



COMPLAINTS POLICY

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1. Introduction/ Context

- 1.1 Rochdale Boroughwide Housing (RBH) aims to conduct its business in a manner which is open, transparent and accountable whilst continuing to build stronger communities and delivering excellent services at all times. The aims and objectives of this policy reflect some of the key mutual membership values adopted by our Representative Body:
- **‘Responsibility’** – We will take responsibility for our actions. When something has gone wrong we will investigate what has happened, explain to the customer why it has happened and what we intend to do in order to rectify the matter and offer an apology;
 - **‘Openness & Honesty’** – We will carry out any actions that have been agreed in order to rectify the complaint, be honest about why something has gone wrong, not seeking to justify our actions inappropriately and share information about what we have learned from complaints;
 - **‘Caring’** – treat all complainants with respect, investigating in a way that reassures them we are taking their complaint seriously, considering individual circumstances;
 - **‘Equity’** – We will carry on our business in a way that is fair and unbiased, ensuring that a complaint from a customer does not prejudice their right to the receipt of a good service from us during the period of the complaint and in the future.
- 1.2 We recognise that occasionally things can go wrong, we fail to live up to our customers expectations or our own service standards and that on such occasions we have responsibility to put things right.
- 1.3 How we manage complaints from our customers forms a key part of our overall approach to reviewing performance, improving service delivery and achieving high levels of customer satisfaction in all that we do. As such we encourage, welcome and value complaints as an important form of customer feedback.
- 1.4 This policy and its accompanying procedures and service standard aims to ensure that there is a clear, accessible, effective, confidential, and responsive system in place for managing and monitoring complaints about the services we provide, enabling us to act on them in a way that is quick, fair, consistent and in a manner appropriate to both customers and RBH in its capacity as landlord.

2. Policy Aims & Objectives

2.1 The aims and objectives of this policy together with the values referred to in section 1 set out the context within which we will deal with complaints, on a day to day basis and form a framework for how the complaints procedure will operate. We will:

- encourage customers to let us know when they are dissatisfied with the service they have received from us providing clear information to customers about how they can make a complaint, and ensuring a range of access methods are available including by telephone, e-mail, letter, in person or on-line through our website;
- where a mistake has been made, always offer an apology, taking appropriate action to put things right, always asking the customer what they want to happen as a result of their complaint and taking preventative action to ensure that similar problems do not re-occur;
- where we consider the complaint is unfounded, fully explain why we have reached that decision;
- offer all necessary support to customers who need help in making their complaint, and accept feedback from anyone they choose to represent them, for example, an advocate, family member, friend, Citizens Advice Bureau or 'Designated Person' (Member of Parliament, or Local Ward Councillor). If you wish to use a designated person, please be advised that RBH will send a response to both yourself and this person.
- empower all our employees to take responsibility for dealing with your complaint at the first point of contact, seeking to resolve it without recourse to the formal complaints process;
- where appropriate, acknowledge all formal complaints within two working days from their receipt where practicable, provide a full response within ten working days or where this is not possible keep the customer informed of progress in relation to the handling of their complaint.
We will continue to monitor our performance in relation to timescales but will also introduce new measures to assess how well we responded to customers feedback and to measure satisfaction with the final outcome including any corrective and preventative action taken in order to rectify complaints.
Feedback will be used either to identify where the service has failed or to identify where we have done something particularly well. This will enable us to analyse trends in service delivery, learning from negative feedback and bringing about continuous improvement;
- make performance information gathered from complaints available to customers;
- Raise employee awareness of the importance of good complaints management and monitoring including the need to respond in a proper and appropriate manner. This will be done through the induction programme.

3. What you can expect when you make a complaint

3.1 Some practical measures may include:

- Providing the customer with a full explanation of the outcomes of the investigation and where appropriate outlining the actions we intend to take in order to resolve the matter;
- Reviewing the policy or procedure that led to the initial complaint in order to ensure that it has been applied equitably and has fully taken into account the individual circumstances of the complainant;
- Reviewing and amending the information provided in our service literature (e.g. service standards);
- Arranging supplementary training and guidance for employees responsible for delivering the service;
- Offering the customer a small customer care payment as a gesture of goodwill. In cases where the customer has suffered genuine financial loss, for example damage to their possessions or loss of earnings whilst waiting for an appointment, then the payment will reflect this providing that the customer can provide reasonable proof of the loss. RBH will also reserve the right to offset such payment against any rent arrears or other debt.

4. Scope of the Policy

4.1 This policy is relevant to any person who either receives a direct service from, or is affected by a decision or action taken by RBH or one of its subsidiary organisations.

4.2 The policy applies to all RBH members, employees and volunteers (both permanent and temporary), who deliver services to RBH tenants and leaseholders.

4.3 The policy also applies to suppliers and contractors who are procured to deliver services on behalf of RBH or consultants who are engaged to review and influence RBH services.

4.4 RBH will, therefore, follow procedures that aim to ensure that all our customers, employees, members, suppliers, contractors, consultants and volunteers are fully aware of, have access to and abide by their responsibilities under this policy.

5. Conflicts of Interest

- 5.1 During all stages of both the informal and formal complaints process RBH will take all reasonable steps to ensure that employees investigating, considering or taking a decision in relation to a complaint do not include any person previously concerned with the complaint or who has a personal or otherwise significant interest in the outcome.

6. The Complaints Process

Resolving Service Issues Promptly (Stage 1)

- 6.1 Many day to day complaints (e.g. a missed repair appointment) should be capable of being resolved informally without recourse to the formal complaints procedure and RBH actively encourages all employees to take responsibility for resolving service issues at the first point of contact with the customer. Whilst these issues are still expressions of dissatisfaction they do not tend to be complex issues that need to go through the formal complaint stages. These are acknowledged and passed to the appropriate team to deal with.
- 6.2 If you are dissatisfied with any service provided by RBH and would like the issue to be resolved informally as described above you may contact the Customer Feedback Co-ordinator: Tel: 0800 027 7769 or email the Customer Experience Team at: customerexperience@rbh.org.uk. This will mean that your issue is directed to the appropriate team for prompt resolution.

Making a Formal Complaint (Stage 2)

- 6.3 This formal stage of the process will be appropriate where the informal stage (above) has failed to resolve the matter to the customers satisfaction or where the customer has indicated that they wish to proceed straight to this stage. We define a formal complaint as: 'any dissatisfaction expressed by a customer after either having received a service from us or following an action taken by us which has affected them, or any dissatisfaction expressed by a customer about a lack of action or standard of service provided by us or any person or organisation acting on our behalf'.

Specifically this may be where:

- You are unhappy with what we do or the way we do it;
- You consider we have not done something that we should have, or have taken too long;
- You feel that we have not complied with our published policy and wish to challenge its suitability;
- You have been told that you cannot use one of our services;
- Your needs are not being met due to the lack of a particular service;
- You are not happy with the standard of the service you have received from us;
- You are unhappy with the attitude, behaviour or way you have been treated by one of our employees, volunteers or contractors.

6.4 All complaints will be dealt with in confidence, fairly and as quickly as possible, respecting a customer's rights under the current Data Protection Act and the new Data Protection Act which comes into effect from May 2018 onwards.

6.5 RBH will promptly acknowledge the customer's complaint giving them a reference number and informing them of the name of the investigating officer who will deal with their complaint.

6.6 Where appropriate the investigator will contact the customer as part of their investigations and, where necessary, to seek further clarification on any issues raised by the customer.

6.7 The investigator will aim to complete the investigation and send the customer a written response within 10 working days from the date we receive your complaint explaining the outcomes from the investigation. If more time is needed the customer will be contacted to explain why there is a delay and inform them of when a response can be expected.

Appealing the Outcome of a Formal Complaint (Stage 3)

6.8 If a customer is unhappy with the response received from the investigation under stage 2 they may appeal (within 28 days of receiving their response) explaining the reason(s) why they are dissatisfied.

6.9 The appeal will be acknowledged within 2 working days, investigated by an independent Head of Service (that is someone who does not manage the service which the customer expressed dissatisfaction with) and responded to within 10 working days from the date the appeal is received. If more time is needed the customer will be contacted to explain why there is a delay and inform them of when a response can be expected.

The Housing Ombudsman Service

- 6.10 The decision of the Independent Head of Service will be deemed to be final and if the customer still remains dissatisfied after their complaint has exhausted stages 1 to 3 of the RBH Complaints process they can refer their complaint to a designated person of their choice.
- A 'Designated Person' is:
- A Member of Parliament;
 - A local Ward Councillor
- 6.11 The customer must authorise their chosen designated person to act on their behalf and agree to disclose all relevant details pertinent to their complaint to them.
- 6.12 A Designated Person has the right to refuse to refer a complaint to the Housing Ombudsman if they so wish. You should expect that the designated person will do so in writing.
- 6.13 Alternatively customers who choose or prefer not to approach a designated person about their complaint can wait 8 weeks from the date of the decision of the stage 3 appeal and approach the Ombudsman directly with their complaint.
- 6.14 RBH is a member of the Independent Housing Ombudsman scheme and will cooperate fully with the Ombudsman making available all records and information relating to the complaint and abiding by the Ombudsmans final determination.
- 6.15 The Housing Ombudsman service is a body set up by the Government to provide a free and independent way of dealing with complaints against housing organisations. Generally they will not consider a complaint referred to them either via a designated person or directly unless it has first been through all the stages of the complaints process.
- 6.16 Further information on the Housing Ombudsman can be found by visiting their website at: www.ihos.org.uk

6.17 Contact details for the Housing Ombudsman are as follows:

Housing Ombudsman Service
Exchange Tower
Harbour Exchange Square
London
E14 9GE
Tel: 0300 111 3000
Fax: 020 7831 1942
Email: info@housing-ombudsman.org.uk
Lines are open Monday to Friday 9:15 to 17:15 (except public holidays)

7. What is Not a Complaint

7.1 The following matters are outside the scope of this policy as there are other policies or procedures for dealing with them:

- When you are making the first request for a service from us (for example the first time you report a repair). This will normally be channelled through our Customer Contact Centre (Telephone 0800 0277769 or 01706 274100) to the website; <http://www.rbh.org.uk> or via a Customer Experience Advisor at St Alban's House Drake Street, Rochdale;
- When you are requesting information or clarification about our services, policies, service standards or procedures;
- If you have a problem with your neighbour or another resident living in your neighbourhood. These will be dealt with under the anti-social behaviour policy and procedure;
- If you are raising an issue where there is a statutory right of appeal under the Housing Allocations Policy;
- where there is a legal solution (e.g. a claim for damages that should be handled as a public liability insurance claim);
- Where you have a complaint about decisions or services taken or provided by other organisations, over which RBH has no control;
- Complaints relating to the actions or conduct of RBH Board members and tenant members of the Representative Body. These will be dealt with in accordance with the codes of conduct that apply to each body.

8. Dealing with Abusive, Persistent or Vexatious Complaints and Complainants.

- 8.1 RBH are committed to dealing with complaints and comments in an impartial and reasonable manner and making a complaint will not affect a customer's rights to fair treatment and a good service from us. We realise that the circumstances that have caused the customer to complain may be distressing and cause them to act out of character and we expect our employees and contractors to treat customers with respect at all times.
- 8.2 However, on occasions, where a customer's behaviour is considered to be unreasonable and unacceptable, adversely affecting our ability to continue delivering services to other customers, we will reserve the right to restrict or change the way in which the customer makes contact with us.
- 8.3 Types of behavior that RBH would consider unacceptable and would therefore need to take a different approach:
- Aggressive or abusive behaviour towards our employees or contractors including threats, physical violence, personal verbal abuse, harassment and derogatory remarks;
 - Unreasonable demands which impact on our employees' time and ability to carry out their duties, for example continually making calls, changing the content of their original complaint or insisting on dealing with a particular employee;
 - Unreasonable persistence in refusing to accept an explanation or decision and continuing to pursue their complaint without providing any new information that may have a significant impact.

9. Imposing Restrictions

- 9.1 We will ensure that the complaint is being, or has been, investigated properly according to the RBH Complaints Policy.
- 9.2 In the first instance the Service Manager with the Customer Feedback Co-Ordinator will consult with the Head of Customer Experience prior to issuing a warning to the complainant. The Service Manager will contact the complainant either by telephone, in writing or by e-mail to explain why this behaviour is causing concern. The Service Manager will explain the actions RBH may take if the behaviour does not change and will follow this up in writing.
- 9.3 If the disruptive behaviour continues, the Service Manager will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact us in the future will be restricted.

The Service Manager will make this decision and inform the complainant in writing of what procedures have been put in place and for what period.

- 9.4 Any restriction that is imposed on the complainant's contact with us will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between 3 and 6 months but in exceptional cases may be extended. In such cases the restrictions will be regularly reviewed.
- 9.5 Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:
- preventing the complainant from making contact by telephone except through a third party e.g. solicitor, councillor or friend acting on their behalf;
 - preventing the complainant from sending e-mails to individual and/or RBH employees and insisting they only correspond by letter or designated mailbox;
 - preventing the complainant from using any RBH service and customer access points such as St Albans House or Kirkholt Drop in Centre, and including any Community Facilities;
 - requiring contact to take place with one named RBH employee;
 - restricting telephone calls to specified days, times and duration;
 - requiring any face to face contact to take place in the presence of an appropriate witness;
 - advising the complainant that we will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated RBH employee should be identified to read all future correspondence).
- 9.6 When the decision has been taken to apply a restriction to a complainant, the service manager in conjunction with the Head of Customer Experience will contact the complainant in writing (and/or as appropriate) to explain:
- Why we have taken the decision
 - What action we are taking
 - The duration of that action
 - The right of the complainant to contact the Housing Ombudsman about the fact that they have been treated as a vexatious/persistent complainant
- 9.7 The service manager will enclose a copy of the vexatious elements of this policy in the letter to the complainant.

9.8. Where a complainant continues to behave in a way which is unacceptable, the Head of Customer Experience, in consultation with our Legal department, may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

9.9. Where the behaviour is so extreme or it threatens the immediate safety and welfare of RBH employees, we will consider other options, for example reporting the matter to the police or taking legal action. In these cases, we may not give the complainant prior warning of such action.

10. New Complaints from Complainants who are treated as Abusive, Vexatious or Persistent

10.1. New complaints from customers who have previously been dealt as a vexatious complainant will be treated on their merits. The Head of Customer Experience with advice from legal services will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. We do not support a “blanket policy” of ignoring service requests or complaints where they are founded.

10.2. A complainant who is judged to be unreasonably persistent or vexatious and any restrictions imposed on our contact with him or her will be recorded and notified to those who need to know within the Society.

11. Record Keeping Under the Complaints Policy

11.1. Adequate records will be retained and regularly reviewed by the Customer Feedback Co-Ordinator within the electronic case files and will consist of:

- the name and address of each customer who we have received a complaint from;
- when the customer and RBH departments were advised;
- monitoring of any restrictions that have come into force as a result of an abusive, vexatious or persistent complainant.

12. Learning from Complaints

12.1 RBH seeks to learn from all types of feedback including complaints through the following mechanisms:

- monitoring and reporting on complaints, including:
 - the number of complaints completed within target timescale;
 - the average number of days taken to process complaints;
 - the number of complaints dealt with informally and formally;
 - the number of Councillors and MP's enquiries dealt with.
- an analysis of complaint trends by performance, nature and service area;
- a periodic review of the cost and quality of the complaints process;
- publishing anonymised performance information to tenants in our annual report, newsletters and on our website showing how we have performed in relation to the processing of complaints, and how we have used the feedback to improve our services.

13. Equality and Diversity

13.1 We will ensure that this policy is applied fairly and consistently to all of our customers and in accordance with our membership values set out in our Corporate Strategy and Equality and Diversity policy statement. This means that no person or group of persons will be treated less favourably than another person or group of persons on account of their age, religion and beliefs, disability, gender, race, sexual orientation, transgender status, marriage and civil partnership, pregnancy and maternity or any other issue that may cause potential discrimination in service delivery.

13.2 This policy has been subjected to an equality & diversity relevance test to determine whether a full equality impact assessment is required and it has been shown that a full assessment is required. The outcome of the assessment is that this policy has a low impact on our customers.

14. Links to Other RBH Policies and Procedures

- Data Protection & Information Security Policy
- Records Management Policy
- Code of Conduct for Employees
- Code of Conduct for Board Members
- Code of Conduct for the Representative Body
- Employee Disciplinary Grievance and Capability Policy
- Anti Fraud, Bribery and Money Laundering Policy
- Equality and Diversity Strategy
- Formal Complaints, procedure
- Anti-Social Behaviour Policy and procedure

15. Monitoring

- 15.1 The Customer Panel receives regular monitoring and feedback on performance on formal complaints, councilor enquiries and customer satisfaction on the formal complaints process.

16. Review

- 16.1 All RBH policies and procedures are reviewed on a regular basis in order to ensure that they are 'fit for purpose' and comply with all relevant legislation and statutory regulations.
- 16.2 This policy, including any other related policies and procedures will be reviewed annually in order to ensure its continued appropriateness and formally reviewed and submitted to the appropriate 'approving body' at least every three years.