



Complaint Policy
October 2024

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1. Scope

1.1 This policy is owned by the Chief Executive and is subject to approval by Torus Group Leadership Team and the Landlord Operations Committee.

1.2 The policy applies to all Torus customers or non-service users making a complaint.

1.3 Complaints are welcomed from all tenants, residents, customers, advocates on their behalf and non-customers who may be affected by the Torus's services or residents, including:

1.4 Other stakeholders including contractors and funders who have a contractual relationship with Torus may also use the policy to express dissatisfaction and seek a resolution. Where more appropriate appeal processes exist, for instance those available to applicants for re-housing, then these will be followed. Where the complaint is about a third-party contractor, Torus will retain overall responsibility for investigating and responding to the complaint.

2. Policy Statement

Torus is committed to providing excellent customer service that represents value for money for our residents, customers and partners. This policy is designed to make it easy for them to provide feedback about the services they receive. This policy sets out our two-stage approach to managing and resolving formal complaints. It also explains how customer feedback will be used to inform continuous learning and improvement.

2.1 Confidentiality

The Torus Data Protection policy outlines our approach to the collection, storage, access to, provision and disclosure of data in accordance with the Data Protection Act 2018.

3. Implementation

3.1 Definition

Torus define 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.

In contrast, a service enquiry is a request for service or a question about the service that we provide. We will aim to resolve these within 48hrs. Enquiries are excluded from the provisions of this policy.

3.2 Compliance

This policy complies with the requirements of the Complaint Handling Code (Revised) 2024 as published by the Housing Ombudsman Service and reflects the requirements of the Transparency, Influence and Accountability Standard within the Regulator for Social Housing's Consumer Standards (2024).

The policy reflects relevant legislation, namely the Localism Act 2011, Housing Act 1996 (schedule 2), General Data Protection Act 2018, and Equality Act 2010.

The policy will work in conjunction with Torus policies in place at the time to manage discretionary compensation and unreasonable behaviour.

3.3 Reporting a complaint

We welcome complaints and provide a range of options for customers to use, including in person, in writing, by e-mail, 'online', or by phone. Customers can relay or hand in their complaint in person at any Torus office. Customers who make a complaint on social media (e.g. Facebook or Twitter) will be directed to our on-line complaints form.

The Torus website includes the 'Reachdeck' facility which provides speech, reading and translation support tools to assist customers who wish to make a complaint. Additionally, an 'Easy Read' version of the policy is available in all offices to assist those with limited literacy.

We will identify service failures and do not expect customers to specifically say "I wish to complain."

3.4 Complaint Handling

Staff are trained in handling and responding to complaints and will be empowered to deal with complaints as and when they arise.

Where Torus has got things wrong, staff will sincerely apologise, explain what went wrong and what action will be taken to put things right.

When responding in writing, we will make it clear what stage in the process the response relates to and give clear guidance on how to escalate the complaint if the resident remains dissatisfied. We will, at all stages, provide residents with contact information for the Housing Ombudsman Service making it clear that there is a right of access to their service at any point of the complaint process.

Where complaints indicate an imminent risk of harm either as a result of health and safety or safeguarding concerns, the officer who first receives the complaint will make a referral on Health and Safety or Safeguarding grounds, following the appropriate procedures. Thereafter, a complaint will be raised.

3.5 Complaints and Point of Contact Resolution

Torus operates a clear two-stage complaints process.

We will always try to resolve a problem straight away at point of contact if the resident is agreeable as this approach offers the probability of an acceptable outcome.

Occasionally, a customer may be unhappy with the actions or services provided by Torus but have no interest in raising a complaint, or may not require us to respond to their concerns in writing. We will work with the customer at point of contact to achieve a solution that is acceptable to them.

Typically, this approach is taken when dealing with straight forward problems or 'service enquiries' and is only taken with the expressed consent of the customer(s). The intended resolution will be fed back to the customer promptly, usually within 48 hrs. Our IT systems enable us to record and track these 'escalated service requests' allowing us to establish an audit trail and learn from customer feedback. If a customer is not satisfied with the response, we will offer to raise a complaint.

On these occasions, and those where the customer is clear that a service failure has occurred, we will raise a complaint, acknowledging this within five working days of receipt. We will investigate and fully respond within 10 working days thereafter.

Where a complainant is unable to put forward a coherent case or may be vulnerable, they will be directed towards local Advocacy Services, for example Citizens Advice.

3.6 Complaint Investigation Principles

A complaint investigation will be conducted in an impartial manner, seeking sufficient information from all parties so that fair and appropriate findings and recommendations can be made. We will;

- Deal with each case on its merits
- Act independently and have an open mind
- Take measures to address any actual or perceived conflict of interest
- Consider all information and evidence carefully
- Keep the complaint confidential as far as possible. We will only disclose details of the complaint more widely where this proves necessary to allow us to conduct a thorough investigation.

Where a key issue of a complaint relates to legal obligations, we will clearly set out our understanding of the obligations of both parties, seeking clarification before doing so where this is not initially clear.

3.7 Stage 1 Complaints

Complaints will be acknowledged within 5 working days of receipt and registration. The investigating officer will aim to make contact with the complainant to better understand and clarify the nature of the complaint and the requested resolution.

We will aim to respond and ‘put things right’ or provide agreed actions and timescales for resolving more complex complaints within 10 working days following the acknowledgement. If this is not possible, the investigating officer will provide the complainant with an explanation and the date by which the Stage 1 response will be received. This extended timescale will not exceed a further 10 working days without good reason.

We will attempt to maintain contact with the resident and keep them updated throughout the course of the complaint even where there is no new information to provide.

The investigating officer will **always** respond to the Stage 1 complaint in writing. In our Stage 1 response we will address all points raised in the complaint and provide clear reasons for any decisions that we have made, referencing the relevant policy, law and procedure where applicable.

Where residents raise additional complaints during the investigation, these will be incorporated into the Stage 1 response if they are relevant, and the response has not been issued. Where the Stage 1 response has been issued, or it would unreasonably delay the response, the additional item(s) will be logged as a new complaint.

If a resident is not satisfied with the Stage 1 response, they can request that it is considered at Stage 2. They will have 28 days from the date of our Stage 1 response to do this.

3.8 Stage 2 Complaints;

If the complaint is not resolved to the complainant’s satisfaction at Stage 1 it will be progressed to the final stage of the internal process, Stage 2.

It is not necessary for the complainant to provide additional information in support of their case or explain why our Stage 1 response decision is wrong.

Complaints will only be escalated to Stage 2 once we have responded at Stage 1.

Stage 2 respondent will not be the same person who responded at Stage 1 and will not be subordinate to the Stage 1 respondent.

We will aim to keep the complainant updated throughout the course of our Stage 2 investigations, acknowledging the Stage 2 escalation within 5 working days and responding in writing with our decision(s) within 20 working days of the acknowledgement.

If this is not possible, the investigating officer will provide the complainant with an explanation and the date by which the Stage 2 response will be received. This extended timescale will not exceed a further 20 working days without good reason. Our Stage 2 response will bring the complaint to a close.

The Stage 2 response will include details of any service failures and what we intend to do about them. We will also identify any outstanding actions and provide associated target dates for completion, providing an assurance that we will be back in touch to make sure these actions have been completed.

3.9 Responding to Complaints

We will respond to all Stage 1 and Stage 2 complaints in writing. Our written responses will:

- Identify the complaint stage.
- State the outcome of the complaint.
- Outline the reasons for any decisions made.
- Explain any remedy offered to put things right.
- Identify any outstanding actions.
- Give clear guidance on how to escalate the matter if the resident remains dissatisfied.
- Include contact details for the Housing Ombudsman Service.

There will be times when we are unable to provide a comprehensive response in the timeframes set out. On these occasions, we may extend a response deadline by up to a maximum of 10 working days at Stage 1, and 20 working days at Stage 2. An explanation will be provided in writing to the complainant to explain the reason for the extension to timescales. On these occasions, complainants will be kept up to date with progress.

3.10 Outcomes and Remedies

Any proposed remedy will reflect the extent of any service failure(s) and the level of detriment caused to the complainant or household. It will take into consideration whether there has been any impact because of vulnerability and the appropriateness of adjustments to reflect these.

Our aim in providing redress is to restore a person to the position they would have been in had the service failure not occurred.

In some cases, a complainant may have a legal entitlement to redress. Torus will still offer a resolution where possible, as that may remove the need for the resident to pursue legal remedies.

Torus will aim to rectify problems for which we are responsible and make clear where no liability exists and why. Torus tenants and residents are advised to put in place insurance for their personal belongings. Torus will only consider recompense for such items where there is proven liability or an indication of negligence on its behalf.

In all cases we will:

Seek fair outcomes. Treating each case individually and ensure the remedy is fair and appropriate considering all the circumstances of the case.

Aim to put things right. We will set out the measure(s) that will correct the service failure(s).

Learn from outcomes. Where possible we add value by looking beyond the circumstances of the individual complaint and consider whether anything can be improved in terms of process and systems to make similar failures less likely.

Compensation may be offered if appropriate in line with Torus's Discretionary Compensation Policy. Torus's approach will be consistent with the Housing Ombudsman Service's 'Remedies Guidance for Landlords' which can be found on their website www.housing-ombudsman.org.uk.

3.11 Complaint Closure

A complaint will be closed when an investigation is complete, and a written response is sent.

In some cases, resolutions will be agreed which include delivery of future proposed solutions, for example, a planned repair with a future completion date. This will be proposed with the customer's consent having first been established for the proposed solution and associated timescales.

Although these complaints will be closed, they will be monitored as 'with customer' until the proposed action(s) are delivered.

We will undertake to re-open a complaint at the next appropriate stage if we fail to deliver the agreed solution(s).

Torus has the discretion to close complaints early but only in very exceptional circumstances. Please refer to Section 3.16 Exclusions.

Unless these exceptional circumstances apply, we will only close a complaint when we are certain it has been dealt with and responded to.

3.13 The Housing Ombudsman Service

Torus is a registered member of the Housing Ombudsman Service scheme. A condition of membership is that all members agree to be bound by the decisions and adjudications of the Housing Ombudsman's Service, regardless of whether the member agrees with the outcome or not. The Ombudsman may report a member's complaint handling failure to any appropriate regulatory

agency and/or the board, committee, panel or senior officer of the member along with any related details as the Ombudsman sees fit. The Ombudsman may publish the facts and circumstances of a member's complaint-handling Determinations, naming the member in the Ombudsman's annual report or elsewhere. We will respond positively to all Ombudsman enquiries, investigations and recommendations and undertake to comply promptly with any Orders or Recommendations.

In 2024, the Housing Ombudsman Service launched their revised Complaint Handling Code. This policy and the underlying Complaints procedure have been updated to ensure our approach is consistent with all aspects of this code.

3.14 MP Referrals

Torus also has robust measures in place to deal with MP enquiries and a separate procedure (CUS-PRC-25-01,) Dealing with MP Enquiries Procedure applies. Where an MP makes a complaint on behalf of a constituent this will be dealt with as a complaint, not an enquiry.

3.15 Equality Act 2010

Torus will comply with the Equality Act 2010 and may need to adapt policies, procedures, or processes to accommodate an individual's needs, responding to reasonable adjustment requests in line with the Equality Act.

3.16 Exclusions

Torus will only exclude complaints where there is a valid reason to do so. If we decide not to accept a complaint, then we will write to the resident to explain in detail why, and advise of the right to ask the Housing Ombudsman to review this decision. The Ombudsman can instruct a landlord to manage a complaint.

Reasons for not logging a complaint include;

- The issue giving rise to the complaint occurred over twelve months ago. However, it may not be appropriate to exclude any complaints that concern safeguarding or health and safety issues. Where the problem is recurring, we will consider any older reports as part of the background to the complaint if this helps to resolve the issue for the complainant.
- Legal proceedings have started. Legal Proceedings are generally considered to be started or 'issued' when a formal 'letter of claim' is sent by either party. If a formal letter of claim has not been sent, then a complaint will be logged. We will take steps to ensure that residents are not left without a response for lengthy periods of time, for example, where a letter before action has been received or issued but no court proceedings are started, or settlement agreement reached.
- Matters that have already been considered under the complaints policy.
- Where more appropriate appeal processes exist, for instance those available to applicants for re-housing, or complaints about anti-social behaviour (ASB). Complaints will usually only be accepted where someone is dissatisfied with the way Torus has dealt with a case, for instance our handling of an ASB case.
- Any restrictions placed on a resident's contact due to unacceptable behaviour will be appropriate to their needs and should demonstrate regard for the provisions of the Equality Act 2010. One of the key principles underlying our approach to complaint management is

that we will always aim to treat customers fairly. We do not operate blanket exclusions and will consider each complaint on its merits before applying an exclusion.

Initial requests for service or a service chaser request such as repair reports, a follow up on a missed appointment or a report of ASB will be dealt with 'there and then' and will not form part of our complaints process. A complaint can only be made after the issue has been reported and Torus has had an opportunity to deal with it.

3.17 Unreasonable Behaviour

Torus welcome complaints and would not normally restrict the number of complaints or level of contact made by any of our customers. However, we may occasionally receive complaints from customers whose behaviour and/or frequent contact stop us resolving the complaint, or may affect the ability of our teams to help other customers.

Where Torus believes complaints are being made in an unacceptable way such as persistent, vexatious or malicious complaints, we may invoke the Unacceptable Service User Policy. This may allow Torus to liaise with external support agencies and consider the best course of action to resolve a complaint. Where this happens, Torus will write to the complainant advising of our decision and what that means for their future contact with the organisation.

3.18 Inappropriate Conduct

Any allegations about alleged inappropriate conduct by Torus Board Members will be handled separately in accordance with regulatory good practice guidance.

Any allegations of a serious nature made against officers will be referred to the appropriate People Services Business Partner to investigate and will not be considered under this policy.

3.19 Petitions and Anonymous Complaints

We will respond quickly to complaints from the wider community in order to minimise adverse publicity and maintain community relations.

All petitions and letters of complaint from collective organisations such as Tenants and Residents Associations will be brought to the immediate attention of relevant Director of Service and copied to the appropriate Service Manager. The Service Manager will carry out an urgent investigation into the matter and arrange a suitable acknowledgement letter.

The Customer Resolution Team in consultation with the relevant Housing Services Director will determine whether the matter should be dealt with in line with our published procedures or whether a separate direct response is more appropriate. On issues such as policy, this may include forwarding the petition to the next appropriate Board or Committee meeting for consideration and action.

Anonymous complaints will be recorded and investigated. Whilst it is not possible to acknowledge receipt or respond directly to the person making the complaint we will still treat these complaints seriously.

4. Consultation/Resident Involvement

Torus is committed to promoting customer engagement and participation at all levels of its business and governance arrangements including policy development. This policy has been subject to both tenant and officer consultation in addition to consideration by Torus' Landlord Operation's Committee. Members of Landlord Operations Committee include tenant representatives from each heartland area.

5. Responsibility

It is the responsibility of the Group Housing Director to ensure that:

- All relevant staff are aware of this policy
- Customers are aware of this policy

It is the responsibility of all staff to ensure that the policy is applied.

6. Diversity & Inclusion

The policy supports Torus' Equality and Diversity Policy and aims to complement Value For Money principles in delivering excellent cost-effective services and protecting the investment in Torus properties and neighbourhoods. In recognition of this we aim to deliver a Customer Resolutions Service that is;

- Relevant and fully accessible to all.
- Tailored to meet both the specific needs of the individual, including those with additional support needs, and the diverse needs of the wider community.
- Compliant with all aspects of Equality and Diversity legislation, and specifically the Equality Act 2010.

7. Monitoring & Review

Torus will provide tenants with a range of performance information allowing them to review and scrutinise our performance. We are committed to involving our customers in monitoring complaints performance and reviewing processes.

To ensure that lessons are learned, and service improvements implemented, performance is monitored on a daily, weekly and monthly basis with regular updates provided to key Service Managers and the Group Leadership Team. In addition, a Quarterly Performance Report is provided to the Landlord Operations Committee. Torus Board also receives performance information on complaint key performance indicators. Response targets are reviewed and set on an annual basis.

Torus will review this policy every three years and carry out interim reviews in light of legislative, policy or procedural changes.