



Complaints Policy	
Written by:	Aidan McCarthy
Approved by Governance & Nominations Committee:	5/6/24
Next review date:	
For use by:	All staff, Trustees, volunteers and contractors operating as JBD staff involved in Jewish Blind & Disabled, including volunteers.
Linked legislation, guidance & policies:	Equality Act 2010. Housing Act 1996. Social Housing (Regulation) Act 2023 Housing Ombudsman Code of Conduct.
Status:	Final
Policy author:	Aidan McCarthy
Policy owner:	Director of Housing Management & Community Services
Date of next policy review/revision:	Reviewed annually – date based on initial policy sign off

Key:

HOS – Housing Ombudsman Service.

DHMCS – Director of Housing Management & Community Services.

GNC – Governance & Nominations Committee.

MRC – Member Responsible for Complaints.

1. INTRODUCTION

1.1 Complaints are one of the ways of improving the quality of JBD services. It is important that if things go wrong, they are put right quickly and that lessons are

learnt. Comments, concerns, and complaints are a valuable source of information from tenants. It is essential that all complaints and suggestions are received positively, investigated thoroughly and promptly, and responded to in an open and empathic manner, with action taken, where appropriate, to prevent a recurrence of the circumstances leading to the complaint.

1.2 JBD's Board of Trustees expects complaints to be responded to in a timely manner and that learning from complaints is recorded and shared in order that the services we provide continuously improve.

1.3 JBD always tries to resolve issues quickly and effectively when they arise. However, there are circumstances whereby a complaint or issue will be more formally addressed through our complaints policy.

1.4 JBD is committed to treating all complaints equally and fairly, and recognises that it is the right of every individual to pursue a complaint. JBD therefore endeavours to resolve all complaints to the complainant's satisfaction. However, on occasion, JBD may consider that a complainant who persists in making complaints raising the same or similar issues repeatedly, despite having received full responses to all the issues they have raised, to be identified as a vexatious complainant. Where a complainant may be considered vexatious in nature, please refer to section 6 of this policy.

2. PURPOSE

2.1 This policy sets out how we handle complaints, and vexatious complainers.

2.2 This policy is in line with the Housing Ombudsman Service (HOS) code for complaint handling.

2.3 This policy ensures we comply with the relevant legislation including the Equality Act 2010 and Housing Act 1996.

3. SCOPE

3.1 Any tenant or service user can make a complaint.

3.2 Potential tenants in the application stage can also make a complaint.

3.3 Former tenants are able to make a complaint within 12 months of their tenancy ending.

- 3.4 Former service users (including applicants) are able to make a complaint within 12 months of their relevant relationship with JBD coming to an end.
- 3.5 Those acting on behalf of tenants or service users, such as relatives or advocates can make complaints on behalf of tenants. However, JBD will need to ensure that the tenant or service user has given consent for the complaint to be made on their behalf. If consent is not given, the complaint will not be accepted.
- 3.6 Tenants have the right to be represented or accompanied by a third party of their choosing when meeting JBD to discuss a complaint.

4. RESPONSIBILITIES

- 4.1 The Director of Housing Management & Community Services (DHMCS) has overall responsibility for this policy and ensures it is reviewed and updated in a timely manner. Their responsibilities include complaint handling, liaison with HOS, reporting regularly on complaints to the Governance & Nominations Committee (GNC), and completing the annual self-assessment against the HOS code.
- 4.2 The GNC will appoint a member of the Board to be designated Member Responsible for Complaints (MRC). The MRC is responsible for ensuring a positive complaint handling culture, and for ensuring the Board receives regular updates on complaints.
- 4.3 In the unlikely event that JBD need to use a third party such as an independent adjudicator to deal with a complaint, it will form part of this complaints process rather than a separate or additional one.
- 4.4 Any third party will be expected to handle complaints in line with this policy and the Complaints Handling Code.

5. POLICY

- 5.1 A complaint is defined by HOS as follows: an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual tenant or group of tenants, or service user or group of service users.
- 5.2 JBD will also accept complaints from non-tenants and non-service users as set out in 3.5 above.

5.3 A complaint may be made by e-mail, telephone, online, letter or in person, and a complainant does need to explicitly use the word “complaint” for one to be treated as such.

5.4 JBD will accept complaints which are made within twelve months from the issue occurring.

5.5 A complaint will be accepted when a tenant expresses dissatisfaction with the response to a service request, even if the handling of the service request remains ongoing.

5.6 Complaints will not be accepted, or escalated through the complaints process:

- If the matter is being raised for the first time, such as a repair which has not been reported before, and which will then be dealt with through the correct processes.
- If the same matter has already been addressed within a previous complaint by the same tenant, and an outcome provided.
- If the matter is already subject to legal proceedings,
- If the matter relates to a JBD policy which has been suitably approved by the Board and which has been appropriately delivered.

Parts of complaints can also be excluded if they fall under one or more of these categories.

5.7 If we have not accepted or escalated a complaint due to it falling into one of the categories above, the complainant will be informed in writing and given the opportunity to appeal that decision to HOS.

5.8 JBD operates a two stage complaints process.

5.9 A staff member receiving a complaint will log and acknowledge complaints within 5 working days. The acknowledgement will include a definition of the complaint and JBD’s understanding of any remedy that is sought.

5.10 The complaint will be investigated at stage 1 by the manager of the service area it relates to, or by an alternative manager if the complaint relates to the manager themselves – the DHMCS is responsible for identifying the alternative manager. Complaints regarding the Chief Executive or a member of the Board will be investigated at Stage 1 by a member of the GNC as designated by its Chair.

5.11 The investigating manager will investigate the complaint and respond with an outcome within 10 working days. If an outcome is not possible within that

timeframe, the complainant will receive an update on its progress within this period and be given an extended timeframe, which should not be more than an additional ten working days. The complainant will also be given contact details for HOS.

5.12 The investigating manager will: deal with complaints on their merits, act independently, and have an open mind; give the tenant a fair chance to set out their position; take measures to address any actual or perceived conflicts of interest; and consider all relevant information and evidence carefully.

5.13 If additional complaints are raised during the investigation, they will be incorporated into the response if they are related to it and the response has not yet been issued; if the response has already been issued, or an investigation would unreasonably delay the response, or if the new issues are unrelated to the issues already under investigation, then a new complaint will be logged.

5.14 JBD will respond to the concerns outlined in the complaint. The response at Stage 1 or Stage 2 will include:

- An explanation of how the concerns were investigated.
- The conclusions reached in relation to all aspects of the complaint, referencing appropriate policy, law and good practice.
- An apology if appropriate.
- Information regarding any remedial action and learning identified as a result of the complaint (the complaint response will not be delayed until the remedial action is carried out).
- Information on how to escalate the complaint if the complainant is dissatisfied.

5.15 If the complainant is unhappy with the outcome, they have the right to escalate the complaint to a Stage 2 Review. The request to escalate must be made within 28 days of the Stage 1 response being sent, and the deadline will be confirmed as part of the Stage 1 response.

5.16 All documents relating to the first stage of the complaint including the outcome sought from the Review will be given to a senior staff member from a different department as designated by the Chief Executive. Should the Chief Executive or a member of the Board be the subject of the complaint, the Stage 2 Review will be carried out by the Chair of the Board or another member of the Board or GNC as designated by its Chair.

5.17 Stage 2 escalation requests will be acknowledged within five working days of receipt.

- 5.18 The complainant will receive an update on its progress within this period, and the response will be sent within 20 working days. If an outcome is not possible, the complainant will receive an update on its progress within this period and be given an extended timeframe, which should not be more than an additional twenty working days. The complainant will also be given contact details for HOS.
- 5.19 If the complainant remains dissatisfied, they may escalate the complaint to HOS after 8 weeks have passed. An MP/Local Councillor can escalate this sooner, within 8 weeks of the Stage 2 Review. If the complaint relates to a non-housing JBD function such as the ILA, it cannot be escalated to HOS, but the complainant may be able to make a complaint to the Charity Commission and this will be explained in the Stage 2 response.
- 5.20 We will always ensure that we carry out any reasonable adjustments to the complaints process for complainants that require us to do so. This is in line with the Equality Act 2010 and from the Equality Impact Assessment.
- 5.21 Any remedy offered will reflect the impact on the tenant as a results of any fault identified, and JBD will take into account remedy guidance as offered by HOS.
- 5.22 When a complaint has been resolved at Stage 1 or Stage 2, the member of staff or Board member who has written the response will develop a plan of any actions identified as a result of the complaint and a timescale of how these actions will be implemented.
- 5.23 The DHMCS is responsible for overseeing complaint action plans and ensuring that the actions are completed.

6. VEXATIOUS COMPLAINTS

- 6.1 A vexatious complaint is one that is unreasonable, without foundation and can be repetitive and solely to harass. An example of this is a historical complaint which is made regularly despite reaching a conclusion. Complaints can also be considered vexatious if they are made numerous times to different members of staff.

- 6.2 Each case will be judged on its own merits and new complaints cannot be assumed to be vexatious even though the complainant may have made unreasonable complaints before.
- 6.3 Where a complaint may be vexatious, the Chief Executive and the director of manager responding to the complaint will consider whether it should be considered as such.
- 6.4 Where a complaint is then agreed to be vexatious, we will provide one verbal warning to the complainant. If the vexatious behaviour continues, we will provide one written warning to the complainant. If there is no improvement in this behaviour, we will assign the complainant a single point of contact for all communications. We will review the status at least every 6 months.
- 6.5 If unreasonable behaviour continues beyond this point, we reserve the right to consider enforcement action.

7. SUPPORT FOR STAFF

- 7.1 Staff will be made aware when a complaint has been made regarding them (e.g. regarding conduct towards tenants, service delivery, etc), and will be kept updated during the investigation process. They will be made aware of the outcome of the investigation, and will be entitled to see the sections of the complaint letter regarding them unless the complaint investigation leads to disciplinary action against them.
- 7.2 JBD understands that it can be distressing for staff to be involved in a complaint investigation, and staff will be reminded that they can seek assistance and support from their immediate line manager or the Head of Human Resources. If disciplinary action arises from a complaint the complainant will not be informed of the outcome

8. RECORD KEEPING

- 8.1 Complaints will be recorded on HomeMaster using the Case Management function.
- 8.2 Access to the Case Management function is not restricted. In cases where a complaint may be sensitive and require restricted access, this will be agreed by the staff member responding to the complaint in conjunction with either the DHMCS or Chief Executive.

9. ADVISING TENANTS.

9.1 A copy of this policy will be made available on JBD's website, and can be sent in accessible format to any tenant or their representative upon request.

9.2 All tenants will be given a copy of this policy in their Tenant Handbook when they move in.