



<b>Control Information</b>	
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## **Version Control**

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V2	August 2024	Chief Operating Officer	Review cycle
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## **1. Purpose**

- 1.1.** This policy sets out our approach to complaints handling and is designed to promote a positive complaint handling culture within our organisation. It recognises the value of positive dispute resolution and uses complaints to identify service failures and foster positive changes in our service offer.
- 1.2.** We will always follow this policy when dealing with complaints, however, we reserve the right to use our discretion in the application of the policy and may on occasions deal with complaints differently where individual circumstances merit it. In these circumstances any discretion will be applied fairly and appropriately; customers will be informed of any departure from the policy. We acknowledge that all complaints should be progressed through the complaints procedure as far as possible to maximise the opportunity to resolve the dispute.
- 1.3.** Factors such as risk, complexity of the complaint and whether the complainant is vulnerable will be considered as early as possible in the complaint's procedure. We aim to resolve complaints promptly whenever possible, and an explanation, apology or resolution provided to the complainant.

## **2. Scope**

- 2.1.** We have a well-defined complaints procedure, which is implemented throughout our organisation. Complaints handling is the responsibility of every member of staff and forms part of staff induction training as well as annual appraisals. We set targets for managing our complaints procedure and to all complaints, which are monitored monthly. In this way we can identify service failings and address them in real time.
- 2.2.** We will accept a complaint from anyone who is in receipt of a service from us or is affected by a service that is provided by Oak Housing. We will only accept a complaint from someone potentially receiving services from us if it relates to the way we have handled the request
- 2.3.** We will accept a complaint from an advocate or representative acting on behalf of our customer who is authorised to make a complaint on their behalf. We will require written permission from them. The advocate or representative can also represent or be present at any meetings with us if this is required.
- 2.4.** Group complaints or petitions will be treated as one complaint and dealt with in line with the procedure set out in this policy. Customers will be required to nominate a lead person who will act as the main point of contact. All our correspondence will be with them. Customers included in a group complaint

or petition will be required to provide consent that they give permission to be represented in the handling of that complaint.

- 2.5.** This policy applies to all contractors and other parties providing services on our behalf and we expect them to work with us in an effective manner to resolve complaints. Third party contractors are responsible for the provision of information to support Oak Housing complaint investigations within our policy timescales. All communication associated with the complaint will come from Oak Housing.
- 2.6.** We operate a 2 stage complaints procedure, and customers can escalate their complaint to a senior manager at stage 2, if they are not satisfied with the response at stage 1. Beyond this if still not satisfied with the complaint handling customers can refer the matter to the Housing Ombudsman Service.
- 2.7.** We will accept a complaint unless there is valid reason not to do so. We adopt a fair and reasonable approach in these circumstances. Each complaint is considered on its own merits. See exclusions below this list is not exhaustive.
- 2.8.** This policy and related procedures do not normally cover:
  - A matter already fully considered through the complaint's procedure, the courts, or another legal process. Legal proceedings are defined as details of the claim, such as the Claim Form and the Particulars of Claim having been filed at court.
  - Services for which Oak Housing are not responsible e.g. local authority decisions about housing benefit or nominations these should be directed to the responsible local authority.
  - Anti-Social Behaviour (ASB) – Reports of ASB will not normally be managed through the complaint's procedure and will instead be managed through our ASB procedure. We will only investigate a complaint about ASB if it relates to the way we handled the matter.
  - Complaints relating to the level of service charges or their reasonableness. These are best managed through the First Tier Tribunal (FTT), although we will always try to resolve these concerns where we can. We will accept a complaint if we fail to follow the processes associated with the management of service charges or the standard of the service being delivered. The FTT can be contacted on 020 7073 4734 or by visiting [www.gov.uk/housing-tribunals](http://www.gov.uk/housing-tribunals).
  - Complaints relating to an issue that occurred more than 12 months ago. Discretion may be used if there is a valid reason for the delay or it relates to a safeguarding concerns or health and safety issue. Where there is a long-standing issue, we will consider older reports as part of the background if it helps to resolve the issue for the customer. We will encourage complainants to raise a complaint as soon as possible and within 12 months.

- A claim for damages which should be handled as an insurance claim such as personal injury or a third-party liability claim. Our insurers will review any claims made against us. You should refer any claim to [info@oakhousing.org](mailto:info@oakhousing.org).

**2.9.** Where we do not accept a complaint, we will provide the customer with a detailed explanation setting out the reasons why the matter is not suitable for our complaints procedure. The final decision not to accept a complaint lies with the Chief Operating Officer.

**2.10.** When we advise a customer that we are not accepting a complaint we will inform them of their right to refer their complaint to the Housing Ombudsman Service and/or other external agencies.

### **3. Legislation, Regulation, Guidance and Best Practice**

**3.1.** This policy reflects the Housing Ombudsman Statutory Complaint Handling Code and meets the requirements of the Regulator of Social Housing's Consumer Standards.

**3.2.** This policy incorporates the key elements of the following statutory and regulatory requirements.

- Complaint handling Code
- The Tenant Involvement & Empowerment Standard (Regulator for Social Housing)
- General Data Protection Regulation 2018
- Equality Act 2010

### **4. Introduction**

**4.1.** At Oak we welcome complaints and will take all customer complaints and feedback seriously. We will view these as a vital part of our service offer and seek to address specific service failings as and when they occur. As an organisation we firmly believe that all customer interactions provide us with an opportunity to improve our service offer. Therefore, it is important that all customer complaints are managed in a fair, impartial and transparent way and responded to in a timely manner. Key to this is communication and from the outset we are clear about what our customers can expect from us and in return what we can expect from them. We provide a range of ways that customers can report their complaints to us. Managing customer expectations from the outset is only one element of the process and delivering on our promise is crucial to ensuring that our customers experience is first class.

**4.2.** Our complaints policy is on our website and includes information about the Housing Ombudsman Complaints handling code.

- 4.3.** We aim to deliver excellent customer service in line with our corporate plan and our values, which puts our customers at the centre of everything we do. If we fail to do this, we will:
- Apologise
  - Acknowledge where things have gone wrong
  - Put things right when they are in our control
  - Provide an explanation and reasons
  - Re-consider or change a decision
  - Amend a record or add a correction or addendum
  - Change a policy, procedure or practices
  - Wherever possible we will provide a resolution at the point of contact
  - Ensure customer are kept informed, provide clear timescale and effectively manage their expectations
  - Identify customers who are vulnerable and take account of any specific requirements when handling their complaint
  - Safeguard the rights of customers to confidentiality, having a duty of care towards their information and comply with the General Data Protection Regulations
- 4.4.** In certain circumstances we may consider paying compensation as part of the complaint resolution. This will be calculated on a case-by-case basis to ensure that each complaint is considered on its merits and that any impact caused to our customer is assed appropriately.
- 4.5.** Any remedy offered will reflect the impact on the customer because of any fault or service failure identified. Any offer of financial redress will be based on our Compensation & Remedies Policy supported by the Housing Ombudsman best practice remedy guidance.
- 4.6.** Complaints can be resolved in several ways. The outcome of a formal complaint can be:
- **Not Upheld** – This means following our investigation of your complaint we do not consider there has been any service failure identified
  - **Partially Upheld** – This means following our investigation of your complaint we have identified some failings in our service offer but not all
  - **Upheld** – This means following our investigation of your complaint we consider that there are failings by us in the delivery of our service offer

## **5. Leadership, Roles and Responsibilities.**

- 5.1.** The Chief Operating Officer is committed to supporting the delivery of this policy through its people and systems

- 5.2. The Board have delegated responsibility to the Chief Executive Officer for overall performance of complaint handling.
- 5.3. The responsible Body from the Governing Body is the Chair of the Oak Housing Board.
- 5.4. Responsibility for the day-to-day operational management lies with the Chief Operating Officer supported by the Complaints Officer.
- 5.5. The allocated lead investigator is responsible for ensuring the complaint is robustly investigated and responded to within timescales.

## 6. Operation

- 6.1. We have a clear distinction between a request for a service (service request) and a complaint about a service.
- 6.2. A service request is a request from a customer requiring action to be taken to put something right. These are requests that can be resolved “there and then” without the need to enter the complaints system. Examples of where this may be possible include a missed appointment or a delay providing a response which can be resolved with an apology and the provision of another appointment or information. If the complainant is unhappy with the outcome of the actions taken, including any offer of compensation, then the complainant can ask for the matter to be considered at stage 1 of our complaint’s procedure.
- 6.3. No written response will be provided when we have resolved a service request. We will ensure these are recorded, monitored, and reviewed regularly.

## 7. Definition

- 7.1. *A complaint is defined as “an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.”*
- 7.2. A customer does not have to use the word complaint for it to be treated as such.
- 7.3. This Policy covers instances where complainants:
  - Are dissatisfied with any aspect of our service provision.
  - Are dissatisfied with the standard of services provided by our staff or someone acting on our behalf – this includes professionalism or conduct.

- We have failed to follow our policy and procedures.

## 7.4. Complaints Procedure

7.4.1. A complaint can be made by the following methods:

- Post (letter addressed to Oak Housing, The Olive Tree Centre, 472a Larkshall Road, Highams Park, London E4 9HH)
- E-mail (A complaints e-mail address in place which shall be checked regularly by the complaints officer - [complaints@oakhousing.org](mailto:complaints@oakhousing.org))
- Over the phone (verbally or by text) 020 8988 4781
- In person during inspections or home visits
- Visiting the office
- Through a feedback survey
- Through a third party, e.g. an advocate, staff member, support worker, MP or Councillor
- Support or assistance in making a complaint can be provided on request or we can provide details of other organisations that can help
- Note: we have access to translation and advocacy service to assist those whose first language is not English to complain and feedback to us

7.4.2. A complainant can contact the Housing Ombudsman Service at any point during the complaint's procedure for advice. The Housing Ombudsman Service will not usually investigate the complaint until it has exhausted our internal complaints procedure. Details of the Housing Ombudsman Service can be found on our website and on page 10 of this policy document.

## 7.5. Complaint Handling

7.5.1. When we receive a complaint, our Complaints Officer will:

- Record the complaint on our system and acknowledge it within five working days of receipt.
- Understand what the issues are from the outset and what outcome is being sought to resolve the complaint. They will confirm if the issues giving rise to the complaint are our responsibility or not. If they are not, they will advise the customer accordingly.
- Confirm the lead officer assigned to investigate your complaint.
- Identify any vulnerabilities or needs relevant to resolving the complaint and make any necessary reasonable adjustments in accordance with our Policy
- Give the resident a fair chance to set out their position
- Take measures to address any actual or perceived conflict of interest
- Always ensure the person handling the complaint provides a single point of contact for the customer and has the knowledge to deal with the complaint effectively
- Maintain clear record keeping and accurately log the complaint capturing all relevant information, ensuring all decisions made including compensation offers are noted

- Where appropriate, issue compensation fairly and promptly and in line with our Compensation & Remedies Policy
- Contact the customer before closing the complaint to ensure all agreed actions have been completed
- Record all lessons learnt so we can continually improve our services

## **7.6. Complaints Procedure**

### **7.6.1. Stage 1 investigation**

We will acknowledge the complaint within 5 working days of receipt. The complaints officer assigned the complaint will contact the customer to discuss the matter further and to gather any additional information required. If additional complaints are raised during this investigation, we will aim to incorporate these into the stage 1 response, unless we consider it will unreasonably delay the stage 1 response, in which case a new complaint will be logged.

We aim to respond to complaints within 10 working days of the complaint being acknowledged. In exceptional circumstances where we cannot meet the target because we do not have the answers, we will provide an explanation including a clear timescale of when the response will be received. We will agree suitable intervals for keeping the customer informed about the progress of their complaint. This will not exceed a further 10 days without good reason.

Where agreement over an extension cannot be reached, customers can consider contacting the Housing Ombudsman for further advice. Following the response any agreed actions will be monitored through to a conclusion and completed to a satisfactory standard.

A complaint response will be provided to the customer when the answer to the complaint is known, not when the outstanding actions required to address the issues are completed. The response will be in writing and will confirm that it is a stage 1 complaint, it will outline the complaint and set out the response in full. We recognise that complaints can be resolved in different ways and as part of our response to complaints we will, where appropriate, offer a remedy that reflects the extent of any service failure(s) and the impact this may have caused, considering all the circumstances.

This may include acknowledging where things have gone wrong, providing an explanation, apologising, taking action to correct the issue, offering compensation, and using the feedback to inform improvements or changes to our services.

As part of our investigation and where necessary we may need to visit you or send our Housing Officer, Repairs Operative or Contractors to your home. We will let you know if this is the case and arrange a mutually agreeable time to attend.



A complaint which has had a full response at stage 1 should not remain open beyond 28 calendar days from the date of the response, unless there are agreed actions that will take longer than 28 days to resolve.

A complaint will be closed if no escalation request has been received within 28 days of the stage 1 response being issued.

### **7.6.2. Stage 2 review**

We will only escalate a complaint to stage 2 once the stage 1 has been completed and at the request of the customer.

Customers who remain unhappy with the stage 1 response should let us know and we will escalate the complaint to stage 2. There may be occasions when it would not be appropriate to escalate the complaint to stage 2, for example if the outcome being sought was not within our power or ability to deliver. In cases such as these we will write to the complainant and explain why the complaint will not be escalated and what options available are including referring their complaint to the Housing Ombudsman Service.

An acknowledgment to this request will be sent to the complainant within five working days of receipt. Customers will not be required to explain their reasons for requesting an escalation to stage 2. We will make reasonable efforts to understand why a customer remains unhappy with the stage 1 response and include this as part of the stage 2 response.

An Officer, not previously involved with the complaint, will carry out a review of the complaint supported by the Complaints Officer. The review will usually be restricted to the matters included in the stage 1 complaint. Any new issues not dealt with as part of the stage 2 review will need to be dealt with as a new complaint.

The stage 2 officer will make contact within three working days from the date of being assigned the stage 2 review. The stage 2 officer will be responsible for:

- Understanding the issues and the outcome being sought.
- Reviewing the stage 1 investigation and actions to assess whether we have met our responsibilities.
- Identify any additional actions that may be required to ensure that the complaint can be resolved.

We aim to complete the stage 2 review within 20 working days from the date of acknowledgment. In exceptional circumstances where we cannot meet the target because we do not have the answers, we will provide an explanation including a clear timescale of when the response will be received.

This will not exceed a further 20 working days without good reason. Where agreement over an extension cannot be reached, complainants can consider contacting the Housing Ombudsman for further advice.

The stage 2 officer will send a full written response to the complainant detailing the outcome of the review when the answer is known. We recognise that complaints can be resolved in different ways and as part of our response to complaints we will, where appropriate, offer a remedy that reflects the extent of any service failure(s) and the impact this may have caused, considering all the circumstances.

Where the decision is that no further action is required, and that all reasonable and appropriate measures have been taken, the customer will be informed that they have reached the end of the complaint's procedure and advised of the next available steps.

Our stage 2 response will confirm that you have reached the end of our internal complaint's procedure.

### **7.7. Next Steps**

We are committed to resolving all complaints from our customers, but we understand that there will be times when customers feel the need to seek external support or advice in getting their complaints resolved. If you remain dissatisfied following our stage 2 response, you can refer your complaint to the Housing Ombudsman Service.

Customers can approach the Housing Ombudsman Service at any time during the complaint's procedure for support and advice. The Housing Ombudsman Service will usually only investigate a complaint once the internal complaints procedure has been exhausted.

#### **7.7.1. The Housing Ombudsman Service**

The Housing Ombudsman Service  
PO Box 1484  
Unit D  
Preston PR2 0ET  
Telephone: 0300 111 3000  
Fax: 020 7831 1942  
Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)  
Web: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

#### **7.7.2. Members of Parliament (MP) & Councillors**

You can also contact your local MP or Councillor for support.

Should we receive communication from an MP or Councillor on your behalf we will respond within 10 working days. Dependant on the nature of the enquiry our response



may be outside of the complaint's procedure. If it relates to a specific complaint, it will be dealt with in line with the complaints policy.

Contact details for Ward Councillors can be obtained from the Local Authority, or online at [www.gov.uk](http://www.gov.uk). Contact details for a Member of Parliament can be found online at [www.parliament.uk](http://www.parliament.uk) or by writing to: House of Commons, London SW1A 0AA.

## **8. Unacceptable Customer Behaviour**

We will not discriminate against anyone who makes a complaint, and they will not be treated any differently. We recognise that some customers who are unhappy about an issue may show signs of distress or frustration when reporting a complaint and that such behavior may be out of character. However, if such behaviour becomes aggressive, abusive, or unreasonable towards our staff we will seek to manage this in line with our Unacceptable Customer Behaviour Policy, whilst dealing with the complaint like any other.

Where a customer or their representative has become aggressive, abusive, or unreasonable we reserve the right to take appropriate action regarding that situation, which may include limiting who the customer can contact within Oak Housing or stopping the investigation into the complaint where the circumstances merit this approach. Examples are below where this would be the case.

- Treating staff in an aggressive or threatening manner
- Making unreasonable demands (including making serial complaints)
- Making unreasonable levels of contact disproportionate to the issue

Where a decision is made to limit customer contact, the decision will be made and communicated by the Chief Operating Officer. We will ensure that any restrictions placed on customers are proportionate and demonstrate regard for the provisions of the Equality Act.

## **9. Equality**

In line with the Equality Act 2010 we recognise we may need to adapt our policies, policies, procedures, or processes to accommodate a customer's individual's needs.

We will assist all customers that require help when making a complaint, including using our interpreting service. If a customer is unable to make a complaint themselves or would like the support of others, we are happy to receive complaints from a third party on their behalf. Examples include a friend or family member, a carer or support worker, an advocate, an MP or Councilors, a representative from the Citizens' Advice Bureau or other organisation e.g., a residents' association or community group.

## **10. Risk Management**

The issue of complaints is regulated by the Regulator of Social Housing and are managed in line with the Tenant Involvement and Empowerment Standards and adherence to the Housing Ombudsman Complaints Handling Code.

Following any significant restructure, merger and/or change in procedures we will undertake a review the Complaint Handling Code self-assessment.

If we experience any circumstance that may impact on our compliance with the Complaint Handling Code, we will advise both the Housing Ombudsman and the Regulator of Social Housing.

### **11. Competence and Training**

All staff responsible for complaints handling will be adequately trained, have knowledge and the professionalism to manage complaints and facilitate early resolution.

All staff will complete the Housing Ombudsman Dispute Resolution Training. Additional training in line with sector best practice or any other relevant professional body will also be undertaken to ensure staff are fully equipped to resolve complaints locally.

### **12. Awareness**

This policy is available on our website and communicated to the relevant staff.

### **13. Data Protection**

Under the General Data Protection Regulation 2016 and the data Protection Act 2018, all personal data and sensitive information, however, received is treated as confidential.

Staff will ensure that they only involve other agencies and share information with the consent of the customer concerned or their advocate, unless:

- Oak Housing are required to do so by law
- The information is necessary for the protection of children
- Any other lawful basis as dictated by the Data Protection Act 2018

### **14. Record Management**

All documents relating to complaint will be recorded and stored on our systems, including the date of receipt, outcomes at each stage and any associated correspondence considered or relied on. This will also include any reasonable adjustments or vulnerabilities identified and considered during the course of our investigation.

All documents will be kept in accordance with our information retention procedure and in accordance with the relevant regulations.

## **15. Monitoring**

- 15.1.** We monitor the number of complaints and the service areas to which they relate. We also monitor customer satisfaction annually as part of our wider tenant satisfaction surveys.
- 15.2.** All complaints are recorded and used as a means of improving the way we deliver services. We will seek to identify learning opportunities, both by reviewing complaints individually and by regularly reviewing the bigger picture to see what aspects of our services complained about the most.
- 15.3.** Oak Housing's key performance indicators related to complaints are closely monitored and reported to the Board.
- 15.4.** Quarterly reports are submitted to the Board that evidences compliance with the Complaints Policy and the relevant Legislation and Regulations
- 15.5.** An annual complaints performance and service improvement report for scrutiny and challenge will be produced for the Board and published on the website, that includes:
  - Housing Ombudsman Complaint Handling Code Self-assessment
  - A qualitative and quantitative analysis of our complaint handling performance
  - Any finding of non-compliance with the Complaint Handling Code
  - The service improvements made as a result of learning from complaints
  - Any annual reports about our performance published by the Ombudsman
  - The Board's response to the Annual Report

The relevant KPI's are:

- Acknowledgement on time
- Complaint responses on time
- Housing Ombudsman upheld
- Satisfaction with complaint handling

## **16. Breach of policy**

Any deviation from this policy must be authorised by the Chief Operating Officer or equivalent.

## **17. Continuous Service Improvement**

- 17.1.** Oak Housing seeks continuous improvement through analysing the themes and trends and using feedback and lessons learnt from complaints and feedback to improve service design and delivery. Continuous improvement



focuses on increasing both the effectiveness and efficiency of the organisation to fulfil its obligations and objectives.

**17.2.** Our approach to continuous improvement is underpinned by the adoption of best practice, regular improvement reviews, evaluation and monitoring of the organisation activities to establish areas for development. Feedback from our customers is a key element of continuous improvement with negative responses from our transactional surveys monitored for potential complaint escalation.

### **18. Alternative Support agencies**

- Citizens Advice [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk) or by phone 0800 144 8848
- Shelter [www.shelter.org.uk](http://www.shelter.org.uk) or by phone 0808 800 4444
- Mind [www.mind.org.uk](http://www.mind.org.uk) or by phone 0300 102 1234