

Resolving Complaints Policy

1. Purpose

- 1.1. Falcon Housing Association C.I.C (FHA) aims to provide a positive customer experience; however, we acknowledge that sometimes things go wrong, and residents complain. When this happens, we aim to be as helpful as possible and provide a process which is simple and easy to follow.
- 1.2. FHA take all complaints about our service seriously because they make it clear to us where we need to improve. We work hard to resolve them quickly and fairly and use them as opportunities to learn and improve the service we deliver.
- 1.3. This policy sets out how FHA will manage and resolve customer complaints.

2. What is a complaint?

- 2.1. The Housing Ombudsman Service's definition of a complaint is "*an expression of dissatisfaction, however made, about the standard of service, actions or lack by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents,*" Examples of complaints and or concerns are:
 - Where we have failed to provide a service, or there has been a delay in providing this against our published service standard.
 - Where we have failed to follow our policies and procedures or have been unfair or inconsistent in applying them.
 - Where we have failed to keep a customer informed through lack of or insufficient information with regards to their chosen service enquiry.
 - Where there has been inappropriate behaviour, or a poor attitude demonstrated from any member of staff when dealing with the service enquiry.
 - If a customer is in any way unhappy about how we have delivered a service.
 - A complaint can be made by anyone who is entitled to receive a service from FHA or is affected by that service provision.
- 2.2. Customers do not have to use the word complaint for it to be treated as such and we recognise the difference between a service request, survey feedback and a complaint and will take appropriate steps to resolve the issue for customers as early as possible.
- 2.3. Chasers on a service request, such as a missed appointment, can often be resolved 'there and then' with an apology and the provision of another appointment and may not need to enter the complaints system. However, if further enquiries are needed to resolve the matter, or if the resident requests it, the issue must be logged as a complaint.
- 2.4. Survey feedback may not necessarily need to be treated as a complaint, though, where possible, the person completing the survey should be made aware of how they can pursue their dissatisfaction as a complaint if they wish to.
- 2.5. FHA seek to deal with cases of anti-social behaviour (ASB) as efficiently and effectively as possible, in line with legislation, regulations and the FHA ASB Policy. Where a resident does not feel that a report of ASB has been dealt with appropriately or effectively, they can make a complaint under this policy.

- 2.6. FHA is committed to the principles of equality and diversity in service delivery and seeks to adhere to the provisions of the Equality Act 2010. In line with the legislation and the FHA Equality and Diversity Policy, we are committed to ensuring that reasonable adjustments to policies, procedures and processes will be made to assist residents in overcoming disadvantages of their impairment. To discharge these responsibilities, the wrap around care that is provided to our residents who are all vulnerable adults, is tailored to meet their specific needs. In addition, the FHA web site includes an accessibility tool and tenancy sign up packs can be provided in a range of formats to aid residents. Where residents feel reasonable adjustments have not been made, they can make a complaint under this policy, where the matter will be dealt with by a complaints handler who is trained to deal with such requests
- 2.7. A complaint is about service failure. If there is no evidence of a service failure it will not be dealt with as a complaint.

3. Exclusions

- 3.1 FHA will accept all complaints unless there is a valid reason not to do so, which must be fair and reasonable to residents. For example:
- Normally a complaint must be received by FHA within 6 months of the issue taking place or the tenant finding out they have a reason to complain. However, due consideration will be given to extending these timelines where it is fair and reasonable. For example where there are matters of safeguarding or health and safety. If a customer feels that the time limit should not apply, they will need to tell us why, to enable a decision to be made.
 - If legal proceedings have been started and resulted in a Claim Form and Particulars of Claim being filed at court, then consideration of a complaint will be suspended pending the outcome of the legal action. However, this will not preclude FHA from taking appropriate action, to remedy any deficiencies that may cause harm e.g., a case of damp or mould.
 - If a complaint has previously been considered under the complaints policy.
- 3.2 If FHA decides not to accept a complaint, a detailed explanation will be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may instruct FHA to take on the complaint.

4. Who can make a complaint?

- 4.1. This policy applies to all customers of FHA.
- 4.2. FHA view customers as:
- Tenants living in our homes
 - Their families, informal and formal carers and visitors
 - Stakeholders
 - Advocates
 - Anybody using our service(s)

5. How can a customer make a complaint?

5.1. FHA encourage complainants to initially contact the member of staff dealing with the delivery of the service, to allow them to resolve the matter quickly where possible.

5.2. Customers can also make complaints in the following ways:

- Email: hello@falconha.org which is detailed on our web site: www.falconha.org
- Email: with any member of the FHA team
- In person: with any member of staff
- By phone: with any member of staff
- By Letter: Office 3.30, 3rd Floor, 2 Lighthouse View, Spectrum Business Park, Seaham, Co Durham, SR7 7PR
- Via social media* <https://www.facebook.com/falconhousing>

*Raising concerns or complaints via social media. If a customer raises a concern or complaint via FHA social media feeds, this will be acknowledged with a responding tweet or post, and request for further discussions to take place offline. The customer will be given the option to contact FHA by providing their contact details via a direct message on the social media platform being used, where a member of the FHA team will communicate directly.

5.3. The FHA Compliance Analyst and Data Manager is the nominated Complaints Officer, who is responsible for overseeing all complaints and ensuring that the Ombudsman's Complaint Handling Code is complied with.

5.4. A copy of the FHA Complaints Policy, the Ombudsman's Complaint Handling Code and the Housing Ombudsman Scheme can be found:

- In our office(s)
- Online www.falconha.org
- Within the new tenant sign up pack
- If requested from a member of staff

5.5. To publicise the FHA Complaints Policy, the Ombudsman's Complaint Handling Code and the Housing Ombudsman Scheme, information will be posted on information boards at all schemes, highlighted in resident newsletters and correspondence. This is in addition to the help and advice section of the FHA web site www.falconha.org. All information will be available in accessible formats tailored to the needs of our residents.

5.6. If a resident needs help to make a complaint, they can ask a family member, friend, carer or advocate to help. We will request confirmation that the complainant is comfortable with a ^{third} party dealing with the complaint on their behalf at onset. This can either be in writing from the complainant or alternatively we will write to the complainant asking them for confirmation or the option to refute it. This will be completed in a timely manner to ensure there are no unreasonable delays. All correspondence will be kept as part of the complaint audit trail.

6. Complaints Handling Principals

6.1. FHA encourages the early and local resolution of issues between landlords and residents and recognises that there may be times appropriate action can be agreed immediately. Any decision to try and resolve a concern will be taken in agreement with

the resident and FHA's audit trail/records will be able to demonstrate this.

- 6.2. FHA will ensure that efforts to resolve a resident's concerns do not obstruct access to the complaints procedure or result in any unreasonable delay.
- 6.3. FHA requires any contractor that provides services on our behalf to comply with this policy by:
 - Recording and responding to customers' feedback within the stated timescales.
 - Providing us with any information relating to a complaint when requested.
 - Assisting FHA with complaints investigations as appropriate.

7. Complaint Process

- 7.1. We recognise that our complaints process should be easy to understand and use. We have therefore adopted a two stage complaints process, as recommended by the Housing Ombudsman.
- 7.2. Complaints should be made within 6 months or as close as possible to the time the issue arose. However, due consideration will be given to extending these timelines where it is fair and reasonable. For example where there are matters of safeguarding or health and safety.
- 7.3. **Stage 1** - When a complaint is made, it will be acknowledged and logged at stage 1 of the complaints procedure **within 5 days of receipt**. The details of the complaint will be passed to the relevant member of staff and/or manager to investigate and resolve. They will then contact the complainant to discuss the complaint and ask how they would like it to be dealt with and resolved. Wherever possible, we will try to resolve the problem immediately. At the very least, we will aim to send a full response **within 10 working days**.
- 7.4. If an extension beyond 10 working days is required to enable a more detailed investigation, this will be communicated, and we will seek agreement with the complainant.
- 7.5. A complaint response will be sent to the resident as soon as the answer to the complaint is known. Any actions that remain outstanding will be tracked and actioned expeditiously with regular updates provided to the resident.
- 7.6. At the completion of Stage 1, FHA will confirm the following in writing to the resident in clear, plain language:
 - 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 2 if the resident is not satisfied with the response

- 7.7. Where additional complaints are raised during the investigation, these will, where possible be incorporated into the Stage 1 response if they are relevant and the Stage 1 response has not been issued. Where the Stage 1 response has been issued, or it would unreasonably delay the response, the additional complaint will be logged as a new complaint.
- 7.8. On receipt of an escalation request, which should be raised **within 10 days**, FHA will set out our understanding of issues outstanding and the outcomes the resident is seeking. If any aspect of the complaint is unclear, the resident must provide clarification.
- 7.9. FHA will not unreasonably refuse to escalate a complaint and will provide clear and valid reasons (as detailed in section 3 of this policy) where a request to escalate is not agreed. The timescales for a resident to request escalation of a complaint is 10 days from receipt of our response, although we will consider extending timelines where there are reasonable grounds. FHA's response to an escalation request will be provided within 10 working days of being informed of the escalation.
- 7.10. **Stage 2** - If all or part of the complaint is not resolved to the resident's satisfaction at stage 1 the complaint will be progressed to stage 2 unless an exclusion as detailed in section 3 applies.
- 7.11. FHA will only escalate a complaint to stage 2 once we have completed stage 1 and at the request of the resident. The person considering the complaint at stage 2, will not be the same person that considered the complaint at stage 1.
- 7.12. FHA will respond to the stage 2 complaint **within 20 working days** of the complaint being escalated. Exceptionally, FHA may provide an explanation to the resident containing a clear timeframe for when the response will be received. This will not normally exceed a further 10 days without good reason.
- 7.13. If an extension beyond 10 working days is required to enable FHA to respond to the complaint fully, this will be agreed by both parties. Where agreement over an extension period cannot be reached, FHA will provide the Housing Ombudsman's contact details so the resident can challenge the plan for responding and/or the proposed timeliness of a response.
- 7.14. FHA will confirm the following in writing to the resident at the completion of stage 2 in clear, plain language and in accessible formats where requested:
- 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 the Housing Ombudsman Service if the resident remains dissatisfied.

8. Communicating with our Customers

- 8.1 We will keep our customers / their advocates / personal representatives regularly

updated and informed even where there is no new information to provide. At the completion of each stage of the complaints process we will write to the customer / their personal representative / advocate, advising them of the following details.

- The complaint stage reached
- The outcome of the complaint
- The reasons for any decisions made
- Details of any outstanding actions
- Details of how to escalate the matter if they remain dissatisfied

9. Independence and Confidentiality

9.1 All complaints, will be recorded on a central register, overseen, and monitored by the Compliance Analyst and Data Manager who is the company's competent person and reports directly to the Chief Executive.

9.2 Any complaint(s) relating directly to a member of the Leadership Team, will follow the two stage complaints process and be referred to and investigated by a member of the Leadership Team not mentioned in the complaint, as nominated by the Chief Executive.

9.3 A customer has the right to contact the Housing Ombudsman Service at any stage throughout the FHA complaints process, or if they wish to escalate their complaint further after completing the FHA process.

9.4 All complaints will be treated fairly and in the strictest confidence.

10. How will we learn from complaints?

10.1 A complaint is seen as an opportunity to learn about how we can improve our service. We therefore want to learn from every complaint, irrespective of the nature, and to capture and share the things that we learn so that improvements can be made where appropriate.

10.2 In order to do this, we will:

- Record and monitor every complaint including details such as what the complaint was about, how it was resolved, how quickly it was resolved.
- Implement a lesson learnt action plan following the closure of a complaint, to ensure that changes in our services are embedded to avoid future complaints of a similar nature.
- Our Leadership Team will carry out bi-monthly reviews of all complaints, to appraise and look at how / if we can improve our handling of complaints and the services we provide.
- Our Board will receive a quarterly summary of complaints.
- Survey tenants to measure their satisfaction with the way their complaint investigation was handled.

11. Staff Training and Development

11.1 All staff within the organisation will be briefed on this policy and its application to their work. Any training needs will be identified and addressed as part of embedding the policy into current housing practice and procedures.

11.2. FHA will continually strive to provide excellent customer services to our residents, partners and wider customers. Managers will undertake regular 1:2:1 reviews with their teams, to review performance and any training and development needs will be identified and implemented.

12. Housing Ombudsman Service

12.1. The Housing Ombudsman Service normally investigate a complaint after an organisation's internal complaints process is exhausted, however, the Housing Ombudsman Service has the discretion to take on a complaint if there is reason to believe a registered provider is causing unnecessary delay in handling it.

12.2. The Housing Ombudsman Service is contactable via:

- *Tel 0300 111 3000 - 9.15am-5.15pm: Monday to Friday*
- *Email info@housing-ombudsman.org.uk*
- *www.housing-ombudsman.org.uk*
- *Housing Ombudsman Service, PO Box 152, Liverpool, L33 7WQ.*

13. Compensation

13.1. Once a complaint has been investigated it may be appropriate to offer service recovery and/or discretionary compensation.

13.2. In awarding compensation, FHA will consider the extent of any service failures and the level of detriment caused to the resident as a result. This will consider whether any statutory payments are due, if any quantifiable losses have been incurred, the time and trouble a resident has been put to, as well as any distress and inconvenience caused.

13.3. In response to the complaint, we will write to the customer informing them why we are offering compensation and clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed will be followed through to completion.

13.4. Residents should be aware that they are able to pursue a complaint regardless of acceptance of a compensation offer.

14. Unacceptable Behaviour / Unreasonable Complaints and / or Persistence

14.1. FHA believe that all customers have a right to be heard, understood and respected, we also believe that staff have these same rights. FHA expect our customers to be polite and well-mannered when contacting us. We do not tolerate aggressive or abusive (challenging) behaviour, from residents or from FHA employees.

14.2. If customers are unnecessarily aggressive or abusive, we reserve the right to refuse to deal with the complaint and will consider further action, where required, to protect our staff from unacceptable behaviour.

14.3. Where possible we will give the customer time to change their behaviour before implementing any contact restrictions.

14.4. A very small number of complaints may be unreasonable because of the way or

frequency that complaints are raised with staff, or how complainants respond when they receive feedback about the complaint. These may include tenants who make frequent complaints which are not valid; who persistently make the same complaint; who request a complaint to be escalated when we have fully responded to all points; or are seeking an unreasonable or unrealistic outcome. In these circumstances we reserve the right to refuse to deal with the complaint.

- 14.5. Some complainants will not or cannot accept that FHA is unable to assist them further or provide a service or level of service other than that already provided. Some complainants may persist in disagreeing with the actions or decisions taken about their complaint or contact the office persistently about the same issue. In these circumstances, we reserve the right to refuse to deal with complaints that are pursued unreasonably or in an aggressive or abusive manner.
- 14.6. Where FHA employees have been found to be unreasonable, aggressive or abusive (challenging) behaviour to residents, they will be subject to disciplinary procedures in accordance with relevant company HR procedures and policies.

15. Compliments

- 15.1 Compliments provide valuable positive customer feedback, enable FHA to develop services and raise staff moral and motivation. We share compliments across the association to learn from best practice.

16. Recording

- 16.1. Administration with regards to the complaints will be handled by the designated staff lead and overseen, and monitored by the Compliance Analyst and Data Manager, who is the company's competent person. This includes ensuring all correspondence / information is stored within the complaint database file.
- 16.2. To minimise reoccurring complaints of the same nature, the staff lead will ensure that any lessons learnt are captured within the complaints database and shared within the association as appropriate.
- 16.3. FHA will report annually to Board on all aspects of complaints handling performance.

17. Self-assessment and Compliance

- 17.1. FHA will carry out an annual self-assessment against the Housing Ombudsman Complaint Handling Code to ensure the handling of all complaints remains in line with all Housing Ombudsman requirements. In addition to the annual review, FHA will carry out a self-assessment following any significant changes that may affect the complaints process.

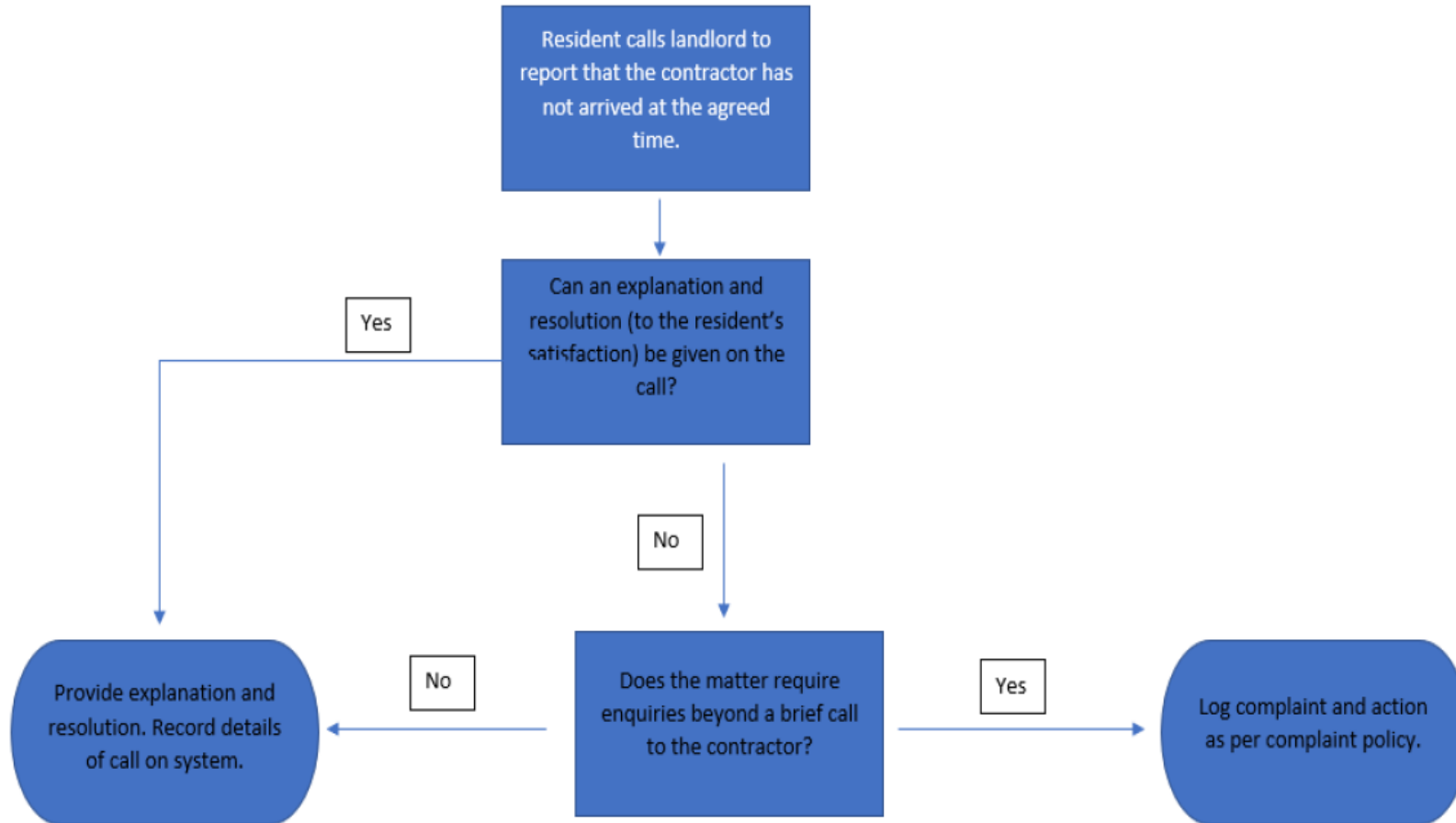
18. Policy Review

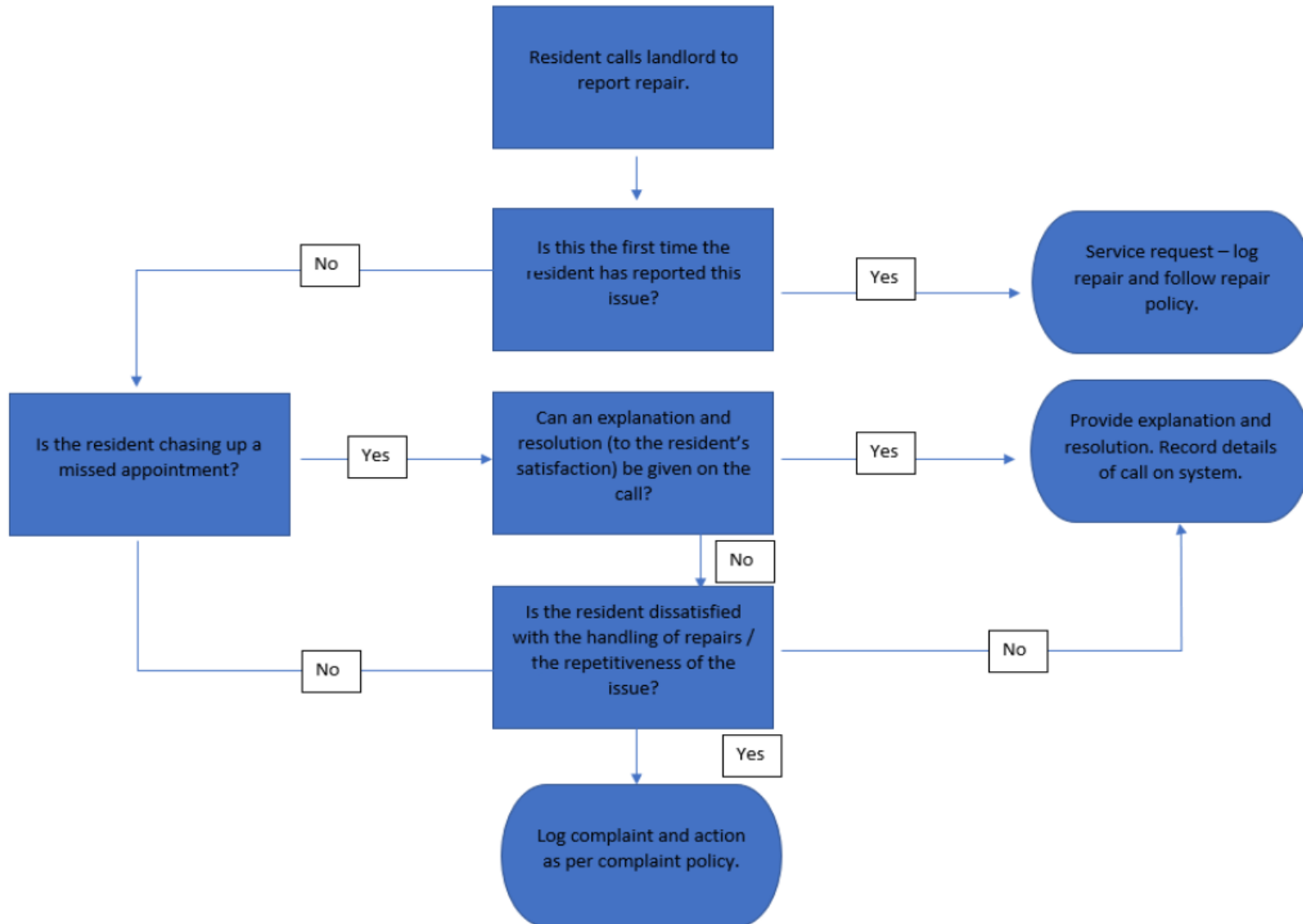
- 18.1. The contents of this policy have been reviewed and benchmarked against recommendations within the Housing Ombudsman Services' Complaint Handling Code (March 2022) and should be read alongside the related documents listed in this document.
- 18.2. This policy will be reviewed annually. In addition, FHA will carry out a self-assessment

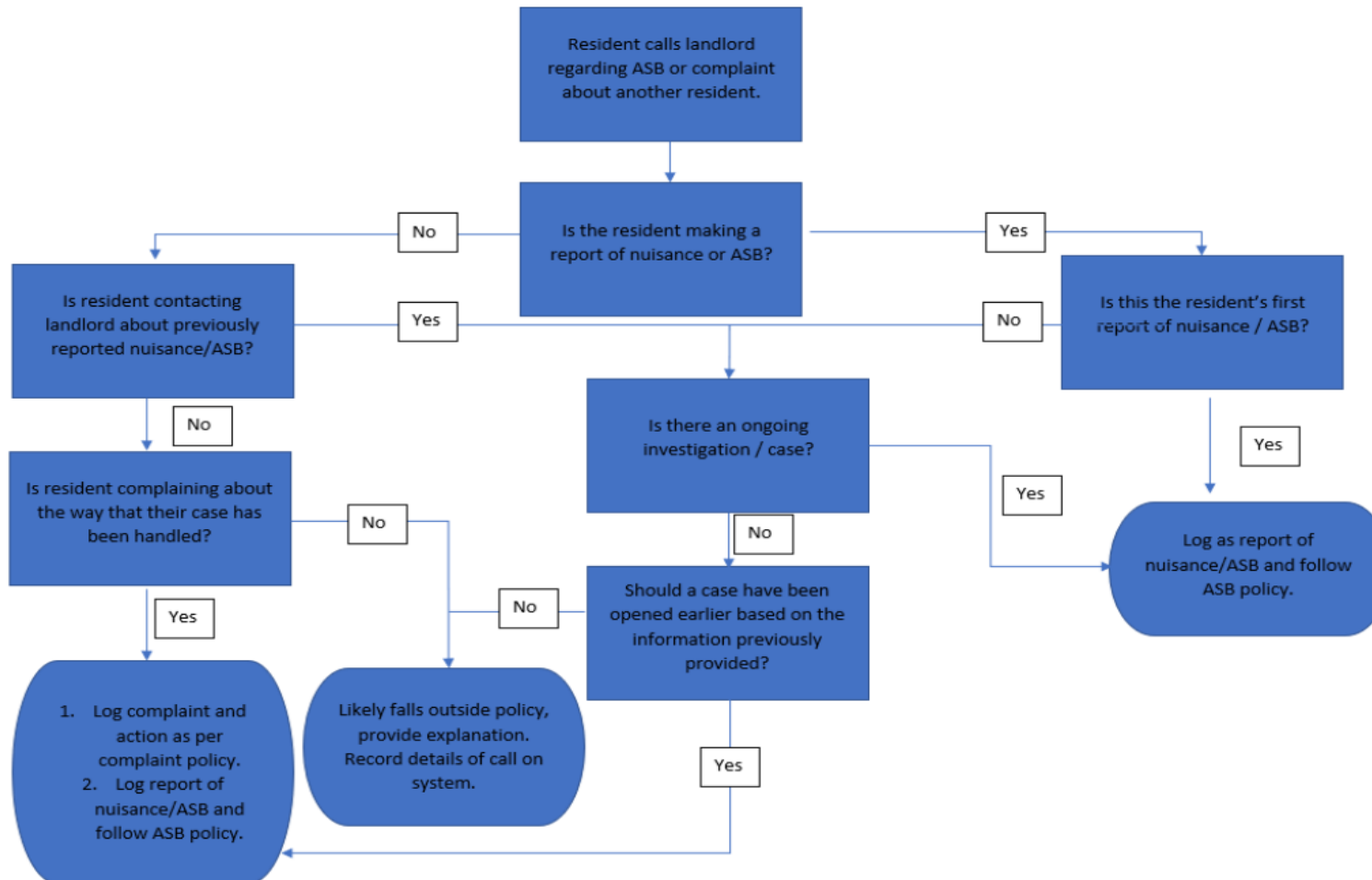
following any significant changes that may affect the complaints process, including: -
restructures, lessons learnt, and changes to best practice guidelines and legislation.

Review Process			
Policy review frequency:		Responsible for review:	
This policy / procedure will be reviewed on an annual basis, subject to section 18.2		This policy will be reviewed by the Housing Services Manager	
Version Control			
Version	Date approved	Next review date	Author / Title
V10a	May 2023	May2024	Sarah Taylor – HSM
Amendments: V10 was further reviewed based on correspondence from the Housing Ombudsman, provided in May 2023.			

Appendix A – Service request or complaint – flow charts and case studies







Case study A – Resident calls to report contractor has not arrived at the agreed time

Ms B calls her landlord to report that the contractor that was due to attend her property that morning has not arrived. Ms B is not happy as she had taken the morning off work for the appointment. The call handler checks the system but is unable to explain to Ms B why the contractor did not arrive. The call handler asks Ms B if they can try and contact the contractor and call her back within the next hour. Ms B agrees. The call handler speaks to the contractor who explains they were held up at another job that took longer than expected. The call handler calls Ms B, explains the situation, and apologises. The call handler offers Ms B another appointment at a time that suits Ms B, and Ms B is satisfied with the explanation and resolution.

This is an example of a 'there and then' situation where the resident may be dissatisfied with the service provided on that morning, but the landlord is able to quickly resolve the issue to the resident's satisfaction with minimal further enquiries. Whilst this does not need logging as a complaint, the landlord should keep a record of the call and should consider if there is any learning (i.e. should the landlord have been informed the contractor was delayed so it could alert Ms B and any other affected residents)

Alternative scenario

Ms B calls her landlord to report that the contractor that was due to attend her property that morning has not arrived. Ms B is not happy as she had taken the morning off work for the appointment. The call handler checks the system but cannot see an appointment for Ms B that day. Ms B is adamant she had an appointment that morning and explains she received a text message from the landlord with the date and timeframe. The call handler is unable to explain to Ms B why there was no appointment on the system and offers its apologies. The call handler also arranges another appointment and advises Ms B that it has opened a complaint on her behalf.

Whilst the landlord can offer Ms B another appointment, it is unable to adequately explain why Ms B was told a contractor would attend that morning when there is no appointment on its systems. The landlord will need to investigate why this has happened, which could involve interrogating the system and speaking with other departments. Whilst Ms B may have been satisfied with a further appointment, a positive complaints handling culture would explore why this has happened to try to put it right for the resident and to learn from any mistakes.

Case study B – Resident calls to report a repair

Mr D calls the landlord to report a leak from one of his radiators. Mr D says the radiator has been leaking for a few months, but it has recently got worse. Although it has been leaking for a few months, this is the first time Mr D has contacted his landlord about it.



This is a service request and should be handled in accordance with the landlord's repairs policy.

Alternative scenario A

Mr D calls the landlord regarding a leak from one of his radiators. Mr D says the radiator has been leaking for a few months and has recently got worse. Mr D tells the call handler that he has reported the leak several times and he was told each time that someone would come out to inspect the radiator, but he has never had an appointment, and no one has been out so far. He explains that his carpet underneath the radiator is starting to smell damp because of the leak. The call handler can see that Mr D has reported the issue several times but is unable to explain why it was never followed up. The call handler arranges an appointment for Mr D and opens a complaint case for Mr D.

Whilst this is a service request, it is also clear from the information that this repair has been reported several times before and the landlord has not acted on the report, which is potentially a breach of its repairs policy. Although Mr D has not specifically said he wants to make a complaint, there has been a failure in the landlord's service that should be investigated and put right. The landlord should also explore any learning opportunities.

Alternative scenario B

Mr D calls the landlord regarding a leak from one of his radiators. Mr D says the radiator has been leaking for a few months and has recently got worse. Mr D tells the call handler that he has reported the leak several times and each time someone comes out they tell him they will do a temporary repair but that he needs a new radiator. Mr D tells the call handler he has been repeatedly told that the contractor will raise a job for a new radiator to be fitted but he has never heard anything. Mr D says he feels like he is going round in circles and that he thinks the landlord is trying to save money by not fitting a new radiator. The call handler checks the repair notes and can see that previous contractors have recommended a new radiator is fitted. The call handler raises a job for a new radiator and opens a complaint case for Mr D.

Although the resident has not asked to make a complaint, it is clear from the conversation that he is dissatisfied with the level of service he has received from the landlord. It is also clear that something is not working as it should do within the landlord's process, which should be investigated as part of the complaint.

Case Study C – Resident calls to report noise nuisance/ASB

Mr A calls his landlord to report that his neighbour has been playing music at an excessive volume late into the night, which has stopped him and his family from being able to sleep. Mr A says this has been affecting his work and his children's school. He tells the landlord that he has tried speaking to his neighbour about it, but the neighbour was aggressive and abusive to him. Mr A would like the landlord to do something about the noise.



This is a report of noise nuisance / ASB. The landlord should explain the ASB procedure to Mr A and clearly outline what the next steps are. The landlord should follow its ASB policy in responding to this allegation.

Two months later Mr A calls his landlord again. He explains that the loud music has continued, and the neighbour has escalated to being abusive and aggressive whenever they see each other. Mr A tells his landlord that this is impacting on his mental health, and he is worried that it could escalate further. Mr A tells his landlord that he has reported some instances to the police, and he has filled in the diary sheets as the landlord has asked. The landlord confirms it will add this new information to Mr A's case file. The landlord contacts Mr A and provides an update on the ASB case, confirming it has spoken with the neighbour and is engaging with the police in relation to Mr A's reports. Mr A agrees to continue reporting issues as per the landlord's request.

Although the neighbour's behaviour is escalating, the landlord continues to work with Mr A and to investigate the allegations in accordance with its policy. It is providing updates to Mr A and is working with other local agencies (i.e. the police) to resolve the matter.

Alternative scenario

Two months after his initial report, Mr A calls his landlord. He explains that the loud music has continued, and the neighbour has escalated to being abusive and aggressive whenever they see each other. Mr A tells his landlord that he has reported some instances to the police, and he has filled in the diary sheets as the landlord has asked but he has not heard anything from the landlord since his initial report. Mr A tells the landlord that he has done everything asked of him, but the landlord has not done anything and has left him and his family to live in fear of his neighbour. Mr A tells his landlord that this is impacting on his mental health, and he is worried that it could escalate further.

The landlord has not responded to Mr A's initial report of ASB, therefore as well as following up on the reports of ASB as per the ASB policy, the landlord should also open a complaint case to look at its handling of Mr A's reports of ASB.