

Title of Policy:

Respond Tenant and Service User Complaints Policy

Version: 3.0

Date: 12th of November 2020

Department Owner: Compliance, Housing & Services Depts

Department Expert: Louisa Carr, Neil Bolton, Michael Dignam & Nessa Aylmer

1. | P a g e

 Table of Contents Page

Version Control .......................................................................................3

 1.0 INTRODUCTION ............................................................................4

 2.0 PURPOSE OF THE POLICY ..............................................................4

 3.0 SCOPE OF POLICY .........................................................................4

 4.0 OBJECTIVES OF POLICY .................................................................5

 5.0 ROLES & RESPONSIBILITIES ...........................................................6

 6.0 POLICY IMPLEMENTATION ...........................................................7

 7.0 PROCEDURE FOR COMPLAINTS ....................................................7

8.0 REDRESS .......................................................................................11

 9.0 REPORTING AND MONITORING & KPI’s ...................................... 12

10.0 CUSTOMER CARE ......................................................................... 13

11.0 POLICY REVIEW............................................................................. 13

12.0 POLICY SCHEDULE……………………………………………………………………..14

13.0 IMPACTED DEPARTMENTS .......................................................... 14

14.0 REFERENCE .................................................................................. 14

APPENDIX…………………………………………………………………………………………..15

Version Control

|  |  |  |  |
| --- | --- | --- | --- |
| **Policy Expert Author**  | **Version**  | **Reviewed By**  | **Date of Review/Approval**  |
| Neil Bolton, Michael Dignam, Louisa Carr & Nessa Aylmer  | 1.0  | EMT  | 12.11.2020  |
|   |   | FRAC  | 24.11.2020  |
|   |   | CSRA  |   |
|  | 2.0 | EMT | 26.01.2021 |
|   | 3.0  | FRAC  | 29.01.2021  |
|   | 3.0 | CSRA  | 28.01.2021  |
|   | 3.0 | Board  | 09.02.2021  |

#  1.0 INTRODUCTION

The Respond Tenant and Service User Complaints Policy was developed to ensure that all tenants and service users are aware that there is a formal process in place within Respond where they can raise any issues or concerns they may have in relation to the service provided in a timely and effective manner. This policy provides an overview of how tenants and service users may access this process and what they can expect from Respond in addressing the matter.

There are many reasons for a functioning complaints policy and procedure. Some of the reasons are:

* It ensures we are continuously improving our service quality for all our service users/tenants
* It helps us to identify and eliminate poor working practices and greater adherence to organisational policy.
* It helps prevent the loss of confidence in the service offered to our tenants/service users and reduce and prevent reputational damage.
* It prevents more serious disputes arising, which inevitably influence’s escalation of the complaint to regulatory bodies, which can pose a serious risk to the future of the organisation as a going concern.
* It enables mistakes to be rectified at the earliest opportunity thus reducing the risk of claims.
* It further ensures the implementation of goals set out in our strategic plan 2019 to 2023.

Respond views all complaints as an opportunity to continuously learn and improve our procedures and services to all tenants and service users.

#  2.0 PURPOSE OF THE POLICY

The purpose of this policy is to outline a framework that allows Respond deal with complaints effectively and ensures that the tenant/ service user is heard when they make a complaint.

Respond will endeavour to resolve all complaints; however, in some instances this may not be possible depending on the nature of the complaint.

This policy also seeks to ensure that Respond can provide a fair, transparent and consistent approach to the management of tenant and service user complaints in accordance with Section 3.2. of the Housing Agency Performance and Assessment Framework for Approved Housing Bodies in Ireland December 2018, along with the National Quality Standard Framework for Homeless Services and Health Service Executive (HSE) service level agreements.

#  3.0 SCOPE OF POLICY

This Policy applies to all tenants who have signed a tenancy agreement with Respond and all service users who receive a service from Respond.

The policy will also apply when a third party acts on behalf of the tenant/service user or seeks to represent their interest either via written or verbal communication in line with the explicit consent of the tenant/service user where appropriate. A third party could be a person, a company or public or representative body. Before engaging with any third party acting on behalf of a tenant/service user, strict procedural requirements in relation to GDPR and consent of the tenant/service user needs to be followed and adhered to by the Relevant Staff Member before any engagement with the third party commences. Please refer to Section 5.0 below for further detail.

#  4.0 OBJECTIVES OF POLICY

This Policy is designed to meet the following objectives:

4.1 Clearly define Respond’s role and responsibility when a complaint is raised with particular focus on tenants and service users.

4.2 Clearly define what a complaint is to ensure that all parties are consistent in their understanding of what a complaint may constitute.

4.3 To work in in conjunction with any relevant third party where complaints have been raised regarding Respond services and the tenant/service user has provided specific written consent for Respond to discuss their individual situation and related matters.

4.4 To provide potential and existing tenant/service user’s with clear information on all aspects of the complaints process and ensure all relevant staff are fully trained to deliver an efficient, high quality complaints resolution service to all complainants.

4.5 Ensure that all relevant staff are fully aware and have access to all internal I.T

systems, policies and procedures that are linked to and support this policy.

4.6 Ensure at all times that the complaints made are fully assessed and all complainants are treated equally and shown dignity and fairness at all stages of the complaints investigation process.

4.7 The management and recording of complaints including all relevant documentation are effectively processed via the Case Processing Module in Active H CRMS to allow for complete analysis, monitoring and conclusion as well as efficient reporting to management and Board.

#  5.0 ROLES & RESPONSIBILITIES

The following post holders within Respond will be responsible for the full implementation of this policy relevant to the nature and location of the complaint. In addition, they will ensure that the tenant/service user is fully aware of the Policy and that relevant staff members are consulted on each complaint as they arise.

|  |  |
| --- | --- |
| **Service**  | **Relevant Staff Member**  |
| Tenant Services  | Tenant Relations Coordinator  |
| Homeless Services  | Homeless Services Coordinator  |
| Childcare Services  | National Early Years Manager  |
| Day Care Services  | National Day Care & Special Services Manager  |
| Refugee Resettlement Services  | National Day Care & Special Services Manager  |
| Family Support Services  | National Day Care & Special Services Manager  |

In the instance where a tenant/service user complaint has been raised to another area of Respond, this must be forwarded to the Relevant Staff Member to assess the complaint. The Relevant Staff Member may decide to escalate the matter to the Head of their department by email based on the seriousness of the complaint. They also need to ensure that they carbon copy the Head of Advocacy and Communications, Head of Compliance and the Chief Executive Officer (CEO).

This Policy must also be read by the staff of the Customer Service Centre, the Asset Management team and the Executive Management team to ensure there is a consistency of understanding and more important effective engagement when a complaint is raised to them.

In instances where a third party has engaged with Respond representing a tenant/ service users interests concerning a complaint, explicit written consent authorising the third party to engage with Respond in relation to the complaint must be received from the tenant/service user where appropriate and issued to Respond. Without this consent, Respond will not be able to engage with the third party to discuss the complaint.

 6.0 POLICY IMPLEMENTATION

# 6.1 Definition of a Complaint

Respond defines a complaint as “any expression of dissatisfaction by a tenant/service user” about an action or lack of action by Respond in respect of any aspect of a service we provide and can include:

* When we do not deliver a satisfactory service.
* When we give the wrong information.
* When a tenant/service user has an issue with a member of staff.

There are various types of complaints and they should be differentiated between either an ‘expression of dissatisfaction’ or ‘an official complaint’ and the latter should always be provided by the tenant/service user (hereinafter called the ‘Complainant’) in writing.

# 6.2 Making a complaint

The Complainant can make an expression of dissatisfaction/complaint verbally, via email or in writing either by letter or using the Complaints Form (See Appendix 1). The complainant should state their contact details, the specific nature of the complaint/expression of dissatisfaction including the specific service or staff member in relation to the complaint and any other information relevant to the complaint.

All complaints should be made to the Relevant Staff Member as set out in Section 5 of this policy.

If the complaint alleged relates to the relationship of Landlord and Tenant and the tenancy agreement made between Respond and the tenant, then it is open to the tenant to lodge a formal complaint with the Residential Tenancies Board (RTB).

Under the Residential Tenancies Act 2004 as amended, the RTB has the powers to investigate complaints made by Tenants against an Approved Housing Body (AHB) as well as private landlords in relation to matters where it is alleged the AHB has breached Landlord and Tenant law. The complaint can be made on the alleged breach and complaint form, which can be accessed on the RTB website at [www.rtb.ie.](http://www.rtb.ie/) For further information go to [www.rtb.ie.](http://www.rtb.ie/)

# 6.3 Receipt of complaint

Once Respond is formally made aware of the complaint by any of the means listed above, the Relevant Staff Member will log the complaint into the Case Processing Module in Active H and open a case. If a complaint is received via the Customer Services Centre or by any other staff member or channel not listed in Section 5, the complaint must be immediately forwarded to the Relevant Staff Member for their attention.

On receipt of the complaint, the Relevant Staff Member will contact the complainant within 3 working days to verbally acknowledge receipt of the complaint and to outline that an official acknowledgement of their complaint will be forwarded to them within 5 working days of receipt of their complaint. The Relevant Staff Member will outline that the complaint has been received, who will carry out the investigation and the steps that will be taken and the time frame for the completion of the investigation.

# 6.4 Timeframe for Complaints

A complaint must be made within 12 months of the date of the action, giving rise to the complaint or within 12 months of the Complainant becoming aware of the action, giving rise to the complaint

In limited circumstances, the relevant staff member may extend the time limit for making a complaint if in the opinion of the Relevant Staff Member special circumstances make it appropriate to do so. These special circumstances include but are not exclusive to the following:

* If the Complainant is ill or bereaved.
* If new relevant, significant and verifiable information relating to the action becomes available to the complainant.
* If it is considered in the public interest to investigate the complaint.
* If the complaint concerns an issue of such seriousness that it cannot be ignored.
* Diminished capacity of the Complainant at the time of the experience e.g. mental health, critical/ long-term illness.
* Where extensive support was required to make the complaint and this took longer than 12 months.

The Relevant Staff Member must formally notify the complainant of a decision to extend / not extend the time limit of making a complaint beyond the standard 12 month period within 5 working days.

The complaints register in Active H will be reviewed every month by the Head of Compliance and reported on to the CEO.

# 6.5 Matters excluded

Respond are unable to investigate any complaints in regards to the following matters:

* a matter that is or has been the subject of legal proceedings, before a court or RTB tribunal,
* a matter relating solely to the exercise of clinical judgment, by a person acting on behalf of Respond,
* an action taken by Respond solely on the advice of a person exercising clinical judgment in the circumstances described above
* a matter relating to the recruitment or appointment of an employee of Respond,
* a matter that could prejudice an investigation being undertaken by the Garda Sıochana.

# 6.6 Refusal of complaint

In certain circumstances, Respond may refuse to investigate or further investigate a complaint:

* If the complaint is made after the expiry date as specified in section 6.4 and does not fall within the parameters of an extension.
* If the complainant is not a tenant/service user or a third party formally acting on behalf of a tenant/service user.
* If, after preliminary investigation, it is evident that:
	+ The complaint does not disclose the specific grounds of their complaint.
	+ The subject matter of the complaint is excluded.
	+ The subject matter of the complaint is trivial.
	+ The complaint is vexatious and not made in good faith.

# 7.0 PROCEDURE FOR COMPLAINTS

7.1 Stage 1:

The Relevant Staff Member will endeavour to investigate and conclude the investigation of a complaint within 20 working days of the complaint being acknowledged. If the complaint cannot be investigated and concluded within 20 working days, the Relevant Staff Member must communicate this to all relevant parties within 20 working days of acknowledging the complaint and give an indication of the time it will take to complete the investigation.

The relevant staff member must update all relevant parties every 20 working days. In this situation, the relevant staff member must endeavour to conclude the investigation of the complaint within 6 months of the receipt of the complaint.

Once the relevant staff member has fully investigated the complaint and proposed a solution on how the complaint can be/has been resolved, the Complainant must be formally written to within 5 working days informing them on the outcome of the investigation. The formal notification should include the appeals procedure to follow if they are not satisfied with the outcome.

The Complainant then has five working days to decide whether they wish to take their complaint to the next stage if not satisfied with the solution.

The Complainant also has the right to withdraw their complaint at any stage of the process.

7.2 Stage 2:

If following formal notification the complainant is dissatisfied with the outcome of the case during stage 1, they can appeal the decision to the relevant Head of Department in writing as set out below.

|  |  |
| --- | --- |
| **Service**  | **Head of Department**  |
| Tenant Services  | Head of Housing  |
| Asset Management  | Head of Housing  |
| Homeless Services  | Head of Services  |
| Childcare Services  | Head of Services  |
| Refugee Resettlement  | Head of Services  |
| Day Care Services  | Head of Services  |
| Family Support  | Head of Services  |

The relevant Head of Department will attempt to settle the matter within ten working days or a mutually agreed period of time with the complainant. The outcome of any appeals decision will be formally set out in writing and sent to the complainant within two working days of the decision been made.

The complainant then has a further five working days to decide whether they wish to accept the outcome of stage 2 or appeal the decision further to the next stage.

7.3 Stage 3:

If the Complainant is dissatisfied with both the original outcome and the outcome of their stage 2 appeal, they can lodge a further appeal formally in writing to the CEO.

The CEO will make a final attempt to settle the matter within ten working days or a mutually agreed period of time with the complainant. The outcome of the stage 3 appeals decision will be formally set out in writing and sent to the complainant within two working days of the decision been made.

The Complainant then has a further five working days to decide whether they wish to accept the outcome of stage 3. If the Complainant is still dissatisfied with the final outcome of stage 3, they may wish to appeal the decision externally where appropriate to one of the following agencies:

Office of the Ombudsman

18 Lower Leeson Street,

Dublin 2

Telephone 01 6395600

Ombudsman for Children

Millennium House

52-56 Great Strand Street

Dublin 1

Telephone 01- 8656800

# 8.0 REDRESS

Respond in its ongoing effort to enhance the quality of its services to tenants and service users will continue to operate an effective complaints policy and procedure, which offers a range of timely and appropriate remedies. This tenant and service user complaint’s policy endeavours to have a positive effect on staff morale and improve Respond's relations with the public. It will also provide useful feedback to the Board of Respond, the HSE and other funders if required and enable Respond to review current procedures and systems, which may be giving rise to complaints.

Redress if offered, should be agreed by the relevant Head of Department. It should be consistent and fair for both the Complainant and the service against which the complaint was made. Respond shall offer forms of redress or responses that are appropriate and reasonable where it has been established that a measurable loss, detriment or disadvantage was suffered or sustained by the claimant personally.

Redress could include:

* An apology.
* An explanation.
* A refund.
* Admission of fault.
* Change of decision.
* Replacement.
* Repair/rework.
* Correction of misleading or incorrect records.
* Technical or financial assistance.
* Recommendation to make a change to a relevant policy or advocate for a change in law.
* A waiver of debt.

# 9.0 REPORTING, MONITORING & KEY PERFORMANCE INDICATORS (KPI’S) 9.1. Reporting

All complaints received and investigated by Respond will be entered into our internal Customer Relationship Management System (CRMS) on Active H, this system will allow for full escalation, assessing, monitoring and reporting.

For HSE funded services i.e. the Day care centres for the elderly and for Suaimhneas, Respond has also established a complaints procedure by agreement with the HSE and therefore must provide the HSE with a general bi-annual report on the complaints received by the Line Manager for each facility during the previous year. This report will be drawn from our CRMS and will include:

* The total number of complaints received.
* The nature of the complaints.
* The number of complaints resolved by informal means.
* The outcome of any investigations into the complaint.

9.2 Monitoring and KPI’s:

The relevant staff member will carry out the following:

* Twice yearly checks to monitor the level and type of complaints received.
* Check that each complaint has been fully recorded in the CRMS, fully acknowledged within the agreed timeframe to the Complainant and that the status all complaints are at the appropriate level.
* Monitor the number of complaints resolved within the necessary timeframes allowed.
* Assess whether complaints of a serious nature are to be escalated to the CEO and whether they could potentially result in a claim being instituted against the Organisation.
* Assess that Respond is complying with its regulatory and statutory obligations in relation to all complaints received.

Head of Departments will carry out a yearly assessment of the level of compliance within the relevant department to this policy and whether it has been breached and will submit to the Head of Compliance for noting in their report to the FRAC Committee.

Please note: All complaints are logged on CRMS and not on Incident Management System (IMP)

# 10.0 CUSTOMER CARE

Respond will at all times endeavour to keep all Complainants up to date and informed and revert to them at the earliest stage possible with the outcome of the investigation regarding their complaint.

Each complaint will be logged individually into Case Processing and referenced with a unique I.D number that will allow the Complainant contact the Customer Service Centre to enquire about the status of their complaint.

#  11.0 POLICY REVIEW

This Policy will be reviewed on an Annual basis and will be amended to take account of any external regulatory changes, external market changes or internal organisational change as necessary. All policies are presented to the relevant Respond Sub Committees for consideration and review prior to being recommended to the Board for approval.

# 12.0 POLICY SCHEDULE

A policy schedule is maintained by the Head of Compliance with input from all of the Heads of Department. It includes the owner’s names, dates for review and versions of documents held as current and operational within Respond. This schedule is presented to the Community, Support, Research and Advocacy (CSRA) Committee and the Finance Risk and Audit Committee (FRAC) for review on a regular basis.

The current schedule is available on

[https://respond.sharepoint.com/sites/ComplianceAndQualityAssurance](https://respond.sharepoint.com/sites/ComplianceAndQualityAssurancePortal/SitePages/Respond-Policies-Page.aspx)  Portal/SitePages/Respond-Policies-Page.aspx

#  13.0 IMPACTED DEPARTMENTS

1. Housing.
2. Services.
3. Finance.
4. Development.
5. Compliance.
6. Advocacy and Communications.
7. Legal.
8. HR.
9. Senior Management Team.
10. CEO.

# 14.0 REFERENCE

This policy should be read in conjunction with the following policies:

* Homeless services Policy.
* Refugee Resettlement Services Policy.
* ECCE Policy.
* Day Care Centre Policy.
* Family Support Policy.
* Allocations Policy.
* Anti-Social Behaviour Policy.
* Tenant Handbook.
* New Asset Policy.
* Voids Policy.
* Relevant Local Authority Scheme of Lettings Priorities.
* Housing Agency Performance and Assessment Framework for Approved Housing Bodies in Ireland December 2018.
* National Quality Standards for Homeless Services.

Appendix 1:

RESPOND COMPLAINT FORM

|  |
| --- |
| **Complainant Contact Details**  |
| Name  |   |
| Contact Details  |   |
|   |
|   |
| Email Address  |   |
| Service Name  |   |
| Respond Contact Person  |   |
| Date  |   |

|  |
| --- |
| **Complaint**  |
| 1. What is your complaint?  |
|   |
|   |
|   |
|   |
| 2. Please give details of what has been done to deal with your complaint?  |
|   |
|   |
|   |
|   |
| 3. Please give any other relevant details?  |
|   |
|   |
|   |
|   |
| 4. In your view, what is the best solution to your complaint?  |
|   |
|   |
|   |
|   |