



Complaints, Comments and Compliments Policy & Procedure

1 POLICY STATEMENT

1.1 United Residents Housing (URH) is committed to providing the best possible service for its customers. However, we recognise that there may be times when our customers are not satisfied with our service. A simple but thorough complaint system should give solutions to our customers and highlight areas of service which may need reviewing.

We have applied 8 values to the way we handle complaints. The values help to explain to staff and customers our view of complaints and how they should be handled.

Our complaint handling process is:

- **Visible** - the numbers and types of complaints received are publicised in our URH voice magazine and in performance reports to various audiences.
- **Accessible** – our complaints process is easy to use and allows customers to complain in the way that is easiest for them.
- **Objective** – we focus on resolving the complaint and treat all cases impartially. Making a complaint will never detrimentally affect future service to the customer.
- **Free of charge** – making a complaint should not incur any financial loss to our customers.
- **Confidential** – we ensure data protection at all times.
- **Accountable** – we are accountable when things go wrong and resolve to investigate issues.
- **Continuously improve** – we learn from our mistakes and make changes so we don't repeat them.

These values must be demonstrated at all times throughout the complaint process.

1.2 Complaints are an excellent way of obtaining feedback on the services we provide. They can help us assess when we need to review policies and procedures.

1.3 Encouragement is given for informal, early resolution of complaints in a way that meets the desired outcome of the complainant. So, where possible the complainant is satisfied and does not feel the need to use the Complaints Procedure.

1.4 URH, together with the council has adopted the Local Government Ombudsman guidance on applying remedies within its Complaint Policy. Where URH has made a mistake we will apply an appropriate remedy to put-right the situation at the earliest time possible. This may mean making an apology, providing a service or offering a financial solution or may entail making an apology or providing a service. Section 92 of the Local Government Act (2000) empowers councils to consider paying compensation in cases where it is considered that an individual has been adversely affected by action taken by or on behalf of the council.

1.5 Harassment incidents

URH, together with the council is committed to tackling all forms of harassment. Where harassment is raised in a complaint URH will use the appropriate harassment policy to deal with the complaint. This will be registered on the council managed Respond system.

1.6 Commitment to Equal Opportunities

We will not treat a complaint less favourably than anyone else of an individual's:

- ethnicity or race: this includes colour, national origin or nationality

- gender identity (including gender reassignment, whether proposed, commenced or completed)
- physical or mental impairments, including medical status
- sexual orientation
- age
- family or marital status
- religion and belief, including political beliefs, or trade union affiliation
- other unjustifiable factors, for example language difficulties

2 SCOPE OF POLICY

2.1 This policy describes our stance on complaints and is supported by detailed operational procedures. The use of the term 'customer' in this policy includes tenants living in rented properties and leaseholders. It also includes people who have applied to us for housing or receive support or another service from URH.

Advocacy

2.2 We recognise that our customers may require the support of an advocate when making a complaint. We accept complaints received by the following groups or individuals as long as the complaint relates to a service provided to an URH customer and we have the customers' confirmation that the complaint is made with their consent:

- Professional representatives e.g. Citizen's Advice Bureau, social workers and councillors
- Family members
- Friends

3 RECORDING AND MONITORING

3.1 All complaints are recorded and their progress is monitored. Outcomes of complaints are used to plan our service improvements. Results from complaints are collated by URH's Complaints Coordinator and who then reports findings to the Performance Sub Committee and respective boards of the TMOs.

3.2 We carry out regular satisfaction surveys with our customers who have used the complaints service to ensure quality of service.

4 REGULATORY FRAMEWORK

4.1 The Tenant Services Authority expects all housing providers to have an effective complaints and compensation policy. All customers should be given information about how to complain, who to complain to and what is involved. The policy and procedure should be clear and easy to follow and should allow customers to take their complaints to the people who manage URH at a senior level, including the governing body.

5 DEFINITION OF A COMPLAINT

What is a complaint?

5.1 A complaint is when a customer expresses to us any of the following:

- Dissatisfaction with action taken by URH – we have done something incorrectly or not met service standards

- Dissatisfaction with a lack of action by URH – we have failed to do something we should have done
- Dissatisfaction with the way staff or contractors have dealt with someone – we have treated someone unfairly or discourteously
- Failure to provide a service at the level or standard set out in URH's service standards or set out in council policy

5.2 We interpret '*expression of dissatisfaction*' broadly to give our customers the widest possible access to the Complaints Procedure. For example if a customer returns a maintenance repair slip and indicates that they are dissatisfied with the standard of the work, then this will be regarded as a complaint.

What is not a complaint?

5.3 A complaint, for the purpose of this policy, is not any of the following:

- A request for service e.g. reporting a repair or anti social behaviour.
- A request for a review of a decision e.g. appeal against priority awarded to a transfer application
 - i) A request for information, or explanation of URH's policies

5.4 The Complaints Policy and Procedure is not intended to be used as an appeals mechanism against action taken in accordance with our policies and procedures.

5.5 Criticism of our policies and procedures are not regarded as complaints, unless it is alleged that a policy or procedure has been operated unfairly. All our policies and procedures are available to our customers. If a customer is unhappy about the content of a particular policy, they should be asked to produce a written statement of their concerns (URH staff may help with drafting this). This should then be acknowledged by the complaints officer and forwarded to the relevant department director for consideration.

5.6 Ideally, complaints should be received as near to the incident as possible to ensure that the complaint can be properly investigated. URH in complying with the council's procedure will not normally accept a complaint that is beyond 12 months of the incident or circumstances that led to the complaint. We recognise, however, that there may be instances that the customer could not report the complaint at the time. The decision to consider the complaint will be left at the discretion of senior managers at the TMOs offices or URH's Chief Executive.

Members Enquiries

5.7 It is recognised that councillors' act as representatives of their constituents and, in some cases, may raise a complaint on their behalf. Enquiries from members are dealt with under the Member's Enquiries procedure and are subjected to different timescales. Further information about this can be obtained under the Council's website or can be obtained via URH's website.

How customers can make a complaint

5.8 Customers can make a complaint by:

- Telephone
- Emailing to a dedicated section on URH's website "reporting a complaint"
- Completing a complaints form located at the TMOs offices
- In person at one of URH's offices, or
- In writing

6 CONFIDENTIALITY

- 6.1 All customers should be given the opportunity to complain in confidence. Staff should reassure the customer that the complaint will have no adverse consequences on any other service they receive.

7 UNREASONABLE COMPLAINTS AND PERSISTENT COMPLAINANTS

URH recognises that at times our staff may receive complaints that are unreasonable. The complaint may be made in an unacceptable manner or may not be within URH's remit as the landlord to deal with. A complainant may exhibit unreasonable persistence. Guidance for staff is provided in the appendices.

8 TRAINING

- 8.1 We provide training for all staff who deals with complaints in the course of their duties. This policy will also form part of induction training for all staff

9 REVIEW

- 9.1 This Policy and Procedure will be reviewed annually and updated where appropriate.

10 COMPLIMENTS

We can learn as much about how to improve services from what we do well as we can from those issues / service areas which receive complaints. It is also important as an organisation who invests in their staff and wishes to recognise good work that the compliments staff receives about themselves, their colleagues or the services we are providing is recorded.

Where a compliment is received either verbally or in writing then this will be recorded by the CC and will be reported to the estate manager. Where a manager feels that the Compliment is exemplary then consideration will be given to nominating the staff member for a Staff Recognition award (see Staff Recognition Scheme).

COMPLAINTS PROCEDURE

RESPONDING TO COMMENTS OR COMPLAINTS

1 SCOPE OF PROCEDURE

1.1 This procedure applies in full for the following customers:

- Current tenants or residents
- Current service users where URH provides support services

1.2 The use of the term 'customer' in this procedure includes tenants and customers living in rented properties. It also includes people who have applied to the council for housing or receive support or another service from URH.

2 INFORMAL STAGE

2.1 Customers wishing to make a comment or complaint will be encouraged to do so informally in the first instance by contacting the member of staff responsible for the activity concerned. Where the complainant remains dissatisfied with the response they may make a formal complaint.

2.2 We welcome comments and suggestions from anyone in receipt of our services. This can provide informal feedback on the standards being attained, opportunities to improve services, and may also provide 'early warning' of an issue that could evolve into a formal complaint.

2.3 Staff should take ownership of an informal complaint, acknowledge service failures quickly and apologise on URH's behalf. Staff should find out how the customer would like the situation to be resolved if a solution is not clear. If we have failed in our service and the relevant senior manager feels it is appropriate, Sorry Vouchers can be offered. The voucher can be used as part of the apology and to compensate the complainant for any loss caused by URH's failure.

3 INFORMAL RESOLUTION

3.1 Informal comments and complaints will normally be those which can be resolved without the need for investigation or any other delay.

3.2 Informal resolution usually provides greatest satisfaction for both URH and the customer. If the complaint reaches the formal stages it may take a considerable length of time to resolve and will have cost and resource implications for URH. So staff should attempt to resolve the matter quickly and flexibly at an informal stage.

3.3 All officers are responsible for resolving informal complaints within their area of work. If the officer is unable to find a reasonable resolution the matter should be discussed with his or her line manager. The original officer should keep the customer informed, if able by telephone and confirm actions taken in writing either by email or letter.

3.4 Approaches taken to achieve informal resolution may include:

- Arranging outstanding maintenance works
- Arranging for staff to visit the customer to agree a timescale for completion of outstanding works
- Giving the customer their direct line and arrange follow-up 'phone calls/visits

- Visiting the customer and informing them what steps will be taken to prevent repetition
- Offering to compensate the customer. If the customer accepts this, they must agree in writing that they will not pursue their complaint any further. This however is dependent on the complaint being resolved. If the service is not provided then the customer will have the option to escalate the complaint further

Managers have an overall responsibility for the handling of informal complaints, and should ensure that their team has the skills and confidence to apply this practice.

- 3.5 All actions taken to resolve informal complaints should be recorded. A file note should be made of the resolution, assuming that it reaches a successful outcome without becoming a formal complaint.

4 OUTLINE OF THE STAGES OF A FORMAL COMPLAINT

- 4.1 The formal stages of the Complaints Procedure will commence if a complaint cannot be resolved at the informal stage. There will normally be 3 stages to the formal procedure:

Stage 1 To be dealt with by the relevant TMO Estate Manager/ Director.

Stage 2 To be dealt with by URH's Chief Executive.

Stage 3 London Borough of Lambeth Corporate Complaints team

- 4.2 If the complainant is still dissatisfied following the outcome of the Complaints team decision they will be advised that they may appeal to the Local Government Ombudsman. The Ombudsman will only consider complaints once all 3 stages in this procedure have been completed.

5 COMPLAINTS COORDINATOR

- 5.1 A designated Complaints Coordinator (CC) will be appointed to oversee the Complaints Procedure. The CC should be notified about all formal complaints. The CC is responsible for:

- Recording the complaint on URH's complaint system – **Respond**
- Ensuring that URH staff investigating the complaint act in accordance with the timescales set in the policy
- Co-ordinating data for monitoring purposes

- 5.2 All actions taken to resolve formal complaints should be recorded by the CC. A file note should also be made of the outcome of the formal resolution of the complaint for the house file.

6 DEFINITION OF A COMPLAINT

- 6.1 If a customer asks for a matter to be treated as a complaint then the estate Officer should: find out what the customer wants and remain solution focused, and If necessary, explain the complaints policy,
- 6.2 A copy of the Customer Complaints Form should be supplied to the customer. This outlines the complaints procedure and gives them the opportunity to make their complaint in a structured, constructive way.

6.3 If a matter has been classified as a complaint then the initial emphasis should be on informal resolution. The formal stages of the procedure should only be followed in the following circumstances:

- The customer insists that the complaint is handled as a formal complaint and will not accept informal resolution.
- Comprehensive attempts at informal resolution have been made but the customer is still dissatisfied.
- The relevant Manager decides that the matter is of sufficient seriousness that it ought to be handled as a formal complaint.

7 FORMAL PROCEDURE – STEP 1 – INVESTIGATING OFFICER

7.1 There are 4 steps relevant to each stage of the complaints procedure:

- recording
- investigation
- reply
- monitoring

Recording

7.2 The CC records contact from the customer. The CC will also allocate a complaint reference number which remains with the complaint throughout the procedure. This allows for an audit trail to be established.

7.3 The CC will assign the case to the relevant Estate Manager/ Director who in turn may pass it on to another member of the team to investigate. However the Investigating Officer (Estate Manager/Director) remains responsible for tracking the complaint to ensure it is dealt with in time.

7.4 Within 3 working days of receiving the complaint the CC will send the customer a standard acknowledgement letter explaining that the complaint has entered the formal Complaints Procedure.

7.5 The CC will pass the complaints form on to the relevant Investigating Officer –the Estate Manager/Director. A copy of the Complaints Review Form (see Appendix 2) and a copy of the Monitoring Form (see Appendix 3) will also be attached, which should be completed by the CC or the Investigating Officer using information obtained from the details held on the customer's house file or the complaint form. The CC will keep a copy of the form for monitoring purposes.

Investigation

7.6 The Investigating Officer has to ensure the complaint is investigated and replied to within 15 working days from receipt of the complaint. A thorough investigation is required. The Investigating Officer can either contact the customer, preferably by telephone to discuss the complaint or visit him/her. It is likely that the Investigating Officer will wish to discuss the complaint with the following people as a minimum:

- The officer who originally dealt with the matter
- Any other staff involved from other teams/departments
- Any external agencies with significant involvement

7.7 These discussions should be conducted solely for information gathering purposes. Once the investigation has been concluded the investigations may find the following:

- The customer's complaint is fully justified
- The customer's complaint is partly justified
- The customer's complaint is not justified
- Further information is required before a decision can be reached

Reply

- 7.8 If it is recognised that the case will warrant further investigation then the Investigating Officer should arrange to send an interim or holding reply to the customer within 7 days of receipt of the complaint.
- 7.9 On the 8th day after receipt of the complaint the CC will remind the Investigating Officer that a reply is due to be sent out within 48 hours. A copy of the full reply must be appended to the Complaints Form with the Complaints Review and Monitoring forms completed. These must then be returned to the CC.
- 7.10 The full reply letter will ask the complainant to formally respond to the Investigating Officer within 28 days to either accept or reject the outcome of the investigation. The letter should say that if the complainant remains dissatisfied they can take the complaint to the next stage and give details of an officer who the customer can contact. If the complainant fails to respond within 28 days the complaint however can still be investigated.
- 7.11 The CC will close the complaint on the complaints system and ensure all sections of the Complaints Review Form are completed in particular detailing the lessons learnt, service improvements identified etc.

8 FORMAL PROCEDURE - STEP 2 – URH's CHIEF EXECUTIVE INVESTIGATION AND REVIEW

- 8.1 If a complainant is not satisfied with the decision under Stage 1, they can request that the Chief executive reviews the decision. An application for review must state why they want the complaint to proceed.
- 8.2 The CC will acknowledge receipt (Stage 2) and pass the request onto the Chief Executive who will reply within 15 working days. A copy of the reply must be forwarded to the CC.
- 8.3 The full reply letter will ask the complainant to formally respond to the Chief Executive within 28 days to either accept or reject the outcome of the review. If the complainant fails to respond within 28 days the complaint will be considered closed for recording purposes. However it can still be reviewed if a request is made beyond this time.. The CC will close the complaint on the spreadsheet and ensure all sections of the Complaint Review Form are completed detailing the lessons learnt, service improvements identified etc.

9 FORMAL INVESTIGATION STAGE 3 - LAMBETH COUNCIL

- 9.1 Stage 3 of the Procedure is when the case is considered by Lambeth Council's Corporate Complaints section.
- 9.2 The role of Lambeth Council's Corporate Complaints Section is to consider whether or not URH's policies and procedures have been correctly and fairly operated by staff given the available evidence. The Complaints Section will also review decisions made during the investigation but will not attempt to re-try the whole case. Particular attention will be given to the resolution of the complaint, bearing in mind the preferred outcome of the complainant and the subsequent action which can be taken by URH.

As part of, or in addition to the resolution, the Corporate Complaint's Section may recommend mediation to improve the relationship between the complainant and URH.

- 9.3 The Complaints Section may determine further action to be taken by URH staff.
- 9.4 The outcome will be communicated to the Estate Manager and the Chief Executive.
- 9.5 A letter should be sent to the complainant to advise that URH's Complaints Procedure has now reached its conclusion and the involvement of the Council is at an end. The letter should advise the complainant of their right to approach the Local Government Ombudsman and should include the contact details for doing so.

10 LOCAL GOVERNMENT OMBUDSMAN

- 10.1 After the internal URH Complaints Procedure has been exhausted, a complainant can pursue the matter with the Local Government Ombudsman. The CC will monitor all referrals to the Ombudsman in consultation with Lambeth's Corporate Complaints Section.

11 COMPENSATION

- 11.1 At any point in this procedure, including during the informal resolution stage compensation may be offered to the complainant, at the discretion of the Chief Executive/Estate Manager (refer to the Compensation Policy).

12 MEDIATION

- 12.1 There may be occasions where mediation is considered an appropriate action, at any stage of the procedure.

13 MONITORING

- 13.1 The CC will monitor all cases to ensure they are completed within the timescales laid down in this procedure. They will also seek and record information on age, sex and ethnicity of complainants to help us ensure that policies, procedures and behaviour of staff, contractors or agents are not indirectly discriminating against any section of the population.
- 13.2 In all cases, the CC will contact by writing, a range of previous complainants to assess the level of satisfaction with the process.
- 13.3 The outcome of this monitoring will be reported to the relevant Performance Sub Committee at least quarterly and to the Board at least once a year.

14 CONFIDENTIALITY

- 14.1 At all stages, anyone complaining should be given the opportunity to complain in confidence. All those involved should attempt to reassure the complainant that their complaint will have no adverse consequences on any other service that they receive.

Formats and Languages

This policy is also available in other languages. If you would like the policy or a response to a complaint in another language or format (such as Braille, audio CD or large print), please contact us.

URH will take reasonable steps to accommodate any requests you may make to enable you to read this policy or receive responses to complaints in other formats or languages.

APPENDICES

APPENDIX 1 Complaint Classification for Monitoring Purposes

APPENDIX 2 Complaints Review Form

APPENDIX 3 Monitoring Form

APPENDIX 4 Dealing with unreasonable actions by complainants actions (including vexatious complainants)

COMPLAINT CLASSIFICATION FOR MONITORING PURPOSES

A complaint can be sub-divided into either a **management complaint** or a **repair complaint**. These are classified in accordance with the groupings below:

Management Complaint

1. Delays in delivering services - Where we failed to do something within the relevant timescale
2. Procedural failures - Where we have done something wrong
3. Policy issues – Where a complainant takes issue with the content or application of a policy
4. Unfairness, discrimination or bias - Where we have acted unfairly and / or discriminated and / or shown bias
5. Attitude or conduct of staff - Where we have acted discourteously
6. Service failure – Where we failed to provide the service required
7. Quality of service – Where we failed to provide the service at the required standard
8. Other

Repairs Complaint

1. Defects
2. Work not completed on time
3. Poor standard of work
4. Attitude or conduct of URH staff
5. Attitude or conduct of contractors
6. Appointment not kept
7. Other

MONITORING FORM

URH is committed to diversity and inclusion and promoting equal access to our services for all residents.

It is against the law to discriminate against anyone because of their ethnic origin, gender, disability, age, religion and belief, transgender status, or sexual orientation. We ask you to answer the questions below. If you prefer not to answer, please select this option.

We will use this information to make sure that no one is being discriminated against and that we tailor our service to meet any needs you may have.

All information you provide will be handled sensitively and stored securely under the Data Protection Act 1998.

Ethnic Origin

A White	British <input type="checkbox"/>	Irish <input type="checkbox"/>	Other <input type="checkbox"/> _____
B Mixed	White and Black Caribbean <input type="checkbox"/>	White and Black African <input type="checkbox"/>	White and Asian <input type="checkbox"/> Other <input type="checkbox"/>
C Asian or Asian British	Indian <input type="checkbox"/>	Pakistani <input type="checkbox"/>	Bangladeshi <input type="checkbox"/> Other <input type="checkbox"/>
D Black or Black British	Caribbean <input type="checkbox"/>	African <input type="checkbox"/>	Other <input type="checkbox"/>
E Chinese or other ethnic group	Chinese <input type="checkbox"/>	Other <input type="checkbox"/>	
Prefer not to answer	<input type="checkbox"/>		

Nationality

Please tick the box below which matches your nationality

UK national resident in UK	<input type="checkbox"/>	UK national returning from residence overseas	<input type="checkbox"/>
Czech Republic	<input type="checkbox"/>	Bulgaria	<input type="checkbox"/>
Estonia	<input type="checkbox"/>	Hungary	<input type="checkbox"/>
Latvia	<input type="checkbox"/>	Lithuania	<input type="checkbox"/>
Poland	<input type="checkbox"/>	Slovakia	<input type="checkbox"/>
Slovenia	<input type="checkbox"/>	Romania	<input type="checkbox"/>
Any other country	<input type="checkbox"/>	Other European Economic Area (EEA)	<input type="checkbox"/>

Type of service user

Please select the correct option

A Secure tenant	<input type="checkbox"/>	D Starter tenant	<input type="checkbox"/>
B Assured tenant	<input type="checkbox"/>	E Leaseholder	<input type="checkbox"/>
C AST	<input type="checkbox"/>	F Support only services	<input type="checkbox"/>

Date of Birth

What is your date of birth? _____

Communication

Please look at the following list and tick the boxes that best apply to you

I can read and speak English	<input type="checkbox"/>	I need Braille format	<input type="checkbox"/>
I can only speak English	<input type="checkbox"/>	I need audio/ tape/ cd format	<input type="checkbox"/>
I can only read English	<input type="checkbox"/>	I need large print format	<input type="checkbox"/>
I neither read or speak English	<input type="checkbox"/>	I need electronic communication (please provide email address in Section 1A)	<input type="checkbox"/>
I need a translation – please specify language	<input type="checkbox"/>	_____	
I need another format – please give details	<input type="checkbox"/>	_____	

Sexual orientation

What is your sexual orientation?

Heterosexual	<input type="checkbox"/>	Bisexual	<input type="checkbox"/>
Gay man	<input type="checkbox"/>	Prefer not to answer	<input type="checkbox"/>
Gay woman / Lesbian	<input type="checkbox"/>	Other _____	

Religion and belief

What is your religion or belief

Christian	<input type="checkbox"/>	Buddhist	<input type="checkbox"/>
Muslim	<input type="checkbox"/>	Other	<input type="checkbox"/>
Hindu	<input type="checkbox"/>	No faith/ belief	<input type="checkbox"/>
Sikh	<input type="checkbox"/>	Prefer not to answer	<input type="checkbox"/>
Jewish	<input type="checkbox"/>		

Gender identity

What is your gender? Male Female

Is your gender identity different to that you were assigned at birth?

Yes No Prefer not to answer

Disability

Do you consider yourself to have a disability? Yes No Prefer not to answer

What is the nature of your disability?

Visual impairment	<input type="checkbox"/>	Wheelchair user	<input type="checkbox"/>
Speech impairment	<input type="checkbox"/>	Learning disability	<input type="checkbox"/>
Hearing impairment	<input type="checkbox"/>	Mental health difficulties	<input type="checkbox"/>
Restricted mobility	<input type="checkbox"/>	Other	<input type="checkbox"/>

DEALING WITH UNREASONABLE ACTIONS BY COMPLAINANTS (including vexatious complainants)

This guidance note is part of URH's Complaints Policy and Procedure and should be considered alongside it.

1 Introduction

Unreasonable actions by complainants place a strain on time and resources for URH and can lead to undue stress for staff. URH staff should always endeavour to respond with patience and empathy to the needs of all complainants, but there are times when we need to acknowledge that when there is nothing further which can reasonably be done to resolve the customer's grievance.

In determining arrangements for handling such complaints, we must ensure the following:

- a. The complaints procedure has been followed and no part of the complaint is overlooked or inadequately addressed.
- b. Consider that a seemingly unreasonable complainant may have a genuine complaint or there may be hidden aspects to the complaint. It is important to take an equitable impersonalised approach.

2 Scope of this guidance

- 2.1 This guidance forms part of the Complaints Policy and Procedure should only be referred to in exceptional circumstances after all reasonable measures have been taken to follow the Policy and Procedure. Judgement and discretion must be used when invoking this guidance. The guidance should only be used following careful consideration by, and with the authorisation of the relevant Estate Manager/ Director.

The Manager must ensure that there is no bias when determining unreasonable action had been exhibited by a complainant.

- 2.2 The Dealing with Unreasonable Action by Complainants part of the Complaints Policy can be implemented from Stage 1.

3 Defining unreasonable action by a complainant

- 3.1 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to approaching URH with a complaint. We do not view this behaviour as unacceptable just because someone is forceful or determined.
- 3.2 However, the actions of users who are angry, demanding or persistent may result in unreasonable demands on our staff. It is these actions that we consider unacceptable and aim to manage under this guidance. These actions can be grouped under three broad headings:

3.3 Unreasonable demands

Customers may make what we consider unreasonable demands on URH through the amount of information they seek or provide the nature and scale of the service they expect, or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the customer.

Examples of actions grouped under this heading include:

- Do not accept the complaints procedure has been fully and properly implemented and exhausted. This could be where staff has provided several responses to a complaint, where the complainant has not replied within set timescales and has no reasonable reason for non-compliance, or where the complainant has declined to follow URH's complaints procedure once advice has been given.
- Amend the original complaint by continually raising further concerns or questions. Care must be taken not to discard new issues which are significantly different from the original complaint. Any genuine enquiry or complaint should be dealt with informally or formally within the Complaints Policy.
- Deny receiving an adequate response in spite of correspondence specifically answering their questions. Care must be taken to ensure responses have taken into account any language or support needs for this customer.
- Appropriate explanations have been provided but the complainant does not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
- Cannot clearly identify the precise issues which they wish to be investigated, despite considerable support from staff to define the problem.
- Where the concerns identified are not within the remit of URH to investigate.
- Focus on a matter to an extent which is out of proportion to its significance. It is recognised that determining proportion can be subjective and careful judgements must be used in applying this criteria.
- Have in the course of addressing a single registered complaint had an excessive number of contacts with URH, placing unreasonable demands on staff. Contact may be in person or by telephone, letter, email or fax. Discretion and judgement must be used in making this determination, taking into account personal support needs for the customer and not deflecting from dealing with the original complaint.

3.4 Unreasonable persistence

We recognise that some customers will not or cannot accept that URH is unable to assist them further with their complaint. The customer may persist in disagreeing with the action or decision taken in relation to their case or contact URH persistently about the same or many issues.

Unreasonable persistence is sometimes referred to as vexatious. A definition of vexatious is where the complainant is not seen as having sufficient grounds for action and is seemingly seeking only to annoy URH officers.

3.5 Exhibit aggressive or abusive behaviour

Examples of this behaviour include:

- Have harassed, been personally abusive or verbally aggressive on more than one occasion towards URH Staff or its associates. Staff must recognise that complainants may sometimes act out of character at times of stress, anxiety or distress and should make reasonable allowances for this; however this behaviour should not be tolerated. Staff should document all incidents of harassment and/or abusive behaviour.
- In cases where a complainant or their representative has threatened or used actual physical violence towards staff at any time. This will in itself cause personal contact with the complainant and/or their representative to be discontinued. Tenancy enforcement should be considered. Further correspondence should be in writing until the complainant/representative has been notified otherwise. All such incidents should be documented giving a review date, to be carried out internally with appropriate person alerts being placed on the relevant housing database.

3.6 The three descriptions outlined at 3.3, 3.4 and 3.5 are not mutually exclusive and it could be that a complainant could fall into more than one category.

3.7 Continued verbal complaints may also be deemed as persistent if they meet any of the criteria previously identified. In such cases the member of staff recognising this situation should highlight it to their Estate Manager/Director. The Manager should then decide on the appropriate action.

4 Procedure for dealing with unreasonable actions

The Estate Manager/Director will decide on what appropriate action to take and may decide to deal with complainants in one or more of the following ways:

- Write advising the officer has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. This letter should include that correspondence in relation to the complaint is at an end and that further correspondence received regarding the same complaint will be acknowledged but not answered.
- Temporarily suspend all contact with the complainants or investigation of a complaint whilst seeking legal advice or guidance from solicitors.

In addition to the above, the following can be considered for unreasonably persistent complainants:

- If the complainant is persistently meeting any of the criteria identified in section 3, the staff member recognising the situation should highlight it to their Manager for it to be addressed. The Estate Manager/Director should then decide on appropriate action which could include determining that the complainant is unreasonably persistent and possibly seek legal advice on recourse.
- Inform the complainant that any future correspondence to URH must be directed only through a particular staff member save in circumstances such as emergency repairs. This information will be added to the housing IT system for staff information.
- Withdraw contact with the complainants either in person, by telephone, by fax, by letter, by email or any combination of these, provided that one form of contact is still

maintained. In cases of emergency such as an urgent repair any form of contact will remain open.

- If applicable the Estate Manager/Director may arrange a person alert on the IT system, to flag the resident as exhibiting unreasonable persistence. The alert may also state that any future calls in to the office must be forwarded to a particular officer stating their name, job title and extension number.

- 4.6 Once a course of action has been decided the Estate Manager/Director should write and advise the complainant of the decision.
- 4.7 The Manager will close the complaint on the spreadsheet selecting the unreasonable complaint reason.
- 4.8 Any written correspondence should be copied to all appropriate members of staff at the discretion of the Manager.
- 4.9 The decision to classify a complaint as unreasonable or determine a person to be unreasonably persistent should be reported to the Board quarterly.

5 Withdrawing unreasonable persistence status

- 5.1 Once a person has been determined as unreasonably persistent there needs to be a mechanism for withdrawing this status at a later date if the customer demonstrates a reasonable approach or if they submit a further complaint for which normal complaints procedures would appear appropriate. Where this is the case, the Estate Manager/Director may withdraw the habitual complainant status. The complainant will be notified in writing of the change of status.
- 5.2 The Manager who made the declaration of the status, or any subsequent Officers, will remain responsible for investigating the merit of the status on at least an annual basis.



