Red Kite Community Housing

COMPLAINTS POLICY

Partnership • Respect • Pride

1. Purpose

1.1 This policy sets out our approach to dealing with complaints from anyone who receives a service from us or is affected by a Red Kite decision or action.

1.2 Comments, suggestions or ideas for service improvements are considered part of business as usual and are handled as a service request.

1.3 This policy ensures that our staff, Board members and residents have a visible way to submit a complaint about our services, as well as providing a framework for dealing with complaints.

1.4 It also ensures that we take a positive, consistent, and fair approach to complaint management, setting out clearly the relevant escalation process.

2. Definitions

2.1 A **compliment** is defined as when any party takes a pro-active step to make a positive statement about us or one of our services. Compliments are not complaints, but they are recorded, monitored and reviewed.

2.2 *A* **complaint** is defined as an expression of dissatisfaction, however made, about the standard of service, action or lack of action, by the organisation, our staff, or those acting on our behalf, affecting a resident or a group of residents. A resident does not have to use the word “complaint” for it to be treated as such. A resident who expresses dissatisfaction must be given the choice to make a complaint. If the resident decides their dissatisfaction should not be treated as a complaint, then it will be handled as a service request or learning opportunity, as appropriate. A complaint must be logged even when efforts to resolve the service request remain ongoing and we will not stop our efforts to resolve the service request if a resident raises a complaint. This policy contains the steps we will take when handling a complaint.

2.3 A **Service Request** is a request requiring action, that is within our responsibilities, to be taken to put something right. Service requests are not complaints, but they are recorded, monitored and reviewed. A resident who expresses dissatisfaction with the handling of a service request, must be given the choice to make a complaint and the actions needed to address the service request will continue**.**

2.4 A **Quick Resolution** is a service request, to put things right quickly and easily. We will aim to contact the resident within two working days to discuss the request, how we aim to resolve it and in what timeframe. The Quick Resolution case owner or service owner will continue to liaise with the resident, keeping them updated until the issue is resolved. Quick Resolutions are not complaints, but they are recorded, monitored and reviewed.

2.5 A **Formal Complaint (Stage 1)** investigation is stage 1 of our complaints process investigating dissatisfaction about the actions, decisions, or failure of our service.

2.6 An **Appeal Complaint (Stage 2)** investigation is stage 2 of our complaints process. This may be requested if the resident is dissatisfied with the outcome of the complaint investigation.

2.7 **Unacceptable behaviour** is when a resident, because of the frequency or nature of their contact with us, hinders our consideration of their or other people's concerns and/or intentionally or otherwise dishonestly damages our reputation or credibility.

2.8 A **Subject Access Request (SAR)** is a request sent from a data subject (i.e. tenant) to a data controller (i.e. Red Kite) requesting information that is held about themselves.

2.9 The **Housing Ombudsman** provides an independent and impartial dispute resolution service which may be utilised at any point, including once our internal complaints process has been exhausted.

3. Responsibilities

3.1 Any member of staff may be required to investigate, resolve, or respond to complaints received, and are expected to follow this policy, as monitored, and directed by the Feedback team and the Head of Feedback.

3.2 Our Board Members set our strategic direction, but they do not get involved in operational matters. If contacted about complaints, the Board member will refer the matter to the Feedback team to be dealt with in line with this policy.

3.3 The Head of Feedback has overall responsibility for the implementation of this policy, supported by the Feedback team.

3.4 All members of staff have access to staff at all levels to facilitate the prompt and fair resolution of complaints.

3.5 This policy will be reviewed at least every three years and will be amended to reflect changes in legislation or regulation as they come into force.

4. Legal Framework

4.1 The main pieces of legislation and regulation are as follows:

- Housing Act 1996
- Housing and Regeneration Act 2008.
- Data Protection Act 2018
- General Data Protection Regulation
- The Localism Act 2011
- The Equality Act 2010
- The Consumer Rights Act 2015 (Part 1, Chapter 4)

- Homes (Fitness for Human Habitation) Act 2018
- Regulator of Social Housing – Consumer Standards, including The Transparency, Influence and Accountability Standard
- The Social Housing (Regulation) Act 2023
- The Housing Ombudsman Complaint Handling Code

5. Key Principles

5.1 We should manage complaints at the first stage it comes in where possible, aiming to investigate and address concerns thoroughly enough that we are confident that, where possible, our first response will be our last response.

5.2 We have based our approach to managing complaints on the following principles defined by the Housing Ombudsman:

- Be fair: a constructive approach that applies consistent principles to all complaints, whilst ensuring each complaint is considered on the facts of the individual case. Treating each case justly and without favour or discrimination

- Put it right: it is important that we make sure to put things right where they have gone wrong

- Learn from our residents: demonstrate a willingness to learn from the issues raised and/or any identified service failure. Feedback to service users, including the complainant, on lessons learnt and actions taken to improve service delivery

5.3 Applying the three principles defined by the Housing Ombudsman effectively means having the right culture, process, and behaviours.

5.4 To support these principles, it is vital that we:

- share and highlight compliments
- encourage feedback to be given, both positive and negative
- are accessible
- learn where we can apply good practice elsewhere in the organisation

5.5 Feedback, whether it is positive or negative, allows us to:

- to keep resident focussed: gaining an understanding of what our residents like and don't like about the services we offer
- demonstrate that we value the opinions of our residents
- measure how we are doing from a resident's perspective, providing a way to track continuous improvement
- build positive relationships that can turn into valuable partnerships

6. Policy Exclusions

6.1 Based on the issues raised, our complaints process may not be the appropriate route for handling a resident's dissatisfaction. When considering whether to accept a complaint, we will consider the individual circumstances of the complaint. Some of the reasons we may not accept a complaint are:

- matters which occurred or the resident was aware of over 12 months ago, unless there are exceptional circumstances. When applying discretion to accept a complaint outside of the 12-month time limit, authority from the Head of Feedback, or a Head of Service in their absence, is required
- matters which are subject to or intrinsically linked to legal proceedings (defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court), insurance, or personal injury claims
- matters which have been considered under a separate appeals process
- matters which are not within our jurisdiction to change or influence
- matters that have previously been considered under our complaints process
- an initial request for a service, information or an explanation of how a decision has been made
- a staff complaint about a personnel matter. This will be considered under our HR procedures

6.2 If we do not accept a complaint or escalation request, an explanation will be provided, setting out the reasons why the matter is not suitable for the complaints process and the right to take the decision to the Housing Ombudsman.

6.3 If residents express dissatisfaction with our services through a satisfaction survey, we do not treat this as a complaint. However, when possible, the person completing the survey will be made aware of how they can raise a complaint if they wish to.

7. Policy Statement

7.1 We are committed to providing excellent services for all our residents, and local communities. We take pride in our work, and we operate in a fair and open manner to build trust and mutual respect. However, we appreciate that sometimes things can go wrong, but other times they can go really well. In both circumstances, our residents and partners may wish to tell us about this, and we will capture and manage both complaints and compliments in a uniform way.

7.2 Our internal two stage complaints process consists of: Formal Complaint Investigation (Stage 1) and, where necessary, an Appeal (Stage 2).

7.3 If a complaint relates to the service or actions of one of our contractors, we will share details of the complaint with them to support our investigation and for the purpose of seeking a resolution.

7.4 We reserve the right to conclude our complaints process at any time if we deem that continuing through the process will be inappropriate, for example when legal proceedings are initiated (submitting a claim form to the Court) during a complaint investigation, then the investigation will stop. If we decide not to investigate further,

an explanation will be given, setting out the reasons it is not suitable for our complaints process and the right to take the decision to the Housing Ombudsman.

7.5 We will electronically capture key resident data as well as monitor and record, in accordance with the Data Protection Act to allow us to pro-actively case manage complaints or compliments, report on the trends, root causes and other intelligence to aid in learning from feedback and improving our services.

7.6 We will review and assess the quality of complaint responses on a regular basis, so that we may identify areas for improvement. This information will be promoted throughout the business to ensure continuous improvement.

7.7 We will publicise details of the complaints policy, including information about the Ombudsman and its Complaint Handling Code on our website, in our reception area, in newsletters and our formal complaints correspondence.

8. Complaints Process

8.1 We have a two stage complaints process.

8.2 Formal Complaint (Stage 1)

8.2.1 Stage 1 complaints will be logged, discussed, defined and formally **acknowledged within five working days of the complaint being received.** This formal acknowledgement letter will state our understanding of the complaint, the outcome the resident is seeking and which aspects of the complaint we are or are not responsible for. If any aspect of the complaint is unclear, clarification will be requested and we will carry out a reasonable level of investigation based on the information provided.

8.2.2 We will provide a stage 1 complaint response **within 10 working days** of the complaint being acknowledged. When a deadline extension is needed, the resident will be informed of the extended deadline. The extension will not be more than 10 working days without good reason, the reason must be clearly explained and the resident provided with the details of the Housing Ombudsman.

8.2.3 Where additional complaints are raised during the investigation, these must be incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, or the additional complaints are unrelated to the issues already under investigation, or it would unreasonably delay the response, the new issues must be logged as a new stage 1 complaint.

8.2.4 We will provide a written stage 1 complaint response, addressing all complaint points raised, provide clear reasons for any decisions, referencing the relevant policy, law, or good practice where appropriate.

8.2.5 A complaint response will be sent when the answer to the complaint is known, not when the outstanding actions required to address the issue, are completed. Outstanding actions will be tracked and actioned, with appropriate updates provided.

8.2.6 Where a response will fall outside the extended timescales set out in this policy, we will agree with the resident suitable intervals for being updated on the complaint.

8.3 Appeal Complaint (Stage 2)

8.3.1 If the complaint is not resolved to the resident's satisfaction at stage 1, it must be escalated to stage 2 of the complaints process. This is the final stage of our internal complaints process.

8.3.2 A tenant can only appeal a stage 1 complaint response after we have provided a stage 1 response.

8.3.3 Reasonable efforts will be made to understand why the resident is unhappy with the stage 1 response, but the resident is not required to provide reasons for requesting their complaint be escalated to stage 2.

8.3.4 The resident's dissatisfaction with the stage 1 outcome must be provided to us within 20 working days of our stage 1 response. We will not accept an appeal outside of these timescales without good reason.

8.3.5 We will only escalate a complaint to stage two once it has completed stage one.

8.3.6 Stage 2 complaints will be logged, discussed, defined and formally **acknowledged within five working days of the appeal request being received**. This formal acknowledgement letter will state our understanding of the complaint, the outcome the resident is seeking and which aspect of the complaint we are or are not responsible for. If any aspect of the complaint is unclear, clarification will be requested and we will carry out a reasonable level of investigation based on the information provided.

8.3.7 The person considering the complaint at stage 2 will not be the same person who considered the complaint at stage 1.

8.3.8 We will provide a stage 2 complaint response **within 20 working days** of the complaint being acknowledged. When a deadline extension is needed, the resident will be informed of the extended deadline. The extension will not be more than 20 working days without good reason, the reason must be clearly explained and the resident provided with the details of the Housing Ombudsman.

8.3.9 Where additional complaints are raised during the investigation, these must be incorporated into the stage 2 response if they are related and the stage

2 response has not been issued. Where the stage 2 response has been issued, or the additional complaints are unrelated to the issues under investigation, or it would unreasonably delay the response, the new issues must be logged as a new complaint.

8.3.10 We will provide a written stage 2 complaint response, addressing all complaint points raised, provide clear reasons for any decisions, referencing the relevant policy, law, or good practice where appropriate.

8.3.11 A complaint response will be sent when the answer to the complaint is known, not when the outstanding actions required to address the issue, are completed. Outstanding actions will be tracked and actioned, with appropriate updates provided.

8.3.12 Where a response will fall outside the extended timescales set out in this policy, we will agree with the resident suitable intervals for being updated on the complaint.

8.3.13 A stage 2 complaint response is the final response in our two stage complaints process.

9. The Housing Ombudsman

9.1 Red Kite Community Housing is a member of the Housing Ombudsman Scheme. The Ombudsman provides an impartial and independent dispute resolution service to social housing residents and landlords. With residents able to contact the Ombudsman for guidance and support at all stages of our complaints process. This includes requesting support on complaint handling delays or exclusions from the complaints process.

9.2 After exhausting our internal complaints process, a resident can contact the Housing Ombudsman to investigate a complaint further.

9.3 The contact details for the Housing Ombudsman are:

9.3.1 Website: www.housing-ombudsman.org.uk

9.3.2 Phone: 0300 111 3000

9.3.3 Write to: Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET

10. Information Commissioner's Office

10.1 The Information Commissioner's Office (ICO) as the data protection regulator, investigates complaints from individuals who believe there has been an infringement of data protection law.

10.2 After exhausting our internal complaints process, if you are not happy with the outcome of a data protection complaint, the ICO can be contacted for guidance or to investigate further.

10.3 The contact details for the ICO are:

10.3.1 Website: www.ico.org.uk

10.3.2 Phone: 0303 123 1113

10.3.3 Write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

11. Accessibility & Confidentiality

11.1 Feedback, including complaints, can be received by anyone in the organisation through any supported channel which includes by phone, in person, via our website, by email, by letter or through Red Kite-owned social media channels.

11.2 Feedback, including complaints, can be given on behalf of a resident by another person acting on their authority, although personal data will not be disclosed to any third party without prior written agreement from the relevant resident being received. This allows a resident to use a representative to deal with a complaint on their behalf, and a resident can choose to be represented or accompanied at any meeting. We may choose to contact the resident if we have any concerns as to the authenticity of the complaints provided by the third party or representative.

11.3 We will consider any reasonable adjustments that may be required to ensure that access to our services is available wherever possible, to all residents, providing language and translation support through our digital communications channels (also accessible in our offices and during site visits). This will include access for residents with disabilities who require audio and visual support. And we will consider all requests to make this policy available in an accessible format.

11.4 We will proactively ask the tenant during the complaint investigation process whether they require any reasonable adjustments or vulnerabilities they wish to make us aware of. If this information is provided it will be considered when communicating or reaching a complaint decision.

11.5 All feedback, including complaints, is treated as confidential unless we, or one of our partners, are asked to use that feedback to make further contact or carry out additional actions or investigations. We will not otherwise share details of feedback received with any third party without prior permission.

12. Unacceptable Behaviour

12.1 When instances of unacceptable behaviour occur, we may choose to cease dealing with that resident or put in place a limited contact arrangement as laid out in our Unacceptable Behaviour Procedure. However, in the event that a resident is abusive

or threatening to a member of staff, action may be taken in line with our Staff Protection Policy and the Tenancy Agreement.

13. Compensation

13.1 Our approach to compensation is laid out in our Compensation Policy and Procedure.

13.2 Reviews of compensation paid will be conducted at least annually to ensure that we are actively working to use the learning from cases where compensation has arisen as a result of complaints about our services.

14. Learning from Complaints

14.1 Learning from complaints is a core focus for us as a business. It is important that we take on board the feedback we receive, whether positive or negative, and use it to find ways of improving services, streamlining, or realising efficiencies, as well as improving the way in which we deal with our residents.

14.2 Where possible, we will seek to ensure that learning or improvements are identified from the feedback we receive, this will help inform process reviews or improvements as appropriate.

14.3 We undertake a satisfaction survey to help us capture feedback from residents who have used our complaints service to help inform any improvements we can make.

15. Reporting

15.1 For internal purposes, we will report regularly via internal meetings on all quick resolution, formal complaints, appeals or compliments we receive, including high level root cause analysis, the outcomes and learnings. We will also report on any complaints escalated to the Housing Ombudsman Service which they confirm is within their jurisdiction to investigate.

15.2 We will publish our Annual Complaints Performance and Service Improvement Report including our self-assessment against the Housing Ombudsman's Complaint Handling Code on our website.

15.2.1 Reporting will allow us to:

- highlight the feedback we receive, what we have done about it and how we have learnt from it
- explain the quantity and type of complaints and compliments received, including which areas of the business they relate to, their justification and their root causes

15.3 We will share our performance with our residents by publishing how we are doing on our website.

16. References

16.1 The Regulator of Social Housing sets out the expectations and obligations of housing associations.

16.2 The Social Housing (Regulation) Act 2023 requirements on handling complaints is reflected in this policy. Additionally, we follow a complaints process which complies with the Housing Ombudsman's Code of Practice.

16.3 The Regulator of Social Housing's Transparency, Influence and Accountability Standard sets out our desired outcomes from managing complaints, including the requirement for us to have an approach that is clear, simple, and accessible and which ensures that complaints are resolved promptly, politely, and fairly.

16.4 The Consumer Rights Act 2015 (Chapter 4) which demands that any service should be carried out with "Reasonable care and skill, within a reasonable time, at a reasonable price".

17. Related Policies & Procedures

- Complaints Procedure
- Compensation Policy and Procedure
- Unacceptable Behaviour Policy and Procedure
- Staff Protection Policy and Procedure
- Anti-Social Behaviour Policy and Procedure
- Privacy and Data Protection Policy
- Equality Statement

Document Controls			
Version	8	**Effective date**	June 2024
Subject matter expert drafter	Head of Feedback	**Process owner**	Head of Feedback
Related Pod	Feedback	**Related Policy**	• Compensation Policy & Procedure • Staff Protection Policy • Anti-Social Behaviour Policy • Privacy & Data Protection Policy • Unacceptable Behaviour Policy • Red Kite Equality Statement
Review period	3 years	**Next review due by**	June 2027
Delegated approvals			
Approved by ELT	Alan Keers, Deputy Group Chief Executive & CEO Twenty11	**Approved Date**	June 2024
Approved by RRT	Yes		August 2025
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