



Complaints Policy

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1. Policy statement

We want to deliver good, quality, and fair services to all our customers. If you are unhappy with our services and wish to complain, our policy explains the steps you can take. We will always approach complaints in a non-biased way and are committed to investigating everything fairly and consistently. All feedback is welcomed and helps us to build better services for our customers.

2. Policy scope

2.1 This policy outlines how we will approach a customer complaint. We welcome complaints and actively encourage customers to express their concerns with us. We believe complaints are our opportunity to gather information that will contribute to us improving our service.

2.2 Derive have a standard objective to:

2.2.1 Have a collaborative and co-operative approach towards resolving complaints, working with our colleagues across the business to find a resolution.

2.2.2 Take collective responsibility for any shortfalls identified through complaints to support in improving our services.

2.3 Our approach follows The Housing Ombudsman's Complaint Handling Code, March 2024, which sets out requirements to respond to complaints effectively and fairly. We acknowledge that this enables us to resolve complaints quickly and provides data and learning to drive service improvements.

2.4 We publicise the Complaints Handling Code and our Complaints Policy. We also promote the Housing Ombudsman Service to our customers. All this information is located on our website. This policy applies to all properties and land owned by Derive. It also applies to organisations providing services on behalf of Derive e.g. contractors.

2.5 This policy considers the requirements of the Housing Ombudsman scheme, relevant legislation such as the Localism Act 2011, Housing Act 1996 (schedule 2), General Data Protection Act 2018, Equality Act 2010, and the Social Housing (Regulation) Act 2023.

2.6 Derive will consider its duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of customers who may need to access the complaints process. Derive will keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments will be kept under active review.

2.7 Complaints will not be accepted in the following circumstances:

- 2.7.1 Where Derive delivers services on behalf of another organisation
- 2.7.2 Where legal action has been taken and completed against Derive.
- 2.7.3 Legal Proceedings have started against Derive. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
- 2.7.4 A complaint regarding Rent reviews as we follow government guidelines.
- 2.7.5 Complaints regarding the setting of service charges that can be referred to the rents team.
- 2.7.6 Damage caused to personal belongings due to unforeseen circumstances, e.g. leak or fire.
- 2.7.7 Liability or personal injury claims.
- 2.7.8 Issues which have already exhausted the complaints process. For example, we have completed our Stage 1 and Stage 2 process, or the customer has had a determination from the Housing Ombudsman.
- 2.7.9 Where the issue giving rise to the complaint occurred or was first found, over 12 months ago. We may apply discretion where complaints are made outside of this time where there are good reasons given to do so, for example if the complaint is in relation to safeguarding or health and safety.
- 2.7.10 An expression of dissatisfaction with services made through a survey is not defined as a complaint although our surveys contain details of how to complain should a customer wish to do so.
- 2.7.11 The first reports of Anti-Social Behaviour (ASB), or ongoing nuisance as part of an existing ASB case. Complaints about how an existing ASB case has been handled will be logged as a complaint.
- 2.7.12 Derive will refuse a complaint from someone who is not an Derive customer, when not acting on behalf of an Derive customer.

3. Aim of policy

3.1 This policy aims to:

- Encourage feedback.
- Ensure complaints are resolved quickly, thoroughly, professionally, and fairly.

- Ensure that all customers are treated equally when making a complaint.
 - Ensure that we learn from comments, complaints and compliments and use that learning to improve services.
 - Ensure we provide customers and other stakeholders with information about how we are performing and actions taken from customer feedback.
- 3.2 This policy applies to all feedback received from any person using or directly affected by a service Derive deliver including where services are commissioned by Derive but delivered via a third-party contractor. Derive will ensure that all third-party contractors/services will adhere to this policy.

4. Definitions

4.1 Definition of a complaint

A complaint is an expression of dissatisfaction about the standard of service, actions, or lack of action by Derive, including staff and those acting on our behalf, affecting customers or a group of customers. The type of complaint we can consider may include but is not limited to:

- 2.1.1 Failure to provide a service.
 - 2.1.2 Provided a poor standard of service.
 - 2.1.3 Not meeting our own service standards or complying with our policies.
- 2.2 The customer does not have to use the word ‘complaint’ for it to be treated as such. Whenever a customer expresses dissatisfaction, we will give customers the choice to make a complaint.

5. Service Requests

- 5.1 A service request is “a request from a customer requiring action to resolve an issue/s.” Service requests are not complaints, but are recorded, monitored, and regularly reviewed. Where possible we will always work with our customers to try and resolve service requests quickly.
- 5.2 Our Complaints Team will respond back to your initial service request to understand more detail and work with customers to try and find a suitable resolution. If the service request cannot be resolved promptly or our customer requests that we raise a complaint, we will do so in line with our complaints policy. The handling of the service request will be overseen by a Stage 1 Complaints Officer.

6. Handling complaints

- 6.1 Derive colleagues are trained to handle complaints made by phone, email, in person with any Derive colleague, through the Derive portal and or through an electronic form on our website maintaining confidentiality and privacy.
- 6.2 Derive utilise translation tools if customers prefer to communicate in a language other than English. Language and accessibility tools are available on our website to ensure information about complaints can be accessed in a variety of ways e.g. large print, screen reader, dyslexia friendly font, multiple languages etc.
- 6.3 Complaints are recorded on our system and a full record will be kept of the complaint. This will include the original complaint, and the date received, all correspondence with the resident, correspondence with other parties, any reports or surveys prepared and outcome of each stage of the complaint.
- 6.4 Customers requiring support to make a complaint may ask someone to act as an advocate such as a family member, friend, external organisation, or Councillor/ MP. In these instances, we will treat the complaint in the same way as we do other complaints.
- 6.5 Customers can ask any such advocate to represent them or accompany them at any meeting with Derive. We will not be able to discuss the business of individual customers unless they have given their permission for us to do so, to ensure we remain compliant with Data Protection legislation.
- 6.6 Where a key issue of a customer complaint relates to our legal obligations, we will set out our understanding of the customer's and our obligations as part of our complaint response.
- 6.7 In instances where Derive declines to escalate a complaint, we will clearly communicate in writing our reasons for not escalating as well as the customers right to approach the Ombudsman about our decision. Derive will not take a blanket approach to excluding complaints; we will consider the individual circumstances of each complaint.

7. Complaint stages

7.1 Stage 1

- 7.1.1 When a complaint is made and accepted, a member of the Complaint Service team, a Complaints Officer, will contact the complainant to discuss and confirm the details of the complaint, including what may have caused the complaint to arise and work with the complainant to try and find a suitable remedy that meets expectations.

- 7.1.2 We will set out our understanding of the complaint and the outcomes our customer is seeking in the complaint acknowledgement letter. We will refer to this as “the complaint definition.” We will be clear about which aspects of the complaint we are and are not responsible for. If any aspect of the complaint is unclear, our customer will be asked for clarification.
- 7.1.3 We will acknowledge, define, and log the complaint at stage 1 of the complaint’s procedure within five working days of receipt.
- 7.1.4 Throughout the Stage 1 complaint our Complaints Management Officer (CMO will):
- Will address complaints professionally and within a timely manner.
 - Have appropriate complaint handling skills and will act to ensure there are no actual or perceived conflicts of interest.
 - Anticipate reasonable adjustments that may be needed and communicate in a way that meets our customers’ needs.
 - Agree with the complainant the frequency and method of communication.
 - We will manage expectations from the outset, being clear where a desired outcome is unreasonable or unrealistic.
 - Deal with complaints sensitively, carefully considering all information and evidence and ensuring that our customer has a fair chance to set out their position.
 - Acts independently and with an open mind, taking measures to address any actual or perceived conflict of interest.
 - Have access to staff at all levels to facilitate the quick resolution of complaints.
 - Have the authority and autonomy to act to resolve disputes quickly and fairly.
 - Keep the complaint confidential, as far as possible, with information only disclosed if necessary to thoroughly investigate the matter.
 - Address all points raised in the complaint.
 - Include any additional related complaints if a response has not been issued (when this would unreasonably delay the response; we will open a new complaint).

- Where a key issue of a customer complaint relates to our legal obligations, we will set out our understanding of the customer's and our obligations as part of our complaint response.
 - Ensure that other residents, and if applicable any staff member who is the subject of the complaint are given a fair chance to set out their position and comment on any adverse findings before a final decision is made.
 - A stage 2 Complaints Officer will oversee the handling of the complaint.
- 7.1.5 Processes are in place to help us consider which complaints can be responded to as early as possible, and which require further investigation. We consider factors such as the complexity of the complaint and whether the resident is vulnerable or at risk. Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the customer.
- 7.1.6 We will respond to Stage 1 complaints within ten working days after acknowledgement. On occasion, due to the complexity of a complaint, we may need to extend the response date, to undertake a further investigation. The extension, in line with the Housing Ombudsman guidelines, will not exceed ten working days without good reason.
- 7.1.7 We will not extend beyond twenty working days, without good reason. However, if there is good reason, this will be clearly explained to our customer. When extending beyond 20 days, we will agree on how often we keep our customer informed about their complaint and provide the Housing Ombudsman's contact details.
- 7.1.8 In our response we will address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law, and good practice where appropriate. All complaints at stage 1 will be formally responded to via email and/or letter, or other formats on request.
- 7.1.9 Derive will confirm the following in writing to the resident at the completion of stage 1 in clear, plain language:
- the complaint stage.
 - the complaint definition.
 - the decision on the complaint.
 - the reasons for any decisions made.
 - the details of any remedy offered to put things right.
 - details of any outstanding actions.

- 7.1.10 We will clearly lay out in our response how a customer can escalate the complaint to Stage 2 if they remain dissatisfied. This must be raised within 6 weeks of the stage 1 response, although individual circumstances will be considered if a request to escalate is received outside this timescale. We will escalate all complaints to stage 2 of the process providing the content of the original complaint remains the same.
- 7.1.11 When new issues have been raised after the stage 1 response has been issued, or the new issues are unrelated, the new issues will be logged as a new complaint.

7.2 Stage 2

- 7.2.1 Customers that remain dissatisfied with our response at stage 1 can choose to have their complaint escalated to stage 2. No reason is required to escalate a complaint. After escalated we will contact the complainant and work to understand the reason(s) why they remain dissatisfied and wish for the matter to be considered by us again. We will acknowledge, define, handle, and respond to the complaint in the same way as with stage 1 complaints as set out in 7.1.
- 7.2.2 Stage 2 investigations are carried out by a different member of staff, a Stage 2 Complaints Officer. The handling of the stage 2 complaint will be overseen by the Customer Experience Manager.
- 7.2.3 We will respond to Stage 2 complaints within twenty working days upon acknowledgement. On occasion, due to the complexity of a complaint, we may need to extend the response date, to undertake a further investigation. The extension, in line with the Housing Ombudsman guidelines, will not exceed twenty working days without good reason.
- 7.2.4 We will not extend beyond forty working days, without good reason. However, if there is good reason, this will be clearly explained to our customer. When extending beyond 40 days, we will agree suitable intervals for keeping our customer informed about their complaint and provide the Housing Ombudsman's contact details.
- 7.2.5 All complaints at stage 2 will be responded to in writing by email or letter or other formats on request.
- 7.2.6 In our response we will address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law, and good practice where appropriate. All complaints at stage 1 will be formally responded to via email and/or letter, or other formats on request.

7.2.7 Derive will confirm the following in writing to the resident at the completion of stage 2:

- the complaint stage.
- the complaint definition.
- the decision on the complaint.
- the reasons for any decisions made.
- the details of any remedy offered to put things right.
- details of any outstanding actions.
- information on how to contact the Housing Ombudsman should they remain.
- dissatisfied.

7.2.8 Housing Ombudsman

If a customer remains dissatisfied with the outcome of their complaint, they can choose to refer this to the Housing Ombudsman. Customers may contact the Housing Ombudsman directly. Further information can be found on the Housing Ombudsman on their website www.housing-ombudsman.org.uk or alternatively contact them on 0300 111 3000.

8. Closure of Complaints

A complaint is closed once the outcome and timescale for delivery have been agreed with the complainant where appropriate. The outcome we provide will clearly set out what will happen and by when. Agreed actions are tracked and completed as soon as possible, with regular updates provided to the complainant. Derive takes into account the guidance issued by the Ombudsman when deciding on an appropriate outcome.

9. Unreasonable or frequent complaints/complainants

9.1 In the event the behaviour of a customer making a complaint may become unreasonable or unacceptable that may impact on our ability to investigate their complaints. In these instances, we reserve the right to restrict or change the way in which a customer makes contact with us. Any restrictions placed on a resident's contact due to unacceptable behaviour should be appropriate to their needs and should demonstrate regard for the provisions of the Equality Act 2010.

9.2 Guidance is available to support colleagues in managing such circumstances. We will evidence reasons for putting any restrictions in place and will keep restrictions under regular review.

9.3 Examples of behaviour that Derive would consider unacceptable include:

- 9.3.1 Aggressive or abusive behaviour towards our employees or contractors including threats, physical violence, personal verbal abuse, harassment, or derogatory remarks.
- 9.3.2 Unreasonable demands which impact on our employee's time and ability to carry out their duties e.g. continually making calls, changing the content of their original complaint, or insisting on dealing with a particular employee.
- 9.3.3 Unreasonable persistence to come to terms with an explanation or decision and continuing to pursue their complaint without providing any new information.
- 9.3.4 A high volume of calls, emails, letters or contact via social media including the frequency and length of contact.

10. Compensation or Good Will Gesture payments

Discretionary compensation is considered on a case-by-case basis, and we adopt an evidence-based approach. Further guidance can be found in the Compensation Policy.

11. Compliments or Comments

We encourage positive feedback and suggestions so that we can understand what we have done well, learn what we need to do more and what we need to stop doing. Compliments and comments can be made through any of the same channels as with complaints and are also logged in our system.

12. Monitoring and learning from complaints

12.1 Where something has gone wrong, we will acknowledge this and set out the actions we have already taken, or intend to take, to put things right. These may include:

- Apologising.
- Acknowledging where things have gone wrong.
- Providing an explanation, assistance, or reasons.
- Taking action if there has been delay.
- Reconsidering or changing a decision.
- Amending a record or adding a correction or addendum.
- Providing a financial remedy.
- Changing policies, procedures, or practices.

- 12.2 We analyse complaints to understand where things have gone wrong and to identify what we can do to mitigate this happening again. Trends in complaints are shared with Derive teams to inform service improvements.
- 12.3 We also recognise the jurisdiction of The Housing Ombudsman Service and will implement recommendations resulting from their investigations. We will also record the reasons for complaints being escalated as customer feedback on how their initial complaint was handled. This will provide opportunity for learning on future complaints handling.
- 12.4 On a quarterly basis a summary of the complaint's statistics will be provided to the RP Board for each board meeting.
- 12.5 On a quarterly basis the Scrutiny Panel (made up of Customers and staff) will review a number of anonymised, recently closed formal complaints to see if they think we could have done anything better and feedback recommendations to the Board.
- 12.6 On resolution of a formal complaint, we will randomly survey our customers to check satisfaction with how the complaint was handled and with the outcome.

13. Policy review

All Derive strategies, policies and procedures are reviewed on a regular basis to ensure that they are 'fit for purpose' and comply with all relevant legislation and statutory regulations.

This policy will go through the full policy approval process every 3 years and will undergo a desktop review annually. This is to ensure that it is fit for purpose and complies with all relevant and statutory regulations.