

# COMPLAINTS POLICY AND PROCEDURES

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## Policy Statement

Cognatum is committed to providing a quality service and working in an open and accountable way that builds trust and respect. One of the ways in which we can continue to improve our service is by listening and responding to the views of our customers and by responding positively to complaints. Where we identify mistakes, we want to put things right and prevent them happening again.

Therefore, we aim to ensure that:

- making a complaint is as easy as possible.
- we treat a complaint as a clear expression of dissatisfaction with our service which calls for an immediate response.
- we deal with it promptly, politely and, when appropriate, confidentially.
- we respond in the right way - for example, with an explanation, or an apology where we have got things wrong, or information on any action taken and
- we learn from complaints, use them to improve our service and review annually our complaints policy and procedure

## Definition of a Complaint

In line with the Housing Ombudsman's Complaint Handling Code (2020), Cognatum defines a complaint as:

**“An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.”**

## Complaints Policy

In dealing with all complaints, we will endeavour to offer a discreet 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 customer making the complaint, even should this be requested.

### Where it is not appropriate for a complaint to be raised:

Issues that have occurred more than 6 months previously, unless there is evidence that this has been raised to staff and no action has been taken.

Concerns that have already been investigated through Cognatum's complaint procedure and a final response has been provided.

Matters that are being considered through First Tier Tribunal.

## The Nature of Complaints

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

### 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 customers. Complaints will be judged against the criteria set out by Cognatum for delivery of services and the performance of staff in executing them.

### Complaints about staff

These may include general attitudes and actions of staff members in their dealings with customers and failure or neglect in delivery of performance standards as set out by Cognatum.

## Monitoring and Compliance

This policy, and associated procedures, will be monitored through regular reviews.

If there are significant changes to legislation or regulations or there are found to be deficiencies or failures in this policy, an immediate review will be initiated.

The Housing Ombudsman ensure compliance with the policy where individual complaints are referred to it for consideration.

## Roles and Responsibilities

The Customer Services Manager is responsible for ensuring adoption of and adherence to this policy across Cognatum.

This is supported by the Head of Estates who is responsible for ensuring that complaints are used to inform service delivery and that action is taken in response to lessons learned.

Operations Managers have day to day responsibility for the implementation of this policy and associated procedures in practice. They are responsible for ensuring:

- communication to all staff
- suitable and sufficient training and instruction is provided
- adherence to the policy by all staff
- the provision of the necessary equipment, resources and records to make sure that compliance is achieved

Communication with customers is centred around the concept that all enquiries are resolved at the first point of contact wherever possible. Therefore, all staff, particularly those who may interact with customers and receive complaints must:

- be aware of and understand and implement this policy and associated procedure.
- support resolution of complaints and concerns at the first point of contact.
- provide assistance to colleagues handling complaints where requested.
- participate in any training that Cognatum makes available and
- communicate any issues with implementing this policy to their line manager and identify any areas for continuous improvement promptly

Cognatum uses all customer feedback, including complaints, to inform service delivery and has put the following processes in place to ensure that lessons are learned from the customer's experience:

- records of any service failures and the actions taken in response.
- regular reports detailing performance to relevant management teams and
- actively engaging with the Housing Ombudsman Service and using its regular insight reports to review and improve services as required

### Impact on Diversity

The Housing Ombudsman is committed to ensuring that any customer that has a particular need is not disadvantaged in accessing its service. To this end, where Cognatum is made aware that a customer has a particular need, staff will make reasonable adjustments to meet the need. Examples of adjustments that may be made include (but are not limited to):

- Using different ways to communicate with a customer e.g. use of email or hard copy letter.
- Provision of documents in larger font.
- A paragraph will be included in written communications e.g. acknowledgment letters, asking whether a reasonable adjustment might be required.
- Provision of documents in an alternative format on request e.g. large print or coloured paper.

### How we decide what is reasonable

The Equality Act does not define what is “reasonable” but guidance from the Equality and Human Rights Commission suggests that the most relevant factors are:

- The effectiveness of the adjustment(s) in preventing or reducing the disadvantage for the disabled person
- The practicality of making the adjustment
- The availability of our resources including external assistance and finance
- Any disruption to the service that making the adjustment may cause

We will record and monitor the reasonable adjustments on the casefile that have been requested and made. This will allow us to review the services we provide and help us identify whether there are any wider steps that we can take to improve our services.

### Data Protection

Please see appendix 1

## Procedure for Raising Complaints

All customers are encouraged where possible, to discuss their concerns with the estate staff on an informal basis in the first instance. Often, issues can be dealt with quickly and easily. Estate staff have the authority and responsibility to undertake the activity they feel is appropriate to achieve resolution, in consultation and agreement with you, and to deal with some 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.

**Cognatum operates a two-stage complaints procedure.**

### Complaints about service

#### Stage 1

Where you remain unhappy with the response provided at estate level, or the complaint concerns estate staff, you are encouraged to write to the Customer Services Manager at [mail@cognatum.co.uk](mailto:mail@cognatum.co.uk) explaining the details of the complaint and how you would like it resolved.

The Customer Services Manager will provide a formal acknowledgement within 5 working days, together with a copy of Cognatum's published complaints procedure before referring the complaint to the Operations Manager.

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 be within 10 working days (2 weeks) from date of first acknowledgement of your complaint but if for any reason a longer time is required you will be informed of this before this time period has lapsed and advised when to expect a response.

#### Stage 2

If you remain unhappy with the outcome of the investigation at stage 1, you are encouraged to make contact with the Customer Services Manager and to share why you remain unhappy, provide any additional evidence which may have not been considered, and to explain what you are looking for to resolve the complaint.

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

A final response will be provided which will explain Cognatum's position and your rights should you remain dissatisfied.



At this point Cognatum will confirm that you have exhausted its internal complaints process and you now have the right to refer it to the Housing Ombudsman Service by contacting them as below:

Housing Ombudsman Service  
PO Box 152  
Liverpool  
L33 7WQ  
0300 111 3000  
[www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

### 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.

Should this resolution not be possible, the complaint should be sent to the Customer Services Manager. The process for doing so, investigation and resolution is the same as detailed above and will be conducted by an appropriate senior member of staff.

### Complaints between residents

It is the policy of Cognatum 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, Cognatum 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, Cognatum 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, Cognatum 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, Cognatum will take necessary steps to investigate the cause of the harassment and agree solutions.

Cognatum 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 will 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 will state how employees will be supported when dealing with this type of customer.

Our policy will 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 will 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

We will 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.

## Data Protection

Please see appendix 1

## 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 and 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 will 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, we will issue a warning before taking any formal steps. A warning will 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.

- We will explain that restrictive actions may need to be applied should the behaviour continue.
- We will agree a cross-departmental approach which addresses contact with multiple personnel.
- We will appoint a key officer to coordinate our response(s).
- We will assist the complainant in finding a suitable independent advocate if the complainant has additional needs.

### 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:

- Limits will be placed on the number and duration of contacts with staff per week or month. When restrictions have been placed, we will write to explain what it means in term of contact with Cognatum and how long any limits will last.
- Restricted time slot for necessary calls will be offered.
- The complainant will be limited to one medium of contact, either telephone, letter, or email
- The complainant will communicate with one named member of staff only.
- Any personal contacts are to take place in the presence of a witness and in a suitable location.
- We will refuse to register and process further complaints which are judged to have been addressed in full.
- Future correspondence will be read and placed on the file but not acknowledged unless it contains new information. A designated officer will be identified who will read future correspondence.
- There will be a specified review date and the outcome of the review will be explained.
- If limits are to continue, the reasons will be explained, and the next review date will be provided.

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 Housing Ombudsman Service.

Relations between Cognatum 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 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

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

- Illegal
- give rise to unsafe working practices.
- above and beyond agreed service levels.

## The Housing Ombudsman Service

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 HOS 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 HOS. 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 HOS can be obtained from:

Housing Ombudsman Service  
PO Box 152  
Liverpool  
L33 7WQ  
0300 111 3000  
[www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

## Appendix 1

### Cognatum Estates Privacy Notice for Residents

We take the protection of your data seriously, and only hold the minimum of data in order for us to provide the services as set out in your lease. If we feel it could be of benefit to you, we may share your contact details with our other companies, Cognatum Services and Cognatum Property.

Our nominated data protection officer is the Communications Manager, who is based in head office.

Your data is held in two locations: the office on your estate, and at Cognatum's Head Office. In both places it is held securely.

The estate office holds:

- Your contact details
- Your date of birth if you have shared it with us
- Contact details for your next of kin if you have shared them with us
- Details of Lasting Power of Attorney if you have shared this with us.
- Changes to ownership of a property

We will only use your data to communicate with you and ensure that you are fully informed about developments and events on your estate. If you have given us permission to contact your next of kin, we will do so in the event of an emergency or concern over your wellbeing. Should we need to get assistance from the emergency services, for example an ambulance, we will share the data we hold about you with them.

Some estates may also have a telephone list which is circulated among residents for social purposes. This is entirely optional.

Head Office holds:

- Your contact details
- A security list of residents at your estate, which is shared with our emergency alarm providers
- Bank details for those residents who pay by direct debit
- A record of any correspondence you have had with us

As your landlord, we need to keep your data so that we can fulfil our legal obligations to consult and communicate with you. We also need to supply our alarm providers with your details, so that should you need to call them they can respond appropriately.

Please feel free to contact us if you require clarification or further information.