



# Complaints Policy

## 1. Aim of policy

- 1.1 This policy outlines our definition of a complaint, and states how we'll manage, monitor and learn from all dissatisfaction. We will use our complaints procedure to resolve dissatisfaction at the earliest opportunity.
- 1.2 This policy also covers our stance on unacceptable behaviour when using our complaints service including aggressive or abusive behaviour and unreasonable demands.

## 2. Scope of policy

- 2.1 This policy applies to anyone who has been directly affected by us, our homes or our services and includes:
- Tenants, homeowners, licensees and former tenants
  - Users of support services
  - Users of our lettings, allocations services or sales process
  - Resident representatives or advocates, providing consent has been provided from the resident(s) they are representing.
  - Private residents (those without a contractual relationship with us, but may be affected by our services, such as neighbouring properties)
  - Partner agencies
- 2.2 We define a complaint as an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by us or our staff, or those acting on our behalf, affecting an individual resident or group of residents.
- A customer does not need to use the word 'complaint' for it to be treated as such.
- Matters that are not considered as complaints under this policy are:
- 2.3
- An initial request for a service, information or an explanation of how a decision has been made.
  - A report regarding neighbour nuisance or disputes between neighbours, as these will be managed in line with our Anti-Social Behaviour policy.
  - Dissatisfaction regarding the level of rent or service charge or the amount of a rent or service charge increase (Enquiries or disputes regarding the calculation of charges on service charge statements will be managed in accordance with our Service Charge



Policy, in line with relevant legislation and referred back through the complaints process should there be dissatisfaction with the quality of the services provided)

- A claim for damages or personal injury which will be dealt with as an insurance claim.
- Matters which are the subject of legal proceedings, defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court. This includes disrepair claims.
- Statutory matters where there is a more appropriate appeal procedure.
- Matters relating solely to services or decisions outside of our control.
- Attempts to reopen previously concluded complaints or to have a complaint reconsidered where we have provided our final decision.

2.4 Should we decline to accept a complaint we will explain why the matter is not suitable for the complaints process and advise our customer of their right to approach the Housing Ombudsman. We will confirm this in writing.

2.5 We won't normally consider complaints that relate to matters that happened more than six months ago, unless there is a valid reason for the delay. We will use our discretion where complaints concern safeguarding or health and safety issues. Where there is a recurring issue, we may consider older reports as part of the background to the complaint if this will help to resolve the issue.

2.6 Where a customer has legal entitlement to redress, we will still aim to offer a resolution where possible, obtaining legal advice as to how any offer of resolution should be worded.

2.7 All complaints including those made directly to our Executive Team, including our Chief Executive Officer (CEO), or any Board members, will be passed back to the most appropriate member of staff and will be dealt with in line with this policy.

2.8 Any complaints received in relation to dissatisfaction with debt advice we have provided or any other service for which we are regulated by the Financial Conduct Authority (FCA) will be investigated in line with this policy by the Governance team who will observe the FCA handbook Dispute resolution: Complaints (DISP).

2.9 All staff need to be aware of this policy.

### **3. Policy statement**

3.1 We're committed to delivering services of the highest quality and achieving high levels of customer satisfaction. We recognise that sometimes we might get it wrong, or our services may not meet the expectations of our customers. This policy provides a clear, simple and accessible opportunity for our customers to be able to raise complaints and have them promptly, politely and fairly handled.



- 3.2 This policy supports our Customer Service Strategy and our commitment to engage and learn from our customers, developing our services to meet changing expectations. This policy and approach enables us to continually improve what we do, by identifying root causes, learning from complaints, making improvements and developing a positive complaint culture.
- 3.3 We'll use our discretion, with senior management approval, in the implementation of this policy and may at times make a decision outside of, but within the spirit of the policy. We'll make it clear in our records where we have done this.
- 3.4 We'll ensure our policy and practice is in line with any best practice guidance issued by the Housing Ombudsman Service, including any temporary guidance on the management of complaints due to unforeseen events.

#### **4. Policy**

##### **Accessibility**

- 4.1 We want it to be easy and accessible for all our customers to raise dissatisfaction and you can tell us about your issue in a variety of ways:
- Digitally via our website, social media or online account
  - By email
  - By text
  - By telephone
  - In person
  - In writing
  - Through a representative or advocate (where consents been provided)
- 4.2 We will comply with the Equality Act 2010 and may adapt normal policies, procedures, or processes, making reasonable adjustments to accommodate an individual's needs.
- 4.3 Should a customer raise dissatisfaction through a public channel, such as Facebook or Twitter, we will follow this up directly through a private channel, wherever possible, to ensure the issue is dealt with confidentially.
- 4.4 Where dissatisfaction is raised by a customer who is also a staff member, this will be investigated by a manager who is outside of the staff members team.
- 4.5 We will ensure our customers circumstances are taken into account whilst any investigation is ongoing, and consideration will be given to the impact of any enforcement action when considering resolutions.



4.6 Complaints regarding staff members will be investigated in line with this complaint procedure or may be escalated to HR dependant on the nature of the complaint. We will not be able to provide the outcome of an HR investigation to the complainant.

#### **Investigation – Stage 1**

4.7 Should we not be able to resolve dissatisfaction when a customer first tells us about it and further investigation is needed or requested, we'll handle this through our complaints process.

4.8 During a Stage 1 formal investigation, the complaint investigator will aim to make personal contact with our customer by close of business the following working day. This personal contact is to help the complaint investigator understand or resolve the issues raised. However, if our customer doesn't wish to be contacted as part of the investigation, or no contact's been possible following reasonable efforts, the manager will continue the investigation using the information available. If there isn't adequate information to investigate, or clarity on what our customer is seeking, the complaint investigator may make contact advising the investigation cannot continue without further information being provided and the matter will be closed.

4.9 Where a customer has raised multiple complaints to different complaint investigators within the same time frame, we will arrange one single point of contact for our customer, who will address all areas of dissatisfaction within one response, where it is practical to do so.

4.10 We'll aim to carry out a full investigation and communicate our findings in writing within 10 working days. By exception, if this isn't possible, we'll inform the customer within these 10 working days, to advise when we expect to deliver a full response. We'll aim to provide updates once a week during the investigation, unless less frequent contact is preferred.

4.11 Where a customer raises additional dissatisfaction relevant to the original complaint during the investigation, these may be incorporated within the review if the response has not yet been issued. Where the response has been issued, or it would unreasonably delay the response, the dissatisfaction should be logged as a new complaint.

4.12 Where we receive multiple complaints on the same matter by different members of the same household , we may combine the complaints to provide one consistent reply , dependant on the circumstances

4.13 Where a key issue of a complaint relates to legal obligations, we will aim to clearly set out our understanding of the obligations of both parties.



- 4.14 Our written response will include the outcome of the investigation and an explanation of any decisions or actions that have been or will be taken to put things right. Where a response includes promises of future actions, such as repair works, the complaint investigator will agree a date for the actions to be completed. The written response will also include information on how to escalate the case to the next Stage. We'll call to discuss our findings with the customer by phone in the first instance before providing our response in writing.
- 4.15 Should the complaint be about a member of staff, they will also be notified of the outcome ahead of the written response.
- 4.16 Should the complaint investigator identify any service failures or other monetary losses, then compensation can be considered in line with our Compensation Policy and Guidance Framework. Staff will ensure that any remedies offered do not cause unfairness to other customers.
- 4.17 The complaint investigator will be responsible for monitoring and ensuring that any future actions are completed within agreed timescales and keeping the customer updated. Should timescales not be reasonably kept then customers can request for their complaint to be escalated to the next stage of the complaint's procedure.

### **Review – Stage 2**

We appreciate that outcomes for complaints can sometimes be delayed whilst we, for example, wait for parts for a repair. We will keep our customers updated during these times. Should the customer feel that the actions taken or proposed by the Stage 1 complaint investigator does not resolve the issues raised in their complaint, they can request for their complaint to be reviewed at Stage 2. At Stage 2, the matters raised as part of the original complaint will be reviewed.

- 4.18 Requests can be made in any format within 15 working days from the date of the Stage 1 resolution response. We will exercise discretion where there is a valid reason for a delay of the request outside of 15 days, but where we feel the delay is unreasonable, we may decline the request to escalate the complaint.
- 4.19 When our customer requests an escalation we will ask the following questions to enable us to find the earliest possible resolution:
- what part of the original complaint hasn't been resolved?
  - how can we help to resolve it?
- 4.20 We'll let the customers know if their case will be reviewed at Stage 2 within 5 working days.
- 4.21 During this period, the Customer Success Team may make recommendations to the Stage 1 complaint investigator if they feel the complaint could be resolved locally at Stage 1.



- 4.22 We'll not unreasonably decline a request for a complaint to be reviewed at Stage 2, but it may be declined if the customer:
- hasn't provided specific reasons for requesting a review as per 4.25.
  - solely seeks a resolution that's outside of our control, our policies or tenancy agreements.
  - has refused to engage with staff in trying to resolve the complaint at an earlier stage behaving in a manner which is considered unacceptable.
  - Is solely claiming damages or personal injury which are matters for our insurers.
  - Is engaged with legal proceedings, defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
- 4.23 If a customer requests a Stage 2 review solely for an increased compensation amount, we will review any service failures against our Compensation policy and procedures to assess if compensation was applied correctly. Our Stage 2 response will advise if there are to be any changes to the amount.
- 4.24 Where a request is declined, this decision will be authorised by a senior manager, and the reasons will be clearly communicated in writing, advising customers of their right to refer to the Ombudsman.
- 4.25 Where a Stage 2 request is accepted, the complaint will be reviewed by managers who haven't previously been involved in the complaint, and a response will be provided in writing.
- 4.26 The managers may contact the customer to understand further what remains outstanding. If the issue is property related, a home visit may also be offered.
- 4.27 Where a customer raises additional dissatisfaction relevant to the original complaint during the investigation, these may be incorporated within the review if the response has not yet been issued. Where the response has been issued, or it would unreasonably delay the response, the dissatisfaction should be logged as a new complaint.
- 4.28 We'll aim to have completed and provided the outcome of the review to our customer within 20 working days of the complaint being escalated to Stage 2. If this isn't possible, we'll make contact within these 20 working days, to agree a date to deliver a full response. If our customer is not satisfied with the revised timescale, we will provide the Housing Ombudsman's contact details so they can challenge our plan for responding and/or the proposed timeliness of our response.



### External Referral

4.29 Should our customer feel that the actions taken or proposed by the Stage 2 review does not resolve the issues raised in their complaint they may take their case to be externally reviewed by:

- The Housing Ombudsman Service

4.30 In some cases, complaints may need to be referred to alternative organisations for external review:

- Residential Leaseholder complaints to First Tier Tribunal (Property Chambers)
- Financial Services to the Financial Ombudsman Service
- Home buyers to the Home Warranty Body

The above organisations may apply fees in some circumstances.

4.31 When complaints are resolved through the formal process these will be logged, root causes identified, complaint resolutions recorded and monitored so that we continue to listen to and learn from our customers.

### MP and Councillor Enquiries

Third party enquiries for information or complaints made by MP's or Councillors on behalf of customers, will be responded to within seven working days by the most appropriate manager.

### Unacceptable Behaviour

4.32 We understand that customers may feel upset or frustrated when making a complaint, however there are some behaviours or actions that we consider unacceptable. These include:

- Aggressive or abusive behaviour – examples include, but are not limited to, threats, physical violence, personal verbal abuse, derogatory and discriminatory remarks, rudeness, inflammatory statements and unsubstantiated or malicious allegations.
- Unreasonable demands – examples include, but are not limited to, demanding responses within unreasonable timescales or not accepting a previous decision when we've provided our final response, refusing to speak to employees who can assist and/or insisting on speaking only to a particular member of staff, repeatedly changing the substance of a complaint or raising unrelated concerns.
- Unreasonable persistence – examples include, but are not limited to, persistent refusal to accept decisions or explanations made in relation to a complaint, continuing to pursue a complaint without presenting any new information, making excessive and unwarranted contacts taking up a disproportionate amount of staff time and resources.



4.33 Demonstration of these behaviours may result in a complaint not being investigated, escalated and/or action being taken to prevent further unreasonable behaviour as per our Unacceptable Behaviour policy.

## 5. Statutory requirements

- RSH Tenant Involvement and Empowerment Standard
- Housing and Regeneration Act 2008
- GDPR together with the new Data Protection Act 2018 (DPA 2018)
- Equality Act 2010

## 6. Related policies

This policy must be read in conjunction with:

- Appeals procedure.
- Customer Service Strategy
- Compensation Policy and Guidance
- Equality and Diversity Policy
- Unacceptable Behaviour Policy
- Anti-Social Behaviour Policy
- Lettings Policy
- Income Policy
- Data Protection Policy
- Speak Up Policy
- Policies can be accessed at <https://www.vividhomes.co.uk/about-us/governance/policies-and-strategies>

## 7. Monitor and review process

- 7.1 We monitor and analyse the types of complaints we receive and the way they have been handled. This includes, upon conclusion of a complaint, satisfaction surveys being conducted to assess customer satisfaction.
- 7.2 The monitoring and analysis we do helps us to ensure that our policy is fit for purpose, our process is being managed in a fair and consistent manner, our staff training is appropriate, we deliver against our resolution promises, and we are achieving our complaint service standards.
- 7.3 Performance and trends relating to the complaints service will also be regularly reviewed by Management, Executive and Board/Committee and performance results will be published on an annual basis to customers.
- 7.4 This policy will be approved by the Executive and reviewed annually.





## 8. References/appendices

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

Author	Owner	Approved by	Date approved	Review date (annual)
Nicola Bucklan	Alex Nagle	Exec	February 2023	September 2023
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