



# Complaint Policy

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## 1. Scope

1.1 This policy is owned by the Chief Executive and is subject to approval by Torus Group Leadership Team. It is in line with relevant legislation such as the Localism Act 2011, Housing Act 1996 (schedule 2), General Data Protection Act 2018, Equality Act 2010, Housing Ombudsman Scheme, and Tenant Involvement and Empowerment Standards. Whilst regulatory requirements are aimed at the provision of services to tenants the standards that have been adopted in the policy apply to all Torus customers or non-service users making a complaint.

1.2 Though the Regulator of Social Housing will not become directly involved in the resolution of individual complaints, it does not exclude the possibility that assessments of serious detriment might result from an individual complaint. Mechanisms are, therefore, in place to identify and deal with the root cause of complaints. Complaints are welcomed from all customers, advocates on behalf of customers and non-customers who may be affected by the organisation's services or residents, including:

- Tenants – including those with starter tenancies and former tenants
- Residents and non-residents
- Tenants and Residents Groups
- Leaseholders
- Waiting List Applicants (unless subject to separate appeals processes)
- Neighbours of our properties
- Visitors to our properties and offices
- Board Members and Co-optees
- Members of Parliament
- Solicitors
- Citizens Advice Bureau and other similar advocacy agencies
- Those who are buying a home from us

1.3 Other stakeholders may also follow our complaints procedure to express their dissatisfaction including contractors and funders. Where more appropriate appeal processes exist, for instance those available to applicants for re-housing, then these should be followed. Where the complaint is about a third-party contractor, Torus will retain overall responsibility for investigating and responding to the complaint.

## 2. Policy Statement

Torus is committed to providing excellent customer service that represents value for money to our customers and partners. This Policy is designed to make it easy for customers to provide Torus with feedback about services that they receive. Listening to customer feedback and taking appropriate action will help Torus to continually improve. This Policy sets out our approach to managing and resolving informal complaints and a two-stage process for managing and resolving more complex, formal complaints. It also sets out how customer feedback will be used to inform continuous learning and improvement.

### 2.1 Confidentiality

The Data Protection Act 2018 sets out legal responsibilities on all organisations processing personal data and provides for rights in the law conveyed on the people whose data are being processed. The Torus Data Protection Policy is a public statement describing Torus' approach to complying with its

legal responsibilities in the Data Protection Act and how it enables individual rights to be upheld and exercised. This policy outlines our approach to the collection, storage, access to, provision and disclosure of data in accordance with the Data Protection Act 2018.

## 2.2 Aims & Key Objectives:

We will adopt the Housing Ombudsman's dispute resolutions principles namely to be fair, to put things right and to learn from outcomes. We will do this by;

- Resolving matters locally and as quickly as possible by being open, accountable and outcome focused
- Resolving all complaints at the first point of contact wherever possible
- Treating all customers fairly
- Welcoming all customer feedback on service standards and we will make it easy for customers to provide feedback including making a complaint
- Ensuring all complaints are addressed and dealt with within published timescales wherever possible
- Recording, monitor, and analyse feedback in order to examine service performance to improve service delivery
- Acknowledging that sometimes things go wrong, that complaints are viewed positively and that they provide us with an opportunity to put things right
- Learning from customer feedback and promote how feedback is used to improve services
- Having a range of options available to us to put things right when there has been a service failure including compensation

## 3. Implementation

### 3.1 We define a complaint as;

*'An expression of dissatisfaction, whether justified or not about the standard of service or actions provided by Torus or its partner organisations, affecting an individual customer or customers, whether expressed in writing, telephone, or in person'*

Put simply, where we have failed to provide a service that we are obliged to provide resulting in a customer's dissatisfaction.

In contrast, an enquiry is an initial request for service or a question about the service that we provide. Enquiries are excluded from the provisions of this policy.

3.2 The Policy reflects the principle within the Regulatory Framework of 'local resolution' as defined by the Housing Ombudsman Service and their approach to managing complaints. The Policy also reflects the requirements set out in the Tenant Involvement and Empowerment Standard. Providers are required to have an approach to complaints that is clear, simple and accessible that ensures that complaints are resolved promptly, politely and fairly. The Policy will work in conjunction with Torus policies in place at the time to manage discretionary compensation and vexatious or unreasonable behaviour.

3.3 Reporting a complaint. We welcome complaints and provide a range of options for customers to use, including in person, in writing, by e mail, 'on line', or by phone. Customers can relay or hand in their complaint in person at any Torus office or customer facing staff. Customers who make a complaint on social media (e.g. Facebook or Twitter) will be directed to our on-line complaints form.

3.4 Staff will be trained in handling and responding to complaints and will be empowered to deal with complaints as and when they arise. Where Torus has got things wrong staff will apologise and explain what went wrong and what action will be taken to put things right. If responding in writing we will make it clear what stage in the process the response relates to and give clear guidance on how to escalate a complaint if the customer does not feel their complaint has been resolved.

3.5 We will always try first to resolve a problem straight away at point of contact. However we recognise that there are occasions when point of contact resolution will not always be possible or appropriate. To this end Torus have adopted the Right in Five, Resolved in Ten approach.

3.6 '**Right in Five**'; Where there is potential for a quick resolution then it is likely that a complaint will be dealt with via our informal procedure known as 'Right in 5'.

The Investigating Officer will contact the customer as soon as possible, be able to quickly grasp the nature of the complaint, the expected outcome and 'put things right' within 5 working days. The Investigating Officer will respond to the complaint in person or over the phone. There should be no need to respond in writing. We also refer to this as our 'informal' approach to complaint management.

3.7 '**Resolved in Ten**'; We will take this approach if;

- i) it is a complicated complaint and it clear from the outset that we will not be able to deal with it in working 5 days. For instance, the complaint may contain a variety of issues relating to the services provided by more than one department or;
- ii) the complainant may insist that we provide them with a formal written response or;
- iii) the complainant chooses the Right in Five approach but is unhappy with the outcome and subsequently asks us to escalate their complaint

We are allowed 10 working days to investigate and reply to a complaint and our response will always be in writing. That is, 10 working days from the day the complaint was received NOT from the day the complaint was escalated from Right in Five to Resolved in Ten. We also refer to this as our 'formal' approach to complaint management.

Ultimately the customer will decide whether we take the Right in Five or Resolved in Ten approach. However, we can offer appropriate advice if we think that they have chosen the wrong path, for example, if the Right in Five approach is chosen but the complaint is complex and requires a detailed investigation and response.

Regardless of whether we take the Right in Five or Resolved in Ten approach the Investigating Officer will always take ownership of a complaint as soon as is practically possible and preferably on the same day that it is logged. Furthermore he / she will maintain contact with the complainant throughout the course of the complaint.

If a customer is unhappy with our Resolved in Ten response they can ask us to escalate their complaint to Stage 2 Appeal.

**3.8 'Stage 2 Appeal'**; We will consider each appeal request on its merits. Complainants should be clear about why they disagree with a decision and what more they want the us to do to put it right. As a rule of thumb if there is the possibility that the appeal will result in a different outcome or additional evidence has been received that calls into question the decision reached at formal Stage 1 Resolved in Ten then the complaint will be escalated to Stage 2 Appeal. We will usually only refuse an appeal request where there is no possibility of an alternative outcome. If a customer's appeal request is refused, we inform them of our decision in writing.

- Our failure to respond to a Resolved in Ten complaint within the agreed 10 working days doesn't result in an automatic right of appeal.
- The Service Lead for Tenant Voice will decide if a complaint can be escalated to Stage 2 Appeal in consultation with the Customer Feedback Officer and the appropriate Group Head of Service or Operational Director where appropriate.
- A Stage 2 Appeal review will be conducted by a senior manager, usually a Group Head of Service or an Operational Director although this may vary from time to time depending upon the nature of the complaint and who responded at the 'Resolved in Ten' stage. The only mandatory requirement is that the designated Stage 2 Appeal Manager is not be subordinate to the Resolved in Ten respondent.
- The Designated Stage 2 Appeal Manager need not be from the service to which the complaint relates. Indeed, there may be occasions when an 'independent' review has its advantages.
- A request for a Stage 2 Appeal will be granted where there is the possibility of an alternate outcome, to that reached at the 'Resolved in Ten' stage. Usually, when we have been provided with additional information that hadn't been previously considered.
- We will aim to respond in writing with our decision within 10 working days. Our Stage 2 Appeal response will bring the complaint to a close advising the complainant what options are available to them if they remain unhappy with the outcome.
- Where a complainant is unable to put forward a coherent case for a Stage 2 Appeal or may be vulnerable, the complainant will be directed towards local Advocacy Services, for example Citizens Advice.

There may be occasions when we are unable to provide a comprehensive response in the timeframes set out. Torus therefore reserve the right to extend deadlines where necessary and with the agreement of the complainant. On these occasions customers will be kept up to date and will receive an explanation for any delays.

**3.9 Complaint Closure;** Examples of when a complaint would be closed;

- An investigation is complete and a response is sent
- After sending a response and attempting to make contact to discuss it, there is no further contact from the complainant after 28 days
- When a resolution is agreed and we have delivered the proposed solution. Where we have not yet delivered the solution the complaint may be closed with the customers consent.

We have the discretion to close complaints early. This usually (but not exclusively) occurs when a complainants Appeal application is unsuccessful (3.8) or they are behaving in a vexatious, overly persistent or unreasonable manner (3.14).

Unless these exceptional circumstances apply we will only close a complaint when we are certain it has been dealt with.

**3.10 Referrals to Designated Persons;** If a customer has exhausted our internal Complaint Procedures and their complaint has been closed but they remain unhappy with the outcome they can ask a Designated Person to intervene on their behalf. A Designated Person can be a Ward Councillor, an MP or a Tenant Panel. Alternatively, they can choose to wait 8 weeks and approach the Housing Ombudsman's Service themselves.

The Designated Person may decide to intervene with the intention of negotiating a local resolution. If, however they decide this is not possible they may decide to refer the complainant directly to the Housing Ombudsman. Whilst the Designated Person cannot impose a solution on the landlord Torus recognise that Ward Councillors and Members of Parliament are valuable partners who represent the concerns and needs of individuals, neighbourhoods and communities. Furthermore, we fully support the concept of local resolution and will always work with our partners to achieve an outcome that its acceptable to all parties.

(Appendix 1 – Designated Persons for Residents. A fact sheet produced by the Housing Ombudsman Service)

**3.11 The Housing Ombudsman Service;** Torus is a registered member of the Housing Ombudsman Service scheme. A condition of membership is that all members agree to be bound by the decisions and adjudications of the Housing Ombudsman's Service, regardless of whether the member agrees with the outcome or not. Organisations who fail to comply with the Housing Ombudsman Service decisions risk being 'named and shamed'. We will respond positively to all Ombudsman enquiries, investigations and recommendations and undertake to comply promptly with any determinations.

(Appendix 2 – Telling Residents about our Service. A fact sheet produced by the Housing Ombudsman Service)

**3.12 MP Referrals;** Torus also has robust measures in place to deal with MP enquiries. Although strictly outside the remit of this policy reference is made here for completeness. The 2010 National Housing Federation (NHF) Compact was designed to ensure that effective channels of communication exist between landlords and their respective MP's. As signatory to this compact we were required to implement and maintain prescribed standards in terms of timeliness and quality of response. This associated process was further enhanced to meet the requirements of the Localism Act 2011.

We have continued to develop and enhance our service in the intervening years such that the standards that Torus have in place in respect of MP enquiries surpass those prescribed in the original compact.

**3.13 Use of discretion;** We reserve the right to use our discretion when applying this policy and may deal with a complaint differently where individual circumstances merit it. This discretion will always be applied fairly and appropriately and complaints will be progressed as far as possible to maximise the opportunity to resolve a dispute.

**3.14 Exclusions;** There are occasions when Torus will not consider complaints made by our customers under this Policy. These include;

- An initial request for a service, for example reporting a repair. A complaint can only be made after the issue has been reported and Torus has had an opportunity to respond.



- Complaints about anti-social behaviour (ASB) or nuisance; such complaints will be handled in accordance with Torus Anti-Social Behaviour Policy. Complaints will only be accepted where someone is dissatisfied with the way Torus has dealt with a case of ASB.
- Complaints where the complainant is taking legal action about the same issue; legal action will supersede this Policy.
- Complaints in relation to an issue which occurred more than 6 months ago.
- Complaints which have already been dealt with under this Policy.
- We do reserve the right to withdraw this service to those behaving in a vexatious, overly persistent or unreasonable manner.

One of the key principles underlying our approach to complaint management is that we will always aim to treat customers fairly. We don't operate blanket exclusions and will consider each complaint on its merits before applying an exclusion.

3.15 Any allegations about alleged inappropriate conduct of Torus Board Members or staff will be handled separately in accordance with regulatory good practice guidance.

3.16. Petitions and anonymous complaints - We will respond quickly to complaints from the wider community in order to minimise adverse publicity and maintain community relations.

All petitions and letters of complaint from collective organisations such as Tenants and Residents Associations must be brought to the immediate attention of the Managing Director and copied to the appropriate Service Manager. The Service Manager will carry out an urgent investigation into the matter and arrange a suitable acknowledgement letter.

The Customer Feedback Officer in consultation with the Managing Director will determine whether the matter should be dealt with in line with our published procedures or whether a separate direct response is more appropriate. On issues such as policy, this may include forwarding the petition to the next appropriate Board or Committee meeting for consideration and action.

When responding to petitions, several additional copies of the Company's response will be included for circulation amongst the other signatories. The top copy should be addressed to the first signatory unless it is clear that another person is the chief complainant.

The Customer Feedback Officer will record outcomes on a central register.

Anonymous complaints will be recorded and investigated. Whilst it is not possible to acknowledge receipt or respond directly to the person making the complaint we will still treat these complaints seriously.

The Customer Feedback Officer will record details of any anonymous complaints on a central register before referring them on to the appropriate service manager to investigate within 5 working days.

## 4. Consultation/Resident Involvement

Torus is committed to promoting customer engagement and participation at all levels of its business and governance arrangements including policy development. This policy has been subject to both tenant and officer consultation in addition to consideration by Torus' Landlord Operation's Committee which contains a majority of tenant members.

## 5. Responsibility

**Customer Feedback Officer** is responsible for:

- Overseeing the complaint process from initial contact to case closure
- Liaising with Service Managers, Heads of Service, Directors and the Chief Executive when required.
- Monitoring progress against service standards.
- Managing customer feedback, producing performance reports and identifying and reporting upon areas of complaint commonality.
- Carrying out quality audits of complaint responses and ensuring that personal contact is established and maintained throughout.
- Co-ordinating and sharing the outcomes of any lessons learned both internally (to LOC, Service Managers etc.) and externally (customer stakeholders etc.).
- Managing Designated Person and Housing Ombudsman activity.

**Service Manager** is responsible for:

- Updating the complainant on progress and responding to Right in 5 and Resolved in 10 (Stage 1) complaints.
- Identifying and reporting on procedural changes, service developments, training or improvements resulting from lessons learned.

**Senior Service Manager/ Head of Service/ Operational Director** is responsible for:

- Updating the complainant on progress and responding to Stage 2 complaint Appeals.
- Identifying procedural changes, service developments, training or improvements resulting from lessons learned and notifying the PAA of these on a quarterly basis.
- Ensuring staff within their team comply with this policy and meet performance targets and standards.

**Heads of Service and Operational Directors** are responsible for:

- Deciding if a complaint can progress to Stage 2 Appeal in consultation with the Service Lead for Tenant Voice and the Customer Feedback Officer.

## 6. Diversity & Inclusion

The Policy supports Torus' Equality and Diversity Policy and aims to complement Value For Money principles in delivering excellent cost-effective services and protecting the investment in Torus properties and neighbourhoods. In recognition of this we aim to deliver a Complaints Service that is;

- Relevant and fully accessible to all
- Tailored to meet both the specific needs of the individual, including those with additional support needs, and the diverse needs of the wider community
- Compliant with all aspects of Equality and Diversity legislation.

## 7. Monitoring & Review

The key aims are to;

- To provide the Service Managers with the information they need to manage their own performance
- To allow the Head of Service or Operational Director to effectively manage their departmental performance
- To allow Company Directors to take a strategic view on Company performance
- To ensure that we regularly review tenant feedback about the service.
  - We will provide tenants with a range of performance information allowing them to review and scrutinise our performance.
  - We are committed to involving our customers in monitoring complaints performance and reviewing processes.
- To ensure that lessons are learned and service improvements implemented

Performance is monitored on a daily, weekly and monthly basis and updates provided to key Service Managers and the Group Leadership Team on a weekly and monthly basis. In addition, a more detailed Quarterly Performance Report is provided to the Landlord Operations Committee. Torus Board also receives performance information on complaint key performance indicators. Response targets are reviewed and set on an annual basis.

We will review this policy every two years and carry out interim reviews in light of legislative, policy or procedural changes.

## Appendix 1 - Designated Persons for Residents. A fact sheet produced by the Housing Ombudsman Service

What is a designated person?

A designated person can help to resolve a complaint after a landlord's internal complaints procedure is finished. While we are unable to consider cases until eight weeks after your landlord's final response, a designated person can help you right away. They can help resolve the complaint in one of two ways; by trying and resolve the complaint themselves or by referring the complaint straight to the Ombudsman.

What does the designated person do?

The designated person can try to put things right in which ever way they think may work best. If the problem is still not resolved following the intervention of the designated person, either they or the resident can refer the complaint to us.

Complaints to us do not have to be referred by a designated person. However, should you choose to refer a complaint to us without the assistance of a designated person, this must be done at least eight weeks after the date of the landlord's final response to the complaint. We are unable to consider the case until then.

Who can be a designated person?

A designated person can be an MP, a local councillor, or a tenant panel. Landlords do not have to set up tenant panels, but they are expected to support their formation and activities if their tenants want them. To be effective the tenant panel must be 'recognised' by the landlord.

Why have designated persons?

Designated persons were introduced under the Localism Act 2011 to improve the chances of complaints about housing being resolved locally. The idea behind localism is that local people know best how to decide on local issues. The introduction of designated persons is intended to involve local politicians and local people in resolving local housing issues. It follows from this that there is to be no central control or regulation of the development of local resolution mechanisms.

The Housing Ombudsman is not a regulator and cannot define the expected role or processes for designated persons. That would be contrary to the purpose of localism.

What is the impact of designated persons on complaints procedures?

Designated persons have no direct impact on a landlord's internal complaints procedure. MPs and local councillors have always been involved in complaints procedures as advocates for tenants. Their specific role as designated persons is different as they play a more specific part in the procedure. The detail of that role is not spelt out in the Localism Act, but a part of it is to refer complaints to the Ombudsman. The law says that when the designated person refers a complaint to the Ombudsman, it must be in writing.

The Housing Ombudsman and designated persons

Early and local resolution is the best possible outcome to a complaint. We will encourage positive relationships between landlords and tenants and the designated persons to achieve this. We will

also provide information and advice to support designated persons in improving the methods and approaches they might use to resolve a dispute. While we will not comment on designated persons' decisions we will feed back on referrals from designated persons to improve complaints handling at all levels.

Although we can advise designated persons on good practice in complaint handling, the Ombudsman has no jurisdiction over designated persons and has no authority to regulate or produce guidance for their selection, activity or conduct.

The Ombudsman is required to maintain a register of recognised tenant panels (if you would like to register a tenant panel please email the details to [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)). However, we do not oversee the involvement of panels or any other designated person in the local resolution of complaints.

When we receive a complaint that has gone through the landlord's internal complaints procedure we will always ask if it has been referred to a designated person. If it has not, we will provide guidance about designated persons and how you can refer your case to one.

If a resident is clear that they do not want to make use of that opportunity for local resolution, we will consider the case providing eight weeks has passed from the date of the landlord's final stage response letter.

## Appendix 2 - Telling Residents about our Service. A fact sheet produced by the Housing Ombudsman Service

### The landlord's responsibilities

As members of the Housing Ombudsman Scheme, landlords must let their residents know about their right to bring complaints to us. All member landlords must have a published complaints procedure that includes details about our service and how to access it.

We encourage landlords to have a positive view of complaints, seeing them as feedback that helps to improve complaint handling and housing services.

### Our local resolution approach

Unlike many other Ombudsman schemes, we not only investigate complaints but we actively support landlords and residents to find a resolution between themselves within the landlord's procedure. This prevents problems escalating and improves landlord and tenant relationships.

Residents and landlords can contact us at any time while a complaint is going through the landlord's complaints process for advice and to help find a resolution. We cannot make a formal decision on a case at this stage.

We use our dispute resolution principles (see Helpful Links) and encourage others to use them.

### Information about our role

Landlords should provide details of our service in any information provided for residents about their complaints process. This could be on a website, in a complaints leaflet and letters about individual complaints.

A landlord's final response to a complaint should be set out in writing and should state that it is the final response. It should include details such as those below advising residents on what to do if they remain dissatisfied with the response to their complaint.

If you remain dissatisfied with this response you can ask the Housing Ombudsman Service to investigate how we dealt with the matter. To contact the Housing Ombudsman Service, you can ask one of the following to refer your complaint:

- A Member of Parliament (MP)
- A local Councillor
- A tenant panel

You can also contact the Housing Ombudsman directly but please note that the Ombudsman will not be able to investigate your complaint until eight weeks from the date of this letter.

The contact details for the Housing Ombudsman Service are:

- Online complaint form: [www.housing-ombudsman.org.uk/residents/make-a-complaint/](http://www.housing-ombudsman.org.uk/residents/make-a-complaint/)
- Phone: 0300 111 3000
- Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)
- Postal address: Housing Ombudsman Service, PO Box 152, Liverpool L33 7WQ

The online complaint form guides residents through the process before getting to the point of submitting a complaint to us. This helps to ensure that residents submit a complaint for investigation at the relevant point.

#### Other resources for landlords

We have other information in the Helpful Links that landlords can use to let residents know about our service:

- A poster that can be downloaded and displayed in communal areas to let residents know about our service.
- An information sheet that can be emailed or printed and given to residents explaining our role in more detail and the help we can provide at different stages of the complaints process.