

Complaints Policy

September 2024





1. Policy Statement

- 1.1 Railway Housing Association (Railway) is committed to providing an outstanding resident experience that reflects our residents needs and aspirations. However, we acknowledge that sometimes things can go wrong and when this happens, we actively encourage customers to tell us about it.
- 1.2 We made a promise to residents in our On the Right Track plan that we would use the feedback and learning from complaints to drive service improvement and resident satisfaction. Through the enacting of this policy, we will endeavour to meet this promise.
- 1.3 We want our complaints policy and supporting procedures to be accessible and easy to understand so that anyone who wishes to make a complaint to us, either directly or through a third party, can do so with ease and confidence their feedback will make a difference.
- 1.4 This Policy can be found on the Railway website and its content should be considered alongside that of the Complaints Procedure. There is also a Complaints Leaflet which provides residents with information on the key points of the Complaints Policy and Complaints Procedure.
- 1.5 Railway will ensure this policy complies with its legal and regulatory requirements as set out in the:
 - Localism Act 2011
 - Equality Act 2010
 - Housing Act 1996 (section 51)
 - The Regulator of Social Housing's Consumer Standards
 - The Housing Ombudsman's Complaint Handling Code 2024

2. Policy Aims

- 2.1 Through this policy and its subsequent enactment, Railway will:
 - Make it easy for customers to make a complaint
 - Ensure that all residents are aware of how they can make a complaint
 - Resolve complaints effectively and as quickly as possible
 - Ensure all complaints are dealt with fairly and transparently
 - Acknowledge and apologise to the resident where things have gone wrong and provide reparation where appropriate
 - Use feedback and learning received through complaints to improve services
 - Recognise the diverse needs of our residents when delivering the complaints service

3. Roles and Responsibilities

- 3.1 The Railway Board have overall responsibility to ensure an effective Complaints Policy that meets all regulatory requirements is in place. The Board will approve the Complaints Policy and ensure a review of the policy is carried out every 3-years, or

sooner if there is a significant change that may impact delivery of the complaints service.

- 3.2 The Chief Operating Officer will ensure residents of Railway have the opportunity to influence the Complaints Policy at the point for the 3-year review and throughout delivery of the policy and supporting procedure.
- 3.3 The Chief Operating Officer will act as the 'Complaints Officer' and provide assurance to Board that the Complaints Policy is relevant and up to date and is being enacted and delivered both appropriately and effectively.
- 3.4 The Board will ensure Railway has in place a nominated Member Responsible for Complaints from its governing structure, who, supported by the Chief Operating Officer will:
 - Have lead responsibility for complaints to support a positive complaint handling culture
 - Ensure the governing body receives regular information on complaints that provides insight on performance

4. Links to Corporate Business Strategy 2020-2025

- 4.1 This Complaints Policy directly supports the delivery of four of our strategic goals:
 - Our Residents – put the needs of residents at the heart of our business
 - Our Residents – listen to resident's views
 - Our Residents – Encourage and support residents to have meaningful involvement in service improvements and decision making
 - Our Organisation – comply with all regulatory requirements

5. Definitions

- 5.1 Railway has adopted the Housing Ombudsman's definition of a complaint:

A complaint is 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.

- 5.2 A resident does not have to use the word complaint for it to be treated as such. Whenever a resident expresses dissatisfaction, we will give them the choice to complain.
- 5.3 Where a third-party or representative of the tenant makes a complaint on their behalf, we will ensure this complaint is handled in line with our Complaints Policy.
- 5.4 We will recognise the difference between a service request and a complaint and ensure both are treated applicably and we will take appropriate steps to resolve issues raised through service requests as early as possible. We define a service request as:

A request from a customer that requires an action from Railway to do something or to put something right.



- 5.5 Whilst we do not see an initial service request as a complaint, we acknowledge that a failed service request may result in a complaint if our resident expresses dissatisfaction with our response. Where a resident expresses dissatisfaction in how we have handled a service request, we will automatically raise this a complaint.
- 5.6 Service requests will be recorded, monitored and reviewed regularly to ensure Railway takes maximum learning from service requests.
- 5.7 Where residents express their dissatisfaction through a survey, we will not class this as a complaint. However, we will ensure that the dissatisfied resident is aware of how they can make a complaint if they wish to do so. To support this, we will take a proactive approach when conducting surveys and provide information on how to make a complaint should a resident wish to do so.

6. Complaint Exclusions

- 6.1 The circumstances of each individual complaint will be considered in full. Railway will accept complaints within 12-months of the issue occurring, or the resident becoming aware of the issue, unless the matter falls into an excluded category.
- 6.2 There may be instances where Railway will not accept that a complainant has good grounds to make a complaint. In these cases, we will refuse to accept the complaint.
- 6.3 This policy sets out the circumstances in which Railway will not consider a matter as a complaint or agree for an issue to be escalated to a complaint. Our excluded categories are where:
- The issue giving rise to the complaint occurred over 12-months ago
 - Legal proceedings have started. We consider proceedings to have started if details of the claim, such as the Claim Form and Particulars of Claim have been filed at Court
 - Matters have previously been considered under the Complaints Policy
- 6.4 We will assess each individual complaint against the exclusion categories and apply due consideration to all matters wanting to be raised as complaints before refusing their acceptance as a complaint. Where there are good reasons to accept a complaint that is over 12-months, we may apply discretion to do so.
- 6.5 Complaints about matters that are part of a legal process already started by either the complainant or Railway (for example, claims for disrepair, or repossession or other legal action for breach of tenancy conditions) are outside the scope of our Complaints Policy and Complaints Procedure. These complaints will be dealt with in liaison with Railway's legal advisor.
- 6.6 If Railway does not accept a matter is suitable for our complaints process, we will ensure a full explanation is provided and advise the resident of their right to challenge this decision by contacting the Housing Ombudsman, who may instruct us to accept and investigate the complaint.

7. Accessibility and Awareness



- 7.1 Railway will provide a variety of channels for residents to make a complaint. These include, but are not restricted to:
- In person (e.g. in our offices, at a residents' home or in any other place a resident may meet one of our team)
 - Via the telephone – 0800 028 7428
 - In writing (by post or by email)
 - Through our website – a form can be downloaded to complete or there is a link to follow to make a complaint online
 - By accessing the Resident's Portal
 - Social media – where someone posts dissatisfaction in a public forum we will contact the individual to see if they wish to make a complaint, or through a direct message
 - By using a third-party or representative
- 7.2 Our Complaints Procedure sets out how we will offer support to help complainants with specific or diverse needs to make their complaint.
- 7.3 We reserve the right to be flexible in the application of both the Complaints Policy and Complaints Procedure to ensure that individual complainant's needs are considered, if that will result in a fairer outcome.
- 7.4 We will also accept complaints from anyone who wishes to remain anonymous, and we endeavour to investigate its content as thoroughly as possible with the information provided.
- 7.5 Our Complaints Policy will be published on our website along with our supporting Complaints Procedure and summary Complaints Leaflet. Our leaflet is provided to all new residents at sign-up, is available from our offices and is provided to residents in circumstances where there is potential for a complaint to ensue.
- 7.6 Information regarding the Housing Ombudsman Service and the role they play in complaints handling will also be published on our website. We will ensure clarity is provided on the mandatory role the Housing Ombudsman undertakes with providers such as ourselves, and details on how to contact the service if required.
- 7.7 The Railway Annual Complaints Performance and Service Improvement Report and self-assessment against the Complaints Handling Code 2024 will be published on our website.
- 7.8 Railway will also publish its performance against standards and targets, and any changes that have been made to policies and/or procedures as a result of complaints. These will be publicised on our website, in the annual report and in the residents' newsletter too.
- 7.9 Individual complainants will be notified if their feedback has influenced any services provided by Railway.

8. Overview of Railway's Complaints Process



- 8.1 We will aim to resolve issues quickly and promptly. Railway will provide a 2-stage process in line with the Housing Ombudsman's Complaint Handling Code 2024. The two stages are:
- Stage 1 – a manager will investigate the complaint and provide a response within 10-working days of acknowledgement
 - Stage 2 – a director will review the complaint and respond within 20-working days of a request to escalate a complaint
- 8.2 Every complaint will be recorded and acknowledged within 5-working days of the complaint being received. Our written acknowledgement will include confirmation of the details of the complaint and of the outcome(s) that the resident wants, as well as advice, help and support that the Housing Ombudsman service can provide.
- 8.3 Residents who have raised a complaint with us will be provided with a response as soon as we know the answer. Where there are outstanding actions, these will be tracked, and appropriate updates provided to the resident through to full resolution.
- 8.4 We will handle complaints that are made in relation to a contractor, or other third-party delivering services on our behalf by applying our Complaints Policy and Procedure to the complaint. We will not refer a complainant to the third-party.
- 8.5 Our Complaints Procedure provides full and further information on our commitments at each stage of the complaints process.

9. Discretionary payments / compensation

- 9.1 In some cases, the correct course of action to resolve a complaint will also include a level of financial compensation by way of redress. The Complaints Policy will be considered alongside the Compensation Policy when determining what the appropriate redress is.
- 9.2 In all cases, consideration will be given to vulnerability and other circumstances which mean a resident could be more impacted by an issue and any compensation will take account of those factors.

10. Unreasonable Behaviour

- 10.1 We understand that complainants may be assertive or determined in pursuing their complaint, but their behaviour may be considered to be unreasonable if they:
- Make excessive demands on the time and resources of staff whilst their complaint is being investigated
 - Refuse to speak to a member of staff and/or insist on speaking to another
 - Repeatedly change the substance of their complaint or raise unrelated concerns to an extent that hinders the consideration of their complaint and the ability of staff to provide a quality service to other customers.
- 10.2 In these exceptional circumstances, a director may decide on appropriate action to manage the situation. We will advise the complainant that their behaviour is



unacceptable and give them the opportunity to adjust their behaviour. However, if this is unsuccessful then other action may be appropriate, including:

- Restricting the complainant to one method of contact
- Restricting contact to one named member of staff or email address
- Setting a time limit on conversations
- Setting a limit on the number of telephone calls, letters or emails that will be accepted within a specified period of time.

10.3 Any such restrictions will be imposed for a maximum of six months and then reviewed. The restrictions will not apply to the reporting of emergency repairs or other urgent service requests.

10.4 Prior to applying restrictions, we will ensure consideration is given to the provisions in the Equality Act 2010 to safeguard any provisions and warrant them proportionate.

10.5 Complainants will be informed in writing of the decision and an explanation provided as to why their behaviour is considered unreasonable, the action that we are taking, the length of time it will be imposed before being reviewed, and their right to appeal against this decision.

10.6 Complainants will have a right of appeal against any restriction that is imposed on their contact with Railway. Their appeal will be considered by a member of the Senior Management Team within 10-working days.

10.7 If a complainant's unreasonable behaviour may be caused by a particular vulnerability or disability then we will consider making reasonable adjustments such as using different methods of communication; or seek support from an appropriate agency.

10.8 Railway recognises that people may act out of character when distressed or frustrated and that complainants may be angry about the circumstances that have led them to complain. However, any complainants who behave in a threatening or aggressive manner towards members of staff or representatives of the Association will be dealt with in accordance with Railway's 'Personal Safety List' procedure.

11. The Housing Ombudsman Service

11.1 The Housing Ombudsman Service is a free, independent and impartial service that investigates complaints and resolves disputes between the residents of social landlords (housing associations and local authorities).

11.2 Residents can contact the Housing Ombudsman's Service at any point throughout our complaints process for advice and support.

11.3 When our complaints process has completed, if a resident remains dissatisfied with the outcome of our investigation or with how we have handled their complaint, they can contact the Housing Ombudsman.

11.4 Railway have fully adopted the Housing Ombudsman's Complaint Handling Code 2024. An annual assessment against this code will be completed every year and reported to the Railway Board for oversight.



11.5 Railway is fully committed to support any Housing Ombudsman's investigations into matters that concern them or its residents. Railway is also committed to proactively accessing the learnings and insights published by the Housing Ombudsman in documents such as their Spotlight Reports and engaging with the Housing Ombudsman through its Centre of Learning.

12. Monitoring and Reporting

12.1 Railway Board will receive a quarterly complaints report outlining as a minimum:

- The overall number of Stage 1 and Stage 2 complaints
- Information on the number of complaints upheld / refused
- Trends and themes from complaints received
- Performance against target response times
- Details of any involvement with the Housing Ombudsman Service
- The number and themes of service requests received
- Progress of actions that have resulted from complaints learning
- Satisfaction with complaint handling

12.2 To ensure compliance with the Complaints Handling Code 2024, the Railway Board will receive and approve the annual Complaints Performance and Service Improvement Report.

12.3 The Chief Operating Officer will ensure the Member Responsible for Complaints is supported fully in the delivery of their duties.

12.4 Our complaints processes will be audited as a minimum once every 3-years.

12.5 Complaint handling performance, trends from complaints and the monitoring of actions to be taken when learning from complaints will be monitored by the leadership team on a monthly basis.

13. Learning from Complaints

13.1 We will seek to learn from the cause and outcomes of both individual complaints and trend analysis.

13.2 Our learning will be demonstrated in our decision-making processes and the changes we make to our landlord services.

13.3 We will summarise the impact of our learning from complaints in the annual Complaints Performance and Service Improvement Report.

13.4 We will report back to residents on wider learning and improvements from complaints to stakeholders such as residents' panels, staff and relevant committees.

14. Training

14.1 We will ensure that all staff are trained in complaint handling. This training will be mandatory and relevant to individual job roles.



- 14.2 Training will reflect the provisions set out in the complaints policy and supporting procedure and will include requirements around both operational practices and maintaining a positive complaint handling culture.

15. Confidentiality

- 15.1 All complaints received will be dealt with confidentially and in accordance with the requirements of the General Data Protection Regulations.
- 15.2 Where a complaint contains information regarding an individual, be they a member of the Railway team or a resident, Railway will not disclose the identity of the complainant. If the circumstances of the complaint prevent this, we will seek approval from the complainant prior to disclosing their identity.

16. Equality, Diversity and Inclusion

- 16.1 Railway will comply with the Equality Act 2010 and the need to make reasonable adjustments dependent on individual needs and circumstances.
- 16.2 Our approach to EDI may require the adaptation of this policy and procedure to ensure we support residents appropriately.

17. Document Control

Date	Version	Overview of Revisions
July 2024	1.0	Full revision of existing policy