

# Complaints Policy

## 2018 – 2021

### Document control

<b>Policy approval</b>	Group Director of Business Improvement, October 2018
<b>Updating</b>	Complaints Policy 2016 - 2018
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<b>Author</b>	Customer Involvement Coordinator
<b>Responsible Executive/ Group Director</b>	Group Director of Business Improvement
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Version	Date	Author(s)	Notes on Revisions
1	April 13	Improvement and Diversity Co-ordinator	Conversion of existing policy into current template and track future revisions from this point forward
2	Aug 14	Governance & Compliance Manager	Amended complaints procedure for non-KHT tenants and what we do not accept as a complaint
3	Nov 14	Governance & Compliance Manager	ASB community triggers incorporated into complaints policy
4	April 15	Governance & Compliance Team Leader	Amended procedure for centralisation of the complaints service
5	July 15	Customer Complaints Advisor	Policy amended to reflect First Ark does not accept complaints older than 12 months
6	June 16	Governance & Compliance Team Leader	Policy reviewed and amended to reflect current job roles and update the stage 3 procedure.
7	September 2017	Customer Involvement Coordinator	Complete policy review to reflect the reduction in the number of stages.

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## 1. Introduction

The First Ark Group of companies includes KHT, Vivark, KHT Services and One Ark, and this policy applies to all of the companies within the Group.

First Ark is committed to providing excellent services to our customers. We want to get things right first time; however we understand that sometimes this may not happen. If a customer believes that there has been a failure in service or we have not met our standards we want them to be able to make a complaint in a way that suits them.

This policy sets out First Ark Groups approach to receiving, investigating and responding to complaints. When complaints are received First Ark will aim to resolve them fairly and efficiently in line with the standards and guidelines set out in this policy.

First Ark is committed to learning from customer feedback including complaints and will use this information to identify service improvements.

The procedures which support this policy are designed to be accessible and fair. All staff will be briefed on the policy and procedures to ensure that complaints are dealt with consistently and fairly.

## 2. Policy Statement

First Ark's complaints policy takes into account the following principals;

- **Visibility** – information about how to complain will be well publicised to customers including having leaflets available in First Ark & KHT offices and on KHT's website ([www.k-h-t.org](http://www.k-h-t.org)).
- **Accessibility** – customers will be able to make a complaint in a way that suits them. Further details on how a complaint can be made are detailed in section 4.
- **Responsiveness** – we will do our best to resolve complaints at first point of contact. If we cannot do this a formal complaint will be logged, and dealt with promptly and politely with customers being kept informed of the progress of their complaint.
- **Fairness** – complaints will be investigated in a fair and unbiased manner.
- **Confidentiality** – complaints will always be dealt with in confidence.
- **Customer Focus** – we will open a discussion with customers about their complaints and are open to feedback and comments from them.
- **Accountability** – where mistakes have been made, First Ark will not only apologise but also wherever possible seek to put the complainant in the position they enjoyed before the mistake was made.
- **Learning** – First Ark will use complaints to learn from mistakes, improve services and raise the level of customer satisfaction.
- **Advocacy** – First Ark will work with elected members and other advocacy representatives to resolve complaints locally.

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### 3. Policy detail

First Ark defines a complaint as **‘an expression of dissatisfaction with a standard of service, action or lack of action from First Ark Group where a response is required’**. This could include a perceived service failure or a failure against local or national standards.

Enquiries that do not relate to service delivery or standards should not be considered as complaints and should be dealt with via the appropriate policies.

Examples of matters that should not be classed as formal complaints include;

- Reporting a neighbour dispute
- Initial reporting of a repair
- Initial request for service
- Initial requests for support on accessing services
- Initial requests for information or an explanation of a policy or procedure
- MP or Councillor enquiries unless they specify it is a formal complaint
- Reports of Anti-Social Behaviour or vandalism
- Rent arrears pursuance
- Requests to waiver rent following termination of tenancy or notice given
- Contractual disputes that have escalation procedures written in the contract – this could include new build homes where fixtures and fittings have defect periods
- Complaints where legal action is already instigated and where a court or tribunal will decide the outcome
- Disputes concerning calculation or apportionment of rent or service charge increases
- Any issues that have already been dealt with through First Ark’s complaint process
- Any issues that the Housing Ombudsman has made a determination on
- Any issues relating to Government policy and legislation
- Gaining access to a KHT property for gas safety checks or tenancy visits
- Home content insurance claims
- Complaints regarding incidents that occurred over 12 months ago

First Ark will aim to handle all expressions of dissatisfaction at first point of contact and informally. Expressions of dissatisfaction will be recorded and trends will be fed back to managers. However, if the action taken does not resolve the complaint a formal complaint will be logged and fully investigated in line with our procedures.

First Ark will log and monitor all formal complaints to ensure they are dealt with in line with the policy and procedures.

In addition to complaints First Ark records compliments and comments and ensure that these are fed back to managers and also promoted to staff.

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#### **4. Implementation**

The ways in which a customer can make a compliment, complaint or comment will be widely publicised and will be accepted from;

- KHT Tenants or representatives (e.g. friends or family acting on behalf of the tenant with their permission.)
- Leaseholders
- Housing Applicants
- Non-KHT tenants or members of the public
- Councillors, MPs and other elected representatives
- Citizen's Advice Bureau and other advocacy agencies
- Board members

The complaints procedure is not a legal process; therefore solicitors may only act as an advocate and not as a legal representative.

Where the complaint is received via a representative permission for them to act on their behalf will be sought from the complainant.

Customers can complain in the following ways;

- Phone
- In person at a First Ark office
- 'Let Us Know' leaflet
- Letter
- Through KHT's website
- Via e-mail
- Via live chat on KHT's website

#### **5. Formal complaints process**

KHT's complaint process has two stages;

##### Stage 1 – Investigation

Every formal complaint received will be recorded, acknowledged and passed to a member of the complaints team who will contact the complainant within one working day to gain any further information and establish how the customer wants the complaint to be resolved.

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The complaint will then be passed to the manager of the relevant service for investigation. The manager will then have a total of 15 working days to try and resolve the issue. However they will initially try and resolve the matter within five working days.

### **Fix in Five**

On receipt of the complaint the manager will contact the customer within five working days with the aim of finding an early resolution to the matter. If the customer is satisfied with the response the details and any learning outcomes will be recorded and the complaint will be closed. Unless requested there is no requirement to provide the customer with a written response at this stage.

If the manager is unable to resolve the complaint within the five working days the customer will be sent a response in their preferred correspondence method (usually a letter) within the remainder of the 15 days. If the response is likely to take longer than 15 days the customer will be advised.

We anticipate that the majority of formal complaints can be resolved at stage one. However, if the customer feels that their complaint has not been resolved they have 14 calendar days in which to contact us to escalate their complaint to stage two.

A request for escalation will only be considered if;

- the complainant has provided specific reasons for requesting a review, or
- they have additional information that has not previously been considered

Request for escalation may be refused if First Ark can demonstrate that they have followed policy or legal requirements.

If there is no contact from the customer the case will be closed after 14 days except in specific circumstances such as if a complainant is on holiday or is in hospital.

First Ark will contact the customer to complete a satisfaction survey once the complaint is closed.

### Stage 2 – Review by a Panel

The complainant will be contacted within three working days from when the escalation is received to acknowledge the escalation and to confirm whether it has been accepted. An appointment date for the review will also be discussed with the customer.

We will aim to hold the review meeting within 15 working days or at the soonest mutually convenient time.

The Panel will consist of three First Ark employees - the director for the service, a service manager and a manager from another service.

Complainants will be given the opportunity to present their case in person or to have a friend, family member or other advocate accompany them and speak on their behalf (E.g. MP, councillor, elected representative). If the complainant does not wish to attend the review it can be held in their absence.

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The review will be held in a First Ark office however the customer will be given the opportunity to have it in their home or another location if they are unable to attend. Consideration will also be given to holding video and conference calls.

If the complainant needs to reschedule the meeting they must give at least two working days' notice. Failure to do so may result in the meeting being held in their absence.

The Panel will aim to contact the complainant in the customer's preferred correspondence method within 10 working days of the review advising them of the outcome.

If there is no contact from the complainant then the case will be closed after 14 working days except in specific circumstances such as if a complainant is on holiday or is in hospital.

First Ark will contact the customer to complete a satisfaction survey once the complaint is closed.

## **7. Designated Person and Housing Ombudsman**

The Localism Act 2011 introduced a key change in the way customers can appeal a decision made by First Ark about a formal complaint, once they have exhausted First Ark's internal complaints procedure.

The Localism Act introduced a new stage between First Ark's internal complaints procedure and the Housing Ombudsman Service which is called the 'designated person' stage. This means that after the internal procedure is exhausted customers can go to;

- Any MP
- Any Councillor in Knowsley
- A recognised tenants panel

The 'designated person' will work with the customer and First Ark to resolve the complaint locally so it does not have to go to the Housing Ombudsman. If the designated person cannot resolve it locally they can refer it to the Housing Ombudsman.

Whilst KHT do not have a recognised tenants panel in place statistics relating to complaints is shared with the KHT's Customer Assurance Panel. A key component of the Panel's role is to scrutinise the services of KHT and complaints information is used by them to identify services to review.

If the customer does not want to utilise the 'designated person' they must wait eight weeks following completion of First Ark's internal complaints process before approaching the Housing Ombudsman Service with their complaint.

First Ark will inform complainants of these options in the response to their review.

## **8. Choice Based Lettings**

KHT are part of a regional Choice Based Letting (CBL) scheme called Property Pool Plus. The scheme has a structured process for dealing with reviews of decisions made about any aspect of the application process. The CBL Team (within KHT) or Knowsley Borough Council will deal with requests as agreed within the scheme. Further details can be found within the Property Pool Plus Policy.

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Requests could include a review of;

- The decision in relation to an applicant's banding
- The decision not to offer a particular property to an applicant
- The decision to withhold or withdraw an offer based on anti-social behaviour, neighbour nuisance or rent history
- Lettings criteria used for a property
- The nature of verification checks made by the scheme landlord

Complaints made about staff will be dealt with in line with First Ark's complaints process.

## **9. Vivark complaints**

KHT works in partnership with Vivark to deliver the repairs and maintenance service to customers. Formal complaints received about Vivark or any other contractor will be investigated by Vivark in line with the two stage process.

Vivark will agree a process for dealing with formal complaints with the client organisation as and when they secure contracts of work.

## **11. Customer complaints relating to use of the Community Trigger for ASB**

KHT will seek to resolve all complaints relating to the case management of ASB via the internal complaints procedure. If a community trigger is called then KHT will follow the approved partnership protocols.

## **12. Apologies and compensation**

At any stage of the process an apology and corrective service should be offered where First Ark have acknowledged they have made a mistake.

Where First Ark considers the complainant has suffered actual monetary loss, considerable delay in action being carried out or considerable distress or inconvenience, financial redress will be offered.

This could be in the form of;

- Reimbursement for loss and damage
- Compensation for service failure

If a customer is in rent arrears compensation will be paid to their rent account. However, First Ark reserves the right to make discretionary decisions not to offset compensation against rent arrears on a case by case basis.

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Further guidance on compensation can be found in First Ark Group's Compensation and Payments Policy.

### **13. Unreasonable or aggressive and abusive complainants**

First Ark value and welcomes all feedback. However, in a minority of cases, some people may persist unreasonably with their complaints; rather than work with First Ark to resolve them, or continue to complain about issues that have already been responded to.

Some complainants may make unreasonable demands through the amount of information they seek, the nature or scale they expect, or the number of approaches they make.

What amounts to unreasonable demands will always depend on the circumstances and the seriousness of the issues raised by the complainants. It also takes into account any needs or vulnerabilities that the complainant may have that will affect the ways with which they communicate with First Ark.

Violence and aggression, or abusive behaviour is not restricted to acts that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause staff to feel afraid, threatened, or abused.

Examples of behaviours grouped under this heading includes threats, physical violence, personal verbal abuse, derogatory remarks, and rudeness. We also consider that inflammatory statements and unsubstantiated allegations against First Ark staff or representatives will be classed as abusive behaviour.

First Ark reserves the right to refuse to deal with the complaint, or to deal with it differently, if in our view, it is pursued unreasonably or merits being handled in a different manner to our complaints policy and procedure. The aim will be to do this in a way, wherever possible, that allows a complaint to progress to completion through the complaints process and through to the Housing Ombudsman.

Where a complainant repeatedly phones, visits the office, sends irrelevant documents, raises the same issues, or is aggressive or abusive, First Ark may decide to:

- Only take telephone calls from the complainant at set times, on set days, or put an arrangement in place for only one member of staff to deal with calls or correspondence from the complaint in future.
- Require the complainant to make an appointment to see a named member of staff before visiting the office, or that the complainant contacts the office in writing only.
- Where a complainant has responded with aggressive or abusive behaviour and/or offensive correspondence. First Ark may reserve the right to hold the stage two review without the presence of the complainant.
- In cases of aggressive or abusive behaviour First Ark may refer the matter to the Serious Threat Assessment Group (STAG). STAG deal with unacceptable behaviour towards First Ark Employees, contractors or partners. If appropriate the incident will also be referred to the Police.



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- Take other actions that we consider appropriate. First Ark will inform the complainant of what action has been taken and why.

If all mechanism stated above have been exhausted and the complainant continues to dispute the decision relating to their complaint, the complainant will be told that no future phone calls will be accepted, or interviews granted concerning this complaint. Future correspondence will be read and filed, but only acknowledged or responded to if the complainant provides significant new information relating to this complaint.

#### **14. Reporting of compliments, complaints and dissatisfaction**

The number of complaints and expressions of dissatisfaction received, their nature and outcome will be circulated to managers and the Customer Assurance Panel on a monthly basis. The reports will also identify trends, learning outcomes and compliments.

Findings of complaints will be published on KHT's website every six months.

#### **15. Equality and Diversity**

First Ark is committed to providing fair and equal services to customers and in particular to ensure that:

- The complaints service is accessible to all.
- Complaints are dealt with fairly and consistently.

First Ark can analyse information about complaints (including their number and nature, and the outcome of the complaints) by the Equality Strands as detailed Equality and Diversity Policy statement.

An equality impact assessment was carried out with no negative impacts on different groups of customers identified.

#### **16. Responsibility**

The Group Director- Business Improvement is responsible for monitoring the implementation of the policy across the business.

This policy cuts across all service areas therefore individual managers have a responsibility to ensure the correct application of the policy within their areas.

#### **17. Consultation**

Consultations was carried out with customers including tenant inspectors, the existing complaints panel and the Customer Assurance Panel. Relevant managers and teams were also consulted through a series of meetings.

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### **18. Monitoring and review**

The policy is monitored through a number of performance indicators. These indicators are reported to KHT's Board and the Group's Customer Assurance panel.

### **19. Associated documents**

First Ark Compensation and Payments Policy

Property Pool Plus Policy

STAG process