



# **Complaint Policy**

October 2020

**SCO-POL-09-02**

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<b>Author</b>	Janine Greenall, Service Lead Tenant Voice	August 2020	
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## 1. Scope

1.1 This policy is owned by the Chief Executive and is subject to approval by Torus Group Leadership Team and the Landlord Operations Committee. It is in line with relevant legislation such as the Localism Act 2011, Housing Act 1996 (schedule 2), General Data Protection Act 2018, Equality Act 2010, Housing Ombudsman Complaint Handling Code 2020, and Tenant Involvement and Empowerment Standards. Whilst regulatory requirements are aimed at the provision of services to tenants the standards that have been adopted in the policy apply to all Torus customers or non-service users making a complaint.

1.2 Though the Regulator of Social Housing 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 and deal with the root cause of complaints. Complaints are welcomed from all of our residents, customers, advocates on behalf of customers and non-customers who may be affected by the organisation's services or residents, including:

- Tenants
- Residents and non-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

1.3 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. Where the complaint is about a third-party contractor, Torus will retain overall responsibility for investigating and responding to the complaint.

## 2. Policy Statement

Torus is committed to providing excellent customer service that represents value for money to our residents, customers and partners. This Policy is designed to make it easy for customers to provide Torus with feedback about services that they receive. Listening to customer feedback and taking appropriate action will help Torus to continually improve. This Policy sets out our two-stage approach for managing and resolving formal complaints. It also sets out how customer feedback will be used to inform continuous learning and improvement.

### 2.1 Confidentiality

The Data Protection Act 2018 sets out legal responsibilities on all organisations processing personal data and provides for rights in the law conveyed on the people whose data are being processed. The Torus Data Protection Policy is a public statement describing Torus' approach to complying with its legal responsibilities in the Data Protection Act and how it enables individual rights to be upheld and

exercised. This policy outlines our approach to the collection, storage, access to, provision and disclosure of data in accordance with the Data Protection Act 2018.

## 2.2 Aims & Key Objectives;

We will adopt the Housing Ombudsman's Complaint Handling Code 2020 and its dispute resolutions principles namely to be fair, to put things right and to learn from outcomes. We will do this by;

- Resolving matters locally and as quickly as possible by being open, accountable and outcome focused
- Resolving complaints at the first point of contact wherever possible
- Treating all customers fairly
- Welcoming all customer feedback on service standards and we will make it easy for customers to provide feedback including making a complaint
- Ensuring all complaints are addressed and dealt with within published timescales wherever possible
- Recording, monitor, and analysing feedback in order to examine service performance to improve service delivery
- Acknowledging that sometimes things go wrong, that complaints are viewed positively and that they provide us with an opportunity to put things right
- Learning from customer feedback and promote how feedback is used to improve services
- Having a range of options available to us to put things right when there has been a service failure including compensation

## 3. Implementation

### 3.1 We define a complaint 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.*

In contrast, an enquiry is an initial request for service or a question about the service that we provide. Enquiries are excluded from the provisions of this policy.

Occasionally a customer may be unhappy with the actions or services provided by the Company but have no interest in engaging in a formal investigation or may not require us to respond to their concerns in writing. On these occasions we will work with the customer concerned to achieve a solution that is acceptable to all parties. We will usually take this approach when dealing with straight forward problems and only where we have the express consent of the customer(s). The outcome will be fed back to the customer in person or over the phone. Our IT systems enable us to register and track these cases allowing us to establish an audit trail and learn from customer feedback but we will not routinely report upon them and to all intent and purpose they will fall outside of the scope and remit of this policy. If a customer is not satisfied with the response that they receive they will be provided with information on how to register a formal complaint.

### 3.2 Compliance;

The Policy reflects the principle within the Regulatory Framework of 'local resolution' as defined by the Housing Ombudsman Service and their approach to managing complaints set out in their Complaint Handling Code 2020. It also reflects the requirements of the Tenant Involvement and

Empowerment Standard. Providers are required to have an approach to complaints that is clear, simple and accessible that ensures that complaints are resolved promptly, politely and fairly. The Policy will work in conjunction with Torus policies in place at the time to manage discretionary compensation and unreasonable behaviour.

### 3.3 Reporting a complaint;

We welcome complaints and provide a range of options for customers to use, including in person, in writing, by e mail, 'on line', or by phone. Customers can relay or hand in their complaint in person at any Torus office or customer facing staff. Customers who make a complaint on social media (e.g. Facebook or Twitter) will be directed to our on-line complaints form.

We will identify service failures and do not expect customers to specifically say "I wish to complain."

### 3.4 Complaint Handling;

Staff will be trained in handling and responding to complaints and will be empowered to deal with complaints as and when they arise. Where Torus has got things wrong staff will apologise and explain what went wrong and what action will be taken to put things right. When responding in writing we will make it clear what stage in the process the response relates to and give clear guidance on how to escalate a complaint if the resident does not feel their complaint has been resolved. We will at all stages provide residents with contact information for the Housing Ombudsman making it clear that there is a continual right of access to their service, not just at the point at which our internal complaint processes are exhausted.

### 3.5 Formal Complaints and Point of Contact Resolution;

We will always try to resolve a problem straight away at point of contact if the resident is agreeable and this approach offers the probability of an acceptable outcome. However, we recognise that there are times when this will not always be possible or appropriate. There may also be times when the customer is unhappy with this approach. On these occasions we will register a formal complaint, registration and acknowledgement to take place within 2 working days of receipt.

Where a complainant is unable to put forward a coherent case or may be vulnerable, they will be directed towards local Advocacy Services, for example Citizens Advice.

### 3.6 Complaint Investigation Principles;

A complaint investigation will be conducted in an impartial manner, seeking sufficient reliable information from both parties so that fair and appropriate findings and recommendations can be made.

To ensure that a complaint investigation is fair we will;

- Deal with each case on its merits
- Act independently and have an open mind
- Take measures to address any actual or perceived conflict of interest
- Consider all information and evidence carefully
- Keep the complaint confidential as far as possible. We will only disclose details of the complaint more widely where this proves necessary in order to allow us to conduct a thorough investigation.

Where a key issue of a complaint relates to the parties' legal obligations we will clearly set out our understanding of the obligations of both parties and seek clarification before doing so where this is not initially clear.

### 3.7 Stage 1 Complaints;

The Investigating Officer will contact the complainant within 2 working days of complaint registration, quickly grasp the nature of the complaint, the expected outcome and will always seek clarification from the resident if this is not clear. We will aim to respond and 'put things right' or provide agreed actions and timescales for resolving more complex complaints within 10 working days. If this is not possible the investigating officer will provide the resident with an explanation and the date by which the Stage 1 response will be received. This will need to be agreed with the complainant and must not exceed a further 10 working days without good reason.

We will maintain contact with the resident and keep them regularly updated throughout the course of the complaint even where there is no new information to provide. We should be able to evidence that this contact has taken place.

The investigating officer will **always** respond to the Stage 1 complaint in writing. In our Stage 1 response we will address all points raised in the complaint and provide clear reasons for any decisions that we have made, referencing the relevant policy, law and good practice where appropriate.

If a resident is not satisfied with our Stage 1 response they can ask us to escalate their complaint to Stage 2.

### 3.8 Stage 2 Complaints;

If the complaint is not resolved to the complainant's satisfaction at Stage 1 it will be progressed to Stage 2. It is not necessary for the complainant to provide us with additional information in support of their case or prove in any way that our Stage 1 response decision is wrong.

- Where possible we should try to find out what it is about our Stage 1 decision that the complainant disagrees with and what they want the us to do to put things right. However, the complainant is not compelled to co-operate with this request.
- Our failure to respond to a Stage 1 complaint within our 10 working days target does not result in an automatic right of escalation to Stage 2. Complaints can only be escalated to Stage 2 once we have responded at Stage 1.
- A Stage 2 investigation will be conducted by a senior manager although this may vary from time to time depending upon the nature of the complaint and who responded at Stage 1. The only mandatory requirements are that the Stage 2 respondent is not the same person who responded at Stage 1 and, they are not subordinate to the Stage 1 respondent.
- The Stage 2 respondent need not be from the service to which the complaint relates. Indeed, there may be occasions when an 'independent' review has its advantages.
- We will aim to keep the complainant updated throughout the course of our Stage 2 investigations and respond in writing with our decision within 20 working days of the date of receipt of the request to escalate, and quicker than this wherever possible. If this is not possible, the investigating officer will provide the complainant with an explanation and the date by which the Stage 2 response will be received. This will need to be agreed with the complainant and must not exceed a further 10 working days without good reason. Our Stage 2 response will bring the complaint to a close.

### 3.9 Responding to Complaints;

We will respond to all Stage 1 and Stage 2 complaints in writing. Our written responses will:

- Identify the complaint stage
- State the outcome of the complaint
- Outline the reasons for any decisions made
- List the details of any remedy offered to put things right
- Identify any outstanding actions
- Give clear guidance on how to escalate the matter if the resident remains dissatisfied
- Include contact details for the Housing Ombudsman Service

Communication with the resident should not generally identify individual members of staff or contractors as their actions are undertaken on behalf of the landlord.

There will be times when we are unable to provide a comprehensive response in the timeframes set out. On these occasions, we may extend a response deadline by up to a maximum of 10 working days but only with the prior agreement of the complainant. On these occasions, complainants will be kept up to date and will receive an explanation for any delays.

We will provide residents with contact information for The Ombudsman as part of our regular communication and our standard response letters will advise residents of their right to contact the Housing Ombudsman at any stage in the complaints process.

### 3.10 Outcomes and Remedies;

What we need to ask ourselves is, where something has gone wrong are we taking appropriate steps to put things right? The aim of providing redress is to restore a person to the position they would have been in had the service failure not occurred.

Complaints can be resolved in a number of ways. Any proposed remedy will reflect the extent of any service failure(s), and the level of detriment caused to the complainant as a result.

In some cases, a complainant may have a legal entitlement to redress. There may be concerns about legal liability in such a situation. If so, the landlord should still offer a resolution where possible, as that may remove the need for the resident to pursue legal remedies.

Landlords have a duty to rectify problems for which they are responsible. However, where necessary a resolution can be offered with an explicit statement that there is no admission of liability. In such a case, legal advice should be sought as to the wording of any offer of resolution.

Officers should refer to our Discretionary Compensation Policy for further guidance. Our approach here is consistent with the Housing Ombudsman's Services 'Guidance for Landlords' which can be found on their website [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk).

### 3.11 Complaint Closure - Examples of when a complaint would be closed;

- An investigation is complete and a response is sent and there is no further contact from the complainant after 28 days
- When a resolution is agreed and we have delivered the proposed solution.

- When a resolution is agreed but we have not yet delivered the solution the complaint may still be closed but only with the customer's consent having first established and agreed what actions we will take to resolve the complaint and the associated timescales. We will undertake to re-open the complaint at the next appropriate stage if we fail to deliver the agreed solution(s).
- We have the discretion to close complaints early but only in very exceptional circumstances. Please refer to Section 3.14 Exclusions

Unless these exceptional circumstances apply, we will only close a complaint when we are certain it has been dealt with and responded to.

### 3.12 Referrals to Designated Persons;

If a customer has exhausted our internal Complaint Procedures and their complaint has been closed but they remain unhappy with the outcome they can ask a Designated Person to intervene on their behalf. A Designated Person can be a Ward Councillor, an MP or a Tenant Panel. Alternatively, they can choose to wait 8 weeks and approach the Housing Ombudsman's Service themselves.

The Designated Person may decide to intervene with the intention of negotiating a local resolution. If, however they decide this is not possible they may decide to refer the complainant straight to the Housing Ombudsman. Whilst the Designated Person cannot impose a solution on the landlord, Torus recognise that Ward Councillors and Members of Parliament are valuable partners who represent the concerns and needs of individuals, neighbourhoods and communities. Furthermore, we fully support the concept of local resolution and will always work with our partners to achieve an outcome that it is acceptable to all parties.

### 3.13 The Housing Ombudsman Service;

Torus is a registered member 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. The Ombudsman may report a member's complaint handling failure to any appropriate regulatory agency and/or the board, committee, panel or senior officer of the member along with any related details as the Ombudsman sees fit. The Ombudsman may publish the fact and circumstances of a member's complaint-handling determinations, naming the member in the Ombudsman's annual report or elsewhere. We will respond positively to all Ombudsman enquiries, investigations and recommendations and undertake to comply promptly with any determinations.

In July 2020, the Housing Ombudsman Service launched their Complaint Handling Code. This policy and the underlying Complaints procedure have been updated to ensure our approach is consistent with all aspects of this code.

### 3.14 MP Referrals;

Torus also has 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 signatory to this compact we 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.

We have continued to develop and enhance our service in the intervening years such that the standards that Torus have in place in respect of MP enquiries surpass those prescribed in the original compact.

### 3.15 Use of Discretion;

We reserve the right to use our discretion when applying this policy and may deal with a complaint differently where individual circumstances merit it. This discretion will always be applied fairly and appropriately and complaints will be progressed as far as possible to maximise the opportunity to resolve a dispute.

We will comply with the Equality Act 2010 and acknowledge that we may need to adapt our processes, procedures and policy to accommodate an individual resident's needs.

### 3.16 Exclusions;

There are occasions when Torus will not consider complaints made under this Policy. These include;

- It becomes clear that the issue giving rise to the complaint occurred over six months ago. However, where the problem is a recurring issue we will consider any older reports as part of the background to the complaint if this will help to resolve the issue for the complainant. (N.B. it may not be appropriate to rely on this exclusion where complaints concern safeguarding or health and safety issues.)
- Legal proceedings have started. We will take steps to ensure that residents are not left without a response for lengthy periods of time, for example, where a letter before action has been received or issued but no court proceedings are started, or settlement agreement reached.
- Matters that have already been considered under the complaints policy.
- Any restrictions placed on a resident's contact due to unacceptable behaviour should be appropriate to their needs and should demonstrate regard for the provisions of the Equality Act 2010.

One of the key principles underlying our approach to complaint management is that we will always aim to treat customers fairly. We do not operate blanket exclusions and will consider each complaint on its merits before applying an exclusion.

If we decide not to accept a complaint, a detailed written explanation will be provided to the complainant 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 can instruct a landlord to take on a complaint.

### 3.17 Unreasonable Behaviour

We welcome complaints and would not normally restrict the number of complaints or level of contact made by any of our customers.

However, we may occasionally receive complaints from customers whose behaviour and/or frequent contact stop us resolving the complaint, or may affect the ability of our teams to help other customers. Where Torus believes complaints are being made in an unacceptable way such as persistent, vexatious or malicious complaints, we may invoke the Unacceptable Service User Policy. This may allow Torus to liaise with external support agencies and consider the best course of action to

resolve a complaint. Where this happens Torus will write to the complainant advising of their decision and what that means for their contact with the organisation.

### 3.18 Inappropriate Conduct;

Any allegations about alleged inappropriate conduct by Torus Board Members will be handled separately in accordance with regulatory good practice guidance.

Any allegations of a serious nature made against Officers will be referred immediately to the appropriate OD Business Partner to investigate and will not be considered under this policy.

### 3.19 Petitions and Anonymous Complaints;

We will respond quickly to complaints from the wider community in order to minimise adverse publicity and maintain community relations.

All petitions and letters of complaint from collective organisations such as Tenants and Residents Associations must be brought to the immediate attention of the Managing Director and copied to the appropriate Service Manager. The Service Manager will carry out an urgent investigation into the matter and arrange a suitable acknowledgement letter.

The Customer Feedback Officer in consultation with the Managing Director will determine whether the matter should be dealt with in line with our published procedures or whether a separate direct response is more appropriate. On issues such as policy, this may include forwarding the petition to the next appropriate Board or Committee meeting for consideration and action.

When responding to petitions, several additional copies of the Company's response will be included for circulation amongst the other signatories. The top copy should be addressed to the first signatory unless it is clear that another person is the chief complainant.

The Customer Feedback Officer will record outcomes on a central register.

Anonymous complaints will be recorded and investigated. Whilst it is not possible to acknowledge receipt or respond directly to the person making the complaint we will still treat these complaints seriously.

The Customer Feedback Officer will record details of any anonymous complaints on a central register before referring them on to the appropriate service manager to investigate within 5 working days.

## 4. Consultation/Resident Involvement

Torus is committed to promoting customer engagement and participation at all levels of its business and governance arrangements including policy development. This policy has been subject to both tenant and officer consultation in addition to consideration by Torus' Landlord Operation's Committee. Members of Landlord Operations Committee include tenant representatives from each heartland area.

## 5. Responsibility

**Customer Service Centre / 'point of contact' Officer** is responsible for,

- Acknowledging receipt of the complaint. Usually verbally or by auto-reply e mail

- Dealing with the issues raised at point of contact wherever possible
- Establishing the authority of an advocate to act on the complainants behalf
- Deciding whether a referral is a complaint or an enquiry
- Checking for existing cases to prevent duplication
- Logging a complaint accurately recording in detail the complaint and the expected outcome
- Escalating complaints to Stage 2

**Customer Feedback Officer** is responsible for,

- Overseeing the complaint process from initial contact to case closure
- Providing residents with a detailed written explanation when we decide not to register a complaint
- 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.
- Carry out 20% quality audits to establish timeliness and quality of response and delivery of promises. Also, establish that personal contact is established and maintained throughout.
- Co-ordinating and sharing the outcomes of any lessons learned both internally (to LOC, Service Managers etc.) and externally (customer stakeholders etc.).
- Establish training needs and deliver appropriate training to individuals or groups as required.
- Managing Designated Person and Housing Ombudsman activity.
- Carrying out analysis of complaints, incidents, claims and whistleblowing data to identify and report trends and patterns
- Recording instances where complaints have been made on behalf of individuals that lack capacity and ensuring that a timely Mental Capacity Act assessment has been carried out before a complaint is investigated

**Investigating Officer** is responsible for,

- Contacting a resident within 2 working days of formal complaint registration
- Confirming what the complaint is about and the expected outcome
- Maintaining contact with the complainant throughout the course of the complaint even where there is no new information to provide.
- Updating the complainant on progress and responding to informal and formal (stage 1) complaints.
- Carrying out a thorough complaint investigation in line with policy and complaints management guidance.
- Recording actions to resolve complaint on the case file and ensuring these are delivered within agreed timescales.
- Identifying and reporting on procedural changes, service developments, training or improvements resulting from lessons learned.
- Ensuring promises are delivered.

**Investigating Officer/Senior Service Manager/ Head of Service/ Operational Director** is responsible for,

- Contacting a resident within two working days of stage 2 complaint registration

- Maintaining contact with the complainant throughout the course of the complaint even where there is no new information to provide.
- Updating the complainant on progress and responding to formal stage 2 complaints.
- Carrying out a thorough complaint investigation in line with policy and complaints management guidance.
- Recording actions to resolve complaint on the case file and ensuring these are delivered within agreed timescales.
- Identifying and reporting on procedural changes, service developments, training or improvements resulting from lessons learned.
- Ensuring promises are delivered.
- Ensuring staff within their team comply with this policy and meet performance targets and standards.

## 6. Diversity & Inclusion

The Policy supports Torus' Equality and Diversity Policy and aims to complement Value For Money principles in delivering excellent cost-effective services and protecting the investment in Torus properties and neighbourhoods. 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, and specifically the Equality Act 2010

## 7. Monitoring & Review

The key aims are to;

- To provide the Service Managers with the information they need to manage their own performance
- To allow the Head of Service or Operational Director to effectively manage their departmental performance
- To allow Company Directors to take a strategic view on Company performance
- To ensure that we regularly review tenant feedback about the service.
  - Review and learn from feedback provided by tenants through a customer satisfaction survey.
  - We will provide tenants with a range of performance information allowing them to review and scrutinise our performance.
  - We are committed to involving our customers in monitoring complaints performance and reviewing processes.
- To ensure that lessons are learned and service improvements implemented

Performance is monitored on a daily, weekly and monthly basis with regular updates provided to key Service Managers and the Group Leadership Team. In addition, a more detailed Quarterly Performance Report is provided to the Landlord Operations Committee. Torus Board also receives performance information on complaint key performance indicators. Response targets are reviewed and set on an annual basis.

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