



Complaints Policy

1. Policy statement We believe strongly in continuous improvement and we want to learn from customer feedback so that we can improve the way we work. This policy sets out how we will investigate any concerns you have with the way we have worked with you, or provided services to you.

In this policy 'Customer' refers to anyone who is affected by any of our policies. This may include applicants, tenants (or any members of the family who live with them) or anyone else who is affected by the actions of our tenants or by any of our services.

- 2. Policy Content:**
1. Policy Objectives;
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 3. The Stages of the Formal Complaints Process;
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 10. Unreasonable Complaints;
 11. Compensation;
 12. Recording & Monitoring of Complaints;
 13. Policy Ownership, Review, Consultation & Reporting.
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3. Associated Policies: The following documents should be read in conjunction with this policy:

- Customer Care Policy;
- Anti Social & Nuisance Behaviour Fairness Strategy.

4. Contact: For queries about this policy please contact the Governance Team – governance@trentanddove.org

APPROVAL & REVIEW

Author: Company Secretary & Head of Governance, Legal & Compliance

Owner: Head of Governance, Legal & Compliance

Last Review Date: August 2018

Approved By: Operations Committee, 7 August 2018

Next Review date: August 2020

1. Policy Objectives

The objectives of this policy are to resolve all complaints effectively, within set time scales and, where possible, to our customers' satisfaction.

We'll do this by making sure that:

- all complaints are dealt with effectively and investigated thoroughly;
- customers who raise complaints are treated with courtesy and respect;
- complaints are handled fairly and impartially and will not affect any current services we provide to you or any future service that you may receive from us;
- complaints are handled in the strictest of confidence, with every effort made to make sure your privacy and confidentiality is protected;
- complaints receive a timely and appropriate response;
- customers are clearly told what the outcome of their complaint is and how the decision has been made;
- where appropriate, we learn lessons that will improve our services and relationships with our customers.

The way we deal with complaints reflects our organisational values and contributes to upholding our reputation. Where mistakes have been made we will acknowledge them, apologise, explain what went wrong, and do what we reasonably can to put things right.

2. Complaint Types – Informal & Formal

As an organisation, we recognise two types of complaint: Informal Complaints and Formal Complaints

1. Informal Complaints

If you have experienced something that you're unhappy with, or which relates to the relationship you have with Trent & Dove, then we'd like to hear about it and would encourage you to raise an Informal Complaint. Informal Complaints can be made by email, over the phone or in person. The details of all Informal Complaints are logged by our Customer Services & Insight Team for monitoring purposes.

An Informal Complaint will generally be something that you haven't previously told us about, or which we haven't yet been given the opportunity to address for you. For example, if you're experiencing Anti Social Behaviour from a neighbour, but you haven't brought this to our attention yet, then this would be treated as an Informal Complaint and investigated by the appropriate team or manager. Our aim, where possible, for Informal Complaints is to resolve them at the first point of contact.

We would encourage you to make Formal Complaint if you are unhappy with:

- the outcome of an investigation we have carried out as part of an informal complaint;
- an action we are proposing to take as a result of an informal investigation; or
- the length of time we have taken to look into or try to resolve your informal complaint.

All informal complaints we receive are logged by the Customer Service & Insight Team for training and monitoring purposes.

2. Formal Complaints

A Formal Complaint should be raised when you are unhappy about something we have done or tried to do. Generally, you will have already told us about your concern by raising an Informal Complaint and we will have already been given an opportunity to work with you to look into things and try to resolve them.

A Formal Complaint must be received in writing and can be raised in one of two ways:

- a) By completing a copy of the Complaint Form, copies of which are available at any Trent & Dove office or on the Trent & Dove website; or
- b) By emailing customerservices@trentanddove.org, including full details of the complaint, details of who you have previously spoken to and full details of what you'd like us to do to resolve the situation.

Once received, the complaint will then enter the Formal Complaint process.

3. The Stages of the Formal Complaints Process

There are two stages to our Formal Complaints Process, and each stage has two parts:

Stage 1

- Part 1: Review by the Customer Service & Insight Team; and
- Part 2: Stage 1 Appeal Reviewed by the Customer Service & Insight Manager.

Stage 2

- Part 1: Review by the Head of Governance, Legal & Compliance
- Part 2: Review by the Board Complaints Panel.

More information about each part of our process can be found in sections 4 to 7 below.

4. Stage 1 Part 1: Review by the Customer Service & Insight Team

When a Formal Complaint is received it is forwarded to the Customer Services & Insight Team. The following process is then followed:

1. **The Customer Services & Insight Team will acknowledge receipt of your complaint by sending you a letter within 2 working days.** This letter will let you know that:
 - we have received your complaint;
 - it has been logged by the Customer Services & Insight Team; and
 - it has entered Stage 1 of our Formal Complaints Process.

2. **Your complaint will then be investigated by the Customer Services & Insight Team.** If necessary, the Team may contact you to get further details of your complaint and make sure we have captured the full details of it. They may also ask you to:
 - supply copies of any documents that you may have; or
 - ask any agencies that you may be working with to supply further information to allow us to check or support the circumstances you have told us about.

All documentation and information that you supply will be reviewed and considered by us and we will return original documents to you if requested.

3. **A Formal Complaint Response Letter will be sent to you within 10 working days of the Customer Services & Insight Team receiving your Formal Complaint.**

The Formal Complaint Response Letter will:

- cover all the issues you have raised in your Formal Complaint;
- be written in simple, easy to understand language and will not use jargon;
- contain an apology for any inconvenience caused by our actions if, after looking into the details of your complaint, we have been at fault;
- if applicable, focus on what will happen next and how we propose to amend or remedy the situation;
- explain that if you are not satisfied with the outcome of our investigation you have the right to contact us within 10 working days to appeal the Stage 1 decision we have made;
- be signed by a named member of the Customer Service and Insight Team.

Sometimes, we are unable to provide a response within 10 working days because:

- we are waiting to receive further documents or information from you, or from a third-party or agency; or
- your complaint is particularly complicated and we need more time to look into things properly.

If this is the case then we will send you a letter to let you know and we will tell you when we think we will be able to provide you with a Formal Complaint Response.

4. Your Complaint will stay open on our system at Stage 1 until all the works or agreed actions have been completed by us.

5. If, after receiving our Formal Complaint Response Letter, you:

- disagree with the conclusion we have come to at Stage 1 and would like us to provide further information or explanation regarding any of the decisions we have made; or
- feel that you have, or could get, additional information which has not been considered by the Complaints Team at Stage 1

then you should lodge a Stage 1 Appeal in writing, within 10 days of receiving our Stage 1 Response Letter.

Your Stage 1 Appeal should clearly explain in writing:

- what you would like us to give you further information or explanation about;
- why you disagree with the conclusion we have come to;
- which decisions you would us to reconsider; and
- if there is any further information you would like us to consider and include copies of this information or documentation where possible.

6. The complaints file will be closed at Stage 1 if you have not indicated within 20 working days of receiving the Formal Complaint Response Letter that you would like to lodge a Stage 1 Appeal.

**5.
Stage 1 Part 2 -
Appeal reviewed
by the Customer
Service & Insight
Manager**

Stage 1 Appeals will be passed to, and handled by, the leader of the Customer Services and Insight Team; the Customer Service and Insight Manager. The following process will be followed:

- 1. The Customer Service and Insight Manager will acknowledge receipt of your Stage 1 Appeal by sending you a letter within 2 working days of receiving your written appeal.** They may ask you to provide further information or documentation so that they are able to investigate the decision made at Stage 1.
- 2. You will be sent a Stage 1 Appeal Response Letter within 10 working days.** The letter will:
 - cover all the issues you have raised in your Stage 1 Appeal;
 - be written in simple, easy to understand language and will not use jargon;
 - contain an apology for the inconvenience caused by our actions if, after looking into the details of your appeal, we have been at fault;
 - focus on what will happen next and how we propose to amend or remedy the situation if this is required;
 - explain to you that if they are not satisfied with the outcome of our Stage 1 Appeal Investigation that you should contact us within 10 working days to request that your complaint is escalated to Stage 2 of our Complaints Process;
 - be signed by the Customer Service & Insight Manager.

Sometimes, the Customer Service & Insight Manager will be unable to provide a Stage 1 Appeal Response within 10 working days because:

- they are waiting to receive documentation or further information from you or from a third-party or agency; **or**
- your appeal is particularly complicated and they need more time to look into things properly

If this is the case then you will be sent a letter to let you know and we will let you know when the Stage 1 Appeal Response Letter will be sent to you.

3. If, after received the Stage 1 Appeal Response, you are still unhappy with a decision we have made, or a course of action we are proposing to take, then you have the right to request that your complaint is escalated to Stage 2 of our Formal Complaints process.
4. Your Complaint File will be closed at the Stage 1 Appeal stage if you have not indicated within 20 working days that you would like to escalate your complaint to Stage 2.

6. Stage 2 Part 1: Review by Head of Governance, Legal & Compliance

Stage 2 of the Formal Complaints Process is an independent review of all the actions that have been undertaken by the Customer Services & Insight Team at Stage 1.

The Stage 2 review is done by the Head of Governance, Legal and Compliance who sits in a different part of the business to the Customer Services & Insight Team and consider complaints on behalf of Trent and Dove's Executive Team.

If a customer would like a Complaint to be considered at Stage 2, they should write to the Head of Governance, Legal and Compliance with details of:

- why they would like their complaint to be considered at Stage 2;
- the parts of the decision(s) made at Stage 1 that they disagree with;
- the reasons why they disagree with it;
- the details of any further information or evidence they would like to be considered at Stage 2 that were not looked at or considered at Stage 1; and
- what they feel Trent and Dove could do to rectify or solve the situation.

The following process will then be followed:

1. The Head of Governance, Legal and Compliance will acknowledge receipt of the customer's request within 2 working days of receiving it.

They may contact you to supply further information or documentation if they feel they need it to help them understand what you are asking them to do, or to help them look into your request further.

2. When looking at your request, the Head of Governance, Legal and Compliance will be identifying if there is any evidence or grounds to ask the Board to reconsider a decision that Trent and Dove has already made at Stage 1 of the Complaints Process. To do this, the Head of Governance, Legal and Compliance will look at:
 - a) Whether Trent & Dove policies have been followed fairly and correctly by all teams, including the Customer Services & Insight Team;
 - b) Whether the decisions the Customer Services & Insight Team have made at Stage 1 are fair and reasonable, based on the information the organisation has available and any further information the customer or any third party has provided;
 - c) Whether the customer is able to evidence any unusual, unique or extenuating circumstances which means that the decision made at Stage 1 should to be reviewed or reconsidered by the Board of Trent and Dove Housing; or
 - d) Whether there are grounds to ask the Board of Trent and Dove Housing to make

an exceptional decision to set aside a decision at Stage 1 or do something which is not covered by, or goes against, Trent and Dove's current approved policies.

To help the Head of Governance, Legal and Compliance reach a decision, or make a judgment about the reasonableness of any action undertaken at Stage 1, they may consult:

- Executive Directors of Trent and Dove Housing; or
 - Heads of Service; or
 - Tenant member of the Board's Operations Committee.
3. If any of the conditions in 2(a) to 2(d) can be satisfied, then the Head of Governance, Legal and Compliance will write to the customer to tell them:
- that their complaint has been accepted as a Stage 2 complaint, and will be reviewed by the Board Complaints Panel;
 - which aspects of their complaint will be re-considered by the Board Complaints Panel, and the reasons why they will be re-considered;
 - which aspects of the complaint (if any) will not be re-considered by the Board Complaints Panel and the reasons why they will not be re-considered;
 - who the members of the Board Complaints Panel are;
 - where the Board Complaints Panel meeting will be held;
 - that they have a right to attend the Board Complaints Panel meeting;
 - that they have the right to bring one family member, friend or advocate with them to support them at the Board Complaints Panel meeting;
 - what will happen at the Board Complaints Panel meeting and the process the Complaints Panel will follow;
 - how the customer should prepare for the Board Complaints Panel meeting;
 - who the customer can speak to in order to get further information and support about the Board Complaints Panel process.
4. If none of the conditions in 2(a) to 2(d) can be satisfied, then the Head of Governance, Legal and Compliance will write to the customer to advise them that:
- they have been unable to identify any grounds to ask the Board to re-consider any decisions made at Stage 1;
 - that the Formal Complaints process will be closed at Stage 2 of the Formal Complaints Process;
 - that the customer is welcome to have their complaint reviewed again at Stage 1 if their personal circumstances change, or if they are able to provide any new information, documentation or evidence which would mean that any decisions made by Trent and Dove at Stage 1 of the Complaints Process should be reconsidered;
 - that the customer has the right to contact a Designated Person or the Housing Ombudsman if they are still unhappy about any decision that has been made. The contact details for doing this will be provided.

**7.
Stage 2 Part 2:
Review by the
Board
Complaints Panel**

A meeting of the Board Complaints Panel will be called if it has been identified by the Head of Governance, Legal and Compliance that:

- a) Trent & Dove policies have been followed unfairly or incorrectly by any team at Trent & Dove Housing; or
- b) Where a decision made at Stage 1 has been found to be unfair or unreasonable, based on the information the organisation has available or any further information the customer or any third party has been able to provide; or
- c) The customer is able to evidence any unusual, unique or extenuating circumstances

which means that the decision made at Stage 1 should to be reviewed or reconsidered by the Board; or

- d) Where there are grounds to ask the Board of Trent and Dove Housing to make an exceptional decision to set aside a decision at Stage 1 or do something which is not covered by, or goes against, Trent and Dove's current approved policies.

To convene the Board Complaints Panel, the following process will be followed:

1. A meeting between the Complainant and the Board Complaints Panel will be arranged by the Governance, Legal and Compliance Team. The Panel meeting should be convened as soon as possible after the Head of Governance, Legal and Compliance has decided that one is necessary and should not be delayed without a valid reason (such as the Customer or members of the Board Complaints Panel being unavailable).
2. The Customer who has raised the Complaint will be encouraged to attend and will be offered the opportunity to bring one friend or family member with them for moral support.
3. The Board Complaints Panel will consist of 3 Non-Executive Directors or 2 Non-Executive Directors and a member of the Board's Operations Committee, selected by the Board, with at least one member of the Board Complaints Panel being a tenant. Members of the Board Complaints Panel must have had no involvement in Stage 1 of the Formal Complaints process.
4. A case file will be assembled by the Customer Service and Insight Team and a copy will be given to the customer and each member of the Board Complaints Panel at least 5 working days before the date of the Board Complaints Panel.
5. The following people will be entitled to attend the Board Complaints Panel meeting and participate in the meeting:
 - The customer who has raised the complaint;
 - An individual who is advocating on behalf of the customer if they lack ability or capacity to participate in the Board Complaints Panel process;
 - The Customer Service & Insight Manager, or their nominated representative, who will attend the Panel meeting to present their views on the issues raised in Stage 1 of the Complaint and to answer questions from the Panel.
 - The Head of Governance, Legal & Compliance or their nominated representative, who will attend the Panel meeting to present their views on the issues raised in Stage 2 of the Complaint and to answer questions from the Panel;
 - The Executive Director responsible for the part of the business or the service where the Complaint has been made;
 - A minute-taker, who will be present to record the proceedings and shall not be involved in any decision making
6. The following people will be entitled to attend the Board Complaints Panel to observe but not participate in, or make any representations to, the meeting:
 - One friend or family member who the customer has brought to the Panel meeting for moral support;
 - The customer's Legal Representative; (NB: Legal representatives are not able to participate or make representations on behalf of the customer as this is not a legal process).
7. All individuals attending a Complaints Panel Meeting will be obliged to keep all matters they have discussed and witnessed confidential in order to respect the privacy of the

customer and to adhere to current UK Data Protection legislation.

8. The complainant will be offered the opportunity to present their complaint to the Board Complaints panel and explain what they would like to achieve from the meeting. The Complainant will be allowed to present their complaint without interruption. They may be asked questions by members of the Board Complaints Panel if any further information is required by the Panel to aid understanding or clarify any outstanding matters.
9. The hearing will be structured to meet the principles of 'Natural Justice' and conducted in a polite, fair and objective manner.
10. If at any time the Board Complaints Panel feels that no progress is being made, they should adjourn for a few minutes and decide how to move proceedings forward. If the Appeals Panel is unable to reach a decision within the time allocated or due to the lack of critical evidence, it should agree to adjourn and identify a date on which it will reconvene. The complainant should be informed of this date and when they could expect to receive written confirmation of the outcome.
11. Minutes of the Panel meeting will be taken and a copy of these will be shared with the customer who has raised the Complaint within 5 working days of the Board Complaints Panel meeting taking place.
12. A decision made by the Board Complaints Panel does not need to be unanimous but two out of three Board Complaints Panel Members should agree.
13. Any decision the Board Complaint Panel makes must not:
 - go against any legal or regulatory obligations that Trent and Dove has; or
 - go against any policy or procedures that Trent & Dove has in place without a reason that can be reasonably justifiable on the grounds of fairness or equality; or
 - go against any policy or procedure that Trent & Dove has in place without evidence that the customer's personal circumstances are so unique and extenuating that they cannot be accommodated within the terms of the current policy or could not have been reasonably foreseeable when the policy or procedure was written.
14. Any decision the Board Complaints Panel makes to go against any policy or procedure must include a recommendation from the Panel that the policy or procedure should be reviewed in light of the Panel's findings.
15. The Board Complaints Panel is entitled to offer a goodwill payment but have a duty to award payments only where service failure has resulted in genuine distress or inconvenience. Previous offers or awards of compensation must also be taken into account when considering the amount that should be awarded.
16. The Board Complaints Panel will advise the customer of their decision formally in writing within 10 working days of the meeting. All decisions of the Panel are final.

8. The Housing Ombudsman

If a customer is unhappy with the outcome of the Formal Complaints process they have the right to do the following:

1. **Take their complaint to a 'Designated Person'**

The Localism Act 2011 provides that tenants of housing associations will be able to ask for their complaint to be considered by a 'Designated Person' when their landlord's

internal complaints procedure is finished. This can be an MP, local councillor or tenant panel.

2. Take their complaint to the Housing Ombudsman

Tenants are also able to take their complaint to the Housing Ombudsman 8 weeks after the Formal Complaints Process has been concluded (*Please note this timescale is set by Housing Ombudsman and not Trent and Dove Housing*). The contact details for the Housing Ombudsman are as follows:

Housing Ombudsman Service,
Exchange Tower,
Harbour Exchange Square,
London,
E14 9GE

Telephone: 0300 111 3000. Lines are open Monday to Friday from 9:15am to 5:15pm (except public holidays)

Fax: 020 7831 1942

Email: info@housing-ombudsman.org.uk

The Housing Ombudsman Service is only able to consider complaints raised by tenants of Trent and Dove Housing and they will generally only be able to consider complaints raised by tenants who have already taken their complaint through their landlord's Formal Complaints process.

9. Support available to raise a complaint

Customer Advocates

Customers of Trent & Dove also have access to a Tenant Advocate – Trent and Dove tenants who can help you to prepare your complaint and help assist you through the complaints process. Customer Advocates can be contacted independently from T&D and can be accessed at any stage of making a complaint. The Advocates will listen to concerns raised, offer guidance and mediation at an early stage before escalation to the formal internal process and may act as a filter to the Independent Housing Ombudsman on exhaustion of the formal process.

Reasonable Adjustments

It is important to consider that complainants who are behaving in an inappropriate or unacceptable manner may be vulnerable and have support needs due to mental health, learning disability or a number of other issues. The situation may be discussed with the Tenancy Support Team and any other support agencies involved in the case, with the customer's permission.

10. Unreasonable Complaints

Whilst it is our aim to resolve all customer complaints to the customer's satisfaction, a small minority of complaints will not be. In such circumstances a customer will be referred to our escalation processes including, where necessary, to a Designated Person, such as an MP or Local Councillor, or to the Housing Ombudsman who will review their case independently.

Unreasonable Complaints

A small minority of complainants make complaints in an unreasonable manner. This often involves making serial complaints about different matters, or continuing to raise the same or similar matters on a number of occasions. Unreasonable complainants often contact a number of people in the organisation hoping to receive a different response.

Where a complainant's behaviour is affecting staff ability to investigate and respond to the complaint, Trent & Dove Housing will deal with these complainants by allocating them one point of contact within the organisation. This may be the company solicitor or other responsible person appointed by the Executive Team. The name of this person must be

advised to the complainant in writing and will advise that contact with other members of staff or Board members will not give them a response.

Abusive/Aggressive Behaviour from a customer

Very occasionally customer behaviour may become unreasonable and unreasonably persistent, for example, abusive, offensive or threatening. If after advising the customer that this is the case the behaviour not stop then further action may be taken, including but not limited to restrict customer access to the premises or even having to resort to legal action to address such behaviour, for example, in the form of anti-social behaviour orders or injunctions.

Any action taken will be reasonable and appropriate and will be communicated to the customer with the reasons for doing it.

11. Compensation

The Company will consider compensation in accordance with the guidance available on the Housing Ombudsman website. www.housing-ombudsman.org.uk

In order to settle a complaint, monetary compensation may be offered at any stage of the Complaints process (formal or informal) if the customer has suffered genuine financial loss or a considerable delay in action being taken.

Payments of compensation up to £100 can be approved by the Customer Service & Insight Manager or Head of Governance, Legal and Compliance. Payments of compensation over £100 and up to a reasonable level must be approved by the Board Complaints Panel. Proposals made by the Board Complaints Panel for significant compensation payments – e.g. over £1,000 – must be approved by the Trent & Dove Board.

In the event of a service failure where the customer has not incurred financial loss but may have been considerably inconvenienced, a manager may, at their discretion, offer a small complimentary gift up to the value of £25, in addition to an apology, as an acknowledgement of the inconvenience caused.

12. Recording & Monitoring of Complaints

All complaints will be logged when they are received by the Customer Service & Insight Team.

Complaints will be monitored as part of the company's review of its Key Performance Indicators. These indicators will be used to provide feedback on the company's performance as part of its continuous improvement process.

From time to time, the organisation may contact complainants who have been through our complaints process to carry out a satisfaction survey, to assess how satisfied customers were with the way in which their complaint was handled. The output from these surveys will be used to continuously assess how our Complaint Process functions and identify improvements.

13. Policy ownership, review consultation & reporting

Ownership

- The overall responsibility for this Policy rests with the Board of Trent and Dove Housing. The Board of Trent and Dove Housing have delegated oversight and approval of this policy to the Board's Operations Committee.
- Executive Directors are responsible for implementing the Policy in their departments.
- All employees are expected to be aware of the Complaints Policy and Procedure.

Review

- The Board's Operations Committee has delegated periodic review of this Policy to the

Company Secretary of Trent and Dove Housing (who is also the Head of Governance, Legal and Compliance).

- This policy will be formally reviewed every two years, or periodically in response to any significant statutory or regulatory changes.

Consultation

The Company Secretary will consult the following groups before this Policy, or any changes to it, are submitted to the Operations Committee for approval:

- a) The Tenant Scrutiny Forum;
- b) The Trent & Dove Executive Management Team.

Reporting

The Customer Service & Insight Team will produce regular reports to the Board which will include information on:

- the number of formal complaints made, broken down into their nature, progress to date and stage of resolution;
- the number of contacts made to the Customer Advocates and their outcome;
- details of any compensation payments made; and
- details of any complaints to the Housing Ombudsman and any determinations.