



Complaints and Compliments Policy and Procedure

This Policy and Procedure can be made available in other languages and formats including Braille and Audio on request.

1.0 Introduction

- 1.1 As a provider of housing, care and support, Pivotal is committed to delivering the best possible service across all areas of the organisation. We recognise that, from time to time, instances may arise where our customers or others feel they have reason to complain or wish to give us a compliment.
- 1.2 When we receive a complaint, we will always aim to resolve it quickly, efficiently and, wherever possible, to the complainant's satisfaction. Compliments will be valued as they help us know when we are getting things right.
- 1.3 In line with our ethos of continually improving our services, complaints and compliments will be used for this purpose, taking into account the need to protect personal data.
- 1.4 Pivotal will inform customers of the Housing Ombudsman Service and how they can use it. We will comply with recommendations made by the Ombudsman.

2.0 Scope

- 2.1 This policy and its attendant procedures apply to customers, external agencies and third-party individuals wishing to make a complaint about Pivotal services.

3.0 Aims

- 3.1 It is the aim of this document to clearly identify what constitutes a complaint or compliment, highlight the importance of both to us, and set down how we will manage, monitor, record and report on complaints and compliments.

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4.0 Definition of Terms

Complaint For the purposes of this policy a complaint shall be defined as *an expression of dissatisfaction*, however made, about the standard of service, actions or lack of action by the organisation, its employees, or those acting on its behalf, affecting an individual customer or group of customers. The customer does not have to use the word complaint in order for it to be treated as such and any expression of dissatisfaction which cannot be promptly resolved to the satisfaction of the customer should be treated as a complaint.

Requests relating to service shortfalls (pre-complaint)

Where this can be promptly addressed to the satisfaction of the customer, it is not a complaint (although it may become a complaint if not dealt with promptly). It is important to recognise the difference between a service shortfall and a formal complaint.

Compliment For the purposes of this policy, a compliment is defined as an expression of approval, however made, about the standard of service, actions or action by Pivotal, its employees, or those acting on its behalf, affecting an individual customer, group of customers or third party.

Customer For the purposes of this policy, a 'customer' includes anyone in receipt of services from Pivotal and any other stakeholder, external agency or third-party individual.

Policy

5.0 Accepting a Complaint

- 5.1 Pivotal will accept a complaint unless there is a valid reason not to do so. If Pivotal does not accept a complaint, we will ensure full records evidencing our reasoning. Each complaint will be considered on its own merits.
- 5.2 Pivotal colleagues should be alert to customer dissatisfaction and aware that the customer does not have to use the word 'complaint' in order for it to be treated as such.
- 5.3 Where a service request cannot be reasonably and practicably resolved, it will become a complaint.
- 5.4 All Pivotal colleagues should approach complaints with empathy and a customer focused attitude, listening to, and understanding the reasons for the complaint, and accepting it unless there is a valid reason not to do so.
- 5.5 Pivotal will work with customers from the outset to ensure that we understand the outcome the customer would like and can manage expectations should that become unrealistic.

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- 5.6 Where something has gone wrong, Pivotal will acknowledge this and set out the actions it has already taken, or intends to take, to put things right. When taking remedial action, we will ensure that no unfairness or detriment results for other customers.
- 5.7 Where a key issue of a complaint relates to the parties' legal obligations, we will clearly set out the obligations of both parties.
- 5.8 Pivotal will accept complaints referred to us within 12 months of the issue occurring or the customer becoming aware of the issue, unless they are excluded on other grounds. We will consider whether to apply discretion to accept complaints made outside of this time limit where there is good reason to do so, considering the individual circumstances of each complaint.

6.0 When we will not deal with a complaint under this policy

- 6.1 Where the following instances arise, they will not be dealt with by Pivotal's Complaints Policy and Procedures:
- a) The issue/situation giving rise to the complaint occurred over 12 months ago (unless related to safeguarding or health and safety matters).
 - b) The matter concerned is not the responsibility of Pivotal.
 - c) Legal proceedings are pending or an insurance claim against us is being made.
 - d) During disputes regarding service charge calculations.
 - e) The complaint relates entirely to services or decisions outside of our control.
 - f) An attempt is made to reopen/reconsider a previously concluded complaint where we have provided a final decision.
 - g) Cases where a colleague wishes to raise a complaint against another colleague (these will be dealt with via Pivotal's Whistleblowing and/or Grievance Policies as appropriate).
- 6.2 On receipt of a complaint Pivotal cannot accept, we will respond in writing detailing the reasons for this. A Pivotal customer, or someone acting on their behalf, has the right to challenge our decision using the Housing Ombudsman service.

7.0 How to make a complaint or give a compliment

- 7.1 It is Pivotal policy to offer a range of ways in which a customer can complain or give us a compliment as listed below.

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Internally (Customers):

- In key working sessions.
- To a Pivotal employee, Service Manager or to Head Office either verbally or in writing.
- In a house meeting.
- By email at complaintsandcompliments@pivotalhomes.co.uk
- Via the Pivotal website at www.pivotalhomes.co.uk

A complaint must be raised when a customer expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. Landlords must not stop their efforts to address the service request if the resident complains.

External agencies or organisations, stakeholders and third-party individuals can make complaints to us in the following ways:

- Verbally, in person.
- Verbally, via the telephone.
- In writing (by letter).
- By email at complaintsandcompliments@pivotalhomes.co.uk
- Via the Pivotal website at www.pivotalhomes.co.uk

- 7.2 Any complaints or compliments about Pivotal colleagues should be addressed, in the first instance, to their Line Manager.

8.0 Support for Customers

- 8.1 Pivotal will comply with the following:

- Equality Act 2010
- Housing Ombudsman Service Complaint Handling Code (and any findings or recommendations made)
- Regulator of Social Housing's Consumer Standards
- Data Protection Act 2018
- Localism Act 2011

- 8.2 Pivotal will always treat complainants fairly and have regard to reasonable adjustments required by customers making a complaint. Ensuring appropriate recording of disabilities along with any agreed reasonable adjustments on their occupancy file and will be reviewed during key work sessions and annual tenancy reviews.

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- 8.3 Anyone expressing a difficulty communicating their complaint to us should ask for assistance.
- 8.4 Any colleague who is aware of a communication difficulty for a customer should offer them assistance or, if preferred by the complainant, signpost them to appropriate, impartial, external support.
- 8.5 A customer may assign a representative to deal with their complaint on their behalf. In these circumstances, and where it is reasonable and practical, the representative should accompany the complainant to any meetings.
- 8.6 Compensation decisions will be made in line with Pivotal's Compensation Policy.

Procedure

9.0 Early resolution

- 9.1 Pivotal colleagues should always aim to achieve the earliest possible resolution of any service request. Resolving a service request in the early stages can often result in increased customer satisfaction and reduce complaints.
- 9.2 At the outset of the investigation, the investigating manager should:
- establish the facts from the customer's perspective and clarify with the customer the desired outcome;
 - identify from the customer, any further evidence or statements (from others) needed to fully consider the complaint;
 - take urgent action where it is clear that the situation described by the customer requires this (e.g., for health and safety reasons), making immediate recommendations to the Lead Officer for Health & Safety and informing the customer.
- 9.3 Where the above is not possible, Pivotal will always seek to resolve complaints as promptly as we can using the 2-stage process set out below. Pivotal will not refuse to escalate a complaint through all stages of the complaint procedure unless we have valid reason to do so. Where this is the case, we will clearly set out these reasons in compliance with the Ombudsman Service Complaint Handling Code.

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Stage 1 – Registering and responding to a complaint

In cases where a customer has a legal entitlement to redress, Pivotal will still offer a resolution where possible, following legal advice.

In the event that an issue cannot be resolved promptly to the satisfaction of the customer, it must be registered as a complaint and the following steps must be taken (also see the flowchart in Appendix 3):

Where a complaint is made in person to a Pivotal colleague, the colleague receiving the complaint must, within 1 working day of receiving it, upload a copy of the complaint to the complaints and compliments inbox; complaintsandcompliments@pivotalhomes.co.uk

A designated complaints handler will, within 5 working days of initial complaint;

1. Record the complaint on the Central Complaints Log.
2. Assign complaint to an appropriate Service Manager for investigation. Allocation of the Service Manager should be done with consideration for any actual or perceived conflict of interest.
3. Send acknowledgement letter with:
 - a. Details of the investigating officer.
 - b. Date full response is expected by (10 working days from acknowledging the receipt).
 - c. Copy of the complaints P&P
 - d. If no address; make contact via details provided to acknowledge complaint and obtain details to write out as per points a-c.
 - e. Send a copy of the complaint and acknowledgement to the assigned Manager.

The assigned investigating Manager will;

1. Listen carefully to the complainant to achieve a clear understanding of the complaint and what they would like the outcome of their complaint to be, asking the complainant for clarification if any aspect of the complaint is unclear. (see appendix 1).
2. Be clear with the customer about their expectations from the outset and whether the desired outcome is unreasonable or unrealistic.
3. Investigate the complaint in an impartial way.
4. Record all relevant information on the Complaints Log as investigations progress.
5. Respond to the complainant no later than 10 working days from the date the organisation received the complaint. If this is not possible, discuss with the Head of Housing and, with their agreement, provide an explanation to the complainant and a date by when the Stage 1 response will be received. (The date provided must not exceed 20 days from the date the organisation acknowledged the complaint).

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6. A complaint response will be provided to the customer when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tacked and actioned promptly with appropriate updates to the customer.
7. Send copies of full investigation details and response letter to the designated complaints handler by emailing; complaintsandcompliments@pivotalhomes.co.uk

Additional Complaints Raised During Investigation

- Where customers raise additional complaints during the course of an investigation, these must be incorporated into the **Stage 1 response** if they are related to the original issues.
- If the **Stage 1 response has already been issued**, or if the new issues are **unrelated** to those already being investigated, or if including them would **unreasonably delay the response**, the new issues must be logged and managed as a **separate complaint**.

The above process will close Stage 1.

If all or part of the complaint is not resolved to the customers satisfaction at Stage 1, it must be progressed to Stage 2 of the landlord's procedure. Stage 2 is the landlord's final response.

Stage 2 - Appeal

1. An appeal following the decision made in Stage 1 must be received by the Lead Officer no later than 10 working days after the complainant received the Stage 1 response and will be considered by an alternative appropriate manager either at the same level or above the Stage 1 assigned manager.
2. An appeal will be acknowledged within 5 working days of receiving it.
3. An appeal will be considered and fully responded to within 20 working days of date of receipt of appeal by the Stage 2 assigned manager, unless there is good reason for not responding within the timeframe.
4. Where a response within the timescale is not possible, a written explanation for this will be provided, together with the date by which a response will be received.
5. Customers are not required to explain their reasons for requesting a Stage 2 consideration. Pivotal will make all reasonable efforts to understand why a resident remains unhappy as part of its Stage 2 response.
6. The Stage 2 assigned manager response is final, closes Stage 2 and ends the internal process.

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10.0 Closing complaints

10.1 Pivotal will also close complaints in circumstances where:

- a) The complainant tells us that they are satisfied with the outcome.
- b) The complainant does not want to proceed with the complaint.
- c) No further communications are received from a complainant within 10 working days of a Stage 1 response being sent to the complainant.
- d) The matter has resulted in litigation and is now being dealt with by solicitors or a legal hearing has taken place and a judge has made a ruling.
- e) There is nothing more we can do to resolve the matter.
- f) The complainant acts in an unreasonable or offensive manner and/or refuses to cooperate with our investigations.

11.0 Communicating with a complainant

11.1 Pivotal colleagues should always take a positive approach to complaints, viewing them as an opportunity for service improvement (also see Appendix 1). High volumes of complaints are never viewed as a negative as they indicate our accessible complaints process offering us every opportunity to listen to our customers with the view to continual improvement to service delivery.

11.2 All communications with a complainant should:

- a) use plain language appropriate to the needs of the complainant;
- b) ensure customers are regularly updated in line with the timeframes in this P&P;
- c) communicate responses on behalf of Pivotal and, where fault has occurred, take responsibility on behalf of the company, not in respect of individuals or contractors employed by the company;
- d) clearly address all points raised in the complaint;
- e) keep the complainant informed even when there is no new information to provide and ensure any extended timeframes are met;
- f) provide relevant, policy, legal and good practice-based reasons for Pivotal's decisions and details of remedial actions;
- g) give information on how to escalate the complaint if dissatisfied with an outcome.

12.0 Unacceptable behaviour

12.1 Pivotal understand that customers may feel upset or frustrated when making a complaint; however, there are some behaviours or actions that we consider unacceptable. These include:

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- aggressive or abusive behaviour – examples include, but are not limited to threats, physical violence, personal verbal abuse, derogatory and discriminatory remarks, rudeness, inflammatory statements and unsubstantiated or malicious allegations;
- unreasonable demands – examples include but are not limited to demanding responses within unreasonable timescales, refusing to speak to colleagues who can assist and/or insisting on speaking only to a particular colleague, repeatedly changing the substance of a complaint or raising unrelated concerns;
- unreasonable persistence – examples include, but are not limited to, persistent refusal to accept decisions or explanations made in relation to a complaint, continuing to pursue a complaint without presenting any new information, making excessive and unwarranted contacts taking up disproportionate amount of colleague time and resources.

12.2 Pivotal will always seek to resolve a complaint and appreciate that complaint situations may be frustrating for a customer. However, demonstration of these types of behaviours may result in a complaint not being investigated, escalated and/or any action being taken.

13.0 Recording complaints

13.1 All details of complaints must be logged at every stage of their progress; from the date they are accepted to their conclusion when the outcome is recorded (including any appeal).

The following responsibilities lie with respective Pivotal colleagues:

The Designated Complaints Handler must:

- monitor the **Complaints and Compliments inbox** on a daily basis;
- log each complaint on the **Complaints and Compliments Central Log**, including:
 - The date the complaint was received
 - The response due date
 - The details of the assigned Investigating Manager;
- take responsibility for ensuring that all details of the complaint, including the investigation and final outcome, are stored appropriately and securely.

The **Assigned Manager** will record all details of the complaint as it progresses. This will include:

- details of the investigation;
- all communications with the complainant;
- all actions taken;
- all people involved in resolving the complaint;

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- relevant reports and surveys;
- the outcome of the complaint;
- the response sent to the complainant;
- sending copies of all records to the Designated Complaints Handler at:
complaintsandcompliments@pivotalhomes.co.uk

The Assigned Manager will have access to colleagues at all levels to facilitate prompt resolution of complaints.

The Assigned Manager has the authority and autonomy to act in order to resolve disputes promptly and fairly.

The manager at Stage 2 appeal will record all details of the appeals process and its outcome on the Complaints Log.

14.0 Delayed responses to a complaint

- 14.1 Pivotal will always endeavour to resolve complaints in as short a timeframe as possible with the aim that delayed responses arise infrequently.
- 14.2 In the event that Pivotal are unable to provide a response or resolution to complaints within the timescales set out in this policy and procedure, we will contact the complainant, clearly explain the reasons for the delay and agree an extension date of no more than an additional 10 working days. We shall also provide the Housing Ombudsman details to enable them to challenge our reasons for the delayed response.

15.0 Privacy and confidentiality

- 15.1 All Pivotal colleagues must respect the privacy and confidentiality of a complainant and work in line with Pivotal's Privacy Notice and GDPR Policy at all times.

16.0 Housing Ombudsman Services (HOS)

- 16.1 Complainants have the right to make a formal complaint to the Housing Ombudsman Service (HOS). The HOS may offer to mediate, arbitrate, reject the complaint or make recommendations to Pivotal on how it should address the complaint.
- 16.2 The HOS can be contacted eight weeks after the customer has received a final response following the Stage 2 process set out in this policy and procedures.

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The Ombudsman can be contacted at:

Housing Ombudsman Service
PO Box 1484
Unit D
Preston
PR2 0ET
Telephone: 0300 111 3000
E-mail: info@housing-ombudsman.org.uk

Note: For a list of other organisations that may be helpful to complainants see Appendix 2.

17.0 Complaints about anti-social behaviour (ASB)

- 17.1 Complaints about ASB will be dealt with in accordance with Pivotal's ASB Policy and Procedures and recorded on the Complaints and Compliments Log.

18.0 Anonymous complaints

- 18.1 Pivotal will always do the best it can to follow up anonymous complaints, as they may highlight problems that we are unaware of and need to act on.
- 18.2 Pivotal will investigate anonymous complaints about harassment, ASB, health and safety issues, complaints where the complainant fears recrimination or may be easily identified and when the complaint can be substantiated e.g., by evidence from a third party.
- 18.3 Other anonymous complaints will be dealt with by the departmental manager at their discretion.
- 18.4 If a complainant's claims cannot be substantiated, and where we are unable to act due to a lack of evidence, we may refer such information as we have to a more appropriate agency for investigation.
- 18.5 Pivotal acknowledges that anonymous complaints may sometimes create practical difficulties due to our inability to obtain further information and that this may result in us not being able to take a complaint any further.

19.0 Compliments

- 19.1 We acknowledge the value of compliments. Feedback is always appreciated and passed on to the Senior Leadership Team as part of the reporting process and to inform best practice.

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- 19.2 Compliments may be given to individual colleagues, via Line Managers or Head Office on 01202 306070 or via Pivotal's website www.pivotalhomes.co.uk or email complaintsandcompliments@pivotalhousing.co.uk
- 19.3 When a compliment is received, this should be seen as an indicator that we are providing a high standard of service. Any colleague receiving compliments on behalf of Pivotal should ensure that they are passed on to others through the line management process.
- 19.4 All compliments received from an external source should be logged on the Complaints and Compliments log.
- 19.5 All customers and others affected by the activities of Pivotal are welcome to express satisfaction or appreciation about our services and we will use this feedback to support our learning and continuously improve our services.

20.0 Induction and training

- 20.1 Pivotal will require all new colleagues to familiarise themselves with this policy document as part of their induction.
- 20.2 Pivotal customers will be informed of this policy at sign up. Information about how to complain or give a compliment will be included in the customer handbook.
- 20.3 Colleagues will be trained and supported to enable them to resolve pre-complaint expressions of dissatisfaction with service shortfalls informally, and promptly whenever possible. However, where this is not achieved and a matter is escalated, Pivotal will view complaints as a valuable asset with the potential to inform service improvement and improve customer satisfaction.

21.0 Recording and reporting

- 21.1 Pivotal acknowledges that accountability and transparency are integral to a positive complaint handling culture. We will report to our customers and colleagues on wider learning and improvements following complaints.
- 21.2 The Investigating Manager or Head of Housing who closes the complaint will send a feedback sheet to the customer following closure, to be returned to the Head of Services for the purposes of team training and informing Board Reports on Complaints and Compliments.

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Key Performance Indicators

21.3 Pivotal will collect data monthly on the following Key Performance Indicators:

- a) Number of complaints received.
- b) Number of complaints resolved.
- c) Number of complaints escalated to Stage 2.
- d) Number of complaints resolved at Stage 2.
- e) Number of complaints resolved within the stated timeframes.
- f) Number of complaints with extended timeframes and residents informed.
- g) Where extended timeframes were used, was there good reason for this?
- h) Number of complaints resolved to the complainant's satisfaction.
- i) Number of complaints escalated to the Housing Ombudsman.

21.4 We will report the above statistics within our annual self-assessment against the Housing Ombudsman Complaint Handling Code by publishing an annual report on our website.

22.0 Monitoring and review for service improvement

22.1 Following closure of a complaint, Pivotal will hold a debriefing session with colleagues who have been involved in the process. The focus of this will be to support colleagues and consider whether lessons can be learned for service improvement.

22.2 Pivotal carries out annual customer surveys. These will include information about how customers can pursue service dissatisfaction as a complaint if they wish to do so. Whilst an expression of dissatisfaction with services made through a survey is not defined as a complaint, wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to do so.

22.3 The Lead Officer will continually monitor and review the overall management of complaints and compliments.

22.4 An annual audit of complaints and compliments will be undertaken by the Quality and Compliance Team.

22.5 Pivotal Boards will receive a quarterly report on complaints and compliments including trends and lessons learned undertaken by the Lead Officer sent to the Senior Leadership Team.

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24.0 Consultation

- 24.1 All Pivotal policies and procedures go through a series of consultations as part of their development. Pivotal colleagues, customers and stakeholders were consulted as part of the development of this policy and its attendant procedures.

25.0 Review of this policy and procedure

- 25.1 This policy and the procedures included in it will be reviewed annually by Pivotal's Senior Leadership Team.

Related Pivotal Policies:

Grievance Policy and Procedure
Whistle Blowing and Allegations Against Employee's Policy
Disciplinary and Appeals Policy
Safeguarding of Vulnerable Adults Policy
Safeguarding Children Policy and Procedure
Equality, Diversity and Inclusion
Anti-Social Behaviour Policy & Procedure
Vexatious Contact Management Policy & Procedure

Legislation, regulation and guidance informing this document:

Localism Act 2011
RSH Regulatory Standards
Equality Act 2010
HO Complaint Handling Code

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Appendix 1

Good practice for colleagues managing complaints

- A. Any complaint should be recognised as a potential opportunity for service improvement and approached in a positive way as a learning opportunity, acknowledging where things have gone wrong.
- B. Complainants should be made aware of this policy and procedure and the Housing Ombudsman service as soon as possible if they are not already aware.
- C. All complaints should be investigated fairly and with an open mind, dealt with on their merits and resolved at the earliest possible opportunity, providing an explanation, assistance or reasons.
- D. The complainant and, if applicable, any colleague who is involved as part of the complaint, must also be given a fair opportunity to set out their position and comment on any adverse findings before a final decision is made.
- E. Information and evidence relating to complaints should be carefully considered, disclosed on a need-to-know basis necessary to investigating the complaint and confidentiality must always be respected.
- F. Any complaint in respect of safeguarding or health and safety should be actioned immediately.
- G. Colleagues should consider whether any notification to another statutory agency is required.
- H. Any unacceptable behaviour during the complaints process should be reported immediately to the Line Manager and Head of Housing for the area and any restrictions placed on a complainant due to their behaviour recorded.
- I. Where something is found to have gone wrong in respect of Pivotal's service, this should be acknowledged and an apology provided, along with remedial actions explaining what is being done to prevent it from happening again.
- J. When considering remedial action Pivotal should ensure the expectations of the complainant are managed and never promise anything it cannot deliver or that may be unfair to others.
- K. Complaints management should always look beyond the circumstances of the individual complaint and consider systemic issues and whether policy, procedures, process or systems changes could provide wider benefit for all.
- L. At the appeal Stage 2, consideration should be given to why the complainant remains dissatisfied, whether all aspects of the complaint have been properly resolved, who needs to be kept informed, additional evidence to be gathered, relevant policies and procedures, complaints log/other records, and the anticipated appeal completion date.

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Appendix 2

Useful organisations for additional support/advice

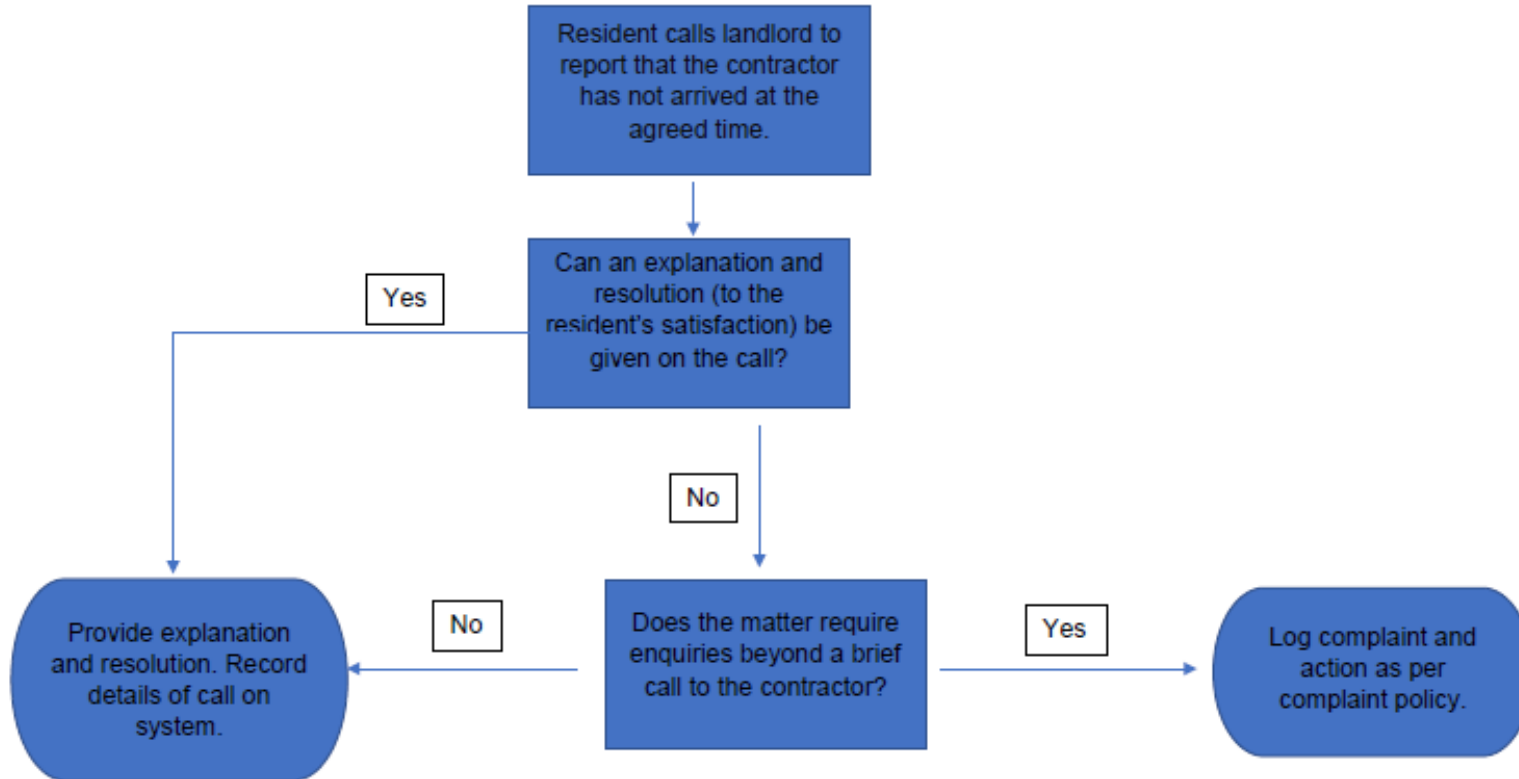
Some of the external organisations that may be able to provide you with advice and support on making a complaint are listed below.

Area	Organisation
Dorset	Shelter Housing Aid Centre Tel: 0344 515 1400 30 Poole Hill Bournemouth Dorset, BH2 5PS
Cornwall	Shelter Housing Advice Centre Tel: 0344 515 2300 Palace Building Quay Street Truro, TR1 2HE
Gloucestershire	Gloucestershire Housing Department https://www.gloucester.gov.uk/housing/homelessness/ Gloucester Law Centre (advice on housing) Tel: 01452 423 492
Citizens Advice Bureau (CAB)	National advice line: 03444 111 444. (The CAB will advise you on what to do next and whether you should take your complaint to the Housing Ombudsman Service).
The Complaints Officer	Dorset Adult and Community Services Directorate County Hall Colliton Hall Dorchester Dorset, DT1 1XJ
Adult Social Services Commissioning	Civic Centre Annexe Tel: 01202 633740 Park Road Poole Dorset, BH15 2RT
Gloucestershire County Council Social Care	Shire Hall Tel: 01452 426868 Westgate Street Gloucester GL1 2TR Socialcare.enq@gloucestershire.gov.uk

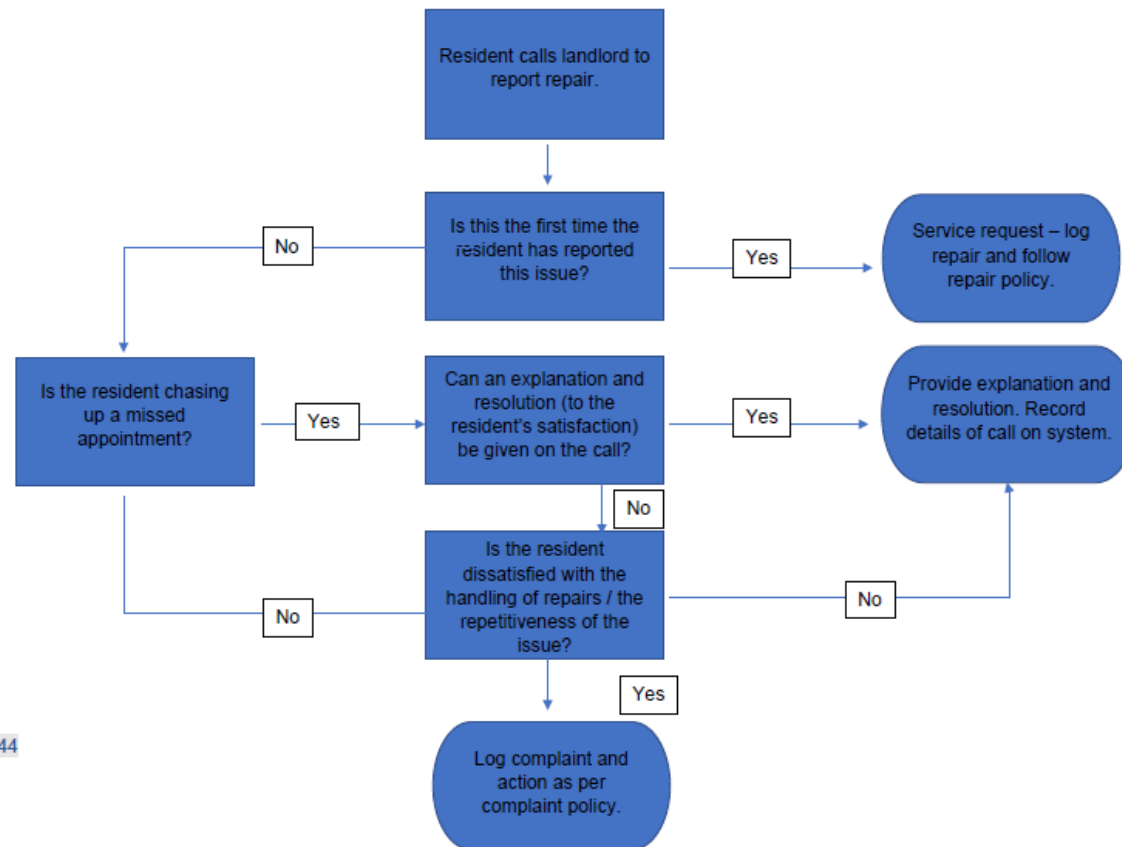
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Appendix 3

Service Request or Complaint – flow charts

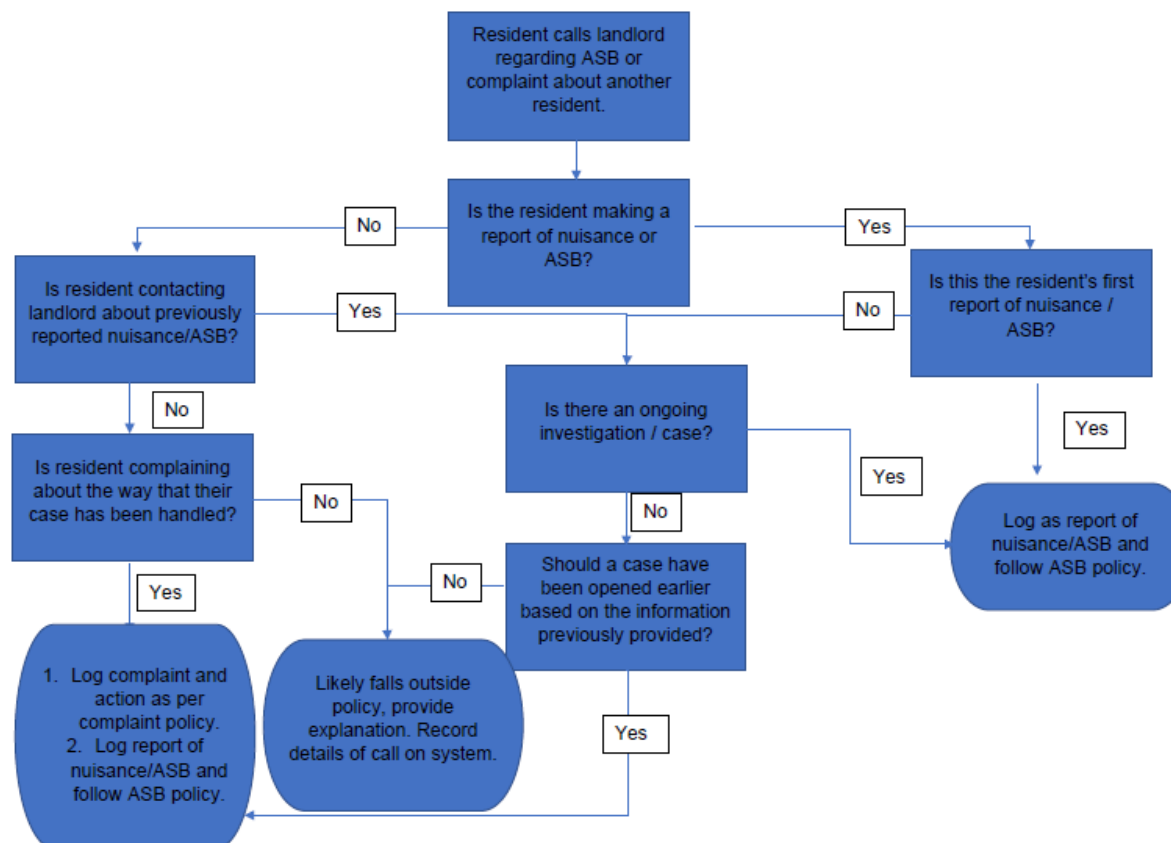


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