



Complaints Policy & Procedure

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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 complaints on their own merit, act independently and have an open mind;
- we give the customer a fair chance to set out their position;
- we consider all relevant information and evidence carefully;
- 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 (2024), Cognatum defines a complaint as:

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

Complaints Policy

Who can make a complaint?

We welcome complaints from anyone, or the representative of anyone, who is affected by the services provided by Cognatum Estates.

We can engage with a third party pursuing a complaint on the complainant's behalf as long as we have evidence that this person has their specific approval to act on their behalf and to have information provided to them by us. We will always work within what our Data Protection Policy allows.

We will treat complaints received either via a third party or through a recognised Residents Association no differently to other complaints but to allow us to handle the complaint efficiently, we will ask for a single point of contact. In the case of a Residents Association this would be either the Chair or the Secretary.

Anonymous complaints

If a customer makes a complaint in confidence, only the person(s) who received the complaint and a member of the complaints team will know their identity.

If it is not possible to fully investigate a complaint without disclosing the identity of the complainant, we will ask their permission to do this. While we respect our customer's right to anonymity, if we don't have this permission, we may not be able to investigate fully. We will, however, still record and monitor anonymous complaints.

Where complaints concern staff members, 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.

In dealing with all complaints, we will endeavour to offer a discreet and fair service.

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

- Where an issue giving rise to the complaint occurred over 12 months ago
- Where concerns have already been investigated through Cognatum's complaint procedure and a final response has been provided
- Where legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court
- Where a complaint is currently being dealt with by another relevant dispute procedure eg Lands Tribunal, Housing or Property Ombudsman Service

We will provide an explanation setting out the reasons why a matter is not suitable for the complaints process, and you then have the right to take the decision to the Housing Ombudsman.

Accessing our service

Cognatum is committed to ensuring that any customer that has a particular need is not disadvantaged in accessing its service.

This document is available in large clear font upon request.

Equality and diversity, and reasonable adjustments

We are committed to applying this policy in line with our Reasonable Adjustments Policy and 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.

Definition of a reasonable adjustment

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.

Reasonable adjustments policy

Cognatum is committed to ensuring that no one is disadvantaged in accessing its services.

To this end we will make reasonable adjustments for anyone wishing to lodge a complaint. This policy does not seek to explain how we will approach every situation, it is intended as a general statement of our policy and:

- Confirms our commitment to improving accessibility for everybody that we deal with
- Sets out some of the basic principles of our commitment to provide reasonable adjustments
- Sets out the factors that we will take into account in dealing with requests for reasonable adjustments

What is a reasonable adjustment

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 let people know that we can provide reasonable adjustments in the following ways:

- By including a paragraph in written communications (e.g. acknowledgement letters)
- By asking whether a reasonable adjustment might be required over the telephone
- By including a note on our published documents indicating that we can provide the document in an alternative format on request

Types of reasonable adjustment we can offer

- Clear and large print appropriately justified
- Provision of information in coloured paper
- Use of email or telephone in preference to hard copy letters

Monitoring

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.

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

The Director of Resources fulfils the requirement under the Housing Ombudsman's Complaint Handling Code to have a lead person responsible for complaints within Cognatum Estates. The role ensures that Cognatum supports a positive complaint handling culture and that the Board of Executors is provided with regular information on complaints and insights on the complaint handling performance. 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 ensures compliance with the policy where individual complaints are referred to it for consideration.

Roles and Responsibilities

The Customer Service 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

Data Protection

We are committed to applying this policy in line with the General Data Protection Regulations as set out in our Data Protection Policy.

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.

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 action 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, the estate staff may contact their Operations Manager and report back to you on the action taken. You are welcome, however, to lodge a complaint as the first step.

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 should contact the Customer Service Manager by using any of the following options;

1. Via email mail@cognatum.co.uk
2. Writing to Pipe House, Lupton Road, Wallingford OX10 9BS
3. Calling head office on 01491 821150

You will need to explain what we did wrong or failed to do, how it has affected you and how you would like it resolved and attach any relevant evidence eg copies of correspondence.

The Customer Service 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. Your complaint will be logged, and you will be provided with a reference number which should be used until the complaint has been resolved.

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 will be within 10 working days from date of 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 should contact the Customer Service Manager. The request to escalate to stage 2 should be sent as soon as possible, usually within 20 working days of receipt of the stage 1 response.

We will log and acknowledge a stage 2 request within 5 working days.

You should explain why you remain unhappy, provide any additional evidence which may have not been considered, and explain what you are looking for to resolve the complaint ie.

1. What specific parts of your original complaint have we not investigated?
2. What part of our response do you disagree with and why?
3. What can we do to resolve the complaint and to put things right?

If none of the above are explained clearly, we will proceed with the stage 2 review with the information available to us at that time.

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 from the date the request to escalate has been acknowledged 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

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 Service 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

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/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.

Our 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.

Managing Unacceptable Behaviour Policy

Definition of Unacceptable Behaviour

Unacceptable behaviour means acting in a way that is unreasonable, regardless of the level of someone's stress, frustration, or anger. It may involve acts, words or physical gestures that could cause another person distress or discomfort.

Policy aims and objectives

You can expect that our employees will always:

- treat everyone who contacts us with respect, empathy, and dignity
- provide a fair, open, proportionate, and accessible service
- listen and understand

We expect people accessing our services to:

- treat us with respect, empathy, and dignity
- be courteous
- engage with us in a way that does not hamper our ability to carry out our work effectively and efficiently for the benefit of all

What constitutes unreasonable behaviour?

- Refusing to specify the grounds of a complaint, despite offers of help
- Refusing to cooperate with the complaints investigation process
- Refusing to accept that certain issues are not within the scope of a complaints procedure
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them resolved
- Changing the basis of the complaint as the investigation proceeds
- Denying or changing statements made at an earlier stage
- Introducing trivial or irrelevant new information at a later stage
- Raising many detailed but unimportant questions, and insisting they are all answered
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous staff or detailed letters every few days, and expecting immediate responses
- Submitting repeat complaints with minor additions/variations whilst insisting they are 'new' complaints

- Refusing to accept the decision; repeatedly arguing points with no new evidence

Dealing with unreasonable behaviour

- Once the complainant has been identified as having unreasonable behaviour, we will write to the complainant with a copy of the policy and explain why the current behaviour is seen as unreasonable
- We will explain that restrictive actions may need to be applied should the behaviour continue
- We will set up a strategy meeting to agree a cross-departmental approach
- We will appoint a key officer to coordinate our response(s)
- We will assist the complainant in finding a suitable independent advocate especially if the complainant has different needs

Operating the Policy

If a decision is taken to apply restricted access:

- 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 about the same matter
- 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

Referring to the Ombudsman

A complainant who has been treated as behaving unreasonably may refer the decision to the Independent Housing Ombudsman Scheme, of which Cognatum Estates Ltd 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.