Complaints Policy and Procedure

This policy has been reviewed considering the Housing Ombudsman’s Complaint Handling Code – April 2024 and applies to any individual using or directly affected by Orchard Housing Society services.

Orchard Housing Society provides the opportunity to make complaints to allow for dissatisfied individual to seek redress and to enable Orchard Housing Society to review and monitor its performance and delivery of services. We will consider all matters of complaint referred to the Society on an individual basis and apply the following policy and procedures.

Orchard Housing Society aims to provide an excellent service to all tenants and always welcomes and embraces constructive comments, suggestions, and ideas on how to continuously improve all the services that we offer. However, we realise that as an organisation we may not always get it right.

Orchard Housing Society believes that by working together positively and constructively with tenants and leaseholders most problems can be overcome and easily resolved, therefore we will always try to get it ‘right first time’ and will always seek to resolve matters informally at the time that a complaint is made.

This policy can also be found on our website – [www.orchardhousingsociety.co.uk](http://www.jliving.org.uk), and your noticeboards.

**What is a complaint ?**

The Housing Ombudsman’ Complaint Handling Code defines a complaint 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’. A complaint could therefore be :

* We have failed to adequately respond to an initial request
* We have been unhelpful or rude
* We have failed to meet our stated standards or promises
* We have given unclear, misleading or unsuitable advice.
* We have not complied with our own policies and or procedures.

**What is not a complaint** ?

A complaint is not a first attempt to request a service or an enquiry. A service request is a request from an individual requesting action to put something right. Staff are encouraged to take all reasonable and necessary steps to resolve any issue raised as soon as possible and many matters can be resolved by staff without the need to refer the matter as a formal complaint. A formal complaint should be raised when the individual is dissatisfied with the response to their service request. Service requests will however be recorded to ensure that they are resolved satisfactorily.

A complaint should be raised when an individual expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. Orchard Housing Society will not stop their efforts to address the service request if the tenant also raises a complaint.

A complaint is not a report of anti-social behaviour. Anti-social and nuisance behaviour is dealt with under a separate procedure and will not be dealt with through the complaints procedure unless we have failed to meet our stated standards.

An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, Orchard Housing Society will ensure that the individual completing the survey will be made aware of how they can pursue a complaint if they wish to. Where and when we ask for wider feedback about our services, we will also provide details of how individuals can complain.

We will not deal with the following via the complaints procedure :

* Complaints about other tenants
* Any matter that has or is being dealt with by a solicitor.
* Any matter that is being dealt with by our insurers.
* Complaints that are already being considered by the Ombudsman
* Any matter that occurred more than 12 months ago
* Complaints that have already been considered under the procedure and process and that are, in the opinion of Orchard Housing Society, being pursued in an unreasonable way.
* Complaints that fall outside of Orchard Housing Society’s jurisdiction
* Decisions where there is already a right of appeal unless we have not followed our own procedures.
* Service charge and rent levels – i.e. dissatisfaction with the amounts charged rather than an incorrect calculation.

If Orchard Housing Society decides not to accept a complaint, a full explanation will be offered as to why the complaint is not suitable for the process.

Where an individual does not agree with this decision, they will be advised of their right to approach the Ombudsman when they are responded to.

**How to make a complaint**

Complaints can be made by telephone, in writing, by email, via our social media platforms or in person to a member of staff. Please note however that we will not respond via social media to complaints but will respond in writing or by telephone call. All staff are trained and experienced and understand that complaints are an opportunity to improve services and are not a threat. All staff are encouraged to identify potential complaints and to assist tenants and leaseholders to raise them. All Orchard Housing Society staff have received Complaints Handling Training and ongoing support and training is provided to our staff through regular supervision meetings.

Individuals may prefer that a family member or friend raises a complaint on their behalf, if this is the case, we would ask that we have your consent for somebody to act on your behalf, either in writing or in person.

**How will Orchard Housing Society respond to complaints ?**

Orchard Housing Society will make every effort to resolve a query or complaint as quickly and as informally as possible and in line with the Housing Ombudsman Complaints Handling Code requirements. In many instances it is possible to resolve a complaint as soon as it is raised or reported, however there will be occasions where we may need to gather more information or seek advice.

Where an informal approach does not resolve the problem, the matter will be considered as a formal complaint.

Orchard Housing Society staff will make every endeavour to advise how long the process is likely to take.

Orchard Housing Society will deal with complaints objectively and will apologise where Orchard Housing Society has been at fault. Orchard Housing Society will offer compensation where the situation or matter warrants it.

Orchard Housing Society will not unreasonably refuse to escalate a complaint unless it falls within the list of exclusions stated where the policy does not apply.

However, Orchard Housing Society reserves the right to refuse, consider or review complaints when a tenant or leaseholders conduct, action or behaviour is considered to be unreasonable and or unacceptable.

Whilst Orchard Housing Society will always seek to find a resolution before making this decision and will always endeavour to respond in a fair, balanced and proportionate manner, on occasion we shall need to invoke this clause to ensure the safety and wellbeing of staff and ensure that the Society’s resources are utilised in a proportionate way. As a small organisation Orchard Housing Society is mindful that any complainant behaving in an unreasonable and disproportionate manner can impact on resources within a small team which in turn can negatively affect service delivery to other tenants and leaseholders.

Examples of unreasonable complaints :

* The complainant is using aggressive, threatening and or offensive language or displaying associated behaviour.
* The volume of emails, calls or correspondence being received are extensive and unmanageable.
* The outcomes being sought are unreasonable.
* There is nothing further that Orchard Housing Society can do to assist.
* The complainant continues to raise the same or related complaint when the complaint process has been exhausted and concluded.
* The resources required to deal effectively with the complaint are disproportionate to the benefit of the outcome being sought.

If a complaint is identified as being unreasonable, Orchard Housing Society will:

* Explain this clearly and set out our expectations moving forward
* Assess the needs of the complainant and refer them for additional support if required.

**Complaints about 3rd Parties**

Where individuals wish to raise a complaint in relation to services provided by a 3rd party on behalf of the Society, we ask that these individuals refer the matter to Orchard Housing Society in the first instance. The matter will be dealt with in accordance with this policy – ie. Where the matter can be resolved quickly and informally, we will undertake this by communicating with the contractor or 3rd party and reverting to the individual concerned.

Where the matter cannot be resolved informally and may require more investigation, the Society will again liaise on behalf of the tenant and commence Stage 1 of the Complaints process. There is no expectation that tenants should have to pursue a 3rd party’s Complaints process unless they expressly wish to do so.

When raising matters on behalf of individuals, the Society will ensure that all 3rd parties are aware of the Society’s obligations in relation to the code and the timescales prescribed.

**3rd Parties as Adjudicators or Investigators**

In some exceptional circumstances the Society may utilise the services of a 3rd party to investigate a complaint or assist with an investigation. The Society will ensure that any 3rd party engaged on this basis is fully aware of Orchard Housing Society’s obligations to comply with the Ombudsmans Complaint Handling Code in terms of timescales and response. In the event of any unforeseen delays and in accordance with the Code, the Society will advise individuals accordingly of their right to seek assistance or guidance from the IHO.

**Complaints Officer**

The nominated officer for the organisation is the Tenancy Support Manager. The Complaints Officers role is to ensure that Orchard Housing Society acts sensitively and equitably, that all staff are trained to receive and deal with complaints, enables access to all staff at all levels to allow for the quick resolution of complaints and that staff have the authority and autonomy to act to resolve complaints quickly and fairly.

**Reasonable Adjustments**

Orchard Housing Society remains mindful of its obligations as detailed in The Equality Act 2010 and will make reasonable adjustments for individuals with a disability. Orchard Housing Society will make reasonable adjustments where it is necessary for individuals with protected characteristics to ensure that the same service is provided in so far as is reasonably possible as to those who do not have a disability. Regarding this policy, this may mean allowing additional time for information to be provided or to respond to enquiries. This may also allow for extra time in addition to the 12 month limit for raising a complaint, based on the merits of the complaint.

**What remedies will Orchard Housing Society offer ?**

Where something has gone wrong, Orchard Housing Society will acknowledge this and will advise of the actions already taken or intends to take to rectify matters these remedies may include,

* Offering a full and unreserved apology
* Acknowledging where things have gone wrong.
* Providing an explanation, assistance, or reasons
* Taking action in the event of a delay
* Reconsidering or changing a decision
* Amending a record, adding a correction or addendum
* Providing a financial remedy
* Changing policies, practices, or procedures.

The remedy offered will reflect the impact on the individual as a result of any fault or error identified.

Timescales in respect of remedies offered will be included both within Stage 1 and if escalated Stage 2 responses.

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**Stage 1 Investigation of the complaint**

If the matter or complaint cannot be resolved informally, it will be escalated to Stage 1 and the Tenancy Support Manager or other designated manager will contact you within 5 working days to discuss the matter further and try to agree a positive resolution. Where possible the matter will be discussed in person or by telephone. A timescale will be agreed, and the relevant manager will then complete their investigations as quickly as possible. They will feedback to you again in person or by telephone or an agreed means of communication and will then send an outcome letter advising of the outcome and any actions to be taken.

Orchard Housing Society will advise tenants throughout the process of their rights to access the Housing Ombudsman Service throughout the investigation of their complaint and not only when the Society’s procedure is at an end. Individuals will be informed of their right to seek impartial advice from the Ombudsman’s dispute support advisors.

In accordance with timescales set out by the Housing Ombudsman – Stage 1 response – within 10 working days of receipt of the complaint. If this is not going to be possible, an explanation will be offered, and a revised timescale advised. This will not normally exceed a further 10 working days without proper reason. Again, Orchard Housing Society will provide individuals with contact details for the Housing Ombudsman if the extension period is disputed.

Where additional complaints are raised during the investigation, these will be incorporated within the Stage 1 response if they are relevant, and the Stage 1 response has not been sent. Where the response has been issued or the additional investigation would cause a delay, the complaint will be logged as a new complaint.

Should individuals remain dissatisfied with the outcome of Stage 1 of the Complaints Procedure, they proceed to Stage 2 as follows below. This should be submitted within 10 working days. If the request to escalate is not received within 10 working days, the matter will be closed.

At Stage 1 the Society will define and set out :

* the complaint stage
* the complaint definition
* the decision on the complaint
* the reasons for any decisions made
* the details of any remedy offered to put things right
* details of any outstanding actions
* details of how to escalate the matter to the Ombudsman

Where the grounds of the complaint are not clear, the Society will seek further clarity from the individual and may need to offer a revised timescale.

Where the outcome of the complaint is clear and can be communicated quickly and clearly, then the Society will do so although the actions to resolve the complaint may still be in progress. The Society will keep individuals updated.

**Stage 2 Complaint – Review & Decision**

Where individuals remain dissatisfied with the outcome and response of the Stage 1 investigation, they may request for their complaint to be reviewed. They should advise why they do not agree with the outcome of Stage 1 and advise where possible the outcome that is sought. This will be undertaken by the Chair or other nominated member in her absence, who will complete a further investigation as quickly as possible. An outcome letter will then be sent detailing any actions to be taken. The outcome of the review stage will be final.

Requests to escalate will be logged and acknowledged within 5 working days following which a Stage 2 response will be offered.

The Society will not question the reason to escalate unless the outcome sought is not clear.

Where the outcome of the complaint is clear and can be communicated quickly and clearly, then the Society will do so although the actions to resolve the complaint may still be in progress. The Society will keep individuals updated.

If this is not going to be possible to offer a response within 20 working days an explanation will be offered and revised timescale advised. This will again not normally exceed a further 10 working days without proper reason.

Stage 2 responses will include the following

* the complaint stage
* the complaint definition
* the decision on the complaint
* the reasons for any decisions made
* the details of any remedy offered to put things right
* details of any outstanding actions
* details of how to escalate the matter to the Ombudsman

Orchard Housing Society will advise tenants throughout the process of their rights to access the Housing Ombudsman Service throughout the investigation of their complaint and not only when the Society’s procedure is at an end. Individuals will be informed of their right to seek impartial advice from the Ombudsman’s dispute support advisors.

This is the end of Orchard Housing Society’s internal complaints procedure.

**If you are still dissatisfied**

If you remain dissatisfied following the completion of Orchard Housing Society’s internal complaints procedure you can now direct your complaint to the Housing Ombudsman as below :

[**WWW.HOUSING-OMBUDSMAN.ORG.UK**](http://WWW.HOUSING-OMBUDSMAN.ORG.UK)

**Telephone – 0300 111 3000**

We recognise the value that complaints provide, and we have processes in place to ensure we capture the details and learning when we conclude our complaints process.

We will:

Record and monitor all the complaints we receive and use this information to deliver process and service improvements. This information is shared and reviewed with relevant Orchard Housing Society committees and the main Management Committee.

Have a member of our Management Committee who will have lead responsibility for complaints.

As a minimum, we will provide our Management Committee with:

Regular updates on the volume, categories, and outcome of complaints, alongside complaint handling performance including compliance with the Ombudsman’s orders

Regular reviews of issues and trends arising from complaint handling

The annual performance report produced by the Ombudsman

Individual complaint outcomes where necessary, including where the Ombudsman made findings of severe maladministration or referrals to regulatory bodies.

The implementation of management responses will be tracked to ensure they are delivered to agreed timescales.

The annual self-assessment against the Complaint Handling Code for scrutiny and challenge.

Each year we will carry out an annual self-assessment against the Complaint Handling Code to ensure our complaint handling remains in line with the code's requirements.

Use complaints as an opportunity to learn; we will identify lessons learnt and implement solutions.

**Managing personal data**

We will manage and process personal data in compliance with the Data Protection Act 2018 and 2018 GDPR. For further information on how we process personal data, please refer to our policies on our website or contact Head Office