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Sponsor	Louise Oakley
Author	Susan Duttaroy



## ORBIT COMPLAINTS AND FEEDBACK POLICY

**Scope:** This Policy sets out how Orbit will manage complaints, ensuring that they are dealt with fairly and consistently, as well as acknowledging feedback. We welcome all customer feedback and see it as a positive opportunity to improve our service delivery.

### 1. INTRODUCTION

Orbit aims to provide a professional service to all our customers and this aim is supported by our Customer First Strategy). However, we acknowledge that sometimes things go wrong and our customers may wish to make a complaint.

1.1 We welcome all feedback and complaints, from anyone who receives a service from Orbit and is affected by a decision or action taken by us including:

- tenants, leaseholders, owner occupiers, or other home owners
- former tenants of our homes
- applicants for housing
- neighbours of Orbit's properties
- contractors, consultants and suppliers
- applicants for employment
- other stakeholders

If a complaint is being made on the complainant's behalf by an advocate e.g. a family member or a friend, written permission is required from the complainant to allow us to communicate with the advocate directly.

We also welcome feedback and complaints from anyone who represents our customers e.g. community legal service, CAB, MPs or Councillors provided permission has been given when appropriate. It must be noted that when a MP or Councillor approaches us as a representative of our customer this will be separate to their role as a designated person.

1.2 From 1<sup>st</sup> April 2013 the Localism Act created the role of the 'designated person'. Within Orbit this can be an MP or Councillor. The role of the designated person is to obtain resolution locally when an organisation's internal complaints procedure has been exhausted. Orbit welcomes this and will endeavour to work with the designated person where customer consent has been obtained. This option is available to people who have

a lease, tenancy, licence to occupy, service agreement, or other arrangement to occupy premises owned or managed by Orbit.

1.3 The aim of this policy is to ensure that customers wishing to feedback to us or make a formal complaint about a service they have received are able to do so easily, and that their issues or formal complaints are dealt with quickly and fairly in line with our published service standards.

## 2. DEFINITION

### Positive Feedback

Positive feedback received from our customers for a job well done from officers, or recognition of a process that works well and exceeds expectations will be recorded to help us identify where our customers are happy with our service, this will enable us to share good practice within Orbit.

### Negative Feedback

Negative feedback will be recorded when a customer expresses dissatisfaction about a service. Our aim is to resolve the issues as quickly as possible. Occasionally our customers may raise an issue without Orbit having prior knowledge, however, we need the opportunity to put the problem right so at this first point of contact negative feedback will be recorded.

In addition; feedback will be recorded when we receive a suggestion to improve our service but the customer does not want to raise this any further. We aim to use the information supplied to improve our standards of service delivery.

### Formal Complaints

We define a formal complaint as:

*‘a dissatisfaction about the actions, decisions or failure of our services after Orbit has had the opportunity to put things right.’*

### **What is not considered a complaint:**

- Where Orbit has not had the opportunity to put the problem right
- An initial request for information or an explanation of a decision made;
- Initial requests for a service e.g. a repair, notification of a neighbour dispute;
- Disputes regarding service charge calculations will be dealt with outside the complaints policy; unless reference is made to how we have previously dealt with the matter;
- Anonymous letters, although these may be investigated if they are a cause for concern;
- Disputes between neighbours are usually dealt with separately through our Anti-Social Behaviour Policies, unless the complaint relates to how we have dealt with the matter;
- A complaint about a service where we have no responsibility, such as local authority nomination procedures;
- A claim for damages that should be handled as an insurance claim.

- Where we have no contractual/legal relationship
- Complaints about legally determined policy
- Where the dissatisfaction relates to a previous issue which has already been reviewed via our complaints process and a conclusion reached either via an internal or external process.

Orbit welcomes feedback from customers and members of the public, as it is an opportunity to improve our service. But this policy does not apply to complaints that are already being dealt with through other channels or in the following circumstances: -

- Where an appeal body or tribunal has been set up to deal with the issue;
- Matters which are subject to civil or criminal court proceedings unless there is good reason to do so;
- Complaints that have already been before a court or tribunal;
- Internal complaints from staff or board members relating to their employment or board membership which fall outside of the above definition;
- Matters more appropriate to the Whistle Blowing procedure;
- A claim for damages that should be handled as an insurance claim;
- Challenges of contractual or legal issues that would be heard elsewhere, for example, First Tier Tribunal.

We will not normally investigate complaints that relate to matters that occurred over 6 months ago. In these cases authority from the appropriate director or Head of Service should be sought to exclude these complaints.

### 3 **POLICY STATEMENT**

#### **Formal Complaints Process**

The formal complaints process has two steps:

**Investigation** – We will resolve as many complaints as quickly as possible by investigating and responding within 10 working days from the date we receive the complaint. If this is not the case, we will inform the complainant, within 10 working days when a full response will be sent.

**Review** – Complaints which are not satisfactorily resolved at the investigation stage will be reviewed by a designated senior manager who has not been involved in the complaint investigation and the response approved by a Head of Service/Director. We will respond within 10 working days of the request from the customer to proceed to Review. If this is not the case, we will inform the complainant, within 10 working days when a full response will be sent

We will:

- treat all complaints seriously however they are conveyed to us
- ensure staff take ownership of the problem or formal complaint. This is an important part of customer care and of each member of staff's job
- ensure staff are well trained in dealing with complaints

- acknowledge complaints within 3 working days<sup>1</sup>
- respond within 10 working days and do all we can within this first step to fully investigate and agree an outcome
- in the event that we're unable to resolve at investigation, and the customer contacts us within 20 working days of our response, we will move to review.
- ask the customer the reason for the review request and their desired outcome.
- close a complaint if no response is received from the complainant 20 working days after the final response letter has been sent
- not move to review if the only reason is the level of compensation which has been awarded.
- not move to review if new information related to the complaint is received from the complainant which we weren't made aware of previously, we will continue to handle at Investigation.
- involve an independent mediator if appropriate
- use lessons learned from our complaints to improve our service

#### 4. **VEXATIOUS COMPLAINTS**

It is recognised that complainants become frustrated and aggrieved. However, there are a small minority of complainants that become vexatious. The term vexatious for this purpose is not a legal definition but is viewed as behaviour that causes annoyance, harassment or intentional annoyance. If a complainant is found to be vexatious we will take appropriate action in line with our approach to tenancy management.

#### 5. **CONTRACTORS**

To ensure that complaints are dealt with in a consistent and effective manner we expect all our contractors to comply with our complaints policy.

#### 6. **EQUALITY AND DIVERSITY**

As an organisation, we believe that equality matters. That staff, customers and partners should be treated as individuals and with fairness and respect. We believe that diversity of people, their skills, experiences and abilities is a strength that helps us as an organisation achieve the best we can.

We will ensure that these principles are applied fairly and consistently to all our staff, customers and partners by ensuring that:

- We will not directly or indirectly discriminate against any person or group of people because of their race, religion / faith, gender, disability, age, sexual orientation or any other grounds set out in our [Group Equality and Diversity policy](#).
- Our services are relevant, responsive, accessible and sensitive to the needs of our existing and future staff, customers and partners.
- We comply with all the legal requirements in particular the Equality Act (2010) and Human Rights Act (1998) and to go beyond these legal requirements. With regard to the Human Rights Act we are particularly mindful of role Housing Associations have to play in respecting Article 6 Right to a fair trial; Article 8 Right to respect for

<sup>1</sup> Working days is defined as Monday to Friday except when it is a public holiday

private life, family life and the home Article 14 Prohibition of discrimination.

**6. EQUALITY IMPACT ASSESSMENT**

An equality impact assessment was conducted please click [here](#) for further details.

**7. CONFIDENTIALITY AND INFORMATION SHARING**

We will only share information as outlined in our [Data Protection Policy](#).

**8. MONITORING & ACCOUNTABILITY**

- 8.1 Upon successful conclusion of a complaint a survey will be attempted to assess customer satisfaction
- 8.2 We will monitor the recording and effectiveness of complaints in order to ensure there are no dips in performance and to identify areas for improvement in service delivery or requiring a policy review.
- 8.3 Performance and trends relating to the complaints service will be regularly reviewed by Senior Management Team
- 8.4 We will monitor, analyse and report on complaints to ensure that our complaints process is managed in a fair and appropriate way
- 8.5 Organisational learning from our complaints is important in delivering a better service. As a result we will have a complaints review mechanism involving staff and customers to ensure that as an organisation we regularly consider and learn from complaint trends, learning and best practice.
- 8.6 We will use the learning from formal complaints and customer feedback as part of a programme of service improvement reviews

**9. REVIEW**

We aim to carry out a fundamental review of this policy every three years or sooner if there are legal or regulatory changes.