

Complaints Policy

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| Title: | Complaints Policy |
| Person Responsible: | Director of Business Assurance |
| Customer consultation arrangement: | None |
| EIA required: | Yes |
| EIA Completed (date): | |
| Approved by: | |
| Business Strategy Theme | All themes |
| Approval Date: | November 2020 |
| Links to other Policies: | None |
| Review Date: | November 2023 |

| Document management | | |
|---------------------|--------------|-------------------------------------------------------------------------------------------------|
| Version | Date amended | Amendments |
| 1 | 14.10.20 | New policy following a self-assessment against the Housing Ombudsman's complaint handling code. |
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COMPLAINTS POLICY

1.0 Purpose

Aims & objectives

Complaint handling performs an important strategic role for an organisation, providing vital intelligence and assurance on its health, performance and reputation. The Complaints Policy aims to provide a high-level framework to support consistent and effective handling and uses learning to improve customer experience. The Policy also promotes the use of complaints data alongside other management information on stock, services and customer feedback to provide insight into the organisation.

This policy covers LVRHA's policy on; Complaints and dealing with Persistent or Unreasonable Complainants.

2.0 Policy

How to make a Complaint

A complaint can be from a tenant or any other customer. Complaints can be made in person, via email, telephone or other advocate who has been authorised to make a complaint on their behalf. LVRHA will accept complaints from family members, carers, power of attorney's, solicitors or advocates if disability or mental capacity is a barrier. Complaints are also accepted via "designated persons" such as a local councillor, and UK MP or from the Tenants' Committee. Complaints can also be made online on the LVRHA website.

Definition of a Complaint

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.

Areas where individuals may express dissatisfaction which would not be regarded as complaints would relate to;

- An initial request for a service e.g. first reporting a repair or if the matter can be resolved informally,
- the general law, unless wrongly applied,
- persons or bodies over which LVRHA has no control,
- Reports about anti-social behaviour (ASB) are not part of this policy as there is a separate ASB Policy,
- LVRHA's overall policies (e.g. rent levels, allocations policy, maintenance and renewal policies),
- Matters which are, or could reasonably be expected to be the subject of court or tribunal proceedings, or which are in the hands of LVRHA's insurers.

If LVRHA decides not to accept a complaint a detailed explanation should be provided to the resident setting out the reasons why the matter is not suitable for the complaints

process. A resident has the right to challenge this decision by bringing their complaint to the Ombudsman. Where appropriate the Ombudsman will instruct the landlord to take on the complaint.

Any complainants via social media will be investigated under this policy. All correspondence will be taken offline and the tenant will be encouraged to continue their complaint either by email or letter.

In cases where a complaint identifies a policy or procedural problem (i.e. not service delivery), LVRHA will consider the issue and policy/procedure options and determine if any changes should be made.

All matters reported to LVRHA that meet the complaints definition will be dealt with in accordance with the Complaints Policy. Complaints which are sent directly to Board Directors will be referred to the Complaints Policy and investigated in accordance with the procedure. Issues of misuse of office may be referred to external advisors/auditors if this is deemed appropriate by LVRHA.

All complaints are logged on the Civica Cx Feedback module and investigation outcomes recorded as; upheld, not upheld or partially upheld.

Confidentiality

Complaints will be dealt with the highest confidentiality and will not affect any future transaction or experience using our services. Complaints will be shared with people who are investigating your complaint or where people are required to provide evidence in response to your complaint. Individual complaints are not shared with anyone else but wider learning points arising are shared to improve future customer experience. Personal data is stored on the Civica Cx feedback system and access is controlled. Data is held for 6 years before being destroyed.

Investigating a complaint

There are two main stages to the complaints procedure.

- **Stage 1: Manager Review – target response of 10 working days**
- **Stage 2: Director Review – target response of 20 working days**

LVRHA's complaints procedure shall include the following maximum timescales for response:

- Logging and acknowledgement of complaint – 5 working days
- Stage one decision – 10 working days from receipt of complaint – if this is not possible, an explanation and a date by when the stage one response should be received. This should not exceed a further 10 days without good reason
- Stage two response – 20 working days from request to escalate – if this is not possible an explanation and a date when the stage two response will be received. This should not exceed a further 10 working days without good reason

At the completion of each stage of the complaints process LVRHA will write to the resident advising them of the following:

- the complaint stage
- the outcome of the complaint
- the reasons for any decisions made

- the details of any remedy offered to put things right
- details of any outstanding actions
- details of how to escalate the matter if dissatisfied.

As part of the complaint policy the resident shall be given a fair opportunity to:

- set out their position
- comment on any adverse findings before a final decision is made.

Housing Ombudsman

In accordance with the Housing Ombudsman Complaint Handling Code, LVRHA provides early advice to residents regarding their right to access the Housing Ombudsman Service, not only at the point they have exhausted the LVRHA complaints process. The Housing Ombudsman Service can assist residents throughout the life of a complaint. This affords the resident the opportunity to engage with the Ombudsman's dispute support advisors.

In the final decision the LVRHA's policy shall include the right to refer the complaint to the Housing Ombudsman Service. This should be through a designated person e.g. MP or local councillor within eight weeks of the final decision or directly by the resident after eight weeks.

Use of Discretion

LVRHA reserve the right to use discretion when applying the policy and may deal with a complaint differently where individual circumstances merit it. For example where there is a medical reason to escalate where there are staffing issues or whether the customer would be better served by a higher-level investigation instead of moving through the stages. Discretion will be applied fairly and facilitated by the Complaints Officer in so far as possible to maximise the opportunity to resolve a dispute.

Recording equipment

Tenants/applicants may use recording equipment for LVRHA staff.

Persistent or Unreasonable / Unacceptable Complainants

A very small minority will make complaints that are persistent or unreasonable (also referred to as 'vexatious'). Such complaints are both time consuming, wasteful and divert resources from service delivery. Whilst LVRHA endeavours to rectify failure or remedy adverse impact, there are occasions when nothing further can be reasonably done to assist or rectify a real or perceived problem.

For the purpose of this policy the following definitions of persistent or unreasonable complaints has been determined by LVRHA:

The repeated and/or obsessive pursuit of:

- Unreasonable complaints and/or unrealistic outcomes,
- Continuing to repeat the same issues despite LVRHA responses, and
- Reasonable complaints raised in an unacceptable manner. Examples of unacceptable behaviour includes; threats, physical violence, personal abuse, derogatory or discriminatory remarks and rudeness.

Where complaints continue and have been identified as persistent or unreasonable in accordance with the criteria above then a Director will determine whether it is a persistent or vexatious complaint and will determine the appropriate action to be taken.

The Director (Business Assurance) will notify the complainants, in writing, of the reasons why their complaint has been treated as persistent or unreasonable and the action that will be taken.

The status of a complainant judged to be unreasonably persistent or vexatious and any restrictions imposed on contact will be reviewed by the Director (Business Assurance) after three months and at the end of every subsequent three months within the period during which the restriction is to apply. The complainant will be informed of the result of this review if the decision to apply the restriction to them has been lifted or extended.

2 Regulatory

The Complaints Policy helps LVRHA comply with the **RSH Regulatory Framework: Tenant Involvement & Empowerment Standard**. The policy addresses the following regulatory requirements;

- 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.
- 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 Complaints Policy also ensures that LVRHA complies with the Housing Ombudsman's Complaint Handling Code. A Self-Assessment was carried out against the Code in 2020 and then subsequently approved by the Board in November 2020.

3.0 Scope

It is the responsibility of the Managing Agent to ensure that:

- Staff are aware of LVRHA's policies,
- Staff are trained on the policies,
- Monitoring of records is maintained,
- Customers are adequately informed of the policies, and
- Appropriate action is taken against employees whose actions are inconsistent with this policy.

Managers are responsible for investigating complaints at stage 1 and Directors for stage 2. All staff are required to provide timely evidence and honest responses to any complaint investigation and this includes the Housing Ombudsman.

Any confidential personal data will be restricted in accordance with the LVRHA Data Protection clauses within the Management Agreement.

The Managing Agent will be responsible for ensuring that reviews of this policy are carried out and that data is recorded accurately within the Cx management system.

4.0 Equality & Diversity

LVRHA is committed to ensuring that disabled people are not disadvantaged in accessing its services or by making a complaint. To this end we will make reasonable adjustments for disabled people. This policy does not seek to explain how we will approach every situation, it is intended as a general statement of our policy and:

- Confirms our commitment to improving accessibility for everybody that we deal with,
- Sets out some of the basic principles of our commitment to provide reasonable adjustments for disabled people, and
- Sets out the factors that we will take into account in dealing with requests for reasonable adjustments.

Many of the arrangements that we offer for disabled people can also be made available for those who do not have disabilities. For example, provision of documents in larger font than our usual font.

To make an adjustment means to make a physical change to premises or to change work practices to avoid or correct the disadvantage to a person with a disability. Examples of this include:

- Allowing more time than we would usually for someone to provide information that we needed,
- Providing specialist equipment or additional support such as a sign language interpreter for a workshop or event,
- Communication through a representative or intermediary,
- Rest or comfort breaks in meetings.

The reasonableness of an adjustment will be evaluated against the resource available to our service. In practice many reasonable adjustments involve little or no cost or additional resourcing requirements and are relatively easy to implement.

5.0 Monitoring and Review

A summary of performance on the Complaints policy is included within the quarterly performance reports to Board, this will include a summary of the following:-

- Number of complaints (by service area)
- Stage 1 investigations completed on time
- Stage 2 investigations completed on time
- Number of Persistent or Vexatious Complainants identified
- Lessons learned

The Annual Tenant Report will also include a summary of performance on complaints.

Lessons learnt are captured within the quarterly complaints tracker to show how LVRHA is using complaints to drive improvements and learning. This is considered by the internal Customer Feedback Group. Lessons learned are reported to Board as part of the quarterly performance reports and a summary published within the annual tenant report.

Summary of the LVRHA Complaints Procedure

Stage 1 Manager Review

Acknowledged within 3 working days

Full reply within 10 working days - if this is not possible, an explanation and a date by when the stage one response should be received. This should not exceed a further 10 days without good reason.

Stage 2 Director/Head of Service Review

Acknowledged within 3 working days

Full reply within 20 working days - if this is not possible, an explanation and a date by when the stage one response should be received. This should not exceed a further 10 days without good reason.

Residents can decide whether they wish their complaint to be referred to the Housing Ombudsman

At the completion of each stage of the complaints process LVRHA will write to the resident advising them of the following:

- the complaint stage
- the outcome of the complaint
- the reasons for any decisions made
- the details of any remedy offered to put things right
- details of any outstanding actions
- details of how to escalate the matter if dissatisfied.

As part of the complaint policy the resident shall be given a fair opportunity to:

- set out their position
- comment on any adverse findings before a final decision is made

Once the LVRHA Complaint's Policy has been exhausted, customers have the right to refer the complaint to the Housing Ombudsman Service, of which LVRHA is a member. This can be done directly or via designated person e.g. MP, local councillor or the Tenant Complaint Panel. Further information is <https://www.housing-ombudsman.org.uk/residents/make-a-complaint/>, or call on 0300 111 3000 or write to Housing Ombudsman Service, PO Box 152, Liverpool L33 7WQ.

Persistent or Vexatious Complainants

Criteria for Determining Persistent or Vexatious (Unreasonable) Complainants

Complainants (and/or anyone acting on their behalf) may be deemed to be persistent or vexatious where previous or current contact with them shows that they meet *one* of the following criteria:

1. Persist in pursuing a complaint where LVRHA's complaints process has been fully and properly implemented and exhausted.
2. Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the original complaint is being addressed. (Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints.)
3. Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
4. Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite the reasonable efforts of LVRHA to help them specify their concerns, and/or where the concerns identified are not within the remit of LVRHA to investigate.
5. Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what a trivial matter is can be subjective and careful judgement and a second person moderator will be used in applying this criteria.
6. Have threatened or used physical violence towards employees at any time. This will, in itself, cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, thereafter, only be continued through written communication. LVRHA has determined that any complainant who threatens or uses actual physical violence towards employees will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with notification of how future contact with LVRHA is to be made.
7. Have, in the course of addressing a registered complaint, had an excessive number of contacts with LVRHA – placing unreasonable demands on employees. A contact may be in person, by telephone, letter or email. Judgement will be used to determine excessive contact taking into account the specific circumstances of each individual case.
8. Have harassed, been verbally abusive or been demeaning to staff on more than one occasion towards employees dealing with the complaint. Employees recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. *Some complainants may have a mental health disability and there is a need to be sensitive to this. LVRHA also have a duty of care to the well-being of staff members so will not tolerate unreasonable behaviour.*
9. Make unreasonable demands on LVRHA and its Managing Agent and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable within LVRHA's complaints procedure or normal recognised practice.
10. Make unreasonable complaints which impose a significant burden on the human resources of LVRHA and where the complaint:

- clearly does not have any serious purpose or value; or
- is designed to cause disruption or annoyance; or
- can otherwise fairly be characterised as obsessive or manifestly unreasonable.

In these circumstances LVRHA will just say no.

11. Make repetitive complaints and allegations which ignore the replies which LVRHA or its Managing Agent's staff have supplied in previous correspondence.

Options for Dealing with Persistent or Vexatious (Unreasonable) Complainants

The Managing Agent will decide if someone meets the criteria and they will involve a second-person moderator such as the LVRHA Chair or Company Secretary. The decision justification will be documented and dated (with a review date of 6 months) recorded confidentially on the Civica Cx system.

The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint process is ongoing or completed.

1. A letter to the complainant setting out responsibilities for the parties involved if LVRHA is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.
2. Decline contact with the complainant, either in person, by telephone, by letter, by email or any combination of these, provided that one form of contact is maintained. This may also mean that only one named member of staff will be nominated to maintain contact (and a named deputy in their absence). The complainant will be notified of this person.
3. Notify the complainant, in writing, that LVRHA has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a persistent or vexatious complainant and as such LVRHA does not intend to engage in further correspondence dealing with the complaint.
4. Inform the complainant that in extreme circumstances LVRHA will seek legal advice on persistent or vexatious complaints.
5. Temporarily suspend all contact with the complainant, in connection with issues relating to the complaint being considered persistent or vexatious, while seeking advice or guidance from LVRHA's solicitor or other relevant agencies such as the Housing Ombudsman or Auditors.