

ISHA and Lien Viet Complaints Policy

1 Aim of Policy

Islington and Shoreditch Housing Association (ISHA) want to provide the best possible service. We recognise from time to time we get things wrong or need to explain our decisions more accurately and welcome the opportunity to put things right. This Policy sets out our approach to dealing with complaints and achieving resolution.

2 Definition of a complaint

A complaint is defined as any dissatisfaction expressed by a customer regarding a service they receive from ISHA/Lien Viet. In addition, it can also be about a lack of action or standard of service by us or a person acting on our behalf.

Examples of what we consider a complaint include:-

- Where we did not fulfil our responsibilities
- Where we did not carry out works or services as stated in the policy or procedure
- Where we did not provide the type of service you feel you are entitled to
- Where we acted unfairly towards you or somebody else

It is our intention to resolve the complainants concerns reasonably. We will include all issues raised in the original complaint that fall within these definitions and any further issues raised by the complainant after our stage one response as part of any escalation. New issues raised after Stage 1 will be logged and investigated as a separate complaint.

3 Areas not covered by the complaints policy

There are areas where the complaints policy does not apply. These are as follows:-

- Where a customer complains about another customer or neighbour. This is covered by our Anti-Social Behaviour Policy. However, if we fail to respond as per our policy, this will be covered by the complaint policy.
- Legal action has begun against the Association e.g. disrepair or a Tribunal. It would be inappropriate in these cases to continue with a complaint.
- The complaint is deemed as vexatious and we have followed the guidelines set out in **appendix one**.
- Where it is apparent that there is an alternative form of resolution that is more appropriate such as mediation or the appointment of independent arbitration, ISHA reserves the right to use this approach. ISHA also reserves the right to foreshorten its own complaints policy where it is

obvious no value can be added by further review. This foreshortening would be subject to the agreement of the Chief Executive and the customer will continue to have the right to access a designated person or the Housing Ombudsman.

4 The use of advocates

We will take complaints from advocates who act on the complainants behalf. The advocate may be a friend, relative, trusted person and an external organisation such as Citizens Advice Bureau. The complainant will need to confirm they have given the advocate permission to act on their behalf. The complaint will need to be in writing.

5 Dealing with anonymous complaints

These will not be investigated under the complaints policy. However, managers will be expected to investigate them and report/record any action taken.

6 Complaints made directly to the Senior Management Team including the Chief Executive.

All complaints will be handled under the complaints procedure. Any complaints to Senior Managers will be forwarded to the relevant member of staff initially to respond to. This ensures that complainants receive an equal service and do not bypass the process.

7 Dealing with Petitions

These will be dealt with in the same way as other complaints although responses will need to be sent to all those who signed the petition or the petition co-ordinator. In some cases we may decide to hold a meeting or send a specific newsletter especially if this is an ongoing issue.

8 General Queries from Councillor and MP's

These will be monitored separately.

9 Mediation

Where necessary we will use mediation if it is helpful in reaching a resolution.

10 Learning from Complaints

We have mechanisms in place for ensuring we learn from complaints and that this information is shared with Board members as well as customers.

The learning outcomes will be logged under one of the following categories:

- Staff
- Communication
- Contractor
- Policy and Procedure
- Other, with description of new category, or one off occurrence

11 Quality Control

A sample of complaint responses will be monitored to ensure they comply with quality standards. Five Stage 1 complaint responses will be randomly selected every month and scored individually, with an overall score given.

12 Closure of Complaints

If we have not heard from you within 28 working days after the complaint response was sent to you we will assume you are happy with the response and your complaint will be closed. You will be notified of this in writing.

13 Review of complaints

All formal complaints will be reviewed on a monthly basis by ISHA. The purpose of the review will be to identify trends requiring action or any necessary changes to a policy or procedure.

In addition the Housing Services Sub-Committee will receive a summary of all formal complaints at the end of each quarter of the financial year. This will include any changes in policy and procedure resulting from the complaint and subsequent investigation.

ISHA also publishes performance against service standards quarterly, in the Resident Newsletter, ISHA News and on the ISHA website. This includes a summary of the formal complaints and any changes in policy and procedure resulting from these investigations.

14 Compensation

In settling your complaint we will acknowledge when something has gone wrong and will seek to redress what has gone wrong. We will also identify what we will do differently to improve our service in the future. Sometimes redress has to go beyond an apology or an acknowledgement of procedural fault. When compensation is offered, we will explain how we have reached this compensation, and what it relates to. If the complainant has any arrears, court costs, re-chargeable or any other debts owed to ISHA, the compensation will be used to clear those debts first. Any remaining monies will be paid to the customer.

Where we have agreed to reimburse additional costs incurred by the complainant, these will be paid directly to the customer.

15 Process Review

The complaints process is reviewed by the Board on an annual basis.

16 Complaints Process How to Complain

- email your complaint to haveyoursay@isha.co.uk
- complete the form on our website www.isha.co.uk

- call the Customer Service Team on 0300 131 7300 and ask to make a complaint.
- make a complaint to any officer you speak to.
- write to our office at 102 Blackstock Road, London, N4 2DR.
- come to the office at the above address.

Complaint Stages

At all stages ISHA will consult with the complainant to find out how the customer would like the Association to put things right. The following should be considered:-

- An apology where one is appropriate
- An explanation giving a full answer to all points raised by the complainant
An assurance that every effort will be made to ensure that the same thing does not happen again
- Action to put things right
- A review of policies and procedures Staff guidance and training
- Appropriate disciplinary action

Standards

All responses must follow the standards and template set out in 'Complaints Template'. For guidance on issues to consider **see appendix two**

Informal Complaint

Many customers do not want to make a formal complaint especially where we can resolve the problem quickly and effectively as it needs no investigation and the remedy is straightforward. In these cases, the Customer Services Team should deal with the matter at the point of contact. If they are unable to resolve the matter the complaint should be passed to the relevant staff to manage as a stage 1 complaint. All informal complaints should be logged as this helps us improve our service.

If your complaint cannot be dealt with immediately we will:

- refer your complaint to an appropriate Manager
- acknowledge your complaint within 2 working days
- write to you within 10 working days with a full response, if this cannot be given within 10 working days due to collating relevant information, you will be sent a holding response with an current update. .

Serious Complaints

Some complaints against staff or our contractors are of such a serious nature that they must be reported to a Head of Service or above. In these cases the matter may be taken out of the complaints procedure and dealt with under the terms of our contract with the contractor or our staffing policies in the case of ISHA staff. They may include the following:-

- Physical or sexual assault
- Theft

- Being affected by drugs or alcohol.

Stage 1

The majority of complaints should be resolved at this stage. The officer dealing with the complaint is required to telephone the customer to discuss the complaint and come to a reasonable and agreeable resolution. If it is not possible to telephone the customer we should email or text.

Target: The complaint will be acknowledged within 2 working days. The target for a response is 10 working days. However, this is the deadline and we should aim to respond as soon as possible. If the complainant is unhappy with the response they can take the matter to the next stage. If there is no response from the complainant within 28 days the complaint will be closed and this will be advised in writing. Any new response on the same matter will be treated as a new complaint.

Stage 2

The complaint should be dealt with by a Head of Service or higher and should not be the person who dealt with the stage one.

Target: The complaint will be acknowledged within 2 working days. The target for a response is 10 working days. However, this is the deadline and we should aim to respond as soon as possible. If the complainant is unhappy with the response they can take the matter to stage 3. If there is no response from the complainant within 28 days the complaint will be closed and this will be advised in writing. Any new response on the same matter will be treated as a new complaint.

Stage 3

You should reply to our Stage 2 response, confirming you wish to take your complaint to Stage 3. You will be invited to meet with a senior member of ISHA staff to discuss your complaint who will seek to understand why you believe the matter to be unresolved. Once this has happened the Chief Executive of the Association may then arrange a panel hearing within 20 working days or at your convenience.

The panel will usually comprise of three members, two of whom will be from the ISHA Board or the Sub Committee responsible for the service in question. Staff involved in the complaint response will also attend the panel to give evidence or observe.

None of the members of the panel will have been involved in the complaint before. You will be invited to put your case before the complaints panel and their written response will be sent to you within 5 working days of the hearing.

17 Holding Responses

If a full response cannot be given within the 10 working days' time frame a holding response can be sent. This needs to be agreed with the customer and a further date agreed for the full response.

18 Designated Person

If you are still not happy with the outcome of the Stage 3 panel hearing the next step would be to contact a designated person. A designated person can be an MP, local councillor or a recognised Tenant panel. **See appendix three**

If the designated person cannot help they may refer your complaint to the Housing Ombudsman.

Complaints to the Ombudsman do not have to be referred by a designated person; however the complainant does have to wait 8 weeks from the end of ISHA's complaint process before the Ombudsman will consider the case.

19 The Independent Housing Ombudsman

If after the appeal you feel that your complaint is still unresolved, you have the right to appeal to the Independent Ombudsman at the following address:

Housing Ombudsman Service
Exchange Tower
Harbour Exchange Square
London
E14 9GE

Please note the Housing Ombudsman will normally only deal with your case if you have been through all three stages of ISHA's formal complaints procedure

20 Resolution and completing agreed actions

All letters must be logged. Where we have made a commitment to carry out an action in the future it must be recorded on the commitment log.

21 Customer Satisfaction

This will be carried out by an independent company.

Reporting on Complaints

A yearly review of complaints will be sent to the Housing Services Sub Committee

22 Commitment Log

When a commitment is logged to a customer this should be logged on to the commitment log spreadsheet, once the commitment is complete this will need to be signed off by a manager.

Unreasonable/vexatious complaints

Defining unreasonable complaints

It is important to distinguish between customers who make a number of complaints because they really think things have gone wrong and those who are simply being unreasonable.

Even though a customer may have made unreasonable complaints in the past, it cannot be assumed that any new complaint is also unreasonable and each case must be judged on its own merits.

ISHA does not view behaviour as unreasonable just because someone is determined or forthright with their complaint.

There are three key types of actions which can be considered to be unreasonable and/or unacceptable:

Aggressive or abusive behaviour

- including threats, physical violence, verbal abuse, derogatory remarks and foul language. It is not acceptable for anger to be directed directly at a member of staff in the form of aggression.

Unreasonable demands

- including the amount of information the customer requests or provides, the service they expect (nature and scale) and the number of times they contact ISHA about the same or similar matters. Examples of this may be demanding responses or actions to be taken within unreasonable timescales, insisting on speaking to a particular member of staff, continual volumes of contact made to ISHA, continually changing the reason for the complaint or raising unrelated issues through the course of the investigation. Demands such as these can be deemed as unreasonable if they have an impact on our staff and the work we do, such as taking up an excessive amount of time, which in turn impacts on the service offered to other customers.

Unreasonable persistence

– including refusal to accept explanations and decisions made by ISHA, refusal to accept explanations about services provided or already agreed policies and procedures, refusal to accept apologies made, continually pursuing a complaint where a decision has been made and a response given, without presenting any new information or valid reasons why the decision already made is not being accepted. As with unreasonable demands, actions of persistent complainants are considered to be unreasonable when they take up a disproportionate amount of staff time and resources

Dealing with unacceptable and unreasonable actions by complainants

If a complaint is being investigated by ISHA staff but continued persistent contact by the complainant about the same issue or other related issues is affecting staff being able to fairly and effectively deal with the complaint, we may need to restrict the complainants contact with our staff. We may restrict the contact by one method only or by a combination of methods. We will try and maintain at least one form of contact.

In extreme cases, if a customer is being unreasonably persistent about one complaint or a number of different issues and staff are finding the contact unmanageable we may restrict contact to being through a third party only, or where the persistent contact is by phone or in person, we may restrict contact to only be in writing.

Threats or use of physical violence, verbal abuse or harassment to ISHA staff is likely to result in ending all direct contact with this customer. Incidents may be reported to the Police and/or to our solicitors.

We will not deal with communications from complainants which are abusive or contain unfounded allegations, following on from an investigation. We will inform the customer that we will not tolerate such language or allegations and ask them to stop. We will state that we will not respond to future communications of this nature. We can insist that all future communications must be made via a third party and if they do not agree to this we can refuse to consider any further complaints.

If a customer persistently contacts ISHA and makes complaints about the same issues which have already been considered and they have not yet been through all stages of our complaints procedure the customer can be advised they can escalate their complaint to the next stage of the procedure. They must do this within 28 working days of when the last stage was responded to.

If a customer persistently contacts ISHA by telephone, which proves time consuming and disruptive for the service, then it is reasonable we may decide to only take telephone calls at specific times of day or set days or make an arrangement for only one member of staff to deal with calls from that customer. It may also be appropriate to only accept calls for this customer when made by a third party (such as a relative).

If a customer persistently sends in irrelevant or duplicate documents in relation to their complaint, we can make the decision to return the documents.

Persistent complainers can sometimes feel that every issue they raise should be treated as a formal complaint. A decision will be taken with each issue raised as to whether or not it is suitable to treat it as a complaint or whether it is more productive and likely to have a quicker and more effective resolution not to do so.

A customer's pursuit of a complaint can be seen as unreasonably persistent if all reasonable actions and resolutions have been offered and exhausted but the complainant continues to dispute the decision made. We can tell the customer that no future communications concerning that complaint will be accepted at any stage of the complaints process. If the complainant still insists on contacting us about the same issue, these communications will be kept and filed, but not responded to. Only if there is new information provided will the communication require a response

Restriction of contact by persistent complainants

As outlined within our complaints policy, we can make the decision to restrict a customer's contact to specific staff especially in cases where the complainant is contacting a number of ISHA staff.

Before any of these actions can be taken, it must be approved by a senior manager.

Complaints Guide

Key Points

- Most complaints can be resolved quickly so it is important that as soon as a complaint is passed to you, you should telephone the complainant. If this is not possible, email.
- If a customer has a simple complaint, for example wants to complain about a missed appointment, it is clear that all is needed is to apologise, give the appropriate compensation and rearrange the appointment. However, there are times when it is not clear what you can do to resolve the complaint. At this point you may find it useful to call the customer to find out what they would like out of the process. This is true at any stage of a complaint.
- If a customer complains, you do not have to include lots of detail in your response. It might be enough just to apologise. For example, if we missed an appointment, you don't have to say why, or go into the internal communication error that led to us missing the appointment. However, if the customer does ask why we have missed the appointment, then you can give the detail requested.
- Reflect back to the customer. That means you should read through the complaint and confirm to the customer what the complaint is. For example:
 - 'In your complaint you said that you were unhappy with the attitude of the staff, and also that there was a repair you reported last year that has not been fixed.'

That way you can show you understand the complaint, ensure that you do not miss any areas that should be addressed, and it is easier to understand if you ever need to read it again.

- The above helps with the next point – do not give too brief apologies. If you receive a two page complaint, writing a few words will not suffice. Reflecting back is one way to show you have read and approached the complaint seriously and thoroughly.

- Apologise where ISHA has done something wrong or could have done something better. Do not say 'ISHA' apologises, as this may appear to be impersonal or a way of shifting blame. Say 'I apologise' or if there was a wider mistake, 'we apologise' may be more appropriate. Do not say 'I apologise on behalf of Chigwell' because that too makes it look like we are shifting blame. We are responsible for our repairs so we should apologise when they go wrong.
- If we have done nothing wrong, **then you do not have to apologise**. Instead of giving an unconvincing apology that is not meant, like 'We are sorry that you feel that we have done something wrong,' say, 'I understand from your complaint that you are upset.' This is not a false apology and also demonstrates you are not dismissing the complaint.
- **Do not wait 10 days to start the response**. You do not need to start writing a response on the first day you receive it, but you should start the process. That is things like asking our contractors or your colleagues for their help and information. If you wait until the tenth day you may find that you do not receive the information in time to make the deadline.
- Similarly, do not wait to resolve a complaint until the tenth day. If you can put right the complaint before you start writing the response, do.
- If there is an outstanding problem that arises from the complaint, for example we are waiting for information from a managing agent, or from a repair contractor, and then tell the customer that you will give weekly updates. You might not have new information each week, but it will show that you have not forgotten the customer while the problem is ongoing.
- Some customers can send many emails or letters before we respond to the first one. If possible, it makes sense to put them all together and respond in one response. It may mean you have fewer than 10 days to respond to some part of the complaints, but there is an advantage. Firstly, it is easier to keep track of one response when it comes to a stage three or Ombudsman part of the complaint. Secondly, some customers may respond three times to each piece of correspondence, and it is then best to make sure we give as few prompts as possible for this.
- Use the complaint template. There is more advice there which can help you write a response quicker and to make sure you make a thorough response.

- When you write a stage one complaint, remember that it could end up being read across the organisation, by the board and the Ombudsman. Do not write a letter that you would not be happy to be seen by somebody else.
- Ask a colleague to read through your response to make suggestions or spot mistakes. This is the most important part.

What is a Designated Person?

Changes were made within the Localism Act 2011 which resulted in the introduction of 'designated persons' in helping to resolve complaints locally. The idea of localism is that local people know best how to decide on local issues.

A complaint being made to the Ombudsman has to be referred by a designated person, once it has exhausted the landlord's internal complaints procedure. A designated person means an MP, local councillor or a designated tenant's panel. This change is to encourage complaints resolution at a local level and reduce the number of complaints taken to the Housing Ombudsman. Whilst it is hoped that the designated person will resolve complaints, the designated person does also have the option to refer the case to the Ombudsman, recommend it is not taken to the Ombudsman or refuse to deal with it.

Complainants can still take their complaint direct to the Ombudsman, but have to wait 8 weeks after they have exhausted the landlord's internal complaints procedure.

Designated tenant panels

ISHA does not have a designated tenant's panel for complaints.