

**Worcestershire YMCA**

**Housing Complaints Policy**

**Draft – October 2020**

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| **POLICY TITLE** | **COMPLAINTS POLICY** |
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| Amended By | Alan Moorhouse |
| Date Policy Uploaded to Framework |  |

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| 1. **INTRODUCTION** |
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| This Policy sets out how YMCA Worcestershire will handle complaints to ensure that there is a fair and consistent approach and that feedback is utilised to deliver continuous improvements in our service delivery.  A key element in improving services is through an effective complaints policy; one that is easily accessible, open, flexible and outcome based. |
| 1. **PURPOSE STATEMENT** |
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| YMCA Worcestershire is committed to providing a high-quality service for its customers and working in an open and accountable way that builds trust and respect. We strive to deliver excellent services but know that sometimes things go wrong. We will ensure that it is easy to make a complaint and our approach is clearly set out.  We will listen to what has happened and aim to respond positively, and effectively, to complaints. We will put mistakes right when things have gone wrong and ensure we learn from these situations to improve our services. As part of handling complaints, we will promote open and transparent use of information to assess performance and risks. |
| 1. **LEGAL AND REGULATORY FRAMEWORK** |
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| This Policy is designed to comply with our legal and regulatory responsibilities.  This Policy has been written in line with the Housing Ombudsman’s Complaint Handling Code published in July 2020.  This Policy falls within the Tenant Involvement and Empowerment Standard that features in the RSH Regulatory Framework.  It states Housing Associations should:   * treat all customers with fairness and respect; * inform our customers about how they can access services and the standards of service they can expect; and * have an approach to complaints that is clear, simple and accessible that ensures that complaints are resolved promptly, politely and fairly.   The Data Protection Act 2018 and General Data Protection Regulation set out how we handle personal data.  The Equality Act 2010 requires us to safeguard those with a protected characteristic from direct and indirect discrimination and make reasonable adjustments to ensure an equality of access for all.  The Care Act 2015, Mental Capacity Act 2005, and Criminal Justice Act 2003 place additional duties on us to work with relevant agencies to protect vulnerable customers. |
| 1. **HOUSING OMBUDSMAN SERVICE** |
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| 4.1 The Complaint Handling Code issued by the Housing Ombudsman supports the regulatory approach to complaints ensuring that our approach to complaints is clear simple and accessible and ensures that complaints are resolved promptly, politely and fairly. Where things have gone wrong we will have processes in place that are designed to resolve complaints effectively. We recognise that putting things right is the first step to repairing and rebuilding the relationship with our residents. We will carefully manage expectations and not promise anything that cannot be delivered or would cause unfairness to residents.  4.2 We will provide contact information for the Ombudsman (see 4.3) as part of our regular correspondence with residents. We will also provide early advice to residents regarding their right to access the Housing Ombudsman Service, not only at the point they have exhausted the landlord’s complaints process. The Housing Ombudsman Service can assist residents throughout the life of a complaint. This affords the resident the opportunity to engage with the Ombudsman’s dispute support advisors.  4.3 Housing Ombudsman Service  Exchange Tower, Harbour Exchange Square, Isle of Dogs, London E14 9GE  Telephone Contact: 0300 111 3000   |  | | --- | | 1. **OUR CUSTOMERS** |   We define our customers in relation to this Policy as:   * Anyone who has a legal relationship with YMCA Worcestershire such as residents or people living in our homes; and * Applicants for our homes   We will also consider complaints from people who are acting on behalf of our customers if they have given permission for us to do this, such as Councillors.   |  | | --- | | 1. **POLICY STATEMENT** |   **Complaints**   |  |  | | --- | --- | | 6.1 | We will seek to investigate and resolve complaints at the earliest opportunity. If we have made a mistake, we will aim to put things right effectively and as quickly as possible. We will act promptly, working with customers to explain what is happening and understand their perspective. We will endeavour to make sure we are in full knowledge of the facts before making a decision. | | 6.2 | We see complaints as an opportunity to identify what went wrong and why. We will ensure we deliver our responsibility as a landlord by taking appropriate steps to remedy a service failure. We will seek to find a fair and reasonable solution to the complaint. We are committed to learning from issues raised and improving our services using this information. | | 6.3 | We will make sure that it is easy to make a complaint and offer a range of ways for all customers to do so. | | 6.4 | We will ensure our handling of complaints is fair and reasonable, complies with equality legislation and within published timescales. We will seek to identify customers who are vulnerable. |   **What is a Complaint?**  6.5 A complaint is regarded 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.  **What is not a Complaint?**  6.6 There are certain subject areas that we would not consider as a complaint, these include:   * requests for service * reports of anti-social behaviour – these are covered by YMCA Worcestershire’s Anti-Social Behaviour Policy * complaints regarding the conduct of colleagues - these are investigated in line with our HR Policies * complaints from providers of services to YMCA Worcestershire - contractual arrangements will apply in such cases * cases where a legal claim is made by, or against, YMCA Worcestershire, including disrepair cases and insurance claims - these will be dealt with through our legal and insurance processes * cases where a customer is taking a matter to court, or the matter is being dealt with by another statutory agency that has the power to resolve the complaint; and * complaints reported to us more than 12 months after the incident or issue occurred apart from exceptional circumstances.   6.7 If we decide not to accept a complaint for one of the criteria stated above, we will provide the resident with a detailed explanation setting out the reasons why the matter is not suitable for the complaints process. A resident has the right to challenge this decision by bringing their complaint to the Ombudsman.  **Who can make a Complaint?**  6.8 We will accept complaints from our customers or anyone who has a clear link to us, such as using a service we provide. Where a customer asks a third party to act on their behalf, we will ask for appropriate permissions from the customer before we will do this.  **Complaints Process**  6.9 We operate a two-stage complaints process as detailed below. We aim to resolve complaints at the earliest opportunity but also have the opportunity for an independent review if the customer is unhappy with our initial response. The review will always be carried out by a colleague in a more senior post than the previous colleague responding.  6.10 Complaints can be made easily in a number of different ways including by letter, telephone, social media, in person, by email, text, and online through our company website.  6.11 We are committed to protecting and respecting customer information and will treat information received in any format in accordance with the Data Protection Act 2018 and General Data Protection Regulation.  6.12 Complaints can also be made by one or more of our customers, or by a person representing or making a complaint on our customers’ behalf.  6.13 Our Complaints Policy will be made available in a clear and accessible format on the YMCA Worcestershire website and will be available to be downloaded or on request. The policy and process will also be publicised in leaflets and newsletters and as part of our regular correspondence with residents.    6.14 We will investigate a complaint thoroughly, identify any failings, seek an agreeable resolution that is appropriate and proportionate to the situation and learn from the complaint to improve services.  6.15 Financial compensation will be considered in line with our compensation guidelines.  6.16 We will keep full records of our complaints investigations to enable clarity and effective review in line with our retention guidelines/schedule.  6.17 We will contact the customer to discuss their concerns and notify them of the outcome of the investigation and proposed resolution. If the investigation identifies that there has been no service failure, we will provide a clear explanation of our findings and decision to not uphold the complaint.  6.18 If the customer is unhappy with the outcome of the investigation, they can request a review of their complaint **(Stage 2)**. For example, the customer may believe that an important piece of information was missed out or misunderstood and feel this would change the outcome. We will ask the customer to outline what they feel is outstanding and how they think we could put the situation right. Any new issues raised at this stage will be treated as a new complaint and investigated in line with this Policy.  **Complaint Stages**  **Logging Complaint and Acknowledgement**  All complaints received by YMCA Worcestershire through any communication channel will be logged and acknowledged within 5 working days.  **Informal Stage**  With the customer’s consent we should always aim to resolve the complaint by putting things right as quickly as possible. We recognise that some residents may not wish to follow a formal process and just want the issue resolved. This stage will not obstruct access to the complaints process or result in any unreasonable delay.  **Stage 1 – Investigating Complaints**  If a service user prefers a more detailed investigation into their problem or if we are unable to resolve it to their satisfaction, then the customer can request that their complaint is investigated under this stage of our complaints process.    If a complaint is considered particularly serious or sensitive and requires the immediate attention of the Chief Executive, this will be dealt with immediately under this stage of our process.  This stage of the process will involve a full investigation of the complaint by a Senior Manager with the outcome of the investigation and the agreed resolution set out in writing within 10 working days.  **Stage 2 – Reviewing Complaints**  If a customer believes that the investigation has failed to fully address their complaint, they may request a review of the case and the subsequent decision. This request should set out why the complaint (and decision) has not been considered fully and what they believe we can do to resolve the problem.  This will be carried out by a panel comprising 3 members:   * Chief Executive (or a designated senior manager not directly involved with the complaint) * Two members of the Board of Trustees.   If the Chief Executive has already been involved with the complaint then the panel will be made up of three trustees.  They will review the complaint to ensure that it has been conducted appropriately, that the complaint has been dealt with fairly, that there has been a concerted effort to put things right and there has been learning from the complaint. The outcome from this review will be set out in writing within 20 working days.  In exceptional circumstances due to the complexity of the complaint or availability of the complainant, it may be necessary to extend the period to set out the outcome from the reviews at Stage 1 or Stage 2. At both stages, every attempt will be made to agree the extension period with the customer up to a maximum of 10 days.  **Referring Complaints to Housing Ombudsman**  6.19 Stage 2 is the last internal stage of the Complaints Policy. If the resident is still not satisfied with the outcome, they will be advised to contact the Housing Ombudsman.  6.20 We will cooperate with the Ombudsman’s requests for evidence and provide this  within 15 working days. If a response cannot be provided within this timeframe, we will provide the Ombudsman with an explanation for the delay. If the Ombudsman considers that the explanation is reasonable, the Ombudsman will agree a revised date.  **Complaints Officer**  6.21 A designated Complaints Officer has been appointed to ensure that complaints handling works well and to engage effectively with our customers and the Ombudsman as required.  The Complaints Officer will:  - Be able to act sensitively and fairly  - Be competent, empathic and efficient in dealing with complaints  - Be trained to receive complaints and deal with distressed and upset residents  - Have access to staff at all levels to facilitate quick resolution of complaints  - Have authority and autonomy to act to resolve disputes quickly and fairly.  **Data Protection and Confidentiality**  6.22 We are committed to safeguarding the rights of our customers to confidentiality and privacy. All YMCA Worcestershire colleagues are required to maintain a duty of care towards information regarding customers and applicants, in line with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR).   |  | | --- | | 1. **PERFORMANCE MEASURES** |   7.1 We will specifically monitor and seek to improve performance for the following indicators:  1. Number of complaints by stage, service area and theme  2. Number of learning opportunities identified and acted upon  3. Satisfaction with complaints handling  4. Percentage of complaints resolved at each stage  5. Number of complaints dealt with on time  6. Number of complaints upheld and at which stage  7. Number of complaints that we refused to escalate (with reasons)  The performance information will be reported to the Senior Management Team and to the Board of Trustees on a six-monthly basis.  7.2 The Complaint Handling Code requires a landlord to share its learning with residents, including a specific requirement to include any organisational learning in its Annual Report. This information will be included in future Annual Reports.   |  | | --- | | 1. **MONITORING** |   8.1 This Policy will be regularly monitored by the Adult and Communities Managers to ensure that the procedures have been implemented effectively and to agree any remedial action or revisions.   |  | | --- | |  | | 1. **REVI**E**W** | |  | | 9.1 The Head of Adult & Communities and the Service Development Manager will review the Complaints Policy and Procedures annually to ensure that it meets the requirements of the Housing Ombudsman Complaints Handling Code.  9.2 A fundamental review of the Policy will take place every three years and will take into account any further changes in regulation, statutory guidance and best practice. Any significant changes will be approved by Senior Management Team and the Board of Trustees. | |
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| 1. **APPROVAL** |
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| This Policy was presented to the YMCA Worcestershire Board of Trustees and approved on Monday 23rd November 2020. |