

OUTSOURCED COMPLAINTS POLICY FOR SERVICE COMPLAINTS

Adopted / last reviewed by Management Committee: XXX

1. Aim

The aims of this policy are:

- To ensure that members and others have the right to complain about the provision, or non-provision, of services through an accessible, confidential and easy to use procedure, which offers rapid action and response.
- To ensure that the organisation can put things right
- To ensure that service complaints are dealt with effectively and fairly, even where complaint outcomes are not to the satisfaction of the complainant.
- To ensure that service complaints are taken seriously and used positively to improve how the Co-op and its managing agent, Co-op Homes South (CHS), operate.
- To ensure that the service complaints procedure complies with the Transparency, Influence and Accountability standard
- To ensure that the service complaints procedure complies with the Housing Ombudsman's Complaint Handling Code

2. Who can complain?

The Co-op welcomes complaints from members of the Co-op.

A complainant can also be made by anyone who is affected by a decision or action taken by the Co-op or our managing agent, CHS, including:

- service users and ex-service users
- applicants for housing
- partnership organisations and agencies
- contractors or consultants
- neighbours to the Co-op's properties
- members of the public

The Co-op also accept complaints from third parties or representatives (this will require written evidence that anyone representing a complainant is authorised by the complainant to act on their behalf). Any representative can attend meetings with the complainant if the complainant wishes them to.

Complainants do not have to use the word complaint for it to be treated as a complaint.

3. What is a service complaint?

"A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Co-operative, or by our managing agent, CHS, or by others acting on the Co-ops behalf, affecting an individual member or group of members."

A service complaint, whether justified or not, may be about something that should or should not have been done, or has been done badly, or has been done or not done in accordance with the Co-op's policies. A complaint may also be about a complainant feeling that they have not been treated fairly or they have been discriminated against in the provision of a service.

The Co-op will accept or escalate complaints unless there is a valid reason not to do so.

The following issues would **not usually** be accepted or escalated under this complaints policy unless there are valid reasons to consider the issue:

- First time requests for a particular service - A service request is a request from a service user to the Co-op or our managing agents requiring action to be taken to put something right. Examples include reporting a repair or defect, requesting information, asking for an explanation of a policy. We recognise that service requests can become complaints if we fail to deal with the first time request appropriately or the member is dissatisfied with the response. A complaint should therefore be raised when the service user raises dissatisfaction with the response to their service request if there has been a failure in the service (i.e., something is not working as it should do) that should be investigated, put right and learnt from.
- Governance complaints – complaints about how a Management Committee member has behaved in governance roles in the co-operative. These complaints will be dealt with through the Co-op’s Code of Conduct.
- Business to business complaints – complaints about how CHS has performed its contractual obligations to the Co-op. These will be dealt with through CHS’s Business to Business Complaints Policy.
- Anti-social behaviour or harassment issues – requests to deal with these issues will be dealt with in accordance with relevant policies. If a complainant has asked the Co-op to address an anti-social behaviour issue or a harassment issue and is not happy with the way that it has been managed, they may then make a complaint under the Complaints Policy.
- Neighbour nuisance, or neighbour disputes – requests to deal with these issues will be dealt with in accordance with relevant policies. If a complainant has asked the Co-op to address neighbour nuisance, or a neighbour dispute and is not happy with the way that it has been managed, they may then make a complaint under the Complaints Policy.
- Complaints relating to an active legal claim - such as disrepair filed at court, or when a complainant is taking the Co-op to court. For clarity, if a complainant is taking pre-litigation action (e.g., disrepair pre-action protocol), they may make a complaint under the Complaints Policy.
- Claims for damages – these will be dealt with as an Insurance Claim, as will other liability issues that are subject to an insurance claim.
- New issues that arise during a complaint investigation – these will be logged as a new complaint unless they are relevant to the complaint under investigation. However, additional complaints will be incorporated if they are relevant, and the response has not yet been issued.
- Anonymous complaints – the co-op will promptly assess the severity, and issues will be dealt with under the relevant policy.
- Complaints about something more than twelve months old - unless it is a recurring issue that has been continuing for longer than twelve months and is persisting.
- Matters that have already been considered under the complaints policy.
- Unreasonable or vexatious complainants / complainants’ representative. The Co-op and CHS reserve the right to instigate their Unacceptable Behaviour Policy. Matters that may be contributing to the way the complainant is choosing to behave will be considered and reviewed. This may lead to reasonable adjustments in communication including how the complaint is responded to. There will be a review of whether the complainant is being appropriately supported before deciding whether to refuse to investigate a concern.

If the Co-op or CHS chooses not to accept or escalate a complaint for one of the above reasons, when asked, CHS will formally write to the complainant setting out its reasons why.

Sometimes complaints may overlap across these types of complaints, in which case issues will be dealt with separately and in accordance with the relevant procedure.

Where dissatisfaction is expressed through survey feedback the feedback will not immediately be defined as a complaint. The Co-op will follow this up and be led by the member if they wish to raise the issue as a complaint.

4. Submitting complaints

Complaints can be made at any time and should be made directly to CHS. The preferred method is by email to homes@coophomes.coop. Complaints may be received by:

- Telephone 020 3166 2608
- Text 07398 377388
- Letter 8, Waldegrave Road, Teddington TW11 8GT
- Email homes@coophomes.coop
<https://www.coophomes.coop/about-us/compliments-and-complaints/log-a-complaint-online/>
- Website [complaint-online/](https://www.coophomes.coop/about-us/compliments-and-complaints/log-a-complaint-online/)
- In person Through speaking to someone who represents CHS

Complainants are encouraged to be as specific as possible about the issues and details of the complaint and the action being sought to rectify the situation.

The Co-op will comply with the Equality Act 2010 and adapt normal policies, procedures or processes to anticipate and accommodate an individual member's needs in a person-centred way. This applies equally to the Unreasonable Behaviour Policy.

Please note that confidentiality will be maintained in the handling of complaints.

5. **Complaints Officers**

Complaints will be handled by complaints officers (a person or a group of people) who are:

- Independent (with no conflict of interest) =, competent, empathetic, and efficient (skilled in complaint handling)
- Able to act sensitively and fairly
- Able to receive complaints and deal with distressed and upset members
- With access to individuals who can facilitate a quick resolution of complaints

The Co-op wants to ensure that complaints are dealt with by the organisation that can put things right.

The Co-op has outsourced complaint management to CHS, who provide services to the Co-op under a management agreement. If members have a complaint against the service provided by CHS procedure A will be used.

The Co-op is the landlord and owner of the homes that members live in. If members have a complaint against the Co-op (usually this will relate to the Management Committee (MC) who have responsibility for running the Co-op) procedure B will be used.

Summary of complaints' procedures A and B

Procedures A and B are both two-stage procedures and are summarised below. In managing complaints, CHS will follow the maximum target times for its own service provision and when acting on behalf of the Co-op:

Complaints procedure	Timescales	Complaints regarding the managing agent's (CHS's) service	Complaints regarding the Landlord's (Co-op's) service (usually actions by the MC)
		PROCEDURE A	PROCEDURE B
Log and acknowledge the complaint. Confirm the 'complaint definition' in writing to the complainant	5 working days from receipt of the complaint	CHS log and acknowledge the complaint and write to the complainant with the 'complaint definition'. CHS will pass the complaint to CHS's Complaints Officer	CHS log and acknowledge the complaint and write to the complainant with the 'complaint definition'. CHS will pass the complaint to the complaints officer
Stage 1 – Investigation	10 working days from the acknowledgment of the complaint	CHS's Complaints Officer investigates	CHS's Complaints Officer investigates and reports with recommendations to the MC's Complaints Officer (the Secretary or another designated member of the MC)
Stage 1 - Results of the investigation of a complaint		CHS's Complaints Officer communicates the results to the complainant and notifies the Landlord (Co-op) of the outcome.	The MC's complaints officer communicates the results to the complainant.
Request for a review	20 working days of receiving the stage one response		
Stage 2 - Reviewing	20 working days from the request for a review.	CHS (a Complaints Officer independent of the complaint so far) notifies the the Landlord (Co-op) (the Secretary or another designated member of the MC) of the findings and any risks.	CHS (a complaints officer independent of the complaint so far) reports with recommendations to the MC's Complaints Panel (of MC members independent of the complaint so far).
Stage 2 - Results of a subsequent review of the complaint		The CHS's Complaints Officer communicates the results to the complainant	The MC's Complaints Panel communicates the results to the complainant

If it is not possible for complaints officers to achieve these timescales, considering the complexity of the complaint, CHS will communicate how much extra time is needed to the complainant and the reasons why

there will be a delay. At the same time CHS will provide the contact details of the Ombudsman. The target times for the investigation (stage 1) and review (stage 2) stages should not be exceeded by more than 10 working days without good reason. If an extension at either stage 1 or stage 2 beyond 20 working days is required to enable the landlord to respond to the complaint fully, this should be agreed by the complainant. Where agreement over an extension period cannot be reached, CHS should provide the Housing Ombudsman's contact details so the complainant can challenge the plan for responding and/or the proposed timeliness for a response.

6. Complaint's procedure A detail: Complaints regarding CHS's managing agent's service

CHS provide services to members under a management agreement with the Co-op (the Landlord). If members have complaint about the service provided by CHS there is a two-stage process:

Logging, acknowledgement and the complaint definition - Complaints will be logged and acknowledged by CHS with the complainant within 5 working days from receipt. Within 5 working days from receipt (or from a request for review) CHS will also confirm in writing to the complainant CHS's understanding of the complaint and the outcomes the complainant is seeking. This is referred to as the 'complaint definition'. CHS will encourage the complainant to be specific about what they are complaining about and what outcomes they are seeking. If any aspect of the complaint is unclear CHS will ask the complainant for clarification. CHS will be clear which aspects of the complaint CHS are responsible for, and are not responsible for, clarify any areas where this may not be clear, and advise the complainant if that procedure A will be followed. CHS will then pass on the complaint to the CHS Complaints Officer.

Stage 1: Investigation and response - The complaint will be investigated by a designated **CHS Complaints Officer** who is independent of the complaint. The Complaints Officer will give the complainant and any other parties involved the opportunity to state their views on the complaint issues. Matters that are quick and easy to resolve will be addressed as soon as possible. Conflict of interest could arise either from the complainant or the Complaints Officer asked to investigate this case. Any potential conflict should be made known to CHS before the investigation begins to avoid any undue influence.

CHS will decide their approach to resolution of the complaint including whether the complaint is fully, partially or not upheld. The CHS Complaints Officer will communicate the resolution to the complainant.

Stage 2: Review - If the complainant is unhappy with the outcome of CHS's investigation, they can request escalation to Stage 2 to CHS within working 20 days of the date of the Stage 1 reply. The Stage 2 escalation cannot include any new or unrelated complaints to the Stage 1 complaint.

The review will be carried out by a **CHS complaints officer who is independent of the complaint so far**. Stage 2 will consist of a review of the evidence and outcome of stage one plus any additional evidence – offering the complainant and other parties to the complaint the opportunity to put forward their views.

The investigating officer will communicate the outcome to the complainant.

The investigating officer will **notify the Co-op** (the Secretary or another a designated member of the MC) of CHS's findings and any risks that the Landlord (the Co-op) is responsible for in terms of the law, regulation *[This can be deleted if your Co-op is not a registered provider]*, and the Housing Ombudsman (even where the service delivery is outsourced to CHS). *[This can be deleted if you are not required to be part of the Housing Ombudsman's complaint scheme]*

This concludes the internal complaints procedure.

The Co-op is a member of the Housing Ombudsman's Scheme and CHS will inform the complainant of their communication their right to access the Housing Ombudsman's service throughout the process *[This can be deleted if you are not required to be part of the Housing Ombudsman's complaint scheme]*.

7. **Complaints Procedure B detail: Complaints regarding the Landlord's (Co-op's) service**

The landlord is the owner of the property you live in – your Co-op. If you have a complaint against your Co-op (usually this will relate to the MC who have responsibility for running the Co-op), there is a two-stage process:

Logging, acknowledgement and the complaint definition - The Co-op has outsourced the complaint process to CHS, its managing agent, to ensure an independent review. On receipt of a complaint CHS will inform the Landlord's (Co-op's) Complaints Officer (the Secretary or another a designated member of the MC) of receipt. Complaints will be logged and acknowledged with the complainant by CHS within 5 working days from receipt. Within 5 working days from receipt (or from a request for review) CHS will also confirm in writing to the complainant CHS's understanding of the complaint and the outcomes the complainant is seeking. This is referred to as the 'complaint definition'. CHS will encourage the complainant to be specific about what they are complaining about and what outcomes they are seeking. If any aspect of the complaint is unclear CHS will ask the complainant for clarification. CHS will be clear which aspects of the complaint the Co-op are responsible for, and are not responsible for, clarify any areas where this may not be clear, and advise the complainant that procedure B will be followed. CHS will then pass on the complaint to the Complaints Officer.

Stage 1: Investigation and response – The complaint will be investigated by a **CHS's designated Complaints Officer** who is independent of the complaint. The CHS Complaints Officer will give the complainant and any other parties involved the opportunity to state their views on the complaint issues. This will include talking to people involved in the issue being investigated and there will be a written record of the investigation.

Matters that are quick and easy to resolve will be addressed as soon as possible. Conflict of interest could arise either from the complainants or the complaints officer asked to investigate this case. Any potential conflict should be made known to CHS before the investigation begins to avoid any undue influence.

On completion of the investigation, a report will be drafted for **the MC's Complaints Officer** (the Secretary or another a designated member of the MC). The report will **make recommendations** to the MC's Complaints officer, including whether the complaint should be fully, partially or not upheld. It is then the responsibility of the **MC's Complaints Officer** to decide and communicate this to complainant.

Stage 2: Review - If the complainant is unhappy with the outcome of the Co-op's stage one response, they can escalate their complaint to stage 2 within 20 working days of the date of the Stage 1 reply. The Stage 2 escalation cannot include any new or unrelated complaints to the Stage 1 complaint.

The **CHS complaints officer** will review the request to escalate Stage 2 and agree with the MC's Complaints Officer (the Secretary or other designated member of the MC) who in CHS, who is independent of the complaint so far, will review the complaint at stage 2.

Stage 2 will consist of an investigation by **CHS (a complaints officer independent of the complaint so far)** who will review of the evidence and outcome of Stage 1 plus any additional evidence – offering the complainant and other parties to the complaint the opportunity to put forward their views.

On completion of the investigation, the review officer will produce a **report with recommendations** for **the MC's Complaints Panel** (designated members of the MC independent of the complaint so far), including whether the complaint should be fully, partially or not upheld. Based on CHS' recommendations and report, it will then be the responsibility of the Co-op's Complaints Panel to make a decision and communicate this to the complainant

This concludes the internal complaints procedure.

The Co-op is a member of the Housing Ombudsman's Scheme and the MC's Complaints Officer and Panel will inform the complainant of their communication their right to access the Housing Ombudsman's service throughout the process. *[This can be deleted if you are not required to be part of the Housing Ombudsman's complaint scheme].*

8. **Putting Things Right**

If the evidence or balance of probabilities supports a complaint it will be upheld. If a complaint contains more than one issue and one of the issues is upheld, but not all, it will be recorded as partially upheld. Complaints that are upheld may be resolved in several ways and will reflect the extent of the situation based on its own merit, and the impact caused to the complainant as a result. These may include:

- acknowledging where things have gone wrong.
- providing an explanation, assistance, or reasons.
- apologising when a mistake has been made or people have been let down.
- taking action or setting out the action CHS intends to take to put things right.
- reconsidering or changing a decision.
- amending a record.
- providing a financial remedy.
- changing policies, procedures, or practices.
- signposting to support agencies.

When considering a resolution, a range of factors impacting the level of detriment caused to the complainant will be considered including, but not limited to:

- the length of time that a situation has been ongoing.
- the frequency with which something has occurred.
- the severity of any service failure or omission.
- the number of different failures.
- the cumulative impact on the complainant.
- a complainant's particular circumstances or vulnerabilities.
- consideration of any quantifiable losses in accordance with our compensation policy and procedure and/or any discretionary payment to acknowledge service failure more broadly. Compensation for quantifiable loss will normally be paid as credit to the rent account in accordance with Compensation Policy. Any discretionary payment will be reimbursed directly to the complainant.

9. **Communication**

The Co-op will make their complaint policy available in a clear and accessible format for members. The policy can be found on the Co-op's page of CHS's website <https://www.coophomes.coop/>

The Co-op will provide copies of the Complaint's Policy on request.

Plain language will be used when communicating with complainants about complaints. All points raised in the complaint will be addressed and clear reasons for any decisions will be provided, referencing the relevant policy, law and good practice where appropriate.

Complaints will be responded to when the answer to the complaint is known, not when outstanding actions required to address the issues have been completed. Outstanding actions will be tracked and actioned promptly, and appropriate updates provided to the complainant.

At the end of a complaint investigation and at the end of a review (if there is one) the response to the complainant will say:

- What the outcome of the complaint is
- The reasons why decisions have been made
- The offers being made to put things right
- The actions that remain outstanding. Outstanding actions will be tracked, and updates provided to the member
- How the complainant can take the matter further if they are dissatisfied with the outcome or what is being offered
- That the complainant may refer the complaint to the Housing Ombudsman Service (see below)

During the complaint investigation and in any review, complainants will be given a fair opportunity to set out their views, and comment on any findings before a final decision is made.

Communication with the complainant will not generally identify individuals involved in delivering the service (volunteers, staff, other service providers or contractors) because all are acting on behalf of the landlord (the Co-op). Whilst the Co-op should seek to put right any problems and learn from mistakes, the Co-op will not seek to blame the complainant or those delivering the service.

Complainants will be regularly updated and informed even where there is no new information to provide.

10. Housing Ombudsman Service

If the member remains dissatisfied at the end of the Co-op's complaints procedure, they may bring their complaint to the Ombudsman. The Co-op will co-operate with the Ombudsman's requests for evidence and provide this within 3 weeks or 15 working days.

If a response cannot be provided within this timeframe, the Co-op will provide the Ombudsman with an explanation for the delay. If the explanation is reasonable, the Ombudsman will agree a revised date with the Co-op.

Members can access the Housing Ombudsman Service when they wish to and not just when they have exhausted the Co-op's complaints process. The Housing Ombudsman Service can assist members throughout the life of a complaint.

The details of the Housing Ombudsman can be found here: <https://www.housing-ombudsman.org.uk/contact-us/>. Telephone: 0300 111 3000. Email: info@housing-ombudsman.org.uk

11. Keeping records

The Co-op will document all complaints and resulting actions and will keep copies of all complaint correspondence to and from the complainant. The Co-op will keep copies of the complainant's correspondence received at each stage.

The Complaints Officer will be responsible for ensuring that outcomes to complaints are implemented. Any themes or trends will be assessed by the MC to identify any systemic issues, serious risks or areas for improvement for appropriate action.

12. Learning from complaints

The Co-op aims to support a positive complaint handling culture by placing learning and improving at the heart of its complaints management. This will include:

- The MC will receive updates at each meeting on the volume, categories and outcomes of complaints and details of any Ombudsman investigations
- The MC will review an annual complaints performance and service improvement reports. They will assess and themes or trends.
- A Member Responsible for Complaints on the MC (the Secretary unless otherwise designated) will have lead responsibility for complaints. They will provide assurance to the Management Committee on the effectiveness of the Co-op's complaints system, including challenging the data and information provided to the Management Committee
- Proactively using learning from complaints to revise policies and procedures, and inform volunteers and third-party training
- Sharing learning with individual complainants and more widely with members
- Annual completion and submission of Complaint Handling Code Self-Assessment to the Housing Ombudsman Service
- The annual complaints performance and service improvement report will be published on the CHS website with the MC's response to the report

13. Data Protection

Confidentiality and data protection apply to the complaints process, we will not share personal information gathered as part of the complaint process with any third party who is not entitled to receive it, in accordance with data protection legislation.