EK Complaints Policy & Procedure

1. Policy

1.1 At EK the needs of our Tenants are paramount, also the employment fairness for staff and reasonable expectations of visitors.
EK recognises the value of Complaints as an important tool for monitoring and responding to Tenants, employees and visitor's expectations. In order to assist EK to respond appropriately, all forms of complaint need to be documented and assessed as part of an on-going process. All comments/compliments will similarly be examined and acted on accordingly (incl. feedback to staff concerned) – see separate Policy & Procedure for comments/compliments

Aims of the policy (regarding Complaints)

- To recognise, promote and protect the Tenant's, employee's and visitor's rights to complain.
- Ensure an accessible and well published Complaints procedures are in place.
- Recognise the need to be fair to both the complainant and the person/s complained about.
- Provide a mechanism for responding to Complaints in a timely, courteous and objective manner.
- Determine and implement ongoing remedies.
- Fully record, assess and review Complaints on a regular basis to ensure responsible and ongoing commitment to service improvement - these complete records will be kept securely for a period of at least five years, including any associated correspondence.

We identify appropriate/proportional behaviour expectations of Tenants and Staff as part of their individual handbooks – these also, alongside respective Induction processes, identify what is not acceptable – this is particularly relevant to any service provision delivered with regard to the Equality Act 2010.We also publicise details of the Complaints policy as part of Tenants Induction, Noticeboards and ongoing support processes; Staff via Induction and ongoing Training; Host Local Authority and other 3rd parties via introductory and ongoing correspondence.

These will also include reference to direct access to the Housing Ombudsman by Tenants, the Ombudsman's responsibilities and contact

details, its published Code and its monitoring of arrangements at EK

1.2 Equalities Act 2010

EK is aware of its responsibilities to ensure its actions remain within the requirements of the Act on basis of discrimination against a 'protected characteristic'. We recognize that the Act 2010 introduced protection from three new forms of disability

- direct discrimination because of disability in relation to goods, facilities and services
- indirect disability discrimination
- discrimination arising from disability

and we will endeavor to make reasonable adjustment so as to be clearly seen to do so and not put disabled people at a substantial disadvantage in comparison to non-disabled people when accessing facilities or services.

Accordingly, we have already adapted two rooms for accessible accommodation and are in process of incorporating wet room facilities.

2. Definitions:

2.1 Definition of a complaint

Effective and consistent complaint handling enables Tenants and others to be heard and understood. The starting point for this is a shared understanding of what constitutes a complaint.

A complaint is defined as:
'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by EK, our staff, or those acting on its behalf, affecting a Tenant or a group of Tenants.'

A Tenant does not have to use the word 'complaint' for it to be treated as such. Whenever a Tenant expresses dissatisfaction with an aspect of the service they receive, we will remind them of the opportunity for this to be considered as part of the Complaints process. A Complaint that is submitted via a third party or representative will always be handled in line with the EK's Complaints policy.

When we receive and acknowledge a complaint at either Stage of the process, we will be clear at the onset which aspects of the complaint (if any) are areas which we are not responsible for and also assist the Tenant to resolve those issues with the organisation that has that responsibility.

2.2 Service Request

A service request is a request from a Tenant to EK requiring action to be taken to put something right eg carry out a repair. Service requests are not Complaints, but will be recorded, monitored and reviewed regularly.

However, a Complaint notification will be actioned if the Tenant expresses dissatisfaction with the response to their raised Service Request, even if the handling of the Service Request remains ongoing ie we will not stop our efforts to address the Service Request if the Tenant complains.

An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey will be made aware of how they can pursue a complaint if they wish to. Whenever we ask for wider feedback about our services, we will also provide reminder details of how Tenants can complain.

The **attached** appendices illustrates the difference between a Complaint and Service Request.

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3.1 Procedure for Staff Complaints - Employees wishing to register a complaint should speak directly to their manager who will deal with the complaint in an efficient and timely manner. Individuals, as always, have the right to nominate a representative or advocate on their behalf. Complaints can be made by: -

- Letter
- Email
- Verbally (in person or on the telephone)
- In comments, feedbacks or surveys

3.2 Procedure for Tenants - If a tenant has a concern, they should initially be encouraged to try and resolve this issue/difficulty with a designated Support Worker. The Support Worker will try their best to resolve the issue. If their Support Worker is not in work for any reason or the complaint is against them, then the complaint can be forwarded to the Complaints Manager (who is also EKs Admin Manager). If it is against the CEO or the Admin Manager then the nominated 'NED responsible for Complaints' will manage the process. The designated Support Worker will help document the complaint if appropriate/necessary. The complainant will be notified of developments and requested to agree with the action considered to be taken.

Complaints made by Tenants will be recorded/labelled using the following alternative headings:

- About a Property
- About another Tenant
- Anti-Social Behaviour
- About Statutory Support – details of this will be forwarded to an appropriate manager in the commissioning authority.

All Tenants are assured that as long as the complaint raised is seen as being reasonably made, then no judgement will be made against them.

3.3 **<u>Advocacy</u>** - All Tenants have the right to have any person advocate the complaint on their behalf and should be aware of this right before they register a complaint. An advocate can be any person a Tenant chooses, for example: CPN, LA Support Worker, friend, family member, Social Worker etc.

3.4 Both Staff and Tenants

The complainant should be encouraged (or supported) to complete using the EK standard Complaints Form

4. Exclusions

4.1 EK will always accept a complaint raised unless there are valid reasons not to do so. If it is considered that there is a valid reason then this will be shared with the person raising the matter and evidence to support this approach will be retained in writing . Each complaint will be considered on its own merits.

4.2 Acceptable exclusions may include:

- The issue giving rise to the complaint occurred over 12 months ago, though EK may consider extending this period.
- 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.
- Matters that have previously been considered under the Complaints policy.

4.3 We will accept Complaints referred to us within 12 months of the issue occurring or the Tenant becoming aware of the issue unless it is excluded on other grounds. We will also however consider whether to accept Complaints made outside this time limit where there are good reasons to do so.

4.4 If EK decides not to accept a complaint, an explanation will be provided to the Tenant setting out the reasons why the matter is not suitable for the Complaints process and the right to take that decision to

the Housing Ombudsman. If the Housing Ombudsman does not agree that the exclusion has been fairly applied, we will respect the Ombudsman's decision.

4.5 EK will not take a blanket approach to excluding Complaints; we will always consider the individual circumstances of each complaint.

5. Confidentiality

All Complaints will be treated sensitively by the member of staff that is dealing with them. Individual rights, dignity and respect will be upheld at all times.

6. Awareness of the Policy

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EK will make each Tenant aware of the Policy at Tenancy Induction and then regularly via its support process. House Notice Boards will also include reference to the Policy, its initial process route through EK and details and contact details of the appropriate office within the local authority and the Housing Ombudsman.

7. External Complaints Procedure

Initially the complaint should be directed through EK's internal reporting system, identifying the most appropriate route. If the internal procedure fails or if a complaint is about EK management structure or organization, external agencies can be accessed.

8. Procedure for visitors or other stakeholders to complain

EK recognises that visitors, health care professionals and other stakeholders may wish occasionally to raise a complaint. It is the aim of this policy to identify the channels that these individuals should follow to lodge their complaint.

Any external individual who wishes to complain about the service or the conduct of the employees or indeed any other aspect of the EK should forward their complaint directly to the EK's Complaints Manager (also Admin Manager) **John Hodges, Contact 07703 453091 JohnEK@** Complaints can be made either by telephone, fax or e-mail. Alternatively, an appointment can be arranged for the complainant to speak to the manager personally.

9. Timing

EK aims to deal with Complaints in an effective and responsible way and aims to address the complaint at the latest as shown below.

All Complaints received and investigated, will then be monitored for an agreed period and the results reviewed and feedback to the original complainant

Stage 1

9.1 EK will have processes in place to consider which Complaints can be responded to as early as possible, and which require further investigation. EK will consider factors such as the complexity of the complaint and whether the complainant is vulnerable or at risk. It is considered that most Stage 1 Complaints can be resolved promptly, and an explanation, apology or resolution provided to the tenant.

9.2 All Complaints will be acknowledged, defined and logged at Stage 1 of the Complaints procedure, **within 5 working days of the complaint being received**.

9.3 EK aims to issue a full response to Stage 1 Complaints **within 10 working days** of the complaint being acknowledged. In this timescale we will factor whether the complainant is vulnerable or at risk

9.4 EK will only look to extend the resolution timescale where it is deemed to be very complex and will inform the complainant of the expected timescale and reason for the delay, which will be no more than 10 working days. When we inform any complainant of such a delay, we will also remind them of the contact details of the Ombudsman.

9.5 A complaint response will be provided when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions will still be tracked and actioned promptly with appropriate updates provided to the complainant

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

9.7 Where a complainant raises additional Complaints during the investigation, these will be incorporated into the Stage 1 response if they are related and the Stage 1 response has not yet been issued. Where the Stage 1 response has been issued or the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues will be logged as a new complaint.

9.8 EK will confirm the following in writing to the tenant at the completion of Stage 1 in clear, plain language:
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; and

g) details of how to escalate the matter to Stage 2 if the individual is not satisfied with the response.

10. Stage 2

10.1 If all or part of the complaint is not resolved to the complainant's satisfaction at Stage 1, it will be progressed to Stage 2 of the procedure. Stage 2 is the EK's final response.

10.2 All requests for Stage 2 will be acknowledged, defined and logged within 5 **working days of the escalation request being received.**

10.3 Complainants are not explicitly required to explain their reasons for requesting a Stage 2 consideration. EK will make reasonable efforts to understand why the complainant remains unhappy as part of its Stage 2 response.

10.4 The person considering the complaint at Stage 2 will not be the same person that considered the complaint at Stage 1. Therefore, if the Stage 1 was dealt with by a Support worker, then Stage 2 will be dealt with by the Complaint Manager or if the Complaint was against the CEO or Complaints Manager then it will be dealt with by the Operational Director

10.5 EK will issue a final response to the Stage 2 **within 20 working days** of the complaint being acknowledged.

10.6 EK will decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the complainant of the expected timescale for response. Any extension will be no more than a further 20 working days without good reason, and the reason(s) will be clearly explained to the complainant . If EK receives a complaint about any necessary extension to these timescales, we will remind of the contact details of the Ombudsman.

10.7 A complaint response will be provided to the complainant when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions will still be tracked and actioned promptly with appropriate updates provided to the complainant.

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

10.9 EK will confirm the following in writing to the complainant at the completion of Stage 2 in clear, plain language:
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; and

g) details of how to escalate the matter to the Ombudsman Service if the complainant remains dissatisfied.

10.10 Stage 2 is EK's final response and will involve all suitable staff members needed to issue such a response.

11. Putting things right

11.1 Where something has gone wrong we will always acknowledge this and set out the actions we have already taken, or intends to take, to put things right. These can include:
• Apologising;

• Acknowledging where things have gone wrong;

• Providing an explanation, assistance or reasons;

• Taking action if there has been delay;

• Reconsidering or changing a decision;

• Amending a record or adding a correction or addendum;

• Changing policies, procedures or practices.

11.2 Any remedy offered will reflect the impact on the tenant as a result of any fault identified and will clearly set out what will happen and by when, in agreement with the tenant where appropriate. Any remedy proposed will then always be followed through to completion.

11.3 EK will take account of any guidance issued by the Ombudsman when deciding on appropriate remedies.

12. Self-assessment, reporting and compliance

12.1 EK will produce an annual Complaints performance and service improvement report for scrutiny and challenge, which will include:
a) the annual self-assessment against this Code to ensure the complaint handling policy remains in line with its requirements.

b) a qualitative and quantitative analysis of EK's complaint handling performance. This will also include a summary of the types of Complaints EK has refused to accept (if any);

c) any findings of non-compliance with this Code by the Ombudsman;

d) the ongoing service improvements made as a result of the learning from Complaints;

e) any annual report about the EK's performance from the Ombudsman; and

f) any other relevant reports or publications produced by the Ombudsman in relation to the work of EK.

12.2 The annual complaints performance and service improvement report will be reported to EK's Directors Board and (in the absence of a EK website) copied to various Referral Agencies used by EK. The Board' response to the report will be published alongside this.

12.3 EK will also carry out a self- assessment following a significant restructure, merger and/or change in procedures.

12.4 It is accepted that EK may be asked to review and update the self-assessment following an Ombudsman investigation. In which case it will do so.

12.5 If EK is unable to comply with the Code due to exceptional circumstances, such as a cyber incident, we will inform the Ombudsman, provide information to Tenants who may be affected, and inform our Referral Agency partners. EK will also provide a timescale for returning to compliance with the Code

12.6 We believe that full accountability and transparency are also integral to a positive complaint handling culture. We will therefore report back on wider learning and improvements from complaints, to all stakeholders.

13. EK Complaints Manager =John Hodges (also Admin Manager). Contact 07703 453091 JohnEK@outlook.com

14. **Board Member Responsible for Complaints** - The BMRC will be jointly responsible, with the Complaints Manager, for ensuring the governing body receives regular information on complaints that provides insight on EK's complaint handling performance.
The Board will receive from the BMRC/Complaints Manager:
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; and

14. Appeals

Initially any appeal associated with a complaint will be considered by the BMRC. The current BMRC with that responsibility is Daniel Percival and his contact details are DanielPEK@outlook.com

However, after exhausting all other channels of the Complaints procedure their complaint can be forwarded to the relevant Contract Manager in the local authority concerned and/or the Housing Ombudsman.