



Draft Complaints Policy

Introduction

Crosby Housing Association (CHA) is committed to providing high-quality, value for money services. Sometimes things go wrong, and we encourage feedback, including complaints, as a means to correcting failures in performance and improving services.

Complaints will be handled in accordance with the complaints process. Copies of this policy will be published on our website, and paper copies will be available on request.

Aims of the Policy

The aim of this policy is to:

- ensure that complaints are dealt with in a timely, consistent, fair and impartial manner
- achieve successful outcomes to complaints that are agreed by all parties
- learn from mistakes using the information gained from complaints to help shape services and improve performance.

-What is a complaint?

A complaint is defined as an expression of dissatisfaction however made about the standard of service, actions, or lack of action by the association, its staff, or those acting on its behalf, affecting an individual resident, group of residents or stakeholder.

A tenant does not have to use the word 'complaint' for their concerns to be treated as one. Whenever a tenant expresses dissatisfaction, we will give them the choice to make a complaint.

Complaints can include the following: (this list is not exhaustive)

- Failure to provide a service at the standard expected
- Delay in answering a query or responding to a request
- Poor customer service from a staff member or contractor of the association
- Failure to fulfil statutory or contractual responsibilities.
- Failure to follow agreed policies or procedures

- Malice, bias, inequity, or discrimination

The following list shows some examples **that are not** covered by this policy.

- Complaints will not normally be considered where the matters complained about are the subject of ongoing legal proceedings. This exclusion will only apply to matters being considered as part of those proceedings. Any complaint about the Association's service or complaint handling that falls outside the matters before the court will still be considered under this policy.
- Requests for a service e.g. the first report of a repair
- Complaints about services not provided by the Association e.g. refuse collection, street cleansing etc
- Complaints about policies adopted by the Association where they are driven by law, the government or regulatory direction
- Complaints that have already been dealt with through the Association's formal complaints process
- Complaints about neighbour nuisance and anti-social behaviour (ASB). This is dealt with under a separate policy. However, it can become a complaint when it is a failure on the part of CHA's service or the way in which the case has been handled

We will consider each complaint on its own merits and will not apply these exclusions automatically. Where we decide not to accept a complaint, we will explain the reasons for our decision in writing, with reference to the relevant exclusion, and keep a record of the decision. We will also advise the tenant of their right to ask the Housing Ombudsman to consider whether our decision is reasonable.

Service requests

A service request is a request for Crosby to take action to put something right. This could include, for example, the first report of a repair or another issue that requires action from one of our services.

Service requests are not complaints. They will be recorded and managed through the relevant service area and monitored through our existing service and performance management arrangements.

If a tenant expresses dissatisfaction with our response to a service request, we will give them the choice to make a complaint. Where a complaint is made, we will

continue to take action to resolve the original service request while the complaint is being considered.

Complaints involving insurance claims

Where a complaint involves a matter that may also give rise to an insurance claim, we will consider whether there has been a service failure or fault by the Association before referring the tenant to pursue an insurance claim. The existence of an insurance claim, or the potential for one, will not in itself prevent us from considering a complaint about our actions, omissions or service.

Where appropriate, an insurance claim and a complaint may be considered separately. We will explain to the tenant which matters will be dealt with through the complaints process and which will be considered through the insurance process.

Who can complain?

A complaint can be made by anyone who is receiving, seeking or impacted by a service from the Association.

A representative may make a complaint or deal with a complaint on someone's behalf if they have their consent. See consent form at Appendix 2.

Complainants will also have the opportunity to be accompanied at any meeting with the Association, where this is reasonable.

Tenants may seek independent advice or support at any stage of the complaints process. Independent advice and advocacy may be available from organisations such as Citizens Advice, Shelter or other appropriate local or national support organisations. Where a tenant requires additional support to make or progress a complaint, we will provide information about relevant sources of support where appropriate.

Please note: *We will act on anonymous complaints, but by their nature we are unable to respond. Anonymous complaints will be included in reports to board.*

Complaints about services provided on our behalf

Where a service is provided on our behalf by a contractor or other third party, Crosby remains responsible for ensuring that complaints about that service are handled in line with this policy and the Housing Ombudsman's Complaint Handling Code. Tenants will not be required to go through a separate complaints process with the contractor or third party.

Making a Complaint

A complaint can be made using any of the contact methods provided by the Association. We will make reasonable adjustments where required to enable tenants to access the complaints process.

We will consider whether a tenant requires any reasonable adjustments or additional support to access and participate in the complaints process. We will ask tenants about any communication or support needs and agree appropriate adjustments with them wherever possible. Agreed reasonable adjustments will be recorded, communicated to relevant colleagues and kept under review throughout the complaint. We will take account of any known vulnerabilities or individual circumstances when considering how best to communicate with and support the tenant.

Complaints received through social media will be acknowledged and dealt with in line with this policy. However, to ensure confidentiality and privacy is maintained, communications in relation to the complaint will not be conducted in the public domain.

Using Artificial Intelligence (AI) to help make a complaint

We recognise that tenants may use Artificial Intelligence (AI) tools, such as ChatGPT or Copilot, to help write a complaint. Using AI will not affect your right to complain or how we consider your complaint.

If you use AI, please check that the information accurately reflects your own experience. AI-generated content can sometimes include incorrect information, assumptions or references to legislation or policies that do not apply.

Please keep your complaint as clear and concise as possible. Excessively long submissions, particularly where they contain information that is not relevant to the complaint, can take considerably longer to review and may make it more difficult to identify the issues you want us to investigate.

If anything is unclear, we will work with you to confirm what your complaint is about and the outcomes you are seeking.

Putting things right

Where we identify that something has gone wrong, we will take appropriate action to put things right. Any remedy will be proportionate to the circumstances of the individual complaint and the impact the failure has had on the tenant. This may include practical action to correct the issue, an apology, reimbursement of evidenced financial loss or financial compensation where appropriate.

When deciding on an appropriate remedy, we will consider what has gone wrong, the impact on the tenant and what action is needed to restore the tenant, as far as possible, to the position they would have been in had the failure not occurred. We will also consider whether action is needed to prevent the same issue happening again.

Our complaints process

We operate a two-stage complaints process in line with the Housing Ombudsman's Complaint Handling Code. If a tenant remains dissatisfied following our Stage 1 response, they can ask us to escalate their complaint to Stage 2. Tenants do not need to explain their reasons for requesting escalation.

Stage 2 is the final stage of Crosby's complaints process. If a tenant remains dissatisfied following our Stage 2 response, they can refer their complaint to the Housing Ombudsman.

Tenants can contact the Housing Ombudsman at any point during the complaints process for advice and support.

Housing Ombudsman Service PO Box 1484
Unit D
Preston
PR2 0ET

Telephone: 0300 111 3000 Fax: 020 7831 1942 Email:
info@housing-ombudsman.org.uk

As a heat network operator, we follow Ofgem's consumer protection rules to ensure clear information, fair billing and reliable service for residents. We aim to resolve complaints quickly and fairly. If a resident is not satisfied with our final response, they can take their complaint to the **Energy Ombudsman**, who provides independent support for heat network customers.

Unacceptable behaviour when pursuing complaints

We recognise that tenants may be frustrated or distressed when making a complaint. However, where the behaviour of a tenant or their representative is unacceptable, we may take proportionate action to manage how contact with us takes place.

Any decision to restrict contact will be based on the individual circumstances, with reasons clearly explained and recorded. Any restrictions will be proportionate, have regard to the Equality Act 2010 and any known vulnerabilities or reasonable adjustments, and will be kept under regular review. Restrictions will not be used to prevent a tenant from accessing the complaints process.

Any restrictions will not prevent a tenant from accessing or progressing through our complaints process.

Monitoring, Delivery and Performance

We will monitor complaint performance, outcomes, trends and learning and report these to the Board.

We will use learning from complaints to improve our services and will involve tenants in identifying opportunities for improvement where appropriate.

Legislation / Regulation

CHA is regulated by the Regulator of Social Housing and is a member of the Housing Ombudsman Scheme.

We will carry out an annual assessment against the Housing Ombudsman's complaint handling code. This will be available to view on our website.

Data Protection

The General Data Protection Regulation (GDPR) requires compliance with principles for processing personal data, including protecting against unauthorised access of personal data. Personal data that is inappropriately accessed or disclosed may constitute a data breach. The GDPR requires organisations to keep a record of all data breaches and, where the breach is likely to result in a risk to the rights and freedoms of individuals, the organisation must notify the ICO within 72 hours of becoming aware of the breach. If the data breach results in a high risk to the rights and freedoms of individuals, those individuals must be notified without undue delay.

Equality, Diversity & Inclusion

We are committed to ensuring our complaints process is fair, inclusive and accessible to all tenants and will have regard to our responsibilities under the Equality Act 2010.

Monitoring & Review

The HR & Governance Manager is responsible for implementing this policy. The policy will be reviewed every 3 years or sooner if required.

