

COMPLAINTS POLICY

Responsible Officer

Director of Customer Services

Aim of the Policy

The aim of this policy is to explain how we manage complaints.

The Policy

We listen to our residents' and customers' concerns, have a positive approach to complaints and welcome them.

A service request is a request from a resident to Phoenix requiring action to be taken to put something right.

A complaint is an expression of dissatisfaction however made about the standard of service, actions, or lack of action by Phoenix, our own staff, or those acting on our behalf, affecting an individual resident or group of residents.

This means If you are unhappy with the service you received from Phoenix, or we failed to do something you expected us to do, you or your representative (someone acting on your behalf) can make a complaint.

Any of our staff will accept a complaint, in any format, from any tenant or leaseholder or their representative.

We will investigate your complaints promptly, politely, and fairly and use them as a learning opportunity to improve our services.

Responding to complaints, comments, and compliments

Phoenix has its own Complaints Investigation Team to manage complaints and we look to ensure that complainants have one point of contact for the complaint duration.

We will aim to acknowledge your complaint within five working days and then provide you with the written response within ten working days at stage one and twenty working days at stage two. If this is not possible, we will contact you to explain when you can expect a reply and provide the reasons for the delay. Extensions at Stage 1 will not normally exceed ten working days and at Stage 2 will not normally exceed twenty working days . If you request it, we will extend our response times and agree

to a timing based on your needs. Any complaint relating to safeguarding or urgent health and safety issues will be addressed as a priority.

You can seek independent advice and guidance concerning your complaint at any time by contacting the Housing Ombudsman on the contact details provided below.

Process for complaints

We have a 2-stage internal complaints process, however, there are three stages available to you to address your complaints. Each stage is described below.

1. Making a complaint
2. Escalating a complaint
3. Referring a complaint externally to the Housing Ombudsman

Making a complaint: Stage One

If you are not satisfied with the response to an enquiry or a service received or not received from us or any of our agents or subcontractors, you can make a complaint to any of our staff in any format including :

- In person

- Via a representative
- By phone
- By email – Our dedicated Complaints Team can be contacted at complaints@phoenixch.org.uk • By post
- Via our website
- Via our resident portal

We will only consider complaints made within twelve months of the event which leads to the complaint, unless it relates to a safeguarding or Health and Safety issue, or there is a reasonable explanation for the delay.

A member of the Complaints Investigation Team will respond to your complaint by:

- Contacting you to discuss the matter and how you would like it to be resolved.
- Investigating the matter fairly.
- Providing a clear response on all points raised and explaining what we will do to try to address the issues you have raised.
- Contacting you before sending the final response to discuss the findings and explain how you can escalate your complaint if you are not happy with our response.

At any time whilst your complaint is being investigated or responded to you can contact the Complaints Team.

Exclusions

We will consider each complaint individually and will usually accept any complaint about a service failure, however there are some limitations e.g.

- Where legal proceedings have begun.
- Reports of Anti-Social Behaviour (ASB) including reports of harassment, bullying, discrimination, or victimisation. Reports of ASB are dealt with under our ASB Strategy. We will investigate complaints about how we handle an ASB case under this policy.
- Whistleblowing. These are dealt with under our Whistleblowing Policy.
- Appeals where an appeal process exists. E.g., a recharge appeal or an appeal about rehousing which should be made to the London Borough of Lewisham.
- The complaint is about a policy itself although we will consider a complaint about how a policy is applied.
- The complaint is about the amount of service charges or rent charged, which must be made by application to the First Tier Tribunal (Property Chamber). We will consider complaints about incorrect charges, services paid for but not received or the quality of service.
- The issue giving rise to the complaint occurred over twelve months ago.
- The complaint has already been dealt with under this policy.
- The complaint relates to a criminal offence that is being dealt with by the police.
- Or it relates to a Personal Injury claim.

In all cases, we will check whether the issue raised can be considered using this policy, taking into account any exceptional circumstances; explain the reasons why it cannot be used and where possible suggest alternative options to address the issue. If we advise we are unable to deal with your complaint under this policy and you disagree either party can seek independent advice from the Housing Ombudsman.

Escalating a complaint: Stage Two

In the following situations, your complaint will be escalated to a member of the Executive Team.

- You remain dissatisfied with the outcome of your Stage One complaint and tell us why within 28 days of receiving our complaint response. We will increase this time if it is reasonable to do so.
- You can escalate the matter through any of our staff in any format.
- There is a petition from a group of residents, which is submitted by one, named person. A petition is any complaint signed by at least five residents (or all the residents in a block) who are all affected by the same complaint.
- There is a serious allegation about a member of staff.
- We will only consider the issues raised during the Stage One complaint.

The Executive Team Member will respond to your escalated complaint by:

- The Complaints Team carrying out a review of the stage one response.
- Investigating the matter fully and impartially.
- Providing a clear response on all points raised and explaining what we will do to try to address the issues.
- Contacting you before sending the final response to discuss the findings and giving you the opportunity to provide feedback before any final decisions are made.

- Explaining how you can refer your complaint to the Housing Ombudsman Service if you are not happy with our response.

Remedies

We will always seek to remedy your complaint. At times this may be financial or by another means of remedy.

Referring a complaint

If you remain dissatisfied after our response to your escalated complaint, you can refer the matter to the Housing Ombudsman Service – you have the choice to refer your complaint to the Housing Ombudsman after receiving our final response to your escalated complaint.

- You can also contact the Housing Ombudsman to discuss and seek advice concerning your complaint at any time. The contact details are as follows:

Post:

Housing Ombudsman Service, PO Box 1484, Unit D, Preston PR2 0ET

Phone: 0300 111 3000

Email : info@housing-ombudsman.org.uk

Supporting staff to resolve complaints

We will provide support and training to all our staff to act sensitively and fairly when receiving a complaint and specific training to staff investigating and responding to complaints.

We will empower staff to resolve complaints promptly and fairly and if needed escalate concerns to a member of the Executive Team.

Courtesy and respect

Those making a complaint can expect to be treated with courtesy, respect, and fairness at all times. We expect that you will treat our staff with the same courtesy, respect, and fairness. We will take into account our duties under the Equality Act 2020.

We will not tolerate threatening, abusive, or unreasonable behaviour from anyone. If we experience this behaviour, we will cease communication immediately and review our communication approach with you. Where appropriate, we will consider a remedy linked to your tenancy agreement or lease, or legal action. Any action will be taken in accordance with our “Unreasonable behaviour policy”

Repetitious and vexatious complaints

Vexatious complaints may include a person making serial complaints about different matters, raising the same or similar matters repeatedly, making persistent and unreasonable demands on staff. In response, we will tell you the impact you are having and agree a different way to respond to you. If this

continues, we may refuse to deal with your complaint, limit the ways you can complain, amend our published target response times, or respond without a full investigation. Any action will be taken in accordance with our “Unreasonable behaviour policy”

Monitoring, Performance and Learning

We will analyse complaints to identify any trends and ensure that all individuals have equal access to the complaints process. This will include completing an annual equality impact assessment.

We will identify lessons learnt and any emerging risks, reporting findings and performance to all residents, managers, staff, and the Board. This will include completing an annual self-assessment of how we meet the Housing Ombudsman Complaints Handling Code using residents’ feedback. We will publish this on our website and in our annual report.

Any performance issues relating to partnering agencies or contractors will be raised with our partners.

We will also use learning from complaints to set service improvement plans and revise our policies and procedures and will work with the Housing Ombudsman to resolve complaints and respond to any recommendations or learning the Ombudsman identifies to improve our services both directly and through a review of any reports it publishes.

Overall, we will learn from your complaints and work with you to improve services and resident satisfaction.

Review

We will review this policy every three years, or sooner if there are changes to legislation or good practice.

Associated documents, policies, and procedures

- Complaints Procedure
- ASB Strategy
- Equality and Diversity Charter
- Whistleblowing Policy
- Compensation Policy
- Complaints Procedure
- Tenants Handbook
- Leaseholders Charter
- Reasonable Adjustment Policy
- Unreasonable behaviour policy

Definitions

Term	Description
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Comment	An idea, suggestion, observation, or opinion on how we could improve our services.
Complaint	Any expression of dissatisfaction about the standard of service, actions, or lack of action by us or our staff and contractors affecting a customer.
Compliment	Feedback which informs us that we have provided a service well or tells us how helpful a member of staff has been.
Vexatious complaint	A complaint that is not made in good faith and pursued repeatedly regardless of its merits
Equality Impact Assessment	An assessment to check we do not unlawfully discriminate against any protected characteristic. This means checking our services and policies do not exclude anyone or prevent equal access by everyone.
Self- Assessment	Checking how we meet a set standard in this case we mean the Housing Ombudsman Complaint Handling Code.
Housing Ombudsman Service	The Housing Ombudsman Service is set up by law to look at complaints about the housing organisations that are registered with them. The service is free, independent, and impartial. The Housing Ombudsman Service resolve disputes involving tenants and lessees of social landlords.
Resident	Includes tenants, lessees, and freeholders (who receive a service from us).
Tenant Panel	A Tenant Panel is a group of tenants recognised by a social landlord for the purpose of referring complaints against the social landlord. A Tenant Panel acts as a Designated Person who can consider an individual complaint after it has completed the landlord's internal complaints procedure. Our Resident Scrutiny Panel has met the criteria to perform this role and has been recognised by the Board to act in this capacity.
We/us/our	Refers to Phoenix Community Housing.
You/your	Any individual who has a complaint, comment, or compliment for us.

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