

# Complaints Procedure

## 1.0 Introduction

- 1.1 This procedure sets out the process that will be used when managing and resolving complaints received by Town & Country Housing (TCH).
- 1.2 This procedure provides a structure for complaints to be investigated and resolved promptly, politely, fairly and consistently, and to ensure that customers are kept informed both during their complaint and of the final outcome. It should be read and applied in conjunction with the **Complaints Policy**.

## 2.0 Roles and Responsibilities

- 2.1 All staff who have the responsibility of responding to and managing complaints within their service area will receive complaints management training, which will be refreshed in accordance with the organisational Learning & Development programme. All staff involved in complaints management will be expected to follow this procedure.
- 2.2 Specific roles within TCH with responsibility for ensuring the complaints procedure is followed are:
  - **Assistant Director of Customer Experience** – will own the complaints policy and procedure, provide performance information, insight and monitor service improvements following complaints feedback.
  - **Customer Feedback and Information Manager** – will oversee contact with the Housing Ombudsman Service, monitor complaints progress in accordance with our published timescales and monitor quality of complaint responses. Additionally, will allocate Stage 2 complaints to a member of the Stage 2 Panel to provide an independent review of the complaint handling at Stage 1.
  - **Customer Service Team Leader** – will ensure that complaints are logged on the CRM system and allocated to the correct team.
  - **Operations Director** – will provide guidance and oversight in the management and decision making of complex cases and drive the performance of complaints management.
  - **Heads of Service Areas/ADs** – will monitor complaints within their service area to ensure they are dealt with in a timely and appropriate manner, with focus on the quality of the response.

## 3.0 Complaints

### 3.1 Complaints relating to disagreement with our policies and procedures.

- We will check that the policy/procedure has been followed correctly and that the individual's support needs have been taken into account when applying the policy.
- If our agreed policy/procedure has not been followed, we will investigate the complaint as a failure of service.
- When reviewing policy and procedure we will consider feedback about the content from relevant complaints

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## 3.2 Vexatious and unacceptable behaviour by customers

We will treat our customers with respect and expect our staff to be treated likewise. We will not accept :

### **Aggressive or abusive behaviour – which may include:**

- Physical violence or threats
- Verbal abuse, rudeness or unnecessary personal comments about our staff
- Rude, vicious or aggressive correspondence or entries made on social media and personal blogs
- Unreasonable demands which impact on our staff's time (eg requesting large volumes of information, asking for responses within a short space of time or refusing to speak to an individual).
- Persistently insisting on seeing or speaking to a particular member of staff;
- Continually making phone calls or sending letters or emails which repeat the same issues or do not allow reasonable time for response
- Repeat requests for services that are not provided by the organisation

We have a Persistent Behaviour policy which details in full how we will deal with persistent, unacceptable or unreasonable behaviour.

Complaints submitted by a third party or representative will be handled in line with TCH Complaints Policy.

## 3.3 Help to make a complaint

We can provide information in other formats, for example in large print or Braille or in other languages. Customers can also contact us through a third party representative, such as the Citizens Advice Bureau, Shelter, or an MP/Councillor/designated person.

## 4.0 Complaints Process

### 4.1 Stage 1 – Investigation

4.1.1 The complaint will be recorded on CRM and then allocated to a complaint handler from the service area the complaint is regarding within 2 working days of receipt.

4.1.2 The complaint handler will check that the case has been correctly allocated to them within 2 working days of it being allocated. If the complaint needs to be reallocated the handler will contact the appropriate team manager to agree this before passing to the appropriate team queue. Any disputes or questions around this should be escalated to the Customer Feedback and Information Manager.

4.1.3 The complaint handler will contact the customer within 2 working days of the complaint being allocated, ideally by phone or home visit. This type of contact must always be attempted unless there is a valid reason and in such cases should be record on CRM. This allows us to check our understanding of the problem, the customer's desired outcome and the opportunity to agree a course of action to allow full investigation.

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4.1.4 We should understand:

- What exactly are the main points of the complaint that need investigating, and if anything has gone wrong?
- What does the customer expect us to do?
- Is that expectation reasonable?
- How best to respond – apology; explanation; assurance; action; compensation (or any combination of these)?
- Have we done everything we possibly can to resolve the issue and that we've made the right decisions?
- Can our responses withstand scrutiny by a third party?

4.1.5 All attempted contacts, messages left, conversations and decisions must be recorded on CRM as they occur.

4.1.6 All information relied upon when reaching the outcome of the complaint must be recorded on CRM.

4.1.7 The complaint should be investigated, and a resolution discussed and ideally agreed with the complainant before we send a written response. The response should be sent within ten working days of the date we received the complaint. The response must always include the following elements;

- A personal and empathetic tone
- An apology if and when appropriate (it may be appropriate to apologise for our approach or how we have made a customer feel even if a complaint is not upheld)
- The findings from the investigation
- Confirmation of any remedial action completed/to be completed
- Where appropriate, details of any compensation awarded, including a breakdown of how this has been calculated and how it will be paid
- Learning points for TCH or its contractors arising from the complaint
- Steps that the complainant can take if they remain dissatisfied with the outcome at Stage1

4.1.9 If a customer raises a new complaint while an existing complaint is being investigated, this should be incorporated in to the existing complaint if the points are related and the response has not yet been issued. Where the response has been issued or the delay would be unreasonable, a new complaint should be logged.

4.1.10 Whilst it is important to complete complaints within the ten working day timescale, the aim is to resolve the complaint. If the complaint cannot be resolved within target timescales, we must inform the complainant at the earliest opportunity within the 10 day deadline, giving them an honest indication of when a response will be provided and outline the reason for the delay, any extension should be no more than 10 working days (extensions should only be necessary as a result of the investigation i.e. arranging interviews or inspections). All of this must be recorded on the complaints module on CRM. The frequency of contact should be agreed with and maintained with the complainant until a resolution has been reached. If the customer does not agree to any extension, details of the Housing Ombudsman should be provided to the customer.

4.1.11 Compensation may be considered but only in accordance with our approved procedure and in discussion with the budget holder. Refer to the Compensation Policy for further details.

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4.1.12 It is the stage 1 handler's responsibility to ensure that any agreed resolution whether compensation or action is delivered within agreed timescales and to remain in contact with the complainant until they have confirmed the promised action is complete.

4.1.13 The complainant has ten working days from the date of the outcome letter to consider our response and raise any concerns or further dissatisfaction. The case will be held as 'pending' within CRM during this period. If concerns are raised during this ten day period, the case handler should consider if there is a satisfactory resolution that can be provided without the need to escalate i.e. a reasonable increase to compensation offered. If the complaint is not escalated after ten working days, we will then close the complaint on CRM.

4.1.14 However, if the customer remains dissatisfied with our response at stage 1, the complaint will be escalated to Stage 2 at the customer's request.

## 4.2 Stage 2 - Review

4.2.1 A review is not a way of appeasing a customer who simply won't go away or a way to obtain more compensation. Consideration must be given to the following to determine whether the complaint should be escalated to Stage 2:

- Are the reasons for escalation related to the original subject matter – if not, a new complaint should be recorded on CRM at Stage 1
- Has the request for escalation been submitted outside of the 10 day deadline – if so, the request for escalation will be refused. In exceptional circumstances, the Assistant Director of Customer Experience or another member of TCH's leadership team may agree the escalation.
- Is it an appeal relating to an insurance claim that has been refused – if so, the escalation will be refused.

4.2.2 If escalation of the complaint is agreed, it will be escalated to Stage 2 on CRM, and the Customer Feedback and Information Manager will allocate the case to a member of the Leadership Team, or other member of the stage 2 panel, from an area of the business not connected to the subject matter of the complaint.

4.2.3 The reviewing manager should approach the matter with an open and reflective mind. If the complaint is particularly complex or controversial, the matter should be discussed with the Head of Service/Director, therefore if the case escalates they are already informed of the history of the case and actions taken.

4.2.4 The reviewing manager will contact the customer within 48 hours of the complaint being allocated to them to advise them that the escalation to Stage 2 has been agreed, to fully understand the issues outstanding and what outcome the customer is expecting.

4.2.5 We should aim to issue a reply within twenty working days from the date we received the escalation request but if the matter is complex, the reviewing manager will agree a realistic timescale with the customer for the investigation to be completed. Any extension will be agreed with the customer and be no longer than 10 working days.

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4.2.6 Once completed, the reviewing manager will attempt to speak to the customer to advise them of the outcome of their investigation, whether their complaint has been upheld or not and the reason(s) for that decision, and agree any actions that need to be taken (with timescales) if appropriate. This will be followed up by a confirmation letter taking into account the relevant points from section 4.1.7 above, including information about the remaining options open to the customer if they are still dissatisfied (refer to the Complaints Policy regarding Designated Persons and the Housing Ombudsman Service).

4.2.7 The complaint will then be closed on CRM and this completes the TCH complaints process.

4.2.8 Although the complaint process has been completed, it is the stage 2 complaints handler's responsibility to ensure that any agreed compensation or action is completed. This process should be supported by the original stage 1 handler who is expected to ensure actions are completed and keep the Stage 2 handler informed.

## 4.3 Complaints & our contractors

If a complaint is logged about one of our contractors we will always oversee the process, with overall responsibility for complaint resolution sitting with the appropriate TCH staff member. (See section 4.1.7 for required actions). We will also ensure CRM is updated with the outcome of the investigation, with the appropriate lessons learnt.

## 4.4 Lessons to be learnt from complaints

4.4.1 It is essential that we use the learnings identified from complaints to help improve services across TCH.

4.4.2 The Assistant Director of Customer Experience will provide a monthly report at Performance Group which will highlight service failures and recommendations where appropriate for service improvements. Implementation and monitoring of success will be the responsibility of the appropriate Head of Service/AD, who will feed in to the monthly report as necessary.

4.4.3 An in depth review of any cases the Ombudsman has found Service Failure, Maladministration or Severe Maladministration and upheld stage 2 complaints will be carried out by the Assistant Director of Customer Experience including all staff involved in the complaint. The purpose of the review will be to identify any lessons from the complaint and ensure that any identified action is taken.

4.4.4 Regular updates on how we have improved or altered a service will be provided on our website and in other communications with customers, including social media.

## 5.0 When a complainant remains dissatisfied following review of a complaint.

If the complainant remains dissatisfied with the outcome of their complaint having exhausted the internal complaints procedure, they will be advised of the following options for pursuing the matter.

## 5.1 Housing Ombudsman Service (HOS)

5.1.1 Customers may contact the HOS directly at anytime during the complaints process but the Ombudsman would usually advise the complainant to wait for their

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complaint to completed all stages of TCH's complaint process before conducting their own investigation.

## **Housing Ombudsman Service**

Address: Exchange Tower, Harbour Exchange Square, London, E14 9GE.

Tel: 0300 111 3000

E-mail: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

Web: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

- 5.1.7 The Housing Ombudsman Service will only accept complaints where we have a contractual relationship with the complainant. They will not accept complaints from members of the general public.

## **5.2 RICS Surveyors Ombudsman Service**

This is an alternative service to the Housing Ombudsman Service that is available to private owners, leaseholders or commercial tenants. There is no designated person or possible time delay procedure to follow. Complainants may approach the RICS Surveyors Ombudsman Service directly and immediately after exhausting our internal process.

## **5.3 The Regulator of Social Housing**

They will not normally investigate customer or leaseholder complaints or get involved in disputes between an association and an individual or group of complainants unless they are concerned about a specific issue or see a pattern or trends appearing in the complaints received. The Regulator will deal with a complaint about an association where this involves an allegation that the organisation or its staff are deliberately acting in a way that's leading to serious mismanagement or fraud. However it should be noted that there is a clear link between the Regulator and the Housing Ombudsman with the Ombudsman working with the Regulator of Social Housing to share insight and refer cases where necessary.

## **5.4 Legal remedies**

Customers and leaseholders may take their complaint to the County Court, or First Tier Tribunal (FTT). We can also direct the complainant to the Leasehold Advisory Service website or Age UK to seek independent information.

## **6.0 Monitoring**

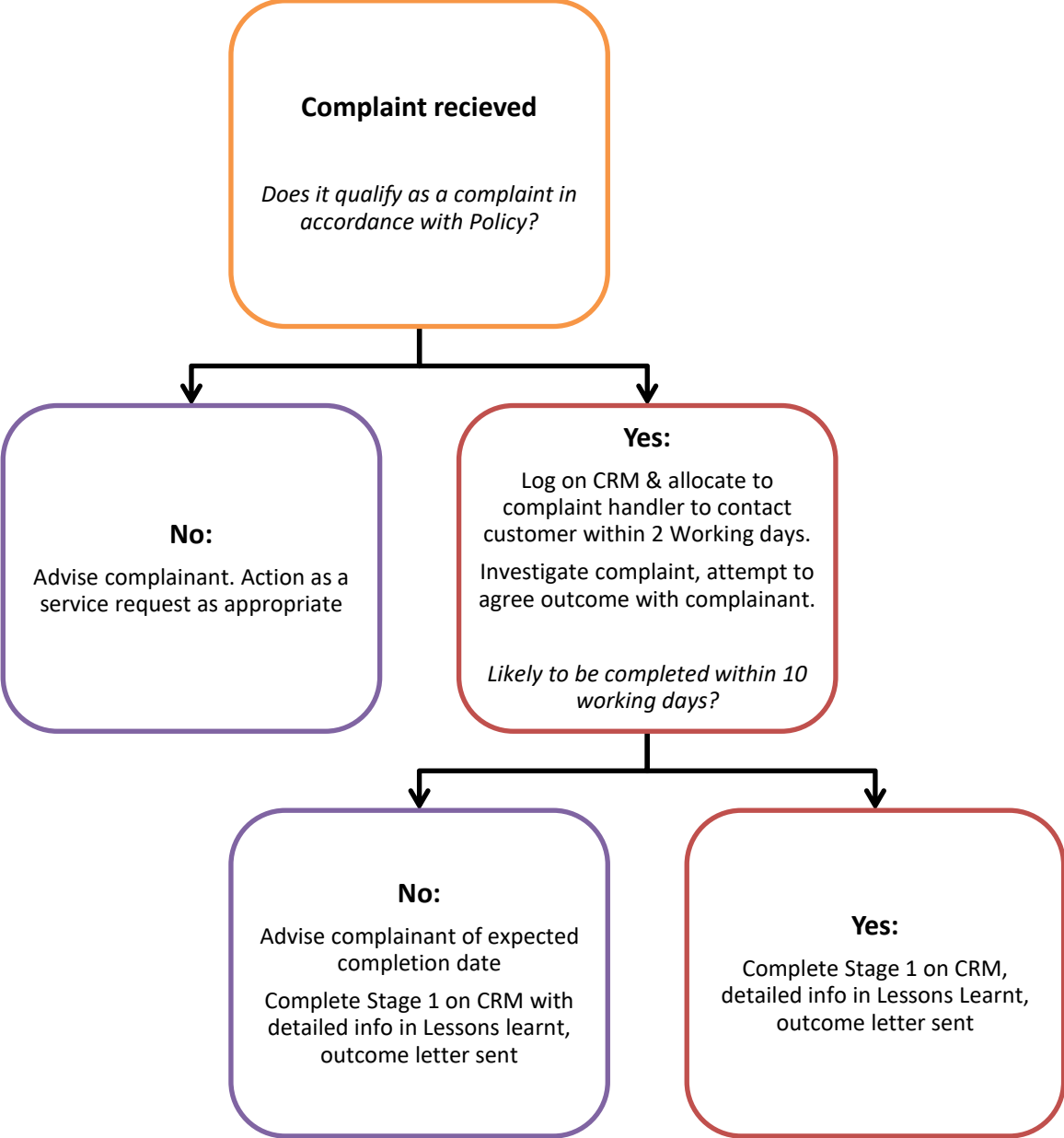
- 6.1 TCH will maintain comprehensive electronic files regarding all complaints and these will be maintained in accordance with the Data Protection Act 2018.
- 6.2 Sometimes it will be necessary to share personal data information with our contractors. We will only share the data that is relevant to investigating the complaint and carrying out any work required to put things right.
- 6.3 It is important that all formal complaints are monitored and we use the information received to improve our standards of service delivery, and share learning around the organisation. At every stage, details of the complaint and the action taken should be entered onto the complaints module on CRM.
- 6.4 We will regularly review performance, trends and lessons learned for both formal complaints and feedback. This information will be used to review and improve

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services and reported to the TCH Board and Customer Service Committee as appropriate and will also be published in our 'Annual Report to Customers'.

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## Complaint Received





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Request received to move the complaint to Stage 2

