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1. Policy Objectives

- 1.1 This policy sets out Peabody's approach to dealing with, and resolving, complaints. This policy is a corporate policy and covers all customers that live on Peabody estates including tenants, household members, leaseholders and freeholders. It also covers anyone who is affected by a service that Peabody provides, for example, members of the public that use Peabody facilities, visitors, external organisations etc.
- 1.2 Peabody aims to provide a high quality customer service but recognises that, on occasions, there is room for improvement. Peabody also recognises that customers may be dissatisfied with the standards achieved.
- 1.3 Peabody has a positive approach to receiving complaints and sees them as an important way of receiving direct feedback from customers. Complaints give Peabody valuable information which helps to assess performance and inform the review of policies, procedures and services. It is important that the staff, in providing a service, do not view complaints made as personal criticisms or in a negative way.
- 1.4 The aims of this policy are to make sure that:
 - customers have easy access to information about how to complain and that Peabody is effective and efficient in handling these complaints;
 - information on complaints and how to progress them is easy to understand and to use;
 - a 'right first time' approach is used and complaints are resolved as close as possible to the point they are made;
 - there is an effective and appropriate response within set timescales;
 - confidentiality and data protection are maintained at all times; and
 - all customers are treated in a fair and equal way.

- 1.5 This policy does not cover complaints that become involved in a legal process, for example, a legal disrepair case reported through a solicitor or legal action taken by Peabody against a customer to enforce the terms of a Tenancy Agreement or Lease or deal with disputes concerning the Tenancy Agreement or Lease. If complaints become involved in the legal process the complaint will be dealt with by our Legal Team and the complaint will be closed and cannot be re-opened again
- 1.6 This policy does not cover members of staff complaining about other members of staff. These complaints should be raised through the HR grievance procedure and staff should speak to their line manager.
- 1.7 Peabody has discretion to vary the formal complaints procedure if the circumstances merit it.

2. Relevant Legal and Regulatory Information

Housing Act 1996 s.51 and Schedule 2

- 2.1 All registered providers have a duty to become members of any Housing Ombudsman service schemes approved by the Secretary of State. There is currently only one approved scheme, the Housing Ombudsman Service Scheme. If a registered provider fails to join the scheme, it will be considered to be in breach of the law.

Housing Corporation Regulatory Code s.2 (Now passed to the Tenant Services Authority)

- 2.2 Section 2 of the Code (passed to the Tenant Services Authority in April 2009) requires registered providers to comply with all statutory requirements. The Code states that registered providers must seek, and be responsive to, customers' views and priorities. The guidance states that customers', housing applicants and others should have access to an effective complaints and compensation policy, which is administered effectively. It also states that the Housing Ombudsman Service recommendations should be actioned.

Data Protection Act 1998

- 2.3 The Data Protection Act 1998 applies to both computerised data and manual filing systems. This Act is designed to safeguard the holding, and use, of personal data.
- 2.4 Under the act, most organisations holding individuals personal data are required to register and responsibly use the information following the data protection principles.
- 2.5 All customers have the right under the act to:
 - be told whether information on them is being held;
 - what the purpose of any information being held is;
 - to who information is, or may be, disclosed.
 - what information is being held;
 - unless disproportionately expensive, be given copies of such information;
 - correct any inaccurate or misleading information; and
 - seek compensation for any damage suffered if information is misused.

See Privacy and Confidentiality Policy

The Housing Ombudsman Service Scheme

- 2.6 Normally, the Housing Ombudsmen Service investigates a complaint after an association's internal complaints procedure is exhausted.
- 2.7 The Housing Ombudsman Service has the discretion to take on a complaint if there is reason to believe a registered provider is causing unnecessary delay in handling it. The Housing Ombudsman can:
 - reject a complaint;

- recommend an apology;
 - order the registered provider to pay compensation;
 - order the registered provider or the customer not to enforce obligations or rights; and
 - recommend that the registered provider does or does not do something so as to rectify the complaint.
- 2.8 If the Housing Ombudsman finds maladministration and upholds a complaint, the registered provider is expected to comply with their orders or recommendations. If it does not, it will be reported to the Tenant Services Authority and regulatory action may be taken. If a registered provider does not comply with the Housing Ombudsman's decision within a reasonable period of time, it can be ordered to publish that fact. If it does not, the Housing Ombudsman can publish and recharge the cost from the registered provider.
- 2.9 Registered providers are expected to publish in their annual reports details of the Housing Ombudsman's formal decisions in which the registered provider has been found to be responsible for maladministration. Additionally, registered providers are expected to outline the type of complaint that led to the Housing Ombudsman's intervention and the outcome following his final decision.

3. Key Definitions

Complaint

- 3.1 Peabody defines a complaint as 'an expression of dissatisfaction made about the standard of service, or lack of action, which affects anyone using our service'. A complaint must be made within six months of when the problem should have been sorted out or it will not normally be investigated.

Complaints Panel

- 3.2 The Complaints Panel is Stage 3 of Peabody's complaints procedure. The Panel is made up of Board Members, Executive Directors and customer representatives and is designed to be as objective and impartial as possible. The panel will have no prior involvement in the complaint. The customer will have the opportunity to attend the panel and explain why they feel Peabody has failed to resolve their complaint. The lead officer will also attend to present action taken by Peabody.

Unreasonable Complainants

- 3.3 An unreasonable complainant, or unreasonably persistent complainant, is someone who pursues their complaints or issues in a way which can either impede the investigation of their or other people's complaints or issues or can have significant resources issues for Peabody. These actions can occur either while their complaint or issue is being investigated, or once Peabody has concluded the investigation.

Business Improvement Service

- 3.4 The Business Improvement Service has responsibility for logging and co-ordinating complaints from Stage 2 onwards. Whilst the relevant Service Manager and Assistant Director are still responsible for investigating and responding to Stage 2, 3 and 4 complaints, the Business Improvement Service will co-ordinate and monitor performance.
- 3.5 All Stage 2, 3 and 4 complaints must be directed to the Business Improvement Service for them to log and distribute to the responsible officer.

Resolver

- 3.6 A Resolver should aim to resolve complaints if they can. They are responsible for investigating and responding to complaints. The Resolver is also responsible for keeping the customer

informed if there is any delay in providing a response. A Resolver is appointed for each stage of the procedure.

Validator

- 3.7 A Validator has line management responsibility for a Resolver. A Validator is responsible for signing off responses to complaints, including Stage 3 Panel Reports. A Validator is appointed for each stage of the procedure.

George

- 3.8 George is an in-house customer relationship management system. Complaints are logged and monitored on George. Updates are recorded on George including customer and internal contacts, actions agreed and taken, compensation offered and paid and final outcomes.

4. Policy

Complaints

- 4.1 Anyone who is affected by a service provided by Peabody, or their representative or advocate, can make a complaint. This includes
- All customers, including tenants, shared owners and home owners;
 - resident associations; and
 - other customers, for example, users of day care facilities or members of the public, visitors or external organisations.
- 4.2 A complaint can be made where a customer is dissatisfied with the service they have received from Peabody. This includes:
- something done wrong or badly;
 - something not done, for example, not sending information out on time when requested;
 - impolite or unhelpful staff, including contractors who Peabody are responsible for;
 - a service not provided within time; and
 - a failure by Peabody to fulfil its legal duties.
- 4.3 A complaint must be made within six months of when the problem should have been sorted out or it will not normally be investigated.
- 4.4 There are some issues which are not dealt with under Peabody's 3 stage complaints procedure. This is because they are requests for service or there is already an alternative existing process in place to deal with them, or they omit certain stages of the complaints procedure as specified in the policy. These include (but this is not an exhaustive list):

Not progressed through Peabody's 3 stage Complaints Procedure	Action or area/team/person responsible
An initial request for service	<ul style="list-style-type: none"> ▪ The person responding to the request for service should deal with it if they can, for example, log the initial request for a repair, or pass it to the appropriate member of staff.
An initial request for information	<ul style="list-style-type: none"> ▪ The person responding to the query should deal with it if they can, for example, send out a copy of the leaflet requested, or pass it to the appropriate member of staff.
An explanation of Peabody policies	<ul style="list-style-type: none"> ▪ Peabody's policies are publicly available and the person dealing with the query should offer an explanation and send out the policy if necessary.
Lettings decisions	<ul style="list-style-type: none"> ▪ The Lettings Service using the appeals procedure in the Lettings Policy.
Rent assessments	<ul style="list-style-type: none"> ▪ The external Rent Assessment Panel
Leasehold charges and valuations	<ul style="list-style-type: none"> ▪ The external Leasehold Valuation Tribunal
Defects	<ul style="list-style-type: none"> ▪ Defects Services Co-ordinator
Staff complaints	<ul style="list-style-type: none"> ▪ Human Resources Advisor
Insurance claims	<ul style="list-style-type: none"> ▪ The Insurance Team
Environmental Health Notices	<ul style="list-style-type: none"> ▪ The Company Secretary will log these and pass them to the relevant Officer or Team
Housing Health and Safety Rating (HHSRS) Notices	<ul style="list-style-type: none"> ▪ The Company Secretary will log these and pass them to the relevant officer to Team
Legal action	<ul style="list-style-type: none"> ▪ Legal Services
Complaints about an agency	<ul style="list-style-type: none"> ▪ The agencies complaints procedure should be followed. If dissatisfied having followed this procedure the customer can access Peabody's complaint's procedure at stage 2.
Decent homes appeals	<ul style="list-style-type: none"> ▪ The Decent Homes Team has a decent homes appeals process. If dissatisfied having followed this procedure the customer can access Peabody's complaints procedure at stage 3.
Reports of anti-social behaviour	<ul style="list-style-type: none"> ▪ The Community Safety Team
Parking Control	<ul style="list-style-type: none"> ▪ The parking control contractor's procedure should be followed. If dissatisfied having followed this procedure the customer can access Peabody's complaint's procedure at stage 2.

4.5 There are four stages to Peabody's complaints procedure including Stage 4 which is the Housing Ombudsman Service. Complaints will normally be dealt with from Stage 1 of the procedure. In appropriate circumstances the Executive Team or a Director may escalate a complaint to any stage in the complaints procedure.

4.6 Complaints letters must include Customer First principles, for example, clear information on timescales for responses, contact details of the individual staff member dealing with the complaint, a clear course of action for dealing with the complaint and follow up actions.

Stage 1 Complaint – Local Resolution

- 4.7 A stage 1 complaint may be in a letter, an email, a telephone call, a complaints form, in person or via Peabody's website.
- 4.8 It is the responsibility of the person who receives the complaint to make sure it is logged. The complaint must be logged and an acknowledgement letter confirming the date when the customer will get a response and the person who will be investigating and responding to the complaint sent **within 3 working days**.
- 4.9 Peabody staff who respond to the complaint (the resolver) should first contact the customer by telephone to try and resolve the complaint or arrange a visit to the customer to resolve it. This should be within **2 working days**. Experience indicates that by offering an apology if appropriate and telling the customer how they are going to resolve the complaint over the phone or face to face, the complaint may be resolved speedily.
- 4.10 The target timescale for responding to a Stage 1 complaint is **10 working days from the date that the acknowledgement is sent**. In exceptional cases it may not be possible to respond within this timescale, for example, if further information is needed to respond. In these cases the resolver must contact the customer to confirm a revised response date and a reason for the delay.
- 4.11 When investigating the complaint, the Resolver should speak to the members of staff and customers who were involved in the case and consider:
- Has Peabody failed to provide a service appropriately?
 - What is the impact of this service failure?
 - What does Peabody need to do to resolve the problem?
 - Was the customer kept informed of Peabody's actions?
 - Is the complainant vulnerable or do they have health issues?
 - Should the complaint be upheld or not?
- 4.12 The proposed solutions to resolve the complaint should be discussed with the customer before the response letter is sent. The response letter should include the following:
- details of steps taken to investigate the complaint;
 - whether the complaint is upheld;
 - an apology if appropriate;
 - offer of compensation if appropriate;
 - what action is being taken to resolve the complaint;
 - details of who the customer should contact to take their complaint to Stage 2 if they are unhappy with the Stage 1 response. The letter should tell the customer that they have **20 working days** to progress the complaint to Stage 2;
 - if they do not respond in 20 working days the complaint file will be closed; and
 - customers preferred means of communication should be used if possible. If customers prefer to communicate by email response letters must be emailed as PDF attachments.
- 4.13 All responses to stage 1 complaints must be signed off by the Validator.
- 4.14 If the customer is not happy with the Stage 1 response they can progress their complaint to Stage 2 by contacting the Business Improvement Service within **20 working days**. If there is no response after 20 working days the complaint will be closed.
- 4.15 If a customer contacts Peabody after 20 working days wanting to progress to Stage 2 the Business Improvement Service will, at their discretion, reopen the stage 1 complaint, escalate the complaint to stage 2 or refer the customer to the Housing Ombudsman Service. For example, a complaint may be escalated if a customer had been unable to contact Peabody because of an extended period in hospital or the stage 1 actions have not been completed by the agreed timescales.

See Stage 1 Complaints Process Map

Stage 2 Complaint – Service Manager

- 4.16 If a customer is not happy with their Stage 1 response they can progress their complaint to Stage 2 by contacting the Business Improvement Service who will log and acknowledge the Stage 2 complaint and forward it to the relevant resolver. The Service Manager is the responsible officer (resolver) at Stage 2 and is responsible for investigating and responding to the complaint.
- 4.17 The target timescale for acknowledging a stage 2 complaint is **3 working days**. The target for responding to a Stage 2 complaint is **15 working days from the date that the acknowledgement is sent**. In exceptional cases it may not be possible to respond within this timescale, for example, further information is needed to respond. In these cases the resolver must contact the customer to confirm a revised response date and a reason for the delay.
- 4.18 When investigating the complaint, the Resolver should speak to the member of staff who responded at Stage 1. The Resolver should also contact the customer and/or visit them to try to resolve the complaint. The Resolver should consider the following:
- Did Peabody do everything possible to resolve the complaint at Stage 1?
 - Are there any additional issues to the complaint which were not raised at Stage 1?
 - Has Peabody completed all the actions agreed in the Stage 1 response letter?
 - Has Peabody responded to all the issues originally raised by the customer?
 - What does Peabody need to do in addition to the Stage 1 actions to resolve the problem?
 - Has compensation been paid if it is appropriate?
 - How has the customer been dealt with following the Stage 1 response?
 - If the complainant is vulnerable or has health issues have these been addressed appropriately?
 - Should the complaint be upheld or not?
- 4.19 The proposed solutions to resolve the complaint should be discussed with the customer before the response letter is sent. The response should include the following:
- details of steps taken to investigate the complaint;
 - whether the complaint is upheld;
 - an apology if appropriate;
 - offer of compensation if appropriate;
 - what action is being taken at Stage 2 to resolve the complaint;
 - details of who the customer should contact to take their complaint to Stage 3 if they are unhappy with the Stage 2 response. The letter should tell the customer that they have **20 working days** to progress the complaint to Stage 3;
 - If they do not respond in 20 working days the complaint file will be closed.
- 4.20 All responses to stage 2 complaints must be signed off by the Validator.
- 4.21 If the customer is not happy with the Stage 2 response they can progress their complaint to Stage 3 by contacting the Business Improvement Service **within 20 working days**. If there is no response after 20 working days the complaint will be closed. If a customer contacts Peabody after 20 working days wanting to progress to Stage 3 the Business Improvement Service will, at their discretion, reopen the stage 2 complaint, escalate the complaint to stage 3 or refer the customer to the Housing Ombudsman Service. For example, a complaint may be escalated if a customer had been unable to contact Peabody because of an extended period in hospital or the stage 2 actions have not been completed by the agreed timescales.

See Stage 2 Complaints Process Map

Stage 3 Complaint – Complaints Panel

- 4.22 If a customer is not happy with their Stage 2 response, they can progress their complaint to Stage 3 by contacting the Business Improvement Service. The Stage 3 complaint must be logged **within 3 working days** and an acknowledgement letter sent confirming the date and time of the Complaints Panel meeting and the person who will be representing Peabody at the

meeting. The customer can ask the Complaints Panel to consider their Stage 3 complaint at the meeting in their absence if they prefer.

- 4.23 The target timescale for Stage 3 complaints to be heard by the Complaints Panel is within **46 working days (2 months)** from the date that the acknowledgement is sent. Stage 3 Panel Reports should be written by the relevant service manager and reviewed by the relevant Assistant Director or Head of Service.

Review by an Assistant Director

- 4.24 The Complaints Panel represents the last stage in Peabody's internal procedure and is the final opportunity for Peabody to put the matter right and confirm that all reasonable steps have been taken. Therefore the Assistant Director or Head of Service must review the previous staff responses and actions taken to assure themselves that Peabody has done everything possible to resolve the complaint. If Peabody has made a mistake, it should admit this, apologise and promise to resolve the issue promptly as this may resolve the complaint.
- 4.25 The review must take place within **10 working days** of the acknowledgement of the Stage 3 complaint to allow sufficient time, if further action to resolve the complaint is possible, to agree the actions and confirm with the customer in writing that the complaint can be closed. Alternatively, if it is not possible to resolve the complaint, to have sufficient time to produce the Panel Report.
- 4.26 Staff should make the Panel Report concise, ensuring that they accurately reflect the key issues raised and proposed solutions, making reference to Peabody's policies and procedure and legal advice etc if appropriate. If the customer has several complaints the Complaints Panel can review more than one complaint during the same meeting. The Business Improvement Service can offer advice and guidance on the production of the Panel Report.
- 4.27 The relevant Director will sign-off the Panel Report.
- 4.28 The Complaints Panel is made up of one Board Member, one Executive Director and one Customer Volunteer. The Complaints Panel is quorate with one Board Member. The customer is invited to attend to put their complaint to the Complaints Panel.
- 4.29 The Board Member will always chair the Complaints Panel meeting. Peabody's Panel Report will be presented by the relevant Assistant Director or Head of Service. A member of the Business Improvement Service will take the minutes.
- 4.30 The customer can be accompanied for support. They can bring a relative, friend, or advocate or Peabody can arrange to refer them to the Tenant and Family Service Team. The customer can not bring a legal representative as the Complaints Panel is not a legal forum.
- 4.31 The Complaints Panel will consider the complaint including:
- make sure that policies and procedures have been followed with discretion where appropriate;
 - make sure that reasonable care has been taken with the way the customer has been dealt with and that there have been no unreasonable delays;
 - if the complaint relates to outstanding actions, for example an incomplete repair, make arrangements for the action to be carried out and understand the reasons for any previous delays;
 - consider offering compensation where appropriate;
 - recommend future changes to policy or procedures; and
 - determine whether or not to uphold the complaint.
- 4.32 The customer will receive a letter from the Business Improvement Service, sent on behalf of the Panel Chair, **within 10 working days** of the meeting. The letter and minutes of the meeting will be approved by the Panel Chair. The letter will advise the customer of the findings of the Complaint Panel meeting and list the Complaint Panel's recommendations. The letter will ask the customer to confirm within **20 working days** if they are satisfied with the Complaints Panel

response. If the customer responds to confirm that they are satisfied, or does not respond, the Business Improvement Service will close the case.

- 4.33 If the customer responds to confirms that they are not satisfied with the response of the Complaints Panel the Business Improvement Service will advise the customer of their right to refer their complaint to the Housing Ombudsman Service and provide the contact details. The customer has up to one year to refer their case to the Housing Ombudsman Service.
- 4.34 There are various roles and responsibilities for each member who attends a Complaints Panel meeting. These are:

Role of Complaints Panel member	Responsibilities
Board Member, including Resident Board Member	<ul style="list-style-type: none"> ▪ Chair the panel meeting ▪ Deliver final verdict and make recommendations ▪ Approve customer's letter and meeting minutes.
Executive Director	<ul style="list-style-type: none"> ▪ Panel Member
Customer Volunteer	<ul style="list-style-type: none"> ▪ Panel Member
Director	<ul style="list-style-type: none"> ▪ Sign off Panel Report
Assistant Director or Head of Service	<ul style="list-style-type: none"> ▪ Drafts Panel Report. ▪ Put forward the case for Peabody
Customer	<ul style="list-style-type: none"> ▪ Explain their complaint and why it should be upheld.
Advocate, friend or relative of the customer	<ul style="list-style-type: none"> ▪ Supports the customer. This must not be a legal representative
Member of Tenant and Family Services Team	<ul style="list-style-type: none"> ▪ Supports the customer if required
Member of Business Improvement Team	<ul style="list-style-type: none"> ▪ Administers Complaints Panel meeting ▪ Takes minutes ▪ Provides advice to Panel

See Stage 3 Complaints Process Map

Stage 4 Complaint – Housing Ombudsman Service

- 4.35 If a customer is not happy with their Stage 3 response they can contact the Housing Ombudsman Service who will investigate the complaint.
- 4.36 The Housing Ombudsman will normally only investigate the complaint if the customer has been through all three stages of Peabody's procedure.
- 4.37 Housing Ombudsman complaints will be logged by the Business Improvement Service **within 3 working days** of receiving them. The Business Improvement Service will be the contact point for all Ombudsman enquiries and will coordinate investigations. Information required by Housing Ombudsman may including:
- general documentation of Peabody's policies and procedures;
 - any internal files, documents, accounts, or minutes of meetings which, in the Ombudsman's opinion, are relevant to the complaint;
 - any personal correspondence or record relating to the complaint that Peabody has in its files; which, in the Ombudsman's opinion, are relevant to the complaint; and
 - any additional information that Peabody wishes to present to the Ombudsman to support Peabody's actions and decisions.
- 4.38 Following the completion of the investigation, the Ombudsman will make a final determination in writing of maladministration, partial maladministration or no maladministration. The

Ombudsman will specify the actions Peabody must take, they may also make recommendations. The Business Improvement Service will inform the Peabody Board, the Complaints Panel, the Chief Executive, relevant Executive Directors and Directors of any maladministration.

- 4.39 The Ombudsman may, instead of an investigation, offer mediation or arbitration between Peabody and the customer. The outcome of either is binding on Peabody.

See Stage 4 Complaints Process Map

5. Other information

Accessibility

- 5.1 The complaints procedure is publicly accessible to all customers and anyone who is affected by Peabody's services. Complaints forms are available in Peabody reception areas, on the intranet and on the Peabody website. Where requested, Peabody will provide information in various formats including other languages, large print, audio or Braille. The Complaints Panel will be held in a venue which is accessible.
- 5.2 Peabody will arrange for an interpreter or signer where requested to help a customer make a complaint including attending the Complaints Panel.

See Communications Needs Policy

Apologies

- 5.3 A sincere apology when Peabody is at fault can often be enough to resolve a complaint. Peabody should give an apology to a customer in the following situations:
- If it is found that Peabody did something wrong or poorly
 - If it is found that Peabody did something it should not have according to its policies and procedures and legal obligations
 - If it is found that Peabody treated someone unfairly, unreasonably, incompetently or in an inappropriate manner

Missed Deadlines

- 5.4 When Peabody staff miss the target deadlines for acknowledging and responding to complaints, it is still more appropriate in some cases (depending on the length of the delay) for staff to aim to resolve the complaint promptly rather than to offer compensation or to escalate the complaint to the next stage. Peabody staff should apologise to the customer for the delay and agree with them a revised target response time.
- 5.5 If the customer requests that the complaint should be escalated to the next stage because Peabody have missed a target deadline for acknowledging, or responding to, a complaint, the Business Improvement Service will escalate the complaint, or notify the customer of the revised target response time. The Business Improvement Service will exercise their discretion, based on the circumstances of the case and the length of the delay.

Complaints about a Member of Staff or Contractors

- 5.6 Under no circumstances will a staff member or contractor investigate a complaint about themselves. These complaints should always be investigated by their line manager.
- 5.7 Where a complaint is made about a member of Peabody staff, including contractors, the staff member or contractor must be treated fairly and will be asked for an opinion on the complaint and its justification. If a member of staff thinks that a complaint will be made about them, their line manager should be informed straight away.

Complaints made by Peabody staff who are also Peabody residents

- 5.8 Peabody staff who are also Peabody residents are entitled to make complaints. However, they must not access or use information relating to their own tenancy, property, area or estate, for example, their repairs information, when making a complaint. Peabody staff must request the information they require in the same way as any other customer.

Complaints Involving Legal Action

- 5.9 Use of Peabody's complaints procedure does not prevent customers from taking legal action.
- 5.10 If a complainant who has an open complaint also takes legal action the complaint will be closed and dealt with by the Legal Team.
- 5.11 Complaints made by Solicitors on behalf of a customer should be discussed with the Legal Team before any action is taken.

Complaints Referred Directly to the Peabody Board or Chief Executive

- 5.12 Where a complaint has been made directly to the Peabody Board or Chief Executive, Peabody will investigate. If it has not been through the complaints procedure it will be referred back to the appropriate stage. If it has already been through the complaints procedure the complaint will be passed to the appropriate Service Manager to respond to. The Company Secretary records summary information of complaints made directly to the Peabody Board.

Complaints by Recognised Groups

- 5.13 If Peabody receives a complaint from a recognised Peabody group, for example, a Tenants or Residents Association, the Diversity Forum, the Tenant Liaison Committee, the complaint will only be held as a recognised group complaint if there is clear evidence that :
- consultation with the group members has taken place; and
 - minutes can be provided from meetings where the complaint has been raised and discussed and lodging a formal complaint approved.
- 5.14 The complaint must be made by the Chair of the recognised group and Peabody will respond directly to the Chair. If the complaint is progressed to stage 3, the Chair of the group and one other Committee Member may attend.

Complaints Referred from the Housing Ombudsman Service

- 5.15 Normally, the Housing Ombudsmen Service investigates a complaint after an association's internal complaints procedure is exhausted.
- 5.16 Where a case is referred from the Ombudsman directly, Peabody will contact the customer directly to log the complaint as a Stage 1 complaint or escalate if appropriate.

Statutory Notices

- 5.17 Peabody receives various statutory notices which are served from time to time by local authorities and other statutory agencies, for example, Housing Health and Safety Rating System (HHSRS) notices, disrepair notices and Environmental Health Notices. It is important that such notices are properly recorded and issued to relevant Officers for action.
- 5.18 Any notices received must be date-stamped and sent immediately to the Company Secretary, in hardcopy and by email. The Company Secretary will record receipt of the notices in the register and issue them for action to the relevant Officer or Team.

See Statutory Notices Procedure

Insurance Claims

- 5.19 If Peabody receives an insurance claim from a customer the actual insurance claim will be assessed by the Insurance Team. Insurance claims will not be dealt with as a complaint unless there is an aspect of the complaint that needs investigating, for example, Peabody staff's processing of the insurance claim.
- 5.20 Customers who want to appeal the insurance claim decision must contact the contact the Insurance Company directly or the Financial Services Ombudsman.

See Insurance Guide

Data Protection

- 5.21 All complaints that Peabody receive through a third party, for example, a relative or friend of the customer, must include the customer's written consent before Peabody will respond to the third party. If staff receive a third party complaint, they must contact the third party to request this consent in writing.
- 5.22 If a customer has signed over the power of attorney to a third party, the person with the power of attorney can raise complaints on their behalf. Peabody staff must request a copy of the documents that prove that the third party has the power of attorney. A copy of this should be placed on the tenancy file, complaints file and George.
- 5.23 If the third party does not contact Peabody in **20 working days** to confirm in writing that they have the customer's consent to raise a complaint on their behalf, the complaint will be closed.
- 5.24 When dealing with complaints, information relating to the customer may need to be shared with other people, for example, other Peabody staff involved in the complaint, the Housing Ombudsman Service and the Complaints Panel.

See Privacy and Confidentiality Policy

MPs and Counsellors Letters

- 5.25 If an MP or Counsellor contacts Peabody on behalf of a customer, the letter, form, call or email should be immediately taken to the Personal Assistant or Administration Manager of the staff member's relevant Executive Director. Responses will be signed by the relevant Executive Directors and Co-ordinated by their Personal Assistants or Administration Managers.
- 5.26 Under the Data Protection Act 1998, Peabody does not need to obtain consent from customers before responding to MPs or Councillors. The relevant Executive Director will decide at their discretion if they want to send a copy of the MPs or Councillors letter to the customer or not.

See MPs and Counsellors Process Map

Managing Agents

- 5.27 Where Peabody employs a managing agent, for example, for supported or sheltered housing schemes, customers should follow the agent's complaints procedure. If dissatisfied having followed this procedure the customer can access Peabody's complaints procedure at stage 2.

Multiple Complaints

- 5.28 Where a complaint is made about services provided by more than one service area, normally the response should be co-ordinated by the service responsible for the majority of the complaint. The investigating officer should liaise with the other service areas included in the complaint to provide one comprehensive response.

- 5.29 Occasionally a complaint may cover multiple service areas, subjects, time periods etc in these circumstances it may be easier to resolve, and a better customer service provided, if Peabody log the complaint as a number of individual complaints. This would require approval by the Business Improvement Service.

Paper Records

- 5.30 Copies of all letters and correspondence about a complaint should be filed on the complaints file. George should be updated to include records of customer contacts and any actions taken.

Managing Unreasonable Complainants

- 5.31 An unreasonable complainant, or unreasonably persistent complainant, is someone who pursues their complaints or issues in a way which can either impede the investigation of their or other people's complaints or issues or can have significant resources issues for Peabody. These actions can occur either while their complaint or issue is being investigated, or once Peabody has concluded the investigation.

- 5.32 Peabody has a separate policy for managing unreasonable complainants

See Managing Unreasonable Complainants Policy

Malicious, Rude and Offensive Complaints

- 5.33 A complaint which, after investigation, is unfounded and appears to have caused discomfort or inconvenience to a particular person may be defined as malicious. In such cases a member of staff will contact the customer outlining the way the matter has been handled, that the matter has not been proven and that no further action will be taken. The customer may also be warned about their future conduct if the investigating officer feels it is appropriate.
- 5.34 If an offensive complaint is made, by any method, including email, the customer is threatening a member of staff personally, or is being racist or discriminatory, this will be referred to the staff member's manager who will investigate and respond. The customer must be made aware that if they continue to be malicious or offensive, the complaint will be closed. The Caution Alert Policy will also be followed if appropriate.
- 5.35 If staff receive persistent malicious, rude or offensive communications, once it has been referred to a manager, the following options should be considered (this is not an exhaustive list):
- refuse to handle the complaint and close the complaint;
 - if the customer is a resident, refer to the Tenant and Family Services Team;
 - take legal action;
 - follow the Caution Alert Policy.

Petitions

- 5.36 A complaint may be made in the form of a petition. The complaint should be dealt with following the normal complaints procedure, on the address of the first signatory only. The petition will be treated as one complaint and all correspondence should be addressed to the first signatory. All correspondence should be copied to each signatory on the petition. If the complaint reached Stage 3, the first signatory may attend the Complaints Panel with one other signatory.

Mediation

- 5.37 In certain cases, Peabody may consider using the services of a mediation service to resolve complaints. This will be on a case by case basis and staff should contact the Business Improvement Service for more information.

6. Monitoring Information

- 6.1 Monitoring information on complaints performance will be used to:
- chart the progress of complaints and check that timescales are compiled with; and
 - assess the volume, and nature, of complaints so that policies and procedures can be evaluated and failures in the service identified.
- 6.2 Monitoring information will be shared with Peabody Board, staff and customers. A quarterly management report of complaints performance and satisfaction will be presented to the Resident and Community Committee and the Board of Governors. The report will include:
- overall satisfaction with how the complaint was handled and the outcome;
 - resolution rates by complaints stage and service area; and
 - acknowledgements and responses on time by stage and service area.
- 6.3 The Business Improvement Service collects complaints information in order to report this annually to customers and to monitor the levels of complaints receive and the outcomes. Information will be reported to customers annually in the Residents Annual Review.

7. Relevant Procedures

Stage 1 Complaints Process Map
Stage 2 Complaints Process Map
Stage 3 Complaints Process Map
Stage 4 Complaints Process Map
MP's/Councillors Letters Process Map
Statutory Notices Procedure

8. Relevant Policies

Communication Needs Policy
Compensation Policy
Insurance Guide
Managing Unreasonable Complainants
Privacy and Confidentiality Policy