

Bespoke Supportive Tenancies Ltd

DRAFT COMPLAINTS AND COMPLIMENTS POLICY

Version: 01

Review

Date of this review	Date of last review	Policy author(s)	Compliance Manager	Next review date
December 2020	[00/00/00]	Richard Lowthian Patricia Mokhberi	Patricia Mokhberi	December 2023

Details of amendments

Version	Date	Update/ amendment detail	Resulting from
V1	07/12/2020	New Policy Document	

Approved by

Executive Team	29.03.2021
Board	[00/00/00]

This Draft Version of BeST's Policy is not due to be presented to our Board, until May 2021 when formal approval is expected to be given.

If any minor amendments are necessary, the Policy will be updated, and the final approved document will be posted on our website and re-circulated as appropriate before end of May 2021.

1. INTRODUCTION

- 1.1 Bespoke Supportive Tenancies Ltd (BeST) strives to deliver high service standards to its service users.
- 1.2 BeST's revised Complaints Policy uses as its source of reference, the Housing Ombudsman's New Complaints Handling Code of Conduct, which was introduced in November 2020. Complaint's feedback, data collection, and statistical analysis will be used to help BeST make improvements to our service delivery, and will help us assess risks, shape future policy and set out expectations to our Board, Senior Management and frontline employees.
- 1.3 Complaints and feedback will be dealt with fairly, openly, and consistently throughout our organisation.
- 1.4 This policy supports related internal and external policies which should be read in conjunction with this document.

Related Documents

External

- The Housing Ombudsman's Complaint Handling Code of practice
[Home - Housing Ombudsman](#)
- The Housing Ombudsman's Service Remedies Policy
- The Housing Ombudsman's Principles for Remedy
- The Housing Ombudsman's Scheme (paragraph 43)
- The Housing Ombudsman's Dispute Resolution Principles
- [The charter for social housing residents: social housing white paper - GOV.UK \(google.co.uk\)](#)

- The Tenant Involvement and Empowerment Standard 2017
- My Expectations for Raising Concerns and Complaints’ – vision report by Local Government Ombudsman, Parliamentary and Health Service Ombudsman and Healthwatch 2014
- Good Practice Guidance for handling complaints concerning adults and children in social care services (England) 2016 (follow up to “My Expectations for Raising Concerns and Complaints”)
[good-practice-guidance-final-09062016.pdf \(adass.org.uk\)](https://www.adass.org.uk/good-practice-guidance-final-09062016.pdf)

Internal

- Complaints & Compliments Procedure
- Sassa Complaints Recording Guidance
- Repairs, Planned Cyclical Maintenance and Recharge Policy
- Tenancy Management Policy
- Tenant Empowerment and Engagement Policy
- Allocations and Referral Policy
- Anti-Social Behaviour Policy
- Safeguarding Vulnerable Adults and Children at Risk Policy
- Reasonable Adjustments Policy
- Equality and Diversity Policy
- Disciplinary Policy
- Whistleblowing Policy
- GDPR Policy

Key Legislation

England

- The Housing Act 1996 (schedule 2)

- The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 and the associated guidance (Listening, Responding, Improving)
- The Care Act 2014
<https://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>
- General Data Protection Regulations 2018
- The Equality Act 2010
- The Localism Act 2011

Wales

- Regulation and Inspection of Social Care (Wales) Act 2016
- Social Services and Well-being (Wales) Act 2014

2. PURPOSE

- 2.1 Whilst BeST aims to deliver high service standards, we accept that from time-to-time things may go wrong.
- 2.2 BeST are committed to ensuring that the concerns of our service users are acknowledged and responded to.
- 2.3 BeST will share the outcomes of lessons learnt with our service users.

3. SCOPE

- 3.1 This Policy should be read by all Company Employees, Support Providers, Contractors and Volunteers.
- 3.2 The Policy document will be published on BeST's website, together with the Complaints Procedure. A copy will be made available to our service users, legal representatives, and relevant third-party agencies upon request.

3.3 The policy will cover the actions of our sub-contractors but will not cover the actions of third parties whose services are not commissioned or endorsed by BeST.

4. **KEY PRINCIPLES**

4.1 BeST aims to ensure that the complaints process is clear, simple, and accessible.

4.2 BeST aims to resolve complaints promptly, politely, and fairly.

4.3 We will investigate fully and effectively the grounds for the complaint.

4.4 We will keep our service users informed of the progress in dealing with the complaint.

4.5 BeST will utilise a variety of methods, to enable our service users to make a complaint or provide feedback.

4.6 BeST will set out clear service standards for responding to complaints, including complaints about performance against service standards and details of what to do if they are unhappy about their complaint.

5. **POLICY OBJECTIVES**

5.1 BeST will:

- Set out a consistent framework for dealing with complaints
- Make the process customer focused and customer friendly
- Provide our employees and residents with a clear set of expectations as to how complaints will be dealt with
- Clarify who can make a complaint and who will deal with complaints at the various stages

- Set out the procedures to be followed in resolving complaints
- Good complaint handling will promote a positive landlord and service user relationship

6. WHAT IS A COMPLAINT?

6.1 Definition of a Complaint:

'A complaint shall be defined as 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'

6.2 It is not necessary for a service user, or someone acting on their behalf (example: legal representative, support provider or other agency) to use the word 'complaint' for it to be treated as such, nor does the complaint need necessarily be put into writing.

6.3 A complaint is an expression of dissatisfaction, however made. Therefore, a degree of common sense will be employed, i.e., if it sounds like a complaint, it will be treated as one.

6.4 Complaints can be made verbally, in writing, by email, telephone, or via the reporting facility on the Company website.

6.5 BeST will accept complaints made by legal representatives or advocates authorised to act on behalf of a tenant or group of tenants.

6.6 All complaints will be recorded on our Sassa database (Housing Management System) and managed in accordance with BeST's Complaints and Compliments Procedure.

6.7 The central complaints register, will make it possible for BeST to monitor, analyze,

and audit complaints, which will help BeST to establish any common issues or trends.

- 6.8 The complaints process will be subject to annual revision and self-assessment.
- 6.9 The self-assessment outcome will be published on the Company website, on or before 31st December each year.
- 6.10 BeST will provide updates to our service users via Snippets (BeST's in-house magazine) when appropriate, as to how we may use complaints to review our procedures, to prevent the same thing from happening again.

7. WHAT IS A COMPLIMENT?

7.1 Definition of a Compliment:

'A compliment means a written or verbal notification, or any other form of communication of satisfaction in relation to the type, or standard of service that has been received from one of BeST's employees, Support Providers or Contractors; and wishes to make this known to us (i.e., an expression of formal and respectful recognition)'

- 7.2 Compliments may be given verbally, in writing, email, by telephone or via BeST's website.
- 7.3 Compliments or positive feedback will be passed on to the relevant member of staff via their line manager. Compliments will be reported annually to BeST' Executive Board.

8. EXCLUSIONS

- 8.1 In general, BeST's Complaints Procedure cannot be used to complain about the associations Policies. Policies are agreed by BeST's Board of Management, and any

dissatisfaction about policy issues should be addressed initially to the Head of the Department concerned.

8.2 BeST will have the right to 'refuse' a complaint in the following circumstances:

- Where the issue giving rise to the complaint occurred over six months ago (unless the problem is a recurring issue). Please refer to BeST's Complaints Procedure for further guidance
(Note: It may not be appropriate for BeST to rely on this exclusion where complaints concern safeguarding or health and safety issues)
- Legal proceedings have been started
- The matter has previously been considered under the Complaints Policy
- There is no new evidence to substantiate the complaint

8.3 If BeST decides not to accept a complaint an explanation will be provided to the service user setting out the reasons why.

9. UNACCEPTABLE BEHAVIOUR

9.1.1 There may be a very small number of service users whose actions we consider unacceptable. We also recognise that people may act out of character in times of trouble or distress, particularly if they feel that BeST has failed in regard to service delivery or other matters. We still expect our staff to be treated with courtesy and respect.

9.1.2 BeST will not tolerate aggressive, abusive or violent behaviour towards staff (whether oral or written).

9.1.3 Likewise, we expect our staff to conduct themselves in a professional manner, demonstrating courtesy and politeness when dealing with service users.

9.2 Support and Mediation

9.2.1 It is possible that service users who are behaving in an inappropriate or unacceptable manner, may have additional support needs, and in such cases, BeST will engage in discussions with the service users care providers, or social worker, to help establish best practice, with a view to exploring available options to aid resolution.

9.2.3 Mediation may be useful option in dealing with complaints and BeST will always consider the possibility of its use where appropriate.

9.3 Vexatious or Habitual Complainants

9.3.1 In exceptional cases, we may decide that a person or group of persons are making habitual or vexatious complaints. These complaints will be escalated to the Designated Complaints Officer and internal discussion and decision will be taken as to the best way to proceed, after careful consideration of all the circumstances

10. COMPLAINT HANDLING

10.2 Best aims, where possible to deal with complaints within two stages.

10.2 However due to the nature of the housing sector within which the charity operates (supported living); complaints are often subject to third party communications (support providers, social services, legal representatives and other third-party agencies) which may delay the complaints process.

10.3 Accordingly, BeST have decided to operate a three stage complaints process, to provide for additional time, where third party communications or investigations may prevent an early decision.

10.4 The time frame outlined below, is the maximum permitted timeframe for

complaints resolution, this unless in very exceptional circumstances, written agreement is reached with the service user or their representative to set an alternative date for resolution (in circumstances where a delayed response is unavoidable) and if it is reasonable and is acceptable to both parties, to agree to set an alternative date.

10.5 Where a decision is delayed, the letter of explanation will provide reasons for the delayed response and escalation to the next stage.

10.6 Complaints Schedule

10.6.1 **Stage 1 Logging** – within 5 Days - A Letter acknowledging the complaint will be sent to the service user or person handling their complaint (hitherto referred to as the complainant)
then

10.6.2 **Stage 1 Decision** –within 10 working days, a Decision outcome letter will be sent out
or *(if this is not possible)*

10.6.3 **Stage One Extended** – A letter of explanation will be sent out, setting a further 10 days for an expected outcome
then
if an outcome is still not possible, a letter of explanation will be sent out, and the complaint will be escalated to Stage 2

10.6.4 **Stage 2 Response** within 20 days from escalation, A decision outcome letter will be sent to the complainant
or *(if this is not possible)*

10.6.5 **Stage 2 Extended** A letter will be sent out, setting a further 10 days for an expected outcome

10.6.6 **The case will be closed** (within 50 days from date of the initial complaint), and a decision outcome letter will be sent to the complainant

10.6.7 *If an outcome is still not possible, a letter of explanation will be sent out and the complaint will be escalated to Stage 3*

10.6.8 **Stage 3 Response (Final Response)** within 20 days of escalation to stage 3 - a decision outcome letter will be sent to the complainant (this is 70 days from the date of the initial complaint)

or

10.6.9 *'Any additional time will only be justified if this relates to convening a panel. An explanation and a date when the stage three response will be achieved, will be provided to the tenant or their legal representative in this circumstance'*

10.6.10 At the time this policy has been released for publication, BeST do not have a formal Tenant Panel, however, this is subject to internal revision.

11. COMPLAINT ESCALATION

11.1 Most complaints will be dealt with by the appropriate Head of Service to resolution stage, i.e., final outcome decision.

11.2 BeST' has a designated Complaints Officer, who has the authority to step in, and advise on, or take over case management of a complaint, at any stage of the complaints process, or by request from the relevant Head of Service.

11.3 Similarly, the service user or person making the complaint on their behalf, can ask for the complaint to be referred to the Designated Complaints Officer, at any stage of the process, before the final decision has been made.

11.4 When BeST's internal procedure has been exhausted, a complainant may, if they wish, refer the matter to a Designated Person or to the Housing Ombudsman.

12. COMPLAINTS RESOLUTION

12.1 When a Complaint is Upheld

12.1.1 Where a service user's complaint is upheld, BeST will:

- Apologise where appropriate
- Take practical steps to put things right
- Carefully consider compensation in some circumstances, i.e. actual proven loss sustained as a direct result of the service failure, or inaction where we had a duty to act
- Review where service improvements can be made to prevent further complaints of a similar nature

12.2 When a complaint is not upheld

12.2.1 BeST will consider complaints that were not upheld, when we review service delivery, to see if any improvements need to be made with a view to our managing future customer expectations.

13. DESIGNATED PERSONS

13.1 The Designated Person role (if the complainant has asked someone to act for them), will usually commence when a complaint has reached the final stage of BeST's complaints procedure.

- 13.2 Though complainants may approach a Designated Person to act on their behalf at any point in the complaints process, they will only be formally recognised as the 'Designated Person' following the conclusion of BeST's Complaints Procedure.
- 13.3 A service user does not necessarily need to contact a designated person, and may choose instead to have ask their legal representative or appointee, act on their behalf, or may choose to act themselves or with the support of their care provider (see related procedure for further guidance).
- 13.4 The service user may also seek assistance from other third-party agency such as the CAB or Shelter.
- 13.5 A 'Designated Person' can be an MP, or a local councilor representing the district in which a complainant's home is located (**Localism Act 2011**).
- 13.6 One of these 'designated persons' may be a group of tenants acting as a designated tenant panel.
- 13.7 The designated tenant panel is a type of body with a specific function in the complaint process. A tenant panel acts as a 'designated person' who can consider an individual complaint after it has completed a landlord's internal complaints procedure.
- 13.8 Designated Persons do not have any powers over the organisation's policies and procedures.
- 13.9 The Designated Person Role is to help resolve the complaint which may involve providing advice acting as advocates, and/or discussing matters with BeST.
- 13.10 They may instead, choose to refer the complaint to the Housing Ombudsman (which must be made in writing) once BeST's complaints procedure has concluded.
- 13.11 Where a Designated Person is involved, written authorisation from the complainant

will need to be provided before any information can be released about the case by BeST.

14. THE HOUSING OMBUDSMAN

14.1 If the complainant or their representative chooses to refer the complaint to the Housing Ombudsman, the law states that eight weeks must have passed from the date of the Landlords final response to the date the complaint is referred, before they may formally consider and investigate the complaint.

14.1.1 The Housing Ombudsman may be contacted by the complainant to make enquiry or seek advice at any time of the process. An enquiry will not be treated as a complaint.

14.2 Remedies

14.2.1 The Ombudsman can provide fair and proportionate remedies to complaint where maladministration or service failure has been identified. These include non-financial remedies and compensation.

14.3 Orders

14.3.1 Following investigation of a complaint, the ombudsman may make a finding of:

- No maladministration
- Service Failure (this is a form of maladministration but is less severe)
- Maladministration
- Severe Maladministration

14.3.2 The Ombudsman may:

- Reach a decision, that BeST has resolved the complaint satisfactorily
- May decide that the complainant has refused an offer which would have had the effect of resolving the complaint
- May reject the complaint

14.3.3 The Ombudsman may make an order or recommendation, that BeST should:

- Apologise to the complainant
- Pay compensation to the complainant
- Perform or does not perform any of the contractual or other obligations existing between the member and the complainant
- Undertakes or refrains from undertaking works
- Take such other reasonable steps to secure redress with the legal powers of the member

14.3.4 Failure to comply with the Housing Ombudsman’s Scheme and Code of Conduct, may result in BeST being given a Complaints Handling Failure, and an order to rectify within a specific timeframe.

14.4 Compensation

14.4.1 Compensation will not be appropriate in every case.

14.4.2 Compensation will be considered by the Ombudsman if they feel that this action will help to “put things right”.

14.4.3 Where the Ombudsman feels that an award of compensation should be made, the Ombudsman will calculate the award based on what they consider to be fair, based on the particular circumstances of the case.

14.4.4 Factors the Ombudsman may consider are:

- a) Actual, proven financial loss sustained as a direct result of the maladministration or service failure and/or
- b) Avoidable inconvenience, distress, detriment or other unfair impact of the maladministration or service failure

14.4.5 BeST will offset any payment of compensation against the service users rent arrears (if applicable) or against any invoice for outstanding damage recharges, utilities or other charges that are outstanding for payment. Any credit balance will be paid to the service user.

15. RESPONSIBILITIES

15.1 Responsible Officers

15.1.2 Individual Heads of Department and Managers will be responsible for the day-to-day logging and case management of the Complaints Policy and Procedure, unless the Designated Complaints Officer finds it necessary to intervene at any stage, or , where the case is escalated by the service user, relevant HOD or manager.

15.1.3 It is the responsibility of all Heads of Department and Managers to ensure that their staff adhere to the complaints policy and procedure, and other policy documents as may be related.

15.2 Training

15.2.1 All customer facing staff will receive complaint and feedback training through the induction process.

15.2.2 Refresher training will be provided by the People Development Department when required.

15.2.3 Ongoing guidance, support and additional training will be provided by the Designated Complaints Officer.

16. DEFINITIONS

BeST – Bespoke Supportive Tenancies Ltd

Service User - Tenant or License Holder

Designated Complaints Officer - The Manager who has the responsibility for oversight and monitoring complaints procedure

SASSHA – BeST’s Housing Management Software

17. MONITORING AND REPORTING

17.1 The Designated Complaints Officer will ensure the monitoring and co-ordination of all complaints and feedback covered in this policy.

17.2 Analysis and reporting will be undertaken each quarter and presented to the Executive Team and Management Board.

17.3 The Designated Complaints Officer will ensure that Self-Assessment is published on BeST’s website, by December 31st each year.

17.4 Service Users will be provided with general information about complaints via the company website and through Snippets our tenant newsletters, when appropriate.

18. EQUALITY AND DIVERSITY

BeST is committed to mainstreaming equality and diversity throughout all its activities as well as meeting the general and specific duties imposed on it through the legislation. Please refer to BeST’s Equality and Diversity Policy to read the Policy details in full. An Equality Impact Assessment has been carried out and is found to be of neutral impact to the nine protected characteristics.