

## Complaints Policy

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Version	Date amended	Amendments
1	13.05.20	Added confidentiality, discretion, change of job titles, staff mental well being
2	07.09.20	Internal review. BDO Internal audit recommendations and Housing Ombudsman's complaint handling code.
3	30.11.20	Equality Impact Assessment.



## COMPLAINTS POLICY

### 1.0 Purpose

#### Aims & objectives

Complaint handling performs an important strategic role for an organisation, providing vital intelligence and assurance on its health, performance and reputation. The Complaints Policy aims to provide a high-level framework to support consistent and effective handling and uses learning to improve customer experience. The Policy also promotes the use of complaints data alongside other management information on stock, services and customer feedback to provide insight into the organisation.

This policy covers SLH's policy on; Complaints, Compensation and dealing with Persistent or Unreasonable Complainants.

### 2.0 Policy

#### How to make a Complaint

A complaint can be from a resident. Complaints can be made in person, via email, telephone or other advocate who has been authorised to make a complaint on their behalf. SLH will accept complaints from family members, carers, power of attorney's, solicitors or advocates if a person's disability or mental capacity is a barrier. Complaints are also accepted via "designated persons" such as a local councillor, and UK MP or from the Tenants' Committee. Complaints can also be made online on the SLH website.

#### Definition of a Complaint

*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.*

Areas where individuals may express dissatisfaction which would not be regarded as complaints would relate to;

- An initial request for a service e.g. first reporting a repair or if the matter can be resolved informally,
- the general law, unless wrongly applied,
- persons or bodies over which SLH has no control,
- Reports about anti-social behaviour (ASB) are not part of this policy as there is a separate ASB Policy but complaints will be investigated if residents feel that the ASB Policy has not been properly implemented,
- SLH's overall policies (e.g. rent levels, allocations policy, maintenance and renewal policies),
- Matters which are, or could reasonably be expected to be the subject of court or tribunal proceedings, or which are in the hands of SLH's insurers.

If SLH decides not to accept a complaint a detailed explanation should be provided to the resident setting out the reasons why the matter is not suitable for the complaints process. A resident has the right to challenge this decision by bringing their complaint to the Ombudsman. Where appropriate the Ombudsman will instruct the landlord to take on the complaint.

Any complainants via social media will be investigated under this policy. All correspondence will be taken offline and the resident will be encouraged to continue their complaint either by email or letter. Further information and guidance is available within the SLH Social Media Policy.

In cases where a complaint identifies a policy or procedural problem (i.e. not service delivery), SLH will consider the issue and policy/procedure options and determine if any changes should be made.

All matters reported to SLH that meet the complaints definition will be dealt with in accordance with the Complaints Policy. Complaints which are sent directly to Board Directors will be referred to the Complaints Policy and investigated in accordance with the procedure. Issues of misuse of office may be referred to external advisors/auditors if this is deemed appropriate by SLH.

All complaints are logged on the Civica Cx Feedback module and investigation outcomes recorded as; upheld, not upheld or partially upheld.

### **Confidentiality**

Complaints will be dealt with the highest confidentiality and will not affect any future transaction or experience using our services. Complaints will be shared with people who are investigating your complaint or where people are required to provide evidence in response to your complaint. Individual complaints are not shared with anyone else but wider learning points arising are shared to improve future customer experience. Personal data is stored on the Civica Cx feedback system and access is controlled. Data is held for 6 years before being destroyed. Further details are available within the Data Protection and Data Privacy policy on the SLH website.

### **Investigating a complaint**

Further detail is available in the attached complaints procedure and customer complaint leaflet. A central element of the process is that all reasonable effort will be made to make personal contact with customers to better understand the impact that the complaint is having and to build trust.

There are three main stages to the complaints procedure including an option to refer complaints to the Tenant Complaint Panel. (This is optional and can be by-passed). This ensures that a resident has the opportunity to challenge any decision by correcting errors or sharing concerns via an appeal process.

Normally, complainants will move sequentially from stage to stage (i.e. from 1 to 2, 2 to 3,) following the outcome of the previous investigation. There may be rare occasions where complaints can be investigated at stage two if the service manager likely to undertake the stage one investigation has already been involved in trying to resolve the issues perhaps informally. This is to benefit the complainant to avoid unnecessary delay of repetition.

The three main stages are;

- **Stage 1: Manager Review – target response of 10 working days**
- **Stage 2: Director Review – target response of 20 working days**
- **Stage 3 (Optional): Tenant Complaint Panel Review – target response of 20 working days**

SLH's complaints procedure shall include the following maximum timescales for response:

- Logging and acknowledgement of complaint – 5 working days
- Stage one decision – 10 working days from receipt of complaint – if this is not possible, an explanation and a date by when the stage one response should be received. This should not exceed a further 10 days without good reason
- Stage two response – 20 working days from request to escalate – if this is not possible an explanation and a date when the stage two response will be received. This should not exceed a further 10 working days without good reason
- Stage three response – Tenant Complaint Panel - a response should be sent within 20 working days from request to escalate. Any additional time will only be justified if related to convening a panel. An explanation and a date when the stage three response will be achieved will be provided to the resident.

At the completion of each stage of the complaints process SLH will write to the resident advising them of the following:

- the complaint stage
- the outcome of the complaint
- the reasons for any decisions made
- the details of any remedy offered to put things right
- details of any outstanding actions
- details of how to escalate the matter if dissatisfied.

As part of the complaint policy the resident shall be given a fair opportunity to:

- set out their position
- comment on any adverse findings before a final decision is made.

## **Housing Ombudsman**

In accordance with the Housing Ombudsman Complaint Handling Code, SLH provides early advice to residents regarding their right to access the Housing Ombudsman Service, not only at the point they have exhausted the SLH complaints process. The Housing Ombudsman Service can assist residents throughout the life of a complaint. This affords the resident the opportunity to engage with the Ombudsman's dispute support advisors.

In the final decision the SLH's policy shall include the right to refer the complaint to the Housing Ombudsman Service. This should be through a designated person e.g. MP or local councillor within eight weeks of the final decision or directly by the resident after eight weeks.

## **Tenant Complaints Panel**

Complainants may wish to refer their complaint to the Tenants' Committee Tenant Complaints Panel. The Panel will receive appropriate training and support to investigate a complaint and to adhere to data protection protocols. This can include an SLH member of staff or an Independent Tenant Advisor. The Tenants' Committee will agree the Complaints Panel membership at the AGM. Tenant Board Members cannot be on the Panel. The

Tenant Complaint Panel will be registered with the Housing Ombudsman. Their remit includes making decisions on complaints and making recommendations to SLH. SLH will consider their findings seriously and, although not binding on SLH, will ensure that these are taken into consideration and documented should these be taken into account at a later stage.

The Tenant Complaint Panel have no remit to investigate disciplinary matters and these will be referred to the SLH HR Manager. The panel can make recommendations to the Chief Executive in relation to compensation.

### **Use of Discretion**

SLH reserve the right to use discretion when applying the policy and may deal with a complaint differently where individual circumstances merit it. For example where there is a medical reason to escalate where there are staffing issues or whether the customer would be better served by a higher level investigation instead of moving through the stages. Discretion will be applied fairly and facilitated by the Complaints Officer in so far as possible to maximise the opportunity to resolve a dispute.

### **Recording equipment**

Residents may use recording equipment for SLH staff but if Resident Complaints Panel are involved 2 weeks notice must be given that recording equipment will be used at that meeting to ensure that Residents Panel are comfortable with this.

### **Compensation**

In the vast majority of cases, SLH will offer an apology as a means of concluding a complaint investigation. In rare exceptions, compensation can be awarded on the following grounds (up to a maximum £250 per claimant); compensation will be approved by the Investigators Manager/Director.

- Failure of staff to keep repairs appointments (£25 see repairs section of the website),
- Failure to carry out repairs within a set time (£10 initial payment, further £2 each day to maximum of £50),
- Temporary loss of facilities after first 48 hours e.g. heating/hot water (£2 per day to maximum of £50),
- Damage to residents' personal property (residents advised to claim from contents insurance),
- Service failure contributing to inconvenience (up to a maximum £250),
- Damage to internal decorations (re-decoration vouchers, amount £25 per room),
- Inconvenience (up to a maximum £250),
- Reimbursement of costs incurred as a result of damage caused by staff or contractors (tenant to obtain 2 quotes for items over £100),
- A breach of data protection regulations leading to emotional distress (up to a maximum of £250),
- Disturbance whilst major works are carried out (a disturbance payment is intended to ensure that the tenant is no worse off, and no better off than if they had not been obliged to move). These payments will cover the cost of;
  - Removals - three quotations will be required,
  - Disconnection and re-connection of television aerials, telephone, cooker and other plumbed-in appliances,

- Soft furnishings - (carpets, curtains and blinds) - payment to meet the cost of alterations or replacement when it is not reasonable to remove and refit,
- Redirection of post, and
- Storage costs - where a temporary move will not allow certain items to be moved with the tenant.

Residents will need to complete a Compensation Claim Form up to a maximum £250. SLH will not pay more than £250. SLH aims to process all claims for compensation within 10 working days of receipt. Once claims are approved it may take another 10 working days for a cheque to be issued. If resident accounts are in arrears or money is owed to SLH then compensation claims will be credited to the residents account.

SLH will not offer compensation to residents claiming adverse health problems. Residents will be asked to take an alternative legal route which will be dealt with by SLH legal and insurance advisors.

### **Persistent or Unreasonable / Unacceptable Complainants**

A very small minority will make complaints that are persistent or unreasonable (also referred to as 'vexatious'). Such complaints are both time consuming, wasteful and divert resources from service delivery. Whilst SLH endeavours to rectify failure or remedy adverse impact, there are occasions when nothing further can be reasonably done to assist or rectify a real or perceived problem.

For the purpose of this policy the following definitions of persistent or unreasonable complaints has been determined by SLH:

The repeated and/or obsessive pursuit of:

- Unreasonable complaints and/or unrealistic outcomes,
- Continuing to repeat the same issues despite SLH responses, and
- Reasonable complaints raised in an unacceptable manner. Examples of unacceptable behaviour includes; threats, physical violence, personal abuse, derogatory or discriminatory remarks and rudeness.

Where complaints continue and have been identified as persistent or unreasonable in accordance with the criteria above then a Director will determine whether it is a persistent or vexatious complaint and will determine the appropriate action to be taken.

The Director (Business Assurance) will notify the complainants, in writing, of the reasons why their complaint has been treated as persistent or unreasonable and the action that will be taken.

The status of a complainant judged to be unreasonably persistent or vexatious and any restrictions imposed on contact will be reviewed by the Director (Business Assurance) after three months and at the end of every subsequent three months within the period during which the restriction is to apply. The complainant will be informed of the result of this review if the decision to apply the restriction to them has been lifted or extended.

## **2 Regulatory**

The Complaints Policy helps SLH comply with the **RSH Regulatory Framework: Tenant Involvement & Empowerment Standard**. The policy addresses the following regulatory requirements;

- Providers shall offer a range of ways for residents to express a complaint and set out clear service standards for responding to complaints, including complaints about performance against the standards, and details of what to do if they are unhappy with the outcome of a complaint.
- Providers shall inform residents how they use complaints to improve their services.
- Providers shall publish information about complaints each year, including their number and nature, and the outcome of the complaints.
- Providers shall accept complaints made by advocates authorised to act on a resident's behalf.

The Complaints Policy also ensures that SLH complies with the Housing Ombudsman's Complaint Handling Code. A Self-Assessment was carried out against the Code in 2020 and was reviewed by the Tenant's Committee and then subsequently approved by the Board in November 2020.

### **3.0 Scope**

It is the responsibility of the Chief Executive and senior staff to ensure that:

- Staff are aware of SLH's policies,
- Staff are trained on the policies,
- Monitoring of records is maintained,
- Customers are adequately informed of the policies, and
- Appropriate action is taken against employees whose actions are inconsistent with this policy.

Managers are responsible for investigating complaints at stage 1, Directors for stage 2, and Tenant Complaint Panel for Stage 3. All staff are required to provide timely evidence and honest responses to any complaint investigation and this includes Housing Ombudsman or Tenants' Committee review.

Any confidential personal data will be restricted in accordance with the SLH Data Protection Policy. The Tenant Complaints Panel will be restricted to redacted information in order to investigate or monitor complaints.

The Director (Business Assurance) will be responsible for ensuring that reviews of this policy are carried out and that data is recorded accurately within the Cx management system.

### **4.0 Equality and Diversity**

SLH is committed to ensuring that disabled people are not disadvantaged in accessing its services or by making a complaint. To this end we will make reasonable adjustments for disabled people. This policy does not seek to explain how we will approach every situation, it is intended as a general statement of our policy and:

- Confirms our commitment to improving accessibility for everybody that we deal with,
- Sets out some of the basic principles of our commitment to provide reasonable adjustments for disabled people, and
- Sets out the factors that we will take into account in dealing with requests for reasonable adjustments.

Many of the arrangements that we offer for disabled people can also be made available for those who do not have disabilities. For example, provision of documents in larger font than our usual font.

To make an adjustment means to make a physical change to premises or to change work practices to avoid or correct the disadvantage to a person with a disability. Examples of this include:

- Allowing more time than we would usually for someone to provide information that we needed,
- Providing specialist equipment or additional support such as a sign language interpreter for a workshop or event,
- Communication through a representative or intermediary,
- Rest or comfort breaks in meetings.

The reasonableness of an adjustment will be evaluated against the resource available to our service. In practice many reasonable adjustments involve little or no cost or additional resourcing requirements and are relatively easy to implement.

## **5.0 Monitoring and Review**

A summary of performance on the Complaints policy is included within the quarterly performance reports to Board, this will include a summary of the following:-

- Number of complaints (by service area)
- Stage 1 investigations completed on time
- Stage 2 investigations completed on time
- Stage 3 investigations completed on time
- % satisfaction with the outcome of complaints
- Compensation amount
- Number of Persistent or Vexatious Complainants identified
- Lessons learned

The Annual Tenant Report will also include a summary of performance on complaints.

Lessons learnt are captured within the quarterly complaints tracker to show how SLH is using complaints to drive improvements and learning. This is considered by the internal Customer Feedback Group and Tenant Complaint Panel. This is a key feature of the Resident Engagement Strategy. Lessons learned are reported to Board as part of the quarterly performance reports and a summary published within the annual tenant report.

## Summary of the SLH Complaints Procedure

### Stage 1 Manager Review

Acknowledged within 5 working days

Full reply within 10 working days - if this is not possible, an explanation and a date by when the stage one response should be received. This should not exceed a further 10 days without good reason.

### Stage 2 Director/Head of Service Review

Acknowledged within 5 working days

Full reply within 20 working days - if this is not possible, an explanation and a date by when the stage one response should be received. This should not exceed a further 10 days without good reason.

Residents can decide whether they wish their complaint to be referred to a Tenant Complaint Panel or take their complaint to the Housing Ombudsman

### Stage 3 Tenant Complaint Panel Review

Acknowledged within 5 working days

Full reply within 20 working days - if this is not possible, an explanation and a date by when the stage one response should be received. Any additional time will only be justified if related to convening a panel. An explanation and a date when the stage three response will be achieved will be provided to the resident.

At the completion of each stage of the complaints process SLH will write to the resident advising them of the following:

- the complaint stage
- the outcome of the complaint
- the reasons for any decisions made
- the details of any remedy offered to put things right
- details of any outstanding actions
- details of how to escalate the matter if dissatisfied.

As part of the complaint policy the resident shall be given a fair opportunity to:

- set out their position
- comment on any adverse findings before a final decision is made

Once the SLH Complaint's Policy has been exhausted, customers have the right to refer the complaint to the Housing Ombudsman Service, of which SLH is a member. This can be done directly or via designated person e.g. MP, local councillor or the Tenant Complaint Panel. Further information is <https://www.housing-ombudsman.org.uk/residents/make-a-complaint/>, or call on 0300 111 3000 or write to Housing Ombudsman Service, PO Box 152, Liverpool L33 7WQ.