



Complaints Resolution Policy

Version 1

Approved by: Strategic Board

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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 customers 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 you tell us you're unhappy with our service, either:

- What we did, or
- What we failed to do.

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 they receive from us or anyone working for us (e.g. contractors). However, 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 (this includes email).

- 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. For example when a customer isn't able to make a complaint within 6 months due to ill health. Or where they've been 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, including approaching the Housing Ombudsman.

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

- Vexatious complaints – 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 'Checkatrade' 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 – our insurance/Treasury & Risk Team will deal with any claims on our buildings insurance. Please note you're responsible for claims on your contents insurance
- Defects in new-build homes – you can report these to our Development Team
- Transfer bandings – you can appeal to our lettings team
- Behaviour of other customers e.g. alleged anti-social behaviour - you can report this to your local Anti-Social Behaviour Team
- 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](#)
- Rent Increases - our housing management team deal with these and/or refer concerns to a resident property tribunal
- Commercial decisions e.g. a decision to sell our homes

- 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 customers (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). 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 customer 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 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 a review panel to hear your complaint. You have to request this within 10 working days of receiving our response to your complaint.
- 6.2 If we don't escalate your complaint to a review, we'll explain the reasons why within 10 working days.
- 6.3 There are two options for review panels (we'll contact you to ask your preference):
- A panel including involved customers
 - A panel consisting only of staff members.

If you choose a panel including involved customers, the panel will consist of:

- Two formally involved customers (i.e. members of our Resident Governance Structure)
- One of the above will Chair the review
- Operational Director
- Customer Experience Team representative
- Any other staff member who is relevant to the review
- Independent/Business expert (if required).

If you prefer Optivo staff only to review your complaint, the panel will consist of:

- Operational Director (Chair)
- Customer Experience Team representative
- Any other staff member relevant to the review
- Independent/Business expert (if required).

- 6.4 You can submit additional information for the review panel but you must do this at least 10 working days before the review meeting.
- 6.5 Our review panel meet on set times and dates to review the initial decision we made on your complaint. This can be held in any of our regions. It is not necessary for you to attend the review. If you prefer to attend, we'll work with you to arrange a mutually convenient date (which will be one of the pre-set meeting dates).
- 6.6 We can audio record reviews and/or take minutes (this way we keep an accurate record for future reference).
- 6.7 At the review, panel members work together to agree a decision on the day. In exceptional cases, the review panel can defer a decision until after the meeting, e.g. if they need to consult a specialist or take legal advice.

7.0 What if you disagree with the panel's decision?

7.1 If you disagree with the panel's decision, 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
- An external 'Recognised tenant panel' (see [appendix two for the terms of reference](#)).

You can involve a Member of Parliament or Councillor at any point of your complaint.

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 Operational Director will handle enquiries from Councillors and MPs (when they're not acting as a designated person). We aim to give you a full response within 10 working days. If we need more time to investigate, our Customer Experience Team 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 customer 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 will review this Policy to address legislative, regulatory, best practice or operational issues.

Vexatious complaints

We define a vexatious complainer 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 vexatious 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.

External 'Recognised Tenant Panel' Terms of Reference

The Localism Act and the regulatory standards for social housing highlight the need for landlords and tenants to work together. The emphasis is on finding solutions to complaints at a local level.

Here are our criteria to recognise a group wishing to become a 'recognised tenant panel'.

Here's what you need to provide to be a Tenant Panel member

You need to provide the following details for all members of your panel:

- Name
- Address
- Telephone number
- Email address.

You don't have to be an Optivo customer to become a member of a recognised tenant panel. You do have to be a tenant of a Social Landlord.

You need to give us:

- The name and address of your landlord
- Details of any tenancy breaches (e.g. rent arrears, unauthorised alterations or anti-social behaviour).

You need to declare any conflict of interest e.g.

- If any of your panel know the complainant
- If any of the panel have previously been involved in the complaint.

We're unable to recognise the group if there's a conflict of interest from a member of your panel.

We'll also choose not to recognise a panel if group members have been the subject of a ruling where they've behaved unreasonably.

You need to agree to our [Data Protection Policy](#).

We expect all panel members to conduct themselves in a courteous and polite manner.

Any individual or personal issues of the panel should not be discussed at the panel.

The panel

Before we can recognise the tenant panel, it must:

- Consist of a minimum of two and a maximum of four tenants
- Agree who will chair the meeting
- Focus on finding a solution to the complaint.

A complainant can contact a 'recognised tenant panel' if they choose to do so. The complainant may request a recognised panel to become their advocate and handle the complaint for them (i.e. a non-legal representative).

As part of the recognition process for the panel, we'll agree which geographical area the group will cover complaints for.

Support – Here's how we can help:

Give you details of available training.

- Provide answers to technical questions/ copies of policies. We need 10 working days to provide this information.
- Support you by providing access to resources (location for meeting/ computer access) and a minute taker if required.
- Include your panel's contact details on our website. As a recognised tenant panel we may pass contact details onto a complainant if they wish to approach you. Complainants may contact you directly.
- Suggest best practice for effective panels.

Outcome

After the meeting, the panel has two options:

Referral – if the panel decide to refer the case to the Housing Ombudsman Service (HOS), the complainant must agree this is the most suitable step. It is then the panel's responsibility to contact the HOS if they feel the case needs to escalate to this level. The panel must let the Customer Experience Team (CET) know the outcome/decision within five days of the meeting.

Decline referral - if the panel decides not to refer case to the HOS, it's their responsibility to inform the customer. The panel don't need to inform the HOS if they decide not to refer a complaint. The panel must let CET know the outcome/decision within five days of the meeting.

The Panel must focus only on the original complaint and is unable to include or to refer any other matters outside of the complaint to the HOS.

We may withdraw recognition of a panel if a member breaches any of the terms detailed in this document. We reserve the right to reconsider the recognition agreement for the whole panel.