

# Complaints Procedure

**Version: 3.5**

**Document Owner: Head of Service Improvement**

**See also: Complaints Policy**

**Date last reviewed: February 2021**

**Date due for next review: February 2024**

This Policy will be applied in a way that will not discriminate on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

Version number	Amendment	Amended by	Date
1.1	Added point that staff should escalate all Stage zeros where resolution not reached within the target date.	Annette M	1 <sup>st</sup> June 2015
1.2	Following Audit report recommendations implemented around closing complaints.	Annette M	27 <sup>th</sup> April 2016
1.3	Added Ombudsman details as change of address.	Annette M	23 <sup>rd</sup> Aug 2016
1.4	Added how complaints from residents groups can be part of complaints process & explicitly stated that Staff complaints are not Stage zero.	Annette M	20 <sup>th</sup> Sept 2017
1.5.	Added serious detriment line to policy.	Annette M	6 <sup>th</sup> March 2018
2.0	Reviewed policy with Service Resolution Team at 3 yearly review.	Annette M	10 <sup>th</sup> May 2018
2.1	Added about how complaints re: GDPR should be managed.	Annette M	16 <sup>th</sup> May 2019
2.2	Added further clarity about handling of staff complaints and complaints made by 3 <sup>rd</sup> parties.	Annette M	12 <sup>th</sup> July 2019
2.3	Amended handling of complaints about transfers.	Annette M	2 <sup>ndn</sup> Jan 2020
3.0	Reviewed in light of The Housing Ombudsman's code and checked by Devonshires. Separated from combined version with Complaints Policy to create standalone procedure. Key change is discontinuation of residents' panel to review stage 2 complaints.	Annette M	25 <sup>th</sup> Feb 2021
3.1	Tweak relating to complaints around policy and also around change to how Stage 2s are managed.	Annette M	6 <sup>th</sup> October 2021
3.2	Compliance with Code changes – removal of Stage zeroes.	Annette M	7 <sup>th</sup> September 2021

3.3.	Removal of democratic filter (8 weeks delay for referring matter to Ombudsman).	Annette M	11 <sup>th</sup> October 2022
3.4	Minor tweaks in wording following further self-assessment against the Ombudsman code.	Annette M	28 <sup>th</sup> June 2023
3.5.	Minor tweaks – additional guidance section, expanded guidance around staff complaint, changed timescales around Stage 1, in line with the Code.	Annette M	15 <sup>th</sup> September 2023

# Complaints Procedure

## 1. Responding to complaints

---

When responding to complaints the following approaches should be considered:

- Deal with complaints on their merits.
- Act impartially and have an open mind.
- Consider all information and evidence carefully.
- Apologise to the resident, acknowledging where things have gone wrong.
- Take measures to address any actual or perceived conflict of interest.
- Provide the service that we should have provided.
- Take action if there has been a delay.
- Where we need to put matters right we can provide the service giving timescales for when this will be; or provide it in a different manner; or provide an additional service.
- Provide an explanation or information to clarify a decision we have made.
- Review a policy, practice or literature if this has been the cause of the complaint.
- Reconsider or change a decision.
- Amend a record.
- Pay compensation or provide a refund or offer a gift voucher as a goodwill gesture where we have failed to deliver the appropriate service.
- Keep the complainant updated or regularly informed even if there is no specific update, we should make telephone contact so the resident is aware the issue is still being managed.
- Keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.
- It is important to manage residents' expectations from the outset, being clear where a desired outcome is unreasonable or unrealistic.

It is important to give residents the opportunity to have a representative deal with their complaint on their behalf, and to be represented and/or accompanied at any meeting with the landlord where this has been requested or offered and where this is reasonable.

Where a key issue of a complaint relates to the parties' legal obligations the landlord should clearly set out its understanding of the obligations of both parties and seek clarification before doing so where this is not initially clear.

Complaints which involve legal issues can be resolved via the complaints process if appropriate and all parties agree and legal proceedings are stopped. If so, it is important that settlement terms are properly documented and agreed including any terms as to confidentiality or non-admission of liability.

## 2. Formulating a remedy

---

Factors to consider in formulating a remedy can include, but are not limited to:

- Length of time that a situation has been ongoing.
- Frequency with which something has occurred.
- Severity of any service failure or omission.
- Number of different failures.
- Cumulative impact on the resident.

- A resident's particular circumstances or vulnerabilities.

Whilst the Service Resolution Team will largely be responsible for responding to the complainant, the Service Manager will need to take responsibility for ensuring that actions are delivered and solutions identified. This can involve identifying a series of actions within agreed timescales to resolve the complaint and identifying alternative solutions in a timely manner should the original actions not resolve the issues.

### **3. How do we learn from feedback?**

---

**3.1** For the directors and senior managers, learning from complaints promotes the open and transparent use of information to assess performance and risks and to inform strategic decisions relating to service delivery.

**3.2** Complaints provide senior staff and service managers and team leaders with an insight into day-to-day operations allowing them to assess effectiveness and drive service improvement by learning from:

- Feedback from the Service Resolution Team.
- The Service and Complaints Improvement Group.
- Quarterly Stage 2 complaints review meetings.
- Ombudsman cases discussed with senior managers and directors responsible.
- Review by the residents' Complaints Panel.
- Contract management meetings with contractors.

Feedback will focus on the service provided/complained about and be Specific Measurable Achievable, Realistic and Timely. Learning may be about improving the complaints process, but should also be about how we can stop complaints and improve services.

**3.3.** Annually we review and report on:

Issues and trends arising from complaint handling, including discussion of the Ombudsman's yearly landlord performance report and the inclusion of any organisational learning in Newlon's Annual Report. In addition we review findings of severe maladministration of the Ombudsman, as well as confirmation that the Complaint Handling Code is being applied.

**3.4.** Annual Self-Assessment against the Ombudsman's Code:

The Ombudsman expects landlords to carry out regular self-assessment against the Code and take appropriate action to ensure their complaint handling is in line with the Code.

**3.5.** For the Board Committees and Executive Team, complaint data is used alongside other management information on stock, services and customer feedback to provide insight into services. All reviews of service contracts and all reports on services provided to residents will include information on complaints relating to those services and what learning from complaints there has been related to those services.

Learning points will be reported to Trust Executive Team by The Head of Service Improvement and to the Residents' Services Committee quarterly.

## 4. Stage 1 complaints

---

Staff should be clear about the difference between when a resident is making a service request, where a resident may be unhappy about the situation that they want rectified and when they are making a Complaint.

**Service request** - a service request is a first request requiring action to be taken to put something right. This could relate to a repair, provision of service or action, where the timeframe for delivering that repair or action has not yet passed or where it can be easily resolved to the customer's satisfaction at the first point of contact.

Where there is a clear breach of service standards or it is not possible to provide an explanation and a resolution to the resident's dissatisfaction at the first point of contact and the resident is dissatisfied with the handling of repairs/repetitiveness of the issue then this should be logged as a formal Stage 1 complaint. An example of this is a complex repair matter where there have been several failed appointments and there are a number of different activities still outstanding.

The Service Resolution Managers are responsible for responding to Stage 1 complaints within 10 working days of it being logged. The details of their response should always be recorded on Dynamics. This can be a telephone call (if the resident is happy with this means of communication) e-mail or a letter.

If an agreement is made with the resident over the phone, the notes section in Dynamics must be used to record specific details of our response.

### 4.1 Timescales

- Logging and acknowledgement of complaint – 5 working days within receipt of complaint, this should make it clear who will be responding and within what timescale, as well as outlining what our understanding of the complaint is and the outcomes sought. If this is unclear this should be clarified with the resident.
- Stage one response outlining the decision – 10 working days from the date the complaint was logged – if this is not possible, an explanation to the resident containing a clear timeframe for when the response will be received should be sent. This should not exceed a further 10 days without good reason. This is to be done by the Service Resolution Team. If an extension beyond 20 working days is required to enable the landlord to respond to the complaint fully, this should be agreed by both parties.

### 4.2. The response should include:

- An apology for any service failure.
- A response on all the issues that have been complained about.
- An explanation where appropriate for the service failure.
- The outcome of the complaint.
- The reasons for any decisions made referencing the relevant policy, law and good practice where appropriate.
- The details of any remedy offered to put things right, including an assessment of compensation where appropriate. Any remedy should reflect the level of impact that the service failure it has had on the resident.

- The details of any outstanding actions (and timescales to remedy), including who will be responsible for monitoring this and details of how to escalate the matter if dissatisfied.
- A clear explanation of the different complaint stages, including their right to take the matter to the Ombudsman, detailing what will happen at each stage and timeframes for responding.

When formulating responses the Service Resolution Team should:

- Deal with complaints on their merits.
- Act independently and have an open mind.
- Take measures to address any actual or perceived conflict of interest.
- Consider all information and evidence carefully.
- Keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.

The Service Resolution Managers will consult with the relevant teams but will have the authority to decide on the best resolution for the complaint. In the case of complaints about the repairs service, they will need to consider budgetary constraints, but may choose to:

- Instruct a contractor to expedite repairs.
- Instruct a contractor to provide a written plan to fully remedy an issue including consideration of a 'plan B' in case original assumptions are incorrect or timescales are not met.
- Obtain a second opinion on a complex repair issue.
- Use an alternative contractor.
- Undertake a remote video inspection of issues with the agreement of the resident.
- Schedule an inspection by a surveyor.
- In some exceptional cases they may even consider something outside of normal arrangements if it is in the interests of resolving the complaint.
- Where appropriate the cost will be met by the incumbent contractor.

The service manager will be responsible for ensuring the Service Resolution Managers' instructions are executed. The Service Resolution Managers will be responsible for the case management of all Stage 1 complaints, providing regular feedback to the complainant, ensuring actions agreed as the resolution for the Stage 1 complaints are carried out, and keeping the customer informed about any delays and also progress.

Response times for Stage 1s will be monitored by the Service Resolution Team Leader and Assistant Director for Housing Services. Stage 1 complaints will be kept open for the appeal period during which time the Service Resolution Team is responsible for chasing up the outstanding actions. Only complaints where all actions have been completed during this period can be closed and only where the complainant does not wish to escalate the complaint.

Where a resident has raised new issues and the Stage 1 has been issued, then a separate and new Complaint should be logged regarding these. Where the resident then wishes to escalate both Stage 1 Complaints these would be managed better if they were merged to ensure that there is clear communication on all outstanding matters.

## 5. Stage 2 complaints

---

If the complainant wishes to escalate their complaint as they are unhappy with the outcome of the Stage 1 process, we will usually escalate this matter to the next stage (Stage 2), although there are some exceptions to this – see Appendix 2 on exceptions to procedure below.

An appeal should be made within 30 working days of receipt of the Stage 1 response.

The complainant needs to state the reasons they remain unhappy with the handling of their complaint and what they would like in order to put the matter right. This is so that when reviewing the complaint it will be clear about what issues have not been addressed to their satisfaction and what their preferred outcome is.

The member of staff logging the Stage 2 complaint should update the stage from 1 to 2 and transfer it to Stage 2 within Dynamics. The Stage 2 will be managed within the Service Resolution team by a member of staff who has not previously been involved with the complaint.

Where it is felt, following an initial review that the Stage 1 response is the final position, and the matter should not be escalated to Stage 2, then the matter should be raised with two of the following senior managers to review: Housing Services Director, Assistant Director of Housing or Head of Service Improvement.

If this is agreed then an explanation of the decision not to escalate must be given to the resident. It should make clear that the previous response was Newlon's final response to the complaint and provide information on how the complainant can make a referral to the Housing Ombudsman.

### 5.1 Timescales

Stage 2 response – this should be acknowledged within 2 working days of the request to escalate and a full response sent 20 working days from request to escalate. If this is not possible an explanation and a date when the Stage 2 response will be received should be provided to the complainant. This should not exceed a further 10 working days without good reason.

On receipt of an escalation request, the Service Resolution Team's response should set out the issues that they understand remain outstanding as well as the outcomes the resident is seeking. If any aspect of the complaint is unclear clarity needs to be sought on this and an agreement reached.

Where timescales cannot be met and an extension cannot be agreed with the resident, the resident should be supplied with the Ombudsman details.

The Service Resolution Team will be responsible for responding to Stage 2 complaints, and involving the directors responsible for the service being complained about in the case of complex complaints.

Stage 2 responses should include the following (as with Stage 1):

- The complaint stage.
- What the issues are that the resident remains unhappy about.
- A review of the Stage 1 decision and decide whether the complaint was handled:



- In accordance with Newlon's policies and procedures.
- Thoroughly having considered all the available relevant facts.
- Fairly and reasonably.
- An apology for any service failure.
- A response on all the issues that have been complained about.
- An explanation where appropriate for the service failure.
- The outcome of the complaint.
- The reasons for any decisions made referencing the relevant policy, law and good practice where appropriate.
- The details of any remedy offered to put things right, including an assessment of compensation where appropriate.
- The details of any outstanding actions (and timescales to remedy), including who will be responsible for monitoring this and details of how to escalate the matter if dissatisfied.
- A clear explanation of the different complaint stages, including their right to take the matter to the Ombudsman, detailing what will happen at each stage and timeframes for responding.

Complaints to Managing Agents (where the residents are Newlon tenants such as Bangla, Outward or Hestia and only where the Managing Agent is not registered with the Ombudsman) that have exhausted their own processes will come direct to Stage 2. The details of these complaints should be passed to the Service Improvement Team along with all correspondence and notes held by the Managing Agent. The Head of Service Improvement will review the complaint with the Housing Services Director before advising the customer of the outcome.

Where there is a group of residents complaining, then one point of contact will be agreed, who will be communicated with whilst the complaint is open. Where there is a group email then this can be used where requested and it is clear that the complaint is from all residents. Complaints will not be accepted from Residents Groups.

The Service Resolution Team will be responsible for the case management of all Stage 2 complaints, providing regular feedback to residents and ensuring actions agreed as the resolution for the Stage 2 complaints are carried out. They are responsible for keeping the customer informed about any delays and progress of responding or dealing with the complaint.

## **6. Housing Ombudsman**

---

Once a complaint has exhausted Newlon's complaints process the resident can appeal to the Ombudsman. The Ombudsman will not accept complaints that:

- Have not been brought to the Ombudsman's attention within 12 months after they exhausted the member's complaints procedure.
- Have not been brought to the attention of Newlon as a formal complaint within a reasonable period, which would normally be within 6 months of the matters which gave rise to the complaint;

The Service Improvement Team will be responsible for managing any correspondence from the Ombudsman regarding requests for documentation when a complainant has

appealed to the Ombudsman. This should be done within the timescale set by the Ombudsman, but if a response cannot reasonably be provided within this timeframe, an explanation for the delay must be provided and if the explanation is reasonable, the Ombudsman will agree a revised date with Newlon.

Failure to provide evidence to the Ombudsman in a timely manner may result in the Ombudsman issuing a Complaint Handling Failure Order.

### **7.1. Ombudsman findings**

The date the determination was published needs to be recorded in the appropriate field on Dynamics and the determination and report circulated to the relevant managers. If the Ombudsman finds maladministration, Newlon are expected to comply with their orders or recommendations. Ombudsman queries relating to any complaints that have not reached Stage 2 in the process will be handled by the Service Resolution Managers. Queries relating to complaints that have been escalated to Stage 2 will be handled by the Service Resolution Team.

The Housing Ombudsman Service address is:

Housing Ombudsman Service  
PO Box 152  
Liverpool  
L33 7WQ

Telephone: **0300 111 3000** (lines are open Monday to Friday from 9:15 to 17:15)

Email: **info@housing-ombudsman.org.uk**

## **7. Closing complaints**

---

The Service Resolution Managers are responsible for following up on all agreed actions for Stage 1 and Stage 2 complaints respectively to ensure that these are carried out. At the end of each Stage 1 response it will be made clear to the complainant what the escalation process is, and what time limit there is for this. The Service Resolution Managers will be responsible for reviewing either manually or setting up a system check at the end of this appeal period to ensure that it is appropriate to close the complaint. At this stage the complainant should be advised via text/e-mail/letter and advised that they may be asked to take part in a survey about their complaint by Newlon or someone working on our behalf.

For Stage 2 complaints once all remedies outlined in the Stage 2 letter have been actioned and completed, the resident will be advised that their complaint is being closed but they have the right to refer the matter to the Ombudsman giving details of how to do so.

## **8. Availability of this Complaints Procedure**

---

This Complaints Procedure is made available online to all residents and hard copies can be provided on request.

## **9. Additional Guidance**

---

**9.1 Withdrawal of a complaint** – if a customer wishes to withdraw their complaint, we will ask them to confirm this in writing (email is acceptable).

**9.2 Anonymous complaints** – Where a complaint is raised without clearly stating who is making the complaint and/or who is impacted by the issue, we will not normally investigate such a complaint, as we may have no one to respond to. The Head of Customer Experience, if appropriate, will determine whether the complaint warrants an investigation. If we do investigate an anonymous complaint, we will keep a record of our actions and any outcomes.

**9.3 MP/Councillor enquiries** – Such enquiries from a local MP or Councillor regarding an issue or concern raised by their constituent will be logged as MP enquiries. These will only be logged as a complaint where the matter being raised on the resident's behalf meets the complaints definition and there is no current complaint logged regarding this matter.

---

## **Appendix 1 – managing unacceptable behaviour from complainants**

---

It is important to recognise the difference between a resident's frustration with a poor service, where they are asking Newlon to remedy the matter, and when a resident's behaviour may be unacceptable. The full Dealing with Aggressive and Unacceptable Behaviour should be referred to.

Where the behaviour of a complainant is unacceptable or aggressive as detailed in the full policy, it is important that the officer managing the complaint ensures that the complainant's issues are addressed and this must be at the forefront of the officer's mind when handling these complaints. However, where the behaviour is unacceptable then these guidelines should be followed.

Examples of unacceptable behaviour are:

- Continual/excessive telephone calls/e-mails/letters which are disproportionate to the issue being raised.
- Persistent refusal to accept a decision made by Newlon and continually returning to Newlon, without presenting any new information.
- Persistent refusal to accept which services Newlon can and cannot provide.
- Repeatedly changing the substance of the complaint or raising unrelated concerns.
- Asking for responses within an unrealistic timescale, which are disproportionate to the issue being raised.
- Insisting on communicating with a particular staff member (who are not responsible for areas of queries).
- Use of derogatory remarks and rudeness (in email, writing or verbally).

All of these may be considered unacceptable and unreasonable if they start to impact substantially on Newlon employees' work and wellbeing, and therefore other residents will be disadvantaged, as the employee has less time to deal with their enquiries.

Where a complainant's behaviour is unacceptable, the employee dealing with the complaint should discuss with their manager and consider whether the Dealing with Aggressive and Unacceptable Behaviour policy applies and follow the guidance outlined within it. This can involve restricting the person's contact with our office, whilst still allowing a specified means to communicate with Newlon and a means of ensuring that the issues raised in the complaint can be addressed.

## **Appendix 2 – Exceptions to the procedure**

---

Newlon will not accept any formal complaint at Stage 1 or Stage 2 which would not be within the remit of the Housing Ombudsman Service. Set out below are a number of the exceptions which would not fall within the Ombudsman's jurisdiction and which will therefore not be dealt with by Newlon as formal complaints.

For details of the types of complaints that fall within the remit of the Housing Ombudsman, please refer to [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk).

### **1. Service charges**

Complaints about the level of service charges charged by Newlon or any increase in service charges will not be accepted as a formal complaint. All queries regarding service charges should initially be internally reviewed, aiming to respond within 28 days as often third parties are involved and where appropriate any adjustments on accounts should be carried out. This should be done by the officer responsible for the scheme.

If this has been done and the resident remains dissatisfied, only the following issues will be handled as complaints at Stage 1 initially and can then be escalated to Stage 2 where appropriate:

- Failure to provide information within legislative guidelines.
- Maladministration of service charges.
- Failure to review service charge 'queries' in a proper manner.

If service charge statements/accounts have already been audited, (Finance can confirm whether this has happened) the Service Charge Team will review the matter, this is not treated as a formal complaint. If the resident remains dissatisfied with the outcome of this review, they must proceed to the First Tier Tribunal Property Chamber, unless their complaint relates to one of the matters listed above.

### **2. Complaints about members of staff**

This will be investigated by the manager, who will listen to calls where call handling has been an issue, look at what actions have been taken and respond to the resident with an outline of any findings. These should be logged on Dynamics as a separate category. When a staff member receives a complaint about themselves or another colleague they should log the matter as an Information & Advice case; Category 1 – Staff complaint, emailing the Senior Service Centre Advisors (SSCA) to triage in the first instance and if they are not available to the Service Centre Team Leaders (SCTL) in Outlook with more details. They should inform the resident that a SSCA or SCTL will look into the matter and call them back within two working days.

It should be made clear whether the matter is a staff complaint as well as a service failure and therefore should also be logged as a Stage 1 Complaint. E.g. If a surveyor attends a residents' home for an inspection and during the visits makes inappropriate remarks the staff member's conduct would be the subject of a staff complaint but the service failure due to the inspection not taking place is a service failure and therefore cause for a complaint.

The SSCAs and SCTL will be responsible for clarifying whether the matter is a Stage 1 complaint or a staff complaint and update Dynamics accordingly.

Any staff member who is the subject of the complaint, will be asked to:

- Set out their position.
- Comment on any adverse findings before a final decision is made.

### **3. Transfer cases**

Where an applicant is unhappy about the handling of their transfer application, complaints may only be made either that the policy has not been applied correctly or there have been delays or poor customer care in the handling of it.

### **4. Complaints about the level of rent and rent increases**

These should be reviewed initially by the Income and Investigations Team who will check that the correct process has been followed and then the resident should be advised to proceed to the First Tier Tribunal Property Chamber (Residential Property).

### **5. Complaints about services provided by a Managing Agent (these are employed by Newlon via a management agreement and include Outward, Bangla and Hestia)**

Where a complaint is made about a Managing Agent, it is for the Managing Agent to investigate that complaint under their own Complaints Policy and Procedure. The Managing Agent must advise Newlon of the complaint and the outcome and the Head of Service Improvement will advise on whether any further action is required. This also includes complaints about Hornsey Housing Trust.

### **6. A claim for damages that should be handled via insurers or issues that are now subject to active legal proceedings**

Any matter that is the subject of an insurance claim or subject to legal proceedings, where legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court, will be outside the remit of the complaints process, as the resident has elected to have recourse to other formal processes.

### **7. Issue is over six months old**

Complaints will not generally be accepted if the issue giving rise to the complaint occurred over six months ago.

### **7. Previously complained about issues**

If a matter has already been through the complaints process, this would not normally be accepted as a new 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.

Where the service complained about has not yet been rectified, e.g. a repair then it would be appropriate to log a new complaint, closing the old one if it had exhausted the complaints process, making it clear the dates each complaint covers.

## **10. General Data Protection Regulation (UKGDPR)**

---

If a resident is unhappy with the handling of their personal data, initially this should be passed to the Governance Manager who will investigate this and respond to the resident. If the resident is unhappy with this response, the next stage would be for the resident to approach the Information Commissioner to make a complaint.

## **11. Policies**

---

Complaints about written policies, where decisions have been properly made by the relevant manager in accordance with relevant and appropriate best practice, will not be considered. Where the policy has been reviewed to ensure it is not directly discriminating or having a disproportionate impact on particular groups of residents.

## **12. Managing MP/Councillor enquiries**

---

These should be logged as a MP/Councillor enquiry, not as a complaints, and assigned to the manager responsible for the service that is being complained about. Where the MP enquiry relates to services provided by a third party, the MP enquiry will be passed to them to respond. The person responsible for responding should respond to any enquiry within the same timescales as for a Stage 1 complaint which must be communicated to the MP/Councillor in the first response (5 working days to acknowledge receipt, 10 working days for a full response, unless there are reasons to extend which must also be provided to the MP/Councillor).