



## **Brakendon Close - Complaints Policy & Procedure**

This policy will be made publicly available on the organisation's website, alongside contact details for the Housing Ombudsman and details of the Complaint Handling Code.

Contact details for the Housing Ombudsman are also included within this policy.

A hard copy of the policy will also be available on its main operational site at NR1 3BX.

Should you require this policy in a more accessible format, including large print, please contact the Scheme Manager on 01603 622 957 or [l.chandler@cortonhouse.co.uk](mailto:l.chandler@cortonhouse.co.uk).

### **POLICY**

#### **1. Complaints**

Brakendon Close takes complaints seriously. We will aim to put things right that have gone wrong and learn lessons to avoid the problem happening again. This policy sets out the framework for how Brakendon Close will achieve this. The detail of how we will do this will be found in the associated procedures.

Brakendon Close will comply with legislation, national guidelines, regulation and best practice when managing complaints and suggestions. A systematic approach will be taken with all aspects of complaints and suggestions.

Brakendon Close understands our statutory obligations in respect of the Duty of Candour and will ensure we follow the agreed policy and procedure.

Brakendon Close understands complaints to be "an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own Staff, or those acting on its behalf, affecting a Tenant or group of Tenants".

A Tenant does not necessarily have to use the word 'complaint' for it to be treated as such. Whenever a Tenant expresses dissatisfaction Brakendon Close will give them the choice to make a formal complaint.

Complaints may be made by any Brakendon Close Tenants, their family or advocate acting on their behalf, with their consent or in their best interests.

A service request is a request from a Tenant requiring action to be taken to put something right. Service requests are not necessarily complaints. A complaint could be raised when a Tenant expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing.

Complaints or concerns by Staff will be addressed via the grievance process if the complaint or concerns relates to them individually or the Whistleblowing procedure where a protected disclosure is made.

## **2. Discrimination**

Brakendon Close will ensure that the complaints procedure is fair and transparent and does not discriminate directly or indirectly due to a protected characteristic, including:

- Age
- Gender reassignment
- Being married or in a civil partnership
- Being pregnant or on maternity leave
- Disability
- Race including colour, nationality, ethnic or national origin
- Religion, belief or lack of religion/belief
- Sex
- Sexual orientation

The complainant must feel free to complain without fear of reprisals and will be treated with courtesy, respect, and compassion. Brakendon Close will ensure that the process of how to make a complaint and the feedback is provided in a way that meets the Accessible Information Standards and is in a format that the Tenant can understand.

The service will protect the Tenant's right to confidentiality. Brakendon Close will ensure that alternative methods of communication are available so that the complaints and suggestions procedures are accessible for Tenants who experience difficulties with communication or whose first language is not English.

Brakendon Close will make reasonable adjustments for Tenants where appropriate under the Equality Act 2010 and will keep a record of any reasonable adjustments agreed. Any agreed reasonable adjustments will be kept under active review.

## **3. Seeking Views and Engaging with Tenants**

Brakendon Close will seek out opportunities to obtain feedback from Tenants and stakeholders. Brakendon Close will act with sensitivity, integrity, and professionalism by treating individuals who do complain or raise a suggestion with compassion, courtesy, and respect.

An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to.

A full record will be held of all complaints received regardless of the level of seriousness and means of communication. This approach allows an open and transparent culture around raising concerns in the earliest stage to allow resolution. A record of the complaint will also be held in the Tenant's file and reported in line with contractual or regulatory requirements.

## **4. Safeguarding Concerns**

Where a complaint or concern is raised that relates to a Tenant being harmed or likely to be harmed, Brakendon Close will follow its Safeguarding Policy and Procedures in addition to the complaints procedures, seeking advice and guidance from the Norfolk County Council Safeguarding Adults team and escalating concerns in line with Norfolk County Council procedure.

## **5. Roles and Responsibilities**

### All Staff

It is acknowledged that all Staff working within Brakendon Close may be presented with an individual wishing to raise a concern or complaint at any time, therefore Staff need to be able to manage this in a sensitive, structured and timely manner. In order to do this all Staff will:

- Have access to the complaints procedure.
- Be provided with appropriate complaint handling training.
- Be provided with the opportunity to reflect and learn from complaints as a means of developing and driving quality care.
- Be clearly advised that on presentation of a complaint, swift escalation to management is necessary and purposefully withholding or concealing of concerns expressed by Tenants or their representatives may lead to disciplinary action.
- Have performance objectives in relation to complaint handling, collaborative working, self-reflection, responsibility and accountability.

### Management Team

The management team at Brakendon Close is primarily responsible for ensuring compliance with this policy, regulations, improvement planning and having arrangements in place to provide relevant reports and information regarding complaints.

The Scheme Manager is the main point of contact for the receipt, investigation, and management of complaints within Brakendon Close. However, this may be delegated, or escalated, to a senior member of Staff within Brakendon Close who holds the experience, knowledge, and competence to investigate and manage complaints.

For the purposes of the Complaint Handling Code, the General Manager is the Complaints Officer. The General Manager has access to Staff at all levels to facilitate the prompt resolution of complaints. They also have the authority and autonomy to act to resolve disputes promptly and fairly.

## **6. Compliments**

Brakendon Close welcomes compliments and suggestions and recognises their importance in celebrating and recognising the success of our service and opportunities for improvement. We will engage with a wide range of stakeholders in addition to Tenants to support service development and improvement. We will share feedback with our Staff.

Receiving compliments is an opportunity to celebrate and recognise success. Brakendon Close will ensure that:

- All compliments are shared with Staff and displayed in a public area to highlight good practice
- Compliments are anonymised or permission sought before displaying
- Numbers of compliments received are logged as part of a quality assurance programme
- Verbal positive feedback from Tenants and relatives is also deemed as compliments and will be recorded and shared with colleagues

## **PROCEDURE**

### **7. Raising Complaints**

A complaint can be received by Brakendon Close either verbally or in writing and can be made by:

- Tenants
- Someone acting on behalf of a Tenant and with their written consent, e.g. an advocate, relative
- Someone acting on behalf of a Tenant who is unable to represent his or her own interests, provided this does not conflict with the Tenant's right to confidentiality or a previously expressed wish of the Tenant

Brakendon Close will ensure that Tenants are given information on how to make a complaint and the process once a complaint has been made, including any agreed timescales.

Tenants are able to raise their complaints in any way and with any member of Staff. All Staff must be aware of the complaints process and be able to pass details of the complaint to the Scheme Manager or General Manager.

Brakendon Close will ensure Tenants have contact details for the Scheme Manager and General Manager, as well as providing opportunities for Complaints to be made in person.

### **8. Time Limits for Submitting a Complaint**

Complaints should be submitted within 12 months of the incident or concern arising. The time limit, however, can and should be waived, if:

- It is still practical and possible to investigate the complaint (the records still exist, and the individuals concerned are still available to be questioned, etc.) and;
- The complainant can demonstrate reasonable cause for delay in making the complaint. It is at the discretion of the manager of the service if the time limit can be set aside.

If Brakendon Close decides not to accept a complaint, an explanation must be provided to the Tenant setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman.

If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may ask Brakendon Close to take on the complaint.

### **9. Complaints Procedure**

At every step of the procedure complaint handlers must:

- deal with complaints on their merits, act independently, and have an open mind
- give the Tenant a fair chance to set out their position
- take measures to address any actual or perceived conflict of interest
- consider all relevant information and evidence carefully
- consider opportunities and options to remedy or resolve the dissatisfaction / complaint
- aim to reasonably remedy or resolve the complaint at the earliest possible point

#### **STAGE 1**

When an expression of dissatisfaction is raised to Staff, they should attempt to resolve it immediately to the satisfaction of the expressor. The Staff member should confirm if the individual wishes to raise a formal complaint.

**Step 1** – In the event of a formal complaint being made, Brakendon Close will confirm its understanding of the complaint and the outcomes the Tenant is seeking. If any aspect of the complaint is unclear, the Tenant must be asked for clarification.

Staff will apologise for the fact that there was the need to complain in the first instance and explain the complaints process as described in this policy.

Each complaint must be considered on its own merits and individual circumstances.

**Step 2** - Staff will report the complaint to the most senior member of Staff on duty and the complaint will be logged.

**Step 3** - Formal acknowledgement of all complaints received (whether verbal or written) will be sent within 5 working days to the complainant. This will primarily be by letter. The acknowledgement will include:

- An invitation to meet and discuss the complaint
- Who will be investigating the complaint
- How the investigation will be handled - the response should state what the investigation will be focussed on
- Which aspects of the complaint Brakendon Close is, and is not, responsible for
- A time limit for the investigation to be concluded. This should be 10 working days as standard.
- The complaints procedure and contact details of bodies that can be accessed in the event of dissatisfaction with the outcome of the investigation

**Step 4** - A full investigation will take place, as outlined by the acknowledgement. All investigations will be managed by using the following approach:

- Investigating the fact
- Assessing evidence
- Review of records
- Interviewing those involved

Where necessary, advice and support will be sourced via senior managers within the organisation. The complaint must be investigated by a member of Staff with the knowledge, experience and seniority to undertake the investigation robustly.

Confidentiality of information will be considered at all times and Staff will adhere to the confidentiality policies and relevant codes of practice.

Anonymous complaints will be investigated in the same way as named complaints where feasible.

If an investigation of a complaint results in disciplinary action involving Staff within Brakendon Close, the complaint will continue to its conclusion. The complainant will be informed that the investigation has led to disciplinary process, but the details of the outcome or ongoing investigation will remain confidential and protected under employment law.

Investigations must be completed within 10 working days of the complaint being acknowledged. Where a response to a complaint will fall outside 10 working days, Brakendon Close will agree with the Tenant suitable intervals for keeping them informed about their complaint.

Any extension must be no more than 10 working days without good reason, and the reason(s) must be clearly explained to the Tenant. If an extension is agreed, Tenants will be provided with the contact details for the Housing Ombudsman.

If further complaints are raised during the Stage 1 investigation, and they are reasonably related to the initial complaint, they will be added to the current investigation. If the further complaints are

unrelated, or would unreasonably delay the investigation / response, they will be treated as a new complaint.

**Step 5** - Following completion of investigation, or when the answer to the complaint is known, a response letter must be sent including the following:

- Confirmation of the complaint stage
- the complaint definition
- decision on the complaint, stating clearly whether the issue is “upheld”, “partially upheld” or “not upheld”
- an apology where the issue is upheld or partially upheld, or other shortcomings / failings have been found
- reasons for any decisions made
- details of the evidence and sources consulted during the investigation
- details of any proposed remedial actions or learning points arising
- details of outstanding actions, if any
- details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.

Where the investigation identifies that the complaint is upheld, or partially upheld, Brakendon Close will acknowledge this and set out the actions it has already taken, or intends to take, to put things right in its response. These can include:

- Apologising
- Providing an explanation, assistance or reasons
- Taking action if there has been delay
- Reconsidering or changing a decision
- Amending a record or adding a correction or addendum
- Providing a financial remedy
- Changing policies, procedures or practices

Any remedy offered should reflect the impact on the Tenant as a result of any fault identified. Any remedy offered must clearly set out what will happen and by when, in agreement with the Tenant where appropriate.

**Step 6** – Outstanding actions (if any) from the response will be tracked and actioned promptly with appropriate updates provided to the Tenant. Any remedy proposed must be followed through to completion.

The complaint will be closed upon completion of these actions. The complaint will be captured in the complaints log.

## **STAGE 2**

In the event all or part of the complaint is not resolved to the Tenant’s satisfaction, Brakendon Close will support the complainant to access further support, including how to raise an Appeal to the response.

**Step 7** - Appeals must be raised with the Board of Trustees. The person considering the complaint at Stage 2 must not be the same person that considered the complaint at Stage 1. Contact details can be obtained from the Scheme Manager or General Manager where necessary.

Appeals must be raised within 1 month of the completion of Stage 1.

Tenants do not necessarily need to explain their reasons for requesting a Stage 2 consideration.

A formal acknowledgement will be sent to the complainant within 5 working days. The contents of the acknowledgement will be in line with Step 3.

An investigation will be performed in accordance with the principles of Step 4. Investigations must be completed within 20 working days of the complaint being acknowledged. Where a response to a complaint will fall outside 20 working days, Brakendon Close will agree with the Tenant suitable intervals for keeping them informed about their complaint.

Any extension must be no more than 20 working days without good reason, and the reason(s) must be clearly explained to the Tenant. If an extension is agreed, Tenants will be provided with the contact details for the Housing Ombudsman.

Following completion of investigation, or when the answer to the complaint is known, a response letter will be sent in line with the principles of Step 5.

As per Step 5, outstanding actions (if any) from the response will be tracked and actioned promptly with appropriate updates provided to the Tenant. The appeal will be closed upon completion of these actions. The complaint will be captured in the complaints log.

**Step 8** - In the event of dissatisfaction will be no further right to appeal within Brakendon Close, however Tenants are able to escalate their complaint to the Housing Ombudsman:

[www.housing-ombudsman.org.uk/contact-us](http://www.housing-ombudsman.org.uk/contact-us)

Phone: 0300 111 3000

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

## **10. The Complaints Log**

A record will be held of all complaints raised, underway and closed. The log will contain the following information:

- Date and method of complaint receipt
- Date of acknowledgement
- The complaint definition
- Date of response
- The decisions made
- Relevant correspondence and evidence
- Any remedial actions
- Details of any reason for delay where investigations took longer than the agreed response period

Where complaints relate to another Tenant, a copy of the complaint will be held in their records so that the Tenant can reflect on the recommendations.

## **11. Audit and Evaluation**

Brakendon Close will monitor, review, and analyse all information received about the service as a means of continuously reviewing performance, quality and safety.

Brakendon Close will look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from complaints.

It is understood that a positive complaint handling culture is integral to the effectiveness with which we resolve disputes. We will use complaints, alongside other survey data, as a source of intelligence to identify issues and introduce positive changes in service delivery.

High volumes of complaints must not be seen as a negative, as they can be indicative of a well-publicised and accessible complaints process. Brakendon Close recognises that low complaint volumes are potentially a sign that Tenants are unable, or feel unable, to complain.

Accountability and transparency are integral to a positive complaint handling culture. Brakendon Close will complete an annual Complaints Performance and Service Improvement Report, publicly available to stakeholders, such as Tenants, Staff and Relatives.

The General Manager is a suitably senior lead person, accountable for complaint handling. They will assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.

In addition to this, a member of the Board of Trustees will be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC'). The Chair of the Board has been designated as the MRC.

The MRC will be responsible for ensuring the governing body receives regular information on complaints that provides insight on complaint handling performance. They must have access to suitable information and Staff to perform this role and report on their findings.

As a minimum, the MRC and the Board will receive:

- updates on the volume, categories and outcomes of complaints, alongside complaint handling performance
- reviews of issues and trends arising from complaint handling
- updates on the outcomes of any Ombudsman's investigations
- annual complaints performance and service improvement report

## **12. Definitions**

### Compliment

- A compliment is an expression of satisfaction about a service the Tenant has received
- Compliments are positive feedback that can be received verbally or in writing and can include expressions of praise, admiration, congratulation and encouragement

### Complaint

A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own Staff, or those acting on its behalf, affecting a Tenant or group of Tenants.

An expression of dissatisfaction with services made through a survey is not defined as a complaint.

### The Complaint Definition

Our understanding of the complaint and the outcomes the Tenant is seeking. If any aspect of the complaint is unclear, the Tenant must be asked for clarification.

### Service Request

A service request is a request from a Tenant to the landlord requiring action to be taken to put something right. Service requests are not necessarily complaints.