

## **SHERBURN HOUSE CHARITY HOUSING COMPLAINTS AND COMPENSATION POLICY /PROCEDURES**

### **Purpose of Policy**

Sherburn House Chariry (SHC) will ensure that an effective system is in place for dealing with and reacting to complaints made against the charity and that improvements are made to those areas of dissatisfaction.

To ensure that issues of compensation are dealt with fairly and consistently.

*A complaint is defined as ‘An expression of dissatisfaction, however made (either verbally or in writing), about the standards of the service, action or lack of action by SHC or its staff, or those acting on its behalf affecting an individual resident or group of residents where such complaints cannot be resolved at the point of service delivery.’*

### **Policy Statement**

SHC’s Complaints Policy is implemented in line with its Charitable Objects and the Regulator of Social Housing’s Regulatory Code and Guidance. They will have a defined formal 2-Stage complaints system that is easily accessible and ensures a thorough and fair investigation takes place.

SHC collects and publishes all information on complaints so that it knows which areas of service customers are most unhappy with. All SHC staff fully understand the complaints system.

SHC have also adopted the Housing Ombudsman Complaints Managing Code and are committed to adhering to it.

### **Policy Scope**

SHC regards compliments and complaints as a positive source of feedback and as learning opportunities that will enable it to be more responsive to the people it serves.

SHC will attempt to resolve any issues or queries immediately through a Service request, without the need for recourse to the complaints procedure.

1. In the first instance if a resident contacts the charity with an issue/enquiry about service or maintenance provision for the first time, requiring an action to put something right, then this should be reported to Ramsey House reception on 0191 3722551, call in to office, email or write, details above.
2. The maintenance job will then be written into the jobs book at Ramsey House, and acted on according to the category it falls into for urgency and reviewed by the Housing and Estates Coordinator.
3. The stages in 1 and 2 above are a service request or enquiry and are not a complaint. The Charity will endeavour to process the request as soon as possible either internally or they may have to contact an outside contractor if needed. An outside contractor might take slightly longer to conduct a repair, as they are not always able to call out the same day. Residents will be informed when the contractor will be able to call out.

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4. Work requests will be categorised into high urgency, medium urgency, low urgency. If the matter is urgent, such as a leak, then this will be treated as high, and actioned. Work requests will be recorded monitored and reviewed.
5. The resident may wish to contact the office again to enquire about their issue and how it is being resolved, and this will be managed as an escalated service or issue request. The request will be then, if able, be resolved. If it cannot be resolved quickly then the issue will be monitored and reviewed for completion, keeping the resident informed and not stop their efforts to address the service request, or treat resident differently if the resident complains.
6. A complaint will be raised when the resident raises dissatisfaction with the response to their service request and requests the issue to be logged as a complaint and passed to the complaints officer/s. SHC are committed to dealing effectively, ensuring a full and fair speedy investigation with issues/complaints raised by residents, and establish time limits to keep people informed.
7. SHC will accept the complaint, be fair and put things right unless there is a valid reason not to do so, clarifying which aspects of the complaint they are or are not responsible for, giving evidence for their reasoning why this may not be suitable for the complaints process and that the resident has the right to take that decision to the ombudsman. If the ombudsman does not agree they may tell the charity to take on the complaint.
8. SHC will not take a blanket approach to excluding complaints the individual circumstances of each complaint will be considered.
9. SHC will take this information, monitor, and measure complaints, learn from outcomes.
10. Survey feedback may not necessarily be treated as a complaint, but the resident will be made aware of the complaints process if they wish to pursue a complaint.

SHC will ensure that its compliments and complaints system:

1. Be well publicised, simple to understand and easy to use.
2. Ensures consistency and fairness in complaint case handling and in handling of compliments and suggestions – with a customer-focused approach.
3. Commits to taking action to put things right and find appropriate remedies.
4. Supports a positive complaint handling culture through continuous learning and improvement.
5. Is non-discriminatory.
6. Allows timely handling, with established timescales for responses and ensures customers are informed of progress.
7. Ensures a full and thorough investigation, addressing all points at issue.
8. Respects customers' confidentiality.
9. Provides information to colleagues, Managers and Directors
10. Follows the Housing Ombudsman's Complaint Handling Code.
11. Meets regulatory requirements.
12. Provide an effective response and appropriate redress.

**Sherburn House Charity want it to be simple and convenient for you to raise a complaint, make a comment or pay us a compliment.** To contact us: • Call: 0191 3722551 • Email: info@sherburnhouse.org • Write to: Admin, Ramsey House, Sherburn Hospital, Durham DH1 2SE.

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**Exclusions:**

Sherburn House Charity will accept a complaint unless there is a valid reason not to do so:

1. The issue given rise to the complaint occurred over twelve months ago, however Sherburn House may apply discretion if outside the time limit and there are good reasons to do so.
2. Matters that have previously been considered under the complaints policy.
3. Legal proceedings have started- this is defined as details of the claim, such as claim form and particulars of the claim, having been filed at court.

**What can you expect from us when you make a complaint?**

1. If we receive a complaint from you, we will do all that we can to help you and we will try to find a solution to any problems you have brought to our attention.
2. You can make a complaint by different channels, e.g. phone; email; in person; in a letter; through a member of staff, such as the complaints officer; in a residents meeting.
3. This complies with our duties under the Equality Act 2010 to give access and make reasonable adjustments if necessary for residents to access the complaints procedure.
4. You can make a complaint to any member of staff, who will pass the complaint to the complaints officer and can bring a representative with you at all stages.
5. The complaints officer will be suitable trained in complaints managing and have access to staff at all levels to facilitate the prompt resolution of complaints. They will have the authority and autonomy to act to resolve disputes promptly and fairly.
6. Details of this complaint procedure, and information for the Housing Ombudsman will also be on our website and/or passed on in any other form of the information, as requested.
7. At each stage of the complaints process, the complaint handler will:
  - deal with complaints on their merits, act independently, and have an open mind.
  - give the resident a fair chance to set out their position.
  - take measures to address any actual or perceived conflict of interest; and
  - consider all relevant information and evidence carefully.
  - Keep a full record of the complaint, and the outcomes at each stage, including the original complaint, date received, all correspondence with the resident, correspondence with other parties, and any relevant supporting documentation such as reports or surveys.

**Stage one:** Sherburn House Charity will ensure:

1. Your complaint is acknowledged within 5 working days of the date that it is received and logged.
2. We will aim to resolve the complaint within 10 working days -clarify the complaint definition, outcome sought, which aspect of complaint, the organisation may/may not be responsible for.
3. We will let you know within the 10-working day period if we think it may take longer to investigate your complaint and tell you how long we expect it to take, providing regular updates.
4. We will set out your understanding of the complaint and the outcomes the resident is seeking. If there is any aspect of the complaint that is unclear the resident will be asked for further clarification and the full definition agreed between both parties. Any extension will not be more

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than 10 working days, without good reason and this reason will be clearly explained to the resident. A complaint response will be provided to the resident when complaint known, not when the outstanding actions required to address the issue are completed.

5. We will be clear from the outset if a desired outcome is unreasonable or unrealistic.
6. We will give clear reasons for any decisions, referencing relevant policy, law, and good practice.
7. We will respect your right to confidentiality and privacy, and we will treat you fairly and in accordance with our commitment to equality.
8. Residents may have a representative act on their behalf and be represented or accompanied at any meeting where this is reasonable.
9. If a resident raises another complaint, they will be incorporated into the stage 1 response if they are related, and stage 1 response has not been issued. If the stage 1 response has been issued, the new issues are unrelated or would delay the response they will be investigated as a new complaint.
10. At each stage (1+2) of the complaint process the Charity will confirm in writing to the resident:
  - The complaint stage
  - The complaint definition
  - The decision on the complaint
  - The reason for any decisions made.
  - The details of any remedy offered to put things right.
  - The details of any outstanding actions
  - Details of how to escalate the matter to the next stage2 if the individual is not satisfied.
  - Details of the Housing Ombudsman

**Stage two:**

1. Residents may ask for an escalation to stage two if they are not satisfied by the response at stage one and must not be required to explain their reasons for a stage 2 escalation. This will be managed by a different person to the person in stage one. Stage 2 is the landlords final response.
2. If all or part of the complaint is not resolved to the resident's satisfaction, this will be agreed by both parties unless an exclusion applies.
3. If the complaint is escalated to stage two, then the Charity will log it, aim to respond to stage two within 5 working days of the complaint being received, and residents will not be asked to explain their reasons for requesting a stage 2 consideration.
4. The person considering the complaint at stage 2 will not be the same person that considered the complaint at stage 1. If there is any aspect of the complaint that is unclear the resident will be asked for further clarification and the full definition agreed between both parties. A
5. We will issue a final response to the stage 2 within 20 working days of the complaint being acknowledged.
6. If an extension beyond the 20 working days is required to enable the Charity to respond to the complaint fully, we will inform the resident and should not exceed a further 20 days without good reason which will be clearly explained to the resident.
7. When we inform the resident of the extension, we will also give the resident the housing ombudsman details, in various contact details.

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8. A complaint response will be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed.
9. Outstanding actions will be tracked and actioned promptly with appropriate updates provided to the resident.
10. We will address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law, and good practice where appropriate.
11. Stage 2 is the final response and will involve all suitable staff members needed to issue this response. The resident will then be given the Housing Ombudsman's details if they wish to progress their complaint.
12. If our complaint response is handled by a third party such as a contractor or independent adjudicator at any stage, then SHC will ensure that:
  - The contractor/independent adjudicator is made aware of the housing ombudsman complaints code and that the complaint must form part of the two stage complaints process set out in this Code.
  - Residents will not be expected to go through more than a two complaints process.

Where a complainant has exhausted SHC's internal complaints procedure but remains dissatisfied with the outcome, they may take their complaint to the Housing Ombudsman Service.

#### **Putting things Right**

1. Where something has gone wrong SHC must acknowledge this, providing reasons, explanations, why something has gone wrong, apologise, set out actions it has already taken, or intends to take if there has been a delay to put things right.
2. Any remedy offered must reflect the extent of any service failures and the level of detriment caused to the resident as a result. SHC must carefully manage the expectations of residents, may reconsider, or change their decision, but not promise anything that cannot be delivered or would cause unfairness to the other residents.
3. The remedy offer must clearly set out what will happen and when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion. Amending any record, adding correction/ appendum.
4. In awarding compensation, SHC must consider whether any statutory payments are due, if any quantifiable losses have been incurred, the time and trouble a resident has been put to, as well as any distress and inconvenience caused.
5. SHC have a redress table for compensation that we adhere to. Additionally in a severe maladministration case we will use the Housing Ombudsman's suggested range of compensation levels.
6. Every effort will be made to ensure that claims are dealt with as quickly as possible and within the timescales set out according to the Compensation Act 2006.
7. Any remedy offer will be set out, explaining what will happen and by when, in agreement with the resident where appropriate. The investigating officer will be responsible for ensuring the timescales set are completed.

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### **Unacceptable Behaviour**

SHC Unacceptable Behaviour policy sets out our approach to managing contact with the relatively few customers whose actions or behaviour are considered unacceptable. This policy covers all forms of contact with customers such as telephone, text, letter, email, messaging via social media or face to face contact. These actions are grouped under five broad headings:

- a) Aggressive or abusive behaviour.
- b) Unreasonable behaviour.
- C) Unreasonable requests.
- d) Unreasonable persistence
- e) Vexatious behaviour

SHC will make every effort to ensure that our staff, contractors, and agents working on behalf of the Association can perform their duties safely without disadvantage, fear of discrimination or distress caused by unacceptable behaviour. (Refer to: Unacceptable Behaviour Policy)

### **Consultation**

SHC will consult residents about any changes in SHC practice and policy, in line with the arrangements established by our resident improvement practices.

### **Annual Self-Assessment and Review of Policy**

1. An annual self-assessment will be conducted against the code to ensure compliant handling remains within its requirements, and policies reviewed when necessary or if needed after something has gone wrong.
2. A separate self-assessment will be conducted following a significant restructure and/or change in procedures.
3. We may be asked to review and update our self-assessment following an Ombudsman investigation.
4. We will produce an annual complaints performance and service improvement report for scrutiny and challenge:
  - The annual self-assessment against this code to ensure our compliant handling policy remains in line with its requirements.
  - A qualitative and quantitative analysis of our complaint handling performance. This will include the types of complaints we have refused to accept.
  - Any findings of non-compliance with this code by the ombudsman
  - The service improvements made because of learning from complaints.
  - Any annual report about our performance from the Ombudsman; and
  - Any other relevant reports or publications produced by the Ombudsman in relation to the work of SHC.

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5. The annual complaints performance and service improvement report will be reported to the board and published on the section of its website relating to complaints. The governing body's response to the report must be published alongside this.
6. If SHC are unable to comply with the code due to exceptional circumstances, we will inform the Ombudsman, provide information to residents who may be affected and publish this on our website. SHC must also provide a timescale for returning to compliance with the code.

#### **Scrutiny and Oversight: Continuous learning and improvement**

1. SHC must look beyond the circumstances of the individual complaint and consider whether service improvements can be made because of any learning from the complaint.
2. SHC will use complaints as a source of intelligence to identify issues and any trends to introduce positive changes in our service delivery. These will also be highlighted in the annual review.
3. We will report back on any learnings and includes these findings in our annual review.
4. SHC will use complaints to assess trends or themes which may highlight systemic issues, serious risk or policies and procedures that may require revision.
5. The Governing body has appointed a lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints ("the MRC")
6. The MRC will be responsible for ensuring the governing body receives regular information on complaints that provide insight into our complaint handling performance. This person has access to suitable information and staff to perform this role and report on their findings.
7. MRC and the governing body (or equivalent) will receive:
  - Regular updates on the volume, categories, and outcomes of complaints, alongside complaint handling performance.
  - Regular reviews of issues and trends arising from complaint handling
  - Regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings and;
  - Annual complaints performance and service improvement report.
8. SHC have a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to:
  - Have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments.
  - Take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and
  - Act within the professional standards for engaging with complaints as set by any relevant profession body.

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**Legislation and Guidance**

SHC will ensure that its approach to dealing with complaints claims is in line with the with the Equality Act 2010, Localism Act 2011; the subsequent Housing White Paper 2021 and with the Regulator of Social Housing 's regulatory guidelines; Social Housing Act 2023 and Housing regulation Act 2024: Housing Ombudsman Statutory Complaints Handling Code 2024.

SHC will ensure that this policy is compatible with the obligations of all existing Legislation.

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