



Complaints Policy

Title:	Complaints Policy
Person responsible:	Director of Customer Experience
Customer consultation arrangement:	Tenants' Committee November 2020
EIA required:	Yes
EIA completed (date):	November 2020
Approved by:	Board
Business Strategy Objective	All themes
Approval date:	August 2023
Links to other key policies:	Resident Engagement Strategy Customer Experience Strategy Asset Management Strategy
Review date:	August 2025

Document management

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.
4	27.06.22	Added 'acknowledgement and logging of complaint within 5 working days' in line with Housing Ombudsman Complaints Handling Code (April 2022) All channels including social media added Cumbria Choice Complaints handling information
5	03.10.22	To reflect change to Housing Ombudsman Scheme, removing democratic filter, making it easier to access the Housing Ombudsman service and minor amends to Equality & Diversity section

6	10.08.23	Amends as part of Annual Self-Assessment against the HOS Complaint Handling Code and in response to HOS spotlight reports, case reviews and guidance on compensation, pre-action protocol for housing conditions claims and service complaints.
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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 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. An annual self-assessment against the Code is reported to Board for scrutiny and challenge.

3.0 Policy

How to make a Complaint

A complaint can be made by a resident, customer or a third party such as an 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 requests or if disability or mental capacity is a barrier. Complaints are also accepted via a local councillor, MP or from the Tenants' Committee. All complaints will be investigated in accordance with this policy.

Complaints can be made in person, via email, telephone, letter or through any other communication channels such as the SLH My Account App, website or social media. 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, telephone or letter. Further information and guidance is available within the SLH Social Media Policy.

If anyone wishes to make a complaint regarding your Cumbria Choice rehousing application which is managed by SLH, about the handling of an application, poor service, or the way you have been treated by SLH, your complaint will follow this complaints process.

If the complaint is that an applicant is dissatisfied with the decision made on their application e.g. disagreement with the band in which the applicant has been placed and wishes to seek a review of this decision, the complaint should be made under the Review Procedure set out in [Cumbria Choice Allocations Policy](#).

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 planned renewal policies),
- matters which are, the subject of legal proceedings, court or tribunal proceedings, or which are in the hands of SLH's insurers. We will make clear if this is the case and endeavour to continue to resolve issues where we can.

If SLH decides not to accept a complaint a detailed explanation should be provided to the customer setting out the reasons why the matter is not suitable for the complaints process. A resident or customer has the right to challenge this decision

by bringing their complaint to the Housing Ombudsman. Where appropriate the Housing Ombudsman will instruct the landlord to take on the complaint.

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 policy. 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 Housing Management System 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 the complaint or where people are required to provide evidence in response to the 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 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 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 complaint's process including an option to refer complaints to the Tenant Complaint Panel. (This is optional and can be by-passed). This ensures that a customer 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;

- **Complaint Acknowledgment & Logged – target response of 5 Working Days**
- **Stage 1: Manager Review – target response of 10 working days once you have received the acknowledgement response**
- **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 process shall include the following maximum timescales for response:

- Logging and acknowledgement of complaint – 5 working days
- Stage one decision – 10 working days from acknowledgement – 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.
- Escalation of a complaint from the customer/representative 28 days

At the completion of each stage of the complaints process SLH will write to the customer, resident or advocate 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, customer and if applicable any colleague who is the subject of the complaint shall be given a fair opportunity to:

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

Housing Ombudsman Service

In accordance with the Housing Ombudsman Services' Complaint Handling Code, SLH provides early advice to customers 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 customers throughout the life of a complaint. This affords the customer the opportunity to engage with the Ombudsman's dispute support advisors.

In the final decision SLH's policy and complaint response shall include the right to refer the complaint to the Housing Ombudsman Service.

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. Tenant Board Members cannot be on the Panel. 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 Head of People and Culture. 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 or alternative body considering the issues 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 request to use recording equipment for discussions with SLH colleagues and colleagues have discretion to refuse, but if Tenant Complaints Panel are involved 2 weeks' notice must be given requesting recording equipment be used at that meeting to ensure that the Tenants Panel are comfortable with this and willing to grant permission.

Compensation

The aim of providing redress is to restore a person to the position they would have been in had the service failure not occurred. Each case will be considered on its merit and in the vast majority of cases, SLH will offer an apology as a means of remedying a complaint and if appropriate practical actions, such as offering to undertake works or gestures of goodwill, such as flowers or vouchers. In some instances, compensation can be awarded on the following grounds (up to a maximum £1000 per claimant); compensation will be approved by the Investigations Manager/Director. The amount will be informed by the duration of a problem, severity of any service failure and impact.

Discretionary payments (for time and trouble/distress and inconvenience), such as;

- Failure of colleagues 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),
- Poor complaint handling or failure to follow policy,
- Service failure contributing to inconvenience (up to a maximum £250),

Quantifiable loss payments where reasonably incurred, such as;

- Damage to customers' personal property (customers advised to claim on their contents insurance),
- Damage to internal decorations (re-decoration vouchers, amount £50 per room up to a maximum of £350),
- Increased heating bills due to disrepair,

- Reimbursement of costs incurred as a result of damage caused by SLH colleagues or contractors (customer to obtain 2 quotes for items over £100),
- A breach of data protection regulations leading to emotional distress (up to a maximum of £250),

Mandatory payments such as;

- Statutory home loss payments where applicable
- Disturbance payment where applicable, 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.

Customers will be asked to complete a Compensation Claim Form and provide payment account information. SLH aims to process all claims for compensation within 10 working days of receipt. Once claims are approved it may take up to another 10 working days for a cheque or payment to be issued. If residents' rent accounts are in arrears or money is owed to SLH then compensation claims may be credited to the resident's account.

SLH will not offer compensation to customers claiming adverse health problems, damage beyond our control or caused by 3rd parties not working for SLH. Customers will be asked to take an alternative legal route which will be dealt with by SLH legal and insurance advisors.

Directors have discretion to offer additional payments in exceptional circumstances, such as severe disrepair to reflect the level of any detriment.

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 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 of Business Improvement) 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.

4.0 Scope

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

- Colleagues are aware of SLH's policies,
- Colleagues are trained on the policies,
- Monitoring of training 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, Heads of Service/ Directors at Stage 2, and Tenant Complaint Panel at Stage 3.

All colleagues are required to have a collaborative and co-operative approach towards resolving complaints working with colleagues across teams and departments, take collective responsibility for any shortfalls identified through complaints rather than blaming others and act within the Professional Standards for engaging with complaints as set by the Chartered Institute of Housing. Colleagues will 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 and Data Privacy Policy. The Tenant Complaints Panel will be restricted to redacted information in order to investigate or monitor complaints.

The Director of Customer Experience will be responsible for ensuring that reviews of this policy are carried out. All colleagues are responsible for good knowledge and information management, including ensuring that data is recorded accurately and in a timely manner within the Cx management system.

5.0 Equality and Diversity

SLH is committed to equality, diversity and inclusion. Where customers require additional support, we will endeavour to provide a service that seeks to meet the needs of a particular individual or household and ensure no-one is disadvantaged in accessing its services or by making a complaint. To this end we will make

reasonable adjustments for people. This policy does not seek to explain how we will approach every situation, it is intended as a general statement of our intent and:

- Recognition that some of our customers may have permanent or transitory vulnerabilities,
- 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 people with disabilities and make such adjustments more widely available, and
- Sets out the factors that we will take into account in dealing with requests for reasonable adjustments.

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 vulnerability, such as 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, translation of information,
- Communication through a representative or intermediary,
- Offering meetings in different venues or online
- 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.

6.0 Monitoring and Review

A summary of performance on the Complaints policy is included within the quarterly performance and annual 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 at the end of every complaint to show how SLH is using complaints to drive improvements and learning. This is considered by the internal Feedback Group and Tenant Complaint Panel as appropriate.

This policy will be reviewed every three years, or where there have been significant changes to regulation, legislation, operations or best practice to warrant a further policy review.

If you have any questions about this policy, please contact SLH via email, customerservices@southlakeshousing.co.uk.

Summary of the SLH Complaints Procedure

Acknowledgment

Within 5 working days, we aim to send an email/letter to acknowledge the complaint.

Stage 1 Manager Review

Full reply within 10 working days from acknowledgment. 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/ Customers can appeal against the decision of the Manager within 28 days, this will be reviewed by a senior person, or Head of Service.

Stage 2 Director/Head of Service Review

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

Residents/ Customers 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 (Optional)

Full reply within 20 working days - if this is not possible, an explanation and a date agreed by when the stage three 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/ customer 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 or customer 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, residents/ customers have the right to refer the complaint to the Housing Ombudsman Service, of which SLH is a member. Further information is available: <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.