

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in respect of the complaint. We will not accept complaints directly from members of the household, other than the recognised tenant, shared owner or leaseholder. We will exercise discretion to determine whether we will accept complaints from other individuals based on the circumstances of the case.

3.3 Where a complaint has been submitted via a petition, it will be treated as one complaint and the petitioners will be required to nominate one complainant for us to correspond with.

3.4 This policy does not apply when a customer:

- The cause for complaint is more than 6 months old, but is only reported now.
- Is taking legal action against us about issues raised in the complaint
- Instructs a solicitor to issue legal proceedings at any stage during the complaint process
- Is about a service that we do not provide
- Lives in a property managed by an external Managing Agent. In these circumstances the customer should complain to the Managing Agent in the first instance. If their complaint cannot be resolved by the Managing Agent, Network Homes will independently investigate the matter at stage one of our own procedure.
- The complaint is about matters subject to an insurance claim. However, customers can complain about delays in handling an insurance claim.
- The complaint is about anti-social behaviour, (this is dealt with under our ASB Policy and Procedure). However, customers can complain about delays in handling an ASB case.
- The complaint relates to a dispute about a service charge, including how the figure has been calculated or whether it represents value for money. Such complaints will be referred to the service charge dispute procedure and ultimately if unresolved to the First Tier Tribunal. However, customers can complain about delays in handling a service charge dispute when they have invoked that procedure.
- The complaint is about one of our policies; however a customer can complain if they believe a policy has not been applied correctly in their case.

This is not an exhaustive list and there may be instances not listed where this policy does not apply.

3.5 We ask customers to get in touch with us as soon as something has gone wrong and give us the opportunity to put it right. If we cannot resolve the problem immediately, or if the issue is complex or significant, we will register and investigate it as a complaint.

3.6 A customer can make a complaint in a format that they find easiest including:

- Using our online complaints portal
- By phone to 0300 373 3000
- In person or by letter
- By email to complaints@networkhomes.org.uk

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- Through an advocate (See advocacy and support for further information).

Our complaints process

3.7 All complaint requests will be triaged to determine whether it meets our complaints definition.

3.8 We have a two stage complaints process, where we aim to resolve the vast majority of complaints at stage one.

Stage one: We will respond to 90% of stage one complaints within 10 working days of receipt

Stage two: We will respond to 90% of stage two complaints within 20 working days of receipt

3.9 Where we are unable to meet the target timescales set out above, we will send out a holding letter explaining the reasons for the delay and provide a new target response date. This date will be no longer than the original target timescale (for example a further 10 working days at stage one). We will keep customers informed throughout the complaint process until the complaint is fully resolved.

3.10 Our complaint response will include information about the customer’s right of review. If a customer is dissatisfied with a response to their complaint at stage 1, they are entitled to ask for the complaint to be escalated to stage 2. Customers have up to 30 days to escalate their complaint unless there are exceptional circumstances why this could not be done sooner. We may ask for further details from the customer to help us to determine whether there is sufficient grounds to agree to escalate a complaint that was received after the 30 day period had elapsed. We may decline an escalation request where the customer has not provided a sufficient reason for the complaint to be reviewed or where the customer has behaved unreasonably or has refused to engage with staff in resolving the complaint through reasonable action.

3.11 **Stage one:** The complaint investigation will be conducted by a member of staff with a suitable level of training and competence. An investigation must not be conducted by a member of staff who is the subject of the complaint. The complaint investigation will be overseen by a Team Manager or senior manager up to and including Director Level. The complaint outcome, associated response to the customer, any compensation award and any service improvements or follow up actions will be approved by the manager who was responsible for overseeing the complaint investigation.

Stage two: The complaint investigation will be conducted by the Central Complaints Team. On behalf of an Executive Director who will sign off the final outcome to the complaint. .

3.12 We will never ask an officer to investigate a complaint where they have been personally involved in the concerns raised. Where an Executive Director has had direct involvement in a specific case s/he will not review the stage 2 complaint.

Complaints concerning the Chief Executive or Board Member

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- 3.13 Where the complaint is about the actions of the Chief Executive or Board Member, as with any complaint, informal resolution should always be sought in the first instance, working with the complainant to seek to agree how the matter can be resolved without requiring a formal investigation. It may not be appropriate for the Chief Executive to be involved in related discussions given the subject matter of the complaint and in such circumstances, the Company Secretary should liaise with the complainant as the Company Secretary supports and administers the Board of Network Homes. The Company Secretary should keep the Chair of the Board informed of any complaint and informal resolution.
- 3.14 Where an informal resolution cannot be agreed, the Chair of the Network Homes Board, will appoint a panel made up of two members of the Board to investigate the complaint (not the Board member in question should the complaint be against that Board member). The Company Secretary will provide support to this arrangement.
- 3.15 In carrying out its' investigation, the panel should take reasonable steps to establish the facts of the complaint and ensure that the Chief Executive/Board Member is given a fair opportunity to put their case in writing or in person (whichever they prefer).
- 3.16 The panel should notify its conclusions and any recommendations for action to the Chair, who will issue the final decision on the complaint. The decision should be issued within 30 working days of the panel hearing.
- 3.17 Where the complaint is one that would fall under the jurisdiction of the Housing Ombudsman, the complainant will be advised of process to follow should they remain dissatisfied and wish to refer the complaint to the Ombudsman.
- 3.18 If a complaint is made in relation to the conduct of the Chair of the Board, the same process and investigation will be conducted as above, with the Chair of the Audit and Risk Committee taking on the role of the Chair of the Board in setting up the panel and issuing the final decision.

4. Advocacy and support

- 4.1 Sometimes a customer may be unable or reluctant to make a complaint on his or her own. We will accept complaints brought by third parties as long as the customer has given their written consent for that person to act on their behalf. This person may be a friend, relative, carer, Citizens Advice Bureau, or similar representative.
- 4.2 Where a person does not have the capacity to provide written consent for an advocate to act on their behalf and power of attorney is not given, we will accept verbal consent. However, in order to comply with the Data Protection Act we will attempt to verify that consent has been given. If this is not possible we will accept the complaint but will only respond direct to the complainant.

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- 4.3 Network Homes has a separate procedure for responding to correspondence and enquiries from MPs or Councillors, which will be used unless the MP or Councillor specifically requests the complaints procedure be used.
- 4.4 Where a general enquiry from an MP or Councillor relates to an existing complaint, we will inform them that we are already investigating the complaint and that we will advise them of the outcome of the investigation once it is completed.

5. Taking a complaint further

Designated Persons

- 5.1 Network Homes will do everything we reasonably can to solve complaints; however, if a customer wishes to take their complaint further, they may do so using new arrangements brought in by the Localism Act 2011.
- 5.2 Under these procedures, a customer may ask their MP, Councillor to review the case or to refer it to the Housing Ombudsman. In this role, MPs, Councillors are known as ‘Designated Persons’.
- 5.3 We will engage positively with Designated Persons in order to resolve complaints for our customers. The Designated Person can themselves look into the case, or they may refer a complaint to the Housing Ombudsman Service on behalf of the customer if they feel that this is appropriate.

Housing Ombudsman

- 5.4 The Designated Person may refer a complaint to the Housing Ombudsman Service on behalf of the customer if they feel that this is appropriate.
- 5.5 A person may refer their complaint to the Ombudsman directly following an eight-week period from the end of the Network Homes complaints procedure (usually starting from the date of the stage 2 complaint response).
- 5.6 The Housing Ombudsman can only investigate complaints which are in relation to housing services. We can advise customers on appropriate alternative bodies that may be able to hear a complaint. For example, complaints about service charges should be referred to the First Tier Tribunal.
- 5.7 We will provide the Housing Ombudsman with the complaint records they need to provide an independent review of the complaint. We will take a positive view of recommendations for learning made by the Housing Ombudsman and comply with their final determinations.

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6. Unreasonable behaviour

6.1 Our complaints policy is based around effective and open communication between our staff and the customer to agree a resolution to the complaint. We recognise that sometimes a minority of people can be unreasonably persistent or aggressive in pursuing their complaints, and that this can affect our staff's ability to investigate and respond to a complaint, or to provide a service. Residents who display unreasonable behaviour maybe considered under Network Homes Habitual Complaints Policy.

7. Learning Lessons and reporting

- 7.1. We record the actions and outcomes of complaint investigations so that we can learn from them.
- 7.3. Complaint performance reports are provided weekly to senior managers across Network Homes to identify and remedy areas of poor performance. A complaint monitor is presented to the customer service committee quarterly. This monitor reports on complaint performance across Network Homes and highlights repeat complaints and lessons learnt.

8. Related Documents

- Compensation Policy
- Habitual Complaints policy
- Data Protection Policy
- Complaints procedure

9. Legislation and regulation

9.1 The legislation listed in this policy is not intended to cover all legislation applicable to this policy. To meet the required HCA Tenant Involvement and Empowerment Standard outcome on adherence to all relevant law, Network will take reasonable measures to ensure compliance with any and all applicable legislation by reviewing policies and procedures and amending them as appropriate. Any queries relating to the applicable legislation should be directed to the policy author.

10. Equality and diversity

- 10.1 Network Homes will treat all customers with fairness and respect. We value diversity and work to promote equality and tackle unlawful discrimination.
- 10.2 Our complaints approach promotes open communication between customers and Network Homes' staff in order to understand the complaint and resolve it in a positive manner. We will take into account customers' communication needs and preferences and offer support or tailor our approach accordingly.

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10.3 We are committed to helping customers to access information about their homes and services in a way that suits individual needs. We will apply this policy consistently and fairly, and will not discriminate against anyone based on any relevant characteristics, including those set out in the Equality Act 2010.

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