

G14 - CO-OP HOMES COMPLAINTS POLICY

Last review by Board: June 2024

Next review due: June 2027

1) Aim

This policy outlines Co-op Homes' (henceforth referred to as 'CHS') approach to complaints. The aims of this policy are:

- To ensure that customers and others have the right to complain about the provision, or non-provision, of services through an accessible, confidential and easy to use procedure, which offers rapid action and response
- To ensure that complaints are dealt with effectively and fairly, even where complaints outcomes are not to the satisfaction of the complainant
- To ensure that complaints are taken seriously and used positively to improve how CHS operates
- To ensure that the complaints procedure complies with the Involvement and Empowerment standard and with the Housing Ombudsman's Complaint Handling Code.

2) Who can complain?

CHS welcomes complaints from its customers and encourages anyone using or directly affected by its services to make complaints. Customers do not have to use the word complaint for it to be treated as a complaint.

CHS also accepts complaints from third parties or representatives (such as an MP or an advocate) (although this will require written evidence that anyone representing a complainant is authorised by the complainant to act on their behalf). Any representative can attend meetings with the complainant if the complainant wishes them to.

A complainant can also be anyone who is affected by a decision or action taken by CHS, including:

- any service users and ex-service users
- applicants for housing
- partnership organisations and agencies
- contractors or consultants
- neighbours to CHS properties
- other customers of the public

3) What is a complaint?

"A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by CHS, our colleagues, or those acting on our behalf, affecting a customer or group of customers."

A complaint, whether justified or not, may be about something that CHS should or should not have done or has done badly or has done or not done in accordance with its policies. A complaint may also be about a complainant feeling that they have not been treated fairly or they have been discriminated against in the provision of a service.

CHS will accept or escalate and act on complaints unless there is a valid reason not to do so. The following would **not usually** be accepted or escalated through CHS's complaints procedure unless there are valid reasons to consider them:

- First time requests for a particular service. A service request is a request from a service user to CHS requiring action to be taken to put something right. Examples include reporting a repair or defect, requesting information, asking for an explanation of a policy. We will record these requests and monitor them. We recognise that service request can become complaints if we fail to deal with the first time request appropriately or the customer is dissatisfied with the response. A complaint should therefore be raised when the service user raises dissatisfaction with the response to their service request as there has been a failure in our service (i.e. something is not working as it should do) that should be investigated, put right and learnt from.

- requests to deal with an Anti-Social Behaviour or harassment issue or Neighbour Nuisance or Neighbour Disputes which should be dealt with in accordance with relevant policies. If a complainant has asked CHS to address an Anti-Social Behaviour issue, neighbour nuisance or a neighbour dispute and is not happy with the way that CHS has managed it, they may then make a complaint under the Complaints Policy.
- Complaints relating to an active legal claim about or against CHS (such as disrepair filed at court), or when a customer is taking CHS to court. For clarity, if a complainant is taking pre-litigation action (e.g. disrepair pre-action protocol), they may make a complaint under the Complaints policy
- Claims for damages (these will be dealt with as an insurance claim) or other liability issue that is subject to an insurance claim
- New issues that arise during a complaint's investigation will be logged as a new complaint., However additional complaints will be incorporated if they are related , and the response has not yet been issued
- Anonymous complaints
- Complaints about something more than twelve months old, unless it is a safeguarding or health and safety issue that has been continuing for longer than twelve months and is persisting
- Matters that have already been considered under the complaints policy
- Issues relating to how CHS is governed which need to be dealt with through CHS's Code of Conduct.
- Unreasonable or vexatious complainants / complainants' representative. We will consider and review whether there are matters that may be contributing to the way the complainant is choosing to do business with us, and may consider reasonable adjustments, and will review whether the customer is being appropriately supported prior to deciding whether to refuse to investigate the concern

If CHS chooses not to accept or escalate a complaint for one of the above reasons when asked, CHS will formally write to the complainant setting out its reasons why.

Where dissatisfaction is expressed through survey feedback the will not be immediately defined as a complaint, we will follow this up and be led by the customer if they wish to raise feedback as a complaint.

4) **Receiving complaints**

Complaints may be received by phone, letter, email, through CHS Homes website, through social media, or through speaking to someone who represents CHS, or by other means. The preferred method is in writing via customer.services@coophomes.coop.

CHS will comply with the Equality Act 2010 and adapt normal policies, procedures, or processes to anticipate and accommodate an individual customer's needs (this includes the CHS Unreasonable Behaviour Policy) in a person-centred way

Please note that confidentiality will be maintained in the handling of complaints.

5) **Complaints Officers**

CHS has a designated team of Complaints Officers (a person or group of people). This role is currently divided by our Senior Leadership Team. This team consists of: Head of Finance, Head of Repairs and Operations, Head of Housing and Head of Governance,

This is to ensure that complaints are handled by:

- Someone independent (with no conflict of interest), competent, empathetic and efficient (skilled in complaint handling).
- Someone able to act sensitively and fairly.
- Someone able to receive complaints and deal with distressed and upset customers.
- Someone with access to individuals in CHS at all levels to facilitate quick resolution of complaints.

Wherever possible, the Complaints Officer has the authority in CHS to make decisions to resolve the complaint, although it is often the case that complaints are complex and therefore may require consideration by the Managing Director. A complaint about the Managing Director will be reviewed by the Deputy Chief Executive of RHP.

The Complaints Officer will take responsibility for ensuring that receipt of the complaint is acknowledged; that an investigation of the complaint takes place; and that there is communication with the complainant throughout and regarding outcomes.

6) **Complaints procedure**

CHS will manage complaints as follows:

- **Log and acknowledgement**- complaints will be logged on receipt and acknowledges within 5 working days of receipt.
- **Defining the complaint** – When a complaint is logged (or escalated at stage 2) Co-op Homes will confirm in writing to the complainant Co-op Homes’ understanding of the complaint and the outcome the complainant is seeking. We will refer to this as ‘the complaint definition’. Co-op Homes will encourage complainants to be specific about what they are complaining about and what outcomes they are seeking from CHS. If any aspect of the complaint is unclear Co-op Homes will ask the complainant for clarification. When a complaint is acknowledged at either stage Co-op Homes will be clear which aspects of the complaint Co-op Homes are, and are not, responsible for and clarify any areas where this is not clear. Co-op Homes will then pass on the complaint to the Complaints Officer.
- **Stage 1 - Investigation** - Complaints Officers independent to the complaint will investigate the complaint – giving the complainant and any other parties to the complaint the opportunity to state their views on the subject matter of the complaint. Matters that are easily resolvable in the complaint will be addressed as soon as possible. Conflict of interest can arise either from the complainants or any other member asked to investigate this case. Conflict should be made known to Co-op Homes before the investigation has begun to avoid any undue influence.
- **Decision-making** – Complaints Officers will decide their approach to resolution of the complaint. Once the response is finalised and agreed, the Complaints Officer will communicate this to the complainant.
- **Stage 2 - Review** – if the complainant is unhappy with the outcome of the investigation, they can request a review within 20 days of us issuing a stage 1 reply. The Managing Director (MD) will review the complaint, provided they are independent of the complaint so far. The MD will offer the complainant and other parties to the complaint the opportunity to put forward their views. The Managing Director will finalise the response and The MD will finalise the response and communicate this to the complainant. This concludes CHS’s internal complaints procedure.
- **Housing Ombudsman** – Co-op Homes is a member of the Housing Ombudsman’s Scheme and customers have the right to access the Ombudsman’s service throughout the process.

CHS follows the maximum target times for the complaint procedure:

Complaints procedure	Timescales
Acknowledgement of the complaint	Within 5 working days of receipt of the complaint
Stage 1 — Full response based on the investigation to the complainant	Within 10 working days of the acknowledgment of the complaint
Stage 2 — Full response based on the review to the complainant	Within 20 working days of the acknowledgement of the request for a review

If it is not possible for CHS to achieve these timescales considering the complexity of the complaint, CHS will inform the complainant how much extra time is expected to be needed and the reasons why there will be a delay. At the same time CHS will provide the contact details of the Ombudsman. The target times for the investigation (stage 1) and review (stage 2) stages should not be exceeded by more than 10 working days without good reason. If an extension at either stage 1 or stage 2 beyond 20 working days is required to enable the landlord to respond to the complaint fully, this should be agreed by both parties. Where agreement over an extension period cannot be reached, CHS should provide the Housing Ombudsman’s contact details so the resident can challenge CHS’s plan for responding and/or the proposed timeliness of a landlord’s response.

7) **Putting Things Right**

If the evidence or the balance of probabilities supports a complaint it will be recorded as upheld. If a complaint contains more than one issue and one of the issues is upheld, but not all, it will be recorded as partially upheld.

Complaints to CHS that are upheld may be resolved in several ways. Any resolution to a complaint will reflect the extent of the situation based on its own merit, and the impact caused to the customer as a result. These may include:

- acknowledging where things have gone wrong;
- providing an explanation, assistance, or reasons;
- apologising when we have made a mistake or let people down;
- taking action or setting out the actions CHS intends to take to put things right
- reconsidering or changing a decision;
- amending a record;
- providing a financial remedy; and/or
- changing policies, procedures, or practices.
- Signposting to supporting agencies

When considering a resolution, CHS will consider a range of factors impacting the level of detriment caused to the complainant including, but not limited to:

- the length of time that a situation has been ongoing;
- the frequency with which something has occurred;
- the severity of any service failure or omission;
- the number of different failures;
- the cumulative impact on the customer; and/or
- a customer's particular circumstances or vulnerabilities.
- Considering any quantifiable losses in accordance with our compensation policy and procedure and any discretionary payment to acknowledge service failure more broadly. Compensation for quantifiable loss will normally be paid as credit to the rent account in accordance with our Compensation Policy. Any discretionary payment will be reimbursed directly to the customer.

8) **Communications**

CHS will make their complaint policy available in a clear and accessible format for customers. The policy can be found here: <https://www.coophomes.coop/about-us/compliments-and-complaints/>.

CHS can provide copies of the complaint policy to customers on request.

When communicating with customers about complaints, CHS will use plain language to address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.

CHS will respond to a complaint when the answer to the complaint is known, not when outstanding actions required to address the issue are completed. Outstanding actions will be tracked and actioned promptly, and appropriate updates provided to the complainant.

At the end of the complaint investigation and at the end of the review (if there is one) CHS will write to the member (see CHS example complaint response template) to say:

- what the outcome of their complaint is
- the reasons why decisions have been made
- what offers CHS is making to put things right
- what actions remain outstanding. Outstanding actions will be tracked and updates provided to the customer
- how the complainant can take the matter further if they are dissatisfied with the outcome or what CHS is offering
- that the complainant may refer the complaint to the Housing Ombudsman Service (see below).

During the complaint investigation and in any review, customers will be given a fair opportunity to set out their views, and comment on any findings before a final decision is made.

Communication with the complainant will not generally identify individuals involved in delivering the service (volunteers, staff, service provider or contractors) because all are acting on behalf of CHS. Whilst CHS should seek to put right any problems and learn from mistakes, CHS will not seek to blame CHS's customers or service provider to the complainant.

CHS will keep complainants regularly updated and informed even where there is no new information to provide.

9) **Housing Ombudsman Service**

If the member remains dissatisfied at the end of CHS' complaints procedure, they may bring their complaint to the Ombudsman. CHS will co-operate with the Ombudsman's requests for evidence and provide this within 3 weeks or 15 working days.

If a response cannot be provided within this timeframe, CHS will provide the Ombudsman with an explanation for the delay. If the explanation is reasonable, the Ombudsman will agree a revised date with CHS.

Customers can access the Housing Ombudsman Service when they wish to and not just when they have exhausted CHS's complaints process. The Housing Ombudsman Service can assist customers throughout the life of a complaint.

The details of the Housing Ombudsman can be found here: <https://www.housing-ombudsman.org.uk/contact-us/>. Telephone: 0300 111 3000. Email: info@housing-ombudsman.org.uk

10) **Keeping records**

CHS will document all complaints and resulting actions and will keep copies of all complaint correspondence to and from the complainant. Co-op Homes will keep copies of the complaint's reports received at each stage.

The Complaints Officer will be responsible for ensuring that outcomes to complaints are implemented. Any themes or trends will be assessed by the Senior Leadership Team to identify any systemic issues, serious risks or areas for improvement for appropriate action.

11) **Learning from complaints**

CHS aims to support a positive complaint handling culture by placing learning and improving at the heart of its complaints management. This will include:

- The Board will receive updates at each meeting on the volume, categories and outcomes of complaints and details of any Ombudsman investigations
- The Head of Governance will report an annual complaints performance and service improvement reports. They will assess and themes or trends.
- A Member Responsible for Complaints on the Board will have lead responsibility for complaints. They will provide assurance to the Board on the effectiveness of CHS's complaints system, including challenging the data and information provided to the Board
- Proactively using learning from complaints to revise policies and procedures, and inform staff and third-party training
- Sharing learning with individual complainants and more widely with customers
- Annual completion and submission of Complaint Handling Code Self-Assessment to the Housing Ombudsman Service
- The annual complaints performance and service improvement report will be published on the CHS website with the Board's response to the report

12) **Data Protection**

Confidentiality and data protection apply to the complaints process, we will not share personal information gathered as part of the complaint process with any third party who is not entitled to receive it, in accordance with data protection legislation.