

Complaints Policy

December 2020

1 Policy statement

- 1.1 We value customer feedback and are committed to ensuring that all our customers have a stronger voice to influence decisions and challenge us as landlord. We are committed to consistently providing an excellent service to all our customers. However, we recognise that there are times when our service fails to meet the high standards we have set.
- 1.2 This policy sets out Rooftop Housing Group's ('Rooftops') approach, obligations and responsibilities regarding customer complaints.
- 1.3 This policy extends to all our services including those of our contractors and agents. It applies to all our customers and their designated advocates, including nonresident service users, key workers, those in shared ownership properties and leaseholders.

2 Statutory and Regulatory context

- 2.1 The Tenant Involvement and Empowerment Standard (2017) of the regulatory framework for social housing in England, requires Registered Providers (RPs) to:
"Have an approach to complaints that is clear, simple and accessible that ensures that complaints are resolved promptly, politely and fairly."
 - 2.1.1 Specific expectations are for RPs to provide customers with accessible, relevant and timely information about:
 - The standards of housing services their customers can expect.
 - How they are performing against those standards.
 - How customers can communicate with them and provide feedback.
 - 2.1.2 In addition, RPs shall:
 - offer a range of ways for customers 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.
 - inform customers how they use complaints to improve their services.
 - publish information about complaints each year, including their number and nature, and the outcome of the complaints.
- 2.2 This policy is also compliant with the following legislation:
 - 2.2.1 The Housing Ombudsman's Complaint Handling Code (2020) ('the Code'). 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.

2.2.2 The Secure Tenants of Housing Authorities (Right to Repair) Regulations 1994 and the entitlement of secure tenants to receive compensation from their landlord if qualifying repairs are not carried out within a prescribed period.

2.2.3 The rights enshrined in the General Data Protection Regulations (2018).

3 Introduction

3.1 We are committed to providing effective and efficient services to meet customer need; however, we recognise that sometimes things do go wrong, and customers may wish to raise a complaint.

3.1.1 We will deal with complaints made by our customers in a consistent, transparent, and timely manner, seeking early resolution wherever possible.

3.1.2 We will regularly share our complaints performance with our customers and stakeholders.

3.1.3 We view complaints as an opportunity to learn and to improve our services and put in place processes and structures to enable this.

4 Definitions

4.1 A **service request** is where action is required, including putting things right where the customer has not received the service expected. Examples include following up a repair or resolving feedback from surveys. If we have previously failed to deal with a service request appropriately subsequent requests about the same matter will be dealt with as a complaint.

4.2 A **complaint** is an expression of dissatisfaction, however made, about the standard of service, actions, or lack of by the organisation, its employees or those acting on its behalf, affecting an individual or group of residents. A customer does not need to use the word complaint for it to be treated it as such. Examples would include failure to resolve at a service request level, provide a service, poor workmanship, failure to adhere to our own processes and policies, or inappropriate conduct or behaviour by an employee.

4.3 A **customer** is anyone who is, or has previously been, a tenant, license holder, leaseholder, a party in a shared ownership property or customer, including their appointed advocates. Application of this policy to other parties will be considered on a case-by-case basis.

4.4 A **designated person** is an individual appointed by the customer to investigate their complaint on an objective basis and seek a resolution that is acceptable to both parties. This will usually be a local MP or councillor.

4.5 An **advocate** is an individual that is representing the customer through this process. This may be a friend, relative or neighbour or someone in a more formal capacity, such as a solicitor. The customer will need to designate an individual or organisation to advocate on their behalf in writing.

5 Approach

5.1 All complaints are dealt with fairly, honestly, consistently and in a timely manner.

5.2 Each complaint is treated on a case-by-case basis.

- 5.3 All complaints are confidential and are recorded and investigated as such. The complaints process and the handling of related information is General Data Protection Regulation (GDPR) compliant.
- 5.4 An identified officer, the Contracts and Complaints Officer will support on a group wide level, advising on the correct allocation of complaints received, and championing the Complaints Policy and procedure.
- 5.5 We regularly publicise our approach to complaints to our customers. This policy is published and promoted on the website, through social media and can be made available to customers in multiple formats, including hard copy.
- 5.6 Alongside the Policy we provide a guide for customers to explain the complaints process, timescales, and expectations. All customers raising a service request or complaint will be signposted to the guidance as part of our initial response.
- 5.7 Our complaints handling performance is measured against our own targets, and the standards set out by the Regulator of Social Housing and Housing Ombudsman. We regularly publish our performance against these standards.

6 Process

- 6.1 In the first instance, in line with the definitions above, concerns raised by customers will be treated as a Service Request or a formal complaint:
- 6.2 **Service request** – initial contact. Customer concerns about the service they receive may be responded to as a service request by the relevant customer facing member of staff, for example the appropriate Neighbourhood Officer.
- 6.3 Our formal complaints process has two stages:
 - Stage 1** – A complaint. If a service request is not resolved to the customers satisfaction, or the customer clearly wishes to raise a complaint about the service we have provided, their concerns are investigated by the relevant Manager or Head of Service, the Complaints Investigating Officer.
 - Stage 2** – Complaint appeal. The customer may appeal the findings and/or outcome of the stage 1 complaint. The case will be reviewed by an Executive Director and Board Member, or if required the Group Chief Executive and a Board Member.
- 6.4 Wherever possible we will seek to contact the customer as early as possible at each stage to understand the outcome that they are seeking, to enable their involvement and to enable a swift resolution.
- 6.5 If a customer is not satisfied with the investigation or outcome of their complaint at any point in the process, they may refer their complaint to a Designated Person for local resolution or to the Housing Ombudsman Service. Where the complaint is from a leaseholder or freeholder regarding a service charge, they may choose to take the matter to a leasehold valuation tribunal.
- 6.6 We will support investigations by, and the determination of, Designated Persons, the Housing Ombudsman or leasehold valuation tribunal.
- 6.7 Complaints sent directly to a Board Member, the Group Chief Executive or members of the Executive Team will be dealt with in accordance with this policy and managed by a relevant manager.

6.8 Every customer will be informed in writing of the outcome of their complaint, setting out the reasons why the complaint has or has not been upheld. The outcome of every complaint will be recorded on the housing management system.

6.8.1 In some circumstances under the obligations to repair, set out in the Secure Tenants of Housing Authorities (Right to Repair) Regulations 1994, we may consider paying compensation as part of a complaint resolution.

7 Exclusions

7.1 Complaints will not be investigated in cases where:

7.1.1 It relates to an issue that occurred more than six months previously - unless there is clear evidence of a long standing or repetitive issue.

7.1.2 The complaint is, or has previously been, subject to any legal proceedings or we have been notified that they are about to commence.

7.1.3 The substance of the complaint has already been through our complaints process.

7.1.4 The complaint relates to persons or bodies over which we have no control.

7.1.5 The complaint relates to anti-social behaviour (this is covered in the Anti-Social Behaviour protocol) unless the complaint concerns the management of the case.

7.2 In line with the Code, we aim to deal fairly, honestly and consistently with all customers. Where a customer's actions are considered unacceptable, such as aggressive or abusive behaviour, unreasonable demands, or persistent and / or unsubstantiated complaints, the complaints process may be withdrawn or otherwise restricted. Where appropriate we may refer matters to the police or other agencies.

7.3 In such cases the complainant will be informed in writing of our decision. We will continue to deal with other issues raised by the complainant, such as unrelated service requests, on a case-by-case basis. Any such restrictions will be reviewed quarterly by the relevant Head of Service.

8 Complaints regarding Employees, Board Members or Representatives

8.1 Concerns regarding the conduct or behaviour of a representative of the organisation will always be recorded and dealt with as a stage 1 formal complaint in the first instance. This may include an employee (including the Group Chief Executive), Board Member, worker, volunteer, or a contractor.

8.2 Where the issue relates to an employee, worker or Board Member advice must be sought from the Head of Human Resources prior to any investigation. The principles of this policy and associated procedure will be followed.

8.4 Any sensitive evidence and correspondence will be saved securely with appropriate access restrictions.

9 Timescales

9.1 All service requests and complaints will be acknowledged within three working days and thereafter processed as quickly as reasonably possible, and within the timescales stated in the Complaints procedure.

9.2 If a formal complaint or appeal cannot be resolved within the initial 10-day investigation period, the customer will be contacted to update them on progress,

explain what actions remain to be taken, and agree a timeframe for those actions to be completed.

- 9.3 No investigation period should be extended beyond 20 days. Any complaints that are extended beyond 20 days will be escalated by the Business Improvement Team to the relevant Executive Director.

10 Compensation

- 10.1 We recognise that occasionally we may deliver services that fail to meet our customers' and our own service expectations. In these circumstances, compensation may be appropriate. In awarding compensation, we will consider whether any statutory payments are due, if any quantifiable losses have been incurred and the time and trouble a resident has been put to.
- 10.2 Compensation may be awarded at any stage of the complaint process if a complaint is upheld. We will usually only consider the payment of compensation where we have failed to deliver against our standards of service or where we have been clearly negligent.
- 10.3 Any offer of compensation will be made in full and final settlement of the complaint and the customer shall be made aware that acceptance of the offer will be considered confirmation that the complaint has been resolved to their satisfaction.
- 10.4 Any compensation awarded will be offset against any arrears on the customer's rent and related accounts.

11 Learning

- 11.1 We actively seek to identify learning from customer complaints and use them to improve services.
- 11.2 The complaint investigating officer will complete a lessons-learned report, including any opportunities to improve that have been identified.
- 11.3 The relevant Manager is responsible for implementing and communicating any lessons learnt.
- 11.4 Any service improvements are implemented by the most appropriate Manager or Head of Service.

12 Performance Monitoring

- 12.1 Complaints performance is reported quarterly to the Leadership Team, the Executive Team and Group Board, including information on the number of complaints and service requests received, the timescales within which action is taken, the number of complaints that were upheld at each stage and key learning outcomes.
- 12.2 Rooftop consults with customers, including the Resident Excellence Panel, on a regular basis to assess the effectiveness of this policy and its performance. Our performance will be shared with our customers quarterly via the website and each year through the annual report to customers.

13 Equality and Diversity

- 13.1 We will comply with the Equality Act 2010 and adapt normal policies, procedures, or processes to accommodate an individual's needs.

14 Review

14.1 This policy will be reviewed every three years unless there are major changes in legislation or good practice.

15 Consultation

15.1 Leadership Team November 2020

15.2 Executive Team December 2020

15.3 Resident Excellence Panel December 2020

16 Responsibilities

16.1 **Responsible body** Board of Rooftop Housing Group

16.2 Formulation and approval of policy Board of Rooftop Housing Group

Amendments to policy Leadership Team

Monitoring of policy Leadership Team

Policy author Head of Business Improvement

16.3 **Date of formulation of policy** February 2005

16.4 **Dates of policy reviews** December 2020

July 2019

August 2015

16.5 **Date of next review** December 2023

Appendix 1 Associated documents

Internal – Rooftop policies and procedures

- Complaints procedure
- Rooftop website
- Whistleblowing policy and procedure
- Rooftop Together

External

- Regulator of Social Housing Tenant Involvement and Empowerment Standard (2017)
- ISO 9001:2015 Quality Management System
- Housing Ombudsman Scheme (2018)
- Housing Ombudsman's Complaints Code of Conduct (2020)
- Memorandum of Understanding between the Housing Ombudsman and the Regulator of Social Housing
- Equality Act 2010
- Leasehold valuation tribunal for service charge disputes
- NHF Code of Governance