



Arawak Walton Housing Association

Concerns and Complaints Policy

Approved by	Board of Management
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E&D impact Assessed	Yes
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Policy Ownership	Operations Director
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Legal Review	No
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Statement of Values	We aim high We value our people

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1. Introduction

- 1.1. The Association recognises that complaints systems and redress* can make an important contribution to the improvement of its services.
- 1.2. The purpose of the Concerns & Complaints policy for handling concerns and complaints (hereafter referred to as “the policy”) is to establish:
 - 1.2.1. principles for the effective handling of concerns and complaints**
 - 1.2.2. a model for dealing with concerns and complaints which delivers Value For Money.

**Redress: appropriate redress can take many forms; this includes an explanation and an apology, remedial action, on occasion financial compensation, or a combination of these. Redress should seek to put the complainant back in the position they would have been in if nothing had gone wrong. Where this is not possible - as will often be the case - the remedy should fairly reflect the harm the complainant has suffered.*

***Hereafter whenever reference is made to a “concern” or “complaint” it refers to both “concern and complaint”.*

2. Statutory Basis and Scope of the Policy and Guidance

- 2.1. The Policy complies with Homes England Tenant Involvement & Empowerment Standard (issued July 2017) which specifically states that registered providers shall:
 - 2.1.1. provide choices, information and communication that is appropriate to the diverse needs of their tenants in the delivery of all standards
 - 2.1.2. have an approach to complaints that is clear, simple and accessible that ensures that complaints are resolved promptly, politely and fairly.

3. Definition

3.1. A complaint is:

- an expression of dissatisfaction or concern
- either written or spoken or made by any other communication method
- made by one or more members of the public*
- about the Association’s action or lack of action
- or about the standard of service provided
- which requires a response

**“member of the public” is defined as anyone in receipt of a service by the Association or, indeed, denied a service to which they are entitled - this can be an individual or a group of people.*

4. Exclusions

- 4.1. We will accept a complaint unless there is a valid reason not to do so. Circumstances in which a matter will not be considered as a Complaint are:

- It is an initial request for a service, such as reporting a faulty door lock
- The issue giving rise to the complaint occurred over six months ago (this exclusion may not apply where there are safeguarding or health and safety issues)
- It is an appeal against a “properly made” decision**
- Matters that have already been considered under the complaints policy
- The matter has clearly not caused the complainant any injustice
- The Association believes the complaint is motivated by racism
- Legal proceedings regarding the complaint have been started
- The complaint alleges a crime
- The complainant is seeking change to legislation or policy
- The complainant is seeking to lobby groups/organisations to seek to promote a cause

***A ‘properly made’ decision is one where the relevant laws, policies and procedures have been correctly followed in arriving at a decision e.g. setting the rent or being removed from the waiting list as part of a legitimate review process.*

4.2. Where we decide not to accept a complaint a detailed explanation will be provided to the complainant setting out the reasons why the matter is not suitable for the complaints process. The complainant has the right to challenge this decision by taking their complaint to the Housing Ombudsman.

5. Principles for dealing with complaints

5.1. When someone complains they inevitably have an issue about a service which has been received or not received. Complaints need to be handled in such a way that the complainant is the focus and not the process itself. It is within this context that the following principles should be applied.

5.1.1. Accessible and Simple

- Well publicised
- Easy to find, understand and use - both for public and staff
- Simple and clear instructions for the public about how to make a complaint
- Has flexibility to meet the different needs of different people, ensuring that those who face challenges in access are not excluded
- Provides information on advocacy and support services
- Provide information in appropriate formats and languages
- The stages in the complaint handling process are kept to a minimum

5.1.2. Fair and Impartial

- Concerns are dealt with in an open-minded and impartial way
- Complainants are assured that making a complaint will not adversely affect their future dealings and contacts with Arawak Walton
- Ensures that complainants get a full response and that decisions are proportionate, appropriate and are fair

- If staff are complained about, they are treated as fairly as complainants

5.1.3. Timely, Effective and Consistent

- Within the parameters of what is appropriate and possible, frontline staff themselves should seek to record as appropriate and resolve complaints
- “Investigate Once, Investigate Well” - when a complaint requires formal investigation, this should be done thoroughly to establish the facts of the case.
- Dealt with as quickly as possible.
- Complainants and staff involved should be kept informed of progress throughout.
- Complaints must be made within 6 months of the complaint issue arising. Consistent so that people in similar circumstances are treated in similar ways.

***The Policy has two formal stages: the first is when a complaint is received and responded to, and the second is where the complaint is subject to a review.

5.1.4. Accountable

- Provides honest, evidence-based explanations and gives reasons for decisions
- Information is provided in a clear and open way
- When concerns are found to be justified, as appropriate:
 - acknowledge mistakes
 - apologise in a meaningful way
 - put matters right
 - provide prompt, appropriate and proportionate redress
- Follow up to ensure any decisions are properly and promptly implemented.
- Where appropriate, the complainant is told about the lessons learnt and changes made to the service, guidance or policy
- Ensures that complainants are informed of their right to complain to a “Designated Person and after 8 weeks the Housing Ombudsman (or of other appropriate routes open to them, for example, The Equality and Human Rights Commission)

5.1.5. Delivers Continuous Improvement

- Lessons learnt from complaints are gathered and feedback is used to improve service design and delivery
- Systems in place to record analyse, equality impact and report on the learning from concerns
- The leadership of the Association:
 - takes ownership of the complaints process

- regularly reviews and scrutinises its effectiveness
- receives regular complaints monitoring reports, and
- demonstrates what the organisation has done to improve service delivery as a result of complaints

6. Mediation

- 6.1. Sometimes mediation can resolve complaints quickly. We may propose employing a trained mediator at any stage of the process. The mediator must be an impartial third party who does not impose a decision or attempt to judge the merits of the complaint. Mediation focus will be on finding an acceptable resolution for all parties.

7. Compensation

- 7.1. The Association seeks to provide the highest possible standards of customer service to its tenants. However, it may be that occasionally these standards are not met and we acknowledge that should this be the case that it could inconvenience tenants, which in turn may result in financial loss. The Association will consider a discretionary payment of compensation under certain, defined circumstances.

8. Unacceptable Behavior

- 8.1. We recognise that people may act out of character in times of trouble or distress, and that there may have been upsetting or distressing circumstances leading up to a complaint. We do not view behaviour as unacceptable just because someone is forceful or determined. However, the actions of complainants who are angry, demanding, or persistent may result in unreasonable demands on, or unacceptable behaviour towards staff. In such cases we will take reasonable and fair measures to protect staff and mitigate the impact on our operations.

9. Equality and Diversity

- 9.1. We are committed to treating people fairly, without bias or discrimination, and always within the law. We promote equality of opportunity for all our customers and stakeholders, regardless of their race, gender, age, religious belief or non-religious belief, ethnic origin, disability, marital status, or sexual orientation. In addition to any statutory responsibilities under the Equality Act (and any other relevant legislation), the Association will also act in accordance with the provisions it sets out in its own Equality and Diversity Policy.
- 9.2. This Policy has undergone an Equality Impact Assessment and no further adjustments have been identified.
- 9.3. Reporting of statistical data relating to the Policy will be provided as required by the Board.

10. Linked Policies

Customer Charter
Anti Social Behaviour Policy
Repairs & Maintenance Policy

UNACCEPTABLE BEHAVIOUR GUIDANCE

1. Introduction

This guidance sets out the approach of the Association to the very few tenants or other service users whose actions or behaviour we consider unacceptable. The guidance applies to anyone who communicates with our staff, whether in relation to complaints and disputes or otherwise.

2. Guidance Aims

- 2.1. To deal fairly, honestly, consistently and appropriately with all tenants and service users, including those whose actions we consider unacceptable. We believe that everyone who approaches us has the right to be heard, understood and respected. We also consider that our staff have the same rights.
- 2.2. To provide a service that is accessible to everyone who is entitled to it. However, the Association retains the right, where we consider user actions to be unacceptable, to restrict or change such access.
- 2.3. To ensure that other tenants, service users and staff do not suffer any disadvantage from tenants and service users who act in an unacceptable manner.

3. Defining Unacceptable Behaviour

- 3.1. People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint or dispute. We do not view behaviour as unacceptable just because someone is forceful or determined. In fact, we accept that being persistent can be a positive advantage when pursuing a complaint or dispute.
- 3.2. However, the actions of users who are angry, demanding, or persistent may result in unreasonable demands on, or unacceptable behaviour towards staff. It is these actions that we consider unacceptable and aim to manage under this guidance. We have grouped these actions under three broad headings:

3.2.1. *Aggressive or abusive behaviour*

- **Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause**

staff to feel afraid, threatened, or abused.

- **Examples of behaviour grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks, and rudeness. We also consider that inflammatory statements and unsubstantiated allegations can be abusive behaviour.**
- **We expect our staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable.**

3.2.2. Unreasonable demands

- **Users may make what we consider unreasonable demands through the amount of information they seek or provide, the nature and scale of service they expect, or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the tenant or service user.**
- **Examples of actions grouped under this heading include demanding responses within an unreasonable timescale, insisting on seeing or speaking to a specific member of staff, continual phone calls, emails, texts, or letters, repeatedly changing the substance of the complaint or raising unrelated concerns.**
- **We consider these demands as unacceptable and unreasonable if they start to impact substantially on our work, such as taking up an excessive amount of staff time to the disadvantage of other tenants, service users or functions.**

3.2.3. Unreasonable persistence

- **We recognise that some users will not or cannot accept that the Association is unable to assist them further or provide a level of service other than that provided already. Complainants may persist in disagreeing with the action or decision taken in relation to their case or contact the Association persistently about the same issue.**
- **Examples of actions grouped under this heading include persistent refusal to accept a decision made in relation to a complaint, persistent refusal to accept explanations relating to what the Association can or cannot do, and continuing to pursue a complaint or dispute without presenting any new information. The way in which these tenants or service users approach the Association may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.**
- **We consider the actions of persistent complainants and other users to be unacceptable when they take up what the Association regards as being a disproportionate amount of time and resources.**

4. Managing unacceptable actions by users

- 4.1. There are very few users whose actions we consider unacceptable. How we manage these actions depends on their nature and extent. If it adversely affects our ability to do our work and provide a service to others, we may need to restrict a person's contact with our office in order to manage the unacceptable**

action. We aim to do this in a way, wherever possible, which will still allow the complaint or dispute to be dealt with according to our procedures. We may restrict contact in person, by telephone, text, letter or electronically or by any combination of these.

- 4.2. The threat or use of physical violence, verbal abuse, or harassment towards the Association or its staff is likely to result in the ending of all direct contact with the perpetrator. Incidents may be reported to the Police. This will always be the case if physical violence is used or threatened.**
- 4.3. We do not deal with correspondence or other forms of communication which is abusive to staff or contains allegations that lack substantive evidence. When this happens, we will tell the sender that we consider the communication offensive, unnecessary, and unhelpful. Whenever possible we will ask them to stop using such language and state that we will not respond to them if they do not stop.**
- 4.4. Association staff will end telephone calls if the caller is considered aggressive, abusive, offensive, or the conversation is repetitive or futile. The staff member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable, and end the call if the behaviour does not stop.**
- 4.5. When someone repeatedly telephones, emails or texts, visits the office without appointment, sends irrelevant or duplicate documents, or raises the same issues already considered, we may decide to:**
 - 4.5.1. only receive/address communication from the person at set times on set days, or designate a named member of staff to act as sole point of contact for person**
 - 4.5.2. inform the person that communication relating issues which have already been responded to will receive no further response**
 - 4.5.3. require the person to make an appointment before visiting the office**
 - 4.5.4. return the documents to the person or, in extreme cases, advise them that further irrelevant documents will be destroyed**
 - 4.5.5. take other action that we consider appropriate. We will, however, always say what action we are taking and why**
- 4.6. When a tenant or service user continues to correspond on a wide range of issues, and this action is considered excessive, we may consider breach of tenancy.**
- 4.7. User action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the tenant or service user continues to dispute the decision we have made or how the matter has been handled. We will tell the tenant or service user that no future communications concerning the matter will be accepted. If the user insists in contacting us about the same issue, their communication will be read and filed, but only acknowledged or responded to if it provides significant new information relating to the matter. However, if the matter is being dealt with under the Association's complaints procedure, the Association does not have the power to prevent the matter being dealt with under the separate stages of the procedure and if necessary being referred on the Housing Ombudsman service.**

5. Deciding to restrict user contact

- 5.1.** Association staff who directly experience aggressive or abusive behaviour from a tenant or service user when a complaint or dispute is still under consideration have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this guidance.

- 5.2.** With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the Association are only taken after careful consideration of the situation by a senior member of staff. Wherever possible, we will give a tenant or service user the opportunity to modify their behaviour or action before this decision is taken. Tenants or service users will be told in writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place.

- 5.3.** We record all incidents of unacceptable actions by tenants or service users. Where it is decided to restrict user contact, an entry noting this is made in the relevant file and on the appropriate computer record.

- 5.4.** A decision to restrict user contact may be reconsidered if the tenant or service user demonstrates a more acceptable behaviour. The Housing Services Manager will review the status of all tenants or service users with restricted contact arrangements as necessary.