

Complaints Panel

Terms of reference



Aim of the Panel

The Panel's aim is to independently review and resolve complaints where the complainant is unhappy with the response they received from Newlon at stage one. The Panel will apply the principles of fairness; putting things right and helping Newlon learn from complaints in carrying out this role.

Membership

The Panel is resident led and membership will be open to all Newlon residents. Newlon will provide training, advice and support to members so that they can carry out this role to the best of their ability.

Potential members must undertake and pass our complaints training by demonstrating they have the necessary skills and abilities before they can sit on any Panel. During the training, potential members will be assessed for these skills and abilities, which are set out in the Role Description for Complaints Panel members. Training for new members will include the opportunity to observe a panel meeting in progress.

Residents cannot become Panel members if they are in breach of their tenancy with Newlon. For example; if they are in rent arrears.

As members may have access to personal or sensitive information, they must sign Newlon's Data Protection Agreement and abide by the Confidentiality Policy.

Conflicts of interest

To maintain the Panel's independence it is important that any conflicts of interest are always declared. Members must not sit on Panels where they have a potential conflict of interest. For example; where it involves someone they know or a neighbour. If members are asked to sit on a Panel where they know the complainant it will be their responsibility to declare this and excuse themselves from that Panel.

Members must also declare if they have made a complaint to Newlon as they will be unable to sit on any Panel until their own complaint is completed and closed.

Members with a stage two complaint will have their complaint handled by a Panel made up of members not known to them.

Independence and recognition

The Panel forms stage two of Newlon's complaints procedure. However, it is independent in the decisions it reaches about complaints.

The Panel's decision is communicated by letter to the complainant within ten working days. The letter will be reviewed by Panel members and approved by the Panel Chair before it is sent out. The reasons for the Panel's decision will be explained in the letter.

Newlon recognises the Panel as the second and final stage of its Complaints procedure. As the Panel is a part of this procedure, it is not a 'designated person' as defined in the Localism Act 2011.

Decision making

After considering each stage two complaint the Panel will decide what they think is a fair resolution. Their decision:

- Must take into account the relevant Newlon policies and procedures and cannot contravene these. However the Panel may make recommendations for improvements that Newlon will consider when it reviews those policies and procedures.
- May include an award of compensation.
- Will set out any action Newlon should take for a fair resolution.
- Will be made by consensus. If the panel are unable to reach a consensus decision then the chair will make the decision.

Appealing

The Panel will advise the complainant of their options to appeal in their decision letter:

- By taking their complaint to a local 'designated person'.
- By appealing to the Housing Ombudsman.

Panel meetings

The Panel will usually meet twice a month but additional meetings may be called by Newlon to ensure that stage two complaints are handled without unnecessary delay.

Each Panel meeting will usually handle four to five stage two complaints. More could be handled by agreement of the Panel members.

The quorum for Panel meetings will be at least two and no more than three members. In exceptional circumstance, the Panel has the option to meet online if the complainant cannot attend.

The complainant is invited to attend the Panel and present the main issues of their complaint. However they cannot attend with legal representation. The Panel members may ask the complainant questions. After the complainant leaves, the Panel members will make their decision.

Paperwork for the Panel from the complainant should be submitted in advance of the Panel meeting. Paperwork submitted on the day of the Panel can only be considered if the Chair agrees that it would help the Panel reach a fair decision.

New issues cannot be raised by the complainant at Panel meetings, in line with guidance we have received from the Housing Ombudsman.

Each Panel meeting will choose a Chair so that this role is rotated amongst Panel members. The Chair will be responsible for making sure that the meeting keeps to time and to the complaint being discussed.

Before every meeting, Panel members will be provided by Newlon with information about each complaint they will discuss. This will include:

- A summary of the complaint to date
- Excerpts of relevant Newlon policies and procedures
- The reason why the complainant is unhappy with the stage one decision
- What they would like to happen to resolve their complaint.

Fairness

Panel members will apply the principle of fairness – treating people fairly and following fair process when handling stage two complaints.

Treating people fairly includes:

- Ensuring everyone receives the same standard of service regardless of their background, appearance, age, beliefs or lifestyles.
- Treating both the person complaining and Newlon fairly when they consider complaints.
- Considering the way Newlon has treated the person complaining. Considering if the person complaining has reasonable expectations and if they have pursued their complaint in a reasonable way.

Following fair process includes:

- Basing decisions on evidence and the facts of each case so they are free from bias and are impartial. Including if Newlon has followed a fair process so far.
- Ensuring all decisions they make are clear, setting out the reason for that decision and any further action they are recommending.

Putting things right

The Panel has a role in helping Newlon resolve complaints. To identify, what if anything went wrong and to recommend any action necessary to put it right.

The Panel should consider if Newlon has made a genuine effort to put things right. Resolution should not be offered that cannot be delivered and that would cause unfairness to other residents.

Learning from complaints

Each Panel meeting will identify any potential learning opportunities, arising from complaints and make specific recommendations to Newlon about these.

Newlon will collate and report these recommendations to the Residents Services Committee and the Residents Forum each quarter. Where changes have resulted from the recommendations, these will be reported to residents in general.

Panel members may also meet to review their handling of stage two complaints and make recommendations for improvements.

Code of conduct

Panel members will be expected to abide by the Code of Conduct, especially in relation to confidentiality.

Rewarding Panel members

In recognition of the time involved, each time a Panel member attends a Panel meeting they will receive a reward, which is currently £50. Out of pocket travel expenses may also be claimed on submission of receipts for the exact amount.