

# Complaints Policy



<b>Policy:</b>	Complaints Policy
<b>Effective Date:</b>	10 December 2020
<b>Date Last Reviewed:</b>	28 May 2020
<b>Scheduled Review Date:</b>	April 2023
<b>Supersedes:</b>	Complaints Policy (May 2020)
<b>Author:</b>	Head of Housing & Customer Experience
<b>Approved by:</b>	Board (10 December 2020)

## 1 Purpose and Approach

Tuntum Housing Association is committed to providing excellent services that meet the standards agreed with our customers. When we occasionally do not meet expectations we will acknowledge this, learn from it and identify how we can improve service provision. This policy sets out how Tuntum Housing Association will learn from, and manage, complaints.

Our purpose and intention is to deal fairly, honestly, consistently and appropriately with all complaints. The organisation will also identify areas where service failure or an inability to meet our published standards of service requires remedial action and, in certain circumstances, compensation.

Our approach is to deal with the majority of complaints on an informal 'right first time' basis, leading to a quick resolution that satisfies the customer.

For complaints that are either more serious (for example, concerning health and safety) or more complex then we will use the formal process.

## 2 Policy Statement

Tuntum Housing Association will make available its Complaints Policy to anyone on request. Further, the Association will advertise the policy to its customers by making it available on our website ([www.tuntum.co.uk](http://www.tuntum.co.uk))

We welcome all customer feedback, positive and negative, and will deal with all feedback seriously.

In line with this policy, formal complaints will be acknowledged, directed to the appropriate area of service and a full response given within the agreed timescales set out below.

Less serious, more easily resolved complaints will be dealt with informally to achieve a speedy resolution.

Compliments will be welcomed and the appropriate staff will be made aware of the appreciation expressed. We will display compliments as appropriate on our tenant and public platforms.

We will learn from our service failures that have led to a justified complaint and implement improvements to our policies and procedures arising from this.

The following principles will be followed when dealing with complaints:

- They will all be dealt with promptly, courteously, systematically and fairly.
- Where appropriate, they will be treated confidentially. If information is to be discussed with staff or external bodies, the customer will be asked for their permission before any information is disclosed.
- There will be clear communication of the final outcome or of a formal complaint's progress if a longer timescale of investigation is required.
- They will be used to improve and develop procedures and services.

All complaints and compliments will be recorded and monitored, with the information being fed back into any appropriate policy and service reviews to ensure continuous service improvement.

### **3 Definitions**

#### **What is a complaint?**

A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organization, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.

#### **Exceptions:**

There are some circumstances where we will not accept a formal complaint. However, in some circumstances we may internally investigate to ensure we continue to provide the best possible service. Such circumstances include:

- Complaints raised on behalf of a customer without their authority
- Where you are telling us about a problem for the very first time (except where the complaint concerns the behaviour of a member of staff)
- Where you are asking for clarity of our policies and procedures
- Where you wish to complain about a company policy; we can investigate whether a policy has been followed, but we will not accept a complaint about the policy itself
- Insurance claims, these will be handed to our insurers.
- Where the issue took place more than 6 months ago
- Reporting a repair for the first time.
- Service Charges/Rent (we will accept complaints about the quality or frequency of work paid for via service charges).
- Where we have special arrangements in place with a customer, in line with our Unreasonable Behaviour policy
- Complaints, which are being pursued in an unreasonable manner including vexatious or frivolous complaints.
- Where the complainant has stated they intend to seek legal advice, or have been subject to legal proceedings and has had the opportunity to raise subject matter of the complaint as part of these proceedings.

- Demoted tenancy appeals.
- Temporary business or service closures/outages (including digital services) due to unforeseen circumstances or logistical reasons.
- Complaints that have been previously fully investigated in-line with this policy
- Anonymous complaints

There may be other circumstances where it is not appropriate to follow this complaints policy – for example, where a complaint relates to a Right to Buy or Right to Acquire process. In these circumstances a member of the Directorate team will contact you in writing to explain why the complaint cannot be considered under this policy; they will also signpost you to the most appropriate service or team to progress the matter in the suitable way.

#### **4 Who can make a complaint?**

A complaint can be raised to Tuntum Housing Association by any person or group of people affected by an activity or service provided by Tuntum including:

- Current tenant(s)/licensees and members of their households
- Former tenants/licensees
- Housing Applicants
- Leasholders
- MPs and Councillors
- Advocates

#### **Advocates**

A representative of a person may also make a complaint. The representative must be acting on behalf of a person who had a right to complain where this person:

- Is unable to complain themselves because: of a physical incapacity or lack of capacity within the meaning of the Mental Capacity Act 2005; or
- Has requested the representative to act on their behalf (proof must be provided in this instance); or
- Has died

#### **5 How a complaint can be made**

We are happy to receive your complaint in a variety of ways to suit you. You can log a complaint by:

- Calling us
- Visiting us in person
- Emailing or writing to us
- Our online website complaints form
- Social Media

#### **6 Complaint Timescales**

We aim to respond to complaints promptly; our timescales are explained further in this policy under the relevant headings. Sometimes it may not be possible to respond fully to

a complaint within the timescales, but we will always keep you informed of any changes and advise you when you can expect a reply.

## **7 Complaints Process**

At Tuntum, all our frontline staff are able to help customers who want to make a complaint; if they cannot help a customer themselves, they will help the customer find someone who can. We have developed a simple three-step process for resolving customer complaints with the emphasis on putting things right.

### **7.1 Informal complaints**

All complaints will be treated as informal complaints in the first instance with the exception of:

- complaints which concern serious health and safety issues

These will be automatically considered as formal complaints.

On receiving a complaint, we will always try to fix things straight away, aiming for a quick and effective resolution of the problem without a lengthy investigation. This is because our customers tell us they prefer this approach. We will agree with you reasonable outcomes and always inform you of any associated timescale.

If we are able to “quick fix” your complaint, we will class your complaint as resolved and therefore no further action will be required.

As this is the first opportunity for us to resolve your complaint, we expect the majority of complaints to be resolved at this stage. However, if we have not “fixed” the complaint to your satisfaction, we will inform you of the next steps in line with this policy.

If a complainant is not satisfied with an outcome at the informal stage, you can ask us to move your complaint to the next step, by notifying us within five working days of receiving your outcome response.

### **7.2 Formal complaints**

#### **Stage 1: investigation**

Where a complaint has escalated from the informal stage, an investigation will be undertaken by an officer from the service responsible for the alleged service failure.

At Stage 1, we will:

- Acknowledge the complaint by telephone or in writing within 5 working days, then investigate and respond to you within ten working days.
- Discuss the complaint with the complainant to ensure we understand the background details
- Give the complainant a unique reference number and let them know the name and contact details of the person who will be dealing with their complaint
- During the investigation, we will contact the complainant to keep them informed of progress and ask any further questions if necessary.

If further investigation is needed, which will take longer than 10 working days, we will always keep you informed along with the reason why and when you can expect an update. This should not exceed a further 10 days without good reason.

## **Stage 2: appeal and review**

If after your complaint has been investigated, you are unhappy with how your complaint has been investigated at Stage 1, then you should contact the staff member who had handled the complaint to appeal for a review. In order for us to move your complaint to this stage, you must explain how you meet one or more of the three criteria below. You will also be expected to provide us with written evidence to support your appeal and review request: this may be photographic evidence or written correspondence. You will need to make your request within one month of your Stage 1 response letter being sent to you.

Appeal and Review Criteria:

1. All or some of the points raised as part of your complaint have not been investigated or, responded to as part of Stage 1.
2. All or some of the agreed actions have not been carried out, or carried out to a less than satisfactory standard within agreed timescales.
3. Tuntum have failed to respond to your complaint within the agreed timescale set by our policy; or agreed by the investigating manager where additional time was required.

In addition, Tuntum reserves the right not to review a case where the agreed actions to put things right have been completed or if the complaint is vexatious.

If your request for an appeal and review is rejected, we will write to you within five working days of receiving your request and provide you with an explanation of our decision. This will be the final response from Tuntum and the end of our internal complaints process.

If your request is accepted then:

A junior or senior manager, who was not previously involved with the complaint, will then review the complaint and will:

- Acknowledge that they are now dealing with it by getting in touch with the complainant within five working days with their name and contact details
- Offer the complainant the opportunity for a personal telephone conversation or meeting.
- Review the Stage 1 response, speaking with the investigating officer where appropriate
- Deciding whether the original outcome still stands, or whether to try to resolve the complaint it can be improved e.g. by offering compensation

There may be some times when we can quickly resolve the issue without the need for a full review; we will take this approach where appropriate.

We aim for the review to take place within 20 working days from accepting your review. 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 if this is not possible an explanation and a date when the stage two response will be received.

We will contact the complainant by e-mail or in writing within 20 working days of completion of the review with their findings and final decisions, unless agreed otherwise.

Stage 2 is the end of our internal complaints process. If you are still not happy with the response you have received then a junior or senior manager will explain your further options, which are:

1. Referral to the Independent Complaints Panel.
2. Eight weeks after receiving the Stage 2 response, they may contact the independent Housing Ombudsman Service.

It should be noted that the Customer Excellence Leader can be used at Stage 2 to offer advice in managing a complaint, especially if it is complex or difficult.

### **Independent Complaints Panel (ICP)**

You have the right to ask your complaint is considered by a “designated person” when our independent procedure is complete. A designated person may help resolve your complaint in one or two ways; they can try and resolve the complaint themselves or they may refer the complaint straight to the Housing Ombudsman Service. Designated person’s include:

- Members of Parliament
- Local Councillors
- Tuntum’s Designated Independent Complaints Panel (ICP)

If a Designated Person becomes involved in facilitating the resolution of a complaint Tuntum’s Customer Excellence Leader/Senior Manager will be allocated as the lead case review officer.

### **Housing Ombudsman**

Customers can also refer their complaint directly to the Housing Ombudsman but must wait eight weeks from the date of the final decision and resolution (Stage 2) response from Tuntum. Customers can contact the Housing Ombudsman Service directly:

*Housing Ombudsman Service  
PO Box 152  
Liverpool L33 7WQ*

*Telephone: 0300 111 3000*

*Website: [housing-ombudsman.org.uk](http://housing-ombudsman.org.uk)*

Their website has an on-line complaints form or you can email them at [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

## **8 Acceptable Behaviour**

Unfortunately, there are rare occasions where Tuntum considers the actions or behaviours of a customer unacceptable. The following section explains how Tuntum will deal with the very few occasions when this issue arises.

We do not view behaviour as unacceptable just because someone is assertive or determined. There may have been upsetting or distressing circumstances leading up to a customer approaching Tuntum and people may act out of character. However, the actions of some customers who are angry or persistent may result in unreasonable demands on, or behaviour towards our staff and we will take appropriate action to manage such behaviour. We have grouped the behaviour under two broad headings:

## **9 Aggressive or Abusive Behaviour**

Our staff understand the difference between anger and aggression, For example, many complainants feel angry about the events that resulted in them contacting us. However, it is not acceptable when anger escalates into aggression towards our staff. Aggression is not restricted to acts that may result in physical harm but also includes behaviour or language that may cause staff to feel afraid, threatened or abused.

Examples of aggressive behaviour include:

- Threats
- Physical violence
- Personal abuse
- Derogatory or discriminatory remarks
- Rudeness
- Inflammatory statements and unsubstantiated allegations

Reports of this type of behaviour will be investigated and managed by our Violence and Aggression to Staff Policy.

## **10 Unreasonable Demands**

Customers may make what we consider unreasonable demands if they impact substantially on our work through the amount of information they seek or provide, the nature and scale of service they expect, or the regularity or number of approaches they make.

**Examples of this behaviour include:**

- Asking for responses within an unreasonable timescale
- Insisting on communicating with a particular member of staff
- Continual phone calls, emails, letters
- Repeatedly changing the substance of the complaint or raising unrelated concerns
- Refusal to co-operate with the complaint investigation process while still requesting their complaint be resolved
- Persistent refusal to accept a decision
- Persistent refusal to accept explanations relating to what Tuntum can or cannot do

- Continuing to pursue a complaint case without presenting any new information

The way in which these customers approach us may be reasonable, but it is their persistent behaviour in continuing to do so that is not.

How we manage, unreasonable demands will depend on the nature and extent of it. Steps we may take include, separately or in combination:

- Restricting contact in person, by telephone, letter or electronically or by any combination of these
- Restricting the frequency of contact
- Restricting access to the complaints process in future

Customers will be informed in writing of any decision to invoke these steps and the customer can appeal the decision in writing to the Customer Excellence Leader.

## **11 Learning from Complaints**

Customer satisfaction is a key measure of our performance and throughout Tuntum; we take a proactive approach to learning from any customer feedback, including complaints and compliments. We use feedback to shape our staff-training programme, policies and procedures. We do this to drive up standards and provide you with an excellent customer experience.

## **12 Monitoring and Delivery**

The Customer Excellence Leader will monitor the delivery of this policy and it will be reviewed annually. We may review this policy sooner if appropriate, for example, if there are changes to legislation or business requirements.

## **13 Who will be involved?**

Frontline staff – First point of contact to record complaints and “quick fix” if appropriate

Officer Level – Investigation

To carry out a thorough, timely and appropriate investigation – Stage 1

Junior/Senior Manager Level – Appeal and Review

A junior or senior manager, who was not previously involved with the complaint, will review the complaint – Stage 2

Customer Excellence Leader

- Ensures that complaints are recorded and responded to within the agreed timescales. Provides support and advice to Frontline staff and Junior/Senior Management to aid effective complaint resolution
- Provides strategic management of the complaints policy and procedures
- Monitors and reports on trends and learning outcomes

Customer Excellence Lead and Senior Managers – Liaise with Designated Person

GRC – Overall Performance

## Board – Overall Performance