



COMPLAINTS POLICY

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Document Release

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1.0 What is classed as a complaint?

An expression of dissatisfaction, however made, about the standing of service or lack of service, actions or lack of action by the organization, its own staff, or those acting on its behalf, affecting an individual resident or group of residents, and is something that requires a response.

- The individual does not have to use the word 'complaint' for it to be treated as such. A complaint that is submitted via a third party or representative must still be handled in line with the complaints policy.
- Cadarn will recognise the difference between a service request and a complaint. A service request is a request from a tenant requiring action to be taken to put something right.
- Service requests should be recorded, monitored, and reviewed regularly. A complaint should be raised when an individual raises dissatisfaction with the response to their service request or is outside of a service request, such as a complaint about a member of staff, for example.

Complaints (please note that this is not an exhaustive list) could include:

- Something that should have been done that has not
- The behaviour of employees or contractors has been inappropriate
- A service has not been delivered to the quality, safety, frequency, or cost expected
- The decision-making process is flawed
- Staff have worked outside a policy or protocol
- A service has been failed or refused
- There was inadequate quality or standard of service, or an unreasonable delay in providing a service
- There were delays in responding to enquiries or requests
- There was unfairness, bias, or prejudice in service delivery
- There was a lack of provision, or the provision was misleading, unsuitable, or included incorrect advice or information
- A repair had not been carried out properly or in an agreed timeframe
- There was dissatisfaction with a policy, or its impact on the individual
- There was a failure to properly apply law, procedure or guidance when delivering services
- There was a failure to follow the appropriate administrative process
- The conduct, treatment by or attitude of a member of staff or contractor
- There is disagreement with a decision

A complaint is not:

- a routine first-time request for a service
- a request for compensation only
- issues that are in the process of legal action, court or have already been heard by a court or a tribunal
- disagreement with a decision where there is a statutory procedure for challenging that decision (such as for freedom of information and subject access requests)
- a request for information under the Data Protection or Freedom of Information Acts
- a grievance by a staff member or a grievance relating to employment or staff recruitment
- a concern raised internally by a member of staff (which was not about a service they received, such as a whistleblowing concern) a concern about a child or an adult's safety
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where a final decision has been made
- abuse or unsubstantiated allegations about the organisation or staff
- a concern about the actions or service of a different organisation, where there has been no involvement in the issue (except where the other organisation is delivering services on the organisations behalf).

Issues will not be treated as complaints and instead customers will be directed to use the appropriate procedures. Some situations can involve a combination of issues, where some are complaints and others are not, and each situation should be assessed on a case-by-case basis.

2.0 Expected Behaviours

- 2.1 All staff are expected to behave in a professional manner and treat complainants with courtesy, respect, and dignity. Complainants are also asked to treat staff with respect and to engage actively with the complaint handling process by:
- Communicating key issues of concern and organising any supporting information that is available;
 - working together to agree the key points of a complaint when an investigation is required; and
 - responding to reasonable requests for information, and for this to be done in a timely manner.
- 2.2 People may act out of character in times of trouble or distress. Sometimes a health condition or a disability can affect how a person expresses themselves. The circumstances leading to a complaint may also result in the complainants acting in an unacceptable way.
- 2.3 Complainants who have a history of challenging or inappropriate actions, or have difficulty expressing themselves, may still have a legitimate grievance, and all complaints will be treated seriously. However, the actions of some complainants may result in unreasonable demands on time and resources or unacceptable behaviour towards staff.
- 2.4 Policies and procedures to protect staff from unacceptable actions such as unreasonable persistence, threats or offensive behaviour from individuals will be implemented.

3.0 Maintaining Confidentiality and Data protection

- 3.1 Confidentiality is important in complaints handling. This includes maintaining the individual's confidentiality, and confidentiality in relation to information about staff members, contractors or any third parties involved in the complaint.
- 3.2 Complaints should be handled in an open and transparent way. This includes sharing as much information with the complainant (and, where appropriate, any affected staff members). When sharing information, it should be clear why the information is being shared and the expectations on how the recipient will use the information.
- 3.3 Legal requirements should also be considered, for example, data protection legislation as well as internal policies on confidentiality and the use of tenant information. Further information is available on Cadarn's Privacy Policy or contact the Data Protection Officer.
- 3.4 There may be instances where information cannot be shared in relation to a complaint response, such as:
- where a complaint has been raised against a staff member and has been upheld – the individual will be advised that their complaint has been upheld, but specific details affecting staff members, particularly where disciplinary action is taken will not be shared.
 - where a concern has been raised about a child or an adult's safety it will be checked whether the concern had been properly dealt with, but details of findings in relation to the safety concern will not be shared.

4.0 Who can make a complaint?

- 4.1 Anyone who receives requests or is affected by the services of the Group can make a complaint. It also includes members of the public who could have access to or be affected by services.
- 4.2 Complaints are also accepted from the representative of a person who is dissatisfied with the organisation's service.

5.0 Supporting Complainants

- 5.1 All members of the community have the right to equal access to the complaint's procedure. It is important to recognise the barriers that some individuals may face when complaining. These may be physical,

sensory, communication or language barriers, but can also include anxieties and concerns. Some individuals may need support to overcome these barriers.

5.2 Organisations have a legal duty to make complaints service accessible under equalities and mental health legislation. For example:

- the Equality Act 2010 – gives people with a protected characteristic the right to reasonable adjustments to access services (such as large print or BSL translations of information); and
- the Mental Health Act– this gives anyone with a ‘mental disorder’ (including mental health issues, learning difficulties, dementia, and autism) a right to access independent advocacy. This must be delivered by independent organisations that only provide advocacy. They help people to know and understand their rights, make informed decisions, and have a voice.

5.3 The organisation will seek to ensure support for vulnerable groups in accessing this complaints procedure. Actions may include:

- Provide interpretation and/or translation services for British Sign Language users or those who do not speak English
- Provide information in large print, if required
- Help to access independent advocacy, including sharing the contact details of various organisations that can provide assistance
- Help vulnerable customers identify when they might wish to make a complaint (for example, by frontline staff training)
- Provide a range of ways that a customer can complain i.e., telephone, email, post or online.

6.0 Time limits for making complaints

6.1 The complainants must raise their complaint within six months of when they first knew of the problem, unless there are special circumstances for considering complaints beyond this time (for example, when a person was not able to complain due to serious illness or bereavement).

6.2 These time limits can change at discretion, taking into account the seriousness of the issue, the availability of relevant records and staff involved, how long ago the events occurred, and the likelihood that an investigation will lead to a practical benefit for the individual or useful learning for the organisation.

7.0 Informal Resolution (Stage 1)

If possible, things will be dealt with straight away. If individuals have a concern, they should raise it with the person they are dealing with. They will try to resolve it for there and then, or hand it over to a staff member/department who may have a better understanding of the issue. If there are any lessons to learn from addressing the concern, the member of staff will draw it to the attention of the relevant Manager, who may review policy or process as a result. Where possible, issues should be dealt with immediately and if that is not possible, it will be investigated and responded to within 10 days with a proposed solution. If required, information will also be shared on how to escalate to a formal complaint.

8.0 Formal Complaint (Stage 2)

If following Stage 1 (Informal Resolution) the individual remains unhappy, a Stage 2 (Formal Complaint) can be raised. Stage 2 (formal Complaints) are recorded by the Complaint Officer and acknowledged within five working days. All formal complaints should be resolved within 20 working days. When an individual has a representative or an advocate the timeframe will start the day consent is received.

Steps of a Formal Complaint

1. The Investigation Manager will investigate the complaint in an open, transparent, and impartial way, and will either:

- (a) Inform the complainant that due to the nature of the complaint the investigation will take longer than 20 days and will provide an updated timeline
 - (b) Will investigate the complaint and pull together an investigation letter.
 - (c) Will agree the report/letter with the relevant member of SLT (normally their line manager).
2. Once the final Investigation letter/report is sent, the Investigating Manager will 'close' the complaint. Whilst there may be some actions that will happen after the complaint is closed, it is important to close the complaint so that the individual has a resolution or has the information to escalate to the Ombudsman.
3. The Complaints Officer will review the status of complaints on a weekly basis and highlight any upcoming deadlines.

Once the Complaint is closed by the Investigation Manager, any further issues in relation to the complaint will need to be referred to the relevant Ombudsman. The Manager, however, will keep an eye on any outstanding actions to ensure they have been resolved.

9.0 The following are outside of the scope of the Complaints Process

- Where the issue is recurring, and the matter is considered dealt with.
- Where the complainant is not engaging and therefore the issue cannot be resolved.
- Where legal processing has started.
- When the complainant is behaving unreasonably.
- A policy decision that has been properly arrived at.

10.0 Compensation

Compensation will be dealt with on an individual basis in line with a value for money exercise and other compensation claims. Once compensation is offered recipients have 4 weeks in which to accept or decline or the offer is no longer valid.

11.0 Learning lessons

Concerns and complaints are taken seriously, and the organisation will learn from any mistakes made. SMT considers a summary of all complaints monthly. The RSL Subsidiary Boards also review complaints at least twice a year. Summary (anonymised) information on complaints received and complaints outcomes are shared with the Ombudsman as part of the commitment to accountability and learning from complaints.

12.0 Roles and Responsibilities

12.1. All staff of all entities will be aware of:

- the Cadarn Complaints Process (CCP)
- how to handle and record complaints at the frontline response stage
- who to refer a complaint to, in case they are not able to handle the matter
- the need to try and resolve complaints early and as close to the point of service delivery as possible; and
- their clear authority to attempt to resolve any complaints they may be called upon to deal with.

12.2. Training in this procedure will be part of the induction process for all new staff. Refresher training will be provided for current staff when changes are made to their policy.

12.3. The Senior management team will ensure that:

- The final position on a complaint investigation is signed off by an appropriate manager or officer to provide assurance that this is the definitive response of Cadarn and that the complainant's concerns have been taken seriously
- it maintains overall responsibility and accountability for the management and governance of complaints handling (including complaints about contracted services)
- it has an active role in, and understanding of, the CCP (although not necessarily involved in the decision-making process of complaint handling)

- mechanisms are in place to ensure a consistent approach to the way complaints handling information is managed, monitored, reviewed and reported at all levels in the organisation; and
 - complaints information is used to improve services.
- 12.4 The Chief Executive provides leadership and direction in ways that guide and enable staff to perform effectively across all services. This includes ensuring that there is an effective CCP, with a robust investigation process that demonstrates learning is made from the complaints received. Regular management reports assure the Chief Executive of the quality of complaint's performance.
- 12.5. The Chief Executive is also responsible for ensuring that there are governance and accountability arrangements in place in relation to complaints about contractors. This includes:
- ensuring performance monitoring for complaints is a feature of the service/management agreements between the Association and contractors
 - setting clear objectives in relation to this complaints procedure and putting appropriate monitoring systems in place to provide an overview of how contractors are meeting their objectives
 - ensuring that complaints are reported to the RSL Subsidiaries twice a year.
 - ensuring that any Ombudsman complaints are reported to GARC as part of the Governance Compliance Report.
- 12.6 Departmental Managers: On the Chief Executive's behalf, departmental managers are responsible for:
- managing complaints and lesson learned
 - overseeing the implementation of actions required because of a complaint
 - investigating complaints.
- 12.7 They are responsible for preparing and signing off decisions for complaints when investigations are complete, and the response addresses all aspects of the complaint. However, departmental managers may decide to delegate some elements of complaints handling (such as investigations and the drafting of response letters) to officers or other staff. Where this happens, departmental managers should retain ownership and accountability for the management and reporting of complaints.
- 12.8 Departmental managers are also responsible for ensuring that all new staff receive training on the CCP as part of the induction process, and that refresher training is provided for current staff when there is a change of policy.

13.0 The Ombudsman

- 13.1 If, after a final complaint investigation report/letter has been sent and the complainant is still not satisfied with Cadarn's response, then they may complain to the Public Services Ombudsman for Wales, or other relevant Ombudsmen.
- 13.2 In addition, if the complaint relates to our lettings and management activities in the private rented sector (i.e., work we do on behalf of another landlord) they also can approach the Property Ombudsman scheme instead.
- 13.3 If a complaint is more appropriately dealt with by the Property Ombudsman instead of the Public Services Ombudsman, we will let them know when we issue our decision letter.
- 13.4 The Ombudsman is independent of all government bodies and can look into complaints if individuals feel that;
- They have been treated unfairly or received a bad service through some failure on the part of the service provider
 - Have been disadvantaged personally by a service failure or have been treated unfairly.

The Ombudsman normally expects complainants to bring concerns to the attention of the organisation first so that they have the opportunity to put things right.

The Public Services Ombudsman can be contacted:

- Phone: 0300 790 0203
- Online complaint form: <https://complaints.ombudsman.wales/en/pre-complaint>

- Writing to: Public Services Ombudsman for Wales, 1 Ffordd yr Hen Gae, Pencoed, CF35 5LJ
- Website: <https://www.ombudsman.wales>

For agent-related complaints, the Property Ombudsman:

- Phone: 01722 333306 • Email: admin@tpos.co.uk • The website: www.tpos.co.uk
- Writing to: Milford House, 43 - 55 Milford Street, Salisbury, Wiltshire, SP1 2BP

To complain to the Financial Ombudsman Service <https://www.financial-ombudsman.org.uk/>

- This must be done within 6 months of the organisation's response. Online – <https://www.financial-ombudsman.org.uk/contact-us> Email – complaint.info@financial-ombudsman.org.uk
- Helpline – 0800 023 4567

14.0 Compliments

- 14.1 Any compliments received in relation to a service or member of staff should be shared with the relevant Director and Manager. Compliments will also be included to the relevant Boards.

15.0 Additional Support

- 15.1 Staff will aim to help with any concerns. If extra assistance is needed other organisations can help:

Age Cymru:

Website: <https://www.ageuk.org.uk/cymru/gwent/>

Telephone: 01633 76333

Meic Helpline:

Telephone: 0808 802 3456

Website: www.meiccymru.org

Children's Commissioner for Wales:

Telephone: 0808 801 1000

Email: post@childcomwales.org.uk

Website: www.childcom.org.uk

Appendix A - Concern/Complaint Form

Please Note:

The person who experienced the problem should normally fill in this form. If you are filling this in on behalf of someone else, please fill in Section B.

A: Your details

Surname:	Forenames(s):	Title: Mr/Mrs/Miss/Ms/ if other please state
Address and postcode:		
Your email address:		
Daytime contact phonenumber:		

Please state how you would prefer us to contact you:

Your requirements: if our usual way of dealing with complaints makes it difficult for you to use our service, for example if English or Welsh is not your first language or you need to engage with us in a particular way, please tell us so that we can discuss how we might help you.

B: Making a complaint on behalf of someone else:

Please note: We must be satisfied that you have the authority to act on behalf of the person who has experienced the problem.

Your name in full:	
Their name in full:	
Their Address and postcode:	
Your email address	
Your daytime contact phonenummer:	
What is your relationship to them?	
Why are you making a complaint on their behalf?	

C: About your concern/complaint (Please continue your answers to the following questions on a separate sheet(s) if necessary)

- Name of the department/section/service you are complaining about:

- What do you think they did wrong, or failed to do?

- Describe how you personally have suffered or have been affected:

- What do you think should be done to put things right?

- When did you first become aware of the problem?

- Have you already put your concern to the frontline staff responsible for delivering the service? If so, please give brief details of how and when you did so:

- If it is more than six months since you first became aware of the problem, please say why you have not complained before now:

- If you have any documents to support your concern/complaint, please attach them with this form.

Signature:

Date:

When you have completed this form, please send it to: complaints@newydd.co.uk or julie.evans@newydd.co.uk
Corporate Officer, Cadarn Housing Group, Unit 5 Village Way, Tongwynlais, Cardiff, CF15 7NE