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# Complaint and Feedback Policy

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December 2020

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3 Yearly – Board of Management

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## 1.0 Policy statement

Our vision is to be Lincolnshire's leading provider of specialist housing and support services for older and vulnerable people. However, we acknowledge that sometimes things go wrong, or our performance or services will not meet customers' expectations. We welcome feedback and will take the opportunity to put things right and improve our services.

This policy sets out how we will investigate and respond to complaints, whilst ensuring lessons are learnt and used to deliver longer term improvements to our services.

Following the introduction of the Housing Ombudsman's Complaint Handling Code, a complaint is universally 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.'

This policy focuses on our staff and customers working together and communicating clearly to positively resolve a complaint. We ask our customers to tell us what resolution they are seeking. If we are unable to resolve the complaint through taking the action that the customer requests, we will explain the reasons for this and discuss alternatives or simply apologise for our mistake and ensure that any lessons learnt are cascaded across our teams.

We aim to ensure that everyone is treated fairly; equally and with respect and we welcome positive and negative feedback to help improve our services. We will ensure that our staff take ownership of problems as this is essential in our aspiration to resolve complaints quickly, simply and informally; as well as to enable us to capture feedback for service improvement.

We aim to resolve complaints whilst acting within our policies, procedures, and any statutory (legal) duties. We recognise that we are entitled to balance the needs of individual customers with the needs of the Association, other residents and our staff; as well as ensure we achieve good value for money. We will therefore seek to manage expectations and will not make promises that cannot be delivered and outcomes offered that would cause unfairness to other residents.

## 2.0 Regulatory responsibilities

This complaints policy ensures that we meet our regulatory obligations as set out in The Regulator for Social Housing's Tenant Involvement and Empowerment Standard.

We are registered with the Housing Ombudsman Service; providing customers with an independent review should they remain dissatisfied at the end of our complaints process. As part of our membership obligations we will comply with the Housing Ombudsman's Complaint Handling Code. This policy is in line with the requirements of the Complaint Handling Code and we have carried out a self-assessment against this Code, and have made this available on our website.

We will reflect and consider any learnings from the Ombudsman's yearly landlord performance report.

## 3.0 Governance

Complaint handling performance performs an important strategic role for the Association, providing vital intelligence on our performance and reputation. The Board will receive a report, each May, summarising our complaint handling performance for the year, along with a summary of our compliance with the Housing Ombudsman Complaint Handling Code. The Board delegates responsibility to the Audit and Compliance Sub-committee to scrutinise complaint handling performance on a quarterly basis. This will enable an effective governance framework to support effective complaint handling and prevention alongside learning and development and identification of any adverse impacts to be reflected in our risk register.

In order for the Association to comply with the NHF Code of Governance 2020 we must be able to demonstrate '**Resident focus**: The board has access to insight into the views and needs of the organisation's residents and other customers (including insight into their concerns and complaints) and uses this to inform decisions where appropriate.

## 4.0 Compliments

We welcome and encourage our customers to find the time to say 'well done' if a member of staff or service merits it. Compliments from customers are a great boost to our teams. Compliments are important as they help us to monitor what works well and when members of staff have been particularly helpful. We will encourage our frontline teams to share compliments they receive from our customers and include both written and verbal compliments within a central compliment register.

## 5.0 Complainants

Anyone who receives a service from us can make a complaint. This includes our residents, applicants for housing or anyone else affected by our services i.e. people living next to our housing schemes. We have developed a complaint form to help us understand the nature of the complaint and the desired resolution. This can be completed in writing, by email, via the internet or we can complete the form with a customer over the telephone or in person. Please note that for any complaints received via social media, we will contact the complainant directly but not via social media too discuss the situation with them.

A third party can make a complaint on the behalf of a customer. However, permission for us to engage with a third party must be recorded on our 'LH26 resident contact' form or as part of the complaint request. We will respond directly to the customer and send a copy to the third party unless we are given any other instructions to follow.

If a MP or Councillor approaches us as a representative of a customer to log a complaint this will be separate to their role as a Designated Person, see section 8.8.

A solicitor or law centre may refer a complaint to us on behalf of a customer, however we will not engage with solicitors or legal representatives during the complaint procedure, as it is not a legal process. We will communicate directly with the customer, or if they prefer a non-legal advocate such as a friend or family member.

## 6.0 Exclusions

There are some instances where the issue that is raised will not be dealt with via the complaints process, these are:

- A first request for service, information or an explanation of our policies and procedures e.g. repairs.
- Reported cases of neighbour disputes, anti-social behaviour, hate crime or domestic abuse, unless the complaint is about how we have handled the case.
- Those involving a personal injury claim or a third-party liability claim and instead this will be dealt with by our insurers - although any other elements of the complaint will still be considered through the complaints procedure – see [here](#). or go to [housing-ombudsman.org.uk](http://housing-ombudsman.org.uk) and search guidance on insurance.
- Anonymous letters although these may be investigated if they are a cause for concern.
- A complaint about a service where we have no responsibility, such as a local authority nomination procedure or an action of the Care Provider commissioned by Lincolnshire County Council to provide care within our Housing with Extra Care Schemes. In such cases we will provide support to enable the complainant to log their complaint with the appropriate person.
- The cause of the complaint is more than 6 months old but is only reported now, unless in our opinion there is good reason for delay.
- The complaint is an attempt to reopen a previously concluded complaint, or to have a complaint reconsidered where we have already given our final decision.
- Matters which are subject to civil or criminal proceedings, although we will ensure the complainant is not left without a response for lengthy periods of time.
- Challenges of a contractual or legal issue that would normally be heard elsewhere, for example by a First-Tier Tribunal (Property Chamber – Residential Property) for example, leasehold disputes about variable service charges.
- Following the service of a section 21 notice as a separate appeal process is available.
- Issues being pursued in an unreasonable manner including frivolous or vexatious complaints.

In all instances we will provide the complainant with a detailed explanation of the reasons why, in our opinion, their complaint is not suitable for our complaints policy. A complainant has the right to challenge this decision by bringing their complaint to the Housing Ombudsman.

We are committed to ensuring that our staff are treated with respect. To protect our staff, we will not engage with any threatening or abusive behaviour. We will deal with any unacceptable behaviour under our 'violence at work policy'.

Making a complaint will not result in any adverse changes to the services that are provided to the complainant.

Where a complaint suggests that abuse or neglect is taking place, we will refer to our Safeguarding policies and procedures.

## 7.0 Exclusions

### 7.1 Letters addressed to the Chief Executive

Letters that have been sent to the Chief Executive will not form part of this complaints process, and the Chief Executive will write separately to the customer unless he/she decides that the most appropriate action to take is to follow this complaints policy and procedure.

### 7.2 Petitions

A petition on behalf of multiple customers will not be treated as a formal complaint unless this is specifically requested and will be dealt with in the same way as other contact with our customers. Interactions and correspondence will be directed to the nominated signatory.

### 7.3 Compensation

Customers seeking compensation or financial redress do not need to make a formal complaint to have their request considered and can contact us explaining why they are seeking compensation from us.

## 8.0 Complaint handling framework

### 8.1. Service request (pre-complaint)

A resident may make a service request (pre-complaint) if they are dissatisfied with any aspect of our service. Many problems can be resolved by our staff without the need to refer the matter as a formal complaint.

If we cannot resolve the problem informally within an agreed timescale, or if the issue is complex or significant, or the complainant has expressly requested that their complaint be treated as a formal complaint we will record and investigate it as a formal complaint.

### 8.2. Formal complaint framework

Our formal complaint framework consists of two stages; stage one – formal investigation and stage two – complaint review.

### 8.3. Complaint timescales

We aim to acknowledge and resolve service requests (pre-complaint) within 3 working days of it being made or within any agreed timescale set with the customer when obtaining details about their dissatisfaction.

We will log and acknowledge a formal complaint within 3 working days of receipt.

We will make a stage one decision within 10 working days from receipt of the complaint – if this is not possible, an explanation and a date by when the stage one response should be received. This will not normally exceed a further 10 days without good reason.

We will make a stage two decision within 20 working days from the request to escalate being made- if this is not possible, an explanation and a date by when the stage two response should be received. This will not normally exceed a further 10 days without good reason.

## 8.4. Complaints Officer

Our Complaints Officer (the PA to the Chief Executive) will take responsibility for overseeing and monitoring complaints by maintaining formal complaint records and ensuring that the outcomes being sought by the complainant are clear at the start of the investigation and retaining clarity of where resolution has or hasn't been reached.

A full record of each complaint will be maintained, this includes any reviews and the outcomes at each stage. This should include the original complaint and the date received, all correspondence with the resident, correspondence with other parties and any reports or surveys prepared.

Our Complaints Officer will log both pre and formal complaints on SDM and will assist the Operations Manager in identifying any trends and ongoing learning and development opportunities. This includes reporting our complaints performance to the Board, the Audit and Compliance Sub-committee and as part of our annual report to residents.

## 8.5. General principles

When a customer tells us that they are unhappy with our service, our first priority is to put things right locally and informally. This allows a quick and effective solution to be reached without the need for lengthy investigations. Service request (pre-complaint) can be responded to verbally if this is acceptable to the complainant.

For both service request (pre-complaint) and formal complaints, we will listen to the complainant to confirm our understanding of the complaint and the outcomes being sought. We will seek clarification where the complaint is not clear.

We will be clear where a desired outcome is unreasonable or unrealistic.

We will regularly update the complainant and the frequency of this will be agreed with the complainant as part of our initial acknowledgement. Where our investigations identify adverse findings to that made as part of the complaint we will give the complainant opportunity to comment on any adverse findings before a final decision is made.

Outcomes of all formal complaints should be confirmed in writing, with all points raised in the complaint addressed with clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate. Communication with complainants will not generally identify individual members of staff or contractors.

At the completion of each stage of the formal complaint process we will acknowledge and apologise where things have gone wrong and confirm the following in writing:

- the stage of our complaint policy
- the outcome of the complaint
- the reasons for any decisions made
- the details of any remedy offered to put things right, including timescales
- details of any outstanding actions
- what actions we will take to prevent the issue from happening again

- details of how to escalate the matter if dissatisfied, this includes referencing redress through the Housing Ombudsman.

## 8.6. Stage one complaint – Formal investigation

A stage one complaint will be overseen by our Complaints Officer, who will work with the Senior Officer responsible for the person or service being complained about to ensure that the investigation deals with the complaint on its merits, and is approached with an open mind and considers all information and evidence carefully. It is an opportunity for the Senior Officer, working with their team and the Complaints Officer to fully investigate the complaint and seek to find an acceptable resolution. We will give everyone involved in the complaint the chance to explain their point of view. The Complaints Officer may involve other members of the Senior or Executive team during this investigation for additional impartiality, clarity of any legislative, policy or regulatory considerations in order to seek resolution at the earliest possible opportunity.

If having received our response the complainant believes that we have not responded or resolved all of the issues, they can contact our Complaints Officer to discuss the matter who will explore if there is anything more that could be done to resolve the complaint at this stage. This includes reviewing any new information not previously provided to us.

If the reason for dissatisfaction concerns compensation, this is not in itself reason to escalate the case to stage two and instead we will attempt to address the award of compensation at this stage.

If we believe we have taken all reasonable actions to resolve the complaint or we are unable to deliver the outcome requested by the complainant, we will explain this and the next step in our complaint policy.

We will close a complaint if the complainant is satisfied with our response.

## 8.7. Stage two – Complaint review

If a complainant feels we have not addressed their complaint in a reasonable or fair way and they remain dissatisfied with our response, they can request a review. We ask complainants to request a review within 20 days of receiving our stage one response, unless there is good reason for delaying such request.

In order to ensure the focus of an escalated complaint is clear, complainants will be asked to explain why they remain unhappy with our original response, their reason for wanting to progress the complaint to Stage 2 and how they would like to see the complaint resolved. Where necessary we can provide support to ensure an accurate record of the request is made.

The complaint will be assigned to a member of the Executive Team for them to review and to determine whether they can carry out the review individually or whether due to the nature of the complaint or the expectations of the complainant it would be more beneficial to convene a complaint panel to enable a more holistic review. If a panel is convened the complainant will be given opportunity to attend and present their case.

This is the final stage of our internal complaints process and the complainant will be advised of their right to refer the complaint to the Housing Ombudsman in accordance with section 8.8 below.

## 8.8. External appeals:

If following the outcome of the review a complainant remains unhappy they can elect for their complaint to be considered further by a Designated Person.

A Designated Person is an MP, Local Authority Councillor or a recognised Tenant Panel. The role of the Designated Person is to obtain resolution locally when an organisations internal complaints process has been exhausted. We welcome this and will endeavour to work with the Designated Person where customer consent has been obtained.

Where potential solutions are proposed by the Designated Person we will review them and respond accordingly.

The Designated Person may choose to refer the complaint on to the Housing Ombudsman, but only if the complainant's permission has been sought first.

Alternatively, the complainant can wait 8 weeks from the date we notified them of our final decision regarding their complaint and then ask the Housing Ombudsman Service to directly review their complaint.

It should be noted that the Draft Building Safety Bill includes amendments that will remove the Designated Person requirements if the Act becomes law.

We will co-operate fully with the Ombudsman Service during any investigation and provide information within the requested timescales established by the Ombudsman Service. We will comply fully with the resulting decision.

## 9.0 Resident Involvement Group (RIG)

The Association has established a Resident Involvement Group as part of our resident engagement strategy. Meetings of the RIG have been postponed due to the Covid 19 pandemic. Once meetings can safely reconvene the Association will develop the reporting of complaint handling performance to the RIG in a similar format to that proposed to the Audit and Compliance Sub-committee. The identity of individual complainants will not be released to RIG members.

The Housing Ombudsman's annual landlord performance report and our own individual complaint performance will be reviewed by the RIG. This will help us to look beyond the circumstances of the individual complaint and consider whether anything needs to be 'put right' in terms of process or systems to the benefit of all residents.

Wider learning and improvements from complaints will be reported to all residents as part of our annual report to residents.



## 10.0 Unreasonable or repetitive complaints

Most of the complaints we receive are made reasonably and in good faith and because customers are genuinely unhappy with our service. We will do our best to resolve these.

We use the Housing Ombudsman Service Guidance on unacceptable behaviour to manage complaints where the complaint or behaviour of the complainant is unreasonable. We do not view behaviour as unacceptable just because someone is assertive or determined.

But we will include behaviour which is likely to impact on the investigation and resolution of their complaint, other complaints or may result in unreasonable use of our resources. These may be characterised by:

- repeated complaints on an issue where the complaint procedure has already been fully implemented and exhausted;
- continual changes to the substance of the complaint;
- unwillingness to accept documented evidence;
- threatened or actual physical violence or verbal abuse towards staff or families or associates;
- rudeness, derogatory or discriminatory remarks and inflammatory statements and unsubstantiated allegations;
- persistent approaches to several people in the organisation at the same time about the same issues.

In these circumstances when the contact from the customer is unreasonably persistent or vexatious, we reserve the right to stop corresponding over matters that simply repeat the same complaint. In doing so we recognise that we are entitled to treat such a complainant differently but we will explain our reasons so as to ensure we continue to treat the complainant fairly and respectfully.

## 11.0 Data Protection

Where a complaint involves a third party, for example the conduct of a contractor, it will be necessary for us to disclose some of the details about the complaint to them in order for us to investigate. Where the information is of a sensitive nature, we will discuss this with the complainant before we share any data. Any data shared will be done so, in line with the Data Protection Act 2018 and requirements of the General Data Protection Regulations (GDPR).

## 12.0 Equality and Diversity

We will treat all customers fairly and respectfully and ensure that everyone is entitled to receive the same standard of service regardless of their background, appearance, age, beliefs or lifestyle. We will be aware of the effects of bias and prejudice on decision making. We value diversity and work to promote equality and tackle discrimination.

Our approach to complaints promotes openness between customers and our staff to understand complaints and resolve the complaint in a positive manner. We will take fully into account customers' needs and preferences.

We will offer support or tailor our approach as appropriate. For further information on reasonable adjustments please refer to our CP8 Equality and Diversity policy.

## 13.0 Monitoring and reporting

All formal complaints will be recorded and performance against the policy monitored and reported annually to the Board and quarterly to the Audit and Compliance Sub-committee.

Complaint performance includes:

- The number of complaints received, per category/function.
- The % outcome of complaints (upheld or not upheld).
- The % of formal complaints resolved at stage one\*
- The % of formal complaints resolved at stage two\*
- The % of formal complaints acknowledged within published timescale\*.
- The % of formal complaint responses sent within the Code timescales\*
  - Stage one\*
  - Stage one (with extension)\*
  - Stage two\*
  - Stage two (with extension)\*
- The stage most complaints resolved?
- The % of formal complaints resolved to residents' satisfaction\*
- The number of complaints logged with the Housing Ombudsman.
- The number of Housing Ombudsman's Complaint Handling Failure Orders.

Information will be published annually to residents in our annual report and this includes the number, the reasons, the outcomes of complaints (upheld/not upheld) and whether we made any changes to our policies and procedures as a result of learning from complaints.

The development of the SDM complaint module was completed on the 31 October 2019 and become operational from the 1 January 2020. Further development work is required during 2021, including the establishment of a Complaints Officer to enable detailed recording and scrutiny of data.

## 14.0 Review

This policy will be reviewed every 3 years by the Board or earlier as a result of changes to the Tenant Involvement and Empowerment Standard, the Housing Ombudsman Complaint Handling Code or following a change in legislation.