Policy & Procedure for

CESSA HA Staff & Tenants

DOCUMENTS MAY BE PROVIDED IN ALTERNATIVE FORMAT ON REQUEST

T 01H - COMPLAINTS (CESSA HA SCHEMES)

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1. Policy

The Association attempts to manage its business so that complaints do not arise in the first place and looks to its on-site staff to act on or draw attention to problems before there is a need for a complaint to be made. Where a complaint does arise, it should be dealt with at the lowest level able to provide an answer or the redress sought.

This complaints policy applies to any individual using or directly affected by CESSA Housing Association's (the Association) services.

The Association provides a service for making complaints to:

- Give dissatisfied individuals a mechanism for seeking redress.
- Collect feedback to enable the Association to review its performance and continuously improve services.

The purpose of this complaints policy is to resolve complaints raised, whether by tenants, applicants or others ('people' hereafter) quickly and to use the learning from complaints to drive service improvements.

This policy is in line with the requirements of the Housing Ombudsman's Complaints Handling Code, which came into effect from 1 April 2024s. The Code ensures that complaint handling data is being used consistently across social landlords, promoting engagement at different levels within a landlord and sets out expectations for Boards, senior executives and frontline staff.

This policy also complies with the needs of the Heat Network Regulations that require the Organisation to signpost all tenants reporting an unresolved heat-related complaint to the Citizens Advice Bureau for advice. Should their complaint not be resolved to their satisfaction, they may also escalate this to the Energy Ombudsman 8 weeks after having raised it.

Definition of a Complaint

The Housing Ombudsman's complaint handling code 2024 states that a complaint is universally 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."*

Staff are trained to recognise the difference between a service request, survey feedback and a complaint. Staff are encouraged to take appropriate steps to resolve the issue for the person raising a concern as early as possible.

Service requests are not complaints but arise when staff are initially advised of a problem and are given the opportunity to put things right. These are recorded and monitored proactively. A

complaint will be raised if the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. Note that the term 'complaint' does not have to be used for it to be treated as such.

An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where the Association asks for wider feedback it will also provide details of how residents can complain.

Where someone remains dissatisfied with the Association's response to a service request, the matter will be treated as a complaint in accordance with this policy.

Policy Aims and Objectives

The Association will aim to resolve all service requests and complaints as quickly as possible. It wishes to ensure that all concerns are dealt with objectively and that it apologises where the Association is at fault. It will compensate people in line with policy H26 – Compensation Payments - where applicable.

Complaints submitted by external organisations, individuals who are not tenants, or representatives acting on behalf of a resident will be dealt with in accordance with this policy.

Where, following a service request, someone expresses dissatisfaction with the Association's response, they will be offered the opportunity to make a complaint at Stage 1. If they remain dissatisfied with the Stage 1 response, they may ask for their complaint to be escalated to Stage 2 review as outlined in Section '2' below.

CESSA HA will acknowledge, define and log all Stage 1 complaints, and all requests for escalation to Stage 2, within 5 working days of receipt. The acknowledgement at either stage will set out the Association's understanding of the complaint, the outcome(s) the person raising the complaint is seeking, and which aspects of the complaint the Association is, and is not, responsible for. Where any aspect of the complaint is unclear, the Association will ask for clarification. Complaint responses will be provided in writing at both Stage 1 and Stage 2.

If the Association decides not to accept a complaint, an explanation will be provided setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to either the Housing, or the Energy Ombudsman (for heat-related complaints only). If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may request that the complaint is accepted.

For all complaints, the person raising it will be told who is responsible for dealing with it and who will be their point of contact throughout. The Association's lead "Complaints Officer", with responsibility for overseeing complaint handling is the Director of Housing.

At each stage of the process complaint handlers and the Complaints Officer will ensure that:

a) The Association acts sensitively and fairly.
b) Staff are trained to receive complaints and deal with residents who may sometimes be distressed and upset.
c) Complaints are dealt on their merits and that staff act independently and with an open mind.
d) People raising a concern are given a fair chance to set out their position.
e) Measures are taken to address any actual or perceived conflict of interest.
f) All relevant information and evidence is considered carefully.

CESSA HA will not refuse to escalate a complaint through all stages of the complaints procedure unless there are valid reasons to do so set out in Section 2 below.

The Association will learn from mistakes and will publish on its website and provide tenants with information about its complaints policy and any complaints each year, including the number of complaints received, what they are about and their outcome.

The Association is mindful of its duties as outlined in The Equality Act 2010, to make reasonable adjustments for individuals with disabilities. It will make reasonable adjustments where necessary for those people with protected characteristics, to ensure that it provides the same services, as far as is possible, to people raising a concern regardless of their status under the Act. Details about reasonable adjustments are available in Annex C of this policy.

Where something has gone wrong, and taking account of the guidance issued by the relevant Ombudsman when deciding on appropriate remedies, the Association will acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These may include:

a) Apologising.
b) Acknowledging where things have gone wrong.
c) Providing an explanation, assistance or reasons.
d) Taking action if there has been a delay.
e) Reconsidering or changing a decision.
f) Amending a record or adding a correction or addendum.
g) Providing a financial remedy.
h) Changing policies, procedures or practices.

Any remedy offered will clearly set out what will happen and by when, in agreement with the person raising a concern where appropriate. It will reflect the impact on the person as a result of any fault identified and will be followed through to completion and will take account of the guidance issued by the Housing Ombudsman; and for heat-related complaints only, the Energy Ombudsman.

CESSA HA will also consider whether, and if so what service improvements can be made as a result of any learning from the complaint.

2. Procedure

How a service request or a complaint can be made

The Association wants to make this process as easy to access and understand as possible and therefore provides several ways for people wishing to raise a concern to do so:

Service Requests:

A service request is a request from a resident requiring the Association to take action to put something right. Examples include the initial report of a repair, a request for an adaptation, or the first report of an issue within a communal area. Service requests may be raised with the Scheme Manager or another member of staff through the Association's usual contact channels and will be recorded, monitored and reviewed.

Where an issue is reported for the first time and no dissatisfaction is expressed, the Association will normally treat the matter as a service request and will inform the person of the action to be taken and any relevant next steps.

Where a resident expresses dissatisfaction with the Association's response to a service request, including how it is being handled or its outcome, they will be offered the opportunity to make a Stage

1 complaint. The Association will continue to progress the service request while the complaint is being considered.

Complaints:

Complaints may be raised in the following ways:

- In person or in writing to any member of CESSA HA staff, including a Scheme Manager
- Email using housingenquiries@cessaha.co.uk (available for use 24/7).
- Telephone by calling 02392 829319 and leaving a message (available for use 24/7).
- In person by visiting Head Office: 1 Shakespeare Terrace, 126 High Street, Portsmouth, PO1 2RH. Available (except for Bank Holidays) weekdays 8am – 4pm ('til 3pm Fridays).
- In writing to Head Office at the above address.

The Association will apply the two-stage complaints procedure consistently to all complaints. Discretion will only be applied where permitted by this policy, including when considering whether to accept a complaint, the application of an exclusion, reasonable adjustments, or other reasonable circumstances. Any discretion will be applied fairly and appropriately.

The Association has two stages to its complaint procedure:

- **Stage 1** – investigation of the complaint:
    - Unless a complaint is about that member of staff, an investigation of the complaint will be carried out by the Tenant & Services Manager overseen by the Director of Housing, acting as the "Complaints Officer".
    - Complaints may be made through any of the channels set out above and residents are not required to complete a complaint form in order for their complaint to be accepted. The Tenants' Complaint Form at Annex A may be used where this is helpful to the person making the complaint, or by staff as an internal means of recording the complaint, the outcome being sought and any other relevant information. Where a complaint is made by telephone or in person, staff will record the relevant information and provide assistance where required.
    - The Tenant & Services Manager will ensure that the Stage 1 complaint is acknowledged in writing, defined and logged within 5 working days of receipt in accordance with the requirements set out above. A copy of the Privacy Notice at Annex B will also be provided.
    - The Tenant & Services Manager will thoroughly investigate all the circumstances surrounding the complaint and as part of their investigation, may arrange to meet the complainant.
    - The Association will issue a full Stage 1 response in writing within 10 working days of the complaint being acknowledged. Where, having considered the complexity of the complaint, an extension is required, the Association will inform the resident of the reason for the extension and the expected date of response. Any extension will be no more than a further 10 working days unless there is a valid reason. Where a response is expected to fall outside this extended timescale, the Association will agree with the resident suitable intervals for providing updates on the progress of their complaint.
    - Where a response is expected to fall outside this extended timescale, the Association will agree with the resident suitable intervals for providing updates on the progress of their complaint. The resident will also be provided with the relevant contact details for the Housing Ombudsman.

- Additional complaints raised during an investigation will be incorporated into the Stage 1 response if they are related and the Stage 1 response has not been issued. Where issued, or new issues are unrelated to those already being investigated, or it would unreasonably delay the response, the concerns raised will be logged as a new complaint.
- Complaint responses will be provided as soon as the answer to the complaint is known, addressing all points raised in the complaint definition and giving clear reasons for any decisions, referencing any relevant policies, law and good practice where appropriate. Any outstanding actions will be tracked and actioned promptly with appropriate updates provided to the person raising the concern.
- Someone raising a concern may be accompanied at any stage of the proceedings by one other person (see use of advocates).
- At the completion of Stage 1 the Association will confirm in writing:
  a) The complaint stage.
  b) The complaint definition.
  c) The decision on the complaint.
  d) The reasons for any decisions made.
  e) The details of any remedy offered to put things right.
  f) Details of any outstanding actions.
  g) Details of how to escalate the matter to Stage 2 if someone is dissatisfied with the response given.

If someone is not content with the outcome of their Stage 1 complaint they should:

- **Stage 2** - reviewing a Stage 1 decision:
  - Contact the Director of Housing (using the methods highlighted in 'How to make a Complaint' above).
  - Residents are encouraged to request escalation to Stage 2 within 10 working days of the date of the Stage 1 response. However, the Association will consider requests received outside this period where there are reasonable circumstances for doing so, including where a reasonable adjustment is required.
  - Requests for escalation to Stage 2 will be acknowledged in writing, defined and logged within 5 working days of receipt. Residents are not required to provide reasons for requesting escalation to Stage 2. As part of the Stage 2 consideration, the Association will make reasonable efforts to understand why the resident remains dissatisfied with the Stage 1 response
  - A Stage 2 response will be sent within 20 working days of complaint being acknowledged. Where, having considered the complexity of the complaint, an extension to the Stage 2 response timescale is required, the Association will inform the resident of the reason for the extension and the expected date of response. Any extension will be no more than a further 20 working days unless there is a valid reason. Where a response is expected to fall outside this extended timescale, the Association will agree with the resident suitable intervals for providing updates on the progress of their complaint. The resident will also be provided with the relevant contact details for the Housing Ombudsman.
  - The Director of Housing will examine all the facts concerning the complaint, which may include meeting with the person making it. Where appropriate, the decision will be reviewed in consultation with the Chief Executive Officer. Note that new complaints

raised as part of a request to escalate a complaint to Stage 2 will not be considered and instead will be referred back so that they may be raised at Stage 1 of the complaints process.

- The Stage 2 response will be provided when the answer to the complaint is known and will not be delayed until any outstanding actions required to address the issue have been completed. Any outstanding actions will continue to be tracked and actioned promptly, with appropriate updates provided to the resident until they are completed.
- At the completion of Stage 2, the Director of Housing will issue a written and final management decision that confirms:
  a) The complaint stage.
  b) The complaint definition.
  c) The decision on the complaint.
  d) The reasons for any decisions made.
  e) The details of any remedy offered to put things right.
  f) Details of any outstanding actions.
  g) Details of how to contact the Housing Ombudsman Service if the resident remains dissatisfied

The Association operates a two-stage complaints procedure in accordance with the Ombudsman's recommendations and there is no further internal appeal after the Stage 2 response. Where a resident remains dissatisfied, they may refer their complaint to the Housing Ombudsman Service. Details of how to access the Ombudsman will be provided at the same time as completion of the Stage 2 response.

Circumstances not covered by the complaints policy

The Association will not take a blanket approach to excluding complaints and will consider the individual circumstances of each case on its merits. Any exclusion will be applied fairly and reasonably in accordance with the Complaint Handling Code.

The Association reserves the right to refuse to deal with a complaint or complaints, or to deal with them differently, if they are pursued unreasonably or could be handled more effectively in a different manner. Additionally, a complaint will not be re-opened at someone's request if, after review by the Association, it is established that no new evidence relevant to the complaint has been provided.

The complaints policy does not apply where:

- The issue of the complaint occurred over twelve months ago. Where the problem is a recurring issue, the Association will consider any older reports as part of the background to the complaint if this will help to resolve the issue for the complainant.
- The matter has previously been considered under the complaints policy.
- Reports concerning the behaviour of a resident or visitor will be dealt with under Policy T2 – Anti-Social Behaviour. However, a complaint about the Association's handling of an anti-social behaviour report or case will be considered under this complaints policy.
- The issue is subject to legal proceedings that have commenced. For the purposes of this policy, legal proceedings are considered to have commenced where details of the claim are received, such as the Claim Form and Particulars of Claim having been filed at Court.
- A resident's behaviour is unreasonable, abusive or otherwise affects the Association's ability to investigate a complaint, the Association may take proportionate steps to manage that behaviour

or the means by which contact takes place. Reasonable efforts will nevertheless be made to understand and address the underlying complaint and, wherever possible, it will continue to be considered in accordance with this policy.

- Several related complaints are received that can reasonably and fairly be considered together, the Association may manage them as a coordinated investigation. Each complaint will be appropriately recorded and the applicable timescales within this policy will continue to apply, including the provisions relating to extensions where necessary.
- Complaints or grievances raised by Association employees in their capacity as employees about their employment will be dealt with under the grievance procedure within the Employees Handbook. This does not exclude complaints made by residents about the actions or conduct of Association staff, which will be considered under this complaints policy.

3. Further Information

The Housing Ombudsman Service

The Association aims to resolve complaints through its two stage complaints procedure. Where a resident remains dissatisfied following a stage 2 response, they may refer their complaint to the Housing Ombudsman Service. See below for details of how to contact the Energy Ombudsman Service if you remain dissatisfied with the outcome of a complaint about the provision of heat in your home, or if it remains unresolved 8 weeks after having first raised it.

The Association will cooperate with the Ombudsman's requests for evidence and provide this within 15 working days. If the Association is unable to provide a response to the Ombudsman within this timeframe, an explanation for the delay will be submitted by the Director of Housing. If accepted as reasonable, a revised date will be agreed with the Ombudsman.

Residents may contact the Housing Ombudsman Service at any point for advice or assistance about accessing the complaints process. Where a resident wishes the Ombudsman to investigate the substance of a complaint, the Association's two-stage complaints procedure will normally need to have been completed first. Residents should refer to the Housing Ombudsman Service for the current requirements and timescales for submitting a complaint for investigation. For a complaint to be raised with the Ombudsman, someone must be a tenant living in a property owned by the Association.

Complaints can be made online (preferred) to the Ombudsman at https://www.housing-ombudsman.org.uk/residents/make-a-complaint/

Contact details for the Housing Ombudsman Service are:

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

Tel: 0300 111 3000
9.00am – 5.00pm Monday, Tuesday, Wednesday and Friday
9.00am – 3.30pm Thursday

Web: www.housing-ombudsman.org.uk

The Energy Ombudsman Service

- If, after 8 weeks of having raised a complaint relating to the provision of heat in your home, you remain dissatisfied with the Association's response, you may escalate your concerns to the Energy Ombudsman. You can register your complaint to the Energy Ombudsman in the following ways: On their website – www.energyombudsman.org
- On the phone – Tel: 0330 440 1624
- By email to: enquiry@energyombudsman.org
- By letter to:

  Energy Ombudsman
  P.O. Box 966
  Warrington
  WA4 9DF

The use of advocates

People raising a concern may ask another person to act on their behalf in bringing their complaint to the Association's attention. This advocate may be a friend, relative or representative from an external organisation such as Citizens Advice or similar agency. An advocate may not be a solicitor or other legal professional unless they are acting in a 'lay' capacity i.e. not representing someone on a professional basis.

Tenant Petitions

A complaint made in the form of a petition on behalf of multiple tenants will be treated as one complaint. In this instance, all contact will be made via a nominated signatory.

Anonymous complaints

Anonymous complaints will not be acted upon; they will, however, be brought to the Tenant & Services Manager's attention for further investigation if deemed appropriate.

Compensation

The Association will consider the payment of compensation to a resident where its action or lack of appropriate action is demonstrated as having caused a personal financial loss or an unreasonable loss of a facility or normal service within its control. Residents who consider that they have a case for compensation should write in the first instance to the Tenant & Services Manager providing as much relevant information as possible.

Residents are reminded that they are responsible for arranging flat contents insurance on their own furniture and possessions against damage or loss. Failure to do so will not be accepted as a justification to claim on the Association unless it caused the loss. The Association's own insurance only covers the property, structure, machinery (e.g. lifts, boilers etc), communal equipment, employees and third-party liability.

Monitoring complaints

All complaints are kept under review for 3 months after which they will be closed, so long as there have been no further issues raised. The Association's complaints log is reviewed annually by its Housing Committee.

Confidentiality

All complaints are treated with confidentiality in mind and in line with the Data Protection Act 2018.

Equalities statement

The Association will treat people with fairness and respect. It values. protects and promotes diversity and works to advance equality and tackle unlawful discrimination.

Its approach to complaints promotes openness between people raising a concern and the Association's staff in order to understand and resolve the complaint in a positive manner. So far as is reasonable, when investigating complaints, it commits to fully considering an individual's needs and preferences and will offer support or tailor its approach where necessary.

Governance

The Association's complaints policy is designed to meet the requirements of the Regulator for Social Housing's (RSH) Transparency, Influence and Accountability Standard, and the Ombudsman's Complaints Handling Code 24.

The Association ensures complaints are used to help improve services by the use of complaint data alongside other management information on stock, services and resident feedback to provide greater insight.

To support a positive complaint handling culture, the Vice Chair of the Association's Committee of Management (COM) has lead responsibility for complaints. This person is referred to as the Member Responsible for Complaints ('the MRC') in the Code. They are responsible for ensuring that COM (via the Housing Committee) receive regular information on complaints, providing insight on the Association's complaint handling performance. The MRC has access to suitable information to carry out their duties in this regard and report on their findings. This will include:

a) Regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance.
b) Regular reviews of issues and trends arising from complaint handling.
c) Regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings.
d) The annual complaints performance and service improvement report.

Annually, any issues and trends arising from complaint handling, including discussion of the Ombudsman's yearly landlord performance report and the inclusion of any organisational learning is discussed by the COM and shared in the annual report.

Consideration of individual complaint outcomes where necessary, including findings of severe maladministration by the Ombudsman, or any referrals by it to regulatory bodies, including scrutiny of any subsequent procedural or organisational changes, will be reported.

In addition, annually the Association will confirm that the Complaint Handling Code is being applied and complete and submit a self-assessment against the Code to the Ombudsman.

Where a complaint involves a third party, e.g. a contractor, the Association may need to disclose some of the details about the complaint for it to be properly investigated. Any data shared will be done so in line with the Data Protection Act 2018.

The Association is registered with the Housing Ombudsman Service; this service provides individuals with an independent review should they remain dissatisfied at the end of the complaints process. Contact details can be found on the website at www.cessaha.co.uk.

Any Related Documents

Policy E1 – Equality and Diversity, H26 – Compensation, T2 – Anti-Social Behaviour

Distribution

Tenant Policy Folder, the Board; Housing Committee; all full time HA staff; File.

Annexes

A. Complaint form.

B. Privacy Notice (to be given to the tenant at Stage 1 of the Complaint Process).

C. Details of reasonable adjustments

Privacy Notice (to be given to the tenant at Stage 1 of the Complaint Process)

It is almost inevitable that, in making a complaint in accordance with the policy above, you have voluntarily provided some personal data. In order to address your complaint, it may well be that the investigation will require more personal details to be sought, either from you or other relevant sources. The legal basis for processing your complaint and any further data is because the Association has a legitimate interest in doing so. Therefore, in accordance with the Data Protection Act 2018, it is worth providing you with this Privacy Statement to explain how the Association will process any such data collected.

CESSA HA will be the Data Controller and will carefully record and securely retain any data collected in order to deal with your complaint. It will only be used for this purpose and only shared with those involved with responding to your complaint in accordance with this policy. The details will be kept for the duration of your tenancy and will only be processed again/further if relevant to any further issues that arise. There will be no other effects on you, except in the unlikely circumstance that it is discovered that your complaint has been made maliciously.

Reasonable Adjustments for Complaints Handling

When considering complaints from people with protected characteristics, the Association will make reasonable adjustments where necessary. This is to minimise barriers that such people might face so that those with disabilities have the same access to complaints services, as far as is possible, as those who do not.

How what is a reasonable adjustment is decided

The Equality Act 2010 does not define what is 'reasonable', but guidance from the Equality and Human Rights Commission suggests that the most relevant factors are:

- The effectiveness of the adjustment(s) in preventing or reducing the disadvantage for the disabled person.
- The practicality of making the adjustments.
- The availability of resources including external assistance and finance.
- Any disruption to the service that making the adjustment may cause.

The Association will monitor the reasonable adjustments made by recording it in the complaints data, which is reported three times a year to its Housing Committee.

How these objectives will be met

The Association will do this by:

- Ensuring that no resident, member of staff, consultant, contractor or supplier is discriminated against.
- Ensuring that complaints services are accessible, and appropriately tailored (with reasonable adjustments where necessary) to the individual needs of residents.
- Developing and delivering complaints practices that will provide genuine equal opportunities for all.
- Having in place and monitoring a complaints procedure that is responsive to the needs of tenants with a protected characteristic.
- Promoting diverse tenant participation in key decision-making and service improvement.
- For people protected by The Equality Act 2010, allowing more time than would usually be allowed for them to provide any information needed to resolve their complaint and/or respond to enquiries and other queries.
- Providing specialist support where required, such as a sign language interpreter.

Requesting reasonable adjustments

People will be informed that reasonable adjustments can be provided when dealing with complaints in the following ways:

- By publishing this Complaints policy on the Association's website.
- By including a note on the Complaints policy indicating that the document can be provided in an alternative format on request.
- By regularly advising residents of the policy in the annual Tenant's Annual Report and other communication with them such as newsletters.