

## Introduction

1. This policy explains how we deal with complaints, except where the complaint relates to care services. These are dealt with in a separate statement. The policy applies to The Guinness Partnership Ltd including, Guinness Developments Ltd., Guinness Homes Ltd Guinness Housing Association Ltd., and Guinness Property (“Guinness”).
2. We have separate statements on:
  - Compensation
  - How we respond to unacceptable customer behaviour
  - Reasonable Adjustments and Aids & Adaptations.
3. We value all forms of customer feedback, including complaints, as these help us to identify areas where we need to improve, and all feedback supports the performance of colleagues and others who deliver services on behalf of Guinness.
4. The policy supports the delivery of the following strategic objectives:
  - To be a customer service organisation, working continuously to improve our services
  - To ensure our customers’ voices are clearly heard, and
  - To meet our legal and regulatory requirements.
5. When we receive any complaint, we will make customers aware of the Housing Ombudsman Service. We will advise them that Guinness licensees, tenants and leaseholders have the right to seek advice from the Housing Ombudsman Service throughout the life of their complaint. Guinness licensees, tenants and leaseholders will also be advised of their right to refer their complaints to the Housing Ombudsman Service once they have exhausted the Guinness complaints process. The Housing Ombudsman can be contacted via their website: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk) or by telephone on 0300 111 3000. Their address is: Housing Ombudsman Service, PO Box 152, Liverpool, L33 7WQ.

## The Guinness Policy

6. Our policy is that we will:
  - Comply with all legal, regulatory, and contractual requirements when handling complaints and meet the requirements of the Housing Ombudsman’s Complaint Handling Code.
  - Ensure compliance by conducting and publishing an annual self-assessment of our complaints handling.
  - Continue to develop and maintain a culture of openness and transparency to create positive relationships when handling complaints.
  - Address complaints fairly, impartially, objectively, and professionally.
  - Keep the person who complained informed and regularly updated with progress in addressing their complaint (even if there is no new information to provide.)
  - Aim to resolve the complaint at the earliest opportunity, and in any case within the timescales in Housing Ombudsman’s Complaint Handling Code.
  - Use learning from complaints to inform policy development and service improvement.
  - Treat all people fairly, sensitively and with respect, and take into account the needs of anyone protected by the Equality Act 2010.
  - Not tolerate harassment, or hate speech, or unreasonable behaviour, from customers and/or their representatives when pursuing a complaint.

## What is a complaint?

7. We have adopted and expanded on the Housing Ombudsman's definition of a complaint:  
'An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by Guinness, our staff, or those acting on our behalf, affecting an individual customer or group of customers or person who is affected by Guinness's services.'
8. We have expanded on the Housing Ombudsman's definition to enable anyone affected by Guinness's services (i.e., those with whom we do not have a contractual relationship) to make a complaint. Such complaints fall outside the jurisdiction of the Housing Ombudsman.
9. If a customer tells us they want to complain, we will always record it as a complaint. However, we recognise the difference between a service request, service failure, feedback, and a complaint.
  - A "request for service" is the customer asking us to do something, for the first time (e.g., "My heating is broken – please fix it".)
  - a "service failure" is when we do not deliver the service we have committed to (e.g., "we told you we would repair your heating on a given date, but we did not attend the property".) If the customer complains about it, it is treated as a complaint.
10. If a customer expresses dissatisfaction with our service we will try to put things right at the earliest possible opportunity, therefore we may be able to resolve the issue for our customer quickly without it becoming a formal complaint. We will record all expressions of dissatisfaction to help improve our services. If a customer remains dissatisfied or makes it clear they wish to complain, then the matter will be logged as a stage one complaint.
11. Expressions of dissatisfaction from people who are not Guinness customers (e.g., a neighbour of one of our tenants) will be registered and treated as a complaint.
12. A customer does not have to use the word "complaint" for it to be treated as such. However, on occasion, either our employees or our customers may not be sure of the position:
  - If, as a Guinness employee you are unclear whether a customer wishes to complain, please ask them to clarify.
  - If, as a customer, you wish to make a complaint and you are unsure whether your expression of dissatisfaction is being registered and treated as a formal complaint, please clarify that this is what you wish to happen.

### *Examples*

13. Examples of issues that customers may complain about include:
  - Failure to deliver a service within expected or reasonable timescales, including failure to respond to an initial request for service.
  - Unsatisfactory quality of service.
  - Dissatisfaction or disputes about how service charges are set or managed.
  - Failure to answer reasonable questions or giving misleading or unsuitable advice.
  - Unacceptable behaviour of a member of staff or other party acting on behalf of Guinness (which may include discourtesy, disrespect, or dismissiveness).
  - Failure to follow Guinness policies, rules or procedures or legislation.
  - Failure to consider all available relevant information in coming to a decision.
  - Bias, prejudice, or unfair acts that result in discrimination on the grounds of protected characteristics defined in the Equality Act 2010.
  - Inappropriate use of personal information.

### *Exclusions*

14. Examples of issues we do not consider to be complaints are:
  - A first-time request for a service or an enquiry about a service.
  - A first-time request for Guinness to intervene in the behaviour of others (e.g., a first-time report of ASB).
  - A request for information or explanation of a Guinness policy or practice.
  - Disagreeing with a Guinness strategy, policy, or service target.
15. Complaints that will not be considered by Guinness include:
  - The issue giving rise to the complaint occurred over six months before the complaint is made, unless there is a recurring issue or where complaints are related to safeguarding concerns, health, and safety matters or where there are agreed to be exceptional circumstances (which will be considered on a case-by-case basis.)
  - A complaint that has previously been considered and no substantive new information is provided.
  - A complaint where the issues or the services are outside of Guinness's control (for example they are provided by a Local Authority.)
  - A complaint 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.
  - A complaint where the issue relates to ongoing or possible insurance claims.
16. Complaints about care services will be dealt with under the appropriate Guinness Care complaints process.
17. Anonymous complaints will not be considered unless there is a clear and strong reason for doing so, which may include:
  - The seriousness of the issue raised, where it, for example, relates to a significant risk to health and safety, legal or regulatory compliance, or other public interest.
  - The credibility of the concern and the likelihood of confirming the allegation from attributable sources.
18. The lists above are not exhaustive. Where we decide not to consider a complaint, we will provide an explanation setting out the reasons why the matter is not suitable for the complaints process. If the customer is unhappy with our decision we will refer them to the Housing Ombudsman.

### **Who can complain?**

19. The following can complain to us:
  - Any customer who rents a home from us
  - Any customer who pays for use and occupation for one of our homes
  - Any leaseholder or homeowner who lives in a home where Guinness is the freeholder or intermediate leaseholder
  - Former licensees, tenants, leaseholder, or homeowners
  - Prospective licensees, tenants, leaseholders, or homeowners
  - Anyone receiving care or other services whether or not they are a licensee, tenant, leaseholder, or homeowner – the complaint will be considered under our Guinness Care complaints process if it relates to a care service
  - Anyone who is adversely impacted by the service we provide or the behaviour of a Guinness employee or anyone acting on behalf of Guinness.

**Complaints received through tenants' representatives**

20. We will accept complaints from others acting on the customer's behalf only where we have the customer's express authority or clear evidence of there being a suitable legal arrangement in place to do so. We will consider each case on its own merit. Potential representatives include:
- Trustees, legal guardians, and people appointed under a Power of Attorney
  - People who are expressly authorised to act on a customer's behalf (such as family members) or have been authorised by the customer to act on their behalf (for example a Councillor/MP.)
  - Organisations such as a Tenants and Customers Associations which can reasonably demonstrate that they have authority to act on behalf of a Guinness customer or customers.

**How to make a complaint**

21. We want to make sure that it is easy for our customers to make a complaint and to use our complaints service. We publish this policy and information about how to make a complaint on our website, in our customer magazine ("Your Guinness"), in leaflets and in other customer communications. This will include information about the Housing Ombudsman's Complaint Handling Code.
22. We accept complaints made through different channels, including:
- Using the online complaint form on our website
  - By telephone, email, online contact form, or letter
  - By contacting us through our presence on social media platforms
  - In person.
23. In each case we will verify the identity of the person making the complaint and their relationship to Guinness (this may be particularly necessary for complaints received through social media.) All complaints will be managed confidentially and in line with the Data Protection Act 2018.
24. We will provide additional support to customers if they have difficulty accessing our complaints service, in line with our Reasonable Adjustments Policy. This may include providing information in appropriate alternative formats, text relay, or a home visit.

**Unacceptable behaviour**

25. We recognise that sometimes customers will be upset, angry or frustrated and we will seek to continue to engage with customers in such circumstances, but we have a duty of care to our staff and contractors, and we will not tolerate unacceptable behaviour from complainants or their representatives towards our staff or anyone providing services on our behalf.
26. Examples of unacceptable behaviour include:
- Verbal abuse, aggression, violence (this is not just limited to actual physical or verbal abuse but can include derogatory remarks, and threats of violence.)
  - Malicious or otherwise inflammatory statements, or unsubstantiated allegations about our employees or other customers.
  - Unreasonable demands (e.g., requesting large volumes of information, overload of letters, calls, emails etc, asking for responses within a short space of time, refusing to speak to an individual or insisting on speaking with another.)
27. In such cases, we will advise the customer of how we need to engage with each other.

28. If appropriate we will discuss a contact management plan with them (which may include restricting the customer to a single person of contact within Guinness but will not include a complete ban on them contacting Guinness.) Restrictions placed on a customer's contact will be appropriate to their needs and have regard to the provision of the Equality Act 2010. However, we will continue to seek a resolution where there are serious concerns relating to our statutory duties including for health and safety.

### **Timescales for resolution**

#### *On receiving a complaint*

29. We will acknowledge the complaint within 2 working days of receiving it. We will verify the identity of the complainant and their relationship to Guinness. We will decide whether to accept the complaint, and if we do not, we will explain the reasons why. We will draw the complainant's attention to the service provided by the Housing Ombudsman, and to this policy. We will ensure that we fully understand the nature of the complaint and what outcome the customer is seeking.
30. A complaints officer will be assigned to manage the complaint. As part of the investigation, we may allocate the complaint handling to another person with the appropriate skills and knowledge.

#### *Stage one – investigation and resolution*

31. We will aim to resolve complaints as quickly as possible, at first point of contact where possible.
32. We will ensure that the customer is given an opportunity to set out their position and to make any comments before a final decision is made.
33. Where a customer raises additional complaints during the investigation, it will be incorporated into our response, if it is relevant. The exception to this is if the complaint has already been investigated and we have provided our response, or these additional complaints would cause an unreasonable delay. In these cases, a new complaint will be logged. 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 for the customer.
34. Within 10 working days from the date the complaint is logged we will provide the complainant with our decision on whether their complaint is upheld or not, and if it is upheld, what action is proposed to address it. If there is a good reason, we may take longer than this, but we will explain this to the complainant, but it will not exceed a further 10 working days unless an additional extension is agreed by both parties. If there is no agreement the customer can refer the matter to the Housing Ombudsman. We will provide an explanation and a date by when the stage one response should be received.
35. If the customer is not satisfied with the outcome, they may escalate the complaint to the next stage. Complaints must only be escalated to stage two if it has been responded to at stage one. The customer should request a stage two (review) within 15 working days. We may, in exceptional circumstances, consider a stage two (review) after this time.
36. We may refuse to escalate a complaint for the same reasons we may refuse to accept the original complaint. These reasons are set out in paragraph 14.

#### *Stage two (Review) – escalation within Guinness*

37. If the customer decides to escalate the complaint to stage 2 it will be reviewed by an independent person within Guinness who has not previously considered the complaint.

38. We will ensure that the customer is given an opportunity to set out their position and to make any comments before a final decision is made.
39. Within 20 working days from the request to escalate the complaint, we will provide the complainant with our decision on whether their complaint is upheld or not, and if it is upheld, what action is proposed to address it. If there is a good reason, we may take longer than this, but we will explain this to the complainant, but it will not exceed a further 10 working days unless an additional extension is agreed by both parties. If there is no agreement the customer can refer the matter to the Housing Ombudsman. We will provide an explanation and a date by when the stage two response should be received.

### **Closing a complaint**

40. We will not close a complaint until the complaint investigation has been completed, the decision communicated to the complainant and, if an action plan is necessary, this has been agreed with the complainant. We may however close the complaint where the complainant does not respond to requests to discuss an action plan. We will ensure that the action plan is tracked, and updates provided to the customer.

### **Complaints process exhausted**

41. If a resident remains dissatisfied with our final response we will refer them to the Housing Ombudsman who will consider the complaint under their own formal assessment process. This service is available to residents who have an occupation agreement with us, that is, they are either tenants, leaseholders, or licensees. The jurisdiction of the Housing Ombudsman does not extend to other complainants.
42. The Housing Ombudsman can be contacted via their website: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk) or by telephone on 0300 111 3000. Their address is: Housing Ombudsman Service, PO Box 152, Liverpool, L33 7WQ

### **Communication**

43. We will ensure that we keep customers regularly updated with the progress of the complaint even if there is no new information to provide. We may arrange with the customer as to the frequency and method of communication.
44. We will use plain language when communicating with the customer.
45. We will write to the customer with the outcome of the complaint giving clear reasons for our decisions made and how we will put things right.

### **Remedies**

46. Complaints can be resolved in a number of ways. We will always acknowledge where things have gone wrong and apologise. In addition, we may:
  - Agree an action plan with the customer
  - Complete agreed work or actions
  - Reconsider or change a decision
  - Amend our records if there an error
  - Change our policies, procedures, or practices



- Make an offer of compensation.

47. Any remedy offered will reflect the extent of any failures and the level of detriment caused to the complainant as a result.

### **Remedies for complaints about staff/representative conduct or behaviour**

48. Remedies in respect of complaints about the conduct or behaviour of staff or other parties acting on our behalf will be addressed in line with human resources and contract management policies. Complainants will be given relevant information about the outcome of their complaint, but personal data and employment-related information will not be shared with them in line with our duties around staff confidentiality and data protection.

### **Continuous learning and improvement**

49. We will ensure that there is a positive complaint handling culture which links how we resolve complaints and the quality of the service provided to how we learn and improve and develop a good relationship with our customers.
50. We recognise the importance of customer involvement and will ensure that customers are consulted as part of service improvement processes.
51. The Executive Director of Customer Services will ensure the Executive Team and our Board receive regular information on complaints and performance and that the annual self-assessment is made available for scrutiny.
52. We will regularly feedback to the Tenant Scrutiny Panel, and committees and this feedback will be discussed, alongside scrutiny of the Ombudsman's annual landlord performance report.
53. We will publicise to licensees, tenants, and leaseholders annually how we have learnt from complaints and what service improvements have been made.

### **Period of review**

54. Our review programme is driven by service improvement initiatives, changes to legislation, regulation, evolving good practice or feedback from customers and other key stakeholders. Typically, we review policies on a three-yearly cycle.

### **Key legal and regulatory references**

- Housing Act 1996
- Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (Regulation 16)
- Equality Act 2010
- Localism Act 2011
- Data Protection Act 2018
- The Housing Ombudsman Service's Scheme and Complaint Handling Code
- The Regulator of Social Housing Regulatory Standards

### **Related Guinness policies / documents**

- Data Protection Policy
- Diversity and Inclusion Policy

- Home Loss and Disturbance policy
- Code of Conduct (TGPL website)
- Reasonable Adjustments policy

<b>Version number</b>	3.2		
<b>Policy approved by</b>	The Guinness Partnership Board		
<b>Policy approval date</b>	21 <sup>st</sup> July 2021 (3.2 approved by Scott Morrison, Director of Customer Contact, 30 <sup>th</sup> September 2022)		
<b>Policy effective from</b>	1 <sup>st</sup> October 2022		
<b>Policy review date</b>	July 2024		
<b>Equality analysis approval date</b>	21 <sup>st</sup> July 2021		
<b>Policy author</b>	Helen Hudson, Housing Policy Manager		
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<b>Policy owner</b>	Trafford Wilson, Executive Director of Customer Services		
<b>Version history</b>			
<b>Version number</b>	<b>Review trigger</b>	<b>Date of approval</b>	<b>Brief description of the main changes</b>
3.0	Cyclical review, Housing Ombudsman Complaint Handling Code revision and Tenant Scrutiny Panel review	21 <sup>st</sup> July 2021	Significant update following customer engagement, cyclical policy review and Tenant Scrutiny Panel Complaints Handling Review, including further alignment with Housing Ombudsman Complaint Handling Code.
3.1	Amendments made in response to the updated Housing Ombudsman's Complaint Handling Code	9 <sup>th</sup> June 2022	Further amendments following the publication of amendments to the Housing Ombudsman Complaint Handling Code which includes the mandatory annual self-assessment, the extension of the 20 day time period, and definition of legal proceedings and the discretionary introduction of a 15 working day time scale to request a stage two review.
3.2	Amendments made in response to the updated Housing Ombudsman's Complaint Handling Code	30 September 2022	References to the 'democratic filter' have been removed. Residents are no longer required to wait eight weeks before referring their case to the Housing Ombudsman or to



			<p>approach a 'designated person' to do so on their behalf.</p> <p>Note: reference to Guinness Care has also been removed.</p>
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