



## **Complaints Policy**

**March 2006**



## 1. INTRODUCTION

- 1.1. This document sets out Cosmopolitan Housing Association's Policy and related Procedures for dealing with complaints.
- 1.2. As an organisation that is committed to delivering efficient and effective services that meet the needs and aspirations of our customers, it is important that the business value offered by complaints and all forms of related feedback are embraced so that they may act as key drivers of continuous service improvements and increase overall customer satisfaction.
- 1.3. The organisation recognises that on occasions things may go wrong and customers receive services that do not meet acceptable service levels, or they feel aggrieved by the way they have been treated. A clear and systematic 3-Stage procedure has therefore been developed for handling formal complaints so that individual complaints can be addressed consistently, speedily, in accordance with good practice, and meet with customer satisfaction.

## 2. POLICY STATEMENT

- 2.1. Complaints and all types of customer feedback should be encouraged as they offer the organisation valuable opportunities to learn and continually improve services.
- 2.2. It is the Association's objective to resolve any concerns or complaints at the first point of contact, wherever possible. However, there may be instances where customers wish to take their complaint further to a formal stage. The complaints policy outlines a consistent and systematic approach to dealing with complaints.

### Policy Aims

- 2.3. In the application of this policy, the Association shall endeavour to achieve the following aims:
  - Deliver services in accordance with existing service standards wherever possible. However, when things go wrong the Association will seek to rectify any issues as quickly as possible.
  - Resolve all complaints at the first point of contact wherever possible, without need for recourse to the formal procedures.
  - Make it easy to complain verbally or in writing through operating a well-publicised and accessible complaints procedure that is simple to understand and use.
  - Ensure that all complaints are dealt with speedily, at a minimum within published timescales, and exceeding these wherever possible.



- Maintain a dialogue with aggrieved customers to keep them informed of progress at all times until the complaint is successfully resolved, to the satisfaction of all parties concerned.
- Investigate all complaints thoroughly, and treat them in an impartial and equitable manner that upholds their rights to confidentiality and respect.
- Ensure all issues raised in a complaint are addressed, and that responses are effective, comprehensive, high quality, and provide appropriate redress.
- Record details of all complaints to identify trends and inform the Association's commitment to Continuous Improvement.
- Undertake routine satisfaction surveys to assess how effectively the Association deals with complaints and identify areas for improvement.
- Operate an appropriate compensation policy that provides proportional recompense to aggrieved customers where the Association has caused harm, distress or significant inconvenience.

### Definition

2.4. Following consideration of the Housing Corporation's Good Practice Guide on Complaints Handling, *(How) Are You Being Served?* (September 2002) and the British Standard for Complaint Management (BS8600, 1999), a complaint has been defined as:

***'Any expression of dissatisfaction, whether justified or not, about action or lack of action or about the standard of a service by the organisation or their staff affecting customer(s), whether expressed in writing, on the telephone, or in person, and where an initial response to the problem has proven unsatisfactory.'***

2.5. Although not exhaustive, the types of issues that may constitute a complaint could include the following:

- Dissatisfaction with standards or quality of services
- Failure to fulfil statutory or contractual responsibilities
- Delays in responding to enquiries
- Complaints about the attitude of staff or that of contractors
- Dissatisfaction with the implementation of any policy of the association
- Unfair treatment on the grounds of race, gender or disability

2.6. The standards of service that customers can expect to receive from the Association are contained within the Association's existing policy documentation and published service standards, which will be subject to regular review, and the Residents' Charter.



Locus of policy application

- 2.7. The Complaints procedure will apply to complaints about any aspect of service provided by the Association received from:
- Existing tenants or their advocates acting on their behalf
  - Housing Applicants
  - Neighbours or members of the public
  - Solicitors, Councillors and MPs
  - Citizen's Advice Bureau and other advocacy agencies
- 2.8. The complaints procedure of the Association will not be open to the following groups:
- Complaints relating to Anti-Social Behaviour and Nuisance, which would be dealt with under the Association's existing and distinct Anti-Social Behaviour Policies and Procedures. This does not preclude complaints being made about the way the Anti-Social Behaviour has been handled.
  - Complaints regarding issues that are currently subject to on-going legal proceedings against the Association. This does not preclude customers from exhausting the complaints route prior to taking legal action.
  - Complaints by Cosmopolitan Housing Group staff. Such issues should be appropriately dealt with via the Association's Grievance procedures, as contained within employees Terms and Conditions of Employment.
- 2.9. Where serious allegations are received regarding the impropriety of a Board member or member of the Senior Management Team, such issues would be dealt with separately in accordance with good practice, which would involve informing the Housing Corporation as principle regulators, and conducting an independent investigation.
- 2.10. The Association will be a member of an approved independent ombudsman scheme as required by Section 51 and Schedule 2 of the Housing Act 1996. This is currently the Independent Housing Ombudsman, and the Association will comply with the findings or recommendations made by that Ombudsman.

### **3. IMPLEMENTATION**

- 3.1. The Association will seek to resolve all complaints and potential complaints at the first point of contact. Where a satisfactory solution cannot be achieved at this stage, the customer may wish to escalate the matter to the status of formal complaint.

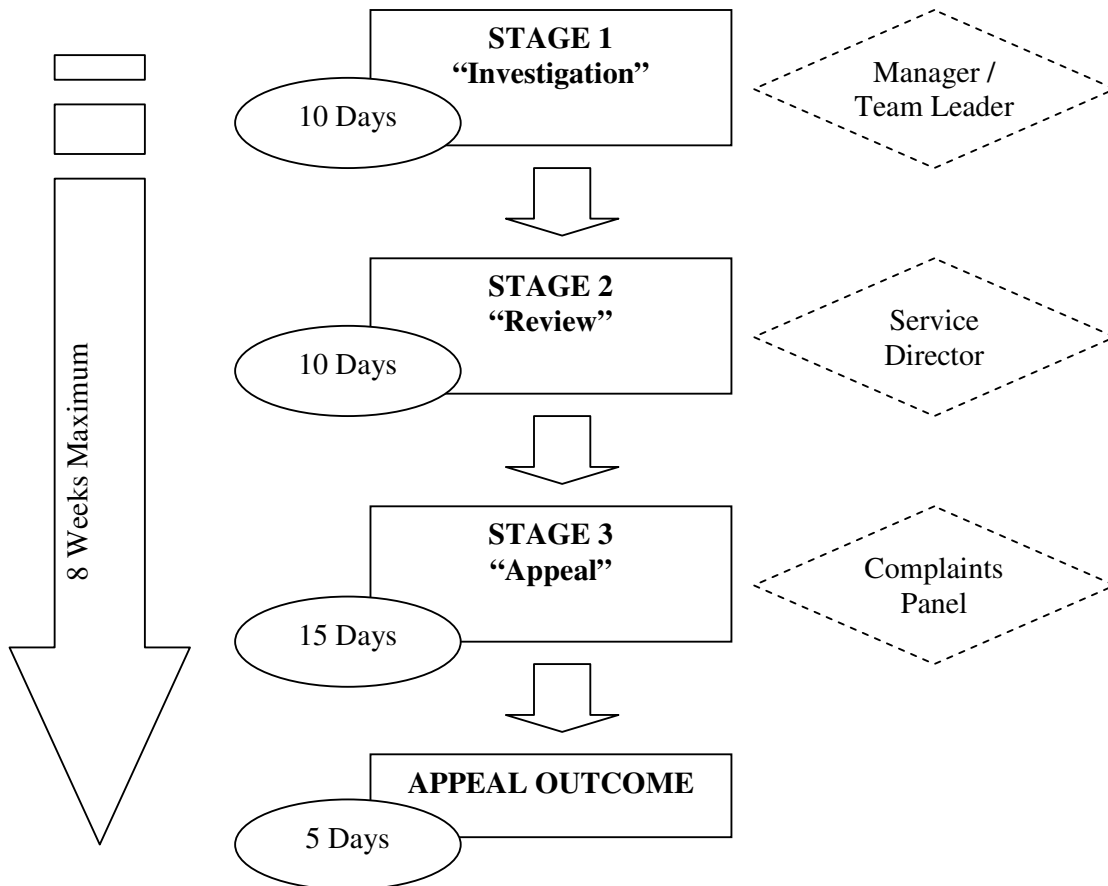


3.2. In accordance with good practice and to maximise the potential for achieving a successful resolution, there are 3 Stages to the Association’s formal approach to dealing with complaints, and all internal stages should be completed in no longer than 8 weeks.

3.3. At all stages, the Association will endeavour to ensure that barriers are not put up to prevent customers accessing our complaints procedures. Complaints will therefore be accepted in a range of formats, including in writing, over the telephone, via the Internet, or in person. Assistance will also be given to any customers to assist them to make a complaint where this is required.

3.4. The 3 Stage process may be explained as follows:

1. **Investigation Stage** by an Association service manager / team leader
2. **Review Stage** by an Association Director
3. **Appeal Stage** by the Association’s Complaints Panel





- 3.5. Should the internal complaint's process be exhausted without the satisfactory resolution of the complaint, the customer has the option to appeal to the Independent Housing Ombudsman.

### **Investigation Stage**

- 3.6. Effective complaints procedures confer authority for responding to complaints on those who are responsible for delivering a service. The Investigation Stage should be undertaken by the relevant Service Manager or Team Leader in the department to which the complaint relates, as these have knowledge of the service being delivered and will usually be able to resolve a complaint quickly and efficiently.
- 3.7. The complaint should not be investigated by a person who is the subject of a complaint that has been received.
- 3.8. Upon receipt of a formal complaint, the Association will endeavour to respond to the customer within 2 working days, acknowledging receipt of the complaint and indicating the name of the person who will investigate and respond to the complaint.
- 3.9. The Association will endeavour to provide a full written response to the complaint within 10 working days of receipt of the complaint. This will be provided by the relevant Service Manager / Team Leader.
- 3.10. The Service Manager / Team Leader should endeavour to make contact with the customer who is making the complaint at the earliest possible opportunity upon receipt of the complaint to
  - discuss the complaint verbally and clarify the complaint
  - identify the details and facts to support each element of the complaint
  - clarify the resolution the customer is looking for
  - identify whether the customer requires any additional support (e.g. translation services)
  - fully explain the investigation procedure
- 3.11. In the case where it will not be possible to fully investigate a complaint within the 10 working days target period, the Service Manager / Team Leader should contact the customer making the complaint, explain the reason for the delay, and indicate when a response can be expected.
- 3.12. Should the customer fail to be satisfied with the final response at the Investigation Stage, they may request a review of the response by a Director.



### **Review Stage**

- 3.13. To request a review by a Director of the Association, the customer should respond to the appointed named officer indicated in the Investigation response within 10 days of receipt. This may be done either on the Review Request form that will be supplied, or any other means that clearly indicate that a review is being requested, either by telephone, in writing, via the Internet, or in person.
- 3.14. Upon receipt of a review request, the Association will endeavour to respond to the customer within 2 working days, acknowledging receipt of the review request and indicating the name of the Director who will investigate and respond to the complaint.
- 3.15. The Association will endeavour to provide a full written response to the complaint within 10 working days of receipt of the review request. This will be provided by the relevant Service Director.
- 3.16. The Director should endeavour to make contact with the customer who is requesting the review at the earliest possible opportunity upon receipt of the review request for the reasons identified in 3.10 above.
- 3.17. In the case where it will not be possible to fully investigate a complaint review within the 10 working days target period, the Director should contact the customer making the complaint, explain the reason for the delay, and indicate when a response can be expected.
- 3.18. Should the customer fail to be satisfied with the final response at the Review Stage, they may request an Appeal to the Association's Complaints Appeals Panel.

### **Appeals Stage**

- 3.19. To request an Appeal the customer should respond to the appointed named officer indicated in the Investigation response within 10 days of receipt. This may be done either on the Appeal Request form that will be supplied, or any other means that clearly indicate that an Appeal is being requested, either by telephone, in writing, via the Internet, or in person.
- 3.20. Upon receipt of an Appeal request, the Association will endeavour to respond to the customer within 2 working days, acknowledging receipt of the Appeal request.
- 3.21. The Association will endeavour to convene an Appeals hearing within 15 working days of the Appeal request being made. This will be co-ordinated by the Association's Group Policy and Performance Manager.
- 3.22. The Appeals panel will consist of 3 people, and will include at least 1 member of the Association's Board (normally the Chair or his appointed nominee), a representative of



the Tenants' Forum, and a representative of the Association's Senior Management Team not responsible for the Service area to which the complaint relates.

- 3.23. The Association will provide the customer with copies of all correspondence relating to their complaint in advance of the hearing to allow the customer to prepare for the Appeal hearing.
- 3.24. The customer will be entitled and informed of their right to be accompanied at the appeal hearing by a friend or family member to provide support (this excludes legal representation).
- 3.25. The Appeals Panel, in hearing the Appeal and reviewing all the available information, will seek to determine the following matters:
  - ensure the procedure has been followed correctly
  - ensure the investigation has been conducted thoroughly
  - ensure the customer has been treated fairly
  - ensure the Association's response was reasonable
  - attempt to reach a final agreement with the customer
- 3.26. The customer will be provided with a full and final written response outlining the outcome within 5 working days of the date of the Appeal hearing.
- 3.27. This represents the final stage of the Complaints process, which will be no longer than 8 weeks from the initial complaint being made, Should the customer fail to be satisfied with the final response at the Appeals Stage, they may approach the Independent Housing Ombudsman at:

*The Independent Housing Ombudsman  
Norman House  
105-109 Strand  
London, WC2R 0AA  
Tel: 020 7836 3630*

#### Satisfaction and Performance Monitoring

- 3.28. Following the Association's final response at each stage of the complaints procedure, we would follow-up the response in writing after 10 working days to ask if the customer is satisfied with the outcome of the complaint and request feedback on how they feel their complaint was handled.
- 3.29. If there is no response to the feedback request within 10 working days, we will assume that the complaint has been responded to satisfactorily.



- 3.30. Details of all complaints received will be logged by the Association's Resident Involvement Co-ordinator on a Complaints Database, and who will be responsible for the administration and monitoring of complaint responses.
- 3.31. The following details relating to the complaint will be logged onto the Complaints Database:
- Date complaint received
  - Unique Complaint Reference number (Investigation Stage only)
  - Stage of Complaint
  - Customer Name and Address
  - Nature of Complaint
  - Name of person complaint referred to
  - Target response date
  - Actual Response date and outcome, i.e. upheld in full; upheld in part.
  - Closure date
- 3.32. Upon receipt of the formal complaint, at each stage of the process, details will be forwarded to the relevant responsible member of staff, and within 2 working days of receipt of a complaint acknowledgement letter should be issued to the customer.
- 3.33. The Resident Involvement Co-ordinator will also bring to the attention of the Chief Executive, any complaints that may be of a sensitive or potentially harmful nature to the organisation. This will include all complaints received from MPs or similar sources.
- 3.34. The person responsible for responding to a complaint, at each stage of the process, must forward copies of all relevant response information to the Resident Involvement Co-ordinator for recording purposes.
- 3.35. The person responsible for responding to a complaint that is sensitive or potentially harmful, as detailed in Section 3.33 above, must obtain approval of the Chief Executive prior to a response being issued, and ensure this is supplied well in advance of the response deadline to allow for review and amendment where necessary.
- 3.36. Where a response to a complaint has not been provided and the deadline is approaching, the Resident Involvement Co-ordinator will be responsible for issuing reminders of the timescales to ensure service standards are complied with. This will be done in the form of a weekly statistics report that will be circulated to the Senior Management Team for follow-up.
- 3.37. The Resident Involvement Co-ordinator will also be responsible for producing a monthly performance report for the attention of the Continuous Improvement Group (CIG) to drive forward continuous improvements within the Association and report on the complaints related Key Performance Indicators.
- 3.38. Details of complaints performance will be reported to the Tenants' Forum on a quarterly basis.



### Informal Complaints

- 3.39. It is important that the organisation record as much feedback as possible to identify areas for service improvement. The Association will therefore hold an “EOD Day” (Expressions of dissatisfaction) on the last Friday of each month. All members of staff across the organisation will record all expressions of dissatisfaction provided by customers that do not constitute a formal complaint.
- 3.40. The information captured on EOD Days will be collated by the Resident Involvement Co-ordinator, and details of this included within the monthly complaints report, clearly identifying trends for consideration by the Association’s Continuous Improvement Group (CIG).

## **4. COMPENSATION**

- 4.1. Compensation under this policy will normally be in accordance with the principle of putting the customer into the position that they would have been in had the matter causing complaint not arisen.
- 4.2. However, there may be occasions when a small gesture will remedy the loss, distress or inconvenience that a customer has experienced, which has been clearly caused by the actions of the Association or its staff.
- 4.3. Claims for compensation will therefore be considered on a case by case basis. It may be considered appropriate when there has been a clear service failure such as in the following cases:
- Failure to comply with timescales laid down in the Complaints policy where additional time has not been requested from the customer. This would result in a £10 payment.
  - Goodwill gestures. Staff will be authorised and empowered to use their discretion to issue compensation to the value of £10 where there has been a clear service failure.
  - Financial loss. On occasions where 1) uninsured loss occurs that is specific, and attributable to the actions of the Association; 2) exceptional distress has been caused; Directors will have discretion to offer compensation to the value of £500, and the Chief Executive to the value of £1000. All other compensation would require Board approval.
- 4.4. All compensation awarded will be recorded on the Complaints Database and be included within the Quarterly performance monitoring reports.
- 4.5. On no occasion where compensation is offered, or where a claim for compensation may be valid, should staff admit liability before an investigation is complete.



- 4.6. Any compensation offered should be made 'without prejudice' to any potential legal claim that a customer may seek to pursue. This should be clearly marked on any correspondence that deals with the matter of liability, combined with a statement affirming how compensation is not an admission of liability, and that it is being made in full and final settlement of the complaint.
- 4.7. In assessing a claim for compensation, all staff conducting an investigation should assess whether liability should lie with the Association or a third party, such as a contractor, and request an itemised note from the customer of the items and associated costs that are being claimed so that an appropriate compensation level may be awarded.
- 4.8. This policy does not affect any separate claims to compensation that may be due under the Association's Right to Repair policy.

## **5. RESPONSIBILITY**

- 5.1. It is the responsibility of the Association's Board of Management to ensure that the Association has appropriate and effective policies and procedures in place for the organisation's effective response to customer complaints.
- 5.2. Overall responsibility for implementation of this policy and procedure lies with the Chief Executive, who will also seek to develop a culture which embraces all forms of customer feedback as a valuable source of information for promoting continuous improvements.
- 5.3. The Resident Involvement Co-ordinator will be responsible for maintaining the Complaints database, monitoring the responses to complaints received, and producing regular performance monitoring information on Complaints received.
- 5.4. It is the responsibility of the Group Policy & Performance Manager to convene an Appeals panel should a Complaints related appeal reach this stage.
- 5.5. It is the responsibility of the Association's Senior Management Team for ensuring that all staff receive relevant training and have a thorough understanding of and a positive commitment to the way that the organisation responds to complaints, whether formal or informal in nature.
- 5.6. All staff have a responsibility for ensuring that they fully understand and act in accordance with the content and underlying values of this policy in their day to day activities.



## **6. CONSULTATION**

- 6.1. The Association will consult regularly with the Local Authority, outside agencies including contractors and benchmarking groups to promote continuous improvement and develop good practice in this policy.
- 6.2. Prior to making any changes to this policy the Association will consent and consider the view of:
  - All relevant staff
  - Senior Management Team
  - Tenants Forum
  - Board of Management
  - Residents, Associations, Tenants Groups, individual interested tenants
  - All relevant outside agencies
- 6.3. Progress reports will be made to the Board of Management and Forum, to enable monitoring against strategic aims and objectives and agreed performance indicators. Performance data will be included in the annual report to tenants.
- 6.4. As part of this policy, customer satisfaction feedback will be sought from all customers who participate in the Association's Complaints Procedures to identify how the process can be continually improved.

## **7. REVIEW**

- 7.1. The Association will formally review this policy on a 3 yearly basis. Findings and recommendations will be presented to the Association's Board of Management after the views of the Tenants Forum have been considered.
- 7.2. A review of this policy would be undertaken at an earlier date should there be a change in legislation, regulation or operations that requires policy amendment to achieve compliance.

## **8. TRAINING**

- 8.1. The Association will provide all staff responsible for implementing this policy with comprehensive training.
- 8.2. Training will be given:
  - To new staff
  - To existing staff on an annual basis as a refresher/update
  - To all relevant staff after change to policy/legislation
  - Any other times as identified by the Senior Management Team.



## **9. EQUALITY AND DIVERSITY**

- 9.1. The Association delivers housing related services to diverse communities. It recognises the need to value diversity in all its operations, and this is inherent to this policy.
- 9.2. The Association aims to ensure that its Complaints management respects and upholds the organisation's commitment to equality and diversity and in a manner that is fair to all customers regardless of their age, religion, disability, gender, race, sexual orientation, unrelated criminal activities, or any other issue that may cause potential discrimination in service delivery.
- 9.3. As detailed within this policy, the Association will ensure that it will assist all customers to access its complaints policy where necessary. This may include assisting customers to access translation services, type-talk and mini loop type facilities. All literature will be made available in a range of formats on request.
- 9.4. Complaints performance will also be recorded by ethnicity to ensure that the complaints process does not involve discrimination at any stage of the process.

## **10. ASSOCIATED DOCUMENTS**

- 10.1. Documents directly related to this policy are as follows:
  - Staff Guide on Handling Complaints, including Template letters
  - Entitlement and Compensation Policy
  - Right to Repair Policy



## 11. POLICY REVIEW SUMMARY

Policy Title	Complaints Policy
Dated Created	January 2005
Person Responsible	Group Policy & Performance Manager
Version	2.1
Date last amended	9 <sup>th</sup> March 2006
Authorised by	Board of Management
Review Period	3 Years
Review Committee	Board of Management
Date of last review	9 <sup>th</sup> March 2006
Date of next review	March 2009