

## **POLICY: Complaints Policy**

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<b>Date Approved:</b>	2024
<b>Date of next review:</b>	2026
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<b>Responsible Cttee</b>	The Board

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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 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 all staff 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. The policy aims to encourage and support tenants to make complaints, and not see high volumes as negative, but that it shows tenants feel comfortable to complain to PHA Homes.
- 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 Consumer Standards
  - Data Protection Act 2018
  - Localism Act 2011.

- 2.3 This policy supports our commitment to engagement and learning from our tenants, developing our services to meet changing expectations. This policy and approach enable us to continually improve what we do, working collaboratively to resolve complaints amongst the team and third parties, taking collective responsibility for shortfalls rather than blaming others, and acting within professional standards for engaging with complaints as set by any relevant professional body. We will identify root causes, learn from complaints, make improvements, and develop a positive complaint culture.
- 2.4 This policy is open to reasonable adjustment and is available in a variety of formats – e.g. online, on paper, in large print, braille, in another language, etc. Should the tenant require reasonable adjustment to be made to access the complaints process the tenant, or tenant’s representative, should notify the landlord so this can be arranged. This applies to all communication methods, including confidential meetings, should they be required. Records of reasonable adjustments should be made and kept by PHA Homes staff.
- 2.5 This policy is available online via our website, along with the annual self-assessment, which is submitted to the Housing Ombudsman annually, and their Complaint Handling Code and our Complaints Handling Procedure.
- 2.6 If we cannot comply with the Code due to exceptional circumstances, we must inform the Ombudsman and provide information to tenants who may be affected. We must publish this on our website, providing a timescale of returning to compliance.

### 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 to the complaint in writing within 10 working days of the complaint being acknowledged.
  - **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. No reason is required for the escalation to stage 2 complaint.

Stage 2 complaints must be acknowledged and logged on the system within 5 working days of the escalation request being received.

We will respond to stage 2 complaints within 20 working days of the complaint being acknowledged. Stage 2 complaints will be reviewed by a 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.

- 3.3 If it is not possible to respond within the above timescales, then;

**Stage 1** - we will advise the tenant and agree suitable intervals for keeping them informed about their complaint, this may be because further investigation is required or the complaint is complex. We will consider any vulnerabilities in our responses and respond further within 10 days. We will provide the complainant with the contact details of the Housing Ombudsman at the same time.

**Stage 2** – an extension of no more than an additional 20 working days can be made dependent on the complexity of the case, keeping the tenant clearly informed. We will provide the

complainant with the contact details of the Housing Ombudsman at the same time. All necessary staff members should be included to issue the response.

- 3.4 Full complaint responses are required – all points must be addressed with clear reason for the decision made, referencing the relevant policy, law, and good practice where appropriate. If the answer to the complaint is not known, the response cannot be provided and outstanding actions should be tracked, reviewed, and monitored with regular updates to the tenant. All complaints handlers would be expected to:-
- Deal with complaints on their merits, act independently, and have an open mind;
  - Give the resident a fair chance to set out their position;
  - Take measures to address any actual or perceived conflict of interest;
  - Consider all relevant information and evidence carefully.
- 3.5 If additional complaints are raised during the investigation process these must be incorporated into the stage 1 response (if they are related). Otherwise, new issues must be logged as new complaints.
- 3.6 PHA Homes will not refuse to raise a complaint through all stages of the complaints procedure unless we have valid reason to do so. We will clearly set out the reasons for this and ensure the provision in section 2 of the Code are complied with.
- 3.7 PHA Homes Complaints Officer is the Director of Assets / Deputy Chief Executive, supported by the Head of Services as the first point of contact for all complaints.

#### **4. Referral to the Housing Ombudsman**

- 4.1 Our final response will remind complainants of their right to go to the Housing Ombudsman Service for review if they are still dissatisfied.
- 4.2 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)

#### **5. Scope of policy**

- 5.1 Tenants can make complaints about any aspect of our service, providing the complaint refers to an issue in the past 12 months, including:
- repairs and maintenance
  - issues with communal areas
  - health and safety issues
  - anti-social behaviour
  - customer service
- 5.2 Complaints made about a matter referring to over 12 months ago will be dealt with at the landlord's discretion, should there be good reason to do so.
- 5.3 PHA Homes will accept complaints in whatever form including email, text, telephone, in person, in writing, through a representative of advocate.

- 5.4 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. Dissatisfaction via a survey is not defined as a complaint, but the staff member will advise them how they can complain if they wish to do so.
- 5.5 The complainant does not have to use the word 'complaint' to formally make a complaint and can make a complaint to any staff member, who will pass the complaint to the relevant person. The complainant can complain via a third party or representative.
- 5.6 PHA Homes must consider each complaint carefully, including the individual circumstances and / or vulnerabilities of the matter.
- 5.7 If a complaint should require input from a third party at any stage, this will form part of the 2 stage complaints process set out in the complaints handling code. Resident will not be expected to go through 2 separate complaints processes.

## 6. Service requests

- 6.1 A service request is different from a complaint. A service request is a request from a tenant to the landlord requiring action to be taken to put something right. Service requests are not complaints, but must be recorded, monitored, and reviewed regularly.
- 6.2 A complaint must be raised when the tenant expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. Landlords must not stop their efforts to address the service request if the tenant complains.

## 7. Unacceptable Complaints or Behaviours

- 7.1 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.
- 7.2 PHA Homes 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.

7.3 Due consideration will be given to the Equality Act 2010 before any restrictions are placed on the tenants' contact, and this should be appropriate to their needs.

## **8. Issues Not Covered by the Complaints Policy**

8.1 Complaints will be reviewed on a case-by-case basis; however, the following issues will likely not be dealt with through PHA Homes complaints procedure, and complaints will not be escalated if;

- The issue giving rise to the complaint occurred over twelve 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.

8.2 We will provide an explanation in writing to the tenant setting out the reasons why the matter is not suitable for the complaints process and explain the tenant has the right to take this directly to the Housing Ombudsman. If the Ombudsman does not agree that the exclusion has been applied correctly, the Ombudsman may tell the landlord to take on the complaint.

## **9. Complaint Outcomes and Closure**

9.1 Complaint responses will state whether the complaint is upheld, partially upheld, or not upheld.

9.2 In some cases, we may deem it appropriate to contribute to actual costs or losses incurred by a tenant (compensation) or to make a goodwill payment. This will be detailed in our response. The remedy offer will reflect the impact on the tenant because of any fault identified.

9.3 Any remedy offered must clearly set out what will happen and by when, in agreement with the tenants where appropriate. Any remedy proposed will be followed through until completion.

9.4 We will always identify if a service improvement can be made because of any learning from a complaint.

9.5 Remedies may include compensation, apology, and explanation, change to service, review of case, change to policy and / or procedure, specific action, training, etc.

9.6 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.

## **10. Performance monitoring and review**

- 10.1 PHA Homes appoints the Director of Assets / Deputy Chief Executive as the lead person to be accountable for complaint handling. The Head of Services will monitor and analyse the types of complaints we receive to identify any trends or increasingly occurring problems, systemic issues, serious risks or policies, procedures that need revision, so we can tailor our services accordingly to increase levels of satisfaction.
- 10.2 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.
- 10.3 Complaint performance is reported quarterly to the board and staff and our Tenant Engagement Panel, Complaints documents are reviewed bi-annually by our Tenant Engagement Panel and Board, or at any change in legislation or best practice.
- 10.4 In accordance with the Housing Ombudsman Complaint Handling Code, on an annual basis, we will publicize to our tenants (on our website) and submit a report to our governing body (Board Members)
- a) the annual self-assessment
  - b) an analysis of performance including a summary of the types of complaints the landlord has refused to accept
  - c) any findings of non-compliance with the code
  - d) service improvements made because of learning from complaints
  - e) an annual report about the landlord's performance from the ombudsman, and
  - f) any other relevant reports of publications.

The governing bodies (Board Members) response to the report will also be published alongside this once received.

- 10.5 The self-assessment should also be completed following any major change such as merger or significant restructuring or following an Ombudsman investigation.
- 10.6 PHA Homes nominated Member Responsible for Complaints (MRC) is our Resident Board Member. This Board Member also forms part of our Tenant Engagement Panel (TEP) who have oversight of our complaints handling performance.
- 10.7 The MRC will have access to all complaints-related data and performance information and will have direct access to the Director of Assets / Deputy Chief Executive and the Head of Services.
- 10.8 The governing body (Board Members) will be provided with all complaints data & any additional complaints related reports or information on a quarterly and annual basis. This will include details of our performance, volumes and categories of complaints, and any complaints that have been escalated to the Housing Ombudsman. The report will also detail any outcomes or findings from any Housing Ombudsman investigations.

### **Related internal documents**

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