

Policy Name	Complaints Policy
Version No.	Version 5
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Complaint's policy

Author	Laura Davies – Head of Quality, Compliance and Performance
Contributors	Resident Forum; Housing and Resident Engagement Manager; Regional Operations Managers; Head of Operations; Executive Director Operations, Executive Leadership Team; Senior Management Team; Compliance and Risk Manager; Care Performance & Standards Officer, Complaint's officer
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1. Policy Purpose & Aim

ExtraCare is committed to:

- Promoting a culture where our residents and non-residents feel able to raise concerns or complaints about the service that they receive from ExtraCare
- Ensuring that complaints are put right at the earliest opportunity, through being responded to in a positive and timely manner and that/ appropriate steps are taken to address the issue
- Assuring residents and non-residents that any concern or complaint raised will be responded to appropriately and managed in a fair, reasonable and timely manner
- Promoting a positive complaint-handling culture where confidentiality will be respected; support will be offered, and where there will be no detriment to those bringing concerns or complaints to our attention

This policy sets out:

- How we define a complaint;
- The ways in which a complaint can be made;
- Provides clarity on how concerns or complaints are responded to;
- How redress may be sought if we are unable to resolve the concern or complaint.

The policy makes a distinction between housing-related complaints and care related complaints, as these are covered by different regulatory requirements and Ombudsmen Services.

This policy also aims to ensure that we comply with our regulatory, legal, and voluntary obligations for having an effective complaint handling process.

2. Objectives

The objectives of this policy are:

- To provide a clear definition of a complaint
- To aim to resolve concerns or complaints at the earliest opportunity by taking reasonable steps to put things right
- To have a clear, two-stage formal complaint process with clear timescales
- To communicate effectively with residents throughout the complaints process and advise them of their rights and obligations as appropriate
- To ensure residents have appropriate support to raise a concern or to make a complaint including making reasonable adjustments
- To demonstrate how we learn from complaints

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- To meet the requirements of the Housing Ombudsman’s complaint handling code and guidance of the Local Government & Social Care Ombudsman
- To meet our regulatory requirements set out in the Regulator of Social Housing Tenant Involvement & Empowerment Standard
- To meet the Care and Quality Commission’s (CQC) regulatory requirements; that our care service is safe, effective, caring, responsive and well-led
- To meet our voluntary requirements of the Associated Retirement Community Operator’s (ARCO) Consumer Code

3. Scope of Policy

This policy applies to all residents, prospective residents of ExtraCare and non-residents

Term	Definition
Resident	A current tenant or leaseholder (outright owner / shared owner) in one of our ExtraCare owned locations, or locations that we manage on behalf of another landlord (‘partner landlord’).
Prospective	Someone who is thinking of applying for residency or has an existing or declined residency application with us.
Non-Residents	Visitors at our location or schemes raising concerns relating to Extracare staff or a service which directly impacts them (if they are not acting on behalf of our resident).

Where the location’s landlord function is managed by the partner landlord, housing-related complaints may be referred to the partner landlord as appropriate.

This policy does not apply to staff who wish to raise a complaint about ExtraCare, this should be pursued through Human Resources (HR).

Issues relating specifically to volunteers of ExtraCare will be dealt with under the principles of our Volunteering Policy and the Volunteering Toolkit that supports that policy.

4. Responsibilities

All staff are responsible for following this policy and ensuring that concerns or complaints made, are managed appropriately and within the complaint handling timescales outlined in section 8.1.6 and 8.1.7

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<p>Operations Committee</p>	<p>Trustees are responsible for ensuring that they receive the appropriate reporting information on complaints, concerns, and feedback from residents to be assured those complaints are being dealt with effectively. This is to comply with the Housing Ombudsman’s complaint handling code which states that <i>“it is important for governance to understand the complaints their organisations are receiving and the impact of their complaint handling on residents.”</i> It is also to comply with the LGSC Ombudsman, CQC and Care Act and Charities Commission.</p> <p>A quarterly report to Operations Committee will be submitted to provide the relevant information to ensure the relevant oversight and insight into complaints, including a summary of feedback from residents on complaint handling. Complaints made direct to Trustees will be referred to the most relevant member of staff to resolve.</p>
<p>Executive Leadership Team</p>	<p>The Executive Leadership Team (ELT) are responsible for ensuring that there is <i>“learning from complaints and to promote the open and transparent use of (complaints) information....to assess performance and risks”</i> (from: Housing Ombudsman complaints handling code).</p> <p>ELT are to ensure that within their respective directorate, teams take ownership of complaints handling to ensure that the principles of this policy are embedded within their teams. ELT are also responsible for ensuring compliance with the Housing Ombudsman’s complaint handling code, including the publishing of a self-assessment against the code on an annual basis (by December each year). Further, to ensure that information on complaint handling – and learning from complaints – is included in the annual report to residents.</p>
<p>Senior Management Team / Department Heads</p>	<p>The Senior Management Team / Department Heads are responsible for ensuring that the teams are supported to provide <i>“excellent complaint handling and engagement with the Housing Ombudsman where this is required.”</i> (From: Housing Ombudsman complaints handling code). If the requirements of this policy cannot be delivered, the Senior Manager should assess what needs to change and address organisational blockages that are preventing the efficient resolution of complaints.</p>

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	<p>They are to ensure that the appropriate investigation and responses are provided. Also, to ensure that all measures have been taken to reduce the risk of a complaint handling failure notice (or similar notice from another regulatory authority e.g., Local Government & Social Care Ombudsman). This includes providing complaint responses where this is required.</p> <p>They are to consider and approve / reject requests for the Exclusions section within this policy (S7.3), following recommendation by the Housing & Resident Engagement Manager.</p>
Location Managers	<p>Managers are responsible for ensuring that the principles of this policy are applied in practice, specifically to ensure that a positive complaints-handling culture is promoted within their teams. They have a responsibility to ensure that concerns or complaints are appropriately recorded and responded to as per the guidelines within this policy. Managers should ensure that where a complaint investigation is assigned to them, such an investigation is carried out with appropriate diligence and that the complaint response outlines the outcome of the investigation and explains the decision(s) made. Managers should seek to resolve complaints through arbitration or mediation where this may be appropriate.</p> <p>Managers wishing to invoke the Exclusions section of this policy (S8.1.5) should refer this to the Head of Quality, Compliance and Performance in the first instance.</p>
Head of Quality, Compliance and Performance	<p>The Head of Quality, Compliance and Performance is the lead for complaints management and will highlight to Senior Managers / Departmental Leads / ELT any organisational learning and recommendations from complaints handling to improve service delivery.</p> <p>They have further responsibility for supporting managers with complaint handling as required. They have a responsibility to provide the relevant report to Operations Committee, ELT and Senior Management Team as required.</p> <p>They will support the complaints officer in allocating and ensuring a response at stage 2 of the complaint procedure where this is appropriate to the complaint; for providing</p>

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	<p>advice and guidance to assist with complaint responses, and for reviewing complaints that may be deemed unacceptable for appropriate action.</p> <p>They will also support the promotion of this Policy to our residents.</p>
Housing & Resident Engagement Manager	They are to ensure transparency on complaint handling to residents through providing performance information on an annual basis, through a report to the Resident Forum and an annual report to residents.
Complaint's officer	<p>The Complaints Officer is responsible for ensuring that all concerns and complaints are being appropriately recorded, to monitor the progress of complaints to ensure that they are handled within agreed timescales and to record learning from complaints.</p> <p>The Complaints Officer has the authority to recommend actions to other staff to ensure effective complaint resolution and to escalate any concerns relating to complaint handling to the Housing and Resident Engagement Manager. The Complaints Officer will also seek feedback from residents in relation to the complaint handling process.</p>
All staff	All staff are responsible for promoting the complaints policy and, where appropriate, supporting residents to raise a concern or make a complaint and will advise residents of the principles of this policy.

5. Monitoring & Review

This policy will be subject to a full review by the Policy owner and the Residents Forum every three years. We will assess the effectiveness of the policy by the criteria set out in the policy objectives.

We will publish an overview of how we are handling complaints each year, through an annual report to residents.

6. Risk Management

We have a low-risk appetite for non-compliance with legal and regulatory requirements and this is reflected in our strategic and corporate risk registers. Adherence to this policy mitigates the risks of



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the residents' voice not being heard, and the risk of ExtraCare not responding appropriately to legitimately raised issues from residents.

These risks include:

- Not delivering services that meet the legitimate and valid needs of residents, prospective residents, non-residents, or volunteers
- Missing opportunities to improve services and deliver value for money
- Not meeting our legal requirements (e.g., health & safety)
- Loss of trust in ExtraCare
- Reputational damage through a service failure or failing to respond appropriately because of a service failure
- Not meeting our housing regulatory requirements to ensure that we have an effective complaint handling process, including the risk of a complaint handling failure order
- Not meeting our care regulatory requirements to ensure that we have an effective complaint handling process, including the risk of an upheld complaint

7. Statement of Commitment

ExtraCare recognises that its aims are at the core of its mission of "Better lives for older people". This policy aligns with our values of empowerment, collaboration, compassion, and transparency.

ExtraCare commits to ensuring that they provide clear guidance to residents and staff to enable complaints to be dealt with appropriately and at the earliest opportunity. The Complaints Officer will work collaboratively with management colleagues, to ensure that they lead by example in the complaints handling process and conscious non-compliance should be acknowledged and escalated to be investigated further. Our primary aim when we receive a complaint is to put the issue right at the earliest opportunity.

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8. Additional arrangements

8.1.1 The definition of a complaint

Term	Definition
Housing complaints	We use the Housing Ombudsman Service’s definition of a complaint, as a Registered Provider of social housing: https://www.housing-ombudsman.org.uk/ <i>“An expression of dissatisfaction, however made, about the standard of service, action or lack of action by the organisation, its own staff or those acting on its behalf, affecting an individual resident or group of residents.”</i>
Care complaints	We will apply the principles outlined by the Local Government & Social Care Ombudsman: https://www.lgo.org.uk/how-to-complain

8.1.2 Housing - related complaints

We will assess whether the issue being raised may be appropriate to be resolved through a first-contact resolution (FCR) approach.

If the complaint is not able to be resolved through a first-contact resolution (FCR) approach, then we will record it as a formal Stage One complaint, and this will undergo a formal investigation.

Housing Complaint Stages:

First contact resolution approach (FCR)	<p>This is where an issue may be presented as a concern; a request for service (e.g., repair request that has not yet been resolved); or a request for information / clarification. In such circumstances we will agree with the complainant whether they wish us to adopt a first contact resolution approach to address the issue being raised. If this is the approach that the complainant wishes to pursue, we will contact them within one working day of the issue being raised and seek to resolve the issue within seven working days.</p> <p>The first contact resolution approach does not require a written response from us to the complainant. However, if the complainant requests a written response, then we will provide it. We will record the issue raised so that we have a record of it, and it will be assigned a number, prefixed ‘FCR,’ to distinguish it from a formal complaint.</p>
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Formal Complaints Stage One & Stage Two	<p>This is where a complaint is in relation to an alleged failure in service that will require investigation and a written response. This will be likely be where there is dissatisfaction following a service request; where ExtraCare’s actions have caused detriment to the complainant; or where the conduct of staff, or staff acting on our behalf, has caused upset or inconvenience.</p> <p>Where the issue requires formal investigate, these will be logged as a formal complaint, assigned a investigation reference number, and a named complaint-handler.</p> <div style="background-color: #333; color: white; padding: 2px;">Making the distinction - an example:</div> <p><i>Where we receive a complaint that states “I want to make a complaint about my shower leaking” we are likely to class this as a request for service and resolve under a first contact resolution approach by arranging for the leak to be assessed & remedied.</i></p> <p><i>Where we receive an expression of dissatisfaction that states “My shower was leaking but the tradesperson left the shower room in a mess and was impolite to me whilst carrying out the work” we are likely to treat this a service failure; as such, it would be logged as formal complaint to investigate and respond to accordingly.</i></p>
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8.1.3 Care - related complaints

To comply with The Care Quality Commission (CQC) regulation 16: receiving and acting on complaints, Health, and Social Care Act 2008 (Regulated Activities 2014: Regulation16, and to comply with the Local Government & Social Care Ombudsman.

Where locations have Local Authority Care contracts in place, we will refer to their terms within our complaint management process.

We will treat all initial complaints relating to care as a formal Stage One complaint, this will include issues relating to care delivery, failure in care service and the conduct of our care staff. We will support and engage the complainant throughout the process as required

Once the complaint has been recorded as a Stage One complaint, this will be assigned a reference number, and a named complaint-handler. We will process care related complaints with an approach that is consistent with our Duty of Candour policy:



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Internal use only: Work instructions for care related complaints, can be found in Appendix 1 or via SharePoint.

8.1.3 (a) HR – Complaint’s process – complaints regarding Extracare staff members

- HR will ensure, where necessary, the misconduct of staff in relation to complaints are dealt in line with the charity’s Disciplinary Policy
- HR will assist, where applicable, in the investigation procedure in relation to the complaint
- HR will liaise with the Complaints Team where a complaint has been received directly, to ensure the correct process is followed.

HR will work closely with the Complaints Team to ensure complaints are resolved in line with the Complaints Policy.

8.1.4 Making a complaint from or on behalf of, residents

Complaints do not have to be in writing for us to process it as a complaint – they can be stated verbally.

A resident does not have to use the word ‘complaint’ for it to be treated as such. We will accept complaints from individual residents or – in case of more than one resident living in the same household any resident named on the tenancy or lease agreement.

Where we receive a complaint from a Resident Association, we will seek to resolve the issues raised by responding to the Chair of the Resident Association Committee.

We reserve the right to seek consent or clarification from the Resident Association that its members consent to the complaint being logged on their behalf.

To escalate your complaint to the Housing Ombudsman, the individual directly involved or impacted by the concerns mentioned must file the complaint with ExtraCare. It should be noted that complaints lodged by Residents Associations may be limited in their ability to be escalated to the Housing Ombudsman Service.

In all such housing - related complaints raised by a Resident Association, we will refer to the Housing Ombudsman’s guidance on group complaints:

<https://www.housing-ombudsman.org.uk/wp-content/uploads/2020/11/Guidance-on-group-complaints.pdf>



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We will accept a complaint from someone acting on a resident’s behalf if we are given (verbal or written) permission from the resident to deal with their nominated person (e.g., a family member, Power of Attorney). In such circumstances we will deal with nominated person in relation to that specific complaint only (not any other aspect of the tenancy or lease).

Where a resident lacks capacity we will accept a complaint for someone acting on their behalf provided the authority to act is relevant to the complaint being raised. for example, Power of Attorney or a nominated solicitor.

We will comply with the Equality Act 2010 by ensuring that we support residents appropriately to raise a concern or complaint or take reasonable steps to ensure that they have a third-party advocate if one is required.

We will accept complaints from people who have applied for housing with us (either sales or rentals) and who believe that their application has not been processed fairly, or that they have been unreasonably refused housing with us.

We will accept a formal complaint in the situation of a deceased resident, where the person authorised to administer their estate wishes to raise a legitimate issue that is related to the interests of the deceased.

Complaints from non-residents, not relating to a resident

Where we receive a complaint from a non-resident that does not directly affect one of our residents, these complaints are unable to be escalated to the Housing Ombudsman. Therefore, we will usually seek to resolve these through a first-contact resolution (FCR) approach.

Where the complaint is from a non-resident and does not relate to a resident, please refer to Section 8.2 of this policy for further guidance.

Scope of complaints

We will process complaints about any services provided either directly by ExtraCare or provided on our behalf by one of our third-party contractors (for example, repairs or catering)

Where we receive complaints in relation to care, we reserve the right to involve Social Services in seeking to resolve such issues. This may include seeking a best-interests assessment or pursuing a safeguarding referral if appropriate. We will also consider our obligations under Duty of Candour and Making safeguarding personal.



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Complaints from residents about services provided by independent traders concerning the standard of their service will be directed to the traders themselves. Only in situations where the service provided by independent traders to a resident has been unsafe, discriminatory, or otherwise in breach of their trading arrangements with us will we process this as formal complaint.

We will process formal complaints from applicants for housing to ExtraCare (either sales or rentals) through this complaint policy, with reference to the appeals process outlined in ExtraCare’s Lettings, New Village Sales, or Re-Sales Policies.

We will process any complaints made from applicants or residents which may be because of an alleged breach of the Associated Retirement Community Operators (ARCO) Consumer Code in line with this Policy. All such complaints would fall under the remit of either the Housing Ombudsman Service or Local Government & Social Care Ombudsman to adjudicate (rather than ARCO).

Complaints in relation to anti-social behaviour (ASB) will be dealt with under our Anti-Social Behaviour Policy, unless it is a complaint about how we have managed a report of ASB. Complaints in relation to our handling of ASB will be dealt with under this Complaint Policy.

How to raise a complaint:

Concerns or complaints	Definition
‘Tell Us Your Concern’ Form	Complete the form available at our locations and submitted to the Location Manager/Location staff
In writing	By letter or email, addressed to the Location Manager, a member of staff, or to our Complaints officer (based at our Head Office).
Email	complaints@extracare.org.uk
Orally (in person or by telephone)	To any member of staff at location or to our Head Office

We will exercise reasonable judgement in responding to expressions of dissatisfaction raised through other means, such as on our social media sites or through ‘one-star’ feedback given through ‘We’re Listening.’ We will be unable to respond to such posts if they are made anonymously.

In general terms, we will respond to issues raised with us in writing as formal complaints, and we will respond accordingly in writing. However, we reserve the right to apply reasonable discretion depending on the nature of the issue being raised and agree with the complainant the most appropriate means of resolving the issue.



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Issues raised at resident meetings within our locations ('street meetings') may be addressed during the meeting or in follow-up meetings, where appropriate we will record these as either first contact resolution (FCR) or formal complaint.

Letters of complaint addressed to the Chief Executive, Executive Directors or Trustees will be assigned to an appropriate member of staff for them to investigate and respond.

We will ensure that we record the date of all complaints received; the date the complaint is acknowledged; the date that the complaint has been responded to; and record the actions taken. We will provide a quarterly report to ExtraCare's Operations Committee, so that there is oversight and a level of assurance of complaint handling performance.

All concerns or complaints made shall be made in line with our Acceptable Behaviour Policy, and with reference to section 7.3 of this Policy.

We will respect the confidentiality of those wishing to raise a concern or complaint in line with our Data Protection Policy.⁸

8.1.5 Exclusions

We will not respond to concerns or complaints that are raised anonymously however if the concern raised meet the criteria in the Whistleblowing policy, and/or if safeguarding concerns are raised this will be appropriately actioned.

We reserve the right not to process and issue as a formal complaint if it is being brought to our attention for the first time over 12 months from the original incident / occurrence date.

If there are specific reasons why the complainant was unable to raise the issue within 12 months, then we will review whether to apply appropriate discretion. This will be reviewed by the Head of Quality, Compliance and Performance, or an appropriate member of the senior management team.

We reserve the right not to process an issue as a complaint when:

- The issue has been raised previously by the complainant
- The complaint has been closed and where the complainant did not exercise their right to escalate the complaint
- Where the Housing Ombudsman or other relevant body have determined on the case.

We will escalate complaints where the complainant remains dissatisfied after our Stage 1 response.



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We will seek to understand the reasons for escalating the complaint and aim to address the issues that remain in dispute through our Stage 2 response.

In exceptional circumstances, we may assess that escalating the complaint to Stage 2 would not be appropriate in the circumstance of that complaint, we would provide clear reasons for not escalating.

In such circumstances, we will consider offering a means of alternative dispute resolution (e.g., mediation) and advise the complainant of their right to seek advice from the Housing Ombudsman Service (or other relevant external adjudicator).

We reserve the right to assign any new issues raised by the complainant through the escalation process. However, will raise any new issues via First Contact Resolution or at Stage 1 of the complaints process.

This would not delay or prevent us from seeking to resolve the original issue(s) raised through Stage 2.

In situations where multiple concerns are raised by the complainant, we reserve the right to incorporate these into one complaint. The approach we take will be based on the most reasonable course of action for us to seek to resolve the issue(s).

We will not process an issue as a complaint where it is the subject of legal action, or potential legal action; or the subject of review by a statutory body (for example, First Tier Tribunal in relation to variable service charges). Such issues will be referred to our legal team or solicitor as appropriate.

Claims for personal injury will be dealt with by our insurers.

We will not respond to concerns or complaints about services, organisations, or individuals for whom we have no responsibility, and we will signpost accordingly.

Acceptable Behaviour

We will seek to ensure that we respond to all complaints however made and expressed.

We will not discriminate against anyone who makes a complaint. If a complainant behaves inappropriately in making a complaint, we will seek to manage that behaviour as necessary, while treating the complaint like any other.



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Where there may be occasions that the expression of the complaint breaches our Acceptable Behaviour Policy, we will make reasonable efforts to support a resident to raise a concern or complaint in a way that complies with our Acceptable Behaviour Policy.

This could include situations where the complainant is:

- making unreasonable demands
- making the complaint in a threatening or aggressive manner
- being overly persistent
- overloading complaint channels (including social media) with their issue
- not making the issue clear, despite our reasonable attempts to clarify
- repeatedly changing the issue or seeking to add further unrelated issues
- refusing to deal with a specific member of staff without good reason
- insisting on a personal apology from a specific member of staff
- refusing to accept the reasonable evidence relied on by us to reach a determination

We will advise the complainant of the specific breach of our Acceptable Behaviour Policy; the remedy that we require them to make; and offer support to enable them to make a complaint in an appropriate way.

In situations where, despite our best efforts to support a resident to make a complaint in a way that complies with our Acceptable Behaviour Policy, we reserve the right to decline to consider a complaint further.

We will restrict further contact with the complainant in relation to the complaint, such restriction will be subject to a review after 3 months (and in subsequent 3-month periods if the restrictions are to remain in place).

In extreme circumstances, such as threatening staff or spreading unfounded or malicious information in relation to the complaint we will consider Police involvement and / or legal action

8.1.6 Timescales: Housing -related complaints

The timescales listed below are those that are required by the Housing Ombudsman’s Complaint Handling Code. These are the maximum timescales under the Code. However, our commitment as part of our membership of our trade body – ARCO – means that we commit to sending a final response within 56 calendar days of the initial complaint being received. This does not include time taken by the complainant to consider whether they wish to escalate their complaint.

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Note: a ‘working day’ is Monday-Friday (excluding Bank Holidays). Where we state that responses by us will be in writing, this means it may be by letter or by email.

a. First contact resolution

Where we assign a complaint to the first-contact resolution approach, we will seek to acknowledge this within **one** working day (and seek to resolve within **7 working days**). This will be recorded by us as a ‘first contact resolution’ and our response will be in person, by telephone, or in writing as relevant to the issue.

b. Formal complaint

Where a formal complaint is raised, we will acknowledge the complaint within a maximum of **five working days** of receiving it **in writing**.

Stage 1: The complaint will be assigned to the appropriate member of staff for investigation – usually an appropriate manager, in most cases this is likely to be the location manager.

The complaint will be responded to formally in writing (by letter or email) within a maximum of **10 working days** of us receiving the complaint.

We will respond by providing the complainant with a summary of our investigation which states the reasons for our decision and the steps that we have taken / will take to resolve the issue.

We will also explain their rights to escalation and provide relevant advice (such as referring them to information provided by the Housing Ombudsman Service) to assist in resolving the complaint.

Where we legitimately need more time to respond at Stage 1, we must agree a new deadline with the complainant. This would only be done in the situation where further evidence is required or for other good reason which we will specify to the complainant in writing. The aim will be to ensure that we provide a full response as quickly as possible, and within a maximum of **10 working days**.

Stage 2: If, after receipt of our Stage 1 response the complainant remains dissatisfied, the complaint will then be escalated to a senior manager (e.g., Regional Operations Manager(s) or a Head of department) for review. The complainant will then receive a response within a maximum of a further **20 working days** from the date that they have requested the complaint to be escalated.

If further evidence is required, then the Housing Ombudsman’s Complaint Handling Code allows for an extension of a maximum of a further 10 working days. Such an extension may mean that the complaint is at risk of being processed beyond the timescale of our voluntary commitment under the



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ARCO Consumer Code, therefore, we would seek to avoid this situation by ensuring that the aggregate response time does not exceed 56 calendar days.

All requests for extensions of time by us will be made with the agreement of the complainant.

8.1.7 Timescales: Care -related complaints

Our commitment as part of our ARCO membership means that we commit to sending a final response within 56 calendar days of the initial complaint being received. This does not include time taken by the complainant to consider whether they wish to escalate their complaint.

Stage 1: The complaint will be assigned to the appropriate member of staff for investigation, for example the care manager for the location. We will provide an acknowledgement within 5 working days of the complaint being received. We will investigate and respond as soon as is practicable, but with a timescale of **20 working days**.

If we require further time to resolve the issue at Stage 1, we will write to the complainant to agree to this. This would only be done in the situation where further evidence is required or for other good reason which we will specify to the complainant. The aim will be to ensure that we provide a full response as quickly as possible, and within a maximum of a further **10 working days**.

Stage 2: If, after receipt of our Stage 1 response the complainant remains dissatisfied, the complaint will then be escalated to a senior manager (e.g., Regional Operations Manager(s), Care Lead, or an appropriate Head of department) for review. The complainant will then receive a response within a maximum of a further **20 working days** from the date that they have requested the complaint to be escalated.

Extensions to this deadline are only to be made with the agreement of the complainant and provided the total timeframe does not exceed our commitments under the ARCO Consumer Code.

8.1.8 Complaint resolution

Complaints that are upheld will receive an apology on behalf of ExtraCare, an explanation of why the service failure occurred; and an overview of how we will learn from the issue. We will not issue a personal apology on behalf of any individual member of staff.

We will record the learning from the complaint and ensure that this is shared with all relevant managers.



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A summary of the learning from complaints will also be shared in an annual report to the Residents Forum.

Where we have agreed actions with the complainant to resolve the issues raised, we reserve the right to close the complaint pending those actions being completed. We will continue to monitor the actions required after the complaint has been closed.

8.1.9 External adjudication

a. Housing – related complaints

If, after stage 2, the complainant remains dissatisfied, then the complaint can be escalated directly to the Housing Ombudsman <https://www.housing-ombudsman.org.uk>

(Note: direct referrals to the Housing Ombudsman can be made from 1 October 2022, being the date that the removal of the Designated Filter applies).

In line with our commitments under the ARCO Code, we will co-operate fully with the relevant Ombudsman Service during any investigation and comply fully with the Ombudsman’s final decision, which will be binding on us.

b. Care-related complaints

Where the complaint relates to care or our well-being services, these may be escalated to the Local Government & Social Care Ombudsmen: <https://www.lgo.org.uk>

(Note: that the Care Quality Commission (CQC) do not investigate individual complaints).

c. Breaches of ARCO Consumer Code

As an ARCO Approved Operator, we seek at all times to comply with the Consumer Code of the Associated Retirement Community Operators (ARCO). ARCO itself does not investigate complaints made about Approved Operators.

Any complaints which are received by ARCO are passed to the relevant operator who are asked to handle the complaint through its own procedure. ARCO has an annual assessment programme where it checks that Approved Operators are complying with all aspects of its Consumer Code. Where there is evidence that an Approved Operator may not be complying with the Code at one or more of its Retirement Communities, ARCO may require an urgent inspection or investigation.



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8.1.10 Reasonable adjustments

We will ensure that residents are able to make a complaint, and support them through the complaints process, by ensuring that we make reasonable adjustments for them to do so.

These will be made in line with our Equality & Diversity Policy. Such reasonable adjustments may include:

- Seeking an advocate to act on the resident’s behalf, or a multi-agency approach to resolution
- Involving a recognised Resident Association to support the complainant
- Seeking the involvement of statutory and voluntary agencies where a support need is identified through the complaints process
- Offering alternative dispute resolution options (e.g., mediation / arbitration)
- Arranging translation (including in writing) or similar services
- Hosting meetings to discuss issues in an environment that is appropriate to the complainant
- Ensuring correspondence is issued to the complainant in a format which they can understand for example verbal communication, easy read, large font text or other impairment adjustments

8.1.11 Compensation

Residents should not withhold rent or the payment of other charges in relation to a complaint or dispute with us. All charges should be paid as per the terms of the tenancy or lease. We will consider offering fair and reasonable compensation to those who have been adversely affected by an issue where this is appropriate.

Each case will be assessed on its merits, and discretion applied. In considering compensation, we will review the actions we have taken to resolve the issue and whether these actions have sufficiently restored the resident to a position had the service failure not occurred. In some circumstances we may consider that financial compensation is appropriate to achieve this. This may be considered in the following circumstances:

- **Mandatory** - such as statutory home loss payments under the Home Loss Payments (Prescribed Amounts) (England) Regulations 2020; ExtraCare do not operate the Right to Repair Scheme – residents in our locations where there is a partner landlord should contact the partner landlord under their complaint policy if they are seeking compensation under the Right to Repair.
- **Quantifiable loss** – where there is evidence of an actual loss as a direct result of our actions / inaction. This would need to include receipts to demonstrate that costs more than those normally incurred have occurred. We will assess whether these have been reasonably incurred;
- **Discretionary payments** – for time, trouble and stress / inconvenience caused. This may be applied in cases where we have handled the complaint poorly, taken an unreasonable amount of time to resolve a situation; or failed to provide a service (or reasonable alternative) that has been charged for that as a result has had a detrimental impact on the resident as a result.

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In addition, we may offer gestures of good will to resolve the issue, such as offers to provide an additional service (e.g., redecoration) or flowers, vouchers in order to express our regret. In considering amounts to be paid in compensation, we will use the following criteria:

Category	Values and Authorisation
Minor	Up to £100 and agreed by relevant manager
Moderate	Up to £500 and agreed by relevant Head of Service
Severe	Over £500 and agreed by relevant Executive Director

We will consider any specific vulnerabilities that any impact has had (e.g., disability) in our assessment of compensation. We will not pay compensation under this Complaints Policy in the following circumstances:

- claims for personal injury
- claims for damage caused by circumstances beyond our control
- problems caused by a third party not working for the landlord
- problems resulting from another resident’s lifestyle choice
- problems that should be resolved through a claim on the residents’ contents insurance

Any claims for compensation for the above situations would be dealt with by our insurers to be legally determined in these cases.

Any compensation payment made under this Complaints Policy will be accompanied by an apology; an explanation of why the service failure occurred; and an overview of how we will learn from the issue.

Compensation requests will be considered in line with our complaint timescales. We will not consider compensation payments longer than 12 months after the issue occurred, unless there is a demonstrable good reason. Where a resident is in arrears with rent or charges with us, we reserve the right to offset any compensation payment against such arrears.

8.2 Non-resident related complaints: further guidance

8.2.1 Definition

If we receive a complaint in relation to an issue that is not directly related to a resident or prospective resident, we will accept the complaint if it is *“an expression of dissatisfaction in relation to either staff conduct; services provided by ExtraCare direct to external customers; our retail shops; or to commercial lease or licence arrangements where there is a potential breach of such agreements”*. These are likely



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to be complaints from (for example) visitors to our locations who wish to complain about an aspect of the service or environment that they have experienced.

8.2.2 Resolution

We will seek to resolve such complaints initially through a first-contact resolution approach, by referring the issue to the most appropriate member of staff to resolve. We will seek to make contact and resolve within **7 working days**.

If the complainant remains dissatisfied, then we will consider referral to the relevant Senior Manager. If we do not escalate the complaint further, we will give clear reasons to the complainant as to the reasons why. If referred further, the Senior Manager will seek to investigate and resolve the issue within **twenty working days**.

Non-resident related complaints are unable to be escalated to an external adjudicator such as the Housing Ombudsman Service (unless it is in relation to an application for housing, in which case this can be referred to the Housing Ombudsman).

If the issue remains unresolved after exhausting this process, the complainant will be advised to seek independent advice from the Citizens Advice Bureau, local council, or solicitor.

In seeking to resolve complaints in relation to non-resident related issues, we will apply the general principles for resolving resident complaints. This includes applying the guidance within the policy in relation to exclusions, reasonable adjustments, and compensation.

If we receive a non-resident related complaint that is in reference to a contract or agreement that we have with a third party, we will consider mediation / arbitration to resolve the issue with that third party. We also reserve the right to refer the matter to our solicitors for resolution.

8.3 Information, Training and Support

We will take all reasonable steps to publicise this Policy to all residents, including through Resident ('Street') Meetings, with the aim of ensuring that their rights and obligations under this Policy are explained. We will promote a positive complaint handling culture.

8.3.1 Learning from complaints

We will advise the complainant in our responses of any relevant learning because of them raising an issue with us. We will record such learning on an internal Learning Log to be shared with all relevant managers.



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We will contact a random sample of residents every three months to ask their experience of how we handled their complaint. Relevant feedback from this will also be recorded and shared with relevant managers (including location managers) and used to inform further staff training.

We will provide a summary of this feedback to Operations Committee as part of the report produced by the Head of Quality, Compliance and Performance.

We will:

- Report on complaints handling at least annually to our Resident Forum.
- Publish a summary of our complaint handling in our Annual Report.
- Self – assess our complaint handling against the Housing Ombudsman complaint handling code each year in December and publish compliance annually on our website.
- Provide residents at each location with an annual overview of complaints handled this is to be delivered through a Resident ('Street') Meeting.
- Seek feedback from residents annually on satisfaction on complaints / complaint – handling.

8.3.2 Training

We will provide relevant training to all staff in relation to the principles of this policy to ensure that they are applied across ExtraCare.

We will provide additional training to staff involved in complaint investigations to ensure that these are conducted effectively. We will also provide training to assist relevant staff to respond appropriately in writing to complaints.

8.3.2 Further support

We have developed letter templates to support appropriate complaint responses in line with this Policy. We will develop internal procedures for staff to support the implementation of this Policy.

9. Other Relevant ExtraCare Policies & Documents

General	Acceptable Behaviour Policy
	Lettings Policy
	New Village Sale Policy
	Re-Sales Policies
	Data Protection Policy

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	IT Cyber Security Policy
	Equality, Diversity, and Inclusion Policy
	Volunteering Policy
Work Instructions	Care complaint – Work instructions Housing complaint – Work instructions

10. Relevant Legislative & Regulatory Requirements

Legislation	Regulation	Guidance
General Data Protection Regulation (UK GDPR)	RSH Standards (Governance & Financial Viability & Tenant Involvement & Empowerment standards)	ARCO Consumer Code
The Data Protection Act 2018 (DPA 2018)	Housing Ombudsman	Complaint Handling Code
Localism Act 2011	Local Government & Social Care Ombudsman	Guidance on Complaint Handling
Equality Act 2010	NHF Code of Governance 2020	
Housing Act 1996	NHF Together with Tenants	
Independent regulator of health and social care in England.	Care Quality Commission	Inspect & Monitor 'fundamental standards' of quality and safety
Health and Social Care Act 2008	Regulation 16	Receiving and acting on complaints