**8. COMPLAINTS POLICY AND PROCEDURE**

**1.0 POLICY**

**1.1 Introduction**

Exeter Homes Trust seeks to achieve continuous improvement in the services we provide to all our customers, and to maintain a positive working relationship with them. Our customers include licensees and applicants, neighbours, visitors, suppliers and other organisations. To assist us in reviewing and improving our standards, we positively welcome comments, suggestions and complaints about our services.

1.1.2 A key element in this process is an effective, impartial and accessible Complaints Policy and Procedure.

1.1.3 A complaint is defined as “an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents”.

1.1.4 The word ‘complaint’ does not have to be used for it to be treated as such.

1.1.5 Complaints can be made via a third party if the complainant feels this is beneficial to them.

1.1.6 Complaints can be made by post, email or by telephone. Exeter Homes Trust will endeavour to make reasonable adjustments where possible, to ensure all residents can access the complaints process when needed.

1.1.7 Exeter Homes Trust welcomes feedback from all residents and recognises that receiving complaints is not a negative but instead evidences the complaints policy is easily accessible and gives us an opportunity to use information received from complaints to identify issues and improve our service delivery.

**1.2 Application of Complaints Procedure**

1.2.1 This procedure is used to consider complaints about the services provided by Exeter Homes Trust to all its customers and others affected by our activities. Care must be taken to distinguish between a request for a service and a complaint.

1.2.2 Each complaint will be considered by the individual circumstances.

1.2.3 Examples of the type of complaint covered by this procedure include:

* Failure to record rent and other payments properly
* Staff conduct whilst carrying out our business
* Unreasonable delays in carrying out essential repairs
* Failure to carry out what has been agreed or to meet the standards promised

1.2.4 Examples of matters that are not covered by this procedure include:

* Reporting a repair
* A neighbour dispute
* An issue that occurred more than 12 months ago
* Requesting a service over and above that promised or agreed
* Employment issues raised by a member of staff
* Issues that require investigation by another body such as the police
* An issue where legal proceedings have already commenced
* Matters that have previously been reviewed under the Complaints Policy

1.2.5 As per the Housing Ombudsman's Complaint Handling Code, Exeter Homes Trust must accept complaints referred to them within 12 months of the issue occurring or the complainant becoming aware of them, unless excluded on other grounds. If a complaint is not accepted, an explanation must be provided to the complainant setting out the reasons the matter is not suitable for the complaints process and the right to take the decision to the Ombudsman. If the Ombudsman does not agree with Exeter Homes Trust’s decision they will instruct EHT to take on the complaint. The procedure for stage 1 would then be followed.

1.2.6 A complaint must be raised when a resident expresses dissatisfaction with the response to a service request, even when handing of that service request is ongoing. Efforts should continue to address the service request even though a resident has complained.

1.2.7 Complaints will be dealt with on a case-by-case basis. Discretion will be used to determine whether a complaint regarding a matter that occurred more than 12 months ago has sufficient cause to be accepted and progressed under the complaints procedure.

1.2.8 As expression of dissatisfaction with services provided made through a survey is not considered a complaint, however the person undertaking the survey can direct the complainant to where they can find the complaints policy so the proper procedure can be followed.

**1.3 General Matters**

1.3.1 There will be times when a complaint cannot easily be resolved because of legal, financial or other constraints. For example, modernisation work may be delayed because of financial considerations. It is important that these constraints are explained to complainants.

1.3.2 Staff should complement general publicity and information by ensuring that customers are aware of the Complaints Procedure as a means of airing a grievance where appropriate.

1.3.3 Principles that underpin the Complaints policy are as follows:

* All complaints have validity
* Receipt of a complaint does not necessarily mean that Exeter Homes Trust is at fault
* We want to avoid hostile confrontation
* We aim to avoid legal action unless necessary
* Settlement of complaints should not lead to consequential claims

**1.4 Harassment or Discrimination**

1.4.1 Complaints alleging to harassment or discrimination by Exeter Homes Trust's policies or a member of staff are taken extremely seriously. Complaints of this nature will usually be investigated under stage 3 of this procedure.

1.4.2 Complainants must be informed of their right to lodge complaints of discrimination on the grounds of race or gender in the County Court and of their rights under the Protection from Harassment Act 1997.

1.4.3 Complaints of harassment by other residents do not fall within the scope of this procedure.

## **2.0 PROCEDURE**

2.1 Exeter Homes Trust aims to be positive in its approach to all complaints and to resolve issues as early as possible. The complaint process should not be unduly long and will always follow a 2 stage process. Exeter Homes Trust aims for a collaborative approach to solving complaints, ensuring complaints are always dealt with professionally. The complaints officer will deal with stage 1 complaints and a director of Exeter Homes Trust Ltd (as corporate trustee of Exeter Homes Trust) will deal with stage 2 complaints.

2.1.1 If the complaint response is handed by a third party at any stage, the two stage complaint process should still be followed. Complainants will not be expected to go through multiple complaints processes.

2.1.2 If a complaint is handled by a third party for any reason, Exeter Homes Trust are responsible for ensuring the complaint is handled in line with the Housing Ombudsman’s Code of Practice.

2.1.3 Exeter Homes Trust will not refuse to escalate a complaint through all stages of the procedure without valid reason to do so and by ensuring compliance with Section 2 of the Housing Ombudsman’s Complaint Handling Code.

2.1.4 Responses to a complaint will not be delayed until the actions required to resolve the issue are complete but will be provided to the complainant as soon as the answer to the issue is known.

2.1.5 Any additional complaints raised during an investigation will be incorporated into the stage 1 response if they are related to the matter and the response has not yet been issued. Any additional complaints raised after the stage 1 response has been issued will be treated as a new complaint.

2.1.6 Where appropriate, Exeter Homes Trust will make reasonable adjustments for residents under the Equality Act 2010. These adjustments will be kept under review during the course of the complaint.

2.1.7 At each stage of the complaint process Exeter Homes Trust will endeavour to:

* Give the complainant a fair chance to set out their complaint
* Have an open mind when dealing with complaints
* Consider all the relevant information carefully
* Take the appropriate measures to address the issue
* Remedy the complaint at any stage of the complaints process to ensure a swift resolution

2.1.8 If the complainant demonstrates unacceptable behaviour during the course of complaint Exeter Homes Trust may restrict contact in line with our Unacceptable Behaviour Policy. Restrictions will be proportionate to the behaviour displayed.

**2.2 Formal Complaint — Stage 1**

2.2.1 When a customer is making a complaint staff will:

* Listen carefully to what is being said
* Clarify what the customer is complaining about and what action they would like taken to resolve the problem
* Remain calm, polite and professional whilst corresponding with the complainant

2.2.2 The complaint will be logged and the complainant will receive written acknowledgement within 5 working days. EHT will clarify which aspect of the complaint we are and are not responsible for and/or clarify any areas where this is not clear.

2.2.3 The complaint will be investigated and written up in full. All complaints will be retained on the complainant's personal file or appropriate alternative should the information be highly confidential, or if the complaint relates to someone other than a licensee.

2.2.4 The complainant will receive a written response to their complaint within 10 working days. The letter should state the following:

* confirmation of the complaint stage
* a summary of the complaint, addressing all points raised
* the findings of the investigation
* the decision taken
* the reason(s) for the decision (including an relevant policy, law or good practice)
* the remedy offered and details of any actions outstanding, including timescales 
* if the complainant's preferred solution was not actioned, the reasons why not
* details of how to escalate the matter to stage 2 if they are not satisfied with the response



2.2.5 Should the matter be too complex to respond within the above timescale, staff must follow up to explain why, provide a revised timescale and keep in regular contact with. the complainant. Any extension must be no more than 10 working days without good reason, which will need to be clearly explained to the complainant. The complainant must also be provided with the contact details for the Ombudsman if the response time is extended for any reason.

**2.3 Formal Complaint — Stage 2**

* + 1. If the matter is still not resolved once Stage 1 has been completed, the complainant is entitled to request a review or an escalation without being required to provide a reason (other than still not being satisfied). Complaints at this stage will be dealt with by a director of Exeter Homes Trust Ltd (as corporate trustee of Exeter Homes Trust).
    2. If the complaint is escalated the director will acknowledge in writing that the complaint has progressed to Stage 2 within 5 working days.
    3. When a customer is making a complaint the director will:
* Listen carefully to what is being said
* Review the customer's previous complaint and reason for escalation 
* Allow the complainant to comment on any findings before a final decision is made
* Remain calm, polite and professional whilst corresponding with the complainant
  + 1. The complaint will be investigated and written up in full. All complaints will be retained on the complainant's personal file or appropriate alternative should the information be highly confidential, or if the complaint relates to someone other than a licensee.
    2. The director will provide a written response to the complainant addressing all points raised, within 20 working days. The response should include the following:
* confirmation of the complaint stage
* the findings of the investigation, addressing all points raised
* the decision taken
* the reason(s) for the decision (including an relevant policy, law or good practice)
* the remedy offered and details of any actions outstanding, including timescales
* if the complainant's preferred solution was not actioned, the reasons why not
* details of how to escalate the matter to The Housing Ombudsman if they are not satisfied with the response
  + 1. Should the matter be too complex to respond within this timescale, the General Manager will follow up to explain why, provide a revised timescale and keep in regular contact with the complainant. Any extension must be no more than 20 working days without good reason, which will need to be clearly explained to the complainant. The complainant must also be provided with the contact details for the Ombudsman if the response time is extended for any reason.
    2. The response provided at the end of stage 2 will be Exeter Homes Trust’s final response.



2.4 Where something has gone wrong, Exeter Homes Trust must acknowledge this and set out the actions it has already taken or will undertake to put things right, including providing timescales for a remedy. This can include:

* Apologising
* Acknowledging where things went wrong
* Providing an explanation or reasoning
* Taking action to resolve the issue, if there has previously been a delay
* Changing a decision
* Amending a record or adding a correction/addendum
* Providing financial remedy
* Updating their policies and procedures

2.4.1 Any remedy offered must reflect the impact on the resident caused by the identified fault. Guidance provided by the Ombudsman should be taken into account when deciding the appropriate remedy.

2.4.2 Remedies must be taken through to completion and the completion date recorded.

## **3.0 THE HOUSING OMBUDSMAN SERVICE**

3.1 Exeter Homes Trust is committed to resolving customers' complaints by use of its internal complaint procedure. However, if complainants are not satisfied with the outcome of the internal procedures, they may have recourse to the Housing Ombudsman Service, an independent adjudicator appointed to investigate disputes between landlords and their tenants, leaseholders, licensees and service users.

3.2 The Housing Ombudsman will normally only investigate a complaint if the internal complaints procedure has been exhausted.

3.3 The Housing Ombudsman service aims to:

* provide an accessible, fair and effective means of resolving complaints against registered social landlords
* seek redress for complaints, where justified
* identify deficiencies in service delivery and help improve the quality of service provided by registered Housing Associations.

3.4 Exeter Homes Trust is obliged to provide information to the Housing Ombudsman, cooperate in any investigation and comply with any decisions made. This includes issuing an apology, carrying our works or paying financial compensation.

3.5 If requested to do so, Exeter Homes Trust will provide an updated self-assessment to the Ombudsman following any complaint investigation.

* 1. **MONITORING**
  2. The General Manager is responsible for maintaining the Complaints Log at every stage of a complaint. The Log is kept on a public directory with access restricted to relevant members of staff. The Log will include a grading of the complaint to identify whether it is about:
* a matter of policy
* failure to deliver a service
* personal behaviour of staff or agent
* discrimination or harassment
  1. As a member of the Housing Ombudsman Scheme, Exeter Homes Trust must comply with the Ombudsman's Complaint Handling Code which aims to achieve best practice in complaint handling. This includes an annual submission of our performance against the Code to ensure we are compliant and displaying the self-assessment on our website.
  2. If, in exceptional circumstances such as a cyber incident, Exeter Homes Trust is unable to comply with the Housing Ombudsman Complaint Handling Code, we must inform the Ombudsman, provide information to affected residents and publish this on the website. A timescale for compliance must also be provided to the Housing Ombudsman.
  3. If Exeter Homes Trust is subject to any significant changes, including restructure, merger or change in procedures, a new self-assessment will be completed.