



## Complaints Resolution Policy

---

Version 2

**Approved by:** Strategic Board

**Approved date:** 28 February 2017

### 1.0 Introduction

We aim to deliver a positive customer experience. If we don't meet our service standards, we'll:

- Apologise
- Accept responsibility
- Put things right when they're in our control
- Listen to you to improve what we do.

1.2 Involved residents work with us to resolve complaints and monitor performance.

1.3 The terms 'you' and 'your' in this Policy mean the customer. The terms 'we', 'our' and 'us' mean Optivo.

1.4 This Policy outlines how we'll resolve complaints. If you're not happy with our decision, you can request a review.

### 2.0 What is a complaint?

2.1 A complaint is when our service has failed and when you tell us you're unhappy with:

- What we failed to do
- Our service standard

2.2 We treat multiple complaints by the same customer as a single complaint.

### 3.0 Who can make a complaint?

3.1 Anyone can make a complaint about the services we, or anyone working for us (e.g. contractors), provide. You can only escalate to review stage if you have a legal relationship with us (i.e. applicant, tenant, leaseholder or licensee).

3.2 If you prefer, you can authorise someone else to make a complaint on your behalf i.e. an 'advocate'. This could be a friend/relative or representative from an external organisation (such as Citizen Advice Bureau). We're unable to accept an advocate who is a solicitor or a person who is legally trained. This is because our complaints process is not a legal process. If you authorise an advocate to act on your behalf, you have to inform us in writing.

3.3 We expect all customers to behave reasonably. We're unable to accept your complaint if your behaviour is unreasonable, e.g if you:

- Threaten, verbally abuse or attack our staff
- Are rude or offensive to our staff
- Make approaches to several members of staff at the same time about the same issue after we've agreed a single point of contact.

#### 4.0 What can you complain about?

4.1 You can complain about services we provided (or anyone working for us e.g. contractors) within six months of the issue happening.

We may accept older complaints at the discretion of the manager responsible for the service e.g;

- If a customer isn't able to make a complaint within 6 months due to ill health
- A customer was unaware of a service failure until it had a detrimental impact.

4.2 If you make a complaint and we follow our process, we're unable to accept another complaint about the same issue. If you're unhappy with our decision, please see [section 7](#) for information which explains other options.

4.3 We deal with concerns relating to the following outside our Complaints Policy:

- Unreasonable behaviour – please see [Appendix One](#) for more details. We'll agree one point of contact to deal with concerns in a consistent way
- Repairs which are 'resident responsibility' – we can signpost to organisations like 'Checktrade' and we can arrange rechargeable repairs for vulnerable customers.
- Legal action – if we're taking legal action against you, you have to use the legal process to challenge our decision. In these circumstances, our solicitors will liaise with your legal representative. We're unable to handle complaints which your (or our) solicitors are dealing with at the same time.
- Insurance claims – These are dealt with through our insurers.
- Personal belongings - claims should be sent to your contents insurance company
- Defects in new-build homes – you can report these to our Development Team
- Transfer bandings, Transfers or Mutual Exchanges (MEX) – appeals are direct to the lettings team or local authority
- Behaviour of our residents e.g. alleged anti-social behaviour - you can report this to our housing or Anti-Social Behaviour Teams. (See our [ASB Policy](#)) If there's a live open case, any queries/complaints must be directed to them. Any appeal to a decision will be responded to by a Director.
- Services which aren't our responsibility e.g. local authority decisions about nominations or housing benefit – you can report these to your local authority
- From staff members – we deal with these under our Grievance Policy
- From contractors – our contract will outline how to raise concerns

- Service charge complaints - we manage these through our [Service Charge Dispute Resolution Policy](#). All queries/ complaints must follow the Service Charge Dispute appeal process)
- Rent Increases - our housing management team deal with these and/or refer concerns to a property tribunal
- Commercial decisions e.g. a decision to sell our homes or land
- Commercial contracts – where the relationship is between a private landlord and Optivo, including dilapidation claims. Our legal team can offer further advice.
- Governance process from involved residents (e.g. Resident Governance Members) – we deal with these through the Complaints about Governance Members Policy (and procedure) or Code of Conduct Policy.
- Anonymous complaints - will be passed to the manager responsible for the day to day service for investigation

We reserve the right to refuse to deal with complaints, or deal with them differently. For example, we may advise you to approach the Housing Ombudsman Service without a review (if the request is an impossible one or the outcome won't change). This decision has to be agreed by an Operations Director.

### 5.0 Our resolution process

5.1 When you first let us know you're unhappy about a service/experience, we'll try to resolve the issue outside of our complaints process e.g.

- Re-book a missed appointment
- Complete an outstanding repair.

5.2 If you're still unhappy with the service/experience, you can make a complaint. There are a range of ways to do this (online, email, phone, live chat, face to face, post). Our Customer Experience Team is your first point of contact and will contact you within 24 working hours of receiving your complaint to agree:

- Full details of what's happened
- How you'd like us to resolve it.

5.3 Hopefully, we can resolve everything by email or phone. If not, we're happy to visit you at home to gather all the information we need to find a solution. We'll agree with you who will do this e.g. the lead officer assigned to your case or a member of the Customer Experience Team.

5.4 If you agree, we can invite an involved resident to review the case or visit you (with a staff member). We believe in working closely with customers to find solutions.

5.5 If you refuse to engage with us to resolve the complaint in line with our Complaints process, we'll have to close your complaint.

5.6 We'll appoint a lead officer to investigate your complaint and aim to give you a full response within 10 working days. This will outline the outcome of our investigation and any action(s) we agree with you to resolve the complaint. If we need more time

to investigate, one of the Customer Experience Team or a lead officer will let you know and keep you informed.

- 5.7 We close complaints once we've agreed actions with you and sent our response. If you request a review, your complaint will stay open.

## 6.0 Unhappy with our decision?

- 6.1 If you're unhappy with our decision, you can ask for your complaint to be reviewed. You must request this within 10 working days of receiving our response.

We'll send you a Review Panel Request Form. You'll need to return this to us within 10 working days if you wish to proceed.

You must be clear about the reasons you remain dissatisfied with our reply and the outcome you'd like to resolve your complaint. If we don't hear from you within this time, your complaint will be closed and not reopened.

- 6.2 We'll hold a case conference with a Senior Manager and Customer Experience Team Manager. If we don't escalate your complaint to a review, we'll explain the reasons why within 10 working days of receiving your request for review.

- 6.3 There are two options for review (we'll contact you to ask your preference):

- A review including involved residents
- A review consisting only of staff members

If you choose a review including involved residents, a Director and one involved residents will review your complaint.

If you prefer Optivo staff only to review your complaint, an independent Director will review your case.

If required, we'll request advice from our Legal team when reviewing your complaint

- 6.4 You can submit additional information for the review, but you must do this at least 10 working days before the review date.
- 6.5 We arrange set times and dates to review the initial decision we made on your complaint. This can be held in any of our regions. It's not necessary for you to attend the review. If you prefer to attend, we'll work with you to arrange a mutually convenient date but this can delay the process (which will be one of the pre-set meeting dates).
- 6.6 At the review, we'll try to agree a decision on the day. In exceptional cases, we can defer a decision if we need further advise or consult a specialist or take legal advice.

## 7.0 What if you disagree with the review decision?

7.1 If you disagree, you can contact any of the following and ask them to look at your case. They can help resolve the complaint with us or refer it to the Housing Ombudsman;

- Member of Parliament (MP)
- Local Councillor

You can involve a Member of Parliament (MP) or Councillor at any point of your complaint. We'll reply in line with our complaints procedure and send this to the MP/Councillor

7.2 Another option is to allow eight weeks to pass (after the panel decision) and directly contact the:

- Housing Ombudsman (HOS) for housing matters or
- Financial Ombudsman Service for consumer credit matters.

7.3 In most cases, the Housing Ombudsman Service only accepts complaints if:

- You hold a legal relationship with us (i.e. applicant, tenant, leaseholder, licensee)
  - Are an advocate for an applicant, tenant, leaseholder or licensee
  - Live in one of our homes (and the tenant gives their consent).
- and**
- You followed both stages of our complaints resolution process, i.e. you made a complaint and you asked us to review it.

In rare cases, HOS may accept a complaint where customers didn't complete both stages of the process. For our part, we'll always discuss a complaint with the HOS before referring a case without it going through a review. Once the Housing Ombudsman has reviewed the case, their decision is final.

## 8.0 The Care Quality Commission

If you're a resident of a registered care home, you can refer your complaint to the Care Quality Commission (once you've exhausted our Complaints Resolution process). The Care Quality Commission can advise what action they're able to take on a case by case basis.

## 9.0 Enquiries from Councillors and MPs

The relevant Director will handle MP enquiries. Heads of Department will handle all enquiries from Ward Councillors. We aim to give you a full response within 10 working days. If we need more time to investigate, either our Customer Experience Team or Director/Head of Department will let you know and keep you informed.

## **10.0 Mediation**

When we both agree it would be helpful in reaching a resolution, we can invite an involved resident to review the case or visit you (with a staff member) to find a solution. Another option (if we both agree) is to invite an independent mediator to help us find a solution.

## **11.0 Dealing with petitions**

We treat complaints received through petitions in the same way as all other complaints. If helpful, we're happy to meet the petitioners as a group. In terms of handling the complaint efficiently, we'll ask the group to nominate a single point of contact and we'll work with this person to resolve the complaint.

## **12.0 Learning from Complaints**

We want to learn from complaints as this helps us improve our services. Once your complaint has been closed, we'll contact you to ask for your views on the handling and outcome of your complaint.

We also have formal mechanisms in place to make sure we gather learning from complaints and use this insight to improve services.

## **13.0 Review**

- 13.1 We'll review this Policy to address legislative, regulatory, best practice or operational issues.

## Unacceptable Behaviour complaints

---

We define unacceptable behaviour as someone who, because of the nature, or frequency of their contact with us, hinders our ability to deal effectively with their, or other customers', complaints.

Some examples of the type of behaviour that fall under unacceptable are:

- Refusing to specify the grounds of a complaint, despite offers of help
  - Not co-operating with the complaints investigation process
  - Refusing to accept that certain issues are not within the scope of a complaints procedure
  - Insisting on the complaint being handled in ways which are incompatible with our procedure or with good practice
  - Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced
  - Changing the basis of the complaint as the investigation proceeds
  - Denying or changing statements made at an earlier stage
  - Introducing irrelevant new information at a later stage
  - Raising many detailed but unimportant questions and insisting they are all answered
  - Submitting falsified documents
  - Pursuing parallel complaints on the same issue with various organisations
  - Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous staff or detailed letters every few days and expecting immediate responses
  - Submitting repeat complaints with minor additions/variations and insisting they are 'new' complaints
  - Refusing to accept the decision or repeatedly arguing points with no new evidence
  - Making a complaint has no serious purpose or value. It may have little merit and investigating would be out of proportion to the seriousness of the issues complained about.
-