

POLICY: Complaints Policy

Date Approved:	Approved 2024 and Updated 2026
Date of next review:	2028
Author:	Head of Housing
Responsible Cttee	Board

1. Introduction and Scope

1.1 PHA Homes (PHA) is committed to delivering services that consistently meet residents' expectations and needs and to do this in line with our values. We recognise that we will sometimes get things wrong and that our service will sometimes fall below the standards we set out and expect. When this happens, we want to deal with things fairly, to put things right quickly and to learn from our mistakes.

1.2 This policy relates to anyone who receives a service from PHA.

1.3 Reasonable Adjustments

We want to make sure that anyone making a complaint is treated fairly and equally. We are happy to make reasonable adjustments to accommodate needs and encourage complainants to let us know if such adjustments might be needed. We will also try to be proactive in offering adjustments where we identify a potential need. The policy itself can be made available in a variety of formats and languages on request. Any reasonable adjustments identified or agreed as part of the complaints process will be recorded for future reference where the resident wishes us to do so.

1.4 This policy aligns with the Housing Ombudsman Service (HOS) Complaint handling Code. This is available in full on our website (www.phahomes.co.uk) and at the HOS website (www.housing-ombudsman.org.uk/)

1.5 We use the standard industry definition of a complaint:

'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.'

1.6 All staff are 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 and context

2.1. This policy aims to provide a clear, simple, and accessible way for residents or other service users, or those acting on their behalf, to raise complaints and have them dealt with fairly, promptly and to be treated with respect and kindness. We want to know when things go wrong or our service fails to deliver and we do not see high volumes of complaints as inherently negative, but hope that it shows tenants feel comfortable to complain to us.

2.2. In dealing with complaints, we will ensure we consider and comply with :

- Equality Act 2010
- Housing Ombudsman Service Complaint Handling Code
- Any findings or recommendations made by the HOS
- 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.
- 2.4 We will identify root causes, learn from complaints, make improvements, and develop a positive complaint culture. We will seek to learn from complaints – both our own experiences and from the HOS recommendations and cases and the experience of colleagues and aligned bodies to help us to improve our work and service,
- 2.5 A copy of our policy is available on our website along with our annual self assessment and reports on our learning from complaints.
- 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. Stage 1 complaints will also be defined and logged within that 5 working day period. The acknowledgement will set out our understanding of the complaint, the outcomes the resident is seeking, and which aspects we are and are not responsible for. If anything is unclear, we will ask the resident for clarification.
- 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 should notify us within 14 calendar days and request escalation to stage 2. No reason is required. We will consider requests made outside this period fairly and on their individual circumstances, including vulnerability, reliance on a representative, hospitalisation, or outstanding actions taking longer than expected; we will not apply the timeframe as a blanket restriction.

Stage 2 complaints will be acknowledged, defined and logged within 5 working days of the escalation request being received. The acknowledgement will set out our understanding of the complaint, the outcomes the resident is seeking, and which aspects we are and are not responsible for. If anything is unclear, we will ask the resident for clarification.

We will respond to stage 2 complaints within 20 working days of the complaint being acknowledged. Stage 2 complaints will be considered by a senior member of staff who was not involved in considering the complaint at stage 1. They will ensure that the initial response fully addressed the issues raised and complied with our current policies, procedures and values.

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

Stage 1 – where the complaint is complex and an extension is needed, we will inform the resident of the reason and the expected response date. Any extension will be no more than 10 working days without good reason.

If we cannot provide a full response within the initial 10 working days and the permitted extension, we will contact the resident and agree suitable intervals for progress updates. We will consider any vulnerabilities and provide the Housing Ombudsman's contact details.

Stage 2 – where the complaint is complex and an extension is needed, we will inform the resident of the reason and the expected response date. Any extension will be no more than 20 working days without good reason. If we cannot provide a full response within the initial 20 working days and the permitted extension, we will contact the resident and agree suitable intervals for progress updates. We will provide the Housing Ombudsman's contact details at the same time. All necessary staff members should be involved in preparing the response.

- 3.4 Full complaint responses are required: all points must be addressed, with clear reasons for the decision and reference to relevant policy, law and good practice where appropriate. At both stage 1 and stage 2, the complaint response will be issued when the answer to the complaint is known and will not be delayed until outstanding actions are completed. Any outstanding actions will be tracked and completed promptly, with appropriate updates provided to the resident. All complaint handlers are 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 issues are raised during the stage 1 investigation, they will be incorporated into the stage 1 response where they are related, the response has not yet been issued, and doing so would not unreasonably delay the response. They will be logged as a new complaint where the stage 1 response has already been issued, the issues are unrelated, or including them would unreasonably delay the response.
- 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 Head of Housing. Any officer can accept a complaint and it is not necessary to go directly to the Complaints Officer but residents can do this if they wish to.

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 1484, Unit D, Preston, PR2 0ET
0300 111 3000
www.housing-ombudsman.org.uk

5. Scope of policy

- 5.1 Tenants can make complaints about any aspect of our service where the complaint is referred to us within 12 months of the issue occurring or within 12 months of the resident becoming aware of the issue, including:
- repairs and maintenance
 - issues with communal areas
 - health and safety issues
 - anti-social behaviour
 - customer service
- 5.2 Complaints referred to us more than 12 months after the issue occurred or after the resident became aware of it will be considered on a case by case basis. We will apply discretion to accept them where there are good reasons to do so, taking account of the individual circumstances.
- 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 A resident does not have to use the word 'complaint' for their concern to be treated as one. Whenever a resident expresses dissatisfaction, we will give them the choice to make a complaint. A complaint may be made to any member of staff, who will pass it to the relevant person, or through a third party or representative.
- 5.5 PHA Homes must consider each complaint carefully, including the individual circumstances and / or vulnerabilities of the matter.
- 5.6 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. Unreasonable 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 unreasonable.

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 behaviours are demonstrated, we will invoke our unreasonable 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 complaint is referred to us more than 12 months after the issue occurred or after the resident became aware of it, unless there are good reasons to accept it outside that period.
- 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 confirms that they are satisfied with the stage 1 response or do not wish to escalate it. Where no escalation request is received within 14 calendar days, the complaint may be closed administratively, but any later request for escalation will still be considered fairly on its individual circumstances and will not be rejected automatically solely because the 14-day period has passed.
 - A legal hearing has taken place, and a judge has made a ruling, or legal proceedings have commenced in relation to the matter, meaning details of the claim, such as the Claim Form and Particulars of Claim, have been filed at court
 - 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 Head of Housing as the lead person to be accountable for complaint handling. The Head of Housing 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 Head of Housing and the Chief Executive.
- 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
- Unreasonable Behaviour Policy
- Antisocial behaviour Policy.
- Reasonable Adjustments Policy