



# Complaints Policy

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MONITORING, APPROVAL AND REVIEW	
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# Complaints Policy

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## 1 Purpose of this Policy

First Choice Homes Oldham (FCHO) understands that on occasions customers may not be satisfied with the level of service they have received and that complaints will sometimes be made. Complaints provide an opportunity to understand what customers want from and feel about the services provided. Complaints are also a key source of feedback and provide FCHO with vital intelligence on the performance and reputation of the organisation. The purpose of this policy is to outline how customers can express dissatisfaction about the standard of service received or action or lack of action by FCHO.

## 2 Aims and Objectives

### 2.1 The aims of the policy:

- To increase customer satisfaction by resolving complaints confidentially, promptly, in a consistent manner and listening to all feedback.
- To ensure all customers are treated fairly when making a complaint.
- To achieve continuous improvement by recording and reviewing areas of service which cause dissatisfaction amongst customers and learning from the trends that are identified.
- To ensure that complaints will be viewed positively, and that action will be taken to carry out an investigation.
- To provide an opportunity to put things right; an opportunity to rebuild trust in the landlord-customer relationship.

### 2.2 The objectives of the policy:

- To set out a consistent framework for dealing with complaints to make the process accessible, customer focused.
- To give colleagues and customers clear guidance on how complaints, and service requests will be dealt with.
- To clarify who can make a complaint and who will deal with complaints at each of the stages.
- To clarify what happens when the internal complaints process for FCHO has been exhausted.
- To ensure complaints, and service requests made to FCHO are recorded and reported in compliance with the Housing Ombudsman Complaint Handling Code.

### 2.3 Approach to complaints

FCHO adopts a positive culture towards complaints and recognises complaints as a learning opportunity to improve the services provided to customers.

This is achieved by:

- Ensuring the Board, Leadership Team and Managers maintain a clear focus on achieving positive outcomes and learning from complaints.
- Providing an open and transparent process, which is accessible to customers ensuring expectations are properly managed.

- Aiming to resolve complaints at the earliest opportunity.
- Ensuring colleagues understand their roles and responsibilities and have the authority to resolve complaints.
- Ensuring that colleagues who deal with complaints are appropriately trained.

### 3 The Policy

The Policy applies to complaints made about FCHO services and colleagues. In the event of a complaint concerning a contractor or third party representing FCHO, FCHO will retain responsibility for conducting the investigation into the complaint.

#### 3.1 The 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 colleagues, or those acting on its behalf, affecting an individual customer or group of customers.

#### 3.2 Exclusions

- Complaints submitted 12 months or more after the issue occurred (these will be reviewed on a case-by-case basis to see if there are any reason why they should be treated as complaints e.g., health and safety issues)
- 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.
- An initial request for a service e.g., first report of a repair.
- Asking for an explanation of a policy or an information leaflet.
- A dispute with a neighbour which can be dealt with through the terms outlined in a tenancy agreement or the Anti-Social Behaviour (ASB) policy. [Item 4 - For CEO Report Convene Link ASB policy.docx \(fcho.co.uk\)](#)
- Complaint about the actions of an organisation that is not working for or supported by FCHO.
- Matters that have previously been considered under the complaints policy.

If a customer complaint has not been accepted, a detailed explanation will be provided detailing the reasons why the matter is not suitable for the complaints process and the customers right to take that decision to the Ombudsman.

Please note that all complaints made will be progressed in line with the Complaints Policy.

#### 3.3 Complaints about colleagues

Any complaints that are made against FCHO colleagues will be processed in line with the policy and passed to the individual's Line Manager and People Team who will investigate. Part of the investigation will include reviewing the colleague's behaviour, attitude, and approach when dealing with the customer the complaint related to.

In these circumstances full details of any action taken against an individual colleague cannot be disclosed to customers due to privacy reasons.

Where we make adverse findings against any member of staff, agent, or contractor of FCHO, they will be given the opportunity to comment on those adverse findings before a final decision is made.

If a complaint involves an accusation of discrimination towards a customer by an FCHO colleague, the complaint must specify this. Even if perceptions of discrimination differ between the customer and the staff members, the complaint will still be investigated as a potential case of discrimination. Further definitions and guidance are available in Appendix A.

### **3.4 Anonymous Complaints**

If a customer makes a complaint in confidence, only the colleagues who received the complaint and a member of the Customer Excellence Team will know the customer's identity. If it is not possible to fully investigate a complaint without disclosing the identity of the customer, permission will be sought to do this. While FCHO respects a customer's right to anonymity, if permission is not granted then FCHO may not be able to fully investigate the complaint.

### **3.5 Advocates**

An advocate or representative may also make and deal with a complaint on a customer's behalf, this includes representation or accompaniment at meetings if reasonable. FCHO will seek the necessary authority before engaging with an advocate or representative. A complaint that is submitted via an advocate or representative will still be handled in line with the complaints policy.

### **3.6 Service Requests**

A service request is when a customer contacts us to fix something or report an issue, put something right. Here are examples of what we consider as service requests:

- Reporting a new neighbour dispute
- Reporting antisocial behaviour
- Requesting a new repair that hasn't been reported before
- Enquiring about your rent account

At FCHO, we aim to resolve a customer service requests within 48 hours (2 working days). However, if we are unable to do so within this timeframe, we will contact the customer, to agree on the next steps, which may involve extending the resolution time (up to 5 working days).

If the customer is dissatisfied with the response to the service request, even if it's still being addressed, a complaint will be raised. In such cases, we will escalate it to Stage One of our complaints process. All service requests are logged on our in house management system to ensure tracking and resolution.

### **3.7 Making a complaint**

FCHO request that customers, complain within 12 months of an incident occurring or the customer becoming aware of the issue to allow the matter to be resolved if the complaint is received outside of this timescale FCHO may not

accept the complaint. FCHO offer a range of ways in which customers can make a complaint:

**Online** – by [filling in a complaint form](#)

**By phone** – 0161 393 7117 - lines are open from 9am to 5pm, Monday to Friday and 9am to 4pm Saturday

**By post** – FCHO Tellus, First Place, 22 Union Street, Oldham, OL1 1BE

**In person** – First Place, 22 Union Street, Oldham, OL1 1BE, 9am to 5pm Monday to Friday

**Social Media** - via direct message on Facebook or Twitter (complaints via this channel will be taken offline to ensure privacy and confidentiality)

**Feedback Surveys** - If a customer has expressed dissatisfaction in response to a feedback survey, FCHO will contact them to discuss their feedback in more detail and provide them with a resolution or an explanation of the next steps they can take and ask them if they would like to make a complaint. If the feedback is anonymous, a record of it will be kept for performance purposes only.

FCHO complies with the Equality Act 2010 and will adapt normal policies, procedures, or processes to accommodate an individual's needs. If a customer requires a reasonable adjustment due to a protected characteristic, they should make us aware of this at the point they make their complaint, or in any dealings with us about their complaint. Any reasonable adjustment requests will be considered in line with the requirements of the Equality Act 2010.

**When making a complaint customers should provide the following information:**

- Name and address
- A contact number and/or e-mail address
- A description of concerns and any relevant reference numbers
- What the customer would like FCHO to do to put things right

### 3.8 Complaint Stages

FCHO acknowledges that sometimes mistakes are made, and services do not meet the standards customers expect. FCHO have adopted the principals outlined in the Housing Ombudsman Service Complaint Handling Code regarding complaint resolutions.

#### Stage One

FCHO will log a complaint when a customer expresses dissatisfaction about the standard of service, actions, or lack of action. A complaint will be logged and will be acknowledged within five days of receipt.

Stage one complaints will be handled by a Customer Excellence Officer who will contact the customer to confirm understanding of their complaint and carry out a full investigation of the concerns raised. This will involve assessing the issue, what outcome would resolve the matter and whether any urgent action is required.

A stage one written response will be provided within ten working days of the complaint. Being acknowledged. If this is not possible an explanation and a date on which the stage one response will be received will be provided. This should not exceed a further ten working days without good reason. Our responses will identify any service failure, outline resolution as appropriate, and share commitments for any follow up.

If an extension to this timescale is needed when considering the complexity of the complaint FCHO will inform the customer of the expected timescale for response. Any extension must be no more than 10 working days without good reason, and the reason(s) will be clearly explained to the customer. The customer will also be provided with the contact details of the Ombudsman.

Where the problem is a recurring issue, FCHO will consider any older reports as part of the background to the complaint if this will help to resolve the issue for the customer.

Outstanding actions will be resolved as soon as reasonably possible, and customers will be provided with regular updates.

FCHO will address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law, and good practice where appropriate.

If a customer raises additional complaints during the investigation, these will be incorporated into the stage one response if they are relevant, and the stage one response has not been issued. Where the stage one response has been issued, or it would unreasonably delay the response, the complaint will be logged as a new complaint.

Following investigation of stage one complaints the following will be confirmed in writing to the customer:

- The complaint stage
- The complaint definition
- The decision on the complaint
- The reasons for any decisions made
- The details of any remedy offered to put things right
- Details of any outstanding actions
- Details of how to escalate the matter to Stage Two if the customer is not satisfied with the outcome
- The customer's right to approach the Housing Ombudsman for advice
- The Housing Ombudsman contact details

## Stage Two

If all or part of the complaint is not resolved to the customer's satisfaction at stage one, FCHO will progress to stage two of FCHO complaints procedure, unless an exclusion ground now applies. In instances where FCHO declines to escalate a complaint this will be clearly communicated in writing, detailing the reasons for not escalating as well as the customer's right to approach the Ombudsman about the decision.

FCHO must receive the escalation request, within 28 days of the customer receiving the stage one response. This request must clearly outline the reasons why the customer feels the complaint has not been fully considered and include any supporting evidence.

On receipt of the escalation request, FCHO will acknowledge the stage two complaint within five days. FCHO will set out its understanding of issues outstanding and the outcomes the customer is seeking within the acknowledgment letter. If any aspect of the complaint is unclear, FCHO will ask the customer for further clarification and the full definition agreed between both parties.



Stage two complaints will be handled and investigated by a Head of Service or Senior Manager who will contact the customer to confirm their understanding of the complaint and discuss the reasons for the escalation. The stage two investigation will include a full review of the investigation at stage one and any additional evidence provided by the customer. The colleague dealing with the stage two complaint will not be the same person that dealt with the stage one complaint.

FCHO will issue a final written response to the stage two complaint within 20 working days of the complaint being acknowledged.

If an extension to this timescale is needed when considering the complexity of the complaint FCHO will inform the customer of the expected timescale for response. Any extension must be no more than 20 working days without good reason, and the reason(s) will be clearly explained to the customer. The customer will also be provided with the contact details of the Ombudsman.

Where agreement over an extension period cannot be reached, FCHO will provide the Housing Ombudsman's contact details to the customer so they can challenge FCHO's plan for responding and/or the proposed timeliness of the response.

The following will be confirmed in writing to the customer at the completion of Stage Two:

- The complaint stage
- The complaint definition
- The decision on the complaint
- The reasons for any decisions made
- The details of any remedy offered to put things right
- Details of any outstanding actions
- Details of how the customer can escalate the matter to the Housing Ombudsman Service if they remain dissatisfied.
- The Housing Ombudsman contact details

### **3.9 Complaint Management**

FCHO's complaints are managed using our in-house management systems, this will include the original complaint and the date received, all correspondence with the customer, correspondence with other parties, and any relevant supporting documentation such as reports or surveys.

FCHO will close a complaint when a decision is reached, and the customer will be notified. Where there are actions that need to be taken, for example if the resolution involves carrying out repairs, these will be monitored and tracked until completion of the repairs and the customer will be contacted to ensure they are happy with the work.

### **3.10 Putting things right**

Effective dispute resolution requires a process designed to resolve complaints. Where something has gone wrong FCHO will acknowledge this and set out the actions already taken, or intends to take, to put things right. These can include but are not limited to:

- Acknowledging where things have gone wrong
- Providing an explanation, assistance, or reasons
- Apologising
- Taking action if there has been a delay
- Reconsidering or changing a decision



- Amending a record
- Providing a financial remedy
- Changing policies, procedures, or practices

Any remedy offered will reflect the extent of any service failures and the level of detriment caused to the customer as a result. FCHO will carefully manage customer expectations and not promise anything that cannot be delivered or would cause unfairness to other customers.

FCHO will look beyond the circumstances of the individual complaint and consider whether anything needs to be 'put right' in terms of process or systems to the benefit of all customers.

Factors that will be considered in formulating a remedy could include, but are not limited to, the:

- Length of time that a situation has been ongoing
- Frequency with which something has occurred
- Severity of any service failure or omission
- Number of different failures
- Cumulative impact on the customer
- Customers particular circumstances or vulnerabilities

The remedy offered will clearly set out what will happen and by when, in agreement with the customer where appropriate. Any remedy proposed will be followed through to completion.

### **3.11 Compensation**

Where financial compensation is requested or is being considered, each case will be reviewed on its merits, in line with the Housing Ombudsman Code. When awarding compensation, FCHO will consider whether any statutory payments are due, if any quantifiable losses have been incurred as well as the time and trouble a customer has been put through and any distress and inconvenience caused.

Further information can be found within the Compensation Policy. [compensation-policy-may-2021.pdf \(fcho.co.uk\)](#)

In some cases, a customer may have a legal entitlement to redress. If this is the case FCHO will still offer a resolution where possible, obtaining legal advice as to how any offer of resolution should be worded.

### **3.12 Communication**

This Policy will be available on our website and promoted periodically on our social media channels.

### **3.13 The Housing Ombudsman Service**

If a customer does not feel the response provided is fair and proportionate, they have the right to refer their complaint directly to the Housing Ombudsman Service.

The Ombudsman will require information detailing why the customer remains unhappy with the final response and the outcome they are seeking to resolve the complaint. If the Ombudsman consider the complaint, FCHO will comply fully with all requests for information to allow them to carry out a full investigation.

For a complaint to be investigated by the Ombudsman it must be referred to them within 12 months from the date of FCHO's final response.

Once the Ombudsman have completed their investigation, they will issue their findings, known as a determination. FCHO will also contact the customer and discuss the outcome and any recommendations where appropriate.

Customers can contact the Housing Ombudsman Service on the following contact details, these details are provided on all complaint's correspondence.

Address:

Housing Ombudsman Service

PO BOX 152

Liverpool

L33 7WQ

Telephone Number: 0300 111 3000

**E-mail:** [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

**Website:** [Home - Housing Ombudsman \(housing-ombudsman.org.uk\)](http://Home - Housing Ombudsman (housing-ombudsman.org.uk))

### 3.14 Persistent, unreasonable complainants

FCHO believe that all customers have the right to be heard and understand that customers may act out of character in times of distress or due to frustration. Colleagues have the right to protection against unreasonable actions or behaviours which may negatively impact on their physical and mental wellbeing.

If a customer pursues their complaint in an aggressive, abusive, or threatening manner, or repeatedly pursues complaints which have already been through and exhausted the complaints process, consideration will be given to taking action in line with the Unreasonable Behaviour Policy. [unacceptable-behaviour-policy.pdf](#) (fcho.co.uk)

### 3.15 Continuous learning and improvements

A positive complaint handling culture is integral to the effectiveness with which FCHO resolves disputes, the quality of the service provided, the ability to learn and improve, and the relationship with customers. Complaints are regarded as a source of intelligence to identify issues and introduce positive changes to service delivery.

Accountability and transparency are integral to a positive complaint handling culture. FCHO will report back on wider learning and improvements from complaints in the annual report and more frequently to customers and colleagues.

To support a positive complaint handling culture information on complaints handling performance will be provided regularly to the Leadership Team and Board. This will include:

- Regular updates on the volume, categories, and outcome of complaints, alongside complaint handling performance including compliance with the Ombudsman's orders.
- Regular reviews of issues and trends arising from complaint handling
- The annual performance report produced by the Ombudsman, where applicable.
- Individual complaint outcomes where necessary, including where the

- Ombudsman made findings of severe maladministration or referrals to regulatory bodies.
- Any themes or trends will be passed by senior management to identify potential systemic issues, serious risks or policies and procedures that require revision.
- This will also be used to inform colleague and contractor training.

FCHO aims is for all colleagues handling complaints to understand the need to:

- Have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments
- Take collective responsibility for any shortfalls identified through complaints rather than blaming others
- Act within the Professional Standards for engaging with complaints as set by the Chartered Institute of Housing.

FCHO also aims to learn lessons from the outcome of complaints to improve the services delivered to customers. This will be achieved by:

- Analysing the complaints received, their outcome and proposed changes as part of its reporting and planning process.
- Reviewing the outcomes of complaints to identify service delivery improvements.
- Capturing and recording satisfaction levels with the complaints process, including how complaints have been handled, to ensure a positive experience for customers.
- Ensuring feedback is provided at an operational level to Service Managers to ensure immediate learning on individual cases - such as training or record keeping.
- FCHO Business Intelligence Team will also produce regular reports that will be shared with Managers, Leadership, Customer Voice Panel, and Board. The reports will highlight themes and trends which will identification of any systemic issues, serious risks, or areas for organisational improvement.
- Senior management meet monthly to review learnings from complaints and identify improvement opportunities.
- The annual report will include the Housing Ombudsman's annual landlord performance report.
- FCHO will inform customers when they have influenced change to policy and improvements to services and will publish findings from complaints regularly on the website, in customer communications as well as in the Annual Report.

### 3.16 Roles and Responsibilities

The **Customer Excellence Team** are responsible for FCHO's complaints service to ensure impartiality is maintained when dealing with complaints.

The Customer Excellence Officer appointed will have appropriate complaint handling skills and no conflicts of interest.

The team will work in partnership with internal colleagues to ensure a full resolution of customer complaints.

**Complaints Champions** – A nominated person from each department will support the Customer Excellence Officer to provide customers with a right first-time answer to their complaints.

**Manager / Head of Service** – Will investigate customer complaints at Stage Two ensuring a full review of the complaint has taken place in line with the policy.

### 3.17 Governance

FCHO will appoint a Board member to have lead responsibility for complaints to support a

positive complaint handling culture. This person is referred to as the Member Responsible

for Complaints ('the MRC'). The MRC will be responsible for ensuring the Board receives regular information on complaints that provides insight on SLH's complaint handling performance. This person will have access to suitable information and colleagues to perform this role and report on their findings.

The MRC and the Board will receive:

- Regular updates on the volume, categories, and outcomes of complaints, alongside complaint handling performance.
- Regular reviews of issues and trends arising from complaint handling.
- Regular updates on the outcomes of the HOS's investigations and progress made in complying with orders related to severe maladministration findings; and
- FCHO's annual complaints performance and service improvement report.

### 3.18 Self-Assessment and Compliance

FCHO will carry out an annual self-assessment against the Housing Ombudsman Code of Practice to ensure complaint handling remains in line with its requirements.

A self-assessment will also be completed following a significant restructure and/or change in procedures.

Following each self-assessment FCHO will:

- Report the outcome of the self-assessment to the Board.
- Publish the outcome of the self-assessment on the website.
- Include the self-assessment in the annual report section on complaints handling performance.

## 4 Legislative or other Guidelines

This Complaints Policy ensures FCHO complies with the Housing Ombudsman Code of Practice July 2022.

## 5 Key Performance Indicators:

**5.1** This Policy links to 'Great Services' section of the corporate plan and could impact the following measures:

- **KPIs:** Percentage of complaints responded to within Housing Ombudsman timescales.

- **OPI:** Number of complaints received.
- **Tenant Satisfaction Measure:** Percentage satisfied with approach to complaint handling.

## 6 Equality, Diversity and Inclusion

- 6.1 FCHO is committed to promoting equality, diversity and inclusion, based on protected characteristics. We will take account of the needs and differences of all colleagues, customers and other stakeholders which may arise in line with this policy. We believe that everyone should be treated fairly and equally regardless of their difference.

## 7 Risks Including Strategic Risk Register Links

- 7.1 Customer Services - Failure to deliver quality customer services that we are proud of, shaped by our diverse customer base and meet our Corporate Plan ambitions.

## 8 Policy Responsibility, Monitoring and Evaluation

- 8.1 This Policy will be reviewed and updated every three years, subject to any legislative changes, organisational changes or identified improvements.

The Director of People and Culture is responsible for ensuring this Policy is adhered to in conjunction with the People Team.

We will collect and review data which monitors our compliance with our commitment and our success in achieving improvements in the recruitment of underrepresented groups.

We will monitor the success of in attracting candidates for advertised positions, using this data to inform our position in respect of the labour market.

We will monitor our Gender and Ethnicity pay gap to ensure this reinforces our desire not to discriminate.

Relevant EDI measures will be reported also in line with reporting on the delivery of the EDI strategy.

## Appendix A – Incidents of Discrimination

Incidents of Discrimination the Equality Act 2010 makes it unlawful to discriminate against someone because of their age, sex, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation. It applies to work (and with exception to marriage and civil partnership) to the provision of services, the exercise of public functions and in managing or letting premises.

The law prohibits;

- Direct discrimination – where someone is treated less favourably than another person because of a protected characteristic. Indirect discrimination – this can occur when you have a rule or policy that applies to everyone but disadvantages a person with a particular protected characteristic.
- Discrimination by association – this is direct discrimination against someone because they are associated with another person who possesses a protected characteristic.
- Discrimination by perception – this is direct discrimination against someone because others think that they possess a particular protected characteristic. They do not necessarily have to possess the characteristic, just be perceived to.
- Harassment - this is behaviour that is deemed offensive by the recipient; unwanted behaviour relating to someone's protected characteristic(s).
- Victimisation – this occurs when someone is treated badly because they have made or supported a complaint or grievance under this legislation.

### **Why should we collect data on discriminatory complaints?**

The general equality duty (section 149 of the Equality Act) requires public authorities, in the exercise of their functions, to have due regard to the need to:

Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.

Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.

Foster good relations between people who share a relevant protected characteristic and those who do not share it.

In addition, we can ensure that centrally and service unit level issues are recorded together with evidence of our actions and outcomes, so that we can learn from our experiences. It also means that should a case be taken against the council or we are asked to provide information to the EHRC (European Human Rights Commission), for example, then we are able to do so. What needs to be recorded? Full details of the incident should be sent to the Communications Team along with all correspondence and notes.