



ROCKDALE HOUSING ASSOCIATION LTD – POLICIES & PROCEDURES

Title	Complaints Policy
Section	General
Number	7.4
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The purpose of our complaints policy is to resolve complaints raised by residents quickly and to use the learning from complaints to drive service improvements.

This policy is in line with the requirements of the current Housing Ombudsman’s Complaints Handling Code, which came into effect from April 2024. The Code ensures that complaint handling data is being used consistently across social landlords, promoting engagement at all levels, and sets out expectations for Boards, senior executives and frontline staff.

The Housing Ombudsman Complaint Handling Code 2024 can be found using the link below and is also published on our website.

[The Complaint Handling Code | Housing Ombudsman Service \(housing-ombudsman.org.uk\)](https://housing-ombudsman.org.uk)

This complaints policy applies to any individual using or directly affected by Rockdale Housing Association. Rockdale will attempt to manage its business so that complaints do not arise in the first place and looks to its staff to take action or draw attention to problems before there is a need for a complaint to be made.

Rockdale provides a service for making complaints to give dissatisfied individuals a mechanism for seeking redress and to collect feedback to enable Rockdale to review its performance and continuously improve services

Defining a complaint

Following the introduction of the Housing Ombudsman’s Complaint Handling Code a complaint is defined as:

an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.

Staff are trained to recognise the difference between a service request, survey feedback and a formal complaint. Staff are encouraged to take appropriate steps to resolve the issue for residents as early as possible.

A service request is when we are initially advised of a problem and are given the opportunity to put things right. Many problems can be resolved by staff without the need to refer the matter as a formal complaint. Service requests are recorded and monitored proactively, as with formal complaints.

However, when our staff have failed to put things right and the individual remains dissatisfied, a complaint is made to Rockdale following the Rockdale complaints policy.

Policy Aims and Objectives

We aim to resolve all service requests and complaints as quickly as possible. Our aim is to ensure that at each stage of the complaint, it is dealt with objectively and that we apologise where Rockdale is at fault.

We aim to respond formally to all complaints in writing within 10 working days of a complaint being received. Where a resident remains dissatisfied with the service, they can ask for a review by the appropriate Head of Department, or where applicable, the Chief Executive.

For all complaints, the complainant is provided with a named person responsible for their complaint who is their point of contact throughout the complaint. Rockdale has a lead 'complaints officer' who oversees all complaints; this is the Chief Executive.

The complaints officer's role is to ensure that Rockdale acts sensitively and fairly, that staff at all levels are trained to understand and deal with complaints and have the authority and autonomy to act to resolve disputes quickly and fairly.

Rockdale will learn from mistakes and we will publish information about complaints each year, including their number and nature, and the outcome of the complaints. Our policy will also be made available on the Rockdale website, alongside information on the Housing Ombudsman and its Handling Code.

We are mindful of our duties as outlined in The Equality Act 2010 for individuals with disabilities and/or protected characteristics. We will make reasonable adjustments where necessary to ensure that, as far as is possible, we provide everyone the same services. In respect of a complaint, this may mean allowing additional time to provide information, respond to enquiries etc.

Governance

Rockdale's complaints policy meets the requirements of our regulator, the Regulator for Social Housing (RSH), Tenant Involvement and Empowerment Standard and the Housing Ombudsman's Complaints Handling Code.

Rockdale House will follow the Local Government and Social Care Ombudsman best

practice as outlined in the Care Quality Commission guidance.

To ensure complaints are used to help improve services, regular updates on the volume, category and outcome of complaints, alongside complaint handling performance, is provided to the board. The use of complaint data alongside other management information on stock, services and resident feedback provides greater insight into the organisation.

Annually, any issues and trends arising from complaint handling, including any organisational learning is discussed by the Board and shared in our annual report. Consideration of individual complaint outcomes where necessary, including findings of severe maladministration by the Ombudsman or any referrals by it to regulatory bodies, including scrutiny of any subsequent procedural or organisational changes, will be reported.

In addition, annually Rockdale will carry out a self-assessment to confirm that the Complaint Handling Code is being applied and that the Care Quality Commission guidance outlined for Care Homes is being adhered to.

Where a complaint involves a third party, Rockdale will need to disclose some of the details about the complaint for it to be properly investigated e.g. with contractors. Any data shared will be done so in line with the Data Protection Act 2018.

Rockdale is registered with the Housing Ombudsman Service. This service provides individuals with an independent review should they remain dissatisfied at the end of Rockdale's complaints process. Contact details can be found on our website at www.rockdale.org.uk

Rockdale Housing will ensure that its complaints and compliments process is fair and transparent and will not discriminate directly or indirectly against anyone making a complaint.

The complainant should feel free to complain without fear of reprisal and will be treated with courtesy, respect and compassion.

Complaints Policy – Rockdale Housing – Independent Living

Circumstances not covered by the complaints policy

The complaints policy does not apply where:

- The issue of the complaint occurred over 12 months ago. Where the problem is a recurring issue, Rockdale will consider any older report as part of the background to the complaint if this will help to resolve the issue for the resident.
- The matter has already been considered under the complaints policy.
- A resident complains about the behaviour of another resident. This would be dealt with under Rockdale's anti-social behaviour policy.

- The issue is subject to legal action or to an enforcement notice or other statutory notice (Rockdale will ensure that residents are not left without a response for lengthy periods of time).
- The complainant refuses to reasonably engage with Rockdale / the process after making the complaint, is abusive to staff or acts unreasonably.
- Complaints are made by Rockdale staff. These are dealt with under the grievance procedure through HR. However, the policy will apply if the member of staff is a Rockdale resident making a complaint about Rockdale's service and not a colleague.
- An expression of dissatisfaction with services made through a survey is not defined as a complaint. However, if the resident is known follow-up action will be arranged to ensure they are made aware of the complaint policy and process.

We consider these exclusions to be fair and reasonable to residents.

Rockdale reserves the right to refuse to deal with complaints, or to deal with them differently, if they are pursued unreasonably or could be handled more effectively in a different manner. Additionally, a complaint will not be re-opened at the complainant's request if, after review by Rockdale, it is established that no new evidence relevant to the complaint has been provided.

How a complaint can be made

We want to make our complaints process as easy to access and understand as possible. The resident does not have to use the word 'complaint' for it to be treated as such.

Rockdale will accept a complaint unless there is a valid reason not to do so. If we decide not to accept a complaint we will provide evidence as to the reasoning. The resident does have the right to take this decision to the Ombudsman.

Each complaint will be considered on its own merits.

We therefore provide several ways for residents/representatives and/or third parties to make a complaint:

- Email using compliments&complaints@rockdale.org.uk (available for use 24/7).
- Telephone by calling 01732 458 762 (available weekdays 9am – 4.30pm, except bank holidays).
- In person by visiting the office at Rockdale Lodge, Rockdale Road, Sevenoaks, Kent TN13 1JT (available weekdays 9am – 4.30pm, except bank holidays).
- In writing to the office at Rockdale Lodge.
- In person, speaking to Rockdale staff member on site.
- By a representative of the resident.

We will adapt our normal policies, procedures, or processes to accommodate an individual's needs as much as possible, where it is reasonable to do so. Residents will also have the opportunity to have a representative deal with their complaint on their behalf and to be

represented or accompanied at any meeting scheduled with Rockdale.

A resident may initially make a service request. If they are dissatisfied with the response/action, they may choose to escalate this to a complaint.

Where a complaint response is handled by a third party (e.g a contractor or independent adjudicator) at any stage, it will still form part of the two stage complaints set out in this policy and the Housing Ombudsman Complaint Handling Code.

Rockdale has 2 stages to our complaint's procedure:

- Stage 1 – investigation of the complaint: The investigation is usually carried out by the manager responsible for the person or service being complained about on a day to day basis and is overseen by the Chief Executive, acting as the 'complaints officer'.
- Complaints will be acknowledged, defined and logged at Stage 1 within 5 working days of the complaint being received.
- The target time for responding and providing a full response to complaints is 10 working days from the receipt date. It may not always be possible to complete all agreed actions within this time period, but the formal response would advise of any target completion date, not expected to be more than 10 working days without good reason, which will be clearly explained.
- Where a response to a complaint falls outside the timescales set out in the policy and Handling Code, we will agree with the resident(s) or representative(s) suitable intervals for keeping them informed either via telephone, face to face or other means of communication. Resident(s) and or representative(s) will also be provided with details of the Housing Ombudsman.
- Stage 2 - reviewing the decision: If the complainant is not happy with the outcome of Stage 1, the complainant should contact the Chief Executive.
- Requests for Stage 2 will be acknowledged and logged within 5 working days of the escalation request being received.
- A target time for responding and providing a full response to Stage 2 complaints is 20 working days of the complaint being acknowledged. It may not always be possible to complete all agreed actions within this time period, but the formal response would advise of any target completion date, not expected to be more than 20 working days without good reason, which will be clearly explained.
- Where a response to a complaint falls outside the timescales set out in the policy and Handling Code, we will agree with the resident(s) or representative(s) suitable intervals for keeping them informed either via telephone, face to face or other means of communication. The resident(s) and or representative(s) will also be provided with details of the Housing Ombudsman.

Complaint process

When a complaint is logged at either Stage 1 or Stage 2 we will set out our understanding of

the complaint. The Housing Ombudsman Handling Code defines this as ‘the complaint definition’.

Where a complaint response is handled by a third party (e.g a contractor or independent adjudicator) at any stage, it will still form part of the two stage complaints set out in this policy and Housing Ombudsman Complaint Handling Code. Residents will not be expected to go through two complaints processes.

We will not refuse to escalate a complaint through all stages set out in this policy unless we have a valid reason to do so. These reasons will be clearly stated and will comply with the provisions set out in the Housing Ombudsman Complaint Handling code

There is no appeals process. If a resident remains dissatisfied with how their individual situation has been handled and/or with the outcome, they can contact the Housing Ombudsman.

Additional complaints

Where a resident or representative raise additional complaints during the 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 investigated, or it would unreasonably delay the response, the new issues will be logged as a new complaint.

The Housing Ombudsman Service

Rockdale hopes that any complaints are resolved at Stage 1 or Stage 2. However, should the complainant remain dissatisfied following this, they can ask for a review of the case by the Housing Ombudsman Service.

The Ombudsman will only investigate a complaint where the complainant has exhausted Rockdale’s complaints procedure. The complainant must be a Rockdale resident or applicant for housing to raise a complaint with the Ombudsman.

Rockdale will cooperate with the Housing Ombudsman’s requests for evidence and provide this within 15 working days. If a response cannot be provided within this timeframe, we will provide an explanation for the delay and, if accepted as reasonable, the Housing Ombudsman will agree a revised date with us.

You can contact the Housing Ombudsman at:

Housing Ombudsman Service
PO Box 1484, Unit D
Preston
PR2 0ET
Tel: 0300 111 3000
E-mail: info@housing-ombudsman.org.uk
Web: www.housing-ombudsman.org.uk

Complaints Policy – Rockdale House Care Home

Complaints made or concerns raised by staff will be addressed via the grievance process if the complaint or concern relates to them individually, or via the whistleblowing procedure where a protected disclosure is made.

Safeguarding Concerns

Where a complaint or concern is raised that relates to a Service User being harmed or likely to be harmed, Rockdale House will follow its Safeguarding Policy and Procedures in addition to the complaints procedures, seeking advice and guidance from the Kent County Council Safeguarding Adults Team and escalating concerns in line with new procedures. Rockdale House will also notify the CQC in line with its statutory duty.

Roles and Responsibilities

It is acknowledged that all staff working within Rockdale House may be presented with an individual wishing to raise a concern or complaint at any time. Therefore, staff need to be able to manage this in a sensitive, structured and timely manner.

In order to do this, staff will:

- Be trained on induction and as a routine measure to ensure knowledge is embedded and refreshed around the complaints procedure.
- Have access to the complaints procedure.
- Be provided with the opportunity to reflect and learn from complaints as a means of developing and driving quality care.
- Appreciate that any feedback from Service Users or their representatives that is of concern needs immediate resolution, where possible, to their satisfaction. Care Plans will be updated to reflect the planned changes to care and the Registered Manager informed of the feedback. Failing to do this may result in a complaint.
- Be clearly advised that, when presented with a complaint, swift escalation to management is necessary and that purposefully withholding or concealing concerns expressed by Service Users or their representatives may lead to disciplinary action.

Management Team at Rockdale House

The management team at Rockdale House is responsible for ensuring compliance with this policy, regulations, improvement planning and for having arrangements in place to provide relevant reports and information regarding complaints.

The Home Manager is the main point of contact for the receipt, investigation and management of complaints within Rockdale House. However, this may be delegated to a senior member of staff within Rockdale House who holds the experience, knowledge and

competence to investigate and manage complaints.

Rockdale House will ensure the procedure for raising a complaint is accessible and displayed prominently in Rockdale House, on the website of Rockdale House and in Service User information and guides. Alternative languages and formats will be available on request

Raising Complaints

A complaint can be received by Rockdale House either verbally or in writing and can be made by:

- Service Users.
- Someone acting on behalf of a Service User and with their written consent, e.g. an advocate, relative, Member of Parliament.
- Someone acting on behalf of a Service User who is unable to represent his or her own interests, provided this does not conflict with the Service User's right to confidentiality or a previously expressed wish of the Service User.

Rockdale House will ensure that Service Users are given information on how to make a complaint and the process once a complaint has been made, including any agreed timescales.

Time Limits for Submitting a Complaint

Complaints should be submitted within 12 months of the incident or concern arising. The time limit, however, can and should be waived, if:

- It is still practical and possible to investigate the complaint (the records still exist and the individuals concerned are still available to be questioned, etc.) and...
- the complainant can demonstrate reasonable cause for delay in making the complaint. It is at the discretion of the manager of the service if the time limit can be set aside.

How a complaint can be made

Step 1 - When a complaint is raised to staff, staff will make an effort to resolve it immediately to the satisfaction of the complainant.

Step 2 - Staff will apologise for the fact that there was the need to complain in the first instance and explain the complaints process as described in the procedure steps.

Step 3 - Staff will report the complaint to the most senior member of staff on duty and the complaint will be logged.

Step 4 - Formal acknowledgement of all complaints received (whether verbal or written)

will be sent within 3 working days to the complainant. This could be via letter or email. Rockdale House will have a local system in place to manage out-of-hours and weekend complaints received.

The acknowledgement will include:

- An invitation to meet and discuss the complaint.
- Who will be investigating the complaint.
- How the investigation will be handled - the response should state what the investigation will be focused on.
- A time limit for the investigation to be concluded. This should be 28 days. However, some cases may take longer and the complainant will be made aware of this.
- The complaints procedure and contact details of bodies that can be accessed in the event of dissatisfaction with the outcome of the investigation.

Step 5 - Following a full investigation, a response letter will be sent and this will include the following:

- A summary of the issue from the complainant's point of view.
- Details of the evidence and sources consulted in order to investigate the issue fully and fairly.
- A presentation of the findings for each issue clearly and concisely described.
- A conclusion, stating clearly whether the issue is "upheld", "partially upheld" or "not upheld"; unless it is ineligible, in which case the reason for this will be given, e.g. out of time or out of jurisdiction.
- An explanation of the outcome and whether any remedial action or learning points arise from the investigation of that issue.
- An apology where the issue is upheld and shortcomings or failings have been found.
- The complainant's rights if not satisfied with the outcome to refer to The Local Government & Social Care Ombudsman.
- A signature from the person managing the complaint or sent by email in their name.

Step 6 - The complaint will be closed once confirmation has been received that there is satisfaction with the outcome. In the event of dissatisfaction, Rockdale House will support the complainant to access further support.

The Complaints Log

A record will be held of all complaints raised and contain the following information:

- Each complaint received.
- Subject matter and outcome.
- Details of any reason for delay where investigations took longer than the agreed response period.
- The date the report of outcome was sent to the complainant.

Where complaints are raised by telephone, the log will include the date and time of the call and this will be followed up with written confirmation of the areas discussed.

Where a complaint indicates the potential abuse of Service Users, safeguarding policies will be followed as per local authority expectations and necessary notifications made to the regulatory body. Where care is commissioned by a Local Authority or Integrated Care Board their complaints reporting procedure will be followed.

Where complaints are to be shared as part of learning, the complaint will be anonymised so there is no identifiable Service User information.

Investigations

All investigations will be managed by using the following approach:

- Investigating the fact.
- Assessing evidence.
- Review of records.
- Interviewing those involved.

Where necessary, advice and support will be sourced via senior managers within the organisation. The complaint must be investigated by a member of staff with the knowledge, experience and seniority to undertake the investigation robustly.

Confidentiality of information will be considered at all times and staff will adhere to the confidentiality policies and relevant codes of practice.

If an investigation of a complaint results in disciplinary action against staff within Rockdale House, the complaint will continue to its conclusion. The complainant will be informed that the investigation has led to the disciplinary process, but the details of the outcome or ongoing investigation will remain confidential.

Complaints regarding Rockdale House should be referred to the Local Government and Social Care Ombudsman within 12 months of the incident or concern arising.

They can be contacted at:

The Local Government & Social Care Ombudsman
PO Box 4771
Coventry
CV4 0EH
Tel :0300 061 0614
Email: advice@lgo.org.uk
Web: www.lgo.org.uk

Rockdale House services are registered with the regulated Care Quality Commission (CQC). The CQC cannot get involved with individual complaints about providers but it is happy to receive information about services.

They can be contacted at:

Care Quality Commission
National Customer Service Centre
CityGate
Gallowgate
New Castle Upon Tyne
NE1 4PA
Tel: 0300 0616161
Email: enquiries@cqc.org.uk
Web: www.cqc.org.uk

The use of advocates

Complainants may ask another person to act on their behalf in bringing their complaint to Rockdale's attention. This advocate may be a friend, relative or representative from an external organisation such as Citizens Advice. An advocate may not be a solicitor or other legal professional unless they are acting in a 'lay' capacity i.e. not representing the complainant on a professional basis.

Petitions

A complaint made in the form of a petition on behalf of multiple residents will be treated as one complaint, with contact via the nominated signatory.

Anonymous complaints

Anonymous complaints may not be acted upon. They will, however, be brought to the appropriate manager's attention and investigated if necessary.

Monitoring complaints

All complaints are kept under review for 3 months. Assuming there are no further occurrences, the complaint will be closed at this point. The complaints log is reviewed on a regular basis by the Senior Management Team.

Confidentiality

All complaints are treated with confidentiality in mind and in line with the Data Protection Act 2018.

Equalities statement

Rockdale will treat all complainants with fairness and respect. We value diversity and work to promote equality and tackle unlawful discrimination.

Our approach to complaints promotes openness between residents, applicants and Rockdale staff in order to understand and resolve the complaint in a positive manner. We will take fully into account an individual's needs and preferences. We will offer support or tailor our approach as appropriate.