

# COMPLAINTS POLICY

## Complaints and Customer Feedback Policy



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|-----------------------------|--------------------------------------------------------------------|--------------------------|------------------------------------------|
| <b>Policy Title</b>         | <b>Complaints Policy – Complaints and Customer Feedback Policy</b> |                          |                                          |
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## **1. BACKGROUND AND PURPOSE**

- 1.1. We have designed this policy to make it easy for customers to provide us with feedback about the services they receive.
- 1.2. We aim to provide customer-focused services that are right first time by listening carefully, responding fully and ensuring that the customer does not need to contact us about that issue again.
- 1.3. We understand things can go wrong and we can make mistakes - we want to know so we can apologise, put them right and learn from them.
- 1.4. We also want to know when things have gone right (compliments and thanks) and share these with colleagues.
- 1.5. We will aim to:
  - publicise our processes so all customers are aware of how to make a complaint or compliment. We do this by publishing this policy on our website, providing regular stories about complaints in our tenant magazine and reporting on our complaints performance.
  - ensure customers can make a complaint or compliment easily.
  - deal with complaints confidentially and fairly.
  - resolve complaints efficiently, politely and at the earliest opportunity.
  - put things right, where possible.
  - use complaints to learn and improve processes and services.
  - keep customers updated throughout and keep a proper record.
  - ensure staff understand how to deal with a complaint and receive ongoing training.
  - empower and support staff to take ownership of complaints assigned to them.
  - make correspondence clear, concise and in Plain English.
  - publicise the services of the Ombudsman from the very start of a complaint and co-operate with them to resolve complaints.
  - comply with the Ombudsman code and scheme (or explain where we don't comply), and any Ombudsman recommendations, determinations or Complaint Handling Failure Orders.

## **2. WHAT IS A COMPLAINT - DEFINITIONS**

- 2.1. In line with the Housing Ombudsman guidance, we define a complaint as:

***‘An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.’***

- 2.2. In contrast, the Housing Ombudsman describes an enquiry as follows and they are not covered by this policy:

“A service request is a request from a resident to the landlord requiring action to be taken to put something right. Service requests are not complaints, but must be recorded, monitored and reviewed regularly.”

- 2.3. For clarity, there may be exclusions when we will not accept the following as a complaint:

- an enquiry or initial request for a service or information
- matters that have previously been considered under the complaints policy
- a report of anti-social behaviour, (unless the issue relates to how we have handled it)
- a query about a policy, (unless the issue relates to failure to comply with the policy)
- issues brought to our attention after 12 months of arising, unless there is a recurring issue or where the complaints are related to safeguarding concerns, health and safety matters, or where we agree there are exceptional circumstances (which will be considered on a case-by case-basis.)
- a complaint 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
- a complaint where the issue relates to ongoing or possible insurance claims
- issues being pursued in an unreasonable manner (see later section in this policy)
- issues the Ombudsman has already decided upon

- 2.4. If we refuse a complaint, we will write to you to explain why and provide you with details of how to contact the Housing Ombudsman should you wish to raise the matter with them. All complaints will be considered on a case-by-case basis.

- 2.5. Initial requests for service or a report of Anti-Social Behaviour will be dealt with ‘there and then’ and will not form part of our complaints process. A complaint can only be made after the issue has been reported and Cornwall Housing has had a reasonable opportunity to deal with it.

- 2.6. If a resident expresses dissatisfaction with the response to a service request, even if the handling of the service request remains ongoing, a complaint can be raised. We

will not stop our efforts to address the service request if the resident makes a complaint.

- 2.7. Survey feedback may not necessarily need to be treated as a complaint and, where possible, the person completing the survey should be made aware of how they can pursue their dissatisfaction as a complaint if they wish.
- 2.8. Complaints or expressions of dissatisfaction can be raised in a number of ways:
- By telephone
  - By email
  - Completing our online webform
  - In writing to our offices
  - Directly to any of our employees
  - In person when visiting our offices
  - An advocate or representative on your behalf, with permission
  - Local MP or councillor
- 2.9. We will accept complaints or expressions of dissatisfaction through our social media channels. However, we will request a private or direct message to be sent to us with further details of the complaint to maintain customer confidentiality and privacy.
- 2.10. If you wish to complain about a company providing a service on behalf of Cornwall Housing, for example, a contractor that we have asked to carry out repairs in your home, you should still log your complaint with us. We are committed to investigating complaints about any third parties delivering services on our behalf. This will be treated in the same way as a complaint about a service delivered directly by Cornwall Housing staff.

### **3. COMPLAINT PRINCIPLES**

- 3.1. A resident does not have to use the word 'complaint' for it to be treated as such. Whenever a resident expresses dissatisfaction, our staff must give residents the choice to make complaint.
- 3.2. CHL will accept complaints within 12 months of the resident being made aware of the issue, or the issue occurring.
- 3.3. Customers can give permission to a third party to act as an advocate on their behalf (i.e. relatives, community leaders, MPs, councillors, external agencies, etc.).
- 3.4. Anonymous complaints are accepted and a response provided wherever practical and appropriate (i.e. a complaint from a block of flats – all customers in the block are provided with feedback).

- 3.5. A complaint can be made by a group or from one person representing a group of people; this could be in the form of a petition or joint communication. We ask the group to nominate a spokesperson and deal with that person until the complaint is resolved.
- 3.6. We keep a record where the customer wishes to have an issue resolved without using the formal complaint process.
- 3.7. A complaint is investigated by the member of staff responsible for providing the service being complained about unless it is about the behaviour of a member of staff, in which case their line manager investigates; this is the case even when a complaint is addressed to an executive director or board member.
- 3.8. Where a complaint is about a member of staff, they may be interviewed as part of the initial investigation then kept up to date following each stage of the process. Should any action be taken against the member of staff this will be in accordance with the relevant human resources policies and procedures.
- 3.9. There are two internal stages and an independent review stage in our complaints process; we aim to resolve most complaints at stage one and within 10 working days.
- 3.10. If we cannot resolve the complaint within 10 working days (at stage one) or 20 working days (at stage two), we will keep the customer informed and extend response times by 10 working days where there is a good reason. Examples of a 'good reason' – as highlighted by the Housing Ombudsman – include:
  - A delay by a third party, over which we have no control, in providing information requiring further time to undertake interviews.
  - Needing longer to acquire all the information required from multiple sources to enable us to properly investigate a long-standing, complex case.
  - Where this involves undertaking work which may take weeks or months to complete, we provide a schedule and time frame, and monitor progress.
  - If an extension beyond 20 working days is needed to enable us to respond to the complaint fully, we will agree this with the customer. Where agreement over an extension period cannot be reached, we will provide the Housing Ombudsman's contact details so the resident can challenge our plan for responding and/or the proposed timeliness of our response.
  - We will provide customers with contact information for the Housing Ombudsman as part of our regular communication and our standard response letters will advise residents of their right to contact the Housing Ombudsman at any stage in the complaints process.

- 3.11. We can offer solutions, mediation and/or compensation at any stage of the complaint process; the customer has 20 working days to accept the offer.
- 3.12. We will always try to solve a customer's complaint by fixing what went wrong in the first instance. We believe that it is important to resolve the issue and improve the service, to make sure that the same situations do not arise again, rather than using compensation as an automatic resolution. For more information, see the separate Compensation Policy.
- 3.13. In some cases, a customer may have a legal entitlement to redress. There may be concerns about legal liability in such a situation. If so, as the landlord, we should still offer a resolution where possible, including an explicit statement that there is no admission of liability.
- 3.14. If we have not heard from the customer within 20 working days of our response and there is no outstanding work or actions to be taken, we will consider the matter resolved and change the complaint status to 'closed'. However, a complaint can be reopened or escalated if issues related to the original complaint cause further dissatisfaction within 12 months of the complaint response. Examples of when a complaint would be closed:
- An investigation is complete, all actions are completed, a response is sent and there is no further contact from the customer after 20 days.
  - When a resolution is agreed and we have delivered the proposed solution.
  - When a resolution is agreed but we have not yet delivered the solution the complaint may still be closed but only with the customer's consent having first established and agreed what actions we will take to resolve the complaint and the associated timescales.
  - We will undertake to re-open the complaint at the next appropriate stage if we fail to deliver the agreed solution(s).
  - We have the discretion to close complaints early but only in very exceptional circumstances. Unless these exceptional circumstances apply, we will only close a complaint when we are certain it has been dealt with and responded to.

#### **4. INTERNAL STAGE 1 – INVESTIGATION BY AN APPROPRIATE MEMBER OF STAFF/TEAM (SUPPORTED BY THE COMPLAINTS TEAM)**

- 4.1. When receiving a complaint we will:
- Acknowledge within 5 working days, and advise the customer of the staff member who will investigate and respond.

- Explain within the acknowledgment our understanding of the complaint and the outcomes the customer is seeking, and if any aspect of the complaint is unclear, the customer must be asked for clarification and the full definition agreed between the customer and us.
- Call the customer to find out more about the complaint and discuss a resolution.
- Follow up the call with a written response within 10 working days of the complaint being acknowledged; if it is likely to take longer, we will keep the customer updated and aim to respond within a further 10 working days of the complaint receipt.
- Please be aware - a complaint response will be provided when the answer is known, and not when all outstanding actions are completed.

4.2. We make it clear at this stage that the customer must provide us with all the information that they want us to consider in dealing with their complaint. If new information comes to light during the course of the complaint, that is related to the issues already raised, it can be incorporated into the existing complaint. However, if new issues are raised that are unrelated to the existing complaint, a new complaint must be opened.

## **5. INTERNAL STAGE 2 – REVIEW BY A SENIOR MANAGER OR DIRECTOR**

- 5.1. A customer can escalate a complaint to stage 2 up to 12 months after receiving the stage 1 response if, for any reason, they are not satisfied with the outcome at stage 1 of the process. We ask that customers provide reasons for escalating their complaint but this is not compulsory.
- 5.2. If we do not consider there is a valid reason to escalate a customer's complaint to stage 2, based on the exclusions outlined in section 2.3 of this policy, we will write to the customer to explain why. We will also provide contact information for the Housing Ombudsman should a customer wish to take the matter up with them.
- 5.3. On receipt of a request to escalate, the stage 1 investigating officer must consult with the complaints team and provide a handover to the stage 2 investigator. Stage 2 complaints will be handled by a senior manager or director within CHL and they will not have had any prior involvement with the complaint.
- 5.4. Once a stage 2 has been accepted we will:
- Acknowledge within 5 working days, and advise the customer of the staff member who will review the complaint.
  - Explain within the acknowledgment our understanding of the complaint and the outcomes the customer is seeking, and if any aspect of the complaint is unclear,



the customer must be asked for clarification and the full definition agreed between the customer and us.

- Call the customer to find out why the resolution offered at stage 1 is not satisfactory and what we can do to resolve their complaint.
- Respond to the customer within 20 working days of the complaint receipt; if it is likely to take longer, we will keep the customer updated and aim to respond within a further 20 working days of the complaint receipt.
- Please be aware - a complaint response will be provided when the answer is known, and not when all outstanding actions are completed.

5.5. We will respond to all Stage 1 and Stage 2 complaints in writing. Our written responses will:

- Identify the complaint stage.
- State the outcome of the complaint.
- Outline the reasons for any decisions made.
- List the details of any remedy offered, which will reflect the impact on the resident as a result of the fault identified and aim to put things right, as well as make sure residents are not 'out of pocket' or left in a worse position as a result of CHL action or inaction. They will also outline any legal obligations for either party.
- Identify any outstanding actions, with timescales.
- Give clear guidance on how to escalate the matter if the resident remains dissatisfied and include contact details for the Housing Ombudsman Service.

## **6. THE HOUSING OMBUDSMAN**

6.1. Changes to the Housing Ombudsman Scheme took effect from October 2022, including the removal of the 'Democratic Filter'. This change is a positive step, making it easier for residents to access the Housing Ombudsman service.

6.2. Cornwall Housing is a registered member of the Housing Ombudsman Service scheme. A condition of membership is that all members agree to be bound by the decisions and adjudications of the Housing Ombudsman's Service, regardless of whether the member agrees with the outcome or not.

6.3. The Ombudsman may report a member's complaint handling failure to any appropriate regulatory agency and/or the board, committee, panel or senior officer of the member along with any related details as the Ombudsman sees fit. The Ombudsman may publish the fact and circumstances of a member's complaint-handling determinations, naming the member in the Ombudsman's annual report or elsewhere.

- 6.4. We will respond positively to all Ombudsman enquiries, investigations and recommendations and undertake to comply promptly with any determinations.
- 6.5. In 2022 the Housing Ombudsman Service launched their revised Complaint Handling Code. This policy and the underlying Complaints procedure have been updated to ensure our approach is consistent with all aspects of this code.
- 6.6. The Housing Ombudsman contact details are:
- Website: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)
  - Email: [info@housingombudsman.org.uk](mailto:info@housingombudsman.org.uk)
  - Phone: 0300 111 3000
  - Address: Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET

## **7. LEARNING FROM COMPLAINTS**

- 7.1. Complaints are monitored and reviewed by the Complaints Team and via regular reports; emerging trends and issues are identified quickly and flagged with the appropriate service manager.
- 7.2. Once a complaint has been closed, we arrange to survey customers on their satisfaction with the complaint outcome and handling; the feedback is used to improve complaint handling, services and update policies and procedures.
- 7.3. Where a complaint results in a change in service or a service improvement, we note it as a lesson learnt in our quarterly report and promote it via our customer newsletter and website.
- 7.4. Complaints and 'sorted at source' issues are reviewed quarterly to see whether they could have been avoided, and whether teams, services or individuals recur in the complaints. This review will identify any themes/ trends, risks and/or issues that need to be addressed.
- 7.5. Lessons learnt as a result of complaints and monitoring of compensation payments are reviewed by the Executive Team, Tenants Forum and CHL's board, which includes CHL's Members Responsible for Complaints (MRCs), through quarterly complaints reporting and an annual complaints report.
- 7.6. To promote continuous improvement, all complaints handling staff receive training which includes the Ombudsman's objective for complaint handling to ensure a collaborative and co-operative approach to resolving complaints and working together to do this. All CHL staff receive quarterly complaints briefings.

## **8. UNACCEPTABLE BEHAVIOUR AND PERSISTENT CONTACT**

8.1. We recognise that sometimes customers will be upset, angry or frustrated and we will continue to engage with customers in such circumstances, but we have a duty of care to our staff and contractors, and we will not tolerate unacceptable behaviour from complainants or their representatives towards our staff or anyone providing services on our behalf.

8.2. Examples of unacceptable behaviour include:

- Verbal abuse, aggression, violence (this is not just limited to actual physical or verbal abuse, it can include derogatory remarks, and threats of violence.)
- Malicious or otherwise inflammatory statements, or unsubstantiated allegations about our employees or other customers.
- Unreasonable demands (e.g. requesting large volumes of information, overload of letters, calls, emails etc, asking for responses within a short space of time, refusing to speak to an individual or insisting on speaking with another.)

8.3. In such cases, we will advise the customer of how we need to engage with each other.

8.4. A small minority of customers make complaints and/or contacts that take up a disproportionate amount of time and this can often be distressing for both parties, this may involve:

- persisting unreasonably with complaints or other matters.
- making serial complaints about different matters.
- continuing to raise the same or similar matters over and over again.
- an excessive number of contacts made about an issue harassing or being rude or aggressive to staff or contractors.
- attempting to or actually bypassing our processes and/or contacting multiple members of staff about the same issue(s).
- changing the basis of the complaint as the investigation proceeds.
- unreasonably contacting (or threatening to contact) the media.

8.5. Where a level of contact from a customer is so high it makes managing the contact unreasonably time consuming, we discuss this with a Director and write to inform the customer that we believe they are acting unreasonably and give them an opportunity to change their approach. We clearly set out our reasons why and explain the behaviour we would expect from them to avoid becoming unreasonable or persistent.

8.6. If there is no change, a Director may approve to restrict contact to a single channel/person and agree specific timeframes for responses. The customer will be

advised of the action, why it has been taken and that it should be reviewed no more than two months later by a Director.

8.7. The single channel/person may work with the customer in the following ways:

- Try to resolve matters by securing a signed 'agreement' setting out a code of behaviour for the parties involved to continue to process a complaint.
- Agree the most suitable method of contact between us and the customer (i.e. letter, email, etc.)
- Temporarily suspend all contact with the customer and the investigation of their complaint whilst seeking legal advice or guidance.
- Liaise through an agreed intermediary.
- Offer a limited time slot for necessary calls.
- Notify the customer in writing that:
  - Their complaint or contact has been responded to fully and continuing contact on the matter would not result in any further outcomes.
  - The correspondence is at an end and that further letters be acknowledged but not answered.
  - They should take their complaint to the Ombudsman.

8.8. Any restrictions placed on a customer's contact due to unacceptable behaviour will be appropriate to their needs and demonstrate our regard to the provisions of the Equality Act 2010.

8.9. We will keep in mind that a new reasonable complaint may still arise but if the customer's behaviour escalates then we may consider further action in line with CHL's Unreasonable Customer Behaviour Policy.

## **9. COMPLIMENTS**

9.1. It is helpful to hear from customers when they are pleased with our services or our staff/contractors; it helps us to focus on what our customers want.

9.2. Compliments are shared with staff and used to continuously improve. They are also reported quarterly to the Executive Team and Board.

## **10. MONITORING, CONSULTATION AND REVIEW**

10.1. Full records are kept of all complaints, including any reviews and the outcomes at each stage.

10.2. Performance and lessons learnt reports on complaints, compliments and compensation are reviewed quarterly by the Executive Team and considered by the Board. Directors and managers receive regular reports on complaints and

compensation. The Tenant Forum monitors performance every quarter and customers will be consulted on future policy revisions.

- 10.3. In line with our involvement policy, Cornwall Housing is committed to promoting customer engagement and participation at all levels of our business and governance arrangements, including policy development. This policy has been subject to both tenant and officer consultation.
- 10.4. The Head of Customer Service and Engagement is responsible for the implementation and review of this policy.
- 10.5. This policy will be reviewed annually as part of Cornwall Housing's submission to confirm compliance with the Housing Ombudsman's Complaint Handling Code (or when good practice, regulation or legislation changes).
- 10.6. As part of the Housing Ombudsman Complaint Handling Code, Cornwall Housing completes an annual self-assessment to see how it measures up against the Code. This self-assessment will be reported to the Tenants Forum and Board and made available via the website.
- 10.7. We carry out customer service-related induction and refresher training for all staff to make sure they are aware of our commitment to good service delivery standards and targets. We use case studies for lessons learnt and training purposes.
- 10.8. Any changes and improvements to our service, processes, policies, procedures and systems are included in training for staff and our key repairs delivery partners.

## **11. DIVERSITY AND INCLUSION**

- 11.1. We are committed to treating all people with fairness and respect. We aim to create an inclusive environment where people are treated with dignity, inequalities are challenged, and we anticipate and respond positively to different needs and circumstances to enable individuals to achieve their potential and foster good relations within the communities we serve. We want to be recognised as an organisation delivering fair, inclusive, accessible services and an employer and partner of choice.
- 11.2. When applying this policy, we act sensitively towards the diverse needs of individuals and to reduce discrimination and harassment by making reasonable adjustments such as:
  - eliminating discrimination – by providing support to those who need it and information in accessible formats and languages on request.

- tailoring the policy to meet both the specific needs of the individual, including those with additional support needs, and the diverse needs of the wider community
- advancing equality of opportunity – treating all tenants fairly
- fostering good relationships – listening to customers and responding appropriately
- compliant with all aspects of Equality & Diversity legislation, and specifically the Equality Act 2010.

## 12. REFERENCE DOCUMENTS

12.1. The [Housing Ombudsman's Complaint Handling Code](#)

## Contact us:

Email: [info@cornwallhousing.org.uk](mailto:info@cornwallhousing.org.uk)

Telephone: **0300 1234 161**

By letter: **Cornwall Housing, Chy Trevail, Beacon Technology Park, Bodmin, PL31 2FR**

[www.cornwallhousing.org.uk](http://www.cornwallhousing.org.uk)

## Alternative formats:

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