

## **COMPLAINTS POLICY**

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## **Introduction**

1. This policy explains how we deal with complaints. The policy applies to Karibu Community Homes. ("Karibu")
2. We have separate statements on:
  - Remedies (which may include 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 Karibu.
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 ensure feedback are used to influence delivery of services
  - To meet our legal and regulatory requirements.

## **Karibu's Policy**

5. 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.
  - 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 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 residents and/or their representatives when pursuing a complaint
  - We will publish complaints data annually and deliver openness and accountability in our complaints handling.
  - We will carry out an annual assessment of our complaints to ensure that we meet the statutory and regulatory requirement on complaints handling.

## **Definition of a Complaint**

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

6. 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 Karibu, our staff, or those acting on our behalf, affecting an individual resident or group of residents'*

7. We have expanded on the Housing Ombudsman's definition to enable anyone affected by Karibu'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.
8. If 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, comment, 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". Or failed to communicate in advance change of plan or cancellation, If the customer complains about it, it is treated as a complaint.**
9. 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 contacts with us 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.
10. Expressions of dissatisfaction from people who are not Karibu customers (e.g. a neighbour of one of our tenants) will be registered and treated as a complaint at first contact, however will not have recourse to the Ombudsman.
11. A customer does not have to use the word "complaint" in order for it to be treated as such. However, on occasion, either our employees and our customers may not be sure of the position:

*Examples*
12. 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.
  - 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 Karibu (which may include discourtesy, disrespect or dismissiveness).
  - Failure to follow Karibu's 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*
13. 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 Karibu to intervene in the behaviour of others (e.g. a first-

time report of Anti-Social Behaviour, ASB)

- Simple notification that we have failed to deliver a service that we specifically committed to deliver, which is a “service failure”).
- A request for information or explanation of a Karibu policy or practice.
- Disagreeing with Karibu strategy, policy or service target.

14. Complaints that will not be considered by Karibu include:

- The issue giving rise to the complaint occurred over 12 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 issues or the services are outside of Karibu’s control (for example they are provided by a Local Authority)
- A complaint where the issue has been or likely to be subject to legal proceedings or where Karibu does not wish to prejudice any legal proceedings.
- A complaint where the issue relates to ongoing or possible insurance claims.

15. 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.

16. 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.

### **Who can complain?**

17. The following can complain to us:

- Any resident who rents a home from us
- Any leaseholder or homeowner who lives in a home where we are the freeholder or intermediate leaseholder
- Former tenants, or leaseholder or homeowners
- Prospective tenants, leaseholders or homeowners
- Anyone who is adversely impacted by the service we provide or the behaviour of an Karibu employee or anyone acting on behalf of Karibu.

### ***Complaints received through tenants’ representatives***

18. 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 resident to act on their behalf

(for example a Councillor/MP).

- Organisations such as a Tenants and Residents Associations which can reasonably demonstrate that they have authority to act on behalf of an Karibu resident or residents.

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

19. We want to make sure that it is easy for our customers to make a complaint and to use our complaints service. We publish information about how to make a complaint on our website and in other customer communications.
20. 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.
21. In each case we will verify the identity of the person making the complaint and their relationship to Karibu (this may be particularly necessary for complaints received through social media). All complaints will be managed confidentially and in line with UK GDPR 2018
22. 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, interpreter service if needed or a home visit.
23. When we receive any complaint, we will make customers aware of the Housing Ombudsman Service. We will advise them that Karibu licensees, tenants and leaseholders have the right to seek advice from the Housing Ombudsman Service throughout the life of their complaint. Karibu's tenants and leaseholders will also be advised of their right to refer their complaints to the Housing Ombudsman Service once they have exhausted Karibu's complaints process.
24. If the complaint relates to an agency providing a service on behalf of Karibu, the customer must finish the agency's complaints procedure before making a complaint through Karibu's complaints policy.

### **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 Karibu but will not include

a complete ban on them contacting Karibu). 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 5 working days of receiving it. We will verify the identity of the complainant and their relationship to Karibu. 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 Karibu officer will be assigned to investigate the complaint.

#### **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. Within 10 working days from receipt of 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, and it should not exceed a further 10 working days. If an extension beyond 20 working days is required to enable Karibu to respond to the complaint fully, this should be agreed by both parties. We will provide an explanation and a date by when the stage one response should be received.
34. If the customer is not satisfied with the outcome, they may escalate the complaint to the next stage within 30 working days of receiving the stage 1 complaint decision.

#### **Stage two – escalation within Karibu**

35. The person considering the complaint at stage 2 will not be the same person that considered the complaint at stage 1
36. Requests for stage 2 will be acknowledged, defined and logged at stage 2 of our complaints procedure within five working days of the escalation request being received
37. 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.
38. We value resident involvement in resolving and overcoming a complex complaint, and Karibu will offer the option to seeking assistance and support from a resident who is part of an established committee within our involvement and empowerment framework to assist in reaching an outcome at the final stage of our complaint process (stage 2). A Customer representative, who is a member of an established committee, where available will seek to review and provide an unbiased perspective on recommendations and contribute to the resolution of the complainant. This step will be offered at stage 2.
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.

40. If there is a good reason, we may take longer than this, but we will explain this to the complainant, but it should not exceed a further 20 working days.
41. Should longer be required and an agreement over an extension period cannot be reached by both parties, we will provide the Housing Ombudsman's contact details so the complainant can challenge our plan for responding and/or the proposed.

timeliness of a response.

#### *Closing a complaint*

42. 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 within 30 working days.

#### *Complaints process exhausted*

43. If the complaint remains unresolved at the end of stage 2, details of how to escalate the matter to the Housing Ombudsman Service will be provided should the resident remain dissatisfied.

### **Communication**

44. 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 make an arrangement with the customer as to the frequency and method of communication.
45. We will use plain language when communicating with the customer.
46. 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**

47. 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 is an error.
  - Change our policies, procedures, or practices.
  - Make an offer of compensation.
  - Provide training to staff or person acting on our behalf.
  - Share lessons learned as a result of our complaint resolution.
48. 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*

49. 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.

#### *Safeguarding*

50. If something leads the person managing the complaint to suspect that abuse is taking place, they will refer to the safeguarding policy and procedures.

### **Continuous learning and improvement**

51. 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 show we learn and improve and develop a good relationship with our customers.

### **Examples of when we will close a complaint**

52. We will close a complaint when:

A resolution plan has been provided with clear, reasonable timescales for action. Outstanding actions will be tracked and actioned expeditiously, and regular updates provided.

The complainant specifically states that they do not wish to take the matter further.

We require additional information from the customer to proceed with the complaint but have been unable to contact them. This will only be done once three reasonable attempts have been made using all contact information available.

A legal hearing has taken place, and a judge has made a relevant ruling.

The complainant acts in an unreasonable or offensive manner and/or refuses to cooperate with our staff.

We will notify the customer in writing that their complaint has been closed the reasons for this. We will also explain how to appeal the decision to close the complaint if the customer is not happy with the closure.

### **Housing Ombudsman Service**

Karibu are members of the Housing Ombudsman Service and will provide information to customers and the Service as required. The Housing Ombudsman will usually only review complaints from customers that have a legal relationship with us. The Housing Ombudsman decision is final, and we will comply with any order made.

The Housing Ombudsman can be contacted at:  
Housing Ombudsman Service, PO Box 152, Liverpool, L33 7WQ

Telephone: 0300 111 3000

Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

Online: [www.housing-ombudsman.org.uk/residents/make-a-complaint/](http://www.housing-ombudsman.org.uk/residents/make-a-complaint/)

### **consulted as part of service improvement processes.**

We will regularly feedback to the Residents Scrutiny Panel, committees and the board, and this feedback will be discussed, alongside scrutiny of the Ombudsman's annual landlord performance report.

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**

Our review programme is driven by service improvement initiatives, changes to legislation and



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
- Social Housing Regulatory Act 2023
- Consumer Standards 2024
- The Housing Ombudsman Service's Scheme and Complaint Handling Code

#### Related Karibu policies / documents

- Data Protection Policy
- Diversity and Inclusion Policy
- Home Loss and Disturbance policy
- Code of Conduct (Karibu website)
- Reasonable Adjustments policy
- Compensation Policy