

## POLICY: Complaints Policy

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<b>Responsible Cttee</b>	the Board
<b>Version:</b>	1.0

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### 1. Introduction

- 1.1 PHA Homes are committed to delivering services of the highest quality and achieving high levels of tenant satisfaction. We recognise that sometimes we might get it wrong, or our services may not meet the expectations of our tenants, but it is important how we respond to put it right in a proactive way.
- 1.2 This policy relates to anyone who receives a service from PHA Homes. Everyone will be treated fairly and equally, and we will make reasonable adjustments to accommodate the complainants' needs.
- 1.3 We use the generally accepted definition of a complaint as set out by The National Housing Federation (NHF) and the Housing Ombudsman Service (HOS). This is  
*‘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.’*
- 1.4 All staff will be made aware of this policy and designated staff responsible for complaint handling will be adequately trained and have knowledge of the complaint handling code and dispute resolution principles, including the Housing Ombudsman Dispute Resolution Training.

### 2. Policy objectives

- 2.1. This policy aims to provide a clear, simple, and accessible opportunity for our tenants to be able to raise complaints and have them promptly, politely, and fairly handled.
- 2.2. PHA Homes will comply with the following:
  - Equality Act 2010
  - Housing ombudsman Service Complaint Handling Code (and any findings or recommendations made)
  - Regulator of Social Housing's Tenant Involvement and Empowerment Standard
  - Data Protection Act 2018
  - Localism Act 2011.

2.3 This policy supports our commitment to engage and learn from our tenants, developing our services to meet changing expectations. This policy and approach enable us to continually improve what we do, by identifying root causes, learning from complaints, making improvements and developing a positive complaint culture.

### 3. Timescales

3.1. All complaints will be acknowledged within 5 working days of being received.

3.2. We operate a 2-stage complaint process.

- **Stage 1** – We will respond in writing within 10 working days from receipt of a complaint
- **Stage 2** – If the complainant is not happy with the stage 1 response, they must notify us within 14 calendar days, requesting that it be escalated to stage 2.

We will respond to stage 2 complaints within 20 working days of receiving this notification. Stage 2 complaints will be reviewed by a more senior member of staff to ensure that the initial response has fully dealt with the issues raised at Stage 1 and that this has been done in line with our current policies, procedures and values.

- **Referral to the Housing Ombudsman**

Our final response will remind complainants of their right to go to the Housing Ombudsman Service for review if they are still dissatisfied.

3.3 The complainant can escalate the complaint to the Housing Ombudsman Service at;

PO Box 152, Liverpool, L33 7WQ  
0300 111 3000  
[info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)  
[www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

### 4 Scope of policy

#### 4.1 What Can Residents Complain About?

Residents can make complaints about any aspect of our service including:

- repairs and maintenance
- issues with communal areas
- health and safety issues
- anti-social behaviour
- customer service

#### 4.2 How can residents Complain?

PHA Homes will accept complaints in whatever form including

- By email
- By text
- By telephone
- In person
- In writing
- Through a representative or advocate (where consents been provided)

- 4.3 Should a complainant raise dissatisfaction through a public channel, we will follow this up directly through a private channel, wherever possible, to ensure the issue is dealt with confidentially.
- 4.4 The complainant does not have to use the word 'complaint' to formally make a complaint.
- 4.5 A service request is different from a complaint, and this may require a situation that the customer is unhappy with to be rectified but is not a complaint about the service.

## 5 Unacceptable Complaints or Behaviours

- 5.1 We understand that tenants may feel upset or frustrated when making a complaint and nothing in this policy seeks to avoid dealing with complaints on that basis. However, there are some behaviours or actions that we consider unacceptable.

These include:

- **Aggressive or abusive behaviour** – examples include, but are not limited to, threats, physical violence, personal verbal abuse, derogatory and discriminatory remarks, rudeness, inflammatory statements and unsubstantiated or malicious allegations
  - **Unreasonable demands** – examples include, but are not limited to, demanding responses within unreasonable timescales, refusing to speak to employees who can assist and/or insisting on speaking only to a particular member of staff, repeatedly changing the substance of a complaint or raising unrelated concerns
  - **Unreasonable persistence** – examples include, but are not limited to, persistent refusal to accept decisions or explanations made in relation to a complaint, continuing to pursue a complaint without presenting any new information, making excessive and unwarranted contacts taking up a disproportionate amount of staff time and resources - see the unreasonably persistent complaints procedure.
- 5.2 We will always try to deal with any complaints but if these behaviors are demonstrated, we will invoke our unacceptable behaviour policy to properly protect staff and resources.
  - 5.3 Due consideration will be given to the Equality Act 2010 before any restrictions are placed on the residents' contact, and this should be appropriate to their needs.

## 6 Issues Not Covered by the Complaints Policy

- 6.1 The following issues will not be dealt with through PHA Homes complaints procedure, and complaints will not be escalated if.
  - Neighbour nuisance (e.g., a dispute between neighbours - these issues are dealt with under PHA Homes' anti-social behaviour process)
  - Where the matter concerned is not our responsibility (e.g., Road areas not owned by us)
  - Where legal proceedings have started. Where a customer initiates the Pre-Action Protocol for housing condition claims, our complaints process will remain available until proceedings have been issued in court.
  - Where a matter has already been investigated, responded to, and closed by PHA Homes under our complaints process.

- A claim for damages or personal injury which will be dealt with as an insurance claim
- An initial request for a service, information, or an explanation of how a decision has been made.

## **7. Complaint Outcomes and Closure**

- 7.1 Complaint responses will state whether the complaint is upheld, partially upheld or not upheld.
- 7.2 In some cases, we may deem it appropriate to make a contribution to actual costs or losses incurred by a resident (compensation) or to make a goodwill payment. This will be detailed in our response.
- 7.3 PHA Homes will close a complaint where:
- The complainant identifies that they are satisfied with the outcome or specifically states that they do not wish to take the matter further
  - The complainant does not notify us of their intention to escalate a complaint within 14 days of issue of the complaint response
  - A legal hearing has taken place and a judge has made a ruling, or the matter complained about is being dealt with by solicitors.
  - The complainant acts in an unreasonable or offensive manner and/or refuses to cooperate with our investigations.

## **8. Performance monitoring and review**

- 8.1 PHA Homes will monitor and analyse the types of complaints we receive to identify any trends or increasingly occurring problems, so we can tailor our services accordingly to increase levels of satisfaction.
- 8.2 The complaint investigator will be responsible for monitoring and ensuring that all actions are completed within agreed timescales and the complainant is kept updated. Should timescales not be reasonably kept then the complainant can request for their complaint to be escalated to the next stage of the complaint's procedure.
- 8.3 Complaint performance is reported quarterly to the board and staff and our complaints documents are reviewed bi-annually by our Tenant Engagement Panel.
- 8.4 This policy will be approved by the Board bi-annually or at any change in legislation or best practice.

### **Related documents.**

- Complaints Procedure
- Unacceptable Behaviour Policy
- Tenant Engagement Strategy
- Anti-social behaviour Policy