



Complaints Policy & Process

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Cadwyn Complaints Policy & Process

1. What is classed as a complaint?

'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 resident or group of residents.

- The individual does not have to use the word 'complaint' for it to be treated as such. A complaint that is submitted via a third party or representative must still be handled in line with the complaints policy.
- Cadwyn will recognise the difference between a service request and a complaint. A service request is a request from a tenant requiring action to be taken to put something right.
- Service requests should be recorded, monitored and reviewed regularly. A complaint should be raised when an individual raises dissatisfaction with the response to their service request or is outside of a service request such as a complaint about a member of staff, for example.

Complaints could include;

- We have not done something we should have done
- The behaviour of one of our employees or contractors have been inappropriate
- A service has not been delivered to the quality, safety, frequency or cost expected
- Our decision-making process is flawed
- We have worked outside a policy or protocol.
- We failed or refused to provide a service
- There was inadequate quality or standard of service, or an unreasonable delay in providing a service
- There were delays in responding to enquiries or requests
- There was unfairness, bias or prejudice in service delivery
- There was a 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
- There was dissatisfaction with one of our policies, or its impact on the individual
- There was a failure to properly apply law, procedure or guidance when delivering services
- There was a failure to follow the appropriate administrative process
- The conduct, treatment by or attitude of a member of staff or contractor
- There is disagreement with a decision.

A complaint is not

- a routine first-time request for a service
- a request for compensation only
- issues that are in court or have already been heard by a court or a tribunal
- disagreement with a decision where there is a statutory procedure for challenging that decision (such as for freedom of information and subject access requests)
- a request for information under the Data Protection or Freedom of Information Acts
- a grievance by a staff member or a grievance relating to employment or staff recruitment
- a concern raised internally by a member of staff (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 decision
- abuse or unsubstantiated allegations about our organisation or staff
- a concern about the actions or service of a different organisation, where we have no involvement in the issue (except where the other organisation is delivering services on our behalf).

We will not treat these issues as complaints and will instead direct customers to use the appropriate procedures. Some situations can involve a combination of issues, where some are complaints and others are not, and each situation should be assessed on a case-by-case basis

2.0 Expected Behaviours

2.1 We expect all staff to behave in a professional manner and treat complainants with courtesy, respect and dignity. We also ask complainants bringing a complaint to treat our staff with respect. We ask complainants 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 people will require support to do this);
- working with us to agree the key points of complaint when an investigation is required; and
- responding to reasonable requests for information, and for this to be in a timely manner.

2.2 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. The circumstances leading to a complaint may also result in the complainants acting in an unacceptable way.

2.3 Complainants 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 seriously. However, we also recognise that the actions of some complainants may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff.

2.4 We will, therefore, apply our policies and procedures to protect staff from unacceptable actions such as unreasonable persistence, threats or offensive behaviour from individuals.

3.0 Maintaining Confidentiality and Data protection

3.1 Confidentiality is important in complaints handling. This includes maintaining the individual's confidentiality, and confidentiality in relation to information about staff members, contractors or any third parties involved in the complaint.

3.2 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 staff members) 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.

3.3 We must always bear in mind legal requirements, for example data protection legislation, as well as internal policies on confidentiality and the use of tenant information. Further information is available in the Cadwyn's Privacy Policy.

3.4 There may be instances where we cannot share information in relation to a complaint response, such as:

- where a complaint has been raised against a staff member and has been upheld – we will advise the customer that their complaint is upheld, but would not share specific details affecting staff members, 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 look into this to check whether the safety concern had been properly dealt with, but we would not share any details of our findings in relation to the safety concern.

4.0 Who can make a complaint?

4.1 Anyone who receives, requests, or is affected by our services can make a complaint. This obviously includes our tenants. It also includes a member of the public who could have access to or be affected by our services.

4.2 We also accept complaints from the representative of a person who is dissatisfied with our service.

5.0 Supporting Complainants

5.1 All members of the community have the right to equal access to our complaint's procedure. It is important to recognise the barriers that some customers may face complaining. 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. Further information can be found in our Equality and Diversity Policy.

5.2 We have legal duties to make our complaints service accessible under equalities and mental health legislation. For example:

- the Equality Act 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 Act– 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.

5.3 We will seek to ensure that we support vulnerable groups in accessing our complaints procedure. Actions that we may take include:

- Provide interpretation and/or translation services for British Sign Language users or those who do not speak English
- Provide information in large print, if required
- We can help access independent advocacy; we have contact details of various organisations that can provide assistance
- Help our vulnerable customers identify when they might wish to make a complaint (for example, by training frontline staff)

- Provide a range of ways that a customer can complain i.e., telephone, email, post, App or our website.

6.0 Time limits for making complaints

6.1 The complainant must raise their complaint within six months of when they first knew of 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).

6.2. Where an individual wished to make a formal complaint, 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 initial service request response

6.3. We will apply these time limits with discretion, taking into account the seriousness of the issue, the availability of relevant records and staff involved, how long ago the events occurred, and the likelihood that an investigation will lead to a practical benefit for the individual or useful learning for the organisation.

7.0 Informal Resolution

Where possible issues should be dealt with immediately and if that is not possible, we will investigate and respond within 10 days with a proposed solution. If required, information will also be shared on how to escalate to a formal complaint.

8.0 Formal complaint

If a service request cannot be resolved or the individual is not happy with how the request has been handled a formal complaint can be raised. Complaints are recorded by the Complaint Officer and acknowledgement within five working days. We aim to resolve all complaints within 20 working days. When an individual has a representative or an advocate the timeframe will start the day consent is received.

Steps of a Formal Complaint

1. Complaint Officer will set up on Teams and tag the relevant area and people.
2. The Investigation Manager will investigate the complaint in an open, transparent and impartial way, and will either
 - a. Inform the complainant that due to the nature of the complaint that the investigation will take longer than 20 days and will provide an updated timeline
 - b. Will investigate the complaint and pull together an investigation report or investigation letter.
 - c. Will agree the draft report/letter with the relevant member of SLT (normally their line manager).
3. The Investigating Manager will share the '**draft**' report with the complainant for comment before it is finalised.
4. The complainant will have 10 working days to respond to the report/letter.
5. The Investigation Manager will give consideration to any comments received, and review and amended the report/letter, if appropriate and send a final version. This would normally be within 10 working days.
6. Once the final Investigation letter/report is sent, the Service Manager will close the complaint on Teams. Whilst there may be some actions that will happen after the complaint is closed, it is

important to close the complaint so that the individual has a resolution, and if is not happy, has the information to escalate to the Ombudsman.

7. The Complaints Officer will review the status of complaint on a weekly basis and highlight any upcoming deadlines.
8. The Complaints Officer will bring a live complaints report to the SLT on a monthly basis.

Once the Complaint is closed by the Investigation Manager, any further issues in relation to the Complaint will need to be referred to the relevant Ombudsman. The Service Manager however will keep an eye any outstanding actions ensuring they have been resolved.

9.0 The following are outside of the scope of the Complaints Process

- Where the issue is reoccurring, and we consider we have dealt with the matter
- Where the complainant is not engaging with us and therefore we are not able to resolve the issue
- Where legal processing has started
- When the complainant is behaving unreasonably
- A policy decision that has been properly arrived at.

10.0 Compensation

Will be dealt with on an individual basis in line with a value for money exercise and other compensation claims.

11.0 Roles and Responsibilities

11.1. All staff will be aware of:

- the Cadwyn Complaints Process (CCP)
- how to handle and record complaints at the frontline response stage
- who they can refer a complaint to, in case they are not able to handle the matter
- the need to try and resolve complaints early and as close to the point of service delivery
- as possible; and
- their clear authority to attempt to resolve any complaints they may be called upon to deal with.

11.2. Training on this procedure will be part of the induction process for all new staff. Refresher training will be provided for current staff on a regular basis.

11.3. Senior management team will ensure that:

- The final position on a complaint investigation is signed off by an appropriate manager or officer in order to provide assurance that this is the definitive response of Cadwyn's and that the complainant's concerns have been taken seriously
- it maintains overall responsibility and accountability for the management and governance of complaints handling (including complaints about contracted services)
- it has an active role in, and understanding of, the CCP (although not necessarily involved in the decision-making process of complaint handling)
- mechanisms are in place to ensure a consistent approach to the way complaints handling information is managed, monitored, reviewed and reported at all levels in the organisation; and
- complaints information is used to improve services.

11.4 The Chief Executive provides leadership and direction in ways that guide and enable us to perform effectively across all services. This includes ensuring that there is an effective CCP, with a robust investigation process that demonstrates how we learn from the complaints we receive. The Chief Executive may take a personal interest in all or some complaints or may delegate responsibility for the CCP to senior staff. Regular management reports assure the Chief Executive of the quality of complaints performance.

11.5. The Chief Executive is also responsible for ensuring that there are governance and accountability arrangements in place in relation to complaints about contractors. This includes:

- ensuring performance monitoring for complaints is a feature of the service/management agreements between the Association and contractors
- setting clear objectives in relation to this complaints procedure and putting appropriate monitoring systems in place to provide an overview of how contractors are meeting their objectives
- ensuring that complaints are reported to Cadwyn Group Board twice a year.

11.6 Departmental Managers: On the Chief Executive's behalf, departmental managers are responsible for;

- managing complaints and the way we learn from them
- overseeing the implementation of actions required as a result of a complaint
- investigating complaints.

11.7 They are responsible for preparing and signing off decisions for complaints, so they should be satisfied that the investigation is complete, and their response addresses all aspects of the complaint. However, departmental managers may decide to delegate some elements of complaints handling (such as investigations and the drafting of response letters) to officers or other staff. Where this happens, departmental managers should retain ownership and accountability for the management and reporting of complaints.

11.8 Departmental managers are also responsible for ensuring that all new staff receive training on the CCP as part of the induction process, and that refresher training is provided for current staff on a regular basis.

13.0 The Ombudsman

13.1 If, after a final complain investigation report/letter has been sent and the complainant is still not satisfied with Cadwyn's response, then they may complain to the Public Services Ombudsman for Wales.

13.2 In addition, if the complaint relates to our lettings and management activities in the private rented sector (i.e., work we do on behalf of another landlord) they also have the opportunity to approach the Property Ombudsman scheme instead.

13.3 If we think the complaint is more appropriately dealt with by the PO instead of the Public Services Ombudsman, we will let them know when we issue our decision letter.

13.4 The Ombudsman is independent of all government bodies and can look into complaints if you believe that you personally, or the person on whose behalf you are complaining:

- Have been treated unfairly or received a bad service through some failure on the part of the service provider
- Have been disadvantaged personally by a service failure or have been treated unfairly.
- The Ombudsman normally expects you to bring your concerns to our attention first and to give us a chance to put things right.

You can contact the Public Services Ombudsman by:

- Phone: 0300 790 0203 • Email: ask@ombudsman.wales • The website: www.ombudsman.wales
- Writing to: Public Services Ombudsman for Wales 1 Ffordd yr Hen Gae, Pencoed CF35 5LJ

For agent-related complaints, you can contact the Property Ombudsman by:

- Phone: 01722 333306 • Email: admin@tpos.co.uk • The website: www.tpos.co.uk
- Writing to: Milford House, 43 - 55 Milford Street, Salisbury, Wiltshire, SP1 2BP

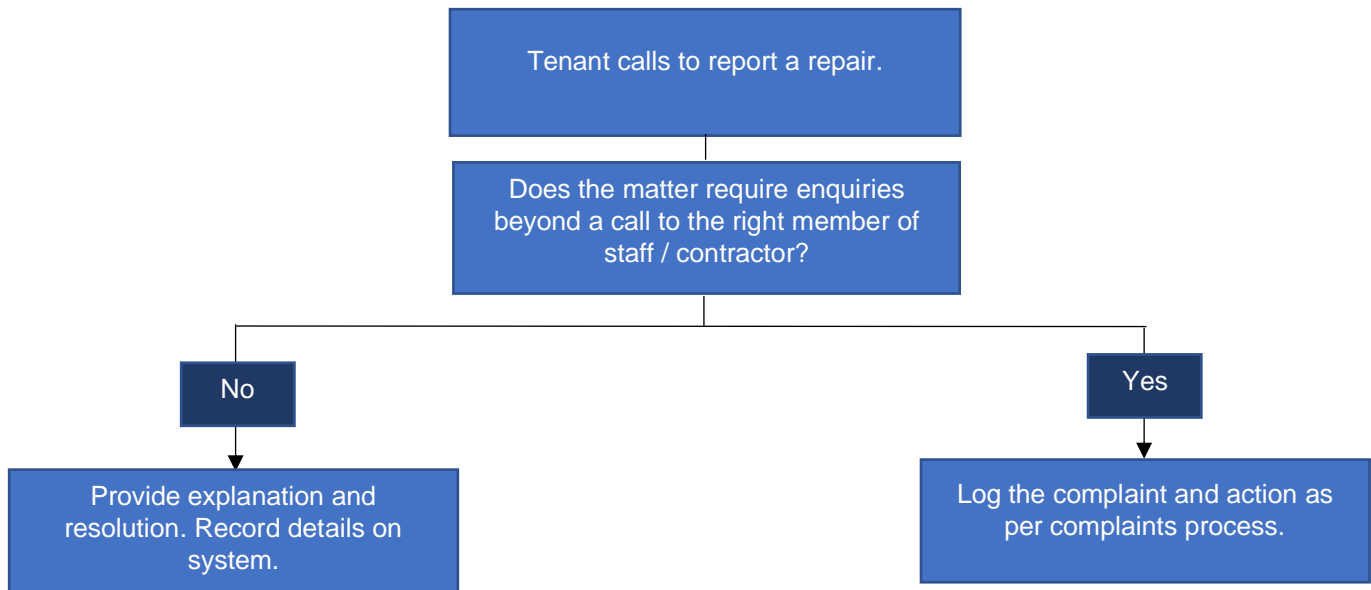
To complain to the Financial Ombudsman Service <https://www.financial-ombudsman.org.uk/>

- You must do this within 6 months of our response. Online – <https://www.financial-ombudsman.org.uk/contact-us> Email – complaint.info@financial-ombudsman.org.uk
- Helpline – 0800 023 4567

14.0 Compliments

14.1 Any compliments received in relation to a service or member of staff should be shared with the relevant Director and Manager.

Service Request or Complaint?



Service Request or Complaint?

