



CUSTOMER COMPLAINTS AND DISREPAIR POLICY

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DOCUMENTATION MASTER SHEET

Amendments to this Document are Detailed Below.

Version Number	Date Amended	Comments	Date Approved	Author	Approved By
01-05	21/12/2005 – 14/03/2006	Draft versions	N/a	GIH	N/a
06	10/05/2006	Final version	09/05/2006	AG	Board
07	04/10/2006	Addition to Monitoring Section	04/10/2006	GIH	GIH
08	01/07/2007	Annual revision	18/07/2007	AP	Services & Operations Committee
09	22/11/2007	Standard response letter added as appendix	N/A	PDM	N/A
10	31/03/2008	Updated the Ombudsman details	N/A	KD	N/A
11	24/09/2008	Updated to reflect Ombudsman and Disrepair referrals	N/A	LDP	N/A
12	19/02/2009	Remove stage 4 – referral to GCC	22/04/2009	LDP	Services & Operations Committee
13	14/01/2010	Stage 3 revised to include a Board member appeals panel and several other minor amendments	23/06/2010 29/06/2010	DT/PDM	Services & Operations Committee Customer Forum
14	07/03/2013	Changes to reflect Ombudsman changes from April 2013	26/03/2013 03/04/2013	PDM	Customer Forum Resources Committee

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<u>09815</u>	20/07/2015	Minor wording changes	n/a	PDM	n/a
16	07/02/2017	Removal of 'comment' element of policy, changes to response time to 10 days from 5 days	08/03/2017	AT	Tenant Panel
17	13/02/2017	Stage 3 Panel can now include at least one Panel member	n/a	PM	Tenant Panel
18	12/03/2018	Full review. Policy and procedure separated	22/03/2018	EB	Tenant Panel
19	07/11/2018	Minor changes to make requirements of investigation more explicit	N/A	EB	N/A
20	11/04/2019	Inclusion of ELT member at stage 3 panel	11/04/2019	EB	Tenant Panel
21	10/01/2020	Change to Housing Ombudsman postal address plus amendment to Stage 2 section	N/A	EB	N/A
22	20/04/2020	Additional paragraph regarding case management	N/A	EB	N/A
23	13/11/2020	Amendments made to ensure compliance with new Ombudsman Code	11/12/2020	EB	Tenant Panel
24	11/06/2021	Minor changes to reflect Housing Ombudsman code	11/06/2021	EB	N/A

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25	06/07/2022	Minor change to clarify that disrepairs are excluded only after the pre action protocol stage has moved to a court date	06/07/2022	FH	N/A
26	09/09/2022	Minor changes to reflect Housing Ombudsman code	13/09/2022	EB	ELT
27	03/11/2022	Amended to incorporate the management of Disrepair claims	07/11/2022	EB	ELT
28	26/06/2023	Minor changes to reflect restructure of complaints sitting under Customer Experience	25/07/2023	TT	SLT
29	21/11/2023	Minor changes to reflect change in terminology used	21/11/2023	EC	MH

INTRODUCTION

Gloucester City Homes is committed to providing the best possible service that we can. However, we recognise that sometimes customers may feel they have cause to complain about the service they have received. We encourage all feedback from customers, and we welcome complaints as an opportunity to learn from mistakes and put things right.

This Complaints Policy explains our complaint handling approach which is aligned to meet the Housing Ombudsman's Complaint Handling Code. The associated Complaints Procedure provides a detailed guidance for staff to follow.

We aim to handle complaints fairly, as a priority concern and with a strong focus on the customer. To support this we hold briefings, carry out training and coach our employees on customer service and complaint management to promote a positive complaint handling culture which seeks to learn from mistakes and continuously improve our services.

ACCESS TO THIS SERVICE

This Complaints Policy is applicable for tenants, residents, our suppliers, stakeholders, and the general public.

We want to make it as easy as possible for customers and ensure they are fully supported when making a complaint. We understand that they may wish to make a complaint in a way which suits their needs.

We will therefore take complaints in a variety of ways which are led by the customer's choice. Complaints can be made in person, over the phone, by text, in writing, by e-mail, by website feedback and by other customer feedback mechanisms (customer satisfaction forms, customer events, resident groups etc). Any complaints received via social media will be responded to, once identity has been confirmed, outside of the social media platform to ensure confidentiality and privacy is maintained.

Complaints can be made either by the customer or by someone acting on their behalf (representative) such as a relative, friend, Councillor, Member of Parliament, or a member of staff from another agency, (statutory or voluntary). In situations where complaints are made on behalf of another person, we will ask for consent to allow us to discuss the matter with a third party.

We will manage the complaint process ensuring that we meet the specific needs of our customers. Where appropriate we will make reasonable adjustments and involve elected representatives if this is the customer's desire.

We will do our best to work empathetically with customers, carry out thorough and impartial complaint investigations which seek to find resolutions to the issues raised. We will make clear if a customer has exhausted our complaints policy and support the escalation of their

complaint to the Housing Ombudsman at the earliest opportunity where this becomes evident.

Persistent or unreasonable complaints may be made very occasionally, where the customer or their representative will not accept the matter is concluded despite having their complaint investigated or they may repetitively make substantially similar complaints. If a member of staff feels that a complaint has become persistent or unreasonable, they must refer to the Unreasonable Behaviour Policy to seek guidance.

WHAT IS A COMPLAINT?

Our definition of a complaint, in line with that used by the Housing Ombudsman, is:

An expression of dissatisfaction, however made, about Gloucester City Homes or a member of staff's, or a partner's:

- action, or
- lack of action, or
- standard of a service

which affects an individual resident or a group of residents.

Sometimes it may be appropriate to deal with a customer query as a service request rather than a formal complaint, such as where action can be taken immediately to resolve and issue, or when a customer does not want to pursue the matter formally. When this occurs, this will be on agreement with the customer, or upon their request, and will not exclude the customer's right to pursue a formal complaint should they wish. Service requests will still be formally recorded and tracked to ensure that the organisation can learn from the feedback received.

WHEN ISN'T IT A COMPLAINT? (EXCLUSIONS)

- Requests for service. These are delivered by our specialist frontline service teams.
- When a Disrepair claim case is scheduled for Court action i.e., when the pre action protocol has been exhausted.
- Reports of anti-social behaviour (ASB). These are handled by our ASB team.
- Request for information under GDPR such as a Subject Access Request or a suspected data breach. These are managed by our Data Protection Officer in line with the Data Protection Act 2018. Dissatisfaction with the handling of these specific requests by our Data Protection Officer can be escalated to the Information Commissioner's Office.
- Where legal proceedings have commenced and continuing would not be appropriate.
- The issue giving rise to the complaint occurred over six months ago.
- Claims made against GCH's business insurance cover.

- Safeguarding Referrals.
- Where the Unacceptable Behaviour Policy has been applied

Complaints covered by the above exclusions will not be dealt with in accordance with this Complaints Policy, but through other more relevant procedures, which will better serve the resolution of the issue raised. Customers will be supported to ensure issues raised are appropriately directed.

DISREPAIR

Gloucester City Homes is committed to providing the best possible service that we can and resolving complaints promptly in line with our complaints policy. However, we recognise that customers have a legal recourse via the Disrepair Housing Act 2004 in genuine cases of disrepair.

In managing disrepair cases, GCH fully recognises the requirements of the Act and the Pre-Action Protocol for Housing Conditions Claims. However, to prevent unfounded claims, GCH will access external legal advice to determine the most appropriate way to process all new claims.

The Head of Asset and Development, or another member of the Asset Management Team, is responsible to triaging and reviewing and processing new claims.

All Disrepair claims will be reviewed within 48 hours of receipt. Where we believe that a disrepair claim is unfounded and where legal action is pursued by a resident, we will defend claims robustly. Therefore, where residents have not exhausted all complaint avenues, for example, by not raising their issue of disrepair via GCH's complaints policy, claims will be dealt with under our complaints policy. Where claims are processed as complaints, this will be communicated by our appointed legal counsel.

Where residents have exhausted all complaint avenues, cases will be referred to a disrepair solicitor within 48 hours of receipt, with disclosures issued where required within 1 week. Disrepair claims will then be managed strictly in accordance with legal advice.

Unless advised by our legal team, GCH will appoint its own Expert to investigate claims and meet the costs of the appointment.

Residents must give reasonable access to GCH staff and its contractors for inspection and repair in line with their tenancy agreement or lease. Where access is not granted following a disrepair claim (which proceeds as a complaint or a disrepair) GCH will take legal action to gain access in line with our no access policy.

GCH will retain all documents, emails and notes received from claimants and all legal correspondence. This information will be retained in line with corporate data retention policies.

GCH will adopt the timescales outlined within the Pre-Action Protocol for genuine disrepair cases, subject to access or as otherwise agreed with the legal team. Time limits outlined in the Complaints Policy will apply where a claim is dealt with as a complaint. The time limits in the Protocol are:

- Letter of Claim will be responded to within 20 days.
- Properties will be inspected within 20 working days of the Letter of Claim
- GCHs Expert Report will be issued within 10 days of the inspection.
- Responses to claims will be issued within 20 days of receipt of the Expert's Report

Time limits for any works will be by negotiation, but generally works should be completed within 2 months of any agreement.

HOW OUR COMPLAINTS PROCESS WORKS

We have a two stage complaints process which is detailed below, although we aim to resolve all complaints where possible at the first point of contact.

We aim to resolve all complaints within the Housing Ombudsman's Complaint Handling Code's timescales. If this is not possible (by rare exception only), we will communicate a realistic timescale and explain the reasons why this has not been possible.

At any point customers can access support from dispute support advisors at the Housing Ombudsman, not only when the GCH complaints process has been completed. The advisors are able to assist residents throughout the life of a complaint. See page 8 for contact information.

STAGE 1

The majority of our complaints are resolved at Stage One. We train and empower our Stage One complaint handlers to make decisions to put things right for our customers, pay compensation where appropriate and uphold the customer's right to a fair process.

Once you tell us you wish to make a formal complaint we will:

- Acknowledge your complaint within 5 working days with a reference number and contact details of the person who will deal with the complaint and signpost you to this policy.
- Register your complaint and pass it to a complaint handler with the right skills and experience who will:

- Contact you to discuss the complaint in full, check the scope of the complaint, the details of the situation and give you fair opportunity to set out your position and establish what resolution you are seeking.
- Check if any reasonable adjustments are required to support you during the complaint process.
- Agree contact during the investigation and reconfirm the expected response timescale or agree a reasonable extension of up to a maximum of 10 days, should your complaint be more difficult to investigate, require actions or external partners to support the investigation.
- Keep you informed of progress.
- Conduct an unbiased, empathetic, and thorough investigation of the complaint and give you an opportunity to comment on any adverse findings before any decision is made.
- Inform you of their decision and confirm this in writing within 10 working days of the complaint being received.
- Where future work is required to resolve a complaint, an agreed schedule will be provided so you can monitor completion. This will clearly identify when you should expect action to take place. Completion of this work will be monitored and followed up by the Stage One complaint handler.
- Advise how to escalate your complaint if you're still not satisfied.
- Provide information and support on how to contact the Housing Ombudsman if you require impartial advice.

STAGE 2

What happens if you're still not satisfied?

Once you have received our response letter, if you remain dissatisfied, please:

- Advise us that you wish to escalate your complaint within 10 working days.
- Let us know why you feel the matter has not been resolved.

Once we have received your request for escalation, we will:

- Acknowledge your complaint escalation within 2 working days.
- Escalate the complaint to an appropriate Manager who will lead a thorough and independent review of the stage 1 findings where appropriate through drawing on a review panel.
- The Stage Two Review Manager will:
 - Contact you to discuss the complaint in full and check the reasons for the complaint escalation and give you a fair opportunity to set out your position and establish the resolution you are seeking.

- Check if any reasonable adjustments are required to support you during the complaint process.
- Agree contact to keep you informed during the review and reconfirm the review timescale or agree a reasonable extension of up to a maximum of 10 days should this support the review's thoroughness.
- Lead an unbiased, empathetic and thorough review of the complaint drawing in the expertise of other senior colleagues and/or Tenant representatives (where consent has been provided) and give you an opportunity to comment on any adverse findings before any decision is made.
- Inform you of their findings and confirm this in writing within 20 working days of the Stage Two complaint being received.
- Where future work is required provide an agreed schedule so you can monitor completion. This will clearly identify when you should expect action to take place. Completion of this work will be monitored and followed up by the Stage Two Review Manager.
- Provide advice and support on how to escalate your complaint to the Housing Ombudsman if you are still not satisfied.

In some cases, the Stage Two Review Manager may feel it is appropriate to allow your complaint to be referred to the Housing Ombudsman for review before the end of the Stage Two review process. For example, they may feel that your complaint has already exhausted the complaints procedure. This action would only be taken where it is felt it is not in the customer's interests to go through a further stage of the GCH complaints process and that continuing would result in the same outcome and an unnecessary delay in the customer's ability to access the Housing Ombudsman's mediation service. This will also apply where an exclusion ground (identified above) has been identified following the Stage 1 review. Where GCH declines to escalate a complaint. We will clearly communicate in writing our reasons for not escalating and provide information regarding access to the Housing Ombudsman.

Once a Stage Two review has been completed, if you are still not happy with how we have dealt with your complaint you can refer your complaint directly to the Housing Ombudsman.

The Ombudsman will carry out a full confidential investigation asking us to provide information to help make their decision. At the end of the investigation, they will write to you and to us, to set out their decision and explain how they arrived at it. They will then recommend how the problem should be solved.

The contact details are:

Housing Ombudsman Service,
PO Box 152
Liverpool
L33 7WQ
Telephone: 0300 111 3000.
Fax 020 7831 1942

Email: info@housing-ombudsman.org.uk

Website:

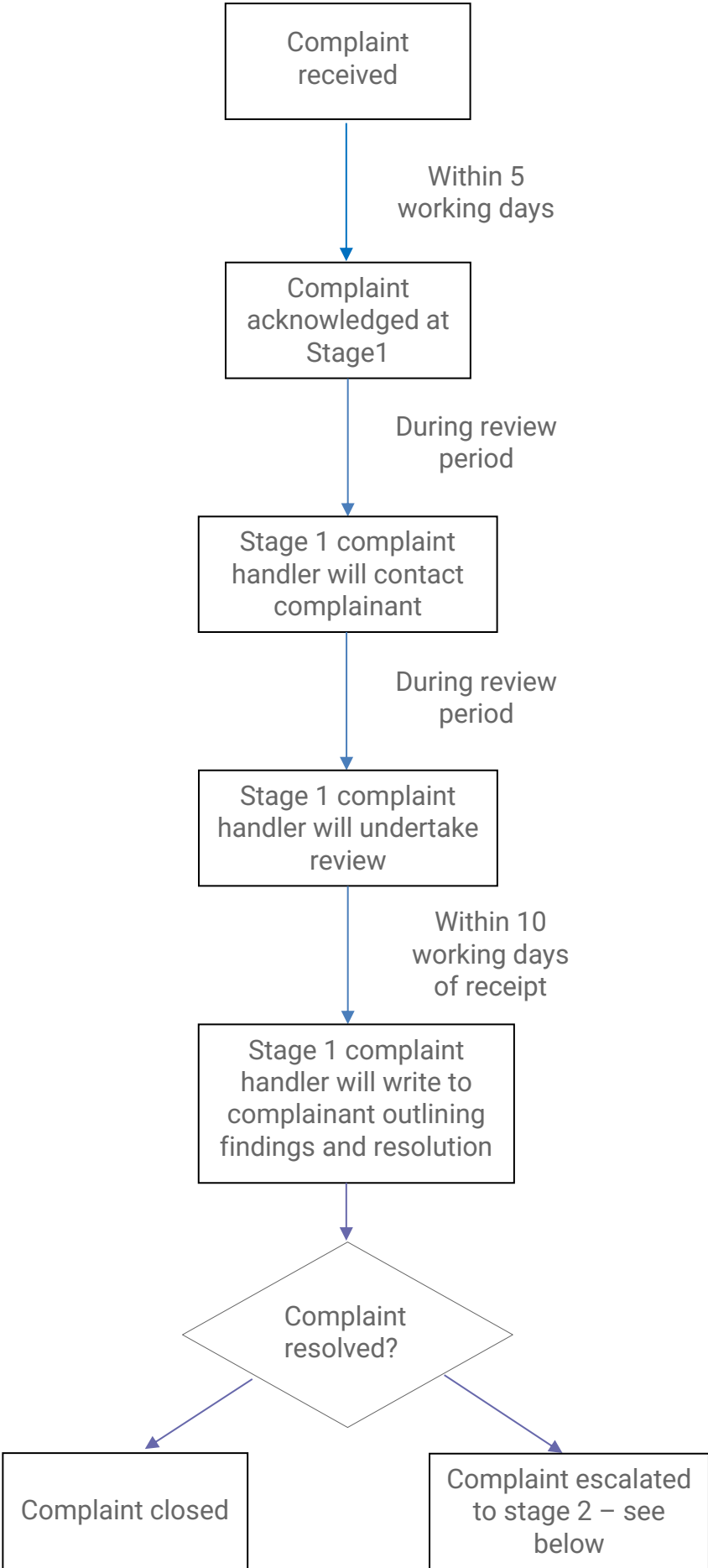
<http://www.housing-ombudsman.org.uk>

REVIEW

This policy will normally be reviewed triennially to ensure that it remains fit for purpose, unless an earlier review is required due to regulatory, statutory or other requirements.

APPENDIX A – COMPLAINTS PROCESS

Stage 1



Stage 2

