



Bespoke Supportive Tenancies Ltd

Complaints and Compliments Procedure

Version: 01

Review

Date of this review	Date of last review	Procedure author(s)	Compliance Manager	Next review date
March 2021	25/03/21	Patricia Mokhberi	Patricia Mokhberi	March 2023

Details of amendments

Version	Date	Update/ amendment detail	Resulting from
	25.03.2021	N/A New Procedure	

Approved by

Executive Line Manager	29.03.2021
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Background – The New Complaints Handling Code of Conduct

The Housing Ombudsman's Code of Conduct was introduced by the Government, and forms part of The Social Housing White Paper which was published in November 2020.

The Social Housing White Paper is a comprehensive statutory instrument, which was brought in to hold Landlords more accountable to their tenants.

The tenant engagement process, which is at the core of the Government white paper, is designed to oblige BeST and other Landlords, to encourage service users to have a greater voice and influence over our internal decision-making processes, and for them to help decide the future direction of travel, based on customer feedback and active participation.

Landlords are under new obligations to gather, and collate information, to help facilitate this process, and the new complaints procedure, is part of this wider re-structure.

Complaint's reporting is viewed as a mechanism which BeST can positively utilise, with a view to helping us to better analyze any trends or common themes that may arise, with a view to our making service improvements where these are indicated.

Where very serious failings or consistent themes are identified over a period of time, which appear to remain unaddressed, the Ombudsman has the power to report us to the Regulator of Social Housing.

A Landlords report is available to view on the Ombudsman's website annually, which reflects the number of complaints referred to the Ombudsman service.

1. **FIRST STEPS**

- 1.1 The Complaints Procedure should be read alongside BeST's Complaints and Compliments Policy, which provides further helpful information.
- 1.2 Best aims to provide the best possible service and sets itself high standards for response, courtesy, efficiency and quality.
- 1.3 However, if a service user or their representative, finds our service unsatisfactory, they will need to know what to do.

2. **HOW DO I MAKE A COMPLAINT?**

- 2.1.1 A complaint can be made verbally, in writing via email or letter, or may be received via a third party acting on the service user's behalf (legal representative, social worker, support provider, or other third-party agency) .
- 2.1.2 A Complaint can be made directly by the complainant, by completing the Complaints Form which can be found on BeST's website.
- 2.1.3 A service user may ask for BeST employees to help them log details of their complaint if assistance is required.
- 2.1.4 Where a complaint is made verbally, we expect the "recorder" to complete the Complaints Form Template (available in-house) and to refer the complaint to their immediate manager, or deputy manager.
- 2.1.5 The manager or their deputy will ensure that the complaint is logged and recorded on BeST's complaints database, the same day, or where this is not possible, within 24 hours of the complaint being made.

2.1.6 In larger departments, the responsibility for logging complaints on the database and ensuring that the Complaints Response Schedule (follow up procedure) is observed may be delegated to a “administrator” who will ensure that all written records and any associated spread sheets be properly maintained.

2.1.7 A copy of the record will be saved on BeST’s complaints data base, as will copies of all associated communications, including BeST’s responses, so that a clear audit trail of how the complaint has been handled is established and is readily accessible to view.

2.1.8 The Departmental Head or Manager will in all cases, be expected to oversee this process.

2.1.9 If the line manager or appointed deputy is not available, and alternative arrangements have not been made in their absence, the complaint should be sent, by the relevant employee, to the Designated Complaints Officer.

2.2 Post Repair Tenant Satisfaction Recording

2.2.1 BeST is currently trialing a follow up satisfaction questionnaire once a repair has been completed. It is anticipated that this exercise will be rolled out more generally.

2.2.2 There is an expectation that BeST employees use their discretion, and should treat any obvious expressions of dissatisfaction as regards contractor service failures, as a complaint, and should respond accordingly, as per the Complaints Response Schedule, where service failures are indicated.

2.2.3 Where there is doubt, BeST’s procedure in such instances, is for the service user to be contacted by telephone (or by other method as is deemed practicable in the circumstances) so we can better establish whether in fact the matter needs addressing as a complaint.

2.2.4 Not all negative feedback is necessarily related to an actual service failure. BeST would ask, for certainty, that our service users contact us by one of the more usual methods as indicated at 2.1.1 to ensure that a complaint is not missed.

2.3 Anonymous Complaints

2.3.1 Where the identity of the service user/complainant is not disclosed, such feedback will be investigated and resolved in the usual way, where possible, and will be recorded on the complaints database.

2.3.2 Where complaints are made anonymously, the complaint will be registered against the scheme, and the responses will be addressed to the service users and will be sent via the scheme manager.

3. WHO WILL DEAL WITH MY COMPLAINT?

3.1 All BeST employees have a responsibility for ensuring that complaints are dealt with efficiently, and that every effort is made to resolve them.

3.2 However, it is expected that the majority of complaints will be dealt with, under the direction of the Head of the Department, where the service failure occurred.

3.3 BeST has a Designated Complaints Officer, who has the authority to intervene, or provide guidance or direction, at any stage of the complaints process, where they feel that further direction or intervention is necessary.

3.4 The relevant Head of Department may decide to refer the case for escalation to the Designated Complaints Officer, if they feel the complaint requires escalation.

3.5 Similarly, if the complainant feels at any stage, that their complaint is not being listened to, or correctly addressed, or if they are dissatisfied with the decision

outcome, they may refer the complaint directly to the Designated Complaints Officer for consideration.

- 3.6 It should be noted however, that the Complaints Schedule, and methodology should be observed, in relation to the timeframe for the complaint's responses and escalations.

4. WHAT IS A COMPLAINT?

4.1 Definition of a Complaint

'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'

- 4.2 The definition of a complaint is *"an expression of dissatisfaction however made"*.

This new definition is a departure from the more formal complaints mechanism of the past, where complaints were usually required to be set out in writing, and where service users were often discouraged from doing so. It was often the case, as a consequence of this, that only the most serious complaints were usually recorded.

- 4.3 This departure, and new definition as described in the new code of conduct, ties in with the Social Housing White Paper which requires us to show that we are following the criteria in respect of tenant engagement.

- 4.4 Complaints reporting is now viewed as a mechanism organisations should positively utilise, with a view to making service improvements where these are indicated.

5. WHAT IS A SERVICE FAILURE

5.1 Requests for Service

- 5.2 When a service user makes contact to inform us that something requires our attention, this is a request for service and is not (automatically) a complaint .

5.3 However, it may progress to a complaint if we discover that the problem has arisen because of our inaction when we had a duty to act or if we fail to respond to their request for service appropriately.

5.4 The following are guidelines as to what might constitute grounds for a complaint, however there may be other areas where discretion will be required:

- Failure to take action following initial contact
- Failure to provide a service, without good reason being provided
- Failure to provide a service inside of the specified time frame as shown in the associated policy document (without reasonable explanation or prior agreement)
- Repairs have not been properly or effectively dealt with
- The standard of workmanship is not of an acceptable standard
- Failure of BeST employees to comply with BeST's own internal policies and procedures
- An employee or other person acting on behalf of BeST was unhelpful or rude
- The service user is unhappy with the actions or behaviour of, or the level of support provided by their Support Provider
- The Service User is unhappy with the actions or behaviour of a Contractor
- The complaint relates to a Housing Benefit or debt collection (rents) issue
- The complaint refers to a reported anti-social behavior matter, where it is alleged this has been improperly addressed via the usual procedure
- The complaint refers to a safeguarding incident, where there has been a failing in the safeguarding process
- The complaint refers to a tenancy management issue (including tenancy agreement complaints)
- The complaint refers to a Health and Safety issue
- BeST is in breach of statutory regulation or legislation

5.5 This list is not intended to be exhaustive.

- 5.6 BeST's employees are expected to use a degree of common sense in interpreting what might reasonably constitute a failing, or what event may give rise to customer dissatisfaction, even in those circumstances where the intention of the service user or their representative to submit formal complaint is not verbally or formally expressed.
- 5.7 Where in doubt, please refer to the formal definition, or seek advice from the Designated Complaints Officer.
- 5.8 Whilst anyone has the right to complain, complainants are expected to pursue their complaint in a reasonable and fair manner.

6. COMMENTS

- 6.1 Service Users on occasion provide BeST with feedback that is neither a compliment nor a complaint but a 'comment' (or suggestion) about the services we provide.
- 6.2 As with all feedback, comments can be made in person, by letter, by email, telephone, or via the website.

7. COMPLAINTS RESPONSE SCHEDULE

7.1 Complaints Schedule

- 7.1.1 **Stage 1 Logging** – within 5 Days - A Letter acknowledging the complaint will be sent to the service user or person handling their complaint (hitherto referred to as the complainant)
then

- 7.1.2 **Stage 1 Decision** –within 10 working days, a Decision outcome letter will be sent out
or *(if this is not possible)*
- 7.1.3 **Stage One Extended** – A letter of explanation will be sent out, setting a further 10 days for an expected outcome
then
if an outcome is still not possible, a letter of explanation will be sent out, and the complaint will be escalated to Stage 2
- 7.1.4 **Stage 2 Response** within 20 days from escalation, A decision outcome letter will be sent to the complainant
or *(if this is not possible)*
- 7.1.5 **Stage 2 Extended** A letter will be sent out, setting a further 10 days for an expected outcome
- 7.1.6 **The case will be closed** (within 50 days from date of the initial complaint), and a decision outcome letter will be sent to the complainant
- 7.1.7 *If an outcome is still not possible, a letter of explanation will be sent out and the complaint will be escalated to Stage 3*
- 7.1.8 **Stage 3 Response (Final Response)** within 20 days of escalation to stage 3 - a decision outcome letter will be sent to the complainant (this is 70 days from the date of the initial complaint)
or
- 7.1.9 *‘Any additional time will only be justified if this relates to convening a panel. An explanation and a date when the stage three response will be achieved, will be provided to the tenant or their legal representative in this circumstance’*

7.1.10 At the time this policy has been released for publication, BeST do not have a formal Tenant Panel, but this is presently subject to internal revision.

7.2 **BeST Employees are expected to:**

- Follow the time frames and procedure for response as indicated
- Ensure that a full explanation as to actions and steps taken is provided to the service user of their representative
- Use the Complaints standard letter templates for guidance and consistency purposes (this will ensure that key elements/paragraphs as required by the code of conduct will not be missed)
- Ensure that complaints responses are individualized
- Ensure that the service user or their representative's concerns are properly and effectively addressed
- Learn from complaints and change our practices or procedures to meet the need of our service users
- BeST's staff will not generally identify individual members of staff or contractors, as their actions are taken on behalf of the landlord

8. **REPRESENTATIVES**

8.1 **Written Permission/Authority**

8.1.2 BeST's Service Users are entitled to be represented by a third party at any stage of the complaints process. Further details as to who might act as representative, or Designated Person, are set out in BeST's Policy document.

8.1.3 BeST asks that we are provided with full contact details of any third-party representative, to include signed written permission, giving the relevant third party the authority to deal with the specified complaint or complaints, on the service users behalf.

8.1.4 This permission will be a one-time only permission, which will end when the complaints procedure has been concluded.

8.1.5 BeST will provide a form for this purpose, which will be made available on request, unless the third party is a recognised agency (CAB, Shelter, Other), who may have their own form.

8.1.6 However, in some circumstances there are exclusions to this:

8.2 **Where a Service User Lacks Capacity**

8.2.1 Where the third party is a legal representative (legal appointee, corporate appointee, Court Deputy, Power of Attorney Holder , Solicitor or Advocate), we will require that documentary proof of their legal representative status be provided to BeST (if copy is not already retained on file).

8.2.2 The legal representatives listed above, have long term powers to represent the service users' best interests, as regards complaints which concern finances (rents, recharges, other chargeable items including costs, financial abuse), welfare benefits (including housing benefit), and in some prescribed circumstances (Solicitor, Court Deputy, or Lasting Power of Attorney Holder) property.

8.2.3 A separate written authority will be required, if the matter under investigation refers to health and welfare (Solicitor, Court Deputy, or Lasting Power of Attorney Holder).

8.3 **Where Formal Authority is not required**

8.3.1 The Complainant is an official body acting for a service user who is undertaking the Court Deputy Process following a best interests meeting, (i.e., where the service user lacks capacity, but does not have formal representation in place (Social Services, CCG, or other local authority employee).

8.4 Support Provider

- 8.4.1 Where a Support Provider submits a complaint, or expresses dissatisfaction as regards an issue involving a service user, or group of service users at a scheme, the complaint should be regarded as being submitted by the service user/s, as if “standing in their shoes”. The complaint should be registered, and the procedure followed accordingly. This type of complaint will most commonly refer to a repairs and maintenance issue or day to day housing management issues.
- 8.4.2 Where the service user has an appointee, and the complaint refers to rents or other financial matters, including housing benefit, it is expected that the complaint be referred from the appointee directly, or BeST risks breaching GDPR regulations.
- 8.4.3 Where the service user does not have an appointee or other representative in place, it is not always appropriate for the support provider to make complaint on behalf of the service user unless the service user has provided signed written consent for them to act on their behalf, for confidentiality reasons, or the BeST employee has obtained verbal consent from the service user, and this has been documented on file.
- 8.4.4 If in doubt, please refer to the Designated Complaints Officer for further direction.

9. COMPLAINT OUTCOMES

- 9.1 BeST will consider every complaint on its own merits after careful consideration of all the relevant circumstances. BeST will:
- Put matters right wherever necessary and within the shortest possible time
 - Issue an apology if maladministration or a service failure is found
 - Consider what complainant would like to happen if these actions are practical and

reasonable.

- Make payment of compensation in circumstances where this is indicated (however it should be noted that BeST reserve the right to offset any compensatory payments against any outstanding rent arrears or recharge invoices).

9.1.1 What happens if the service user is unhappy with the complaint's outcome, and the steps outlined in the Complaints Response Schedule have been exhausted?

9.1.2 In the first instance, the complainant needs to refer to the associated complaints policy document which details the next stage of the process which is referral to a "Designated Person" or to The Housing Ombudsman.

9.1.3 It needs to be noted, that eight weeks must have elapsed from BeST issuing final decision outcome, before a complaint can be formerly escalated to the Housing Ombudsman (please refer to the Complaints Policy for further guidance).

9.1.3 Where a complaint has been referred on by this method, BeST will work with the "Designated Person" or with the Housing Ombudsman with a view to achieving a satisfactory resolution where this is possible, as part of the dispute resolution process.

9.1.4 BeST will observe any directions the Housing Ombudsman may choose to order, if a "Formal Determination" is issued. This sets out the Housing Ombudsman's findings and decision, including orders for payment of compensation where this is directed.

9.1.5 It should be noted that orders are only made when a finding of maladministration or service failure is upheld.

9.1.6 The Housing Ombudsman may instead choose to make a "recommendation".

A recommendation will be given where no maladministration or service failure has been identified, but the investigation has highlighted opportunities for service improvement.

10. COMPLIMENTS

10.1 Definition of a Compliment:

'A compliment means a written or verbal notification, or any other form of communication of satisfaction in relation to the type, or standard of service that has been received from one of BeST's employees, Support Providers or Contractors; and wishes to make this known to us (i.e., an expression of formal and respectful recognition)'

- 10.2 A compliment may be made verbally, in writing via email or letter, or may be received via a third party acting on the service user's behalf .
- 10.3 A compliment can be made directly, by completing the Compliments Form which can be found on BeST's website.
- 10.4 Digital copy of the form is available internally, for the purpose of verbal compliments recording by BeST's employees.
- 10.5 When a compliment has been received, the relevant departmental manager should make arrangements to ensure that the compliment is recorded on the Compliments spreadsheet, which can be found on the company "G" drive folder named "Compliments".
- 10.6 Associated correspondence should be filed by date order i.e., date the compliment is received, and name of the service user, or person making the compliment.
- 10.7 Compliments may also be recorded via tenant satisfaction feedback reports which are submitted via our post repairs satisfaction surveys. A copy of this report will be provided to the Designated Complaints Officer on a monthly basis.
- 10.7 Compliments will be reported to the Board annually (or more often as necessary).