

Complaints Policy	March 21
Written by	S. Callaghan
Authorised By	Board



**TYNE HOUSING ASSOCIATION**

**COMPLAINTS POLICY AND PROCEDURE**

**DATE REVIEWED**

**March 2021**

**DATE OF NEXT REVIEW**

**March 2024**

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## 0.0 Issue Status

The issue status is indicated by the version number in the footer of this document. It identifies the issue status of this Complaints Policy.

When any part of this Policy is amended, a record is made in the amendment log shown below. The Policy can be fully revised and reissued at the discretion of the Corporate Management Team.

Please note that this Policy is only valid on the day of printing.

Issue	Issue Date	Additions/Alterations	Initials
1.0	11/03/2014	First Authorised Issue	RB
2.0	08/06/2015	Second Authorised Issue	RB
3.0	22/01/2016	Third Authorised Issue	IJ
4.0	20/12/2016	Fourth Authorised Issue	IJ
5.0	June 19	Corporate Management Team replaces SLT, Ombudsman's address updated, Job Titles refreshed	SC
6.0	March 21	Definition of a complaint Receiving complaints via social media Provision of advice early in the process regarding the Ombudsman Service Identification of a Complaints Officer Removal of Stage Three	SC

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		Addition of Designated Person at 4.5 Section on Designated Person added 10-10.6	

**1. Aims and Scope of the Policy:**

- 1.1 This policy and procedures covers Tyne Housing Association and all its subsidiaries.
- 1.2 To respond positively, clearly, accurately and in a reasonable time, to all complaints received.
- 1.3 To address complaints received regarding the service provided by the Association, and the actions of the Association and its staff, rather than the actions of service users.
- 1.4 To give every opportunity, via a staged process, to service users<sup>1</sup> to make an appeal against any resolution of a complaint with which they do not agree.
- 1.5 To make sure complaints are dealt with once. Investigations into complaints must take all the circumstances into account and deal fairly with all aspects of a complaint to arrive at a resolution that is clearly understood and is acceptable to all those involved.
- 1.6 To be clear about decisions made as a result of a complaint and let the complainant know the reasons behind a decision.

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<sup>1</sup> Customers is a generic term that encompasses service users, tenants and clients.

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- 1.7 To protect staff and service users against any malicious or vexatious complaints made for purposes other than a genuine comment on the services provided by Tyne Housing Association and its subsidiaries.
- 1.8 To listen to what service users and stakeholders say about the services provided by Tyne Housing Association and its subsidiaries and learn from their experiences.
- 1.9 To make it as easy as possible for service users to let us know if they have any concerns about Tyne Housing Association, its staff or any part of the service they receive from its subsidiaries, and ensure that service users feel able to make complaints without any fear of the consequences.
- 1.10 To integrate the complaints procedure with the code of conduct for staff, Safeguarding and Protection from Abuse, and with the appeals process in the Lettings policy.

**2. Policy Statement:**

- 2.1 To provide the best possible service to all our service users, Tyne Housing Association needs to know when that service fails to meet our quality standards or the expectations of our service users.
- 2.2 Tyne Housing Association positively encourages service users and their relatives, advocates, stakeholders, and referral agents to make a complaint when they feel they have received a service from Tyne Housing Association that has fallen below our stated standards.
- 2.3 Tyne Housing Association operates an open, accessible and accountable complaints procedure to ensure that all complaints

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are recognised, recorded, responded to and resolved. The results are used to continuously improve and inform our service and eradicate any practice that compromises or obstructs the provision of support for service users.

### **3. Our Approach to Complaints**

- 3.1 Tyne Housing Association aims to resolve complaints by mutual agreement, as quickly and effectively as possible at the level within the organisation which is the most able to give the complainant a timely and satisfactory response. Where mutual agreement is not reached, a formal complaints investigation process is available.
- 3.2 Complaints, which raise issues affecting the provision of services to users, must inform future practice and be used to positively and continuously improve our services.
- 3.3 Anonymous complaints will be treated with the same seriousness as other complaints. All anonymous complaints will be investigated thoroughly with a concluding report placed in the complaints log when the matter is resolved. We will be unable to respond to the complainant directly as long as they remain anonymous, but will keep a record of the response for our own information and third parties such as regulators and commissioners.

### **4. Roles and Responsibilities**

- 4.1 **Frontline staff:** Are responsible for the resolution of complaints within their competency. Where possible staff should resolve the complaint being made within their service at the point it is made and to the satisfaction of the person making the complaint.
- 4.2 **Managers and Supervisors:** Should be informed of all issues and complaints raised by service users by the staff member who has received the complaint. If the issues or concerns raised cannot be dealt with within the service area, the Manager/Supervisor will

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ensure a complaint is fully recorded on the Associations Complaints system and the formal procedure is commenced.

4.3 **Heads of Service:** Have responsibility for ensuring all complaints are fully investigated and responded to within the timescales laid down as well as ensuring they are of an acceptable quality. The heads of service will also deal with appeals as set out below and ensure the relevant Board is made aware of complaints received annually.

4.4 **Complaints Officer:** The role of the Complaints Officer will be taken by the Deputy Chief Executive. Responsible for training staff in this policy, holding and maintaining the Complaints Log, and reporting annually to the Board.

4.5 **Designated Person:** The complainant is able to refer the matter to the Designated Person following the exhaustion of the internal Complaints Procedure

## 5. Definition of a Complaint

5.1 A complaint is an expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by the organisation, its staff, or those acting on its behalf, affecting an individual service user or group of service users.

5.2 A complaint is not a service request. A call to report Anti-Social Behaviour at an address is not a complaint, but a call regarding a subsequent failure to properly deal with the ASB would be a complaint.

5.3 For instance, if someone were to contact us wishing to report Anti-Social Behaviour connected to one of our properties, they should in the first instance be dealt with as per our Anti-Social Behaviour, Nuisance and Harassment Policy. They should only be referred to the Complaints Policy if they feel their report has not been dealt with correctly.

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- 5.4 In some, limited circumstances, Tyne will not treat certain situations as a complaint;
- 5.5 Anything where the incident giving rise to the communication is more than 6 months old and this is the first communication can not be considered a complaint.
- 5.6 In certain circumstances, where legal proceedings have begun in relation to the incident involved. In this circumstance the complaint can not be investigated until the legal action is resolved
- 5.7 Matters that have already been considered under the complaints policy cannot be considered a second time.
- 5.8 Complainants should be written to and the reasons for not accepting their complaint given in full. Complainants have the right to challenge this decision by writing to the Ombudsman and any letters must contain details of how they can appeal.

**6. Procedure - Stage One**

- 6.1 When a complaint is received all staff must obtain as much detail as possible about the nature of the complaint especially:
  - The name and address of the complainant
  - Details of the complaint, time, date, who is involved and a brief description of the circumstances.
- 6.2 If staff are confident that they can resolve the issue over the phone or in person at the time they will do so.
- 6.3 If the complaint concerns an area that is not their responsibility or is beyond their competence, they will explain this to the complainant and make a full record for the appropriate member of staff and ensure that the record is passed to them for further action.

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6.4 **Frontline staff:** Are responsible for the resolution of complaints within their competency. Where possible staff should resolve the complaint being made within their service area.

For staff working in the housing function the complaint must be recorded on the Associations Complaints Form and a copy placed in the service users file, along with the action taken to resolve the issue. This should also be copied to the house file if relevant. The relevant Housing Manager should be informed of the complaint, any action taken, and the response.

For staff working in other service areas i.e. The Farm, workshop, Progression Hub, or health centre the complaint must be recorded on the Association’s Complaints Form (see appendix one) and passed on for investigation to their line manager.

6.5 **Managers and Supervisors:** If frontline staff are unable to resolve the complaint, or if the complainant wants further action taken, managers or supervisors will carry out a full investigation within the timescales laid down below. This will include formulating a response to the complainant and outlining the appeals process and identifying the responsible officer. They will also ensure the complaints log is updated.

6.6 **Heads of Service:** If the complainant wishes to appeal against the decision, they should be referred to the relevant head of service, who will ensure the process is carried out within the timescales stated below. The heads of service and the Complaints Officer will monitor all complaints within their service area and ensure timescales and quality requirements are adhered to.

## 7. **Timescales**

7.1 Complainants will receive a full response within 10 days of being received. If this is not possible the complainant should be informed of the delay and given a date to expect a response by. This date should not exceed 20 days from the receipt of the original complaint.



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7.2 The first response must make clear that the complaint will only be dealt with by the Housing Ombudsman once the internal processes have been exhausted, but there is other support available to the complainant earlier in the process and direct them to the Ombudsman’s website at [housing-ombudsman.org.uk](http://housing-ombudsman.org.uk)

7.3 Stage 2 responses must be sent to the complainant within 20 days of the request to escalate. As above, if it is impossible to reply within this timescale the complainant must be informed and given a new date for response which must not be more than 10 days from the expiry of the original deadline.

## **8. Format of Complaints**

8.1 Complaints can be made in any format. Tyne will accept verbal or written complaints and it is not essential for the word “complaint” to be used in order for the communication to be treated as one.

8.2 Tyne will accept contact made through social media platforms as a complaint, and it will be treated in the same way as any other complaint. If it is impossible to ascertain a complainants details from the original social media post, Tyne will, if possible, send them a Direct Message and ask them to respond.

8.3 Complaints can also be made via the “Get in Touch” function on the Tyne website.

8.3 Complaints must always be replied to in a way that the complainant prefers, but even though a response may be given verbally, a full response in writing will always be sent as well.

## **9. Stage Two:**

9.1 Complainants have the right to escalate the complaint to stage 2 if they feel the initial response is unsatisfactory. This can be received in any format which best suits the service user. The member of staff receiving the request will make a written record, and have the written record agreed by the complainant.

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9.2 Stage 2 will usually be investigated by the line manager of the member of staff who replied to the complaint. If for whatever reason the line manager is unable to investigate the appeal, another manager of a similar level of seniority will be asked to carry it out.

9.3 Within housing, any response to a stage 2 complaint must contain details of the Ombudsman service and direct the complainant there if they continue to be unhappy with the response.

Housing Ombudsman Service, web address  
[www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk), telephone 0300 111 3000,  
Housing Ombudsman Service  
PO Box 152  
Liverpool L33 7WQ

9.4 Stage 2 responses within housing must also inform residents that they can refer the matter to a Designated Person and must contain information for the resident on who an appropriate Designated Person would be, how they can contact them, and what their role would be in resolving the complaint.

## 10 **Designated Person**

10.1 A Designated Person can be a local councillor or an MP.

10.2 Once the internal process has been exhausted the complainant can refer the matter to the Designated Person.

10.3 The Designated Person can attempt to resolve the complaint in any manner they see fit. If they are unable to do so they can then refer the matter to the Ombudsman.

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- 10.4 They can, if they so wish, refer the matter straight to the Ombudsman without making any attempt to resolve it themselves.
- 10.5 It must be made clear to complaints that they are not required to refer the matter to the Designated Person if they do not wish to, but that if they do go straight to the Ombudsman it is possible that the Ombudsman will, in the first instance, suggest they try resolving the matter through a Designated Person before becoming involved.
- 10.6 For more information about Designated Persons check the Housing Ombudsman website:  
<https://www.housing-ombudsman.org.uk/designated-persons/>

**11 If a service user complains about another service user:**

- 11.1 The issue should be dealt with within the day to day management of the individual project. If the matter is serious and it is not appropriate to address within a house meeting etc. refer to the Anti-Social Behaviour, Nuisance & Harassment Procedure.

**12. Record Keeping**

- 12.1 Complaints, and any correspondence relating to them, should be kept in the relevant tenant or property file (Housing complaints only)
- 12.2 Verbal complaints should be recorded in the relevant Continuous Recording Sheet (Housing complaints only)
- 12.3 Copies of the complaint and any replies should be held in the Complaints Log, held by the Complaints Officer
- 12.4 The Complaints Officer will also keep an electronic log on a spreadsheet of all complaints and their resolution.

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12.5 The log will also record any learning and any changes to policies, procedures or working practice as a result of the complaint.

**13. Guidance:**

**13.1 Complaints about the service received:**

13.2 We advise and train staff to recognise a “complaint”. People may use terms such as *“I don’t want to complain but.....”* or *“I don’t want this to go any further but.....”* or *“It’s none of my business, but did you know .....?”* on the other hand some people may use terms such as *“I’m going to make an official complaint to the Chief Executive about that.....”* or *“I’m going to ring the Chronicle”* . It is important to respect the wishes of service users, but it is equally essential that Tyne respond to comments about our services.

13.3 For Tyne Housing Association a complaint is a complaint, there are no fine distinctions between “informal” and “formal”. Every complaint will receive the same attention, and our response will feed into the development of our services. We will attempt to resolve every problem at the point it arises to the satisfaction of the complainant; if this cannot be achieved it will be formally recorded on our complaints database and follow the procedure outlined above.

13.4 All staff are advised and encouraged to adopt the principle of dealing with a complaint “once”. By only addressing the surface issue without any investigation, underlying issues or the substance of the complaint can be missed, prolonging distress to the service user and providing grounds for appeal, or, fester to reappear in a far more damaging way. Failure to understand or appreciate a service users concerns, undermines the support service and the principles of Tyne Housing Associations services.

13.5 We recognise that some “complaints” may be motivated by reasons other than a genuine concern about the service from the Association. If this is suspected, it is equally important to

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investigate and respond positively to the complainant with the conclusions so that there is a record of our response. If no grounds can be found for a complaint, the complainant will be informed and offered an opportunity to appeal.

- 13.6 It is important to consider how and when such a response is delivered to the complainant, and it is important that other staff who may come into contact with the complainant are informed of the situation and any developments, which may affect them. The Concierge or member of staff providing Emergency On Call cover should be kept up to date on all housing management issues, and should be informed prior to the end of the working day on any issues which may lead to an out of hours call being made.

**13.7 Investigations:**

- 13.8 Investigations can take a variety of forms, it is important to ensure that staff address the substance and all aspects of the complaint, including interviews with any witnesses as appropriate.
- 13.9 The officer responding to the complaint should discuss with the complainant possible options and solutions and what outcome the service user expects.
- 13.10 We recognise the importance of keeping the complainant informed throughout the process, and make sure that records are kept. A verbal response may be all the complainant wants. However, the complaint should always be recorded in the support plan/residents file and/or the Associations Complaints Log as well as responding in writing, stating the results of the investigation and the reasons for the decision (even if the “decision” is actually to do nothing). We will ensure that a copy of the letter is entered in the Complaints Log.

**14 Complaints about the conduct of a member of Tyne Housing Association or Ouseburn Farm staff:**

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14.1 These must be referred to their immediate line manager or, in cases of suspected gross misconduct, directly to the Deputy Chief Executive (See Disciplinary Policy and Grievance Procedure)

**15 Complaints which involve illegal activity:**

15.1 These must be referred to the Police with a copy to the Housing Manager, Hostel Manager, Farm Manager, or Head of Housing, and copied to the complaints log.

**15. Complaints about another service/organisation:**

16.1 These must be referred to the Housing Manager, Hostel Manager, Farm Manager, or Head of Housing.

16.2 Complainants should be made aware that we are only able to investigate and address complaints relating directly to Tyne Housing Association and its subsidiaries. Should a service user wish to complain about another service/organisation we will assist them to obtain information regarding the appropriate procedure for complaints, but we have no influence over any further action or investigation.

**17 Complaints about a repair to a property managed by Tyne Housing Association but owned by another Association:**

17.2 These must be referred in writing to the owning Association. A copy of the referral letter should be sent to the complainant/service user/resident with an explanation as to why the referral has been made and a copy placed on the complaints log. It is the responsibility of Tyne staff to follow such complaints through to a successful resolution and ensure the complainant is informed of the outcome.

**18 Complaints that concern abuse, whether actual, suspected or potential:**

'of' or 'by' a service user:

'of' or 'by' a member of staff:

'of' or 'by' a member of staff of another organisation:

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'of' or 'by' a friend, relation, associate or persons unknown:

See Protection from Abuse Policy

## **19 Confidentiality**

19.1 Complaints received will be treated confidentially and a full record of the complaint, investigation, and response to the complainant will be stored centrally in the complaints log. Details of the complaint will only be made available to the persons responsible for carrying out the investigation and will not be shared with anyone other than the complainant unless further action is found to be necessary i.e. to protect staff.

## **20. Equality and Diversity Implications:**

- 20.1 Tyne Housing Association Ltd will receive complaints in any format that best suits the service user making the complaint.
- 20.2 Investigations will take into account any cultural, religious, disability or sexuality issues that may have an impact on the distress caused to a service user. Tyne Housing Association will take the opportunity to consider how our services can be made more accessible to all groups of service users and how we can ensure that there are no unforeseen barriers to our service.
- 20.3 Decisions taken in response to complaints and appeals will be in writing. However Tyne Housing Association Ltd recognises the need to explain decisions in the format that best suits the service user. Tyne Housing Association Ltd will access any external specialist resources (e.g. translation services or advocates) which are available, to ensure that the service user has a good understanding of our response or, is enabled to appeal against our decision including the right to be accompanied at appeal.

## **21. Summary:**

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Tyne Housing Association wants to know if you are not happy with the service you are receiving from us. Whether that's the support you receive, the house you live in or anything else that is the responsibility of Tyne Housing Association.

You may not want to be seen to "complain", but Tyne Housing Association still wants to know if you are not happy with your service and may choose to deal with the issue as a complaint so that it gets the right attention and can be sorted out in a reasonable time to everybody's satisfaction.

If we do not know, we can not do anything about it.

You can talk to any member of staff and they will be happy to take the details of your complaint. Usually, the best person to talk to is your Support Worker or Project Worker, but any member of staff can help.

You can ask a friend or relative, advocate, social worker or probation officer to make a complaint on your behalf.

We will investigate anonymous complaints but obviously we will not be able to produce a response.

After you tell us what's wrong, we usually need 10 working days to investigate the complaint and let you know what we are going to do about it. Sometimes, it may take longer. Either way we will write to you within 10 working days, to let you know what we are going to do, or explain that the case is taking longer than expected and we will respond within 15 working days.

If you do not agree with the decision we make you have the right to Appeal. The letter we send will have the name of the member of staff who will review your appeal.



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They have 10 working days to look at your complaint again, look at the reason why you don't agree and make a decision. They will write to you and explain what we intend to do.

If you are still unsatisfied, you can then contact the Independent Housing Ombudsman, who will investigate the case on your behalf.

**Independent Housing Ombudsman**

**PO Box 152**

**Liverpool L33 7WQ**

**0300 111 3000**

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Complaint Form:

My name is:

*If you don't want to talk to anyone at Tyne about your issue, we would happy to speak to anyone you would like to nominate to talk on your behalf*

I live at:

I want to make a complaint about: (describe what happened)

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Continued on another sheet? Yes  No

It happened on:

It happened at:

These people saw it:

These people/person caused it:

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*(Perpetrator?)*  
Name(s):

Address:

Are they Tyne Housing Association Staff? Yes  No

Are they members of staff of another organisation? Yes  No

Details:

It has caused me the following problems:

*(Describe the affect on your quality of life)*

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I want you to deal with my complaint like this:

*(What action can Tyne HA take to prevent it from happening again?)*

Signed:

Date: