

## Comments, Compliments and Complaints Policy and Procedure

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<b>Approved by:</b>	Policy Working Group and Board of Trustees
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### **Note to residents**

There is a 2-page "Guide for Residents" in appendix 1 of this document.  
That is the best starting point for interpretation of this policy.

## Overview

YMCA North Tyneside is committed to providing a quality service and working in an open and accountable way that builds trust and respect. One of the ways in which we can continue to improve our services is by listening and responding to the views of our **residents** (see definition) and in particular by responding positively to complaints, and by putting mistakes right.

We are always glad to hear from people who are satisfied with the services and products we offer. All compliments are recorded, acknowledged, and a copy is sent to the relevant service manager to provide feedback to the member of staff or service. The complaints procedure is intended to ensure that all complaints are handled fairly, consistently and wherever possible resolved to the complainant's satisfaction.

This policy ensures that we welcome compliments, comments and complaints and provides guidelines for dealing with such from residents about our services, products, facilities, service users, staff and volunteers.

## Our aims

We aim to ensure that:

- Comments, compliments, complaints, feedback and suggestions are welcomed.
- Making a comment, compliment or complaint is as easy as possible.
- Children and young people accessing our services are assisted, if needed, to complain.
- Complaints are resolved promptly.
- Mediation occurs between the complainant and the individual to whom the complaint has been referred.
- We treat a complaint as a clear expression of dissatisfaction with our service or products which calls for a response.
- We deal with it promptly, politely and, when appropriate, confidentially.
- We respond in the right way e.g. with an explanation, an apology where we have got things wrong, information on any action that has been taken etc.
- We learn from complaints, use them to improve our services or products.
- Review this policy annually.
- We meet the requirements of Ofsted in respect of complaints handling.
- Meet the requirements of the Housing Ombudsman and the Regulator for Social Housing in respect of complaints handling.

## Definitions

**YMCA** means YMCA North Tyneside

A **comment** is a verbal or written remark expressing an opinion or reaction.

A **compliment** is an expression of satisfaction about the standard of service or products we provide.

A **complaint** is an expression of dissatisfaction however made, about the standard of service, actions or lack of action by YMCA ('the landlord'), its own staff, or those acting on its behalf, affecting a resident or group of residents.

A **service request** is a request from a resident for YMCA to take action to put something right. A service request is not a complaint.

The term **resident** has been used to refer to all service users, residents, clients, stakeholders, professionals and members of the public. This is because much of the content is guided by the requirements of The Housing Ombudsman, the Regulator for Social Housing and Ofsted.

The term **YMCA staff** has been used to refer to all YMCA employees and volunteers.

The term **third party staff** has been used to refer to all employees and volunteers who work for other organizations that deliver services on behalf of, or in conjunction with YMCA.

## Named individuals and their roles

The following named individuals have responsibilities in respect of YMCA's Complaints Handling:-

Role	Person
Complaints Officer	Steve Pugh Director of Homes & Places YMCA North Tyneside
Senior Manager responsible for Stage 2 Complaint Handling	Dean Titterton CEO YMCA North Tyneside
Member Responsible for Complaints	Arif Shahab Chair of Trustees YMCA North Tyneside

# Housing Ombudsman Complaint Handling Code

The following points explain how this policy ensures that YMCA meets the obligations of the Housing Ombudsman's Complaint Handling Code:-

## Definition of a complaint

1. A resident does not have to use the word complaint for it to be treated as such. Whenever a resident expresses dissatisfaction YMCA will give them a chance to complain. See definitions section above.
2. A complaint that is submitted via a third party or representative will be handled in line with YMCA's complaints policy and procedure.
3. YMCA will recognise that there is a difference between a service request (often but not exclusively to do with maintenance to a property) and a complaint. YMCA will record, monitor, review and report on service requests in line with the requirements of the Regulator for Social Housing.
4. YMCA will ensure that a complaint can be raised when a resident expresses dissatisfaction with the response to their service request even if handling of the service request is ongoing.
5. YMCA will not stop efforts to address a service request if a resident complains.
6. Whilst an expression of dissatisfaction made through a survey is not defined as a complaint, YMCA will ensure (where possible) that the person completing the survey is aware of how to submit a complaint.

## Exclusions

7. YMCA will consider each complaint on its own merits and will not take on a blanket approach to excluding complaints.
8. YMCA will accept all complaints unless there is a valid reason to do so. Reasons are generally limited to;
  - a. The complaint relates to an issue that occurred more than 12 months previously or 12 months since the resident became aware of the issue (unless they are excluded on other grounds).
  - b. Legal proceedings have started ('legal proceedings' are defined as the Claim Form and Particulars of Claim have been filed at court).
  - c. Matters that have been previously been considered under the complaints policy.
9. Where YMCA decides not to accept a complaint, YMCA will provide an explanation to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to that decision to the Housing Ombudsman.
10. Accept the decision of the Housing Ombudsman in respect of whether YMCA should have taken on a complaint that it has informed a resident that it has grounds to exclude.

## Accessibility and awareness

11. YMCA will take seriously its duties under the Equality Act 2010 and try to anticipate the needs and reasonable adjustments of residents who may need to access the complaints process.
12. YMCA will ensure that residents are able to raise their complaint in any way with any member of staff.

13. To that end all YMCA staff working with residents will be trained on the Complaints Policy and aware of how a resident can make a complaint.
14. YMCA will also ensure that all third party staff are trained on the Complaints Policy and aware of how a resident can make a complaint.
15. High volumes of complaints will not be seen as a negative as they are likely to indicate a well-publicized and accessible complaints procedure.
16. Conversely, low volumes of complaints will be investigated to ensure that all residents are able to complain.
17. Our Complaints Policy will be made available to all residents in a clear and accessible format, including on our website.
18. It will clearly detail a 2 stage process and what will happen at each stage, including the timeframes for responding.
19. And it will explain how YMCA will publicize details of the policy including information about the Housing Ombudsman and the Complaints Handling Code.
20. YMCA will give residents the opportunity to have a representative deal with their complaint on their behalf and to be accompanied or represented at any meeting with YMCA.
21. As well as to provide residents with information on their right to access the Housing Ombudsman service and how to engage with the Ombudsman about their complaint.

#### Complaint Handling Staff

22. YMCA will assign a Complaints Officer who is responsible for complaints handling including liaison with the Housing Ombudsman. The role may be in addition to other duties.
23. The Complaints Officer will have access to staff at all levels to facilitate a prompt resolution of complaints. They will have the authority and autonomy to act to resolve disputes promptly and fairly.
24. YMCA will prioritize complaint handling and will encourage a culture of learning from complaints. This will involve ensuring there are sufficient resources with the right level of skill to deal with complaints that arise.

#### The Complaint Handling Process

25. This Complaints Policy is the only policy that relates to dealing with complaints.
26. Residents will not be treated differently if they complain.
27. The process has 2 stages: stage 1 and stage 2. There are no other steps, stages or actions to be taken in respect of making a complaint.
28. If YMCA were to assign any complaint handling duties to a third party or independent adjudicator, the work they undertake would be part of the 2 stage process. There would be no other supplementary steps, stages or actions to be taken in respect of making a complaint.
29. YMCA would ensure that any third parties involved in complaint handling duties would observe all elements of the Housing Ombudsman's Complaint Handling Code.
30. When a complaint is logged at stage 1 or escalated to stage 2, YMCA (or third parties working on YMCA's behalf) will set out their understanding of the complaint and the outcomes the resident is seeking. This is known as the

"complaint definition". It may be necessary for YMCA to seek clarification from the resident if any aspect of the complaint is unclear.

31. When acknowledging a complaint at either stage YMCA will be clear about which aspects of the complaint they are, and are not, responsible for. And to clarify any areas where this is not clear.
32. At each stage of the complaints process, complaint handlers will deal with complaints on their merits, act independently and have an open mind. They will give the resident a fair chance to set out their position. Will take measures to address any actual or perceived conflict of interest. And consider all relevant information and evidence carefully.
33. Where a response to a complaint will fall outside the timescales set out in the Complaint Handling Code, YMCA will agree with the residents suitable intervals for keeping them informed about their complaint.
34. YMCA will keep a record of all reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed and keep reasonable adjustments under active review.
35. YMCA will not refuse to escalate a complaint through all stages of the complaints process without a valid reason (see 'exclusions' - points 7 to 10 above).
36. A full record of the complaint will be kept, along with the outcomes at each stage. This will include the original complaint, the date received, all correspondence with the resident, correspondence with other parties and all supporting documentation.
37. YMCA will be prepared to remedy the complaint at any stage in the process, without the need for escalation.
38. There will be policies and procedures in place for managing unacceptable behavior from residents and/or their representatives.
39. YMCA will be able to evidence reasons for putting any restrictions in place, will keep restrictions under regular review and will be able to demonstrate that they are proportionate and demonstrate regard for the Equality Act 2010.

#### Complaints - Stage 1

40. YMCA's procedure is designed to differentiate between complaints that can be responded to as early as possible and those which require further investigation.
41. Complaints will be acknowledged, defined and logged at stage 1 within 5 working days of the complaint being received.
42. YMCA will issue a full complaint response to a stage 1 complaint within 10 working days of the complaint being acknowledged.
43. For complex complaints an extension of up to 10 days for the complaint response can be added. Where this is the case, YMCA will have a good reason which will be clearly explained to the resident. The resident will also be provided with the contact details of the Housing Ombudsman.
44. A complaint response will be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed.
45. In each complaint response YMCA will address all points raised in the complaint definition and will provide clear reasons for decisions which reference relevant policy, law and good practice (where appropriate).

46. Where residents raise additional complaints that are related to the stage 1 complaint, they must be incorporated into the stage 1 response if it has not been issued.
47. However if the issues are unrelated to the complaint already raised, the stage 1 response has already been issued or including it would unreasonably delay a response, YMCA will ensure the resident submits a new complaint.
48. YMCA will confirm (in writing) in clear, plain language at the completion of stage 1:-
  - a. The complaints stage
  - b. The complaint definition
  - c. The decision on the complaint
  - d. The reasons for any decisions made
  - e. The details or any remedy offered to put things right
  - f. Details of any outstanding actions
  - g. How to escalate the matter to stage 2 if they are not satisfied with the response.

#### Complaints - Stage 2

49. If all or part of the complaint is not resolved to the resident's satisfaction at Stage 1 YMCA will enable the resident to progress the complaint to stage 2.
50. Stage 2 will be YMCA's final response.
51. Requests for stage 2 will be acknowledged, defined and logged at stage 2 within 5 working days of the escalation being received.
52. YMCA will not require residents to explain their reasons for requesting a stage 2 consideration, though YMCA will make reasonable efforts to understand why a resident is unhappy.
53. YMCA will appoint a different person to consider the stage 2 escalation than the person that dealt with the stage 1 complaint.
54. A final response will be provided to the resident within 20 working days of the complaint being acknowledged at stage 2.
55. For complex complaints an extension of up to 20 days for the stage 2 complaint response can be added. Where this is the case, YMCA will have a good reason which will be clearly explained to the resident. The resident will also be provided with the contact details of the Housing Ombudsman.
56. A complaint response will be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed.
57. In each complaint response YMCA will address all points raised in the complaint definition and will provide clear reasons for decisions which reference relevant policy, law and good practice (where appropriate).
58. YMCA will confirm (in writing) in clear, plain language at the completion of stage 2:-
  - a. The complaints stage
  - b. The complaint definition
  - c. The decision on the complaint
  - d. The reasons for any decisions made
  - e. The details or any remedy offered to put things right
  - f. Details of any outstanding actions
  - g. How to escalate the matter to stage 2 if they are not satisfied with the response.

59. YMCA's stage 2 response will be a final response to the resident regarding the complaint.

#### Putting things right

60. Where something has gone wrong YMCA will acknowledge this and set out actions already taken, or intends to take, to put things right. This can include, but are not limited to; apologising, acknowledging where things have gone wrong, providing an explanation, taking action, reconsidering or changing a decision, amending a record or addition a correction or addendum, providing a financial remedy, changing policies, procedures or practices.
61. Any remedy offered will take into account the guidance issued by the Housing Ombudsman, be reflective of the impact of the issue on the resident and will be clearly set out; detailing what will happen and by when.
62. All remedies will, with the agreement of the resident, be followed through to completion.

#### Self-assessment, reporting and compliance

63. YMCA will produce an annual complaints performance and service improvement report for scrutiny and challenge which will include;
- a. An annual self-assessment against the Housing Ombudsman's Complaints Handling Code.
  - b. A qualitative and quantitative analysis of the YMCA's complaint handling performance, including a summary of the types of complaints YMCA has refused to accept.
  - c. Any findings of non-compliance with the Complaints Handling Code by the Housing Ombudsman.
  - d. The service improvements made as a result of learning from the complaints.
  - e. Any annual report about YMCA's performance from the Housing Ombudsman.
  - f. And any other relevant reports or publications produced by the Housing Ombudsman in relation to the work of YMCA.
64. The annual complaints performance and service improvement report will be published within the complaints section of YMCA's website, along with the Housing Ombudsman's response alongside it 12 weeks after the end of YMCA's financial year.
65. YMCA will undertake a self assessment following a significant restructure, merger or change in procedures. Or following an Ombudsman investigation.
66. In the event of a cyber attack or other exceptional circumstances that would prevent YMCA from complying with the Complaints Handling Code, YMCA will inform the Housing Ombudsman, provide information to the residents affected and publish on YMCA's website a timescale for returning to compliance.

#### Scrutiny & Oversight: continuous learning and improvement

67. YMCA is committed to looking beyond the circumstances of the individual complaint and considering whether service improvements can be made as a result of any learning from the complaint.
68. YMCA is committed to a positive complaint handling culture, seeing complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.



69. For reasons of transparency and accountability, YMCA will report on learning and improvements from complaints to stakeholders e.g. trustees, relevant working groups, residents and staff.
70. YMCA will appoint a suitably senior lead person as accountable for complaint handling. They will assess themes and trends to identify potential systemic issues, serious risks or policies or procedures that need revision.
71. YMCA will also appoint a Trustee to have lead responsibility for complaints and for promoting a positive complaint culture. This person will be referred to as the 'Member Responsible for Complaints (MRC)'.
72. The MRC will be responsible for ensuring that YMCA's Board of Trustees receive regular information on complaints, providing an insight into YMCA's performance in complaint handling.
73. The MRC and the Board of Trustees will, as a minimum, receive:-
  - a. Regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance.
  - b. Regular reviews of issues and trends arising from complaint handling.
  - c. Regular updates in the outcomes of the Housing Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings.
  - d. Annual complaints performance and service improvement reports.
74. YMCA will have a collaborative and cooperative approach towards resolving complaints, taking collective responsibility for any shortfalls identified through complaints and acting within the professional standards set by any relevant professional body.

## **Ofsted Complaints Handling Requirements**

The following points explain how this policy ensures that YMCA meets the regulations and expectations of Ofsted in respect of complaint handling. These points are supplemental to the policy detailed:-

- A. Children and young people using YMCA's services will be assisted (if needed) to lodge a complaint.
- B. The Complaints Officer handling the complaint must make sure that no complainant (child, young person or adult) who uses our services is subject to any reprisal or detriment for making a complaint or representation.
- C. YMCA North Tyneside with regards to supported accommodation under Ofsted regulations must provide to the CIECSS (Chief Inspector of Education, Children's services and Skills) upon request a statement containing a summary of any complaints or representations made during the 12 months preceding the date of the request and the action that was taken in response to each complaint or representation.

## **Confidentiality**

Except in exceptional circumstances, every attempt will be made to ensure that both the complainant and YMCA North Tyneside maintain confidentiality. However the circumstances giving rise to the complaint may be such that it may not be possible to maintain confidentiality (with each complaint judged on its own facts). Should this be the case, the situation will be explained to the complainant.

No person who is the subject of a complaint will take part in its consideration or investigation.

# A guide for residents

## How to make a comment, compliment or complaint

Please contact a member of staff, such as your support worker. You can do this in person, over the phone, by email, text message or by any other appropriate method of communication.

Alternatively contact Customer Relations: [customer.relations@ymcanorthtyneside.org](mailto:customer.relations@ymcanorthtyneside.org)

Write to: [Customer Relations, YMCA North Tyneside, North Shields, NE29 0AB](#)

Or call: [0191 257 5434](tel:01912575434)

## Complaint or Service Request?

Here's an example to explain the difference...

Your toilet has stopped work and you ask for it to be repaired: that is a **service request**. However if you reported that your toilet wasn't working previously and it has not been repaired within a proper time scale you should make a **complaint**.

## Making a complaint: what to expect

There are 2 stages to making a complaint. YMCA hopes to be able to resolve your complaint during stage 1 in most circumstances.

### Stage 1

- Use the instructions and contact details in the section above to make your complaint. Remember to give us as much detail as you can.
- We'll acknowledge your complaint within 5 working days of receiving it.
- We'll then take up to 10 more working days to investigate and respond to your complaint in full.
- In the meantime we'll do our best to resolve the issues you detailed in your complaint.
- More information about stage 1 is detailed in the main body of our Comment, Compliments and Complaints Policy.

If you are unsatisfied with our response to your complaint in stage 1, you can request for your complaint to move to stage 2.

## Stage 2

- In this stage a different person will review your complaint and all the information gathered to date.
- They will acknowledge your stage 2 complaint within 5 working days of receiving it.
- They'll then take up to 20 more working days to review all the information and provide you with a final response.
- In the meantime we'll do our best to resolve the issues you detailed in your complaint.
- More information about stage 2 is detailed in the main body of our Comment, Compliments and Complaints Policy.

Please note that you can contact the Housing Ombudsman Service at any point to seek information or advice about the complaint handling.

## **Housing Ombudsman Service**

To find out more about the Housing Ombudsman please see:

<https://www.housing-ombudsman.org.uk/residents/>

To complain about YMCA North Tyneside to the Housing Ombudsman you can contact them via:

Online form: <https://www.housing-ombudsman.org.uk/residents/make-a-complaint/>

Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

Phone: 0300 111 3000

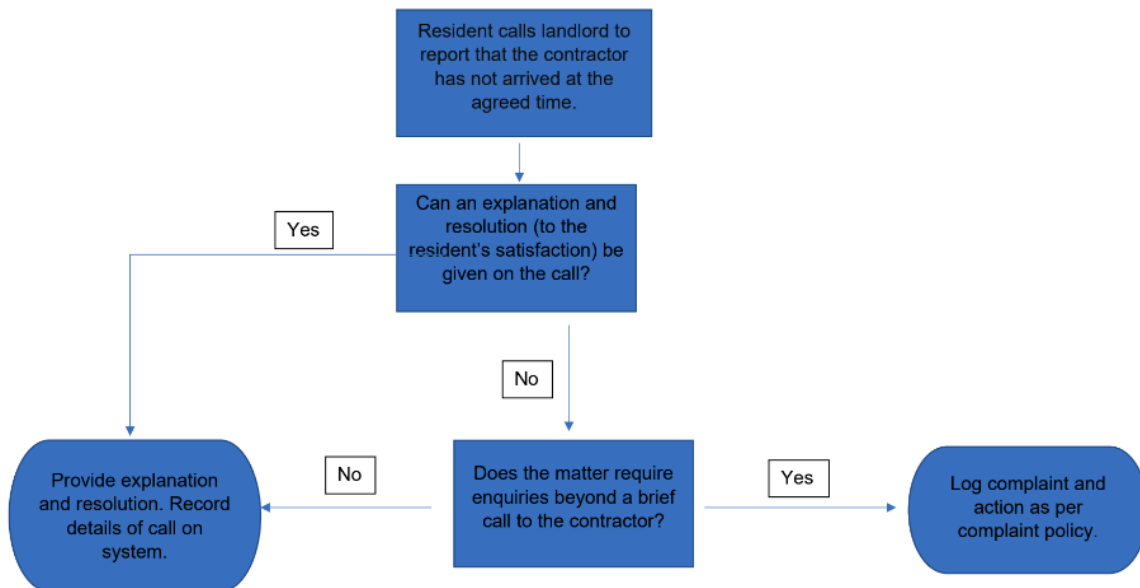
Or by writing to:

[Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET](#)

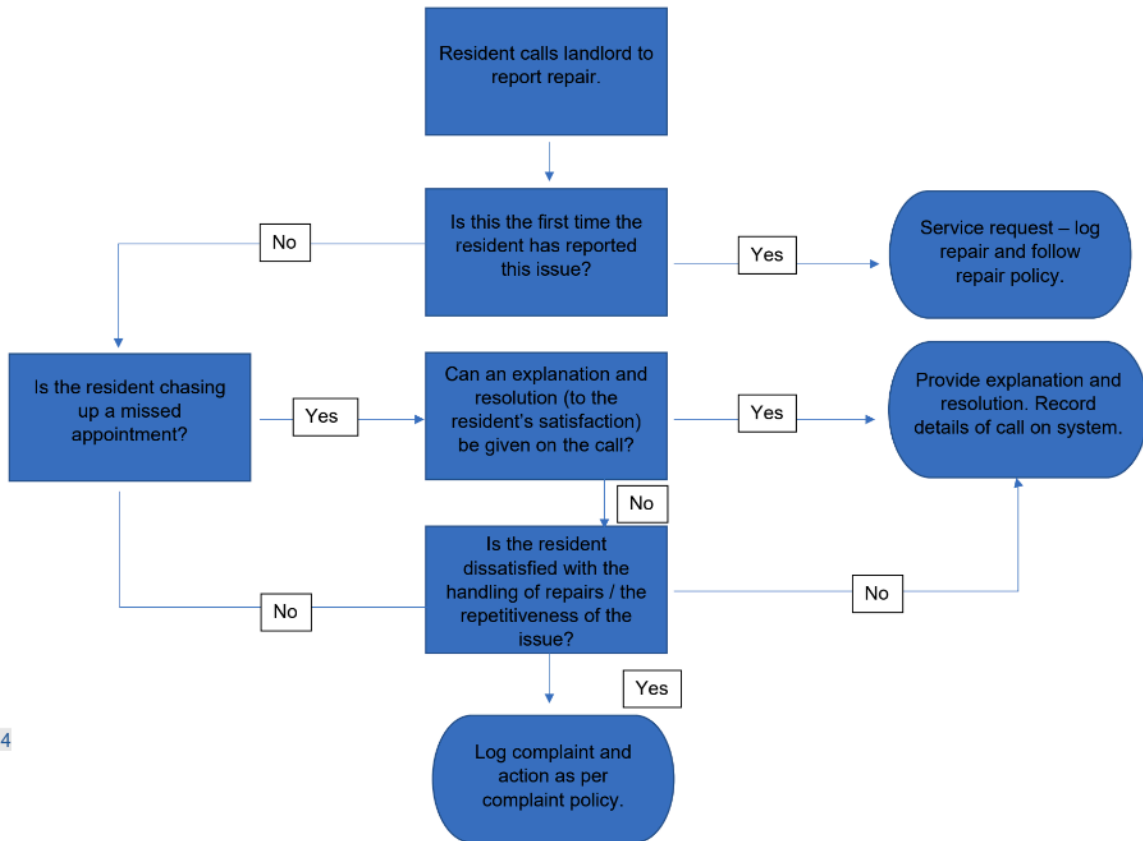
## Training Notes from the Ombudsman

The following 3 flow charts are examples provided by the Housing Ombudsman which will help staff and residents understand the process of determining whether the issue is **a service request or a complaint**.

### ***Contractor not arriving on time***



## Reporting a repair



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## Antisocial behaviour

