

# COMPLAINTS POLICY 2024

REVIEW DATE: April 2024  
NEXT REVIEW DATE: APRIL 2026

## PURPOSE

This document sets down Encircle Housing's (EH) policy towards managing complaints received by customers and / or their personal representatives. It explains how customers can make a complaint if they are not satisfied with our services and how EH will respond to the complaint.

The contents of this policy have been reviewed and benchmarked against recommendations within the Housing Ombudsman Services' Complaint Handling Code (April 2024) and should be read alongside the related documents listed in the table included later in this document.

## BACKGROUND

Encircle Housing (EH) is committed to providing a high-quality service for its customers, and working in an open and accountable way that builds trust and respect. One of the ways in which we can continue to improve our service is by listening and responding to the views of our customers, responding positively to complaints, and by putting mistakes right when things have gone wrong.

## LEGAL AND REGULATORY REQUIREMENTS

The Housing Ombudsman and The Regulator of Social Housing's Tenant Involvement and Empowerment standard requires Registered Providers to have an approach to complaints that is clear, simple, accessible and that ensures complaints are resolved promptly and fairly.

This policy has been reviewed and benchmarked against the Housing Ombudsman's Complaint Handling Code, published 8<sup>th</sup> February 2024, applicable from 1<sup>st</sup> April 2024. The Policy meets our legal obligations outlined in the following legislation:

- Housing Act 1996
- Equality Act 2010
- Localism Act 2011
- The Regulator of Social Housing Tenant Satisfaction Measures April 2023

# COMPLAINTS PROCESS

## 1. What is a complaint?

We define a complaint and / or concern, as an expression of dissatisfaction however made, about the standard of service, actions or lack of action by Encircle, our own staff or those acting on our behalf, affecting an individual Tenant or group of Tenants. We recognise that care providers, health professionals, appointees, advocates and family members of our tenants may have a need to make a complaint where our tenants lack capacity.

Tenants do not have to use the word “complaint” for it to be treated as such, and we will take every appropriate action to resolve any issue(s) as per the resolution processes outlined within this Policy. We also recognise the difference between a service request, and a complaint. A service request from our tenant(s) and / or their representative, requiring action on our part to put something right, is not a complaint. These will be attended to as per our published service standard, recorded, monitored and regularly reviewed separate to our Complaints Policy.

Any concern and / or complaint can be raised directly by the tenant, or on their behalf by their advocate / personal representative.

Examples of complaints and / or concerns, are:

- Where we have failed to provide a service, or there has been a delay in providing this against our published service standard.
- Where we have failed to follow our policies and procedures or have been unfair or inconsistent in applying them.
- Where we have failed to keep a customer informed through lack of or insufficient information with regards to their chosen service enquiry.
- Where there has been inappropriate behaviour or poor attitude demonstrated from any member of staff when dealing with the service enquiry.
- If a customer is in any way unhappy about how we have delivered a service.
- A complaint can be made by anyone who is entitled to receive a service from EH or is affected by that service provision.
- Complaints can be made by:
  - i) Phone 0330 390 0517
  - ii) Online [www.encircleha.co.uk](http://www.encircleha.co.uk)
  - iii) Email [contactus@encircleha.co.uk](mailto:contactus@encircleha.co.uk)
  - iv) Letter Encircle Housing, 2 High Street House, High Street, Leeds LS19 7PP

### Raising concerns or complaints via social media.

If a customer raises a concern or complaint via Encircle Housing’s social media feeds, this will

be acknowledged with a responding tweet or post, and request for further discussions to take place offline. The customer will be given the option to contact EH via our general enquiry phone number or provide their contact details via a direct message on the social media platform being used.

### Damp and Mould

In accordance with the Housing Ombudsman Spotlight Report on damp & mould (October 2021), and issue of letter from the Department of Levelling Up, Housing and Communities letter to all Registered Providers (19<sup>th</sup> November 2022), any complaints and / or concerns received relating to damp and mould, will be acted upon promptly, following a thorough investigation, and remedial action taken to rectify.

## **2. Exclusions:**

A complaint must be received by EH within twelve months of the issue taking place or the customer finding out they have a reason to complain. This time limit is in line with the Housing Ombudsman Complaint Handling Code (April 2024).

Any issue(s) will not be considered, or escalated, if:

- The reason for the complaint occurred over twelve months ago.
- If legal proceedings have been started, including for example a letter before action, then consideration of a complaint will be suspended pending the outcome of the legal action.
- Matters that have previously been considered under this Complaints Policy.

In exceptional circumstances, EH may consider a complaint after this time limit has passed. If a customer feels that the time limit should not apply, they will need to tell us why so that a decision can be made.

If EH decide not to accept a complaint, EH will provide a detailed explanation setting out the reason(s) why the matter is not suitable for our complaints process. The complainant has the right to refer this decision to the Housing Ombudsman, who can instruct EH to take on the complaint, if they feel that the exclusion has not been fairly applied.

## **3. Priority Response Process**

To ensure that we resolve complaints as quickly as possible, we may initially deal with the problem or service failure under our 'Priority Response' process. This will be by agreement between EH and the complainant.

We will aim to resolve the failure in service within 5 working days. A priority response is dealt

with much quicker than a formal complaint as we will look to resolve the problem as quickly as possible.

Following our efforts to resolve concerns as above, you are still eligible to proceed to a formal complaint if you wish. This request should be received within 12 months of the issue taking place or the customer finding out they have a reason to complain.

#### **4. Formal Complaints Process**

Encircle recognises that our complaints process should be easy to understand and use. We have therefore adopted the Housing Ombudsman two stage process:

##### **Stage 1**

If a customer is unhappy with a service we have provided, or if we have been unable to resolve an issue to their satisfaction under our Priority Response process, a complaint can be logged under Stage 1 of our formal complaints process. All complaints will be acknowledged by email within 5 working days of their receipt.

The relevant Head of Service will:

- provide a full written response within 10 working days of the complaint initially being acknowledged.
- investigate the complaint and keep the customer informed of the progress until resolution.

EH aim to fully resolve the complaint within 15 working days. If longer is required, we will contact the complainant, with our reason(s) an extension is required and agree a new timescale.

##### **Stage 2**

If a customer is dissatisfied with the outcome of the Stage 1 investigation, the customer can make a request for their complaint to be escalated and reviewed by the senior EH Complaints Panel comprising of The Managing Director and one nominated Non-Executive Director. A complaint about the Managing Director would be escalated under Stage 2 to the Chair of Encircle Housing and at least one other Non-Executive Director. All requests for a Stage 2 investigation will be acknowledged within 5 working days of their receipt.

EH will resolve a Stage 2 complaint within 20 working days of the request for Stage 2 initially being acknowledged. If the complaint is complex and/or requires third-party involvement we will consult with the complainant with our reason(s) an extension is required, and agree a new timescale.

The customer and / or their personal representative will have the right of representation

at this panel either in person or in writing. This is the final stage of the Encircle complaints process.

Should a resident remain dissatisfied at the end of Encircles' complaints process, they may submit their complaint to the Housing Ombudsman.

EH requires any contractor that provides services on our behalf to comply with this policy by:

- i) Recording and responding to customers' feedback within the stated timescales.
- ii) Providing us with any information relating to a complaint when requested.
- iii) Assisting EH with complaints investigations as appropriate.

## 5. Communicating with our customers

We will keep our customers / their advocates / personal representatives regularly updated and informed even where there is no new information to provide. At the completion of each stage of the complaints process we will write to the tenant / their personal representative / advocate advising them of the following details.

- The complaint stage reached.
- The outcome of the complaint.
- The reasons for any decisions made.
- Details of any outstanding actions.
- Details of how to escalate the matter if they remain dissatisfied.

## 6. Independence and Confidentiality

All complaints, either via the Priority Response Process, Stage 1 and / or Stage 2 will be recorded on a central register, overseen and monitored by the Complaints Officer. This role sits within the responsibilities of the Business Manager, who reports directly to the Managing Director. The Managing Director will also act as the Member Responsible for Complaints (MRC). The MRC and Complaints Officer can be contacted through the contact methods listed below:

- i) Email: [contactus@encircleha.co.uk](mailto:contactus@encircleha.co.uk)
- ii) Telephone: 0330 390 0517

Any complaint(s) relating directly to a member of Senior Management Team will be referred to and investigated by a member of the Senior Management Team not mentioned in the complaint, as nominated by the Managing Director.

A customer has the right to contact The Housing Ombudsman Service at any stage throughout the EH complaint process, or if they wish to escalate further after completing the EH process. The case can be referred directly to the Housing Ombudsman Service or to a designated

person. A designated person is a Councillor, or MP. A designated person will help resolve the complaint in one of two ways:

- i) they can try and resolve the complaint themselves OR
- ii) they can refer the complaint straight to the Housing Ombudsman Service if the complaint remains unresolved.

<https://www.housing-ombudsman.org.uk/>

Telephone 0300 111 3000

All complaints will be treated fairly and in the strictest confidence.

## **7. How will we learn from complaints?**

A complaint is seen as an opportunity to learn about how we can improve our service at EH. We therefore want to learn from every complaint, irrespective of the nature, and to capture and share the things that we learn so that improvements can be made where appropriate.

In order to do this, we will:

- Record and monitor every complaint including details such as what the complaint was about, how it was resolved, how quickly it was resolved.
- Implement a lesson learnt action plan following the closure of a complaint to ensure that changes in our services are embedded to avoid future complaints of a similar nature.
- Our Senior Management Team will carry out bi-monthly reviews of all complaints, to appraise and look at how / if we can improve our handling of complaints and the services we provide.
- Our Board will receive a summary of complaints at least twice a year.
- Survey tenants to measure their satisfaction with the way their complaint investigation was handled.

## **8. Staff Training and Development**

All staff within the organisation will be briefed on the policy and its application to their work. Any training needs will be identified and addressed as part of embedding the policy into current housing practice and procedures.

Encircle will continually strive to provide excellent customer services to our tenants, partners and wider customers. Senior Managers will undertake regular 1:2:1 reviews with their relevant

teams to review performance and any training and development needs will be identified and implemented. We will be implementing our Staffology Performance Appraisal in 2024, and this will be a valuable tool for staff and managers to receive feedback on how they engage and respond to the needs of our tenants.

## 9. Unacceptable, Abusive Behaviour and / or a Vexatious Complaint

Encircle Housing staff are expected to treat individuals with courtesy, respect and fairness. Similarly, we expect our staff to be treated in the same way. We have a duty to protect the welfare and safety of our staff. We understand that people may act out of character in times of distress or due to frustration. However, if that frustration becomes aggression or abuse towards our staff, we will not tolerate any unacceptable behaviour from residents and / or their representatives when pursuing a complaint.

Any incident arising of this nature will be taken seriously and appropriate action taken in accordance with the Law. Any restrictions placed on a resident’s contact due to unacceptable behaviour will be appropriate to their needs and demonstrate regard for the provisions of the Equality Act 2010.

A vexatious complaint is one that is pursued, regardless of its merits, solely to harass, annoy or subdue somebody, something that is unreasonable, without foundation, frivolous, repetitive, burdensome, or unwarranted. If the relevant Head of Service and / or MD become aware that the complaint is made with vexatious or malicious intent, they may make a decision for further action on this basis.

## RELATED DOCUMENTS

The table below provides links to related documents and guidance that support the implementation of this document.

Document Name	Description	Where it can be found
Complaint Reporting Form	For reporting all complaints	Encircle website: <a href="http://www.encircleha.co.uk">www.encircleha.co.uk</a> Encircle Mailbox address: Contactus@encircleha.co.uk
Housing Ombudsman Complaint Handling Code April 2024	Good practice guidance in the management and handling of complaints	<a href="http://www.housingombudsman.org.uk/home">www.housingombudsman.org.uk/home</a>
Housing Ombudsman Service	For further advice and appeals against any closed unresolved complaints previously investigated by Encircle	<a href="http://www.housingombudsman.org.uk/home">www.housingombudsman.org.uk/home</a>

## DOCUMENT CONTROL

<b>Policy Name:</b>	Complaints Policy
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