



# Complaints and appeals Policy

## MONITORING

This policy is reviewed annually

## NEXT REVIEW

September 09

### 1. Purpose of the policy

The complaints and appeals policy is aimed to provide guidance for those wishing to complain about the Clearing House service, a Clearing House partner or appeal a decision made by the Clearing House. The procedure is intended for clients, partner agencies and those in receipt of the Clearing House service.

It sets out clear expectations and guidelines for stakeholders and Clearing House staff.

The policy is for use by Clearing House stakeholders only and should be implemented instead of, rather than as well as, Broadway's internal or external comments, suggestions and complaints procedure.

### 2. Policy statement

The Clearing House is committed to providing a high quality and fair service. It strives for excellence in service provision through a programme of continuous improvement. It welcomes feedback in all forms including comments and suggestions and this policy and procedure sets out a formal process for ensuring that complaints and appeals are dealt with in an impartial way.

### 3. Applicability

The procedure is intended for referral agencies, TSTs, Housing Providers, clients, partner agencies and those in receipt of the Clearing House Service.

The following examples **will not** be reviewed under the complaints and appeals policy:

1. An appeal about a rejection of a client by a Housing Provider. This should be addressed directly with a Housing Provider in line with their procedures. The Clearing House can be involved with this process if requested.

2. Inter-agency disputes. The Clearing House will act to try and resolve disputes between two Rough Sleepers Initiative (RSI) participating organisations. We will investigate complaint(s) made by one organisation against another and act as an intermediary, to try and ensure the smooth running of all aspects of the Initiative. These will be considered under the **dispute resolution procedure**.

Where the complaint refers to the actions of a partner agency (e.g. a housing provider or TST), their complaints process should be exhausted before complaints are made to the Clearing House. These will then be considered under the **dispute resolution procedure**.

### 4. Definitions

**Complaint** – This is a criticism or grievance which an organisation or individual has about the Clearing House Service. This criticism or grievance is made in writing.

**Appeal** – This is an objection to a decision or evaluation made by the Clearing House requesting that the decision be reconsidered. This appeal is made in writing.

**Informal complaints** are complaints made by external agencies or individuals over minor issues or where they do not yet wish to use the formal procedures. Whilst they will be encouraged to deal with the matter informally at first, they do have the right to use the formal procedures at any time.

**Formal complaints** – A complaint must be dealt with as a formal complaint when a complainant remains unsatisfied once an initial response has been given by the member of staff they are liaising with; or if the issue is considered to be of a serious nature (by either the organisation or individual or the member of staff); or if it is regarding the conduct of a member of staff or simply if they wish to make a formal complaint without going through the informal route first.

**Written complaint/appeal** – This can take the form of a letter, a complaints form or an email.

## **5. Getting Help**

For help and advice about this policy or procedure please contact a member of the Clearing House Team on 020 7089 9514 or at [ch@broadwaylondon.org](mailto:ch@broadwaylondon.org)

## **6. Related policies/ References for more information**

Complaints and appeals Procedure  
One Nomination Policy  
Guidance of refusing or accepting properties  
Dispute resolution procedure

## **7. Implementation procedures**

See attached Complaints and appeals Procedure document for guidance about how to complain and appeal.



# Complaints and appeals procedure

## 1 Overview

- 1.1 This procedure provides guidance for those wishing to complain about the Clearing House service, a partner organisation or appeal a decision. The procedure will provide clear expectations about the complaints and appeals process. Complaints from clients should be made through the relevant worker. Complaints about other services a client receives should be dealt with in line with the complaints arrangements of those organisations
- 1.2 The procedure should be used when an individual, organisation or client is dissatisfied with a decision or service. Commonly this would include:
  - When a client has been removed from the Clearing House waiting list under the one-nomination policy
  - When a client has been refused a transfer
  - When the service received by a partner agency or client of the Clearing House falls below good practice standards

## 2 Aim

- 2.1 To enable partner agencies and clients to complain or appeal with clear guidance about timeframes, what to expect and what is expected from them.

## 3 Areas of responsibility

- 3.1 All Clearing House Staff are responsible for the implementation of this procedure.
- 3.2 Stage 2 complaints and appeals are dealt with at Senior Management level within Broadway.
- 3.3 Stage 3 complaints and appeals are made to the CLG for final decision.

## 4 Informal complaints

- 4.1 Informal complaints are complaints made by external organisations or individuals over minor issues or where they do not yet wish to use the formal procedures.
- 4.2 Whilst external organisations and individuals will be encouraged to deal with the matter informally at first, they do have the right to use the formal procedures at any time.
- 4.3 Informal complaints should be dealt with by the relevant staff member, who must investigate the complaint and try to resolve the complaint informally within 5 working days.
- 4.4 The staff member must inform their manager that an informal complaint has been made.
- 4.5 Where a complaint cannot be resolved informally, staff should explain this procedure and assist the organisation or individual in making a complaint.

## 5 Formal Complaints

- 5.1 A complaint must be dealt with formally where:

- A staff member has made an initial response to the complaint and the complainant remains unsatisfied.
  - The complainant wishes to make a formal complaint without first going through the informal route.
  - The issue is considered to be of a more serious nature (by either the external organisation or individual, or by the member of staff).
  - A complaint has been made about a member of staff which cannot be resolved informally, for example if it relates to professional conduct.
- 5.2 The Formal stages will be used incrementally. There are three stages.  
Reasons for complaint can (but do not exclusively) include:
- A complaint about a poor standard of service provided to the Clearing House's customers or partner agencies. Please note external agency complaints to be made to the agency concerned.
  - A complaint about the behaviour of a member of Clearing House staff
- 5.3 Complaints between Clearing House partner agencies may be facilitated, investigated and mediated by a Clearing House Manager. They will not be considered under the complaints and appeals procedure and will be considered on a case by case basis under the dispute resolution procedure.
- 5.4 Formal complaints about the Clearing House should be made in writing by the Client's worker (with the client's consent, signed and read by the client), TST, Referral Agency or Housing Provider. The complaint should be addressed to the Clearing House Manager.
- 5.5 Complaints can be made in person, by appointment with the Clearing House Manager or Senior Manager. Clients are entitled to use the help of a representative at any stage of this procedure.
- 5.6 The Clearing House Manager or Team Leader will consider and investigate the initial (stage 1) complaint and make a response within 10 working days.
- 5.7 If the complainant is dissatisfied with the response, they should write to the Clearing House Manager to detail why. This complaint should be passed to a senior manager in his/her absence. The senior manager will consider the complaint by consulting the staff involved in the complaint, considering paperwork and by speaking to any members of staff within Broadway or a partner Agency if s/he feels it is appropriate. The Senior Manager will send a written reply to the complainant within 10 working days of receipt of the complaint letter.
- 5.8 If the complainant remains dissatisfied with their stage 2 response, they should write to the Senior Manager to detail why. The complaint (including paperwork from stages 1 and 2) will be sent to the CLG. The CLG will review the complaint and a response will be issued in writing within 10 working days of receipt. The Clearing House will forward the complaint and paperwork to the CLG within 2 working days

## **6 Appeals**

- 6.1 Reasons for appeal can (but do not exclusively) include:
- a. An appeal to the removal of a client from the Clearing House waiting list
  - b. An appeal to the refusal to accept a newly referred client
  - c. An appeal to the rejection of a transfer
  - d. An appeal to the outcome of a tenancy review meeting
  - e. An appeal to decisions made by Clearing House staff

- a. The Clearing House operates a One Nomination Policy for clients on the waiting list. If a client refuses their offer of accommodation or fails to attend a viewing, they will be removed from the waiting list. Please note that failure to attend a viewing or interview will count as an offer. The client will not have the opportunity to be referred to the waiting list for 12 months after being removed.

Any client who refuses a nomination and is removed from the waiting list has a right to appeal against the decision of the Clearing House. The only ground for appeal is that in the view of the agency and the client the refusal of the nomination was reasonable and justifiable in line with the attached list of justifiable reasons.

Appeals against decisions made under this policy should be made in writing to the Clearing House.

NB: an appeal about a rejection of a client by a Housing Provider needs to be addressed directly with a Housing Provider in line with their procedures. The Clearing House can be involved with this process if requested.

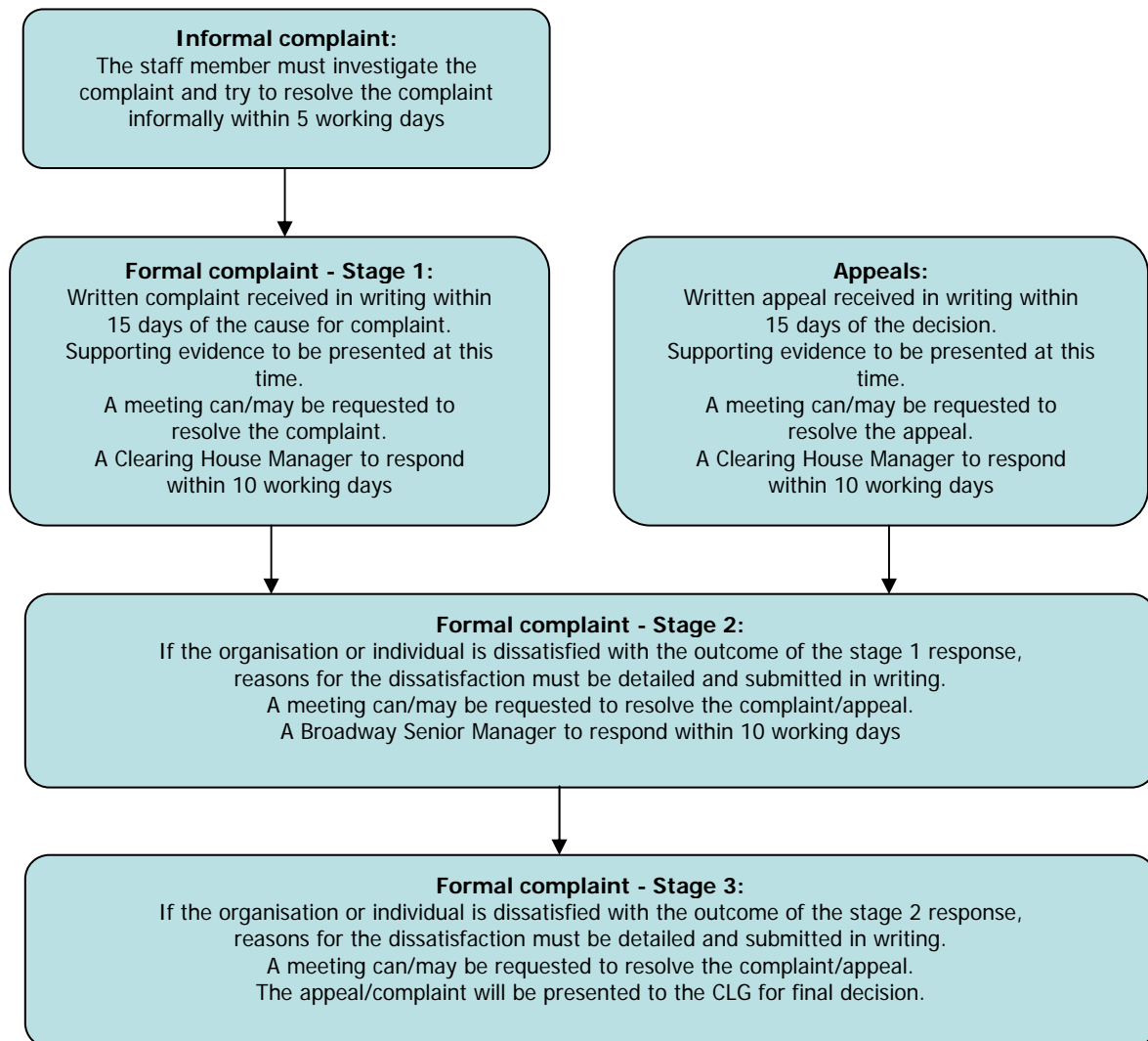
- b. The Clearing House may request additional information and/or supporting information for a referral. This request will be made once, by email, and the referral will not be accepted until the information is received.
  - c. The Clearing House operates a transfers and mutual exchanges policy and procedure. Appeals against decisions made under this policy should be made in writing to the Clearing House.
  - d. In the event that a client is dissatisfied with the outcome of a tenancy review meeting, s/he should appeal to the decision making organisation. Where the appeals/complaints procedure of the decision making organisation have been exhausted an appeal can be made to the Clearing House.
- 6.2 All appeals against Clearing House Team decisions should be made in writing by the Referral Agency, with the clients' consent. Any appeal should be addressed to the Clearing House Manager and should be made within 15 working days of notification of decision. This includes appeals detailed in points a-c.
  - 6.3 Appeals can also be made in person, by appointment with the Clearing House Manager or a Senior Manager. Clients are entitled to use the help of a representative at any stage of this procedure.
  - 6.4 The Clearing House Manager, Team Leader, or a Senior Manager in his/her absence, will consider the appeal by consulting the staff involved in the decision, the clients' file and by speaking to any members of staff within Broadway or a partner Agency if s/he feels it is appropriate.
  - 6.5 The Clearing House Team Manager will send a written reply to the Referral Agency within 10 working days of receipt of the appeal letter.
  - 6.6 Where the appeal is upheld, the response letter will detail what action will be taken as a result of this decision.
  - 6.7 Where the outcome of the appeal is refused and disputed, the appeal may be considered under the formal complaints procedure starting at stage 2 – requiring a response from a Broadway Senior Manager.

## **7 General**

- 7.1 All complaints and appeals should outline clear reasons for the complaint/appeal and supporting evidence must be submitted with the initial complaint

- 7.2 The Clearing House will endeavour to resolve complaints and appeals in face to face meetings wherever possible.
- 7.3 All complaints and appeals will receive a full investigation at each stage of the complaint. This will involve collecting information about action taken and speaking to staff members and colleagues involved
- 7.4 Complaints about staff behaviour will always be referred directly to a Senior Manager.
- 7.5 The decision of the CLG is final.

## 8 Procedure



## **9 Receiving and Recording a Formal Complaint**

- 9.1 If the organisation or individual has complained in writing and has provided enough information for the complaint to be considered, then you can attach the letter to the External Complaint Form and complete any remaining details.
- 9.2 If the organisation or individual is complaining in person or over the telephone then you can either ask them to fill in the External Complaint Form or fill it in for them. If you do this make sure that you provide the organisation or individual with a copy.
- 9.3 The External Complaint Form must be passed to the relevant Manager within 2 working days.
- 9.4 All formal complaints must be logged on the central Clearing House log.

## **10 References**

One nomination policy and procedure

Complaints form

Appeals form

RSI inter-agency complaints form

Dispute resolution procedure

## **11 Performance indicators**

- Informal complaints to be responded to within 5 working days
- Appeals to receive a response within 10 working days
- Complaints (stage 1 and 2) to receive a response within 10 working days
- All stage 3 complaints/appeals forwarded to the CLG within two days of receipt by the Clearing House.