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1 Overall purpose

This policy sets out the principles behind how Leeds Federated deal with complaints within the current legislative and regulatory framework for social housing.

The Policy supports Leeds Federated's vision of 'Building Futures Together' and is aligned with the following objectives of the Association:

Objective 1: Sustain

Objective 2: Engage

2 Context

In describing the organisation's approach to complaint handling, this policy ensures compliance with the following:

- Regulator of social housing – Tenant Involvement and Empowerment Standard
- Localism Act 2011
- Housing Act 1996 (Schedule 2)
- General Data Protection Act 2018
- Data Protection Act 2018
- Equality Act 2010
- Housing Ombudsman Service: Complaint Handling Code (April 2022)

Board Approval Process

The Complaints policy requires approval by the Operations Committee in line with the following Terms of Reference:

3.2 To oversee customer-facing operational activity, including where appropriate the formation of and monitoring of policy and strategy with particular attention given to ensuring an effective and integrated approach to service delivery across the following functions:

- Asset Management
- Customer Service
- Customer Involvement & Engagement
- Development
- Housing & Neighbourhood Management

- Income Management & Financial Inclusion
- Repairs
- Supported Housing
- Any other activities in which the Association engages which are customer-facing, which have the potential to affect customers or the services delivered to customers

3.8 To receive updates on changes in policy, regulation and legislation which affect customer-facing services.

Link to Risk Register

Risk 17 – Non compliance with RSH standards resulting in a down grade from V1 and or G1 to a non compliant V3 and or G3.

Risk 23 – Poor reputation with customers leads to a reduction in demand for services, lower customer retention, and an increase in complaints and legal action, resulting in increased costs.

Link to Balanced Scorecard Measures

Specific measures and targets are monitored through the corporate Balanced Scorecard to ensure that the Association meets its obligations to provide a customer focussed service.

- E006a: Complaints Responded to Within Timescale
- E014: Customer Satisfaction with how Problems and Complaints are handled

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Background

The Tenant Involvement and Empowerment Standard states that as a registered provider, we shall: *“have an approach to complaints that is clear, simple and accessible that ensures that complaints are resolved promptly, politely and fairly”.*

It also states that:

“Providers shall offer a range of ways for tenants to express a complaint and set out clear service standards for responding to complaints, including complaints about performance against the standards, and details of what to do if they are unhappy with the outcome of a complaint. Providers shall inform tenants how they use complaints to improve their services. Registered providers shall publish information about complaints each year, including their number and nature, and the outcome of the complaints. Providers shall accept complaints made by advocates authorised to act on a tenant’s/tenants’ behalf”.

The Housing Ombudsman’s Service set out a Complaint Handling Code in July 2020 and updated in March 2022 hereby referred to as Complaint Handling Code. Leeds Federated have considered this when reviewing the Complaints Policy and have ensured that it is applied in the handling of complaints. (Appendix 1)

The Code “supports the regulatory approach to complaints ensuring that a landlord’s approach to complaints is clear, simple and accessible and ensures that complaints are resolved promptly, politely and fairly.”

Leeds Federated follows the definition of a complaint as it is set out in the Complaint Handling Code: *“as an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.”*

Customers are able to make complaints about the service provision or the manner in which the service is provided; it should not be used for requests for service.

Examples of requests for service:

- A customer requests a repair is carried out
- A customer requests an incident of anti social behaviour is investigated

Examples of complaints:

- A customer complains that the repair has been carried out to an unsatisfactory standard
- A customer complains that the manner in which their issue of ASB was handled was unsatisfactory

The purpose of this policy is *“To understand the customer’s expressed dissatisfaction and fairly address it in order to gather learning outcomes to review and improve services.”*

It is also essential that in delivering this policy content, that staff bear in mind what our customers have identified as being important to them as part of responding to complaints:

- Being listened to and open to challenge
- Empathy
- Learning outcomes (to improve quality/ delivery of service)
- Communication
- Honesty

The Complaint Handling Code is clear that there should only be 2 stages in handling a complaint. The first being a thorough investigation, the second being a right to appeal the outcome of the initial investigation.

For the purposes of clarity:

A Stage 1 complaint will be referred to by Leeds Federated as a complaint.

If a complaint is progressed to Stage 2, this will be referred to by Leeds Federated as an appealed complaint.

(Note – these descriptions may be used interchangeably.)

Reporting a Complaint

It is the aim of Leeds Federated that we investigate in full any customer complaint and provide a response to the complainant in the most appropriate method.

We will:

- investigate complaints received from those who receive a service from Leeds Federated.

- accept and investigate complaints from those acting on behalf of a group or individual where a signed authority and appropriate contact details are provided along with the complaint.
- log a complaint in cases where a customer has made a service request which has not been fulfilled and has had to chase the organisation which has resulted in further enquiries having to be made in order to resolve the matter
- ensure that customers have a variety of channels in which they are able to report a complaint. This may be over the telephone, in writing, in person or via one of our electronic channels such as My Account, our website, social media channels or email.
(This list is not exhaustive)
- deal with any complaint promptly, politely, and where appropriate, confidentially. In terms of complaints being reported via social media, this may include removing the complaint detail from the social media site and an alternative method of confidential communication being arranged.
- accept a complaint made to any staff member of Leeds Federated; they may pass the information on to a colleague in order that the most appropriate person provides the response.

Exclusions to the Complaints Process

Leeds Federated have the right to decline dealing with a matter through the complaints process where there is a valid reason to do so.

This may include:

- Matters that have already been considered under the complaints policy
- “Vexatious”/persistent complaints
- Matters where legal proceedings have started defined as details of the claim such as Claim Form and Particulars of Claim having been filed at court
- Where the issue that the complaint relates to occurred more than 6 months in the past taking account of any safeguarding or health and safety issues

(This list is not exhaustive)

Where this is the case, we will inform the complainant (in writing where possible) to advise them why the matter is not suitable for the complaints process and the right to take the decision to the Ombudsman.

Acknowledging and Responding to a Complaint

The person receiving the complaint may hand the complaint to someone else who is best placed to respond in a satisfactory manner. The person handling the complaint will contact the complainant within 5 working days of the complaint being reported. This will be to:

- Acknowledge receipt of the complaint, confirm the person that will be dealing with the complaint and agree a timeframe for response with the complainant.
- Set out the understanding of the complaint and establish the outcome the complainant is seeking being clear where the desired outcome is unreasonable and unrealistic.
- Provide contact information for the Ombudsman and inform complainants of their right to access the Housing Ombudsman Service to engage with dispute support advisors for advice throughout their complaint.
- Advise that where a complaint is received via social media, Leeds Federated will reserve the right to request that further communication is undertaken outside of the public environment to ensure that GDPR is not breached.

- Inform the complainant if their complaint will be dealt with outside of the complaints process, for example when it is a request for service.

In some instances, it may be feasible to acknowledge the complaint and provide a response at the same time, but this must occur within 5 days of receipt of the complaint.

Leeds Federated are committed to investigating complaints in order to identify the root cause and take action to prevent recurrence where this is possible. This may mean that some complaints are investigated in a different timeframe to others, or have different potential outcomes.

- Wherever possible, complaints will be investigated and responded to within 10 working days from the receipt of the complaint. If this is not possible, then an explanation and a date for when the response should be received should be provided. This should not exceed a further 10 working days without good reason.
- An extension beyond 20 days should be agreed by both parties and where agreement cannot be reached, details of the Housing Ombudsman Service will be provided to the complainant.
- The complainant will be provided with regular updates on the progress of the investigation
- Additional complaints raised during the investigation will be incorporated into the complaint response as long as it is relevant and the response has not been provided
- A response will be provided as soon as the investigation is completed and done in the right way, for example offering an apology where we have got things wrong. Where there are outstanding actions to address the issue, an action plan will be formulated and tracked to ensure that all recommendations that arise from a complaint are dealt with in full even if these occur outside of the complaint response timeframe.

Following the investigation of a complaint. We will provide a written response where it is possible to do so. This will:

- advise of the stage of the complaint (Complaint/Appealed Complaint).
- address each concern raised as part of the complaint.
- advise of the outcome of the complaint and the reasons for any decisions made.
- include the details of any remedy offered to put things right, including organisational learning outcomes.
- detail any outstanding actions and provide proposed dates for completion.
- detail how to escalate the matter if dissatisfied with the response.

Appealing the outcome of a Complaint

If a complainant feels that their complaint has not been resolved satisfactorily, they will have the ability to appeal the outcome of their complaint within 28 days of receiving the response. Requests to escalate a complaint outside of the 28 day timescale will be considered where the complainant can offer a good reason for the delay. In essence, a request for an appeal will escalate the complaint to another staff member who will review the initial complaint, the investigation, and the outcome. The staff member responsible for this will follow the guidelines set out in "Acknowledging and Responding to a complaint" and in addition will:

- agree a timeframe for response with the complainant, this should be within 20 working days from the receipt of the appeal. If this is not possible, then an explanation and a date for when the response should be received should be made. This should not exceed a further 10 working days without good reason.

- obtain the agreement of both parties for any further extension beyond 30 working days and where agreement cannot be reached, details of the Housing Ombudsman Service will be provided to the complainant.
- request additional information to enable deeper understanding of the issues or concerns raised if this is necessary.
- ask the complainant to comment on any adverse findings from the initial investigation.
- carry out further investigations that may not have previously been conducted in order to identify the root cause.
- inform the complainant if there is no further route of internal escalation. This may be at the point of appeal or following the appeal outcome. Leeds Federated will make clear that the response was its final response to the complaint and provide information on how to make a referral to the Housing Ombudsman Service:

Housing Ombudsman Service

PO Box 152

Liverpool

L33 7WQ

Tel: 0300 111 3000

- Provide a written response to the complainant which will include:
 - the stage of the complaint (appealed stage)
 - the decision on the complaint
 - the reasons for the decision made
 - the details of any remedies offered to put things right
 - details of any outstanding actions and provide proposed dates for completion
 - how to escalate the matter to the Housing Ombudsman Service if the complainant remains dissatisfied
- Where a complaint is escalated to the Housing Ombudsman Service, we will co-operate with the Housing Ombudsman's requests for evidence and provide this within the requested timescale or provide an explanation for the delay.

Putting things Right

Where something has gone wrong, we will acknowledge this and take action to put things right. This can include:

- Acknowledging where things have gone wrong
- Providing an explanation, assistance or reasons
- Apologising
- Taking actions where there have been delays
- Reconsidering or changing a decision
- Amending a record
- Providing a financial remedy (refer to Compensation Policy)
- Changing policies, procedures or practices

Communication with Complainants

Leeds Federated will ensure that communication:

- is tailored to the individual in terms of preferred method of communication and in plain language.

- includes in the response, all points raised as part of the complaint, and provides clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.
- should not generally identify individual members of staff or contractors as their actions are undertaken on behalf of the landlord.
- is carried out in the manner and frequency that it has been agreed with the complainant, whether or not there is new information to be provided.
- includes information to our customers how complaints can be made or raised outside of Leeds Federated, once our internal complaints process has been exhausted by using the Housing Ombudsman Service route to report a complaint, or how to access support from a Dispute Resolution Advisor via the Housing Ombudsman Service at any point in their complaint.

Learning from Complaints

Leeds Federated is committed to learning from complaints. The outcome of a complaint investigation may result in a variety of different measures to prevent recurrence of the issues raised and this will be identified through any actions that seek to address this.

We will:

- identify trends and learning from complaints on a quarterly basis and share with Operational Managers, Challenger Panel and Operations Committee
- use learning from complaints when reviewing existing or formulating new policies and procedures
- utilise learning from complaints to inform staff and contractor training
- report back on wider learning and improvements from complaints in the Annual Report

Challenging Behaviour & Vexatious Complaints

Complainants can expect to be treated with courtesy, respect and fairness at all times. Leeds Federated expects that complainants will also treat staff dealing with a complaint with the same courtesy, respect and fairness.

We will not tolerate threatening, abusive or unreasonable behaviour by any complainant. Such situations are rare, however, should they happen, we will follow the guidance set out in the Challenging Behaviour Policy.

6

Communication Plan

It is important that this Complaints Policy is developed in consultation with stakeholders and customers.

Leeds Federated will:

- Promote and communicate any changes to our housing 'offer' to staff and customers as necessary.
- Have details of our Complaints Policy available on our website, and accessible via My Account.
- Provide a copy of our Complaints Information Leaflet with any complaint acknowledgement and response irrespective of format.
- Provide a copy of our Complaints Policy and/or Information Leaflet on request
- Share learning from complaints on the website via a 'You Said We Did' section
- Include any organisational learning from complaints in the Annual Report and through quarterly reports to Operational Managers, Challenger Panel and Operations Committee.

7 Implementation

It is the responsibility of all Leeds Federated Housing Association staff to ensure that their work is carried out in accordance with this Policy. This will ensure that the Complaints Policy is delivered consistently.

This Policy will be reviewed every three years or earlier if necessary to ensure it is meeting its overall purpose and supporting the goals of the Corporate Plan.

Self-Assessment against the Complaint Handling Code

Leeds Federated will carry out regular self-assessments against the Complaint Handling Code to ensure that their complaint handling is in line with the code.

In addition, the Director of Operations is responsible for ensuring that this policy is implemented and reviewed and progress is regularly reported to the Operations Committee and Board, including the findings of any self-assessment.

8 Monitoring, evaluation and reporting

Leeds Federated Housing Association will monitor, evaluate and report on the activities undertaken to deliver this Policy, in particular, through the balanced scorecard and regular progress reports to Operations Committee.

This will include:

- The volume, category and outcome of complaints received.
- Complaint handling performance in relation to response timeframes being met, and learning outcomes being identified and progressed.
- An annual trend analysis of the issues raised and the handling of the complaints with comparison to the HoS yearly landlords' performance report.
- Inclusion in the annual report, any organisational learning as an outcome of a complaint.

9 Equality Analysis

An Equality Analysis has been completed for the Complaints Policy

Appendix 1

[The Housing ombudsman's Complaint Handling Code \(housing-ombudsman.org.uk\)](https://housing-ombudsman.org.uk)