

Policy Title:		COMPLAINTS
Policy Index Category	ORGANISATION & GOVERNANCE	
Policy Number	1B	
Review Cycle	3 YEARS	
Equality Impact Assessment completed?	YES	
Related documents	<ul style="list-style-type: none"> ▶ Policy on Nuisance, Harassment and Antisocial Behaviour ▶ Policy on Harassment and Bullying of Staff ▶ Policy on Support ▶ Policy on Adults at Risk ▶ Policy on Safeguarding Children and Young People ▶ Policy on Whistleblowing ▶ Single Equality Scheme ▶ Housing Ombudsman complaint Handling Code 	

Version	Date Ratified	Author	Changes
1.1.	22.7.21	Jane Owen	This policy has been updated and amended in order to reflect the recommendations set out in the Housing Ombudsman’s Complaint Handling Code which came out in July 2020.
1.2.	Jan 2023	Jane Owen	Additional recommendations for change by the Housing Ombudsman have been to the policy, namely: <ul style="list-style-type: none"> ▶ The removal of the informal complaint stage. Addition of 3 flow charts to help staff decide whether a complaint is actually a 'complaint' or service request. ▶ An explanation of what a service request is has also been added to the policy.
1.3.	Sept 2024	Hélène Begg	Additional recommendations for change by the Housing Ombudsman have been to the policy, namely: <ul style="list-style-type: none"> ▶ Extending the timescale for raising a complaint from 6 months to 12 months.

			<ul style="list-style-type: none"> ▶ Clarifying that matters that have been previously considered under the complaints policy may be excluded from being accepted as a complaint. ▶ Adding the need to share the details of the Housing Ombudsman if we cannot adhere to the investigation timeframes.
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A. INTRODUCTION

1. YMCA Brighton aims to provide a high quality, responsive and consistent service. We recognise, however, that there will be occasions when we get things wrong or clients and stakeholders are unhappy about some aspect of our service or indeed with other clients living in the project. We will listen to what has happened and aim to respond positively and effectively to complaints. We will put mistakes right when things have gone wrong and ensure we learn from these situations to improve our service. This policy intends to set out the key principles of our approach to complaints. A detailed procedure is set out in this policy, clearly defining the steps to be followed at each stage in the complaints process, and by whom.

2. YMCA Brighton is committed to ensuring that this Complaints Policy:

- ▶ Is clear, simple and accessible,
- ▶ Is open and transparent,
- ▶ Takes account of individuals’ needs,
- ▶ Provides a means of redress and improvements to service delivery,
- ▶ Widely publicised

3. Complaints will be treated as useful feedback, acted on in a positive manner and will help us shape future improvements in our services. YMCA Brighton will strive to deliver an outcome to the complainant that is fair, reasonable and based on a full investigation of the facts.

4. A complaint is defined as *"an expression of dissatisfaction, however made, about the standard of service, action or lack of action by the organization, its own staff, or those acting on its behalf, affecting an individual resident or group of residents"*.

B. RESPONSIBILITIES

The Chief Executive is responsible for:

- ▶ Fostering a culture in which complaints are viewed as a positive tool for service development;
- ▶ Ensuring sufficient training and resources are available for staff to deal with complaints;
- ▶ Monitoring and measuring of complaints annually;

- ▶ Ensuring that the organisation effectively meets the strategic requirements of the local authority, including promoting complaints procedures;

Managers and deputy managers are responsible for:

- ▶ Dealing with complaints quickly and effectively and within set time limits, addressing all the points raised and keeping the complainant informed of developments;
- ▶ Dealing with complaints as openly as possible by giving full reasons and explanations for decisions taken;
 - ▶ Ensuring the complaints procedure is accessible to all.
- ▶ Logging complaints on the Central Logging system

All staff and volunteers

- ▶ Ensure that any complaint received is dealt with according to this Complaint policy and procedures
- ▶ Pass the complaint to the appropriate senior person for action as soon as they are able so that a written response can be given

C. WHO CAN USE THE POLICY?

1. Anyone who receives or requests a service from YMCA Brighton, or is affected by the work of YMCA Brighton, can use the complaints policy; this includes:

- ▶ Current clients;
- ▶ People applying to YMCA Brighton for housing or other services;
- ▶ People acting on behalf of the above e.g. relatives, solicitors, advice agency;
- ▶ Members of the public who are affected by YMCA Brighton services e.g. neighbouring houses;
- ▶ Stakeholders;
- ▶ Visitors to the service including outside agencies and contractors;
- ▶ Students accessing training provided by YMCA Brighton;
- ▶ Employment applicants.

Complaints made by children (under the age of 18)

2. Many YMCA Brighton projects allow children to visit the site. As such we aim to ensure that those children have equal access to the complaints procedure. Staff members who receive a complaint from a child should support them to access the complaints procedure, refer to the policy on Safeguarding Children and Young People and seek advice, where appropriate, from the YMCA Brighton's Head Office.

D. WHAT AREAS ARE NOT COVERED BY THIS POLICY?

1. The complaints procedure does not specifically cover any allegations or complaints of abuse, neglect or discrimination. Staff members receiving complaints of this nature should also refer to the Adults at Risk Policy and statutory procedures should be invoked where appropriate.

2. This policy does not cover complaints from staff, which are dealt with under YMCA Brighton's policies on Harassment and Bullying of Staff, Staff Grievance and Whistle blowing.

3. YMCA Brighton will not normally deal with anonymous complaints, other than in a very general way, given the difficulty of carrying out a full investigation. We will, however, keep such complaints on file as they could provide early warnings of service delivery failure.

4. Cases where a legal claim is made by, or against, YMCA Brighton, including disrepair cases and insurance claims will be dealt with through our legal and insurance processes. Cases where a client is taking a matter to court, or the matter is being dealt with by another statutory agency that has the power to resolve the complaint.

5. Complaints reported to us more than twelve months after the incident or issue occurred. Consideration will be given to whether the complaint relates to safeguarding/health and safety, or a recurrent matter, where it may not be appropriate not to consider it.

6. Matters that have been previously considered under the complaints policy may be excluded.

7. If we decide not to accept a complaint a detailed explanation will be provided to explain the reasons why the matter is not suitable for the complaints process. We will endeavour to consider each complaint under its own circumstances and will not take a blanket approach to excluding complaints.

Please note you have the right to challenge this decision by raising your complaint with the Housing Ombudsman.

E. CRIMINAL ALLEGATIONS

1. In the event of substantial criminal allegations, a complainant should contact the police before making a complaint to YMCA Brighton.

2. If a member of staff receives a complaint about possible criminal activity or it becomes evident that criminal activity has taken place during the investigation stage of a complaint they should, in consultation with the manager, inform the police.

3. If the complainant is a victim of a crime and is unwilling to involve the police themselves, staff should again refer to the Adults at Risk policy and depending on the elements involved, follow the relevant processes to report the matter i.e. Third-Party Report or Safeguarding Adult at Risk Concern.

F. COMPLAINT PROCESS

1. Complaints can be made easily in a number of different ways including by letter, telephone, in person, by email, by using our feedback form on our website and by completing a Complaints Form.

2. A service request is a request from a resident requiring action to be taken to put something right. Service requests will be recorded, monitored and reviewed regularly on the service request/maintenance tracker. A complaint should be raised when the resident raises dissatisfaction with the response to their service request. (To decide whether the approach is a service request or a complaint, see flow charts in Appendix B).
3. We operate a two-stage complaint process as outlined below. We aim to resolve complaints at the earliest opportunity. There is the option for an independent review if the complainant is unhappy with our initial response. The review will always be carried out by a colleague in a more senior post than the previous colleague responding.
4. Any expression of dissatisfaction whether made verbally or in writing will be acknowledged and logged at stage one of the complaints procedure. The word 'complaint' does not need to be used for it to be treated as such.
5. YMCA Brighton will investigate a complaint thoroughly, identify any failings, seek an agreeable resolution that is appropriate and proportionate to the situation and learn from the complaint to improve services.
6. Financial compensation will be considered in line with our compensation guidelines.
7. We will contact the complainant to discuss their concerns and notify them of the investigation and proposed resolution. If the investigation identifies that there has been no service failure, we will provide a clear explanation of our findings and decision to not uphold the complaint.
8. All complaints that are raised are logged on our central complaints logging system. The logging system is how we monitor the number and types of complaints received.
9. We will keep full records of our complaints investigations to enable clarity and effective review in line with our retention guide lines.
10. Complex complaints which may take longer to fully resolve, for example when work needs to be scheduled, we will issue the complaint response to the resident once the answer to the complaint is known, not when the outstanding actions required to address the issue are complete.

G. COMPLAINT STAGES

Stage 1

1. The complaint should be taken down in writing. The staff member receiving the complaint will scan/copy the complaint on to a Complaint Form (Appendix C). Consideration of the matter will involve the manager / deputy manager or senior project worker or person responsible for dealing with complaints.
2. At this stage the complainant should be offered the Advocacy Services in Brighton & Hove Leaflet (**Appendix D**).

3. The manager / deputy manager will acknowledge the complaint in writing within 5 days of receipt, or you may receive an acknowledgement from one of the staff who manage the complaints@ymcabrighton.co.uk email system.
4. If a complaint is considered particularly serious or sensitive and requires the immediate attention of the Chief Executive (or their representative), the complaint will be escalated at this stage of the complaints process.
5. In the course of their investigations, the manager / deputy manager, in consultation with other members of the team, will take remedial action, where applicable. For example, ordering repairs, changing a practice and reviewing a policy.
6. The staff member investigating the complaint will aim to reach a fair and impartial judgement acceptable to the parties involved, where there is a conflict of interests or any question of the impartiality or competence of the person taking the complaint, the complaint will be dealt with at a higher level.
7. The complainant will be notified of progress and will receive a Stage 1 response letter (Appendix F). This will be provided within a maximum of 10 working days from the date the complaint was made, unless there is a necessary and justifiable reason to extend this period. We aim to ensure that any extension will not exceed a further 10 days without good reason.
If this were the case, the complainant will be provided with the details of the Housing Ombudsman.

Stage 2

8. If the complainant believes that the investigation has failed to fully address their complaint, they may request a review of the case and the subsequent decision. This request must be in writing and done within 7 working days. It should set out why the complaint and decision has not been considered fully and what they believe we can do to resolve the problem.
9. The review will be carried out by the Chief Executive: Chief Executive (or their representative), YMCA Brighton, 55 Old Steine, Brighton, BN1 1NX, (01273) 220900.
10. If the complaint is about the Chief Executive, or the Chief Executive has already been involved in the complaint, then the review will be carried out by the Chair of the Board: Chair of the Board c/o YMCA Brighton, 55 Old Steine, Brighton, BN1 1NX, (01273) 220900.
11. They will review the complaint to ensure that it has been conducted appropriately, has been dealt with fairly, and there has been a concerted effort to put things right. The complainant will receive acknowledgement of the appeal within 5 working days and will receive a Stage 2 response letter (Appendix G) within 20 working days. If this is not

possible, the complainant will be given an explanation and date when the Stage 2 response will be received. We aim that any extension will not exceed a further 10 working days without good reason.

If this were the case, the complainant will be provided with the details of the Housing Ombudsman.

H. COMPLAINING EXTERNALLY

1. In addition to YMCA Brighton's own complaints channels housing residents may refer their complaint to the Housing Ombudsman at any stage in the process or once the process has been completed, if they are not satisfied with the outcome. This affords residents the opportunity to engage with the Ombudsman's dispute support advisors.

2. The Independent Housing Ombudsman Service, PO Box 152, Liverpool, L33 7WQ , info@housing-ombudsman.org.uk (0300) 111 3000.

3. YMCA Brighton will cooperate with the Housing Ombudsman's request for evidence and provide this within 15 working days. If a response cannot be provided within this timeframe, we will provide the Ombudsman with an explanation for the delay. If the explanation is reasonable, the Ombudsman will agree a revised date.

I . PUBLICISING COMPLAINTS PROCEDURES

1. YMCA Brighton aim to ensure that all clients, their visitors and members of the public receive information regarding their right to complain. Our complaints procedures will be publicised, in the following ways, as a minimum:

- ▶ Housing & employment application information;
- ▶ Correspondence sent to referrers, carers and outside agencies;
- ▶ The client's Licence, Shorthold Tenancy or Assured Tenancy agreement;
- ▶ Welcome handbooks available to all clients, reiterated verbally through introduction procedures;
- ▶ Visual reminders e.g. posters, leaflets and the complaints flowchart displayed in each project;
- ▶ Through regular support planning meetings;
- ▶ Letters sent to clients regarding their accommodation, rent arrears etc;
- ▶ Through this policy document to which all clients have access;
- ▶ Through periodic reviews of the complaints process, involving and fed back to, clients, visitors and outside agencies.
- ▶ Downloadable leaflet on 'How To Make A Complaint' (Appendix H) and Feedback form on our website.

J. INDEPENDENT ADVICE AND ADVOCACY

1. Complainants may involve an independent advocate, friend or carer in YMCA Brighton's internal complaints procedure. Our Advocacy Services leaflet (**Appendix D**) lists agencies which offer independent advice, copies are displayed on notice boards around each project.

K. MONITORING AND REVIEW

1. Managers should review all complaints every 3 months to identify any repeat complaints or trends that indicate further action in the immediate term.
2. Complaints are monitored monthly by the complaint officer and a quarterly report is submitted to the Board. In addition a review is undertaken annually into the effectiveness of YMCA Brighton's complaints process. YMCA Brighton's Head Office will evaluate complaints received in each individual scheme, how they were dealt with, and whether common themes arise. This will be used to identify where changes should be made to the complaints process itself, or to any other procedures or aspects of service delivery. This evaluation will help to inform service decisions.
3. Similarly, satisfaction with the complaints system will form part of periodic client satisfaction surveys at least every three years, and as part of feedback consultations held with outside services and stakeholders.
4. YMCA Brighton will share its learning and improvement from complaints with residents in its Annual Report.
5. The outcome of these evaluations will be reported to YMCA Brighton's Board of Management, so that any trends, concerns and disincentives to reporting can be identified and suitable action recommended at the highest level.
6. The policy will be reviewed at least once every three years to ensure that it is meeting the current needs of the client group, and to ensure that it takes into consideration any changes in regulations at any given time.

L. EQUALITY, DIVERSITY AND INCLUSION

1. We recognise that some groups or individuals face discrimination and may require reasonable adjustments or the provision of additional services to derive equal benefit from the complaints procedure. We will take steps to ensure that;
 - ▶ The procedure is accessible; literature in relation to the complaints procedure will be set out size 14 IFS Me font as standard, with translation, audio or Braille offered where required. We will take account of any physical accessibility requirements of the complainant or any carer, advocate or friend attending meetings to hear complaints;
 - ▶ Satisfaction with the complaints procedure is at least as high for minority groups as it is for others. This will be monitored via the periodic client consultation exercises described above.

M. DATA PROTECTION & CONFIDENTIALITY

1. When we receive a complaint about our service the complainant is asked what they wish us to do with the information they have provided and if applicable, whether they give consent for that data to be shared on a need to know basis. They will be advised that they can simply report the issue, or we can act on the information and discuss it with other staff

or clients as applicable. If they do not wish us to share the data, we will ensure that they know what limitations this may bring regarding resolution of any dissatisfaction. Matters involving a serious breach of tenancy/license agreement, disciplinary offences, safeguarding or of a criminal offence must be acted upon.

2. YMCA Brighton complies with the principals of UK General Data Protection Regulations and the Data Protection Act when processing data. This includes adhering to data subject rights, technical and organizational security measures and privacy by design.

N. TRAINING

1. Staff exercising this policy on complaints will receive training on how to deal with complaints as part of their induction programme. This will include enhanced training for those who manage the complaints process. YMCA Brighton and its staff will at all times act within the law in exercising this policy.

O. LEGAL & REGULATORY FRAMEWORK

1. Our Policy is designed to comply with our regulatory responsibilities. It has been written in line with the Housing Ombudsman's Complaint Handling Code published in July 2020 and falls within the Tenant and Empowerment Standards that feature in the RSH Regulatory Framework. The policy adheres to contractual obligations set by the Local Authority Commissioning Team.

P. APPENDICES

Appendix A – Complaints Procedure Flowchart

Appendix B – Service Request or Complaint flow charts

Appendix C – Complaints Form

Appendix D – Advocacy Services Leaflet

Appendix E – Complaint Acknowledgement Slip

Appendix F - Stage 1 Response Letter

Appendix G- Stage 2 Response Letter

Appendix H- 'How To Make A Complaint' leaflet