



# POLICIES

## COMPLAINTS POLICY

ISSUED: August 2005

REVIEW DUE: August 2007

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## 1. Introduction

- 1.1. Stonewall Housing aims to provide quality supported housing and housing advice services to our service users. If we fail to do this we want to know about it, and this procedure sets out how a service user can make a complaint to Stonewall Housing and how we will respond to complaints.
- 1.2. A complaint is defined as an expression of dissatisfaction made by a service user about Stonewall Housing's services. Complaints are likely to be in one or more of the following areas:
  - dissatisfaction with our service
  - disputes between the service user and the organisation regarding policy, procedures or activities
  - discourtesy or unhelpfulness on the part of staff
  - breaches of the equal opportunities policy

## 2. Policy

- 2.1. Stonewall Housing values complaints as opportunities to learn from mistakes and to improve the service we provide.
- 2.2. The person affected can complain if we:
  - fail to do something we should;
  - do something wrong or to a poor standard;
  - treat someone unfairly.
- 2.3. Access to the complaints procedure is not available to service users who have already commenced legal proceedings against the organisation in relation to the matter in dispute or a related matter.

## 3. Aim of the Procedure

- 3.1. Stonewall Housing aims to provide a good quality service. We value complaints as an extremely useful form of feedback on the way we deliver our service, as well as a means of resolving individual service users' grievances. Wherever possible staff are expected to deal with a concern at the point of it being reported before it escalates into a formal complaint.
- 3.2. When dealing with complaints the Organisation's aims are to ensure that:
- 3.3. staff know how to respond effectively to service user dissatisfaction so that formal complaints are minimised;
- 3.4. staff know how to assist service users who wish to make a formal complaint;
- 3.5. the complainant knows who is dealing with the problem, and what we are doing to resolve it;
- 3.6. wherever possible, the problem is resolved to the service user's satisfaction, quickly and sensitively. This may not be possible, however, if resolving a problem

to the service user's satisfaction might in some way compromise or conflict with Stonewall Housing's policies or procedures;

- 3.7. we learn from the experience and where necessary make changes to our policies and procedures.

#### **4. Procedure**

- 4.1. If a service user is unhappy with the service they receive in the first instance the member of staff dealing with them tries to deal with the problem there and then. Staff are encouraged to attempt to resolve any concerns that service users have before they reach the status of a formal complaint; encouraging a service user to make a complaint is never a substitute for inaction.
- 4.2. Staff will record all grievances, or informal complaints, using the Informal Complaints Log (Appendix One) together with the action they have taken to resolve the concerns expressed. The Director, Housing Services Manager and Advice Services Manager will review the logs at least every three months to ensure procedures are being followed.

The use of an Informal Complaints Log allows the organisation to monitor all grievances, large and small. A client or service user may wish to make a formal complaint without making an informal complaint or if they are not satisfied with the initial response they receive.

- 4.3. If resolution is not possible the member of staff should inform their line manager about the problem in writing to ensure that the service user's dissatisfaction is known about within the organisation. The member of staff will inform the service user that they are passing this information on to their Line Manager.
- 4.4. If the service user wants to make a formal complaint, there are normally three stages to the procedure:
  - 4.4.1. Stage One. In the first instance the complaint is directed to the Director who passes it to the appropriate manager for investigation. Normally this would be the Advice Services Manager or the Housing Services Manager;
  - 4.4.2. Stage Two. If the service user is not satisfied with the response they receive, they can complain to the Director who personally investigates the matter;
  - 4.4.3. Stage Three. If the service user is still unhappy, their complaint is considered by a Complaints Panel, which will consist of Management Committee members

#### **Complaints Made By Telephone**

- 4.5. If a service user contacting the Organisation by telephone wishes to make a complaint, the member of staff taking the call offers to complete the complaint form on their behalf by taking details over the telephone. Staff record on the form only what the complainant has said, and do not add any personal comments or observations on the nature and content of the complaint. The member of staff reads the contents of the form back to the complainant. Once it has been agreed

as a true record, the member of staff explains what happens next and within what timescale the complainant can expect a reply. The member of staff signs the form on the service user's behalf, stating clearly their name and job title, the date on which the form was completed and the fact that the information was taken over the phone.

- 4.6. The member of staff sends a copy of the completed form and a policy statement to the service user for her/his own records, sends the original form immediately to the Director and if the complainant is an existing Stonewall Housing tenant or advice client, places a copy on their file.

### **Complaints Made In Person**

- 4.7. If service users visiting a Stonewall Housing office wish to make a formal complaint, staff offer them a first stage complaint form and policy statement.
- 4.8. If staff think that individual service users may have difficulty in completing the form, they can offer to complete it on the service user's behalf. If the complaint is about a specific member of staff then that staff member should not be the one to help the service user complete the form. In the main office it would normally be the Office Manager/PA to Director who helps the service user to complete the form. In such cases the member of staff records on the form only what the complainant has said, and does not add any personal comments or observations on the nature and content of the complaint. The member of staff reads the contents of the form back to the complainant. Once agreed, the member of staff explains what happens next and within what timescale the complainant can expect a reply. Both the staff member and the complainant sign the form. The member of staff clearly states their name and job title, the date on which the form was completed and that the information was completed on the service user's behalf.
- 4.9. The member of staff sends a copy of the completed form and a policy statement to the service user for her/his own records, sends the original form immediately to the Director and if the complainant is an existing Stonewall Housing tenant or advice client, places a copy on their file.

### **Complaints By Letter/email/fax**

- 4.10. Any member of staff who receives a letter of complaint treats it as a formal complaint, sends it immediately to the Director and places a copy on the tenant or advice client's file if the complainant is an existing service user

#### **4.11. Stage One**

The Director:

- 4.11.1. ensures that each complaint is entered on the Complaints Register, which gives each complaint a unique reference number to be used in all correspondence until the case is closed;
- 4.11.2. sends an acknowledgement letter to the complainant within three working days. The letter specifies who is dealing with the complaint, when the service user can expect a reply and the complaint reference number;

4.11.3. immediately forwards the complaint on to the relevant manager.

4.12. The manager looking into the complaint replies to the service user in writing within 15 working days of the Organisation receiving the complaint. The reply should:

- state whether the complaint is upheld;
- if upheld, what action we have taken or will take to resolve it;
- state what compensation, if any, is being offered;
- advise the complainant to return an enclosed Stage Two complaint form, or otherwise contact the Director within 10 working days of receiving the manager's letter, if unhappy with the outcome.
- Where appropriate, an apology should be given. Apologies should not be seen as a problem and are often all that the service user wishes to hear.

4.13. The manager places their response on the service user's file if the complainant is an existing Stonewall Housing tenant or advice service client and sends a further copy to the Director for information.

## Stage Two

4.14. Upon receiving a Stage Two complaint, the Director sends an acknowledgement letter within three working days, stating that s/he will personally investigate the complaint and will respond fully to the complaint within 15 working days of receiving the Stage Two complaint.

The full reply should:

- state whether the complaint is upheld;
- if upheld, what action we have taken or will take to resolve it;
- contain an apology, if appropriate;
- state what compensation, if any, is being offered;
- advise the complainant to return an enclosed Stage Three complaint form or otherwise contact the Director within 10 working days, if unhappy with the outcome.

4.15. A copy of the Director's letter is placed on the tenant's file if the complainant is an existing Stonewall Housing service user.

## Stage Three

4.16. If the Director receives a Stage Three complaint, s/he acknowledges receipt within 3 working days.

4.17. The acknowledgement letter should explain that the complaint will be considered by a Complaints Panel and ask the service user whether they wish to personally present their case to the Panel.

4.18. The service user is also informed that:

- they will receive a copy of the report that will be considered by the Panel within 10 working days of the Director receiving the Stage Three complaint;
- a hearing of the panel will take place within 20 working days of receiving a Stage Three complaint;
- the complainant can attend if they want to;
- the Panel has full delegated authority to make a decision;
- there is no further right of appeal within Stonewall Housing;
- if they are a tenant they have the right to take their complaint to the Independent Housing Ombudsman if they are unhappy with the Panel's decision. This option is not available to advice service clients.
- If they are an advice client they can take their complaint to the Telephone Helplines Association or Advice UK.

#### 4.19. **Membership Of The Complaints Panel**

4.19.1. The Complaints Panel will consist of three members of Stonewall Housing's Management Committee.

4.19.2. The Panel has full authority to make a decision. There is no further right of appeal within Stonewall Housing.

### **Arranging The Hearing**

The Director:

- notifies the chair that a Stage Three complaint has been received;
- agrees with the Chair the Panel's composition;
- agrees with the complainant and their representative, if applicable, the date and time of the hearing and then informs the Chair. The hearing should take place within 20 working days of receiving the Stage Three complaint; every effort is made to meet this target, but sometimes, where the complaint has taken place over a period of time it is not always possible to meet it;
- informs other Panel members;
- provides Panel members with a full report on the case within 10 working days of receiving the complaint, including in the report any background information relating to the complaint, information on the chronology of events, and recommendations if this is appropriate;

- attaches copies of relevant background documents to the report;
- provides the complainant and, if applicable, their representative, with a copy of the report and supporting documentation. For reasons of confidentiality it may be necessary to omit information from the report given to the complainant and their representative; in such cases, a separate list of items omitted is included with the report;
- sends the complainant a letter within 10 working days of receiving the complaint advising them of:
  - the time, date and location of the hearing;
  - the procedure to be followed;
  - their right to bring a friend with them to help them present their case or provide moral support;
  - encloses with the letter a copy of the report being provided to the Panel, subject to the Director's right to withhold information of a sensitive or confidential nature;
  - notifies any members of staff whose attendance at the hearing may be relevant. Staff may if they wish be accompanied by a representative or supporter.

4.20. The service user has the normal right of access to their personal file (with some confidentiality protection as above.) This is extended to the service user's representative once the service user has given written permission. They may also request other information which will be provided by the Director as long as it can be collated without an unreasonable use of resources and that is relevant to the case. In the event of any dispute the Chair of the panel adjudicates.

## **The Hearing**

- 4.21. The complainant may be accompanied by a friend or by a tenant representative.
- 4.22. The complainant and their representative are encouraged to attend the hearing to put their case.
- 4.23. A manager attends to put the management case.
- 4.24. An appropriate manager, who may be the Director, as long as s/he is not acting as the management representative at the hearing, advises the Panel; this person acts as secretary to the Panel.
- 4.25. If necessary, witnesses may be called.
- 4.26. The normal sequence of events is:
- the manager puts their case and calls any witnesses;

- Panel members, followed by the complainant or their representative ask questions;
- the complainant or their representative puts their case and calls any witnesses;
- Panel members followed by the manager ask questions;
- the Chair gives the manager and the complainant the opportunity to summarise their case;
- the Chair asks everyone to leave the room apart from the Panel members and the Director, who offers advice but leaves the decision to the Panel members.
- The Chair is responsible for the conduct of the hearing and may vary the sequence of events if they think that by doing so there is a greater chance of a successful conclusion being reached.

### **After The Hearing**

- 4.27. Following the Panel's decision the appropriate Director sends a letter to the complainant confirming the outcome of the hearing. This letter is drafted by the Director in line with the Panel's instructions and is only sent out after consultation with all Panel members and with the final agreement of the Chair. The letter also:
- 4.28. informs the complainant that there is no further stage to appeal within the Organisation;
- 4.29. if the complainant is a tenant informs the complainant of their right to raise the matter with the Independent Housing Ombudsman if they are not happy with Stonewall Housing's decision. If the matter relates to housing management they may also raise the matter with the Registered Social Landlord who owns the property they live in.
- 4.30. if the complainant is an advice service user informs the complainant that they may raise the matter with the Telephone Helplines Association or the Federation of Independent Advice Centres if they are not happy with Stonewall Housing's decision.
- 4.31. The letter is sent to the complainant within 10 working days of the hearing.

### **5. Feedback From Service users On How We Handled The Complaint**

- 5.1. When the Director believes that the complaint has been fully dealt with, they send a feedback form to the complainant. It asks them if there is anything outstanding or there is any valid reason why the complaint should not be closed, and states that, if there is no response within 21 days, the case will be deemed closed.
- 5.2. Complaints should be seen in a positive light as feedback on service delivery. It is appropriate therefore that the Organisation finds out the service user's views on how we have handled the complaint.
- 5.3. When a case has been closed the Director arranges for all documentation to be placed on the tenant's/applicant's file.

5.4. There is no further right of appeal within Stonewall Housing.

5.5. In exceptional circumstances there may be occasions when the service user contacts the Director insisting the complaint be presented to the Complaints Panel, without it having been considered by either the Housing Services Manager, Advice Services Manager or Director. Each case is considered on its own merits. Circumstances surrounding the complaint may make it appropriate for the Director to consider it as a third stage complaint without having formally been through earlier stages. This will not, however, be the norm; in most cases it is appropriate to refer the complaint back to an earlier stage.

## **6. Complaints To The Independent Housing Ombudsman**

6.1. The Ombudsman can consider complaints from anyone who is in a 'landlord/tenant' relationship with a registered organisation, or who receives a service from such an organisation or their subsidiaries. The following groups of people can therefore complain to the Ombudsman:

- tenants;
- leaseholders;
- licensees;
- ex-tenants (as long as they complain within prescribed time limits);
- applicants;
- tenants living in properties managed but not owned by registered housing organisations.

6.2. The Ombudsman does not consider complaints from:

- landlords whose properties are managed by registered organisations;
- contractors;
- employees;
- neighbours who are not tenants of the organisation.

6.3. Normally the Ombudsman will become involved only when the complainant has exhausted an organisation's own complaints procedure.

6.4. The Ombudsman can be involved on several different levels.

### **Referral**

6.5. Sometimes a complainant goes directly to the Ombudsman before using Stonewall Housing's procedure. In such cases the Organisation is likely to receive a letter from the Ombudsman asking if the complainant has been through the Organisation's procedure.

6.6. The Director investigates and attempts to resolve the complaint and informs the Ombudsman once the matter has been concluded. Any staff member receiving this kind of correspondence should immediately forward it to the Director for logging, who in turn forwards it to the appropriate manager to respond. It may be appropriate for the Director to consider whether the complaint should leapfrog a stage rather than starting back at the beginning.

6.7. It is very important that the director ensures:

- a swift response to the Ombudsman as to where the complaint is within the Organisation's complaints procedure;
- the Ombudsman is kept updated on the progress of the case through the complaints procedure;
- that the complaint is effectively dealt with.

### **Mediation**

6.8. If the problem cannot be resolved informally, the Ombudsman may suggest mediation. An independent mediator can be brought in to help both the complainant and the Organisation reach an agreement which is acceptable to both parties. Only if both parties agree can mediation go ahead.

### **Arbitration**

6.9. The Ombudsman can suggest arbitration between the complainant and the Organisation as a means of resolving the complaint. An independent, professionally qualified arbitrator considers the complaint; their decision is final and legally binding on both sides. Only if both sides agree can arbitration go ahead. Neither side can withdraw unless the other party agrees. The arbitrator's decision can be enforced in court.

### **Formal Investigation**

6.10. The Ombudsman can decide to carry out a formal investigation, usually but not always in cases where the tenant has exhausted the Organisation's internal complaints procedures. A formal investigation involves looking at the Organisation's files, interviewing staff and the complainant and then submitting a report to the Organisation for its consideration. Members of staff must do everything they can to facilitate the Ombudsman's inquiry.

## **7. Monitoring and Reporting of Complaints.**

7.1. The Director is responsible for monitoring progress of all complaints. S/he is also responsible for keeping track of all Ombudsman enquiries

7.2. The Director will report to the Management Committee annually on the number and nature of complaints received, the outcome of the complaints and any changes in policy or practice required as a result of the complaints.





## Appendix 2 - Guidance notes for staff for dealing with service user complaints

### **General Advice On Dealing With Service user Dissatisfaction**

1. All staff have a responsibility to take seriously any concerns a service user may express about the service they get from us. Quick and effective action early on can often resolve a problem without the service user having to make a formal complaint. Staff are encouraged to attempt to resolve any concerns that service users have before they reach the status of a formal complaint; encouraging a service user to make a complaint is never a substitute for inaction.
2. Key principles for staff in dealing with a complaint are to:
  - be courteous;
  - be professional - don't argue;
  - be calm;
  - be informative - explain what happens next;
  - only make promises that the organisation can keep;
  - be alert to personal safety. Some service users can become abusive, threatening or even violent. This is unacceptable. If a service user becomes abusive or aggressive, the staff member ends the conversation and reports the incident to their line manager.
  - make sure that promises are kept;
  - monitor the complaint regularly until it is clear that it is completely resolved.

### **General Advice On Investigating Complaints**

3. It is difficult to prescribe what a manager or Director should do when investigating a complaint. In most cases it is appropriate to discuss the matter or meet with the complainant and any member(s) of staff who may be involved. Staff may if they wish be accompanied by a representative or supporter when being interviewed as part of a complaints investigation.
4. Once service user dissatisfaction has developed into a formal complaint, all staff have a responsibility to respond as quickly and efficiently as possible to any instructions for information and action which help resolve the complaint.
5. Complainants wishing to contact staff about their complaint must not be deterred by staff. When contacting the organisation, complainants should be able to speak to the relevant staff member (including managers or Directors) dealing with the complaint. If not available, other staff should offer to take a message and pass this on to the relevant person. The latter contacts the complainant as soon as practically possible to avoid any possible misunderstandings and generate further dissatisfaction.

6. It is good practice for managers to keep the complainant informed of progress if the complaint is a complex one or if it is unlikely to be resolved within the 15 days response deadline.

### **Mediation**

7. The use of mediation is encouraged at any stage of this procedure. Managers should actively consider using mediation when appropriate to discuss the complaint and to seek an agreement acceptable to both sides. The use of mediation should be particularly considered when the complaint is complex and resolution of one part has been achieved through the complaints procedure but resolution of remaining points may be dependent on progressing to the next stage of the procedure.

### **Making A Formal Complaint**

8. If the service user is dissatisfied, despite attempts to help, staff can suggest s/he makes a formal complaint if they have not already expressed a wish to do so. Staff should never discourage service users from making a formal complaint. Staff should not feel that they have personally failed if a service user wants to make a complaint. If the service user wishes to do so, then staff:
  - inform the service user of the complaints procedure;
  - issue or complete on their behalf the formal first stage complaint form.
9. While it is preferable that formal complaints are made on the complaint form, Stonewall Housing accepts complaints made:
  - over the telephone;
  - in person;
  - in a letter.

### **Understanding And Completing The Form**

10. Some service users may have difficulties in understanding and completing the form because they have difficulties with reading and writing, or if English is not their first language. Where such problems are identified, staff either offer to complete the form on the service user's behalf or give her/him details of local community agencies who may be able to assist.

### **Censure Of Staff**

11. If at any stage a member of staff is to be censured as a result of the investigation of a complaint, the relevant manager or Director ensures that that member of staff has an opportunity to put their point of view to them before drafting a reply. The manager or Director may decide to take account of this in replying to the complainant or, in the case of a Stage three complaint, the Director reports this point of view to the

Complaints Panel. If necessary, the Complaints Panel can choose to question the member of staff additionally themselves.  
If as a result of the outcome of a complaint disciplinary action is appropriate the Disciplinary Procedure will be followed.



# COMPLAINT FORM

Please use this form if you wish to make a complaint about the services that you have received from Stonewall Housing. The completed form should be sent to: The Director, Stonewall Housing, 2a Leroy House, 436 Essex Road, London N1 3QP.

Details of person making the complaint:

Name:

Address:

Tel no:

Any other contact details:

Details of your complaint: Please explain what you wish to make a complaint about. Describe any particular incident or situation giving as much detail as possible, including dates and times and who was present if relevant.

For office use only:

Date received:

Complaint Reference No:

Date acknowledgement sent:

Investigating Manager:



## COMPLAINT FORM – stage two

Please use this form if you are not satisfied with the outcome of your original complaint about the services that you have received from Stonewall Housing. The completed form should be sent to: The Director, Stonewall Housing, 2a Leroy House, 436 Essex Road, London N1 3QP. **You must make sure the Director receives this form within 2 weeks of when you received the letter telling you the outcome of your complaint.**

Details of person making the complaint:

Name:

Address:

Tel no:

Any other contact details:

Details of your complaint: Please explain why you are dissatisfied with the outcome of the investigation into your complaint.

For office use only:

Date received:

Complaint Reference No:

Date acknowledgement sent:



# COMPLAINT FORM – stage three

Please use this form if you are not satisfied with the outcome of the second stage investigation into your original complaint about the services that you have received from Stonewall Housing. The completed form should be sent to: The Director, Stonewall Housing, 2a Leroy House, 436 Essex Road, London N1 3QP. **You must make sure the Director receives this form within 2 weeks of when you received the letter telling you the outcome of your complaint.**

Details of person making the complaint:

Name:

Address:

Tel no:

Any other contact details:

Details of your complaint: Please explain why you are dissatisfied with the outcome of the second stage investigation into your complaint.

For office use only:

Date received:

Complaint Reference No:

Date acknowledgement sent:

Membership of Complaints Panel:

## Appendix 3:



# COMPLAINTS PROCEDURE SUMMARY STATEMENT

## 1 Introduction

- 1.1 Stonewall Housing aims to provide quality supported housing and housing services to our service users. If we fail to do this we want to know about it, and our Complaints procedure sets out how a service user can make a complaint to Stonewall Housing and how we will respond to complaints. This policy statement is a summary of the principles and procedure. A copy of the full Complaints Procedure is available on request from the Stonewall Housing office, 2a Leroy House, 436 Essex Road, London N1 3QP, Tel 020 7359 6242, email: [info@stonewallhousing.org](mailto:info@stonewallhousing.org)
- 1.2 A complaint is defined as an expression of dissatisfaction made by a service user about Stonewall Housing's services. Complaints are likely to be in one or more of the following areas:
- dissatisfaction with our service
  - disputes between the service user and the organisation regarding policy, procedures or activities
  - discourtesy or unhelpfulness on the part of staff
  - breaches of the equal opportunities policy
- 1.3 The person affected can complain if we:
- fail to do something we should;
  - do something wrong or to a poor standard;
  - treat someone unfairly.

## 2 Aim of the Procedure

- 2.1 Stonewall Housing aims to provide a good quality service. We value complaints as an extremely useful form of feedback on the way we deliver our service, as well as a means of resolving individual service users' grievances. Wherever possible staff are expected to deal with a concern at the point of it being reported before it escalates into a formal complaint.
- 2.2 When dealing with complaints the Organisation's aims are to ensure that:
- staff know how to respond effectively to service user dissatisfaction so that formal complaints are minimised;
  - staff know how to assist service users who wish to make a formal complaint;
  - the complainant knows who is dealing with the problem, and what we are doing to resolve it;
- 2.3 We aim, wherever possible, to resolve the problem to the service user's satisfaction, quickly and sensitively. This may not be possible, however, if resolving a problem to the service user's satisfaction might in some way compromise or conflict with Stonewall Housing's policies or procedures. We also undertake to learn from the experiences of our service users and where necessary make changes to our policies and procedures.

### 3 How to use the Complaints Procedure

- 3.1 If you wish to make a formal complaint you can do this by letter, email, fax or phone. If you make the complaint by phone a member of staff who is not involved in your complaint will fill in the complaint form with you over the phone, however it is preferable that you make your complaint in writing to us.
- 3.2 All complaints should be sent to the Director of Stonewall Housing. S/he will write to let you know that your complaint has been received within 3 days, and then will pass your complaint on to be investigated by the appropriate manager in the organisation.
- 3.3 The person carrying out the investigation may contact you to discuss your complaint in more detail and may arrange to meet with you. They will complete the investigation and write to you within 3 weeks to let you know the result of your complaint.
- 3.4 If you are not happy with the result of your complaint you can proceed to Stage Two of the Complaints Procedure by contacting the Director within 10 working days. You need to state clearly why you are not satisfied with the outcome of your complaint. The Director will then investigate your complaint and will reply to you within 15 working days.
- 3.5 Again if you are not happy with the result of the Stage Two investigation and outcome you can move to Stage Three. At this stage a Complaints Panel made up of three Stonewall Housing Management Committee members will consider your complaint. The panel will hold a hearing to go over the complaint, and you will be invited to attend this to put your case. You may bring a friend or supporter with you to the hearing. The panel will make a final decision on your complaint.
- 3.6 If you are a Stonewall Housing tenant and wish to complain further you can complain to the housing association who own the house where you live if the complaint relates to a housing management issue, and you also have the right to complain to the Independent Housing Ombudsman.
- 3.7 If you are an Advice Service client and wish to complain further you can go to the Telephone Helplines Association or the Federation of Independent Advice Centres. Stonewall Housing is a member of both these organisations and as such agrees to provide services of an agreed quality standard.