

## COMPLAINTS POLICY

### Responsible Officer

Director of Customer Services

### Aim of the Policy

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

On the 29-11-2021 Phoenix welcomed Grove Park residents to phoenix through a stock transfer from London and Quadrant Housing Association (L&Q). As part of the transfer the following arrangements for open complaints were made:

- *All open complaints with L&Q on the 29-11-2021 will continue to be resolved by them.*
- *All complaints from 29-11-2021 to 31-05-2022 about services provided by L&Q prior to 29-11-2021 must be raised with and will be dealt with by L&Q.*
- *Any escalations to stage 2, a Designated Person or to the Ombudsman, from stage 1 or stage 2 complaints raised with L&Q will also be dealt with by L&Q.*
- *Any new complaints about Phoenix will be dealt with in line with this policy.*
- *Any complainant can obtain advice on where to direct their complaint if they are unsure by contacting either Phoenix or L&Q.*

### The Policy

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

#### **A complaint is defined as**

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 can make a complaint.

Any of our staff will accept a complaint, in any format from any tenant or leaseholder or their representative, (someone acting on their behalf).

We will also accept complaints from other customers. Customers who are not tenants or leaseholders cannot use the services of the Housing Ombudsman.

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**

We will acknowledge your complaint within two working days and 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. 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 further 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 a designated person, panel, or the Housing Ombudsman

## **Making a complaint**

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:

- In person
- Via a representative
- By phone
- By email- [complaints@phoenixch.org.uk](mailto:complaints@phoenixch.org.uk)
- By post
- Via our website
- Via any of our social media platforms

We will only consider complaints made within six 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.

The Service Manager responsible for the area your complaint relates to 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 explaining 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 Service Manager- at stage 1 or the Executive Team Member at stage 2.

### **Exclusions**

We will consider each complaint individually and will usually accept any complaint, however there are some cases where we cannot use this policy to resolve a complaint they include:

- Where legal action has 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 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 is made to the London Borough of Lewisham.
- The complaint is about a policy- we will consider a complaint about how a policy is applied.
- It involves a complaint about the amount of service charges or rent charged, which must be made by application to the First Tier Tribunal (Property Chamber). This does not include complaints about incorrect charges, services paid for but not received or the quality of service.
- It has already been dealt with under this policy within the last six months.
- It relates to a criminal offence that is being dealt with by the police. Or it relates to an insurance claim.

In all cases, we will check whether the issue raised can be considered using this policy; explain the reasons why if it cannot be used and provide 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**

In the following situations, your complaint will be escalated to a member of the Executive Team, who has not previously been involved in the complaint:

- You remain dissatisfied 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.

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

- Contacting you to discuss the complaint and how you would like it to be resolved
- 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 a Designated Person, Tenants Panel, or the Housing Ombudsman Service if you are not happy with our response.

### Referring a complaint

If you remain dissatisfied after our response to your escalated complaint, you can refer the matter to these external parties:

- A Designated Person (a local Councillor, MP, or Tenant Panel) – you can refer your complaint to your choice of Designated Person after receiving our response to your escalated complaint.
- The Housing Ombudsman Service – you have the choice to refer your complaint to the Housing Ombudsman after receiving our response to your escalated complaint or after a response from a Designated Person. In either case, the Housing Ombudsman requires you to wait eight weeks after receiving our response to your escalated complaint before referring the matter to them.
- You can however 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 152,  
Liverpool L33 7WQ

**Phone:**

0300 111 3000

**Email :** [info@housing-ombudsman.org.uk](mailto: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 service managers investigating and responding to complaints.
- We will empower service managers 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 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.

### **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.

### **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 at liaison meetings or contract meetings.

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
- Phoenix Standards (Standard 1 – Tenant Involvement & Empowerment, Dealing with

Complaints).

- Complaints Procedure
- Tenants Handbook
- Leaseholders Charter
- How to investigate a complaint
- Making reasonable adjustments (to enable us to meet everyone's needs)
- Dealing with vexatious complainants and unacceptable behaviour
- Exercising discretion
- Identifying learning

## Definitions

Term	Description
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.
Designated Person	Means an MP, Local Councillor or a designated Tenant Panel who can act as a Designated Person within the meaning of the Localism Act 2011. When acting as a Designated Person they are deciding whether a complaint can be resolved locally or needs to be referred to the Housing Ombudsman Service, on the basis that the complaint has completed the final stage of our complaint's procedure.
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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