



BAT-POL-01-01
Complaints and Compliments Policy

Contents Page

	Page
1. Scope	3
2. Policy Statement	4
3. Implementation	5
4. Consultation	8
5. Responsibility	8
6. Diversity & Inclusion	11
7. Monitoring & Review	11

1. Scope

This policy is owned by the Chief Executive and is subject to approval by TORUS Group Senior Leadership team.

This policy is compliant with the requirements of the regulatory requirements for England and the Localism Act 2011 which advocates a local approach to complaints resolution and an enhanced role for tenants, MPs and Ward Councillors. Whilst regulatory requirements are aimed at the provision of services to tenants these standards have been adopted in this policy to include all customers making a complaint.

Although our regulator, the Homes and Communities Agency (HCA), will not become directly involved in the resolution of individual complaints it does not exclude the possibility that assessments of serious detriment might result from an individual complaint. Mechanisms are therefore in place to identify the root cause of complaints particularly instances of commonality, and deal with them.

Complaints are welcomed from all customers, advocates on behalf of customers and non-customers affected by services that we have provided, including:

- Tenants – including those with starter tenancies
- Residents
- Tenants and Residents Groups
- Leaseholders
- Waiting List Applicants (unless subject to separate appeals processes)
- Neighbours of our properties
- Visitors to our properties and offices
- Board Members and Co-optees
- Members of Parliament
- Solicitors
- Citizens Advice Bureau and other similar advocacy agencies
- Those who are buying a home from us

Other stakeholders may also follow our complaints procedure to express their dissatisfaction including contractors and funders. Where more appropriate appeal processes exist, for instance those available to applicants for re-housing, then these should be followed.

2. Policy Statement

Registered social housing providers must have effective and efficient policies and procedures concerning the handling of complaints. Organisations that seek to continuously improve will embrace customer complaints and see them as a source of information that identify gaps and weaknesses in its services.

Even in the best run organisations mistakes can happen and whilst these are regrettable, an effective complaints handling system will allow the organisation to learn from these mistakes. Additionally, effective complaint handling can also provide other organisational benefits including:

- improved customer confidence and satisfaction
- enhanced credibility and image
- limitation of legal action and associated costs
- improved targeting of resources

This is the TORUS Group approach to complaint management and supersedes all previous Helena Partnerships and Golden Gates Housing Trust complaint policies.

Customers will be given the opportunity to complain in confidence. A complaint will have no adverse consequences on the complainant's rights.

We have adopted an approach to complaints that is clear, simple and accessible ensuring complaints are resolved promptly, politely and fairly. An approach that is consistent with the Housing Ombudsman dispute resolution principles. Furthermore, we are able to provide customers with accessible, relevant and timely information about how to access the service, the standards of the service that they can expect and how we are performing against these standards. These expectations are met by our commitment to ensure compliance with the following key principles:

- We will offer a range of ways for customers to express a complaint
- We will set out clear service standards for responding to complaints
- We will tell customers what to do if they are not happy with our response to their complaint
- We will tell customers how we use complaints to improve our services
- We will publish information each year including numbers, nature, and outcome in our Annual Report to tenants
- We will accept complaints made by advocates authorised to act on the customers behalf

We are committed to working with our tenants on service delivery and improvement and actively encourage customer scrutiny and feedback.

We value complaints and the feedback we receive from our customers and are keen to learn from our mistakes and change the way we do things in response.

3. Implementation

3.1 What is a complaint (and what is an enquiry)?

We define a complaint as;

An expression of dissatisfaction by anyone (including advocates) who has received a service from, or has been affected by a service provided by Helena Partnerships, GGHT, TORUS Commercial Services or TORUS. This includes anyone providing a service on behalf of these organisations.

This is usually, but not exclusively, where we have failed to provide a service that we are obliged to provide resulting in a customer's dissatisfaction.

This definition is consistent with the expectations of the Housing Ombudsman.

In contrast, an enquiry is an initial request for service or a question about the service that we provide.

Even if a complaint is due to a misunderstanding rather than a mistake it is still important to fully investigate a customer's concerns and give a proper apology.

3.2 Reporting a complaint

Complaints can be made in person to a member of staff, in writing, by e mail, 'on line', or over the phone. Written complaints can be handed into any of our offices, Customer Access Points or e mailed to us. Customers who make a complaint on social media (e.g. Facebook or Twitter) will be direct to our on-line complaints form.

3.3 How we manage complaints

The TORUS Group operate a 2 stage complaints procedure. A summary of the full Complaints and Appeals process with associated response targets is contained within the Complaints procedure document.

Key procedural points include:

- Identifying and recording complaints.
- Resolving complaints.
- Response target timescales.
- Recording and analysis of complaints.

The following points must also be observed:

1. Service standards should always be met unless exceptional circumstances exist which prevent this. Managers should be able to evidence any such exceptional circumstances.
2. Managers should react positively to complaints, seek personal contact at the earliest opportunity, and do whatever is practical and reasonable to rectify the situation.
3. We will always aim to respond in writing unless the customer has a preferred alternative method of communication.

4. Where a complainant's expectations cannot be met e.g. the requested remedy falls outside of our powers, then a full explanation will be given.
5. Complaints addressed to the Chief Executive, the Group Managing Director, any other Company Director or the Chair of the Board will be dealt with in the same way as any other complaint and will not receive preferential treatment.
6. It may not always possible to provide a full written response within our 10 working day target. On these occasions managers must be able to demonstrate that they have kept in touch with the customer, letting them know when they can expect a full (written) response.
7. We will not usually close a complaint until we have done what we promised to do.
8. We will on occasion receive complaints that need to be dealt with differently. The TORUS Group complaints procedure identifies these types of complaints and describes how they should be dealt with.
9. If a customer exhausts our complaints procedure but remains unhappy with the outcome we will advise them what options are available should they wish to take the matter further.

3.4 Compensating Complainants

Whilst we aim to provide high quality services we also recognise that there may be instances when standards are not achieved which could lead to inconvenience or financial loss for tenants. This Policy aims to treat customers fairly when they incur any proven financial or material loss whilst also seeking to keep the group's overall costs at reasonable levels by avoiding excessive compensation payments.

There are two types of compensation; payments that a landlord is obliged to make and discretionary compensation, which is a payment a landlord chooses to make.

Generally payments to complainants will fall into the discretionary category often referred to as goodwill or 'Ex-Gratia' payments.

Managers considering compensating a complainant should work to the principle that no one should be left disadvantaged, or out of pocket, as a result of having to complain.

A manager may agree to a monetary payment or a payment in kind (for example decorating materials). We will usually consider compensating a complainant if;

- They suffer a loss because we have not carried out repairs and maintenance properly (this is separate to any Repair Legislation that may be in force from time to time).
- They suffer a loss due to other failures in service
- A failure of service causes inconvenience or distress
- They have spent excessive time and trouble achieving a solution to a complaint.

If the complainant is a tenant of the TORUS Group, Helena Partnerships or GGHT and they are in rent arrears we reserve the right to off-set any compensation against these arrears.

Where the complainant is clearly, and by their own admission, using the complaints procedure to pursue a compensation payment that they are not reasonably entitled to then no payment will be made and the

complaint will be closed with immediate effect (see Excessive Use and Unreasonable Behaviour procedure).

3.5 Referrals to Designated Persons and the Housing Ombudsman's Service

If a customer has exhausted our internal Complaint Procedures and remains unhappy with the outcome they may then decide to approach the Housing Ombudsman.

The Localism Act 2011 introduced an additional step to this process. Complainants can no longer approach the Housing Ombudsman directly once their complaint has been dealt with by the landlord.

From April 2013 all complainants wishing to have their complaint reviewed by the Housing Ombudsman must first approach a Designated Person, usually a Ward Councillor, an MP or a Tenant Panel (or wait 8 weeks from case closure and then approach the Housing Ombudsman's Service directly). The Designated Person may decide to intervene with the intention of negotiating a local resolution. Alternatively if they decide this is not achievable they may decide to refer the complainant directly to the Housing Ombudsman.

To ensure that Designated Person referrals are dealt with in an efficient way we expect that;

- Councillors and MPs will check that their constituent has exhausted our internal complaints procedure before making a Designated Person referral.
- Councillors and MPs acknowledge our service standard for dealing with Designated Person referrals.
- Councillors and MPs acknowledge that occasionally we receive complaints of an unreasonable nature and that on these occasions a balanced view is taken. We would not expect Councillors and MPs to pursue a Designated Person referral where the customers' expectations are clearly unreasonable.

We recognise that St Helens and Warrington Borough Council's Ward Councillors and the local Members of Parliament are valuable partners who represent the concerns and needs of individuals, neighbourhoods and communities. We fully support local complaint resolution and will continue to develop effective local working relationships in a manner that is as open, positive and as supportive possible.

TORUS, Helena Partnerships and GGHT are registered members of the Housing Ombudsman Service scheme. A condition of membership is that all members agree to be bound by the decisions and adjudications of the Housing Ombudsman's Service, regardless of whether the member agrees with the outcome or not. Organisations who fail to comply with the Housing Ombudsman Service decisions risk being 'named and shamed'. We will respond positively to all Ombudsman enquiries, investigations and recommendations and undertake to comply promptly with any determinations.

3.6 MP Enquiries and the National Housing Federation Compact

The TORUS Group also have robust measures in place to deal with MP enquiries. Although strictly outside the remit of this policy reference is made here for completeness.

The 2010 National Housing Federation (NHF) Compact was designed to ensure that effective channels of communication exist between landlords and their respective MP's. As signatories to this compact Helena Partnerships were required to implement and maintain prescribed standards in terms of timeliness and

quality of response. This associated process was further enhanced to meet the requirements of the Localism Act 2011.

Both GGHT and Helena Partnership's complaint service standards were already more challenging than the prescribed standards outlined in the Compact.

Please refer to the TORUS Group Complaints Procedure when dealing with MP, Councillor and Tenant Panel correspondence.

3.7 Compliments

There are many occasions when we are congratulated for getting things right. An officer who receives a compliment will forward details to the appropriate Service Manager and the Communications team.

Compliments can be published on YAMMER and in tenant publications. Each subsidiary can also publish compliments on their respective intranet sites.

4. Consultation

Both subsidiary policies have been subject to review by the respective tenant scrutiny groups (CCP & VIP) and therefore the principles underlying this group approach have been well tested. Support has since been received for the key procedural changes enacted in this group policy approach from both tenants and the Community Consultation Forum.

5. Responsibility

5.1 How we deal with complaints

There are a number of basic principles which underpin the way we deal with complaints;

- **All customers will receive a high quality service** - Irrespective of their race, gender, age, sexual orientation, disability, religion or belief, transgender status, marriage or civil partnership status or, pregnancy or maternity status. Both customers and staff will be treated with respect and dignity.
- **We will make it easy for customers to complain** – Our service will be readily accessible and our policy and procedures easy to understand.
- **We will assign a complaint to the person best placed to deal with it** - Our complaints procedure clearly identifies those responsible for allocating, responding to and managing the complaints process.
- **We will deal complaints quickly**- All staff are encouraged to deal with problems at the first point of contact providing the customer is happy for them to do this. Where this is not possible or a customer does not agree with this approach then a formal complaint will be registered.
- **We will deal with complaints thoroughly** - We are committed to thoroughly investigating every complaint that we receive and will wherever possible, will establish and maintain personal contact with the complainant for the duration of the investigation.

- ***We will only close a complaint when we are certain it has been dealt with*** - A Service Manager will usually only close a complaint when they are certain that all the promises made in their response have been carried out.

5.2 Complaint responsibilities

Performance & Assurance Advisor is responsible for:

- Liaising with Service Managers, Heads of Service, Directors and the Chief Executive when required.
- Monitoring progress against service standards.
- Managing customer feedback, producing performance reports and identifying and reporting upon areas of complaint commonality.
- Carrying out quality audits of complaint responses and ensuring that personal contact is established and maintained throughout.
- Co-ordinating and sharing the outcomes of any lessons learned both internally (to Board, Service Managers etc.) and externally (customer stakeholders etc.).
- Managing Designated Person and Housing Ombudsman activity.

Service Manager is responsible for:

- Updating the complainant on progress and responding to Stage 1 complaints.
- Identifying procedural changes, service developments, training or improvements resulting from lessons learned and notifying the PAA of these on a quarterly basis.

Senior Service Manager/ Head of Service/ Operational Director is responsible for:

- Updating the complainant on progress and responding to Stage 2 complaints.
- Identifying procedural changes, service developments, training or improvements resulting from lessons learned and notifying the PAA of these on a quarterly basis.
- Ensuring staff within their team comply with this policy and meet performance targets and standards.

Heads of Service and Operational Directors are responsible for:

- Deputising for the Managing Director under delegated authority including the authorisation of premature complaint closure.

Managing Director is responsible for:

- Reviewing and commenting upon Democratic Filter and Housing Ombudsman activity.
- Premature complaint closure.

5.3 Measuring performance and learning from complaints

All staff should value complaints and try to learn from them. Managers will put the necessary procedures in place to make sure that we don't make the same mistake twice. This information should be readily available enabling us to demonstrate how we have learned from complaints and changed the way that we deliver services in response.

5.4 Tenant involvement in complaint management and decision making

This policy acknowledges that our tenants are at the heart of scrutiny and decision making and that we value tenant involvement in complaint management.

- Mystery Shoppers have tested the accessibility of our services and staff awareness.
- Tenants are given the opportunity to scrutinise and challenge our performance
- Tenants are involved in our 2 yearly policy and procedural reviews. Their involvement is particularly important as these reviews result in changes to the way that we deliver our service.
- Under the Localism Act 2011 tenant representatives have an enhanced role in complaint management as Designated Persons (Note; there are no Designated Tenant Panel currently operating in either Warrington or St Helens).

5.5 Performance Management and Reporting

The key elements of this are;

- To provide the Service Manager with the information to allow him/ her to manage their own performance
- To allow the Head of Service or Operational Director to effectively manage their departmental performance
- To allow the Company Directors to take a strategic view on Company performance
- To ensure that we regularly review tenant feedback about the service. We will provide tenants with a range of performance information allowing them to review and scrutinise our performance. The TORUS Group is committed to involving its customers in monitoring complaints performance and reviewing processes.
- To ensure that lessons are learned and service improvements implemented

6. Diversity & Inclusion

A key aim of the TORUS approach to Diversity and Inclusion is to ensure that Equality and Diversity is embedded in our service delivery policies and procedures.

In recognition of this we aim to deliver a Complaints Service that is;

- relevant and fully accessible to all
- tailored to meet both the specific needs of the individual, including those with additional support needs, and the diverse needs of the wider community
- compliant with all aspects of Equality and Diversity legislation.

7. Monitoring & Review

We will review this policy after two years and carry out interim reviews in light of legislative, policy or procedural changes.

The document will be subject to a full review in June 2019.