

Complaints Procedure

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Document Owner: Annette Morrison

See also: Complaints Policy

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This Policy will be applied in a way that will not discriminate on the grounds of the race, gender, marital status, disability, sexual orientation, religion or belief, pregnancy or maternity status, gender reassignment, or age of the employee concerned. It applies to all staff.

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 st June 2015
1.2	Following Audit report recommendations implemented around closing complaints .	Annette M	27 th April 2016
1.3	Added Ombudsman details as change of address.	Annette M	23 rd 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 th Sept 2017
1.5.	Added serious detriment line to policy.	Annette M	6 th March 2018
2.0	Reviewed policy with Service Resolution Team at 3 yearly review.	Annette M	10 th May 2018
2.1	Added about how complaints re: GDPR should be managed.	Annette M	16 th May 2019
2.2	Added further clarity about handling of staff complaints and complaints made by 3 rd parties.	Annette M	12 th July 2019
2.3	Amended handling of complaints about transfers.	Annette M	2 ^{ndn} 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 th Feb 2021

Complaints Procedure

1. Responding to complaints

When responding to complaints the following approaches should be considered -

- Apologise to the resident, acknowledging where things have gone wrong.
- 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.

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 and the Quality 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.

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

4. Informal complaints

Informal complaints will be logged by the first person who receives them (this will usually be the Service Centre but can be anyone).

This is a service failure that is being brought to Newlon's attention for the first time or an expression of dissatisfaction where there is an opportunity to make an agreement with the resident to put the matter right within 48 hours. In relation to repairs, it is not expected that the appointment would be within 48 hours, but that this would be arranged and the resident advised within 48 hours. **Matters that will not be resolved within 48 hours should be treated as formal Stage 1 complaints.** Solutions to informal complaints may be:

- An appointment arranged for a repair.
- An apology and, if appropriate, an offer of compensation.
- A polite refusal of a repair not within Newlon's repairing obligations.

Informal complaints will be largely managed by the Service Centre on Dynamics, or the Estates Team who will manage complaints regarding cleaning and gardening or Building Services and the Repairs team relating to contract areas that they manage.

The manager of the appropriate team is responsible for making arrangements to ensure that the complaints allocated to their team are picked up on the day they are received and responded to within 48 hours.

Informal complaints can only be resolved with the agreement of the resident. After the response has been agreed with the resident, the person responding to the complaint is responsible for closing the complaint with clear notes on what actions have been agreed/taken in Dynamics.

If the resident is unhappy with the response or a resolution has not been agreed within target time for responses, then this can be escalated to a formal Stage 1 complaint. This should be done by changing the complaint to Stage 1 on Dynamics, by the person managing that case. This will allocate the case to the Service Resolution Management (SRM) team.

The Assistant Director for Housing is responsible for reporting on these to the Executive Team as well as any cases where the target response time has not been met and flagging these to the relevant managers.

5. Stage 1 complaints

Where there is a clear breach of service standards or it is clear the service failure will not be resolved within 48 hours or requires fuller investigation, 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.

Complaints that have not been satisfactorily resolved as informal complaints will also become Stage 1 complaints.

The SRM team are responsible for responding to Stage 1 complaints within 10 working days. 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.

5.1 Timescales

- Logging and acknowledgement of complaint – 5 working days, 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 receipt of complaint – if this is not possible, an explanation and a date by when the stage one response should be received. This should not exceed a further 10 days without good reason. This is to be done by the Service Resolution Team.

5.2. 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.
- 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.

The SRM team 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 SRMs instructions are executed. The SRM team 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.

6. 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 the Quality Team on the case in Dynamics.

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 Quality.

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.

6.1 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.

The Quality 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.

Before a final decision is made in relation to any Stage 2 complaint, the resident will be informed of the proposed decision within 20 working days of the appeal being received and the reasons for that decision. The complainant will then be given 10 working days to

make final representations, 10 working days after these are received a final decision is issued formally. If no formal representation is provided then the proposed decision will be considered the formal decision.

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 Quality Team along with all correspondence and notes held by the Managing Agent. The Head of Quality 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 Quality 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 complaint are carried out. They are responsible for keeping the customer informed about any delays and progress of responding or dealing with the complaint.

7. 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;
- Are made within 8 weeks of exhausting the complaints process unless the matter has been referred on to the Ombudsman by a designated person.

The Quality 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 15 working days, 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 SRM team. Queries relating to complaints that have been escalated to Stage 2 will be handled by the Quality Team.

The Housing Ombudsman Service address is:

Housing Ombudsman Service
Exchange Tower
Harbour Exchange Square
London
E14 9GE

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

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

8. Closing complaints

The SRM and Quality Team 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 SRM 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.

9. Availability of this Procedure

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

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's officers' work and wellbeing, and therefore other residents will be disadvantaged, as the officer has less time to deal with their enquiries.

Where a complainant's behaviour is unacceptable, the officer 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 in 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.

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.

The SSCAs and SCTL will be responsible for clarifying whether the matter is a service complaint or staff complaint and updating Dynamics accordingly, i.e. logging any service failure either as an informal complaint (if it can be resolved within 48 hours to the satisfaction of the resident) or as a Stage 1 complaint.

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 Tenancy Compliance 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 Quality 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, including threatened legal proceedings, where a letter of claim or equivalent has been served, will be outside the remit of the complaints process, as the resident has elected to have recourse to other formal processes. This includes where there is a letter starting the Pre-Action Protocol.

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.

8. 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.

9. 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.

10. 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 complaints 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).