

## **Resolving Complaints Policy**

### **1.0 Introduction**

One of Leeds & Yorkshire Housing Association's (LYHA) key strategic aims is to improve the customer experience. We do this in part by being a learning organisation that embraces customer feedback.

We encourage customers to tell us about our services. We take complaints seriously, work hard to resolve them fairly and quickly, and use them as opportunities to learn and improve the services we deliver.

Sometimes things go wrong, and customers are dissatisfied. When this happens, we aim to put things right quickly at the first point of contact. If we cannot resolve the issue quickly, the formal complaint policy and process provide a framework for resolution.

### **2.0 Scope and purpose of the policy**

This policy applies to all LYHA staff, contractors and customers and describes how we will respond to formal complaints and learn from all customer feedback and complaints.

It aims to improve our response to customer feedback, improve our overall customer satisfaction rating and our net promoter score, the measure LYHA uses to track customer loyalty.

### **3.0 Policy statement**

It is our policy to:

- Handle complaints using the process outlined at section 9 of this policy
- Effectively respond to customer complaints, ensuring customer feedback is acknowledged and acted upon at first point of contact
- Empower staff and contractors to take ownership and resolve issues raised by customers
- Where possible, successfully resolve customer complaints locally
- Respond to complaints within our published service commitments for Resolving Complaints
- Improve communication and partnership working with our contractors around complaints handling and resolution
- Record and learn from all customer feedback

### **4.0 What is a complaint?**

LYHA's definition of a complaint is consistent with that of the Housing Ombudsman Service, as an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by LYHA, our colleagues, or those acting on our behalf, affecting an individual customer or group of customers.

Chasers on a service request, such as a missed appointment, can often be resolved ‘there and then’ with an apology and the provision of another appointment and may not need to enter the complaints system.

## **5.0 What is not a complaint (“Exclusion grounds”)**

We will not treat an initial request for a service e.g., a repair to a home, a first report about anti-social behavior, or a first request for information or an explanation of our policies/procedures as a complaint. However, if further enquiries are needed to resolve the matter, or if the customer requests it, the issue will be logged as a complaint.

A report about something that we don’t control or is not our responsibility, e.g., a repair to local authority adopted street lighting will not be dealt with under this policy – where we can, we will support customers to raise it with the appropriate organisation.

We will only deal with matters brought to our attention within a reasonable timeframe. Unless there is a good reason for not making a complaint at the time, the limit will be no more than 6 months after the event occurred, or the matter came to the notice of the complainant. Where the problem is a recurring issue, we will consider any older reports as part of the background to the complaint if this helps to resolve the issue. This exclusion may not apply where complaints concern safeguarding or health and safety issues.

Where Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court or some other form of claim has started i.e., Personal Injury Claim and our third-party advisors i.e., Insurers have advised us not to communicate with the customer

A matter that has already been considered within the complaints policy.

If we decide not to accept a complaint, a detailed explanation will be provided to the customer setting out the reasons why the matter is not suitable for the complaints process and their right to take that decision to the Ombudsman.

## **6.0 Who can make a complaint?**

This policy applies to all customers of LYHA and to anonymous feedback where sufficient information has been provided to enable us to investigate.

Customers can request that someone else act on their behalf during the complaints process e.g., a family member.

## **7.0 How to make a complaint**

Customers or their representative / advocate can make a complaint in a variety of ways:

- By email to [info@lyha.co.uk](mailto:info@lyha.co.uk) or another LYHA email address
- In person face to face with a colleague or by telephoning 0113 278 3335
- Social media: via a direct message on Facebook @LeedsYorkshireHA / Twitter [@LYHAtweets](https://twitter.com/LYHAtweets). Please don't post on the page as we cannot discuss individual matters on an open, public forum
- Via the form on our website - [www.lyha.co.uk](http://www.lyha.co.uk), in the “Make a Complaint” section
- In writing to LYHA at 3<sup>rd</sup> Floor, White Rose House, 8 Otley Road, Leeds, LS6 2AD

A complaint that is submitted via a representative / advocate will still be handled in line with this policy. The customer or their representative / advocate does not have to use the word 'complaint' for it to be treated as such.

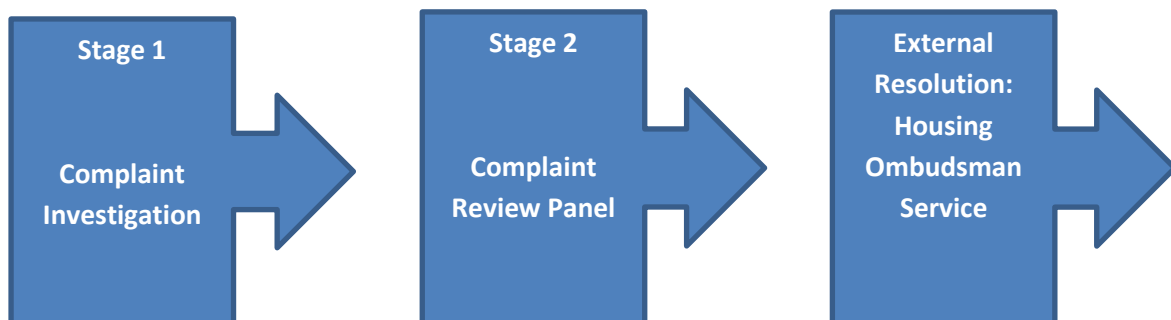
## 8.0 Resolution Remedies

Complaints can be resolved in a number of ways, and we will ensure any remedy reflects the extent of any and all service failures and considers the level of detriment to the customers as a result of the failure. Remedies may include:

- Acknowledging where things have gone wrong
- Providing an explanation or context for our decisions or actions
- Apologising
- Taking action if there has been a delay
- Reconsidering or changing a decision
- Amending a record
- Providing a financial remedy
- Changing policy, procedures or practices

## 9.0 The Resolving Complaints Process

Our complaints process has two internal stages:



### External resolution options

If a complaint remains unresolved after exhausting LYHA's two internal stages, the customer can consider the external options to resolve their complaint:

- Referral to the Housing Ombudsman Service

### Stage 1: Complaint Investigation

This is the first stage of our complaints process. All complaints will be investigated in an impartial manner, and wherever possible, will be investigated by a complaint manager who is not directly involved in the complaint.

Our focus is complaint resolution. We will always seek to understand what resolution the complainant is seeking and achieve this wherever this is reasonable. Colleagues are expected to take ownership for resolving complaints quickly, apologising for any service failures and putting things right at the earliest opportunity. We will aim to resolve complaints through

agreement with the customer and will adhere to any reasonable arrangements agreed with customers in terms of frequency and method of communication.

The complaint handler will:

- deal with complaint on its merits
- act independently and have an open mind
- take measures to address any actual or perceived conflict of interest
- consider all information and evidence carefully
- keep the customer regularly updated about the progress of the investigation
- keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter

If following a review of the complaint it is felt that a formal complaint investigation is not warranted, we will explain to the customer the reasons for this decision within the 5-day timescale, and provide contact details for the Ombudsman Service.

### **Service Commitments: Stage 1**

- We will log on our complaints database, acknowledge and assign a complaint manager within 2 working days
- A full review and response to the customer will be provided within 5 working days following acknowledgement including the following information:
  - the complaint stage
  - the complaint definition
  - the decision on the complaint
  - the reasons for any decisions made
  - the details of any remedy offered to put things right
  - details of any outstanding actions
  - details of how to escalate the matter to stage two if the customer is not satisfied with the answer
- If a review cannot be completed within 5 working days, the complaint manager will contact the customer, feedback on progress and agree a revised response timeframe.

If the customer does not contact us within 10 working days of our response, and all issues have been addressed and outstanding actions completed, the complaint will be closed.

### **Stage 2: Complaint Review Panel**

We will make all efforts to resolve complaints at Stage 1. However, we recognise that there may sometimes be circumstances where this is not possible. If we receive an escalation request, we will set out our understanding of issues outstanding and the outcomes the customer is seeking. If any aspect of the complaint is unclear, the customer will be asked for clarification and the full definition agreed between both parties.

We will not unreasonably refuse to escalate a complaint through to Stage 2 and if all or part of the complaint is not resolved to the customer's satisfaction at stage one, it will be progressed to stage two of the Resolving Complaints process, unless an exclusion ground now applies. In instances where we decline to escalate a complaint, we will clearly communicate in writing our reasons for not escalating within a 10-working day timescale, as well as the customer's right to approach the Ombudsman about our decision.

See section 5.0 for “Exclusion grounds”.

If the complaint is to proceed to stage 2 then the Complaint Review Panel will be convened and made up of a minimum of two people from the following:

- Members from LYHA Executive Management Team and/or wider Leadership Team
- Customers who are members of the Customer Experience Committee
- Members of LYHA’s Board of Management

A meeting at a mutually convenient time and date will be arranged within 10 working days or to a timetable agreed with the customer.

The complainant, with the support of an advocate (not a legal representative) if required, can either attend the meeting in person or provide supporting information to explain why they feel LYHA has not resolved their complaint and the resolution they are seeking.

Following the review, a full written response will be sent to the customer within 10 working days. If the Panel cannot respond fully to the complaint within the agreed timescales, a revised timescale will be agreed with the customer. This extension should not exceed a further 10 working days, without good reason.

If the customer is still dissatisfied after the Complaint Review Panel, they can ask the Housing Ombudsman Service to consider their case.

### **Service Commitments: Stage 2, Complaint Review Panel**

- We will confirm receipt of an escalation request within 2 working days of receiving it. We will confirm whether the complaint is being escalated to Stage 2 within 5 working days of us receiving the escalation request. If the complaint is not being escalated, we will explain why this is the case and will provide details of how to escalate to the Ombudsman Service

- 
- A panel review meeting at a mutually convenient time and date will be arranged within 10 working days or to a timetable agreed with the customer
- Following the review, a full written response will be sent to the customer within 10 working days or alternatively we will agree with the customer a revised response time.

### **10.0 Alternative Dispute Resolution**

We aim to resolve complaints satisfactorily for all customers. However, occasionally the service provider/customer relationship breaks down and we are not able to agree a way forward that is acceptable to all parties.

When this happens, we may propose alternative dispute resolution, for instance mediation.

### **11.0 Housing Ombudsman Service**

The Housing Ombudsmen Service (HOS) is set up by law to look at complaints about housing organisations. The service is free, independent and impartial and can be accessed by customers who are not happy with the outcome of their complaint to their landlord. is a member of the Housing Ombudsman Scheme and is therefore bound by the terms of the Scheme.

## **12.0 Discretionary Compensation**

Our approach to complaints is to apologise for any service failings and to put right the situation to the customer's satisfaction as quickly as possible. Once a complaint has been investigated it may be appropriate for us to offer service recovery and/or discretionary compensation using the guidance from LYHA's Service Recovery and Compensation Policy.

## **13.0 Unreasonable Behaviour**

We recognise that service failure can cause significant distress and we believe that all customers have a right to be heard, understood and respected. We also believe that colleagues have these same rights. Therefore, we expect customers to behave appropriately when contacting us and we will not tolerate aggressive or abusive behaviour.

If customers are unnecessarily aggressive or abusive, we reserve the right to refuse to deal with the complaint and will consider further action where required to protect colleagues from unreasonable behaviour.

Where a customer's behaviour is considered unreasonable, we will consider the most appropriate actions to take. Where possible we will give the customer time to moderate their behaviour before implementing measures such as contact restrictions or legal enforcement action.

## **14.0 Vexatious Complaints**

We will always make every effort to deal with customers' complaints in a constructive manner. However, a very small number of complaints may be considered to be unreasonable or vexatious because:

- The complaint is raised in an unreasonable manner
- The customer makes repeated or frequent complaints which are not valid
- The customer requests that a complaint is escalated when we have fully responded to all points
- The customer is seeking an unreasonable or unrealistic outcome.

Where a complaint is considered to be vexatious (the complaint may have already been considered at Stage 1) then the complainant will be referred to external resolution options, including the Housing Ombudsman Service.

## **15.0 Compliments**

Compliments provide valuable positive customer feedback: they are an important part of developing services and in maintaining staff morale and motivation. We will record and share compliments to learn from best practice.

## **16.0 Equality & Diversity**

This policy will be applied to all customers regardless of age, disability, gender reassignment, marriage and civil partner status, pregnancy and maternity, race, religion and belief, sex and sexual orientation. Where appropriate, we will make reasonable adjustments.

We will ensure that in delivering our services we are inclusive and representative. We will ensure that this is achieved through the delivery of LYHA's Equality and Diversity Strategy.

We will ensure that this Policy can be made available in alternative formats.

<b>Other related policies and procedures</b>	
<b>Related policies</b>	<ul style="list-style-type: none"> <li>• 2020 - 23 LYHA Corporate Plan</li> <li>• Service Recovery and Compensation Policy</li> </ul>

<b>Review processes</b>	
<b>Policy review frequency:</b> This policy will be reviewed on a: 3-yearly basis	<b>Responsibility for review:</b> This policy will be reviewed by: Neighbourhood Services Manager

<b>Version control</b>		<b>Policy name: Resolving Complaints</b>		
<b>Version</b>	<b>Date approved</b>	<b>Next review date</b>	<b>Comments</b>	<b>Author</b>
Version: 3	June 2018	June 2021		Head of Operations
Version: 4	January 2021	January 2024	Review triggered by release of Housing Ombudsman's Complaints Code	Neighbourhood Services Manager
Version 4.2	March 2022	January 2024	Updated in line with HOS guidance	Neighbourhood Services Manager
Version 4.3	July 2022	July 2025	Updated in line with HOS Revised Complaints Handling Code – March 2022	Neighbourhood Services Manager