



Homes Plus Complaints Policy

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Policy/Strategy Control Statement

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Policy Applicable To

Business Area: Homes Plus

Applicable to: Homes Plus

Amendment Sheet Record

Revision Date	Description of Changes	Approved By	Date Approved
January 2021	Revised to ensure that all elements that are considered procedural are within the procedure only.	AH SLT	January 2021
March 2022	Revised to ensure all elements remain complaint with Ombudsman Complaint Code and revised language throughout policy to reflect change from AH to Homes Plus.		March 2022
November 2023	Revised to ensure all elements remain compliant with the Ombudsman Complaint Handling Code. Suggested amends resulting from discussion with an Ombudsman Compliance Advisor- England. No impact on Scotland SPSO requirements. • Removal of a complaint exclusion clause • Removal of SPIRIT values • Amendment to ensure all England complaints are logged at Stage 1 and cannot escalate to directly to Stage 2 • Removal of a reference to the Ministry for Housing Communities and Local Government		
March 2024	Amended for compliance with the revised Housing Ombudsman Complaint Handling Code 2024	Policy Management Team	March 2024
July 2024	Added "Places for People will ensure that a customer will not be		July 2024

	subject to any reprisal or detriment for raising a complaint or concern.”		
March 2025	Complete policy review to ensure compliance with the Housing Ombudsman Complaint Handling Code and Scottish Public Services Ombudsman's Model Complaint Handling Procedures post merger and to reflect centralisation of complaints handling service.	Policy Management Team	March 2025
October 2025	Amendments as per recommendation from Housing Ombudsman England compliance review.	Policy Management Team	October 2025

- Please summarise the current policy requirements and how this is changed in the new policy.
- Please explain the reason for changes/improvements/new policy.
- Please explain any new actions required to put the policy changes into practice.

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1. Purpose

- 1.1. This policy sets out how we manage Customer complaints. It reflects our commitment to valuing complaints and is fully aligned with the Housing Ombudsman Service Complaint Handling Code 2024 (England) and Scottish Public Services Ombudsman Model Complaint Handling procedures (Scotland).
- 1.2. The purpose of this policy is to ensure we conduct thorough, impartial and fair investigations of Customer complaints and put things right as quickly as possible.
- 1.3. Complaints provide us with valuable information to help improve service provision and Customer satisfaction, by learning from our mistakes and ensuring we don't repeat them. This policy enables us to address a Customer's dissatisfaction and may help us prevent the same problem from happening again.

2. Policy Statement

- 2.1 Complaints provide a first-hand account of our Customers' views and experience. We are committed to putting it right for our Customers when things go wrong.

Our Customer Promises set out that if something goes wrong...

We'll listen, say sorry, and get things sorted as quickly as possible. We'll aim to do the right thing. Always.

- 2.2 We are committed to listening, and learning, and want to ensure our Customers feel confident and supported to make a complaint. We put people first. We treat everyone honestly, courteously and fairly. We Listen, we Learn, we Deliver, at every step of the journey.

3. Aims of the complaints policy

- 3.1 The aims of this policy are;
 - To support a positive, consistent and ethical approach to complaint handling that is fully compliant with the Housing Ombudsman England Complaint Handling Code and dispute resolution principles, and the Model Complaint Handling Procedures of the Scottish Public Services Ombudsman.
 - To encourage openness, honest and transparency in our complaint handling
 - To ensure our Customers know how to make a complaint to us in a variety of ways, our service is accessible, and they feel safe to raise concerns, heard and understood.
 - To resolve complaints as quickly, fairly and efficiently as we can, and ensure effective communication with our Customers throughout.

- To monitor and analyse feedback and performance against our services and complaint handling process, to continuously improve services to our Customers. We will do this by using the insight and learning from complaints, Customer feedback and Ombudsman Service determinations to identify trends or service improvements. This will be presented in our Annual Complaints Performance and Service Improvement Report.
- To ensure compliance with our statutory and regulatory obligations. We will ensure effective governance and will report on complaints to our Member Responsible for Complaints (“MRC”). The MRC, our Chief Operating Officer, is responsible for ensuring our governing body receives regular information on complaints that provides insight on our complaint handling performance.
- To support excellent complaints handling- we will engage with the Housing Ombudsman Service (England) and the Scottish Public Services Ombudsman (Scotland), providing information as and when requested.

4. Links to strategies and policies

The following strategies and policies and standards should be referred to in conjunction with this policy, which provide further detail and support;

- Homes Plus Complaints Procedure England
- Homes Plus Complaints Procedure Scotland
- Group Health and Safety Policy Statement
- Equality, Diversity and Inclusion Policy
- Group Safeguarding Standard
- Group Vulnerable Customer Policy
- Data Protection Policy
- Customer Promises
- Customer Behaviour and Warning Policy
- Housing Condition Claim Policy
- Whistleblowing Policy

Because Community Matters Strategy- for internal colleagues.
Compensation guidelines are also available for colleagues.

5. Definition

5.1 A complaint is:

‘An expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by the organisation, our staff, or those acting on our behalf, affecting an individual Customer or group of Customers.’

5.2 The Customer does not have to use the word “complaint” for it to be treated as such. Whenever a Customer expresses dissatisfaction, we’ll give them the choice to make a complaint. A complaint may relate to the following, but is not restricted to this list:

- failure or refusal to provide a service
- inadequate quality or standard of service, or an unreasonable delay in providing a service
- delays in responding to enquiries or requests
- unfairness, bias or prejudice in service delivery
- lack of provision, or the provision of misleading, unsuitable or incorrect advice or information
- a repair that has not been carried out properly or in an agreed timeframe
- dissatisfaction with one of our policies or its impact on the individual
- failure to properly apply law, policy or guidance when delivering services
- failure to follow the appropriate administrative process
- conduct, treatment by or attitude of a member of staff or contractor
- disagreement with a decision, (except where there is a statutory policy for challenging that decision, or an established appeals process followed throughout the sector).

5.3 A complaint is not:

- A request for information or explanation of our policies or procedures
- Where the issue giving rise to the complaint occurred over 12 months ago unless there are special circumstances for considering complaints beyond this time (for example, where a person was not able to complain due to serious illness or recent bereavement).
- A first-time request for a service (refer to flow chart examples in Appendix 1) If the Customer raises dissatisfaction with the response to their service request, this is a complaint.
- Where an explanation and resolution to the Customers satisfaction can be given during the contact (refer to flow chart in Appendix 1).
- A request for compensation or reimbursement only. Where a Customer is seeking financial compensation only, this is not a complaint. However, in some cases the Customer may want to complain about the matter leading to their financial claim, and they may seek additional outcomes, such as an apology or an explanation. Where appropriate, we may consider that matter as a complaint but deal with the financial claim separately. It may be appropriate to extend the timeframes for responding to the complaint, to consider the financial claim first.
- Issues that are in court or have already been heard by a court or a tribunal, for example details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
- Disagreement with a decision where there is a statutory policy for challenging that decision (such as for freedom of information and subject access requests), or an established appeals process followed throughout the sector
- A request for information under the Data Protection Act or Freedom of Information (Scotland) Act.
- A grievance by a colleague or a grievance relating to employment or recruitment
- A concern raised internally by a colleague (which was not about a service they received, such as a whistleblowing concern)
- A concern about a child or an adult's safety

- An attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final position
- A concern about the actions or service of a different organisation, where we are not involved in the issue (except where the other organisation is delivering services on our behalf). *For example, potholes on a street that is owned and maintained by the Local Authority.*
- Complaints relating to Service Charge or rent setting from Leaseholders. These are best managed through the First Tier Tribunal although we will always try to resolve these concerns informally, where we can. We will consider complaints about communication in respect of service charges, the level of service delivery or the process in respect of service charge setting.
- Cases where potential service failure may have led to personal injury. We will consider the service failures; however, potential personal injury will not be considered. This is because personal injury sits outside of this policy and jurisdiction of the Ombudsman Service. Customers can decide to make a personal injury claim, and we'll refer them to our Insurers. Personal injury can include any physical or mental injury (for example, anxiety) or the exacerbation of existing conditions.

6. Exclusions

- 6.1 We will accept a complaint unless there is a valid reason not to do so. If we decide not to accept a complaint, we tell the Customer the reason and explain they have 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 us to accept the complaint. We will keep a record of complaints we have refused to accept.
- 6.2 Each complaint will be considered on its own merits. We will be clear about which aspects of a complaint we can answer, and if we are not responsible or unable to answer any elements, we will explain why.
- 6.3 Where a Customer continues to contact us about the same issue, we will explain that we have already given them our final response on the matter and signpost them to the HOS or SPSO. We may also consider whether we need to take action under our Customer Behaviour and Warning Policy.

7. Who can make a complaint

- 7.1 Anyone who receives, requests, or is affected by our services can make a complaint. This includes anyone who may potentially receive a service from us, for example someone who is applying to us for housing.
- 7.2 We accept complaints from advocates or representatives of a person who is dissatisfied with our service, with the Customers permission. Any complaint submitted via a third party or representative will be handled in line with our complaints policy. We will be mindful of data protection regulations.
- 7.3 Collective groups of Customers can make a complaint. We will identify the lead complainant to enable recording of the complaint. We will encourage all complainants to

share their individual perspectives. The complaint response will be shared with each Customer making the collective complaint.

8. Making a complaint

- 8.1 We recognise that Customers have their own preferred way of contacting us, and we provide choice to our Customers on how they communicate with us. Complaints may be made;
- verbally or in writing
 - by visiting an office
 - face-to-face
 - by telephone
 - letter or email
 - through a third party such as an advocate, support worker, MP or Councillor
 - online through our website
 - on social media
- 8.2 We will be mindful of our data protection obligations when responding to issues online or in a public forum. Where a complaint is received via social media, it will be acknowledged using that same channel. We will contact the Customer to explore if they wish to provide contact details to help us further investigate the complaint.

9. Complaint Stages

- 9.1 We try to resolve expressions of dissatisfaction as quickly as possible with our Customers. We understand that not all Customers will wish to begin a formal complaint process to Stage 1 and may simply want an issue resolved. We will look to resolve quickly where we can, and they can ask to escalate at any time. This is Customer led and remains their choice.
- 9.2 Our complaints policy has two stages. If the Customer remains dissatisfied after Stage 1, we will escalate to Stage 2 which is the final stage of our internal complaints process and opportunity for us to put things right. In Stage 2, the complaint will be considered by a different complaint handler who was not involved at Stage 1.
- 9.3 A complaint response will be provided to the Customer 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 promptly with appropriate updates provided.
- 9.4 We will ensure the Customer knows they have the right to refer to the Ombudsman Service at any point for advice and guidance.
- 9.5 The table below summarises our two-stage process. The full process and more detail on what to expect at Stage 1 and 2, is available in our Customer Procedure Document on our website and is shared with the Customer when we acknowledge the complaint.

	Stage 1	Stage 2	Independent External Review
Customers living in England	Agree “complaint definition and desired resolution”. This is a shared understanding of the complaint and the outcomes the Customer is seeking. Acknowledge, define and log complaint in writing within 5 working days. In the acknowledgement we will set out which aspects we are (and are not) responsible for and whether any further clarification from the Customer is required.	Agree “complaint definition and desired resolution”. This is a shared understanding of the complaint and the outcomes the Customer is seeking. The Customer does not have to provide this at Stage 2, but it is helpful for an effective response. Acknowledge, define and log complaint in writing within 5 working days. In the acknowledgement we will set out which aspects we are (and are not) responsible for and whether any further clarification from the Customer is required.	Where the Customer is not satisfied with the Stage 2 response, self-referral can be made to The Housing Ombudsman Service.
	Response 10 working days from acknowledgement. Maximum extension of 10 working days. If we need to extend the complaint, we will let the Customer know why, agree updates, and give them contact details for the Ombudsman. If the response falls outside of this extension period, we will agree with the Customer the suitable intervals for updating them on their complaint.	Response 20 working days from acknowledgement. Maximum extension of 20 working days. If we need to extend the complaint, we will let the Customer know why, agree updates, and give them contact details for the Ombudsman. If the response falls outside of this extension period, we will agree with the Customer the suitable intervals for updating them on their complaint.	

Customers living in Scotland	A verbal response within 5 days of receipt of the complaint.	Acknowledge complaint in writing within 3 working days.	Where the Customer is not satisfied with the Stage 2 response, self-referral can be made to the Scottish Public Services Ombudsman.
		Response 20 working days from acknowledgement. Maximum extension of 10 working days.	

10. Time limit for making complaints

- 10.1 The Customer must raise their complaint within 12 months of when they first knew of or experienced the problem, unless there are special circumstances for considering complaints beyond this time (for example, where a person was not able to complain due to serious illness or recent bereavement).
- 10.2 Where a Customer has received a Stage 1 response, and wishes to escalate to Stage 2, unless there are special circumstances, they must request this either:
- within six months of when they first knew of the problem; or
 - within two months of receiving their Stage 1 response (if this is later).
- 10.3 We will apply these time limits with discretion, considering the seriousness of the issue, the availability of relevant records and colleagues involved, how long ago the events occurred, and the likelihood that an investigation will lead to a practical benefit for the Customer or useful learning for the organisation.
- 10.4 We will also take account of the time limit within which a member of the public can ask the Scottish Public Services Ombudsman (SPSO), or a Customer can ask The Housing Ombudsman (THO) to consider complaints (normally 12 months). The SPSO and THO have discretion to waive this time limit in special circumstances (and may consider doing so in cases where we have waived our own time limit).
- In England, if additional complaints are raised during a Stage 1 investigation, these will 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, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues will be logged as a new complaint. Additional points raised at Stage 2 will not usually be able to be incorporated at Stage 2 and we will inform the Customer of their options for addressing any new points. Each case will be reviewed on its own merit.

11. Complaint outcomes

- 11.1 Complaints can have three outcomes. The outcome of a formal complaint will be:
- 11.2 Upheld – this means that the Customer’s reason for dissatisfaction is justified
- 11.3 Partially upheld – this means that some of the Customer’s reasons for dissatisfaction are justified but that some of the issues or claims raised by the Customer are unfounded, unreasonable or not our fault.
- 11.4 Not upheld – this means that none of the Customer’s reasons for dissatisfaction with us are justified.

12. Complaint remedies

- 12.1 Any remedy offered will reflect the impact on the Customer as a result of any fault or service failing identified.
- 12.2 Where something has gone wrong, we will acknowledge this and set out the actions we have already taken, or intend to take, to put things right. These can include:
- Apologising
 - Acknowledging where things have gone wrong
 - Providing an explanation, assistance, or reasons
 - Taking action if there has been delay
 - Reconsidering or changing a decision
 - Amending a record or adding a correction or addendum
 - Providing a financial remedy
 - Changing policies, procedures, or practices
 - Supporting our Customers in a different or new way

13. Supporting the Customer

- 13.1 Our centralised team of Customer Resolution Coordinators and Senior Customer Resolution Coordinators handle most of our complaints and are trained to support our Customers. Where the complaint relates to a managing agent, we may ask the managing agent to investigate and respond to the complaint with our oversight.
- 13.2 We encourage any Customer using the complaints process to make us aware of any reasonable adjustments that they may require, to make the complaints process more accessible to them. The Coordinator investigating the complaint will be able to discuss this on a case-by-case basis.
- 13.3 We recognise the barriers that some Customers may face when raising a complaint. These may be physical, sensory, communication or language barriers, but can also include their anxieties and concerns. Customers may need support to overcome these barriers. Our approach to this is given in the Homes Plus Equality Diversity and Inclusion Policy.
- 13.4 We have a legal duty to ensure our complaints service is accessible under equalities and mental health legislation. For example:

- The Equality Act (England) 2010
- The Equality Act (Scotland) 2010 – this gives people with a protected characteristic the right to reasonable adjustments to access our services (such as large print or BSL translations of information); and
- The Mental Health (Care and Treatment) (Scotland) Act 2003 – this gives anyone with a ‘mental disorder’ (including mental health issues, learning difficulties, dementia and autism) a right to access independent advocacy. This must be delivered by independent organisations that only provide advocacy. They help people to know and understand their rights, make informed decisions and have a voice.

13.5 Examples of how we will meet our legal duties are:

- Proactively checking whether Customers who contact us require additional support to access our services
- Providing interpretation and/or translation services for British Sign Language users; and
- Helping Customers access independent advocacy

13.6 In addition to our legal duties, we will seek to ensure that we support vulnerable groups in accessing our complaints policy. Actions that we may take include:

- Helping vulnerable Customers identify when they might wish to make a complaint
- Referring Customers to access independent support or advocacy to help them understand their rights and communicate their complaints and
- Providing a neutral point of contact for complaints, or a single point of contact for general communication
- Publishing and publicising the complaints policy on our website and via easy-to-read leaflets
- Considering requests to make the complaints policy available in an accessible format such as in a different language or braille

13.7 These lists are not exhaustive, and we must always consider our commitment and responsibilities to equality and accessibility.

14. Complaints by (or about) a third party

14.1 Sometimes a Customer may be unable or reluctant to make a complaint on their own. We will accept complaints from third parties, which may include relatives, friends, advocates and advisers.

14.2 Where a complaint is made on behalf of a Customer, we must ensure that the Customer has authorised the person to act on their behalf. We will ensure the Customer understands their personal information will be shared as part of the complaints handling process (particularly where this includes sensitive personal information). This can include complaints brought by parents on behalf of their child, if the child is considered to have capacity to make decisions for themselves.

- 14.3 The provision of a signed mandate (Permission to Act form) from the Customer will normally be sufficient for us to investigate a complaint. If we consider it is appropriate, we can take verbal consent direct from the Customer to deal with a third party and would normally follow up in writing to confirm this.
- 14.4 In certain circumstances, a person may raise a complaint involving another person's personal data, without receiving consent. The complaint should still be investigated where possible, but the investigation and response may be limited by considerations of confidentiality. The person who submitted the complaint should be made aware of these limitations and the effect this will have on the scope of the response.

15. Anonymous complaints

- 15.1 We value all complaints, including anonymous complaints, and will take action to consider them further where this is appropriate. We will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries.
- 15.2 Any decision not to pursue an anonymous complaint must be authorised by an appropriate member of the Complaints Leadership Team.
- 15.3 If we pursue an anonymous complaint further, we will record it as an anonymous complaint together with any learning from the complaint and action taken.
- 15.4 If an anonymous complainant makes serious allegations, these should be dealt with in a timely manner under relevant procedures. This may not be the complaints procedure and could instead be relevant child protection, adult protection or disciplinary procedures.

16. What if the Customer does not want to complain?

- 16.1 If a Customer has expressed dissatisfaction in line with our definition of a complaint but does not want to complain, we will explain that complaints offer us the opportunity to improve services where things have gone wrong. We will encourage the Customer to submit their complaint and allow us to handle it through the complaint handling process. This will ensure that the Customer is updated on the action taken and gets a resolution.
- 16.2 If the Customer insists, they do not wish to complain, we are not required to progress the complaint under this policy. We will record the complaint as an anonymous complaint (including minimal information about the complaint, without any identifying information) to enable us to track trends and themes in complaints. Where the complaint is serious, or there is evidence of a problem with our services, we should also investigate the matter to remedy this (and record any outcome).

17. Complaints involving more than one area or organisation

- 17.1 If a complaint relates to the actions of two or more areas within our organisation, we will tell the Customer who will take the lead in dealing with the complaint and explain that they will get only one response covering all issues raised.

- 17.2 If a Customer complains to us about the service of another organisation or public service provider, but we are not involved in the issue, the Customer should be advised to contact the appropriate organisation directly.
- 17.3 If a complaint relates to our service and the service of another organisation or public service provider, and we have a direct interest in the issue, we will handle the complaint through this policy. If not, we will advise them to contact the appropriate organisation directly. We will be mindful of data protection if we must contact an outside body about the complaint.
- 17.4 Such complaints may include;
- a complaint to us about rent arrears that is partly caused by problems with a claim for benefits to the local authority, or
 - a complaint to us about Anti-social Behaviour that relates to our service and a local authority service.

18. Complaints about contracted services

- 18.1 Where we use a contractor or managing agent to deliver a service on our behalf, we recognise that we remain responsible and accountable for ensuring that the services provided meet our standard. We will either do so by;
- 18.2 Ensuring the contractor or managing agent complies with this policy; or
- 18.3 Ensuring the contractor or managing agent has their own procedure in place, which fully meets the standards in this policy. At the end of the investigation stage of any such complaints the contractor or managing agent must ensure that the Customer is signposted to the relevant Ombudsman.
- 18.4 We will confirm that Customers are clearly informed of the process and understand how to complain. We will also ensure that there is appropriate provision for information sharing and governance oversight where required.
- 18.5 We have discretion to investigate complaints about organisations contracted to deliver services on our behalf even where the procedure has normally been delegated.

19. Care complaints

- 19.1 Anyone receiving care services from us has the right to either complain direct to the Care Inspectorate in Scotland, or The Local Government and Social Care Ombudsman England.
- 19.2 Customers may also receive care or support from other agencies under a contract with us. They may complain about these services either to us (just like complaints about any of our other services) or directly to the relevant authority.
- 19.3 For Scotland, the Care Inspectorate contact details can be found on their website: www.careinspectorate.com.

- 19.4 The Local Government and Social Care Ombudsman for England is [Home - Local Government and Social Care Ombudsman](#)
- 19.5 If a complaint is relating to the support provision provided and the Customer is still dissatisfied after Stage 2, they can contact their Local Authority Supporting People Team or their local Adult Social Care Team.
- 19.6 Due to different commissioning arrangements across different Local Authorities, we will advise Customer as to the specific contact details for their Local Authority should they remain dissatisfied.

20. Significant performance failures

- 20.1 The Scottish Housing Regulator (SHR) has a duty to consider issues raised with them about 'significant performance failures'. A significant performance failure is defined by the SHR as something that a landlord does or fails to do that puts the interests of its tenants at risk, and which the landlord has not resolved. This is something that is a systemic problem that does, or could, affect all tenants.
- 20.2 A significant performance failure happens when:
- A landlord is not delivering the outcomes and standards in the Scottish Social Housing Charter over a period of time; or
 - A landlord is not achieving the regulatory standards on governance or financial management.
- 20.3 Significant performance failures are not dealt with through this policy. Information about the SHR can be found on their website: www.scottishhousingregulator.gov.uk.
- 20.4 In England The Housing Ombudsman (THO) and Regulator of Social Housing are working together. This means the Housing Ombudsman investigates beyond the initial complaint or landlord to establish evidence of service failure or systemic failing. Where this is the case, the matter will be referred to the appropriate regulatory body under paragraph 50 of the Scheme. This Includes;
- Complaint handling failure orders issued by THO.
 - Non-compliance with THO determination orders, including repeated patterns of delay
 - A finding of severe maladministration has been made, or where an investigation raises a potential breach of a regulatory standard
 - Information with THO in relation to actual or contemplated regulatory action where such action may affect the carrying out of the Housing Ombudsman functions.

21. Complaints about senior staff or committee members

- 21.1 Complaints about senior staff can be difficult to handle, as there may be a conflict of interest for the colleague investigating the complaint. When serious complaints are raised against senior staff or Board/committee members, it is particularly important that the investigation is conducted by an individual who is independent of the situation. We have governance arrangements in place that set out clear procedures for handling such

complaints. They take account of the need to ensure that the final decision is fair, objective and impartial. These arrangements, including how they link to our Whistleblowing Policy, are set out in the Homes Plus internal Complaints Procedures.

- 21.2 The Scottish Housing Regulator (SHR) specifies that a serious complaint against senior staff in Scotland is a 'notifiable event', and as such the Regulator must be informed immediately.

22. Complaints and other processes

- 22.1 Complaints can sometimes be confused or overlap with other processes, such as service requests, disciplinary or whistleblowing processes. Specific examples and guidance on how to handle these are below.

Service requests

- 22.2 If a Customer asks Places for People to do something (for example, provide a service or deal with a problem), and this is the first time the Customer has contacted us, this would normally be a routine service request and not a complaint.
- 22.3 Service requests can lead to complaints, if the request is not handled promptly or the Customer is then dissatisfied with how we provide the service. A complaint raised in such a manner will not prevent, stall or impact on the service request actions needed to resolve any immediate issues. See Appendix 1 for examples of service requests as set out by the Housing Ombudsman England.

Complaints and disciplinary or whistleblowing processes

- 22.4 If the issues raised in a complaint overlap with issues raised under a disciplinary or whistleblowing process, we still need to respond to the complaint.
- 22.5 Our response will not share confidential information (such as anything about the whistleblowing or disciplinary procedures, or outcomes for individual colleagues). It will focus on whether we failed to meet our service standards, where relevant, or expected standards and what we have done to improve things, in general terms.
- 22.6 Colleagues investigating such complaints will ensure that:
- We comply with all requirements of the complaint handling process in relation to the complaint (as well as meeting the requirements of the other processes)
 - All complaint issues are addressed (sometimes issues can get missed if they are not also relevant to the overlapping process); and
 - We keep records of the investigation that can be made available to the SPSO or the Housing Ombudsman Service England, if required. This can be problematic when the other process is confidential, because the Ombudsman will normally require documentation of any correspondence and interviews to show how conclusions were reached. For example, if colleagues are interviewed for the purposes of both the

complaint and a disciplinary procedure, they should not be assured that any evidence given will be confidential, as it may be made available to the Ombudsman.

Complaints and legal action

- 22.7 Where a Customer says that legal action is being actively pursued, this is not a complaint.
- 22.8 Where a Customer indicates that they are thinking about legal action, but have not yet commenced this, they should be informed that if they take such action, they should notify the complaints handler and that the complaints process, in relation to the matters that will be considered through the legal process, will be closed. Any outstanding complaints must still be addressed through the complaint handling process.
- 22.9 If an issue has been, or is being, considered by a court, we must not consider the same issue under the complaint handling process.

23. Expected behaviours

- 23.1 We expect all colleagues to behave in a professional manner and treat Customers with courtesy, respect and dignity. We also ask Customers bringing a complaint to treat our colleagues with respect. We ask Customers to engage actively with the complaint handling process by:
- Telling us their key issues of concern and organising any supporting information they want to give us (we understand that some Customers will require support to do this)
 - Working with us to agree the key points of complaint and the desired resolution when an investigation is required; and
 - Responding to reasonable requests for information.
- 23.2 We recognise that people may act out of character in times of trouble or distress. Sometimes a health condition or a disability can affect how a person expresses themselves and we will seek to offer guidance and support. The circumstances leading to a complaint may also result in the Customer acting in an unacceptable way. Examples of unacceptable behaviour include;
- Treating staff in an abusive or threatening manner
 - Refusing to respond to contact from colleagues, or blocking contact methods, which makes it difficult to investigate and resolve a complaint
 - Repeatedly contacting several colleagues about the same complaint to deliberately cause confusion in the complaints process
 - Repeatedly contacting senior members of staff directly when a complaint handler has been allocated as an agreed point of contact. The complaint handler has autonomy to liaise with senior management as and when required.
- 23.3 Customers who have a history of challenging or inappropriate actions, or have difficulty expressing themselves, may still have a legitimate grievance, and we will treat all complaints on their own merit. However, we also recognise that the actions of some

Customers may result in unreasonable demands on time and resources or unacceptable behaviour towards our colleagues.

- 23.4 We may apply our policies to protect colleagues from unacceptable behaviour such as unreasonable persistence, threats, or offensive behaviour from Customers. Where we decide to restrict access to a Customer under the terms of our policy, we have an agreed format to communicate that decision where we will notify the Customer, ensure they are aware of their right of appeal, and commit to review any decision to restrict contact with us.
- 23.5 We also ask that the advocate or representative of any Customer engage with the complaint process in a respectful way and will apply the relevant policies to manage any inappropriate communication.
- 23.6 If we decide to restrict a Customer's contact, we will minimise any restrictions on the Customer's access to the complaints process and continue investigating a complaint even where contact restrictions are in place. Where access to the complaint process is restricted, we will signpost the Customer to the Scottish Public Service Ombudsman or the Housing Ombudsman Service England.

24. Maintaining confidentiality and data protection

- 24.1 Confidentiality is important in complaints handling. This includes maintaining the Customer's confidentiality and confidentiality in relation to information about colleagues, contractors or any third parties involved in the complaint.
- 24.2 This should not prevent us from being open and transparent as far as possible in how we handle complaints. This includes sharing as much information with the complainant (and, where appropriate, any affected colleagues) as we can. When sharing information, we should be clear about why the information is being shared and our expectations on how the recipient will use the information.
- 24.3 We will bear in mind legal requirements, for example data protection legislation, as well as internal policies on confidentiality and the use of Customer information.
- 24.4 Some responses to a complaint may be limited by confidentiality, such as:
- Where a complaint has been raised against a colleague and has been upheld – we will not share specific details affecting colleagues, particularly where disciplinary action is taken
 - Where someone has raised a concern about a child or an adult's safety and is unhappy about how that has been dealt with, we would not share any details of our findings in relation to the safety concern.

25. Complaint insight

- 25.1 Complaints performance will be reviewed on a regular basis by the Senior Leadership and Executive team, the National Customer Group, Member Responsible for Complaints and our governing body. Emphasis will be placed on:

- 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
- The Annual Complaints Performance and Service Improvement Report

26. Learning from Complaints

- 26.1 We recognise the value of complaints in helping to make things fairer for Customers and highlighting the aspects of our services that need to be improved.
- 26.2 We seek to identify the root cause of complaints, take action to reduce the risk of recurrence; and systematically review complaint performance reports to improve service delivery.
- 26.3 We also monitor Customer satisfaction with the complaints handling process through surveys.
- 26.4 All service requests, complaints and insight from Ombudsman determinations are recorded and used as a means of improving the way we deliver services. We will seek to identify learning opportunities, both by reviewing complaints individually and by regularly reviewing the bigger picture to see what aspects of our services are complained about the most.
- 26.5 We will publish wider learning and improvements from complaints and Customer Insight to our Customers, managers and colleagues at least quarterly and summarise this in our Annual Complaints and Service Improvement Report which is published on our website.

27. Ombudsman

Customers can contact the Housing Ombudsman Service England at any point for advice and guidance.

By online webform; [Online complaint form | Housing Ombudsman Service](#)

Email: info@housing-ombudsman.org.uk

Phone: [0300 111 3000](tel:03001113000)

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

The Scottish Public Services Ombudsman contact details are:

By online webform: [How to complain about a public service | SPSO](#)

Phone: 0800 377 7330

28. Legislative considerations

This policy has been produced with consideration for;

Social Housing (Regulation) Act 2023
The Regulator of Social Housing England Transparency, Influence and Accountability Standard.
General Data Protection Act 2018
The Localism Act 2011
Equality Act 2010
Housing Act 1996 (schedule 2)
Housing Ombudsman Scheme
Scottish Public Services Ombudsman

Appendix 1; Service request definition as per Housing Ombudsman England

Appendix A: Service request or complaint flow charts



