

Complaints Procedure

Our aim

Cognatum aims to provide a high level of service, consistent with its obligations to all residents living within its estates.

However good and efficient a service, there are times when it will go wrong. We wish to ensure that any problems you have with our service are dealt with promptly, with satisfactory resolution. Where we identify mistakes, we want to put things right and prevent them happening again.

Cognatum keeps in mind that it is dealing with people in their home yet must administer the estate in a professional manner and in line with the obligations of the lease, housing legislation and in the best long-term interest of the estate.

This procedure is updated in line with the continuing assessment of the impact of the coronavirus pandemic and the appropriate and fair use of company resources. See appendix A 'Updated approach to complaint handling in response to the coronavirus pandemic'.

Our procedure

- 1) All residents are encouraged where possible, to discuss their concerns with the estate staff on an informal basis. Often, issues can be dealt with quickly and easily and estate staff have the authority and responsibility to deal with such matters under their own discretion. Where they need further advice or direction, they may contact their Operations Manager and report back to you on the action taken.
- 2) If you are not satisfied with the answer given at estate level, or the complaint concerns estate staff, please report it to the Operations Manager in writing. The Operations Manager may contact you to agree action and resolution with you at that point. If further investigation is required, the Operations Manager will undertake this and provide you with a written response.

This would usually be within 10 working days (2 weeks) but if for any reason a longer time is required you will be informed of this and advised when to expect a response.

- 3) If you are dissatisfied with the outcome and wish to escalate your complaint you should do this in writing to the Director of Operations. The Director of Operations will only consider reviewing a complaint that has been responded to by the Operations Manager (see point 2).

The Director of Operations, or a suitable other member of the senior team as the company considers appropriate, will then undertake a review of the complaint which may require further contact with you and will provide you with a written response. This would usually be within 20 working days (4 weeks) but if for any reason a longer time is required you will be informed of this and advised when to expect a response.

- 4) Once the company confirms you have exhausted its internal complaints process you have the right to refer it to the Independent Housing Ombudsman Scheme. Alternatively, as a certified member of the Association of Retirement Housing Managers, you can refer your complaint to the association at the following address ARHM, 1 – 3 Manor Road, Chatham, ME4 6AE or via enquires@arhm.org

Complaints about senior staff

If your complaint is about the conduct of a senior member of staff (Operations Managers or above), or any member of Head Office staff, you are encouraged to resolve it informally with the person concerned.

Complaints should be addressed to the Customer Services Manager. The process for doing so, investigation and resolution is the same as detailed above.

The nature of complaints

In general, complaints will fall into one of two areas:

1) Complaints about service

These may be about any aspect of the type, quality, frequency, efficiency and general arrangements of the service provision and obligations, offered to residents. Complaints will be judged against the criteria set out by the Company for delivery of services and the performance of staff in executing them.

2) Complaints about staff

These may include general attitudes and actions of staff members in their dealings with residents and visitors to the estate and failure or neglect in delivery of performance standards as set out by the Company.

In dealing with all complaints, we will endeavour to offer a discrete and fair service. Where complaints concern staff members, and due to employment legislation, it may not be possible or desirable to maintain anonymity of the resident making the complaint, even should this be requested.

From whom are complaints received?

This complaints procedure is designed primarily for established residents on all Cognatum estates to bring their concerns on an individual basis and have them dealt with in a structured way, which is fair and open, but also offers discretion.

The Company is concerned to promote a good reputation for service and courtesy and does therefore, extend the provisions of this procedure to relatives and friends of residents, prospective purchasers, and general visitors to the estates.

Complaints between residents

It is the policy of The Company to offer a non-intrusive service to residents. Our involvement in disputes between, or about, residents will be restricted to the duties and obligations set out in the Lease.

We respectfully advise residents that the conditions of the lease are binding on them, for the general welfare of the estate. Where significant breaches of the lease occur, and the matter is complained about by other residents, the Company will discuss this with person(s) in breach. A resolution to the breach will be sought based on informal dialogue and mutual agreement.

Should the breach continue, the Company will use its best endeavours to resolve it without recourse to formal proceedings and taking all factors into account. However, a persistent and continuous breach, which clearly affects other residents of the estate, will be subject to more formal remedy, as appropriate.

Dealing with harassment

Cognatum employees at all levels must not engage in any actions, which may constitute harassment of residents.

Equally, the Company has a responsibility to protect its employees from the effects of harassment by others. Serious harassment of staff by residents or their families is rare but, in such instances, the Company will take necessary steps to investigate the cause of the harassment and agree solutions.

The Company will also seek to mediate on matters of serious harassment between residents and effect solutions, but only within the limits of its remit and obligations.

Managing Unacceptable Behaviour Policy

This policy has been drafted in line with the Housing Ombudsman's published best practice:

<https://www.housing-ombudsman.org.uk/landlords-info/guidance-notes/managing-unacceptable-behaviour-policy/>

The Housing Ombudsman encourages landlords to have a policy in place to help manage complainants who present unacceptable behaviours. These situations can be challenging to landlords like us and our staff, and can take up an unreasonable amount of time and resources.

This section of the complaints policy sets out what the Ombudsman would expect to see included in our policy on managing such behaviours from residents. It is intended as a guide for landlords as well as for residents who may have had their contact restricted.

Policy aims and objectives

We should set out our approach to managing customers who present unacceptable behaviours. It is important that customers are aware of this policy so they know certain actions will be taken depending on the type and extent of the behaviour, and so this section is included in the policy distributed within the complaints process.

We should also state how employees will be supported when dealing with this type of customer.

Our policy should reflect the fact that all customers should be dealt with fairly, honestly, consistently and appropriately including those whose actions are considered unacceptable. It is however important to recognise that all customers have a right to be heard, understood and respected.

It should also be noted that whilst we have a duty to protect employees, they also have obligations towards residents. For example, where there are counter allegations against an employee these need to be investigated properly.

Equality and diversity, and reasonable adjustments

Our policy should reflect the requirements of the Equalities Act 2010 and show due regard for an individual's medical condition and vulnerability such as mental health issues and learning disabilities. Accordingly, any restrictions imposed on a customer's contact should recognise and be appropriate to their individual circumstances.

Representation and multi-agency approach

It is important to consider if there are other individuals that may be able to represent the resident in the handling of their complaint, for example a family

member, friend or support worker. It is also important to consider if a multi-agency approach is necessary when the individual is receiving support from other bodies.

Confidentiality

It is important residents know how information about themselves, particularly with regard to medical information, will be treated. Our policies should refer to how we comply with collection, storage, access to, provision and disclosure of data in accordance with the Data Protection Act 2018.

What constitutes unacceptable behaviour?

This policy sets out what we regard as unacceptable behaviour. It recognises that behaviour is not unacceptable just because a person is assertive or determined. There may have been distressing circumstances leading up to a resident contacting us, and people may act out of character.

Behaviour may become unacceptable however if it is so demanding or persistent that it places unreasonable demands on us, and so impacts the level of service that can be offered to others.

Examples include:

- unreasonable demands (e.g. requesting large volumes of information, asking for responses within a short space of time, refusing to speak to an individual or insisting on speaking with another)
- unreasonable persistence (refusing to accept the answer that has been provided, continuing to raise the same subject matter without providing any new evidence, continuously adding to or changing the subject matter of the complaint)
- verbal abuse, aggression, violence (this is not just limited to actual physical or verbal abuse but can include derogatory remarks, rudeness, inflammatory allegations and threats of violence).
- overload of letters, calls, emails or contact via social media (this could include the frequency of contact as well as the volume of correspondence received as well as the frequency and length of telephone calls).

How will such behaviour be managed?

This section of the policy explains what actions we can take to manage such situations.

We should always try and reach a voluntary (informal) arrangement with the complainant before taking formal action. This is to allow the individual time to consider and adjust their behaviour. Mediation or advocacy through third parties can be considered to try and improve the situation.

If this informal approach fails, it is appropriate to issue a warning to the resident before taking any formal steps. A warning should include examples of where the individual's behaviour has been considered unacceptable with reference to what formal steps may be taken if the behaviour continues.

What formal actions can we take?

The policy gives details below of the types of restriction that we can put in place should the informal arrangements not succeed in the individual changing their behaviour. This would normally include:

- providing a single point of contact
- limiting contact to a single form i.e. to writing, email or telephone only.
- limiting contact to certain times or to a limited number of times per week or month
- declining to give any further consideration to an issue unless any additional evidence or information is provided
- only considering a certain number of issues in a specific period.

In extreme cases such as physical violence or harassment towards an employee, actions could include involving the police, taking legal action and ending direct contact with the customer.

How long should restrictions remain in force?

Our policy reflects the fact that an individual who has restrictions on their contact should be entitled to an appeal of that decision. Also, any restrictions imposed should not be set indefinitely and a review period should be agreed at the outset.

If the individual's behaviour has improved at the point of review, consideration can be given to lifting the restriction.

If it has not improved, we will provide an explanation as to why the restriction will remain in force for a further period pending the next agreed review date.

Referring to the Ombudsman

A complainant who has been deemed to be behaving unreasonably may refer the decision to the Independent Housing Ombudsman Scheme, of which Cognatum Estates is a member.

Relations between the company and complainants sometimes break down while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances there may be nothing to gain from following through all stages of the organisation's complaints procedure. In these circumstances The Independent Housing Ombudsman may be prepared to consider complaints before complaints procedures have been exhausted.

If Cognatum's consideration of the complaint is ended we have the option of ending all communication with the complainant on the issue and, where appropriate, refer the complainant to the Ombudsman.

What this procedure does not cover

The Company will not sanction solutions to complaints, where such resolution would involve staff in matters which are:

- a) Illegal.
- b) give rise to unsafe working practices.
- c) above and beyond agreed service levels.

The Independent Housing Ombudsman Scheme

The above scheme is compulsory for registered social landlords (housing associations) but has a voluntary membership scheme for private landlords such as Cognatum Estates.

The IHOS is designed to offer an impartial, careful, and cost-effective review of complaints, after the landlord's own procedures have been exhausted. The Ombudsman's rulings are binding and conclusive and generally seen as fair.

How does the scheme work?

The Ombudsman has a duty to investigate complaints from tenants about matters concerning their relationship with their landlord. The cause of the complaint must have arisen within the previous 12 months and the landlord's own complaints procedure must have been firstly completed. The Ombudsman will reach a decision that is "fair in all the circumstances". A solution is based on a local settlement, mediation, or arbitration, but in very serious cases, a formal inquiry will be conducted.

What can be brought to the Ombudsman?

The Ombudsman is looking for failure to handle matters fairly, competently, or where there is evidence of bias, negligence, rudeness, or mistreatment of a complaint. The complaint will be judged against the organisation's own stated intentions, service levels or codes of practice.

When would I use the service?

Hopefully few if any, residents will have cause to use the IHOS. Cognatum Estates Ltd has a formal complaints procedure to deal with disputes and we believe that most issues can be satisfactorily dealt with in this way. Nevertheless, membership of the scheme demonstrates our commitment to fair and open service, maintaining good relationships with residents.

Further details of the IHOS can be obtained from:

The Independent Housing Ombudsman Service
PO Box 152
Liverpool
L33 7WQ

0300 111 3000
www.housing-ombudsman.org.uk

Appendix A

Updated approach to complaint handling in response to the coronavirus pandemic

Background

The ongoing coronavirus pandemic means that we must continue to focus on our priorities and constantly assess our resources in these challenging times.

This includes ensuring that our environments remain as safe as possible from the risk of covid-19, whilst balancing our service level obligations with the health, safety, and well-being of our staff.

We are committed to a pragmatic approach focusing on the most serious complaints or those with the highest risk. However, we must reflect today's reality which includes ongoing closure of Cognatum head office, reduced access to colleagues, equipment, support and advice and the remote nature of most of our operations.

Procedure

- We will continue to accept complaints and identify those that can be dealt with informally and those that will require progression through the formal 'Complaints Procedure' path.
- We will identify those complaints requiring the focus of our reduced resources based on an assessment of seriousness, risk and the impact on the health, safety and well-being of residents and staff. These will be prioritised.
- Timescales for addressing complaints will be extended. This will be communicated to complainants and will be based on executive judgement of the priority of the complaint and the resources available.
- Complaints regarding service to residents will be judged against the requirements of the lease, legislation and the adjustments made to services to address the effects of the pandemic. This will not include any pre-covid19 working methods or service levels.
- Formal complaints maybe fast tracked to the end of the internal complaints procedure to expedite the process and protect resources if so directed by the executive.

Summary

Cognatum wishes to operate an effective, fair and open complaints procedure for dealing with issues that arise from time to time.

We continue to monitor the situation as the outcomes of our response to the coronavirus pandemic continue and will review this guidance as and when necessary. The timing of our return to a pre-coronavirus approach to complaints handling will be appropriate and measured.