

Complaints Policy

V2

Effective from: (M/Y)	Feb 2021
Effective to: (M/Y)	Feb 2024
Policy Author/Owner	Janette Taylor
Directorate	Customer Services
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Approval Body	Leadership & Operations Committee
Date Approved (M/Y)	11th Feb 2021

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1. Policy aim

- 1.1 This policy sets out Together Housing Association's (THA) approach to dealing with complaints from its tenants and other customers.

The Regulator of Social Housing (RSH) Consumer standard "Tenant Involvement & Empowerment" states that "*a registered provider shall have an approach to complaints that is clear, simple and accessible that ensures that complaints are resolved promptly, politely and fairly*". This policy sets out to ensure this requirement is met.

In addition, the Housing Ombudsman (THO) complaint handling code sets out what it expects from the sector. This policy ensures that we comply with that code.

The policy will ensure that feedback from complaints is used to improve the customer experience, deliver high levels of satisfaction and identify learning that supports process improvements.

2. Where does it apply

- 2.1 This policy applies to tenants of, and applicants for, THA rented housing as well as tenant leaseholders concerning service failure.

It can be used alongside relevant service standards and to influence procedures to ensure complaints are handled quickly and responsibly.

- 2.2 THA has adopted the Housing Ombudsman's definition of a complaint: -

"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 own staff, or those acting on its behalf, affecting an individual resident or group of residents".

- 2.3 Examples of what we **will** consider as a complaint include: -

- Failure to provide a service that we say we will
- Failure to provide that service to a reasonable standard
- Failure to follow a THA policy or published service standard
- The unprofessional behaviour of a member of staff (e.g. in breach of Code of Conduct policy)
- Failure to provide information or the right information in a timely manner.

- 2.4 THA may **not** deal with any of the following as a complaint under this policy: -

- An initial request for a service
- Reports of neighbour nuisance or anti-social behaviour (these are dealt with by separate departments)
- Complaints about services that are not provided or contracted by THA
- An Insurance claim that is made through THA's Insurance providers

- A complaint which relates to alleged failure to comply with the General Data Protection Regulation (GDPR)
- A complaint relating to an executive or non-executive director of THA (separate procedures will apply in both circumstances)
- A complaint which relates to an event more than 6 months before the date that we receive the complaint (exceptions considered where safeguarding or Health & Safety is a factor)
- Any issue which is subject to ongoing legal proceedings or investigation.
- A complaint that is repeated and has already been completed under this policy.

2.5 If THA decides not to accept a complaint, a detailed explanation will be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and their right to contact the Ombudsman.

3. Our policy is

3.1 Together Housing Association (THA) has adopted the principles set out by the Housing Ombudsman Service in its approach to complaint resolution.

THA will: -

- **Be fair** – treating people fairly and follow fair processes - a constructive approach that applies consistent principles to all complaints and each complaint is considered on the facts of each individual case
- **Put things right** – where we have got things wrong
- **Learn** from the outcome of complaints – feedback to service users including the complainant on lessons learnt and actions taken to improve service delivery

4. Making a complaint

4.1 THA offers a range of ways in which people using our services may indicate that they might have a complaint – on-line, by phone or by letter. This includes via social media and our text-based feedback system Rant and Rave. Anonymous complaints will be considered on their merit, but responses may be limited.

4.2 THA will accept complaints from authorised advocates acting on behalf of another person (with written permission to do so) where that person has a right to complain.

5. How will THA aim to resolve complaints?

5.1 THA recognises that sometimes we get things wrong or don't meet the levels of service that our customers have been promised and that we set out to deliver. When this happens THA operates a staged process that will always seek to resolve complaints at the earliest opportunity.

- 5.2 THA will put customers at the heart of the process by working in partnership with them through the complaints process and to deliver proportionate resolutions.
- 5.3 **Mediation** may be offered at any stage of the complaints process. Mediation is a balanced, positive way of sorting things out before the conflict starts to affect people's quality of life. Mediation is impartial and fair for all parties involved and helps people to find a way to work out a solution to their problems. Mediation offers both parties the opportunity to help improve communication and look at resolutions which suit both the landlord and the tenant.
- 5.4 **Get It Sorted (GIS)**

If it is clear there has been no service failure (i.e. no breach of policy) we can still record dissatisfaction so that any trends can be considered for policy change. We will explain this, but there will be no further contact.

Examples of dissatisfaction are where we have delivered a service within policy, there is a temporary change that we have told you about or no evidence is provided to support a claim or complaint.

All complaints are triaged (assessed) by Customer Services. Where service failure is suspected, we will always aim to resolve the complaint by putting things right (or explaining our position) as quickly as possible. We call this process "**Getting it sorted**". This is an informal stage, but we will log what we do or say and let the resident know what is being done or if (and why) there will be a delay. We may also explain or confirm actions in writing. We aim to log, acknowledge and find a resolution within 5 working days at this stage, although this may mean arranging an action that takes place within a reasonable time after this.

We look to manage residents' expectations from the outset, being clear where a desired outcome is unreasonable or unrealistic.

This means that if there is nothing further that can be done, we will explain why escalation to stage 1 will serve no purpose and that the complaints process has been exhausted. We will provide contact details of the Ombudsman at this point. This decision will be agreed by the Resolution Team.

5.5 **Stage 1 – Investigating your complaint**

If we were unable to resolve the complaint at Get It Sorted within 5 working days (or on receipt of a response) then the resident can set out their position, what outcome they are seeking and request that this is investigated under the formal stage of our complaints process "**Investigating your complaint**".

This stage of the process will be logged and acknowledged within 5 working days and involve a full investigation of the complaint by a Manager or equivalent, with the outcome of the investigation and the agreed resolution/remedy/redress set out in writing within 10 working days. When we know this may not be possible, we will explain why and can extend this by a further 10 working days - or longer only with the resident's agreement.

These formal stages will be overseen by the Resolution Team to provide impartiality and ensure that fair and appropriate findings/recommendations are made.

5.6 Stage 2 – Reviewing your complaint

If a resident believes that THA has failed to fully address their complaint at stage 1, they must set out their position, what outcome they are seeking and request a review of the case and the subsequent decision. This will be logged and acknowledged within 5 working days.

We will manage residents' expectations and again be clear if a desired outcome is unreasonable or unrealistic.

A review of the case and the subsequent decision will be carried out by a Senior Manager or equivalent.

They will review the complaint to ensure that it has been conducted appropriately and that THA has been fair, attempted to put things right and we have learned from the complaint. The outcome from this review will be set out in writing within 15 working days. When we know this may not be possible, we will explain why and can extend this by a further 10 working days - or longer only with the tenant's agreement.

This stage forms the last internal stage of THA's complaints process, and the response will explain the referral process and provide contact details for the Housing Ombudsman.

6. How will we deal with complaints? Our principles

6.1 Having a positive approach to complaints

THA will adopt a positive culture towards complaints throughout the organisation, recognising complaints as a learning opportunity to improve services to our customers. We will do this by: -

- Ensuring our Boards, Leaders and Senior Managers provide effective Leadership in complaint management, ensuring clear accountability throughout our structures, with a focus on achieving positive outcomes and learning from complaints
- Ensuring adequate resources are made available for complaint handling
- Providing open and transparent processes, which are accessible to customers
- Ensuring expectations are properly managed
- Aiming to resolve complaints at the earliest opportunity, learning from the outcomes and ensuring staff understand their roles and responsibilities and have the authority to resolve complaints

- Providing training to staff to ensure they have the skills and ability to resolve complaints at any stage
- Ensuring that diversity is taken seriously to make sure that tenants are treated fairly whatever their circumstances.

6.2 Being fair – Treating people fairly and following fair processes

THA will ensure that we treat people fairly by: -

- Providing people with the same standard of service, while taking account of the individual and their circumstances and respecting privacy and confidentiality
- Being flexible in our application of policies and procedures to ensure we take account of individual needs and agree what reasonable adjustments can be made
- Being consistent and transparent in our approach to complaints
- Being clear about where responsibilities lie for resolving complaints
- Giving everyone involved in a complaint the opportunity to explain their point of view
- Being clear how we will deal with complaints, or complainants which we consider to be vexatious or unreasonable.

THA will ensure we follow fair processes by: -

- Providing clear and accessible information in a range of formats about our complaints process
- Offering different ways in how to make a complaint, with help to access the process if needed
- Seeking to resolve complaints at the earliest opportunity
- Providing opportunities for customers to challenge decisions and have their complaint escalated if an agreed resolution cannot be found
- Being clear and realistic on timescales to manage expectations
- Basing our decisions on evidence and the facts of the particular complaint
- Giving clear information on how decisions have been made and how they may be challenged.

6.3 Putting things right - where we have got things wrong

THA will always aim to find appropriate and satisfactory resolutions to complaints and will seek to remedy situations where we have got things wrong. We will do this by: -

- Seeking to find solutions which satisfy all parties to a complaint and maintain a positive relationship with our tenants and other customers
- Ensuring that staff who deal with complaints are trained, empowered and can make decisions that will resolve complaints appropriately
- Managing expectations by not making promises that we can't keep
- Aiming to rectify situations by putting tenants back in the position where they would have been before we got things wrong

- Offering financial compensation, where appropriate, through our compensation policy to recognise a failure to put something right
- Always complying with law, policy and good practice
- Learning from individual complaints and putting right any wider issues with policy, procedures or service delivery.

6.4 Learning from the outcome of complaints

THA will aim to learn lessons from the outcome of complaints in order to improve the services that we deliver for our residents and other customers. We will do this by: -

- Having systems in place to proactively record and analyse data from complaints, and reviewing the outcomes to identify implications for service delivery
- Capturing and recording satisfaction levels through our various feedback mechanisms on how complaints have been handled, to identify areas for improvement
- Reporting this information throughout our governance, involved resident structures and public communications to ensure we focus on continuously improving the services we deliver.

7. Designated Persons and the Housing Ombudsman

7.1 In addition to THA's internal complaints process, customers may also contact a designated person (Councillor, MP or Tenant Panel) to mediate in their complaint.

7.2 THA will liaise with designated persons to find an appropriate resolution to complaints within the principles of being **fair** and **putting things right**.

7.3 Customers may also refer their complaint directly to the Housing Ombudsman Service via a designated person or wait **8 weeks** from the completion of THA's internal complaint process.

8. Vexatious, Persistent or Unreasonable Complaints

8.1 THA has a process that it will apply to ensure we use our resources effectively when faced with tenants who may make vexatious, repeated or unreasonable complaints. We define this where complainants demonstrate any of the following: -

- *Persist in pursuing a complaint when THA's Complaints process has been fully and properly implemented and exhausted.*

Or, at any stage in the complaint process they: -

- *Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by raising further concerns about the issue without presenting any new information*

- *Use abusive or inappropriate language or make threats to, or about, any THG staff or a person or body acting on its behalf in any format (verbal or written). Unsubstantiated allegations can be abusive behaviour.*
- *Are repeatedly unwilling to accept decisions or explanations, that documented evidence given is factual or deny receipt of an adequate response despite correspondence specifically answering their questions*
- *Repeatedly do not clearly identify the precise issues that they wish to be investigated*
- *Have an excessive number of contacts with the company, and/or the amount of information they seek or provide - placing unreasonable demands on staff*
- *Regularly focus on a trivial matter to an extent that is out of proportion to its significance and continue to focus on this point.*

8.2 We will always look to understand this behaviour and will consider any health and well-being information we have available to help us. We will offer support, suggest advocacy or signpost to other services where appropriate.

8.3 We will always inform residents that if they continue with their behaviour, restrictions may be imposed on their contact with us.

8.4 We may not deal with correspondence or other forms of communication at any stage that is abusive to staff or contains allegations that lack substantive evidence. We reserve the right in these circumstances to contact the resident, or advocate, to explain that the complaint may be suspended, or escalation refused.

9. Implementing this Policy

9.1 All staff are responsible for implementing this policy.

9.2 This policy and associated service standards and procedures will be made available in a range of formats where there is a specific need or request. Internal procedure documents containing sensitive information may be withheld.

9.3 Information on complaints made will be made available to senior managers on at least an annual basis.

10. Associated Documents

- Complaint Process document
- Compensation Policy / Procedure
- Vexatious Complaint Procedure

Version Control Log

THA – Complaints Policy

Version No.	Date effective from	Policy Owner	Approved by?	Issued to?	Published on Website / Intranet	Summary of Key changes
V1.1	July 2018	Head of Customer Service	N/a – minor updates	Staff	Intranet	<ul style="list-style-type: none"> • Transferred to corporate policy template. • Now under new Directorate • Re-ordered content to bring forward approach to resolution stages. • Changed data protection legislation reference to GDPR (2.4). • Reduced time for a complaint to be considered from 12 months to six following staff consultation (2.4). • Extending the range of ways for customers to raise a complaint to include “Rant & Rave” and social media (4.1). • Added that independent mediation may be offered at any point in the process (5.3). • Expanded section on “Vexatious” complainants to clarify definition (8.1) • Amended wording to reflect the service we deliver.
V2	February 2021	Head of Customer Service	L’ship and Operations Cttee	Staff	Website	<p>Changes to reflect new Housing Ombudsman code.</p> <p>Full customer consultation in December 2020. The report showed that 96% from 235 responses said that the policy made our approach to complaints clear</p> <p>Equality Impact Assessment carried out and no adverse impacts identified.</p> <p>1.1 – included code as part of the aim 2.2 – New HO definition inserted 2.3 & 2.4 – slight alterations to wording following resident and Operations Committee feedback. 2.5 – we will explain if we do not accept a complaint. 4.1 – added about anonymous complaints from scrutiny feedback.</p>

						<p>4.2 – clarified advocate (consultation)</p> <p>5.4 & 5.6 – clarifying right to refuse escalation if a desired outcome is unrealistic or when there is no service failure, and this has already been explained. Other changes made based on resident feedback.</p> <p>5.5 – Resolution Team impartial oversight.</p> <p>6.2 – add that we need to agree to any ‘reasonable adjustment’.</p> <p>6.4 – publishing complaint information.</p> <p>8.1 to 8.4 – changed ‘persistent’ to ‘repeated’ on Ops Cttee recommendation and added that we will consider vulnerabilities and provide a warning before limiting contact. Also, set out our right to refuse continuing with a complaint if the complainant’s correspondence is abusive.</p> <p>9.2 – right to refuse access to internal process documents.</p>
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