

Complaints Policy

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Applies to:	Swan Housing Group
Lead Officer:	Mike Alger – Head of Customer Relations
Policy drafted by:	Mike Alger – Head of Customer Relations
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Regulation and Legislation

- This policy demonstrates our commitment to complaint handling and our obligations under:
 - RSH (Regulator of Social Housing) Tenant Involvement and Empowerment Standard
 - Localism Act 2011
 - Housing Act 1996
 - Housing Ombudsman Complaint Handling Code
 - General Data Protection Act 2018
 - Equality Act 2010
 - Health and Social Care Act 2008.

Supporting documents

- Complaints Procedure
- Compensation Policy
- Compensation Procedure

Scope

- This policy sets out how we will manage complaints as defined in this policy, making sure we deal with them fairly and consistently.
- Customers can expect us to deliver our services fairly, with empathy and to communicate with us through a channel that best suits their needs. Our customer focussed approach will enable us to deliver services in a timely manner which our customers find easy to access and flexible to their needs.
- This policy applies to all Swan employees and does not form part of an employee's contract of employment.
- This policy applies to the Swan Housing Group and its subsidiaries, including Swan Housing Association, NU Living, Swan Care and Support and Hera Management Services. Contractors and other partners working on the group's behalf must also adhere to the policy.

1. Introduction

1.1. Our aim is to deliver excellent services to our customers and to provide high-quality homes. However, we recognise that there are times when we do not meet the expected level of service. Where this is the case, it is important that we provide customers with a simple and accessible way to report this and for us to put things right.

1.2. This document sets out our policy in the following key areas:

- Policy statement
- Who can make a complaint

- What is a complaint
- How we accept complaints
- Responding to complaints
- Reviewing decisions or complaints
- Unacceptable behaviour
- Discretion.

2. Policy statement

- 2.1. We will treat all complaints, fairly and transparently, however they are made. Section five explains what is defined as a complaint within this policy.
- 2.2. We will listen if a customer tells us they are not satisfied with how we deliver our services, or about any decisions or action we take.
- 2.3. We will take responsibility for sorting out any issues the customer has as quickly as possible if it is clear our service has failed. Where necessary, we will investigate further, before we take any action.
- 2.4. We will acknowledge all complaints in five working days and aim to fully respond to complaints within 10 working days. Where there are future actions needed to resolve a complaint, we will agree this with customers.
- 2.5. We will communicate with customers clearly and regularly, in a way that is agreed with them, throughout the complaint investigation of their issues.
- 2.6. We will manage all complaints through our formal complaints process. The stage one investigation will be completed, and an outcome provided. If a customer remains unhappy at the end of stage one, they can request their complaint be reviewed as part of stage two of our process
- 2.7. If a customer is still not satisfied after their stage two review, we will explain how they can take the issue further, including mediation and/or referral to the Housing Ombudsman.
- 2.8. We will communicate the findings and outcomes of all investigations clearly, and we will always confirm these in writing and give reasons for any decisions we take, referring to any best practice, legislation or policies that have guided our decision
- 2.9. We will use all complaints we receive to support us to improve the services we provide for our customers.

3. Who can make a complaint?

- 3.1. We will accept complaints from:
 - any of our customers (tenants, shared owners, leaseholders, domiciliary care clients, property management clients, new home buyers and homeowners)
 - former customers
 - people who have applied for housing
 - non-residents
 - members of the public
 - a group of customers, where there is a single representative, and issues are affecting all customers equally.

3.2. If a customer gives us permission, we will accept complaints on their behalf from:

- anyone acting as their representative
- third parties, such as Royal National Institute of Blind People (RNIB); and,
- family members.

3.3. We will accept complaints from anyone who is a formal representative of any of the above, including:

- MPs
- Councillors
- Citizens Advice Bureaus; and
- the Community Legal Service.

3.4. If a customer has been through our internal complaints procedure and they are not satisfied with how we have dealt with their complaint, they can work with a designated person, as set out in the Housing Ombudsman Scheme, to try to resolve the matter. We will welcome the opportunity to work with this person to try to reach a solution prior to any complaints being referred to the Housing Ombudsman Service.

3.5. Throughout the rest of this policy where we refer to the customer, this will also apply to any person listed above who we will accept a complaint from.

4. How to make a complaint

4.1. We will make it easy for customers to make a complaint and to tell us that they are not happy with something about their home or our services.

4.2. We will accept complaints made in any way, including:

- Phone
- Letter
- Email
- Via our website
- Face-to-face
- Through social media (using our official pages only, as we are unable to monitor any other feeds)

4.3. We will contact customers to acknowledge their complaints within five working days of receiving it and will give customers an opportunity to explain their issues to us.

5. What is the definition of a complaint?

5.1. As part of our Complaints Policy, we have adopted the Housing Ombudsman's definition of a complaint. We consider a complaint to be:

A **complaint** is an expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by Swan, our own employees, or those acting on our behalf, affecting an individual customer or group of customers.

- 5.2. We will always try and resolve customer issues as soon as possible. Where a customer tells us that they are unhappy with something about our service, there are times when the quickest and most effective way resolve this is informally outside of our formal complaints procedure. Where this is the case, we will discuss it with the customer, and will only ever resolve an issue informally with full and explicit agreement with the customer. If a customer remains unhappy, they can continue through our formal complaints process.
- 5.3. Where a customer explicitly requests a complaint be dealt with formally, we will not deny access to our complaint's procedure.

6. What is not considered a complaint?

- 6.1. We **do not** consider any of the following to be a complaint under this policy.
- 6.1.1. Feedback gathered through proactive customer surveys such as our transactional satisfaction surveys, our perception surveys, or the Institute of Customer Service Satisfaction survey.
 - 6.1.2. A first allegation of anti-social behaviour (as defined by our anti-social behaviour policy), we will respond to the issue but will pass the issue onto our ASB team who are best placed to resolve these issues.
 - 6.1.3. An initial request for information or a service. This will include initial reports of a repair or damage to a property, initial requests for a copy of a tenancy agreement, or an initial enquiry seeking clarification on information included in a service charge budget or accounts. These will be handled as service requests.
 - 6.1.4. Anonymous letters. We may still investigate, depending on the circumstances, however, this will be at the discretion of our Customer Relations Operations Lead.
 - 6.1.5. Anything that is not Swan's responsibility or is outside our control. This will include issues such as the collection of bins or increases in Council Tax.
 - 6.1.6. Disputes about service charges (for example, whether they are reasonable), unless the complaint is about **how** we dealt with the dispute. For example, we **will** consider complaints about how charges are calculated, communicated, and consulted on, as well as our process for granting access to inspect accounts. However, if the complaint is specifically around the level of service charge, then this will not be dealt with as a formal complaint and should be handled through the First-tier Tribunal (Property Chamber).
 - 6.1.7. Issues that have previously been through our complaint procedure, or that happened over six months ago, unless there are valid reasons as to why the issue was not raised sooner. These will be reviewed on a case-by-case basis and a written explanation provided if we refuse the complaint.
 - 6.1.8. Legal Disrepair claims. A disrepair claim is a civil claim through the court system arising from the condition of residential premises and may include a related personal-injury claim. We will try and resolve all issue outside of legal process, however once legal process has started, our complaints team will pass the matter to our Property Management Team who will continue to support you in resolving the matter.
 - 6.1.9. A first complaint about data protection and GDPR (the General Data Protection Regulation). We will pass these to our Information Governance Team.

- 6.2. We **will not** investigate the following as part of the complaint procedure.
- 6.2.1. Issues that have already been through our Complaints Process.
 - 6.2.2. Matters which are the subject of civil or criminal court proceedings.
 - 6.2.3. Complaints that have already been before a court or tribunal.
 - 6.2.4. Complaints from employees or board members about employment or board membership.
 - 6.2.5. Whistleblowing
 - 6.2.6. Claims for damages of over £5,000 (we will handle these in line with our insurance procedures).
 - 6.2.7. Any claim or complaint to do with personal injury (we will handle these in line with our insurance procedures).
 - 6.2.8. Disputes about contracts or legal issues that would be heard elsewhere, for example, the First-tier Tribunal.
- 6.3. Any decision to exclude a complaint from our formal complaint procedure will be explained clearly to customers with agreement and actions recorded. There may be times where complaints are made up of multiple issues, where we only exclude part of the complaint from our investigation.

7. Responding to complaints – stage one

- 7.1. We will acknowledge the complaint within five working days.
- 7.2. We aim to resolve and respond to all complaints within 10 working days
- 7.3. We will contact customers to discuss the outcome of the complaint investigations and to explain our decision before we confirm this in writing.
- 7.4. Where multiple complaints are brought to us by a customer, we will log these under one complaint reference, but we will investigate and respond to all issues separately within our communications.
- 7.5. We will confirm in writing the outcome of the complaint and provide customers with information about what options they have if they remain unhappy.
- 7.6. We will include information on future agreed actions and remedies that are agreed with the customer within our final complaint response letter prior to closing a complaint.
- 7.7. Some complaints require more detailed investigation, and we may not be able to respond within 10 working days. If this is the case, we may extend the timescales initially by a further 10 working days. If more time is needed beyond this to investigate a complaint, we will contact the customer to discuss this and explain the reasons why. We will also confirm this in writing.
- 7.8. As part of resolving a complaint, we will consider whether any redress or compensation should be awarded in recognition of any service failures that are identified. This will be considered and awarded in line with our Compensation Policy and Compensation Procedure.
- 7.9. If a complaint will take longer than 20 working days to resolve, we will contact the customer to discuss, explain why a complaint may be taking longer to resolve and to advise when we expect to be able to provide the customer with a response.
- 7.10. If a customer is unhappy for us to extend their complaint to provide a resolution we

will close the complaint and issue our findings in writing, we will provide details of how the customer can escalate their concerns to the next stage.

- 7.11. Where a complaint is not accepted for the reasons outlined in section 5.3 and 5.4, we will write to you to advise you of this and explain the reasons for our refusal to accept a complaint.

8. Reviewing complaints and decisions – stage two

- 8.1. Customers have the right to request a review if all or any part of the complaint is not resolved to the customers satisfaction at stage one.
- 8.2. Any requests for a review must be sent to us within 20 working days from the date of our stage one response letter unlessbe done.
- 8.3. As part of a review, we will:
- 8.3.1. Acknowledge requests for a review within 5 working days
 - 8.3.2. Consider all parts of the complaint and complete the review by an independent manager who has not yet been involved in the investigation, this will usually be a senior manager from the service the complaint relates to.
 - 8.3.3. Write to the customer to confirm our findings and the outcome of the review; and,
 - 8.3.4. Tell the customer what the options are if they are still not satisfied.
- 8.4. We aim to respond to all requests for a complaint review within 20 working days, however we recognise that some complaint reviews may require a more in-depth investigation. If we are unable to respond within 20 working days, we will contact the customer to advise when we expect to be able to respond to the request for review.
- 8.5. Where agreement over an extension period cannot be reached, we will provide the customer with the Housing Ombudsman’s contact details so that the customer can challenge the plans for responding and/or the proposed timeliness for our response.

9. Refusing a review

- 9.1. We will **not** review a complaint in the following circumstances:
- 9.1.1. If the customer cannot provide or explain a reason, why they are requesting a review.
 - 9.1.2. If we have already completed a stage two review of the complaint for the same issue, and provided the customer with details of how to escalate their complaint to Housing Ombudsman
 - 9.1.3. If the customer does not ask for a review within 20 working days from the date of our final response letter, unless there are valid reasons as to why the issue was not raised sooner
 - 9.1.4. The customer is raising new issues to those responded to in stage one.
- 9.2. Where we refuse to complete a review of a complaint, a senior manager from the Customer Relations Team will write to the customer to advise why this has been refused and what the next steps are.

10. Discretion

- 10.1. We will ensure that we manage complaints in line with this policy. However, we recognise that individual issues and complaints can vary significantly and can often be complex. We reserve the right to consider each situation on a case by case to ensure fairness for our customers and effectiveness of complaint investigation.
- 10.2. Responsibility for exercising discretion in managing complaints is outlined below in the roles and responsibilities.

11. Unacceptable behaviour

- 11.1. We understand that making a complaint can be frustrating. However, we expect people to behave in a reasonable and appropriate way when making a complaint. It is unacceptable for anyone making a complaint to be abusive, harass our employees, communicate with Swan in an inappropriate way, or refuse to accept the decisions we take in line with this policy. Where there is an ongoing, persistent, or profoundly serious issues including persistent breach of communication plan, this could be considered a breach of tenancy and dealt with in line with our Tenancy Policy. Actions taken may include but are not limited to:
- The introduction of a communication plan setting out appropriate and agreed communication guidelines including people, days, times, and methods.
 - A final warning letters
 - Injunctions
 - Our refusal to discuss the issue further if a response has been provided.

12. Unresolved Complaints

- 12.1. Unresolved complaints relating to Swan Care and Support can be referred to the Local Government Ombudsman and those relating to Hera to The Property Ombudsman.
- 12.2. Unresolved complaints relating to NU Living can be referred to the Consumer Code for Home builders dispute resolution scheme. In such instances the customer should also contact the relevant home warranty provider to obtain an application form.
- 12.3. We will actively engage with designated persons and the relevant ombudsman services in resolving disputes, respecting the outcome of related investigations and determinations.

13. Roles and responsibilities

- 13.1. The table below sets out who is responsible for delivering and monitoring this policy.

All employees	Dealing with any dissatisfied customer where they can do so at the first point of contact. If unable to resolve a customer's issue, then escalate the complaint to the Customer Relations team in line with this policy and our complaints procedure. Respond in agreed timescales to Customer Relations, as set out in our complaint's procedure, when information is requested to support a complaint investigation.
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A manager responsible for that service area	Managing all Stage one customer complaints in line with this policy including logging, acknowledging, investigating, communicating, and resolving complaints.
Heads of Service, Assistant Director or Director	Managing all second stage complaint reviews within this policy and responding to Housing Ombudsman enquiries.
Head of Customer Relations	Managing the Customer Relations team's day-to-day activity, ensuring the Customer Relations team implement this policy correctly and effectively and supporting the team with escalations.
Head of Customer Relations	Monitoring performance indicators and management information. Responsible for discretion to be applied to second stage complaints and refusals to investigate and ensuring all Housing Ombudsman enquiries are met within timescale and challenging determinations.
Customer Relations Manager	Day-to-day quality assessments of Customer Relations activity to confirm compliance with this policy.
Head of Customer Relations	Overall responsibility for the operational day to day implementation of this policy. Monitoring performance indicators and management information and day to day oversight of the quality-assurance framework for Customer Relations. Overall decision for discretion to be applied to complaints including refusals to investigate.
Head of Customer Relations	Accountable for the implementation of second stage and Housing Ombudsman responsibilities within this policy and for reporting performance to key stakeholders including SMTs (Senior Management Team), ET and CCB.
Director of Customer Services	Accountable for the implementation of this policy and for reporting performance to key stakeholders including SMTs, ET and CCB.

14. Performance controls and business risk

- 14.1. The Customer Relations Manager and Head of Customer Relations overseen by the Director of Customer Services, will monitor day to day implementation of this policy. All employees are responsible for making sure they keep to and deliver this policy.
- 14.2. We will make sure we engage regularly with customers through our customer engagement framework, to monitor whether this policy is effective and how we learn from complaints.
- 14.3. We will report regularly on numbers of and trends in complaints, including on Housing Ombudsman cases, to a range of people, including our:
 - Executive Management team;
 - Senior management teams;
 - Directorate Management teams
 - Heads of Service; and
 - Customers.

- 14.4. We will conduct root cause analysis and case study reviews on complaints received, sharing recommendations, and learning from complaints to support operational business areas to drive improvements to services and reduce further complaints in the future.
- 14.5. We will report each year to all customers on our performance regarding complaints and on how we are putting this policy in place.

15. Essential information

- 14.1 All Swan policies and procedures are developed in line with our approach to the following, data protection statement, equality diversity and inclusion (EDI) approach, complaints policy and our regulatory and legal obligations to ensure we deliver services in a lawful manner and treat people equally and fairly.