

Complaints, Suggestions & Comments Policy



Approved by: **Services and Housing Committees**

Version	Date	Summary of changes
20	Apr-24	<p>Updated in accordance with the 2024 Complaints Handling Code:</p> <p>Section 3: Addressing dissatisfaction expressed through a survey.</p> <p>Section 3: High-Rise Buildings complaints guidance, Appendix 15.</p> <p>Section 5: Complaint definition has been updated.</p> <p>Section 4: Updated.</p> <p>Section 5: Service request additional information.</p> <p>Section 6: Complaint handlers must take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.</p> <p>Section 7: Exclusions.</p>

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2. Aim of the policy

- 2.1. St Mungo's encourages and welcomes complaints as an important form of insight and feedback.
- 2.2. Where we get things wrong, we are committed to putting them right by investigating and responding in a resolution-focused way. In the spirit of continuous improvement, we consider and seek to learn from all feedback, both to provide resolution for individual complainants and deliver longer term improvements for our services and clients.
- 2.3. We are committed to learning from complaints. Where further learning may need to be identified, we may commission a Best Practice Review or further investigation.
- 2.4. Our procedure provides a framework for how we will comply with requirements of relevant regulatory authorities, including the Regulator of Social Housing's Consumer Standards, the Housing Ombudsman's Compliant Handling Code and commissioning expectations.
- 2.5. Clients must not be treated differently if they complain. High volumes of complaints must not be seen as a negative, as they can be indicative of a well-publicised and accessible

complaints process. Low complaint volumes are potentially a sign that clients are unable to complain.

2.6. We are responsible for ensuring that any third parties handle complaints in line with the Code.

3. Scope

3.1. This policy applies to all complaints, suggestions and comments from:

- Clients;
- Advocates, friends or family members of a client;
- A client's MP or Councillor;
- Neighbours;
- Any third party, e.g. partner agencies, regulators or housing associations;
- Organisations we provide a service to.

3.2. A client having arrears or being involved in eviction proceedings does not mean they cannot make a complaint about something.

3.3. As part of the Building Safety Act, we are required to establish a separate Complaints procedure for clients living in our High-Rise Buildings (Endell St and Mare St), specific to Building and Fire Safety concerns. Guidance can be found in Appendix 15.

3.4. This policy does not apply to:

- Appeals of warnings, evictions or exclusions. See Responding to Challenging Behaviour and [Anti-social behaviour policy and procedure](#).
- Reports of Anti-social behaviour, i.e. behaviour causing harassment, alarm, distress, nuisance or annoyance to a neighbour, related to a housing management service provided by St Mungo's. See the [Anti-Social Behaviour Policy and Procedure](#) for more detail. However, if the complaint concerns how St Mungo's have handled or responded to ASB reports, the Complaints Procedure should be applied.
- Complaints made by clients about other clients involving discrimination, bullying or harassment, or reporting an incident. Such concerns are more appropriately addressed within the framework of the following procedures:
 - [Incident Reporting](#).
 - [Responding to Challenging Behaviour](#).
 - [Bullying & Harassment](#).
 - [Safeguarding](#).
- A **service request**, e.g. a request for repair. Please see the complaints procedure for the relevant steps to take.
- Reporting and responding to incidents. Please see the [Incident Reporting](#) policy and procedure for more detail.
- Complaints made by staff (including apprentices). Please see our Human Resources (HR) procedures, including Grievance, Dignity at Work and Whistleblowing. You may also wish seek HR Partner advice.
- Complaints made by locums or agency workers. Please see [Managing Locum and Agency Issues](#).
- Complaints made by volunteers. Instead, please see the Volunteer Services Grievance Procedure.

- Complaints about Fundraising. They have separate complaints policies and procedures. Complaints should be passed to the appropriate complaint handler in that team. This team will provide figures for monthly complaints reporting purposes.
- 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. Where we ask for wider feedback about our services, we also must provide details of how clients can complain.

4. Diversity implications

- 4.1. Complaints must be handled in accordance with the principles set out in our [Equality, Diversity and Inclusion policy](#).
- 4.2. We advocate equality by committing to combat unfair discrimination on the grounds of age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation.
- 4.3. All those interacting with our services – e.g. clients, neighbours and members of the public – have the right to complain.
- 4.4. Clients must be 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 appropriate person to investigate the complaint.
- 4.5. We will offer support to clients wishing to complain. This may include: support with reading or writing; referral to an advocacy service; support to access translation or an interpreter.
- 4.6. We must give clients the opportunity for a representative to deal with their complaint on their behalf and to be represented or accompanied at any meeting with the investigator.
- 4.7. We will make reasonable adjustments to support someone with a disability to complain.
- 4.8. There are many reasons why people may be reluctant to complain: fear of recrimination; not knowing how to complain or how the complaint will be handled; feeling they shouldn't complain if the overall service received is good. Some clients have also faced oppression because of protected characteristics. This may impact on their willingness to make a complaint and trust the process.
- 4.9. We must work to create a culture where people do feel able to complain, providing reassurance and guidance to enable people to feel confident about complaining.
- 4.10. Complainants can use the dedicated complaints telephone line and email address (see website) if they do not wish to complain to staff at the service.
- 4.11. All complaints will be investigated and responded to.
- 4.12. Please see our [Reasonable Adjustments policy](#).

5. Definitions

- **Complaint:** 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 resident or group of residents.

The complainant does not have to use the word 'complaint' for it to be treated as such. A complaint that is submitted via a third party or representative must be handled in line with our usual process.

- **Complaint Handler:** the person responding to the complaint. For Stage 1 complaints, this must be someone in a managerial role. For Stage 2 complaints, this must be a director.

The complaint handler must:

- deal with complaints on their merits;
 - act independently and have an open mind;
 - take measures to address any actual or perceived conflict of interest;
 - consider all information and evidence carefully;
 - keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.
- **Dissatisfaction:** If all or part of the complaint is not resolved to the complainant's satisfaction.
 - **Housing Ombudsman:** a government body looking at complaints about registered providers of social housing, including St Mungo's.
 - **Local Government and Social Care Ombudsman:** a government body looking at complaints about councils, all adult social care providers (including care homes and care agencies) and some other organisations providing local public services.
 - **Maladministration:** a formal decision by that Housing Ombudsman that a landlord has failed to do something, done something it shouldn't have or, in the Ombudsman's opinion has delayed unreasonably.
 - **Request for action / service request:** a request from someone for St Mungo's to do something in order to put something right. They must be recorded, monitored and reviewed regularly. A complaint should be raised when the client raises dissatisfaction with the response to the service request, even if the handling of the service request remains ongoing. We must not stop our efforts to address a service request if the client makes a complaint.
 - **Suggestion:** Where someone would like something to change and has thought of a way it could be improved (e.g. procedure or practice).

6. Putting things right

6.1. Where something has gone wrong we must acknowledge this, set out the actions we have already taken, or are intending to take, to put things right. These can include:

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

6.2. Any remedy offered must reflect the extent of any service failures and the level of detriment caused as a result. We must carefully manage the expectations of complainants and not promise anything that cannot be delivered or would cause unfairness to other clients. The remedy offer must clearly set out what will happen and by when, in agreement with the client where appropriate. Any remedy proposed must be followed through to completion.

- 6.3. Complaint handlers must take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.
- 6.4. We must look beyond the circumstances of the individual complaint and consider whether anything needs to be 'put right' in terms of process or systems to the benefit of all clients.
- 6.5. Factors to consider in formulating a remedy can include, but are not limited to, the:
 - Length of time that a situation has been ongoing.
 - Frequency with which something has occurred.
 - Severity of any service failure or omission.
 - Number of different failures.
 - Cumulative impact on the client.
 - Client's particular circumstances or vulnerabilities.

7. Exclusions

- 7.1. We must accept a complaint unless there is a valid reason not to do so.
- 7.2. If we decide not to accept a complaint, we must be able to evidence our reasoning. Each complaint must be considered on its own merits.
- 7.3. The following circumstances are acceptable exclusions:
 - the issue giving rise to the complaint occurred over 12 months ago.
 - legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
 - matters that have previously been considered under the complaints policy.
- 7.4. We must accept a complaint referred to it within 12 months of the issue occurring or the resident becoming aware of the issue unless it is excluded on other grounds. We must consider whether to apply discretion to accept a complaint made outside this time limit where there are good reasons to do so.
- 7.5. If we decide not to accept a complaint, an explanation must be provided to the client to set out the reasons why the matter is not suitable for the complaint 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 tell the landlord to take on the complaint.
- 7.6. We must not take a blanket approach to excluding complaints; we must consider the individual circumstances of each complaint.

8. Data protection

- 8.1. We are committed to applying this policy in line with the General Data Protection Regulations and other safeguards set out in our [Data Protection Policy and Procedures](#). We adhere to the expectations of the Tenant Involvement and Empowerment Standard.

9. Relevant documents, policies and procedures

- 9.1. Procedures
 - [Complaints Procedure](#).
 - [Compensation Guidance](#).
 - [Responding to Challenging Behaviour](#) policy and procedure.

- [Safeguarding Adults](#) policy and procedure.
- [Safeguarding Children](#) policy and procedure.
- [Anti-Social Behaviour](#) Policy and Procedure

9.2. Resources

- [Client Feedback Cards](#).
- [Complaints Overview Leaflet](#).
- [Complaints, Suggestions & Comments Form](#).
- [Local boundaries example](#).
- [Neighbour Response](#).
- Posters.
- [Stage 2 Complaints Leaflet](#).

9.3. Letter **Templates**

- [ASB Initial Report form](#).
- [Stage 1 acknowledgement](#).
- [Stage 1 response](#).
- [Stage 2 acknowledgement](#).
- [Stage 2 response](#).

9.4. Notices

- [Complaints and the Office of Immigration Services Notice](#).

9.5. **The following documents/ guidance were consulted for the review of this policy:**

- The Housing Ombudsman's Complaints Handling Code.
- Guidance from the Local Government and Social Care Ombudsman.
- Care Quality Commission resources.

This policy was developed in consultation with:
<ol style="list-style-type: none"> 1. Clients 2. Client facing services 3. Housing services 4. Central services 5. External providers 6. Good practice guidance 7. Housing Ombudsman guidance.