

Complaints Policy

2016 – 2018

Document control

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| Author | Governance & Compliance Team Leader |
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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. |

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 and KHT offices, at desks within council one stop shops, on the internet and using other forms of media
- **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 4.2.
- **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 where ever 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 mistake, 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.

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 the 3 stage process and that the 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.

4. Implementation

The complaint, compliments and comments scheme 'Let Us Know' will be widely publicised and formal complaints will be accepted from;

- KHT Tenants or representatives (e.g. friends or family acting on behalf of the tenant with their permission.)
- Leaseholders
- The complaints procedure is not a legal process; therefore solicitors may only act as an advocate and not as a legal representative
- 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 and Community Focus Group members

Customers can complain in the following ways;

- Phone
- In person at a First Ark office
- 'Let Us Know' leaflet
- Letter
- Through the website
- Via e-mail
- Mobile phone 'app'
- Social media

5. Formal complaints for KHT customers

There is two formal complaints procedures which run parallel to each other.

The formal complaints procedure for Knowsley Housing Trust (KHT) tenants has 3 stages;

Stage 1: Investigation by a Customer Complaints Advisor

Stage 2: Review and Investigation by the Customer Involvement Co-ordinator

Stage 3: Review by a Complaints Panel

Stage 1 – Investigation

Every formal complaint received will be recorded, acknowledged by and passed to a Customer Complaints Advisor who will contact the complainant within 3 working days to gain any further information and establish how the customer wants the complaint to be resolved.

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The Customer Complaints Advisor will then investigate the complaint and aim to resolve the matter within 10 working days. The Customer Complaints Advisor will inform the customer of their proposals on how they plan to resolve the complaint.

If the complaint is likely to take longer than 10 working days to investigate the Customer Complaints Advisor will communicate to the complainant in the customer's preferred correspondence method (which is usually a letter unless the customer stipulates otherwise) to explain the delay and advise when they can expect to receive a detailed response.

We anticipate that the majority of formal complaints can be resolved at stage 1. However, if the customer feels that their complaint has not been resolved they have 14 calendar days to contact us to escalate their complaint to stage 2.

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 and Investigation

The Customer Involvement Co-ordinator will review and investigate the complaint taking account actions taken to date and the customers preferred outcome and aim to resolve the matter within 15 working days. The Customer Involvement Co-ordinator will inform the customer of their proposals on how they plan to resolve the complaint.

If the complaint is likely to take longer than 15 working days to investigate the Customer Involvement Co-ordinator will communicate to the complainant in the customer's preferred correspondence method (which is usually a letter unless the customer stipulates otherwise) to explain the delay and advise when they can expect to receive a detailed response.

If the complainant does not believe their complaint has been resolved they have 14 calendar days to contact us and move their complaint to stage 3.

If there is no contact from the complainant then 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 3 – Review by a Complaints Panel

The complainant will be contacted within 3 working days to acknowledge the escalation and to arrange the panel Review meeting.

The Panel will consist of at least two none employee representatives from the First Ark Customer Complaints Panel.

A Group Director will act in an advisory role to the stage 3 panel.

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

Complainants are 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).

The complainant will be offered the opportunity of having the Stage 3 appeal meeting at their home or another appropriate location if they are unable to attend a First Ark office for the meeting.

Once an appointment has been made for the complainant's stage 3 hearing, if they are unable to attend they must inform the Customer Complaints Advisor two working days before the appointment is due. If the complainant does not inform a Customer Complaints Advisor then the stage 3 hearing will be heard in their absence.

The Panel will aim to contact the complainant in the customer's preferred correspondence method (which is usually a letter unless the customer stipulates otherwise) within 10 working days of the review advising them of the outcome.

The complainant will be advised of their options in the correspondence if they believe their complaint has still not been resolved.

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.

6. Formal complaints for Non KHT including Vivark, One Ark, KHTS and First Ark

The formal complaints procedure for non-KHT tenants (private home owners), Vivark, One Ark and KHTS has two stages;

Stage 1: Investigation by a Customer Complaints Advisor

Stage 2: Review and investigation by the Customer Involvement Co-ordinator and approval from a Group Director.

Stage 1 – Investigation

Every formal complaint received by a non-KHT tenant will be recorded, acknowledged by and passed to a Customer Complaints Advisor who will contact the complainant within 3 working days to gain further information and establish how the customer wants the complaint to be resolved.

The Customer Complaints Advisor will then investigate the complaint and aim to resolve the matter within 10 working days. The Customer Complaints Advisor will inform the customer of their proposals on how they plan to resolve the complaint.

If the complaint is likely to take longer than 10 working days the Customer Complaints Advisor will communicate to the complainant in the customer's preferred correspondence method (which is usually

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letter unless the customer stipulates otherwise) to explain the delay and advise when they can expect to receive a detailed response.

We anticipate that the majority of formal complaints can be resolved at stage 1. However, if the customer feels that their complaint has not been resolved they have 14 calendar days to contact us to escalate their complaint to stage 2. If the customer is escalating through letter, if First Ark Group do not receive the escalation within 18 calendar days then we will assume the customer is satisfied and close the complaint.

If there is no contact from the customer the case will be closed after 18 calendar 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 and Investigation

The Customer Involvement Co-ordinator will review and investigate the complaint taking account actions taken to date and the customers preferred outcome.

The Customer Involvement Co-ordinator will make recommendations for resolving the complaint, these recommendations will then be either approved by a Group Director or the Group Director will request further investigation. The Customer Involvement Co-ordinator will aim to contact the complainant in the customer's preferred correspondence method (which is usually a letter unless the customer stipulates otherwise) within 20 working days advising of the proposed action.

If the investigation and the review of the complaint is likely to take longer than 20 working days the Customer Involvement Co-ordinator will contact the complainant in the customer's preferred correspondence method (which is usually a letter unless the customer stipulates otherwise) to explain the delay and advise when they can expect to receive a detailed response.

Once this process has been exhausted, if the complainant feels that the First Ark Group has not resolved their complaint the next stage would be to contact a MP or councillor who will discuss the issue with the First Ark Group.

Once the above process has been completed, if the complainant is still not satisfied and makes another complaint regarding the same issue, the First Ark Group reserves the right to make a note of this on the complainants file but not accept the complaint. We will take this step if the complaint has already been through the procedure and we have outlined the possible steps (if any) we can take in order to resolve the issue, or if the complainant does not wish to co-operate with the First Ark Group or if their demands are unreasonable.

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

7. Designated Person and Ombudsman Services

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.

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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.

Following consultation with KHT customers it has been decided that an additional tenant's panel to resolve complaints is not required.

If the customer does not want to utilise the 'designated person' filter they must wait 8 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 customer's preferred correspondence method (which is usually a letter unless the customer stipulates otherwise) as part of stage 3 of the Group's internal process.

8. Choice Based Lettings

KHT are part of a regional choice based letting scheme called Property Pool Plus. The scheme has a structured process for dealing with reviews of decisions made about any aspect of the application or allocation process. First Ark will deal with requests as agreed within the scheme. 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 3 stage 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 KHT in line with the 3 stage process.

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

10. Complaints through social media

First Ark recognises that the increased use of social media may mean that customers choose to use this route as a way to express both satisfaction and dissatisfaction with our services.

Formal complaints received via social media will be dealt with in the same timescales as any other social method of contact and in line with this policy.

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 were 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.

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 welcome 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 Ombudsman.

Where a complainant repeatedly phones, visits the office, send 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 3 panel without the presence of the complainant.
- In cases of aggressive or abusive behaviour First Ark may refer the matter to the tenancy enforcement team for action or in serious cases the police will be informed
- 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. 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 will analyse information about complaints (including their number and nature, and the outcome of the complaints) by the Equality Strands as detailed in 'The Mix' Equality and Diversity Scheme.

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Consultation on the policy was carried out with different groups of customers including, older, younger, disabled and BME customers. In addition an equality impact assessment was carried out with no negative impacts on different groups of customers identified.

15. Responsibility

The Group Director of Business Assurance 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 service areas.

16. Consultation

Consultations were carried out with both customers and staff, through a series of focus groups.

In addition KHT's Area Board members were consulted on the new 'designated person' arrangements. Local councillors and local Members of Parliament were also consulted on the new arrangements.

17. 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. The complaints policy and process has been reviewed by KHT's scrutiny panel.

18. Associated Documents

First Ark Compensation and Payments Policy