



# Complaints and Compliments Policy



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## 1. Policy statement

- 1.1 Cardiff Community Housing Association (CCHA) is committed to dealing effectively with any concerns or complaints about the services we provide.
- 1.2 We welcome feedback from customers as it provides the organisation with an opportunity to learn and understand how we can improve the services we deliver. It also allows the organisation to understand the expectations and needs of our customers.
- 1.3 CCHA will handle all complaints, compliments and enquiries efficiently and effectively to monitor, review and continually improve our services.
- 1.4 We aim to put right any mistakes we may have made:
  - If we didn't provide a service we should have, we'll aim to provide it straight away.
  - If we didn't do something well, we'll aim to put it right.
  - If someone has lost out as a result of a mistake on our part, we'll try to put them back in the position they would have been in if we had got it right.
  - If someone has to pay for a service themselves, when they should have had one from us, we will usually aim to make good what they have lost.

## 2. Purpose

- 2.1 This policy sets out our approach to providing resolutions for customers' complaints and responses to customers' compliments. This policy also sets out how we will learn from complaints and compliments that we receive.

## 3. Scope

### 3.1 Who this policy applies to

- 3.1.1 This policy covers complaints about the standard of service or any action by staff or contractors that affects any individuals or a group of people.
- 3.1.2 This policy applies to any customer who wishes to make a complaint or compliment. It also applies to any customer who enquires about a level of service we have provided through their designated elected member (MP, MS and Local Councillor). Non-customers and advocates (where prior consent has been received) should also use this policy.
- 3.1.3 This policy does not cover requests for services where we have not already been approached. These requests for service will be dealt with separately.

- 3.1.4 Where a complaint is made about a service provided on behalf of CCHA by a third party (e.g. repairs contractor or managing partner), we will involve the relevant organisation(s) in the investigation but retain overall responsibility.
- 3.1.5 Complaints made via a residents' panel or similar are not covered under this policy. All such complaints will be sent to the Head of Housing and Communities to investigate outside of the complaints process.
- 3.1.6 If a customer initially makes a service request but is dissatisfied with our response, they will be able to make their concerns known and this policy will apply.
- 3.1.7 All members of staff at CCHA need to be aware of this policy.

## 3.2 Key definitions

<b>Service request</b>	When a customer asks for a service to be provided. This is different from a complaint. CCHA will expect any member of staff to act on a service request.
<b>Complaint</b>	When a customer informs us that they are not satisfied with a service that we have provided or a decision that we have made. In these cases, a Senior Officer or Investigating Manager will investigate these complaints.
<b>Compliment</b>	When a customer informs us that they were happy with the service that they have received.
<b>Customers</b>	Anyone who is in receipt of our services or anyone affected by our services. This could include customers, leaseholders, shared owners or anyone in receipt of services provided by CCHA.
<b>Advocate</b>	An advocate is another person who is authorised to act on behalf of the complainant. We will need signed permission for this.
<b>MP, MS and Local Councillor Enquiries</b>	This includes any elected member including MP (Member of Parliament), MS (Members of the Senedd) and Local Councillors. Any correspondence regarding these groups will be dealt with as enquiries. We will not require signed permission to deal with direct Elected Members enquiries [as set out in the Data Protection (Processing of Sensitive Personal Data) (Elected Representatives) Order 2002].
<b>Redress</b>	Refers to any action that puts right a service failure. This can be financial as well as non-financial.

## 4. Responsibilities

- 4.1 It is the responsibility of the Head of Governance to review this policy in accordance with the Policy Framework.

## 5. Managing complaints

### 5.1 Stage 0 – Quick Resolution

- 5.1.1 We believe it's best to deal with things straight away rather than try to sort them out later.
- 5.1.2 Where we can provide a quick resolution, we will fast track the complaint and aim to agree a resolution with the person(s) who has made the complaint **within 2 working days.**
- 5.1.3 This does not affect the complainant's right to register a formal complaint.
- 5.1.4 Please refer to our **Complaints, Compliments and Enquiries Procedure** for details on managing Stage 0 issues.

### 5.2 Stage 1 – Formal Complaints

- 5.2.1 Complaints can be made in a number of different ways. This includes in writing, in person, by phone, by email or via our website and directly via social media.
- 5.2.2 Advocates may act on behalf of a complainant providing we have written consent from the person or parties involved, or where there are documents that allow advocates to act on behalf of an individual who lacks capacity (as defined by the Mental Capacity Act 2005[1]).
- 5.2.3 **Complaints will only be considered within 1 year of the incident that caused the complaint.** Where it is clear, however, the complainant has suffered from low quality service and there has been long term regular communication regarding the issue, the one-year limit will not be applied.
- 5.2.4 **We will acknowledge all Stage 1 complaints within 3 working days.**
- 5.2.5 Complaints will be formally allocated to a named Head of Service, who may delegate to a Senior Officer or Investigating Manager to investigate and respond. The assigned person will act as the key contact during the investigation during which they will establish the facts and personally contact the person(s) who made the complaint.
- 5.2.6 We will explain our understanding of the complaint and ask to complainant to confirm what outcome they are hoping for.
- 5.2.7 If there is a simple solution, we will offer to provide the service rather than formally investigate the complaint.
- 5.2.8 **We will aim to investigate Stage 1 complaints as quickly as possible and within 20 working days.** 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.

5.2.9 Once we have completed our investigation into the complaint, we will respond to the person who made the complaint outlining actions we will take to resolve the complaint. All resolving actions will be assigned deadlines unless there are reasonable exceptions not to do so. We will then close the complaint on the basis that the resolving actions are completed. The delegated Head of Service will have overall responsibility to ensure resolving actions are completed.

5.2.10 We will inform the person who made the complaint of the outcome in their preferred method of communication and always provide this in writing.

5.2.11 Please refer to our **Complaints, Compliments and Enquiries Procedure** for details on managing Stage 1 complaints.

### 5.3 Stage 2 – Appeal

5.3.1 The complainant has the right to ask for the complaint to be reviewed if they are not satisfied with the response. The customer will be asked to provide a specific reason for the review and the outcome they are seeking. Any new issues raised will be treated as a new Stage 1 complaint.

5.2.2 **We will aim to acknowledge your Stage 2 complaint within 3 working days, informing you of the expected timescales for the appeal.**

5.3.3 The final Stage 2 of CCHA's complaints process is to appeal the complaint decision made at Stage 1 with a member of the **Corporate Leadership Team (CLT)** (which includes Directors and the Chief Executive).

5.3.4 Where possible, Stage 2's complaints will be investigated by a member of the CLT who does not oversee the area of the business that the complaint relates to. For example, the Corporate Director of Property Services should not routinely investigate Stage 2 complaints regarding repairs and maintenance where possible.

5.3.5 The CLT will only consider appeals if they have already been dealt with at Stage 1.

5.3.6 The CLT will deliberate whether the Stage 1 complaint investigation response was fair, comprehensive and impartial.

5.3.7 **We will aim inform you of the outcomes of the appeal within 20 working days of the appeal commencing.**

5.3.8 Please refer to our **Complaints, Compliments and Enquiries Procedure** for details on managing Stage 2 complaints.

#### 5.4 **Stage 3 – Public Services Ombudsman for Wales (PSOW)**

5.4.1 If we do not succeed in resolving a complaint, the complainant has the right to complain to the Public Services Ombudsman for Wales (PSOW). The PSOW is independent of all government bodies and has the power to investigate complaints about housing associations and their related activities.

5.4.2 A customer can refer a complaint to the PSOW if they are not able to seek a resolution through all stages of CCHA's Complaints and Compliments Policy. Complaints can be submitted to the PSOW both orally and in writing.

5.4.3 **The PSOW has the power to investigate suspected matters of 'maladministration'** under the Public Services Ombudsman (Wales) Act 2019. This can include if (*please note this is not an exhaustive list*):

- the complainant feels they have been treated unfairly, disadvantaged personally or received a bad service through some failure on the part of the body providing it (this can include failures in systems, processes and staff behaviour), or;
- the organisation in question has not followed and complied with their internal policies and procedure appropriately.

5.4.4 Under the Public Services Ombudsman (Wales) Act 2019 (Section 13 & 14, and Schedule 2 & 4), **the PSOW does not have the power to investigate matters that are legal or personal**. The PSOW also does not have the power to investigate matters outside of Wales. This may include (*please note this is not an exhaustive list*):

- issues relating purely to poor staff behaviour or performance that *do not* affect the complainant's access to or quality of a service;
- any legal rights to appeal, or;
- Section 14 of the Act states that the PSOW may not investigate the matters specified in Schedule 2(5), namely any "action relating to the determination of the amount of rent".

5.4.5 **Whilst the PSOW has the power to investigate a suspected matter of maladministration at any point, they expect the complainant to exhaust an organisation's complaints process before passing the complaint to them.** The PSOW will normally ensure the organisation has had a chance to

investigate and resolve the complaint in a reasonable timeframe before investigating.

5.4.6 **A complainant must raise a complaint with the PSOW within 1 year of raising the complaint with an organisation.** The PSOW must then raise the complaint with the organisation in question within 1 year of receiving the complaint. Anything outside of these timescales is beyond the remit of the PSOW under the Public Services Ombudsman (Wales) Act 2019.

5.4.7 You can contact the Ombudsman by:

<b>By phone:</b>	0300 790 0203
<b>By email:</b>	<a href="mailto:ask@ombudsman-wales.org.uk">ask@ombudsman-wales.org.uk</a>
<b>Via the website:</b>	<a href="http://www.ombudsman-wales.org.uk">www.ombudsman-wales.org.uk</a>
<b>In writing to:</b>	Public Services Ombudsman for Wales 1 Ffordd yr Hen Gae Pencoed CF35 5LJ

#### 5.4.8 **Alternative bodies**

There are also other organisations that consider complaints. For example, the Welsh Language Board about services in Welsh. We can advise about such organisations.

Alternatively, if a complaint is related to a service funded by Supporting People the commissioning local authority's details will be provided.

### 5.5 **Elected Member Enquiries**

5.5.1 Any enquiries from an elected member regarding a new complaint will be dealt with through the complaints process and will be responded to within 20 working days.

5.5.2 Any enquiries from an elected member regarding an existing complaint will not be raised as a new complaint. The Senior Officer or Investigating Manager overseeing the existing complaint will provide the elected member with regular updates and ultimately the final response to the complaint, within the original 20 working day period.

5.5.2 All elected member enquiries will be dealt with under the Data Protection (Processing of Sensitive Personal Data) (Elected Representatives) Order 2002 and will not require written permission to act on a customer's behalf.

## 5.6 Exceptions

- 5.6.1 Any complaints addressed directly to the Chief Executive will be dealt with through the complaints process and responded to within 20 working days. For complaints addressed directly to the Chief Executive, the Senior Officer or Investigating Manager overseeing the complaint will provide regular updates to the Chief Executive, and will obtain approval from the Chief Executive before sending any closing response.
- 5.6.2 Any aspect of a complaint that is governed by other legislation (e.g. employment law) will be dealt with through the appropriate procedure. The customer will be advised of this.
- 5.6.3 Complaints concerning Governance will be investigated and dealt with by the Deputy Chief Executive as Company Secretary.
- 5.6.4 Any legal proceedings (such as injunctions, demotions, evictions and court actions) will not be dealt with under this policy. Any complaints that involve legal proceedings will not be handled under this policy.
- 5.6.5 If a customer, third party or advocate appoints a solicitor, it will be referred to the relevant Head of Service who will decide whether to register this as a formal complaint, give a full response or appoint our own solicitors. If a solicitor is appointed whilst a complaint is being processed, this will also be referred to the responsible Head of Service who will decide whether to suspend the complaint or continue to provide a response.
- 5.6.6 Complaints regarding Anti-Social Behaviour (ASB) will be dealt with under the **Anti-Social Behaviour Policy** unless there is dissatisfaction with the delivery of the service.
- 5.6.7 Any insurance claims or related matters regarding damages will be dealt with under CCHA's insurance arrangements.
- 5.6.8 Appeals regarding local authority allocation decisions will not be dealt with under this policy.

## 5.7 Unreasonable complaints

- 5.7.1 In exceptional circumstances, a small number of complainants may pursue their case in a manner that could hinder the investigation of the complaint or take up considerable staff time that distracts staff from their work but adds nothing to the case under consideration.
- 5.7.2 CCHA staff are not expected to spend excess time dealing with unreasonable complainants' demands or excessive contact.

5.7.3 If a complainant is making unreasonable demands or being unreasonably persistent, as identified in the **Complaints, Compliments and Enquiries Procedure** we may choose to restrict contact with that customer.

## 5.8 Formal and Informal Compensation – Redress

5.8.1 This policy applies to payments made directly as a result of informal and formally registered complaint.

5.8.2 When an investigation confirms that the level of service that the customer has received is not to the standards that we expect, we may offer appropriate redress in line with the conditions included in the **Formal and Informal Sorry Payments Procedure**.

5.8.3 By informing the complainant that we are sorry for the service failure, this can constitute as appropriate redress. However, financial redress can be appropriate when the necessary procedural criteria has been met.

5.8.4 If complaints can be dealt with under Stage 0, we may offer redress in line with our **Formal and Informal Sorry Payments Procedure**.

5.8.5 Any redress following a right to repair complaint is also covered under this policy.

## 6. Managing compliments

6.1 Compliments can be made to in a number of different ways. This includes in writing, in person, by phone, by email or via our website and directly via social media.

6.2 Compliments will be logged and shared with the relevant individuals and managers. This will contribute towards ongoing complaints and compliments learning.

6.3 Please refer to our **Complaints, Compliments and Enquiries Procedure** for details on our compliments process.

## 7. Summary of response deadlines

- 7.1 We will aim to ensure that you are satisfied with how your complaint was handled.
- 7.2 We are committed to the following response deadlines when managing your complaint:

Response deadlines	
<b>Acknowledge social media enquiries</b> (Facebook, Twitter. etc)	Within 1 working day.
<b>Respond to written enquiries</b> (letters and emails)	Within 5 working days from receipt.
<b>Calling you back if we cannot answer your enquiry or get hold of the right person</b>	Within 2 working days.
<b>Investigating Stage 0 complaints</b>	Within 2 working days.
<b>Acknowledging your Stage 1 and 2 complaints</b>	Within 3 working days.
<b>Investigate Stage 1 complaints</b>	Within 20 working days.
<b>Investigate Stage 2 appeals</b>	Within 20 working days of the appeal commencing.
<b>Acknowledging enquiries from an MS, MP or Councillor</b>	Within 3 working days.
<b>Responding to an enquiry from an MS, MP or Councillor</b>	Within 20 working days.
<b>Note: all timescales above exclude weekends and bank holidays.</b>	

## 8. Learning from complaints, compliments and enquiries

- 8.1 CCHA are committed to learning from customer feedback including complaints, compliments and enquiries.
- 8.2 We will regularly review and analyse trends, monitor performance and recommend improvements. We will periodically survey complainants to ensure that the service is fair and accessible. We will also use complaints data and trends to inform on-going resident involvement activities regarding involvement with service improvement and scrutiny.
- 8.3 Summaries of complaint trends and analysis will be periodically reported to CCHA's Corporate Leadership Team and Board.

## 9. Data protection

- 9.1 When managing complaints, all employees of CCHA must refer to and adhere to CCHA's **Data Protection Policy**.
- 9.2 With exception to elected member enquiries (**see Section 5.5**), any third party or advocate who wishes to act on behalf of a customer or resident must provide written permission to act on a customer's behalf.

## 10. Equality and diversity

- 10.1 We will monitor complaints to ensure that we are treating customers fairly and lawfully under the Equality Act 2010.

## 11. References

Related External Documents	
Reference	
Mental Capacity Act 2005	<a href="http://www.legislation.gov.uk/ukpga/2005/9/contents">http://www.legislation.gov.uk/ukpga/2005/9/contents</a>
Data Protection (Processing of Sensitive Personal Data) (Elected Representatives) Order 2002	<a href="http://www.legislation.gov.uk/uksi/2002/2905/contents/made">http://www.legislation.gov.uk/uksi/2002/2905/contents/made</a>
Public Services Ombudsman (Wales) Act 2019	<a href="http://www.legislation.gov.uk/anaw/2019/3/contents/enacted">http://www.legislation.gov.uk/anaw/2019/3/contents/enacted</a>
Equality Act 2010	<a href="http://www.legislation.gov.uk/ukpga/2010/15/contents">http://www.legislation.gov.uk/ukpga/2010/15/contents</a>
Related Internal Documents	
Data Protection Policy	
Equal Opportunities Policy	
Anti-Social Behaviour Policy	
Complaints, Compliments and Enquiries Procedure	
Formal and Informal Sorry Payments Procedure.	

## 12. Document control

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<b>Business Owner:</b>	Head of Governance – Daniel Lewis
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Document History			
Date	Version no.	Author	Description
June 2017	1.0	Housing Team	Original policy developed and approved.
April 2021	2.0	Head of Governance – Daniel Lewis	Policy re-written. Approved by CLT on 20/04/2021.
July 2021	2.1	Head of Governance – Daniel Lewis	Stage 2 process amended – CLT to oversee Stage 2 complaints. Approved by Board on 21/07/2021.
February 2022	2.2	Head of Governance – Daniel Lewis	Stage 0 deadlines revised from 1 working day to 2 working days.