

RHA

Concerns and Complaints Policy and Procedure

Date of Issue:
April 2024

rhawales.com

Policy Details

Policy Title	Concerns and Complaints Policy and Procedure
Policy Owner	Director of Homes — Jennifer Ellis
Relevant Legislation	The Housing Act 1988 The Housing Act 1996 The Regulatory Framework for Housing Associations registered in Wales

Corporate Plan Reference:

People	Deliver tailored (personalised) high quality services to our tenants.
Homes	Continue to invest in our current homes ensuring they are safe quality homes that our tenants are proud of.
Growth	We will have a clear, recognisable brand which aligns with our corporate objective.
Strength	Achieve our performance targets for our core activities.

This document and our procedure is



Copies of this policy are available in other languages and as audio, large print etc.

Please let us know if you require a copy in another format.

Contents

Section	Description	Page Number
1	Policy Statement & Scope	4
2	Responsibilities	5
3	Policy	7
Annex 1	Version Control	18
Annex 2	Documents & Records	19
Annex 3	Definitions	20
Annex 4	Equality Impact Assessment	21

Section 1: Policy Statement & Scope

1.1 Policy Statement

This policy sets out how RHA will manage complaints or concerns received from anyone that is not happy with a service we have provided.

RHA is committed to dealing fairly, openly, honestly and effectively with concerns or complaints raised about our services. If we make mistakes, we will acknowledge this, apologise and, where possible, put any mistake we have made right. We are committed to learning from our mistakes and the information we gain from complaints to improve our services.

1.2 The Scope of this Policy and When to use it

This Policy considers complaints received from anyone that receives a service from RHA. When you express your concern or complain to us, we will usually respond in the way we explain below. However sometimes you may have a statutory right of appeal, so rather than investigate your concern, we will explain to you how you can appeal. Sometimes you may be concerned about matters that are not covered by this policy and we will then advise you how to make your concerns known.

This Policy applies to anyone who has received a service from RHA, employees, agency workers, key stakeholders and partners working for, with or on behalf of RHA.

If the complaint relates to a service provided by a third party company acting on the instruction of RHA, RHA will manage and oversee this complaint, but may refer the complaint to the third party company if they have a complaints policy in place. However, if the third party company does not have a complaints policy, or where it is more appropriate, RHA's Complaints Policy should be followed. RHA will be responsible in ensuring that contractors are dealing with complaints.

Asking us to provide a service?

If you are approaching us to request a service e.g requesting a repair at your home, this policy doesn't apply. If you make a request for a service and you are not happy with our response, you will be able to make your concern known as we describe below.

Section 2: Responsibilities

2.1 Board

- 2.1.1 Ensuring that the aims and objectives of this Policy and associated procedures are met.
- 2.1.2 Ensuring that adequate resources are made available.

2.2 Chief Executive

- 2.2.1 Ensuring that adequate resources are available for the management and monitoring of complaints.

2.3 Executive Management Team

- 2.3.1. Ensuring that all Heads of Service are aware of the procedures for handling complaints in order to achieve consistency in complaints handling.
- 2.3.2 Ensuring that adequate resources are available for the implementation of the Complaints Policy.
- 2.3.3 Strategically reviewing and monitoring RHA's performance in respect of complaints.

2.4 Heads of Service

- 2.4.1 Monitoring performance by reviewing complaints cases.
- 2.4.2 Ensuring that all team members are aware of the procedures for handling complaints in order to achieve consistency in complaints handling.
- 2.4.3 Providing sufficient information, instruction, training and supervision to enable employees to understand and carry out their roles within the handling of complaints.
- 2.4.4 Ensuring that their team is appropriately resourced to co-operate fully with the complaints procedures.
- 2.5.5 Reviewing areas of improvement identified by complaints received and implementing strategy to combat these.

2.5 Corporate Assistant

- 2.5.1 Reviewing all complaints and ensuring they are actioned appropriately.
- 2.5.2 Acting as an intermediary between complainants and the service area where applicable in order to ensure consistency between cases.
- 2.5.3 Working with employees to identify causes of complaints and how to manage them appropriately.

- 2.5.4 Ensuring that the principles of the Complaints Policy and the Complaints Procedure are communicated to the relevant teams and providing advice where applicable to ensure a good understanding of the same.
- 2.5.5 Monitoring complaints received in order to identify areas of improvement.

2.6 All Employees

- 2.6.1 Understanding and following the principles outlined in this Policy.
- 2.6.2 Reporting complaints through the appropriate channels within the specified timeframe.
- 2.6.3 Co-operating with the relevant complaints handler or manager in providing thorough information relating to any given complaint.
- 2.6.4 Making themselves aware of any potential risks posed by a tenant by checking the QLx database for warning markers on properties.

2.7 Contractors

- 2.7.1 Making themselves aware of and, where applicable, referring tenants to RHA's Complaints Policy.
- 2.7.2 Assisting and co-operating with RHA in relation to any complaint received.

2.8 Tenants

- 2.8.1 Bringing any concerns to the attention of RHA at the earliest opportunity.
- 2.8.2 Working positively with RHA in providing resolutions to concerns and requests.

Section 3: Policy

3.1 Informal Resolution

3.1.1 If possible, we believe it's best to deal with things straight away. If you have a concern, please raise it with the person you're dealing with. They will try to resolve it for you there and then. If there are any lessons to learn from addressing your concern, the member of staff will draw them to our attention. If the member of staff can't help, they will explain why and you can ask for a formal investigation.

3.2 Investigating Complaints

3.2.1 Where we have been unable to resolve a complaint by providing a service under our service request process, or if it is of a serious nature, then it will be dealt with under our formal two-stage complaints process.

3.2.2 During an investigation we will look at files, notes of conversations, letters, e-mails and any other relevant information. In most cases we will talk to the people involved, look at our policies and any legal guidance. A complainant will have the option to be contacted in a method that suits them to discuss anything findings that have been confirmed to them in writing.

3.3 How to express a concern or complain formally

You can express your concern in any of the following ways:

- Ask for a copy of our form from the person with whom you are already in contact. Tell them that you want us to deal with your concern formally.
- Get in touch with our central complaint contact point on 01443 424200 if you want to make your complaint over the phone.
- Use the form on our website at www.rhawales.com
- Email us at complaints@rhawales.com
- Write to us at 9 Compton Rd, Tonypany, RCT, CF40 1BE

Copies of this policy and the complaint form are available from our office or our website and are available in Welsh and in large print or alternate languages.

3.4 Dealing with your concern

- 3.4.1 We will formally acknowledge your concern within two working days and let you know how we intend to deal with it.
- 3.4.2 We will ask you to tell us how you would like us to communicate with you and establish whether you have any particular requirements – for example, if you need documents in large type.
- 3.4.3 We will deal with your concern in an open and honest way and we will make sure that your dealings with us in the future do not suffer just because you have expressed a concern or made a complaint.
- 3.4.4 Normally, we will only be able to look at your concerns if you tell us about them within six months. This is because it's better to look into your concerns while the issues are still fresh in everyone's mind. We may exceptionally be able to look at concerns which are brought to our attention later than this. However, you will have to explain why you have not been able to bring it to our attention earlier and we will need to have sufficient information about the issue to allow us to consider it properly. In any event, we will not consider any concerns about matters that took place more than three years ago.
- 3.4.5 If you're expressing a concern on behalf of somebody else, we'll need their agreement to you acting on their behalf.

3.5 Investigation

- 3.5.1 We will tell you who we have asked to look into your concern or complaint. If your concern is straightforward, we'll usually ask somebody from the relevant service area to look into it and respond to you. If it is more serious, we may use someone from a different service area to look into it.
- 3.5.2 We will set out our understanding of your concerns and ask you to confirm that we are right. We'll also ask you to tell us what outcome you're hoping for. The person looking at your complaint will usually need to see the files we hold relevant to your complaint. If you don't want this to happen, it's important that you tell us.
- 3.5.3 If there is a simple solution to your problem, we may ask you if you're happy to accept this. For example, where you asked for a service and we see straight away that you should have had it, we will offer to provide the service rather than investigate and produce a report.
- 3.5.4 We will aim to resolve concerns as quickly as possible and expect to deal with the vast majority within 20 working days.

3.5.5 If your complaint is more complex, we will:

- Let you know within this time why we think it may take longer to investigate.
- Tell you how long we expect it to take.
- Let you know where we have reached with the investigation, and
- Give you regular updates, including telling you whether any developments might change our original estimate.

3.5.6 The person who is investigating your concerns will firstly aim to establish the facts. The extent of the investigation will depend upon how complex and how serious the issues you have raised are. In complex cases, we will draw up an investigation plan.

3.5.7 In some instances, we may ask to meet with you to discuss your concerns. Occasionally, we might suggest mediation or another method to try to resolve disputes.

3.5.8 We'll look at relevant evidence. This could include information you have provided, our case files, notes of conversations, letters, emails or whatever may be relevant to your particular concern. If necessary, we'll talk to the staff or others involved and look at our policies, any legal entitlement and guidance.

3.6 Outcome

3.6.1 If we formally investigate your complaint, we will let you know what we find. If necessary, we will produce a report. We'll explain how and why we came to our conclusions.

3.6.2 If we find that we made a mistake, we'll tell you what happened and why. If we find there is a fault in our systems or the way we do things, we'll tell you what it is and how we plan to change things to stop it happening again. If we make a mistake, we will always apologise for it.

3.7 Putting Things Right

3.7.1 If we didn't provide you with a service you should have had, we'll aim to provide it now, if that's possible. If we didn't do something well, we'll aim to put it right. If you have lost out as a result of a mistake on our part, we'll try to put you back in the position you would have been in if we'd done things properly. If you had to pay for a service yourself, when we should have provided it for you, we will try to refund the cost.

3.8 The Ombudsman

- 3.8.1 If we do not succeed in resolving your complaint, you may complain to the Public Services Ombudsman for Wales. The Ombudsman is independent of all government bodies and can look into your complaint if you believe that you personally, or the person on whose behalf you are complaining:
- Have been treated unfairly or received a bad service through some failure on the part of the service provider.
 - Have been disadvantaged personally by a service failure or have been treated unfairly.
- 3.8.2 The Ombudsman normally expects you to bring your concerns to our attention first and to give us a chance to put things right.
- 3.8.3 You can contact the Ombudsman by:
- Phone: 0300 790 0203
 - Email: ask@ombudsman.wales
 - The website: www.ombudsman.wales
 - Writing to: Public Services Ombudsman for Wales 1 Ffordd yr Hen Gae, Pencoed CF35 5LJ
- 3.8.4 There are also other organisations that consider complaints. For example, the Welsh Language Commissioner's Office deals with complaints about services in Welsh. We can advise you about such organisations

3.9 Learning Lessons

- 3.9.1 We take your concerns and complaints seriously and try to learn from any mistakes we've made.
- 3.9.2 Our senior management team considers a summary of all complaints quarterly and is made aware of all serious complaints. Our Board also considers our response to complaints at least twice a year.
- 3.9.3 We share summary (anonymised) information on complaints received and complaints outcomes with the Ombudsman as part of our commitment to accountability and learning from complaints.
- 3.9.4 Where there is a need for significant change, we will develop an action plan setting out what we will do, who will do it and when we plan to do it. We will let you know when changes we've promised have been made.

3.10 What if you need Help?

3.10.1 Our team will aim to help you make your concerns known to us. If you need extra assistance, we will try to put you in touch with someone who can help.

You may wish to contact the Citizens Advice Bureau, Shelter, or any agencies who can help or support you.

3.10.2 If you are under the age of 18 and need help, you can speak to someone on the Meic Helpline (phone 080880 23456, www.meiccymru.org) or contact the Children's Commissioner for Wales.

Contact details are:

Phone: 01792 765600

Email: post@childcomwales.org.uk

Their website: www.childcom.org.uk

In writing: Oystermouth House, Phoenix Way, Llansamlet, Swansea SA7 9FS

3.11 What we expect from you

3.11.1 In times of trouble or distress, some people may act out of character. There may have been upsetting or distressing circumstances leading up to a concern or a complaint. We do not view behaviour as unacceptable just because someone is forceful or determined.

3.11.2 We believe that all complainants have the right to be heard, understood and respected. However, we also consider that our staff have the same rights. We therefore expect you to be polite and courteous in your dealings with us. We will not tolerate aggressive or abusive behaviour, unreasonable demands or unreasonable persistence. We have a separate policy (Appendix B) to manage situations when we find that someone's actions are unacceptable.

Appendix A – Concern/Complaint Form

Please Note: The person who experienced the problem should normally fill in this form. If you are filling this in on behalf of someone else, please fill in Section B.

A: Your Details

Surname	Forenames(s)	Title: Mr/Mrs/Miss/Ms/ of other please state
Address and postcode		
Your e-mail address		
Daytime contact phone number		

Please state how you would prefer us to contact you:

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Your requirements: if our usual way of dealing with complaints makes it difficult for you to use our service, for example if English or Welsh is not your first language or you need to engage with us in a particular way, please tell us so that we can discuss how we might help you.

B: Making a complaint on behalf of someone else: Their details

Please note: We have to be satisfied that you have the authority to act on behalf of the person who has experienced the problem.

Their name in full	
Address and Postcode	
What is your relationship to them?	
Why are you making a complaint on their behalf?	

C: About your concern/complaint

(Please continue your answers to the following questions on a separate sheet(s) if necessary)

C.1 Name of the department/section/service you are complaining about:

C.2 What do you think they did wrong, or failed to do?

C.3 Describe how you personally have suffered or have been affected:

C.4 What do you think should be done to put things right?

C.5 When did you first become aware of the problem?

C.6 Have you already put your concern to the frontline staff responsible for delivering the service? If so, please give brief details of how and when you did so:

C.7 If it is more than six months since you first became aware of the problem, please say why you have not complained before now:

If you have any documents to support your concern/complaint, please attach them with this form.

Signature: _____ Date: _____

When you have completed this form, please send it to:
Corporate Assistant
RHA Wales
By E-mail: complaints@rhawales.com
By Post to: 9 Compton Road, Tonypandy, CF40 1BE

Appendix B – Types of concern or complaint not covered by the Concerns and Complaints Policy and Procedure.

1. Vexatious Complaints and Complainants

RHA is committed to putting tenants at the heart of its service delivery. Dealing efficiently with service requests, providing advice and dealing with complaints is an essential part of what we do. We are committed to dealing with all complaints equitably, comprehensively, and in a timely manner. However, in a minority of cases people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for RHA.

RHA will treat as abusive, any behaviour that seeks to harass, verbally abuse or otherwise intimidate our members of staff or volunteers. This can include the use of foul or inappropriate language or the use of offensive and racist language.

Abusive behaviour may be demonstrated through:

- Using threatening, offensive or foul language on the telephone, face to face, or via voicemail.
- Sending multiple threatening or offensive letters or emails.
- The use of offensive or threatening messages or posts on social networks.

Features of an unreasonable or persistent complainant include the following:

- refusal to specify the grounds of a complaint despite offers of assistance.
- refusal to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- refusal to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure.
- refusal to accept that issues are not within the power of RHA to change or influence (examples could be a complaint about a service delivered by another organisation).
- make an unreasonable number of contacts with us, by any means in relation to a specific complaint or complaints, which the Association has already responded to.
- change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed.
- deny statements he or she made at an earlier stage in the complaint process.

The examples used in the lists above are not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category.

In identifying vexatious complaints, RHA employees must be careful to distinguish between complainants who are raising genuine concerns and people who are simply being difficult. This can be achieved by recognising that:

- Complainants may often be aggrieved, frustrated or have other reasons for their behaviour and that therefore the focus must be on careful consideration of the merits of the case rather than the attitude of the complainant; and
- Every complaint must be considered on its merits and even if someone has made a vexatious complaint in the past, it must not be assumed that any other complaint they make will also be vexatious.

The need to consider every complaint on its merits cannot be over-emphasised.

Stage A

If it is considered that any actions of an individual constitute unreasonable, persistent or harassing behaviour, a Head of Service in consultation with a Director of Service, will inform the individual that his/her behaviour is considered by RHA to be unreasonable or unacceptable, and request a changed approach with immediate effect.

Stage B

If the unacceptable behaviour is not modified after Stage A has been followed, then RHA may take some or all of the actions listed below as necessary, having regard to the nature of the complainant's behaviour and the effect of this on RHA.

A copy of this Policy must be sent to the individual with a letter from the Head of Service giving details of any restrictions which will apply, which may include some or all of the following:

- All future meetings will be conducted with a third person present;
- Notes of meetings will be taken, agreed and signed by both parties;
- Restrictions on the number and specified times for telephone calls (except in cases of emergency e.g. Health and safety issues)
- Specifying who the complainant is to communicate with;
- RHA will respond only to written communication from the individual, unless there are known literacy issues. In these cases, communication will be via the phone and the details of the conversation will be recorded and saved to file.

- Informing the complainant that future correspondence will be read by the Operational Manager or his/her designated representative and placed on file but not acknowledged unless it contains any relevant new information or information which in RHA's opinion requires a response;
- We may seek legal remedies, in extreme circumstances (e.g. where there is a risk of physical harm to staff), to prevent the individual from entering RHA's main office;
- That the police may be informed;
- That legal advice may be sought;
- The letter should also state the length of time the restrictions are to apply and that any legitimate new complaint will always be considered. There will be a twelve-month review period for each case.

The complainants' identity as persistent or vexatious may be withdrawn from this status when the complainant demonstrates a more reasonable approach and contact with RHA. If they submit further complaints that appear more appropriate for the general complaints procedure, then discussions will be held with the Directors of service or Chief Executive. Subject to his/her approval, normal contact with the complainant will resume.

Stage C

If the unacceptable behaviour is not modified after Stage B, we will take tenancy enforcement action proportionate to the behaviour. This may require us to seek legal remedies, which could ultimately lead to possession proceedings.

Anonymous complaints

Complaints received anonymously will not be dealt with under the Complaints Policy, however RHA will consider feedback received.

Petitions

If a petition received includes a complaint about RHA, the Complaints Policy will be followed, however the author (if known) alone will be involved in correspondence. Signees will not necessarily receive a response.

Annex 1: Version Control

Revision	Date	Nature of Change	Responsibility
1.0	February 2020	<p>Policy transferred to new template.</p> <p>Vexatious complaints policy combined (section 3.7.1).</p> <p>Equality Impact Assessment undertaken.</p> <p>Response time for stage one complaints increased from five working days to ten working days (section 3.3.1)</p> <p>Addition of the opportunity for RHA to deal with contacts as service requests/ expressions of dissatisfactions, in place of ‘informal’ complaints.</p> <p>Addition of anonymous complaints under situations in which the complaints policy will not apply (section 3.7.3)</p> <p>Additions of petitions under situations in which the complaints policy will not apply. (Section 3.7.4)</p> <p>Addition of fourteen-day deadline for complainants to escalate their complaint at Stage One and Stage Two, before complaint is closed. (Section 3.3.3; 3.4.4)</p> <p>Addition of acknowledgement within two working days; response within ten working days providing panel meeting date; date to be within one month of this response; (Section 3.5.3)</p>	Homes Assistant
2.0	Sep 2020	No changes to content. Problem with formatting in SharePoint so resubmitted.	Business Improvement Partner
3.0	Sep 2021	Scheduled review. No change to content.	Business Improvement Partner
4.0	Jan 2024	Policy reviewed and updated to align with the CSA’s Model Concerns and Complaints Policy	Director of Homes

Annex 2: Documents & Records

List all associated documents, forms & records

Document Name	Document Number	Rev	Storage	Retention

No associated forms or documents.

Annex 3: Definitions

Complaint	A statement to express something is wrong or not satisfactory.
Service Request	A request for a service which the organisation has the capacity to provide.
Expression of dissatisfaction	A written or oral comment expressing dissatisfaction.
Vexatious complainant	Those who, because of the frequency or nature of their contacts with the association, hinder our consideration of their or other people's complaints. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

Annex 4: Equality Impact Assessment (to be reviewed and updated)

Protected Characteristic Group	Potential Positive Impacts Identified	Potential Negative Impacts Identified	Examples, Evidence & Engagement	Mitigating Actions (to address negative impacts)
Disability	Copies of this Policy are available in other accessible formats e.g. audio, large print.	<p>It is recognised that certain groups could find it more difficult or face barriers to making a complaint and may require additional support through the process.</p> <p>Some types of disability or illness may lead to someone being mistaken as behaving aggressively.</p>	Those with literacy issues, learning difficulties, mental health issues or vulnerable groups.	<p>When considering whether a complainant is to be considered vexatious, focus must be on careful consideration of the merits of the case rather than the attitude of the complainant.</p> <p>Complaints can be made via any form of communication. The complainant will be contacted in a method of their choosing.</p> <p>If someone needs extra assistance, we will try to put them in touch with someone who can help.</p>
Gender Reassignment	None	None	N/A	N/A
Marriage or Civil Partnership	None	None	N/A	N/A
Pregnancy and Maternity	None	None	N/A	N/A

Protected Characteristic Group	Potential Positive Impacts Identified	Potential Negative Impacts Identified	Examples, Evidence & Engagement	Mitigating Actions (to address negative impacts)
Race	Copies of this policy are available in other accessible formats.	It is recognised that those whose first language is not English could find it more difficult or face barriers to making a complaint and may require additional support through the process. If someone needs extra assistance, we will try to put them in touch with someone who can help.		If someone needs extra assistance, we will try to put them in touch with someone who can help
Religion or Belief	None	None	N/A	N/A
Sexual Orientation	None	None	N/A	N/A
Sex (Gender)	None	None	N/A	N/A
Age	Sex (Gender)	It is recognised that certain groups could find it more difficult or face barriers to making a complaint and may require additional support through the process.	Younger or older age groups.	Policy provides information for assistance that can be provided for under-18's.

Completed by: _____

Date: _____

Outcome: A full, standalone Equality Impact Assessment is required (where significant issues are raised)

