

# Populo Living Group Complaints Policy

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## Populo Living Group – Complaints Policy

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<b>Member Responsible for Complaints: Pam Bhamra: Populo Homes Board Chair</b>			

### Approval History

Presented to	Date	Outcome
Populo Living Group Board	July 2024	

### 1. Introduction

**1.1** We aim to provide our customers with good quality homes and services. Sometimes things don't go to plan, and we want to put them right as quickly as possible. Populo Living Limited, and its subsidiary companies ('Populo'), aim to get services right first time. However, we do accept that sometimes we may fall short on service delivery, and customers may complain. We understand that complaints (and the circumstances around them) may cause distress or upset for customers. We aim to deal with complaints in a sensitive and timely manner to reach an amicable and fair resolution.

**1.2** Further to this, we will use complaints as an opportunity to put things right and improve the way we deliver our services.

**1.3** This policy is for all customers who receive a service from Populo, and includes where contractors or agents are providing a service on Populo's behalf.

**1.4** Everyone at Populo is responsible for the service we deliver and when something goes wrong, the way we respond to a complaint will reflect our values. We will take the opportunities that complaints provide us to review our processes and make any changes needed.

**1.5** Our Complaints Policy is aligned to and follows the requirements, principles, and obligations of the following:

#### 1.5.1 Housing Ombudsman's Complaint Handling Code

#### 1.5.2 Housing Ombudsman Scheme

#### 1.5.3 The Regulator of Social Housing's Tenant Involvement and Empowerment Standard

#### 1.5.4 The Property Ombudsman's Code of Practice for Residential Letting Agents

1.6 This policy sets our approach towards handling complaints and should be read alongside Populo's Compensation Policy.

## 2. Scope of the Policy

### **Complaints Definition**

2.1 *A complaint is an expression of dissatisfaction, however made, about the standard of services, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.*

2.2 Customers will not have to specifically state that they are complaining about the matter to be treated as a complaint. It is often helpful to clarify with the customer what their expectations are.

2.3 In a case where the customer does not specifically state that they are raising a complaint, but there are comments that are equivalent or could be construed as such, we will treat the comment as a complaint and follow this complaints policy in order to rectify the issue.

2.4 Such clarifications should be sought from the customer if the issues they are complaining about are not clear enough.

### **Who can make the complaint?**

2.5 We accept complaints from our customers, or anyone directly impacted by our housing related, or other related services, including service applicants. We will also accept complaints from someone acting on behalf of a customer.

### **What doesn't constitute as a complaint?**

2.6 We must accept a complaint unless there is a valid reason to do so. If Populo decides not to accept a complaint, we will write to the complainant of the reasons why we have taken the decision, and back this up with any relevant evidence that has been used to justify our rejection of the complaint.

2.7 We will consider each complaint on its own merits.

2.8 Examples of where a complaint will not be considered as valid include:

2.8.1 **Service Requests:** The making of any service requests. A service request is a **request from a customer to the landlord requiring action to be taken or to put something right**. Service requests will be handled through our service request procedures. However, should the customer become dissatisfied with the provision of a service request, even where the service request remains ongoing, the customer will have the right to raise any complaint against the provision of the service request.

- 2.8.2 **Clarification on Policies:** A request of information about, or a clearer explanation of, our policies.
- 2.8.3 **Cases with Legal Claims:** Cases where a legal claim is being made against Populo such as a court case and not a solicitor's letter, including disrepair cases and insurance claims (if the claim occurs after the complaint has been raised, we will then close the complaint). However, we will still seek to resolve any issues such as outstanding repairs with the resident.
- 2.8.4 **Court/Statutory Cases:** Cases where a customer is taking a matter to court, or the matter is being dealt with by another statutory agency that has the power to resolve the complaint (if the claim occurs after the complaint has been raised, we will then close the complaint).
- 2.8.5 **Anti-Social Behaviour:** Complaints of anti-social behaviour will be covered by Populo's Anti-Social Behaviour Policy. However, if a complaint is being raised because the customer is dissatisfied with how their cases was being handled, this will constitute as a valid complaint.
- 2.8.6 **Commercial Partnerships:** the policy does not apply to complaints where the complaints relate to a commercial partnership, unless that commercial partner is providing a service to a tenant. In this case, the complaint will be considered valid.
- 2.8.7 **More than 12 months:** issues which are older than 12 months old will not be considered valid unless there are *exceptional circumstances* to review the complaint beyond this timeframe, which may include:
  - 2.8.7.1 The complainant was too ill to make a complaint within the timeframe;
  - 2.8.7.2 Not addressing the complaint would lead to immediate threat or harm to the customer
  - 2.8.7.3 The list is non-exhaustive and will be reviewed on a case by case basis.
- 2.8.8 **Prior Consideration of the Complaint:** a complaint will not be recorded for matters that have previously been considered under Populo's complaints process, and are currently undergoing review, or have already completed Populo's Stage 1 and Stage 2 complaints process (i.e. a repeat complaint about an issue that has already been addressed).
- 2.8.9 **Making a Complaint about an unreported service request:** a complaint shall not be considered where the complaint relates to a service request that has not been initially raised with Populo to address separately such as:
  - 2.8.9.1 Reporting a repair;
  - 2.8.9.2 Reporting a neighbourhood issue
  - 2.8.9.3 Reporting an anti-social behaviour issue
  - 2.8.9.4 The list is non-exhaustive and will be reviewed on a case by case basis.
- 2.8.10 **Personal Injury Claim:** Should a customer seek compensation for injury, this will be dealt with as a personal injury claim via our insurers and not through our Complaints Policy.

- 2.9 If the customer has referred a complaint to one of our contractors or a third party which is acting on Populo's behalf, the complaint will be referred to Populo's Customer Service Team and handled in accordance with our own Complaints Policy.
- 2.10 In the case that we do not accept a complaint, we will provide a detailed explanation, in writing, to the complainant, providing our reasons as to why the issue raised does not constitute a complaint. Our third party contractors, or any other party that is provided a third party service on behalf of Populo, will be informed of our Complaints Policy.
- 2.11 The customer shall maintain the right to approach the Housing Ombudsman if they do not agree with our decision.
- 2.12 Complaints relating to staff conduct will be fully investigated in line with Populo's internal Human Resource Policies, but we cannot divulge the outcome of these investigations for reasons of confidentiality. This said, we will explain, where it does not breach GDPR data protection, what our investigation involved, in accordance with our policy.

### **3. Statement and Principles**

- 3.1 Populo will ensure that complaints are carried under the following principles:
  - 3.1.1 We will ensure that everyone is treated fairly throughout and following the complaints process, and without discrimination, in line with Populo's Equality, Diversity and Inclusion Policy.
  - 3.1.2 All complaints will be reviewed and processed fairly and honestly.
  - 3.1.3 We will promote a positive no blame complaint handling culture.
  - 3.1.4 We will proactively assess and analyse complaints to identify trends, causes, and systematic issues to learn and make improvements to our services, policies, and procedures.
  - 3.1.5 We will listen to complaints with our customers to understand where our service has not met expectations, or agreed standards and policies, and respond appropriately.
  - 3.1.6 We will ensure that the management of complaints is a customer focused and friendly process that enables customers to be heard, understood, treated with empathy and to try and resolve issues as early as possible.
  - 3.1.7 Customers, and where approved, their representative/advocate, will be given a fair opportunity to set out their position and comment on any finding or outcome before a final decision is made by Populo at both Stage 1 and Stage 2 outcomes.
  - 3.1.8 We will ensure a consistent approach to dealing with complaints across all our companies and teams, promoting a positive, accountable, and transparent complaints culture.
  - 3.1.9 We will deal with complaints on their own merits, act independently, and have an open mind when receiving and handling complaints.

- 3.1.10 We will ensure that we will consider all conflicts of interest, potential or actual, when handling your complaint.
- 3.1.11 We will ensure that we will consider all relevant information and evidence with the utmost due diligence, and relay what evidence has been assessed when providing a response to your complaint.
- 3.1.12 Any decision or remedy made shall always take into account guidance issued by the Housing Ombudsman, and where relevant The Property Ombudsman.
- 3.1.13 We will always ensure that colleagues are trained, empowered, and confident when responding to our customers in accordance with our published standards and procedures.

#### **4. Complaints Handling**

##### ***Getting in Touch***

**4.1** You can raise a complaint with Populo in a number of ways:

- 4.1.1 **Phone:** By phone through our customer service team on 020 7112 7564
- 4.1.2 **Email:** By email to [Complaints@populoliving.co.uk](mailto:Complaints@populoliving.co.uk)
- 4.1.3 **We are here to here to listen form:** Completing the Complaints, Compliments and Your Suggestions form @ <https://www.populoliving.co.uk/media/55gh52lv/populo-homes-complaints-and-suggestions.pdf>
- 4.1.4 **In writing to the head office to :** 3<sup>rd</sup> Floor, Discover House, 379-381 High Street, London, E15 4QZ
- 4.1.5 Directly to any colleagues in any format
- 4.1.6 Via a representative or advocate (we must have written permission from the customer in accordance with this Complaints Policy)
- 4.1.7 Where necessary we can meet you at home or in one of our management offices, in accordance with our Lone Workers Policy.
- 4.1.8 If English is not your first language, please do not hesitate to inform us, and we shall send details for translation services.

**4.2** The Complaints Policy will be accessible on our website and published where possible, in leaflets, newsletters, and other correspondence with our customers. Copies of the policy can also be provided upon request.

##### ***Third Party Representation***

- 4.3** You may also wish to make a complaint via a third party, or advocate, such as a family member, support worker, or carer etc, who may act on your behalf where you wish to make a complaint. Landlords must give residents the opportunity to have a representative or advocate and to be represented or accompanied at any meeting with the Landlord.
- 4.4** An advocate is someone who acts on the complainant's behalf. They are usually used when a resident does not have the confidence or capability to complain

themselves. We can engage with the advocate pursuing a complaint on the complainant's behalf, so long as we have evidence that this person has their specific approval to act on the complainant's behalf, and to have information provided to them by us. This information will be required before we can discuss the matter with the advocate.

**4.5** If you wish for a third party to make a complaint on your behalf you must:

4.5.1 **Written Consent:** Get permission from the customer in writing stating the specific individual in which the customer is happy to represent them on their behalf when making a complaint.

4.5.2 **Verification:** A member of the customer services team will then verify the following with the complainant:

4.5.2.1 That they have received the formal confirmation of the third party representative/advocate:

4.5.2.2 The contact information that we will use in order to contact the third party representative/advocate.

**4.6** Please note that all correspondence between us and the third party representative or advocate will be accessible to the complainant.

**4.7** Once approved, the approved third party representative/advocate will be entitled to accompany you or speak/email on your behalf.

**4.8** Should the appointment of the third party/advocate not be approved via the appropriate process, we will not discuss any complaints with that individual until the appropriate approval process has been followed.

### ***Unreasonable Behaviour***

**4.9** We appreciate that complaints may be frustrating and can be distressing to the customer in question. However, Populo maintains the value that all staff should be treated with courtesy. Therefore, in cases where this does not happen, and where this may constitute unreasonable behaviour, we may seek to place restrictions on the form of communication held between Populo and the complainant through the complaint investigation.

**4.10** We will not tolerate unreasonable behaviour while making a complaint. Our Populo Living Group Reasonable Behaviour Guidance, and Anti-Social Behaviour, outlines what will and will not be deemed acceptable and how Populo Living and its subsidiaries will deal with this. To summarise, the Populo Living Group will not accept:

4.10.1 Abusive or threatening behaviour towards Populo Living Group members of staff or representatives of property

4.10.2 Assaulting Populo Living Group staff members or representatives

4.10.3 Damaging Populo Living Group property

4.10.4 Refusing to cooperate with staff during the investigation of the complaint

4.10.5 Repeatedly contacting several members of staff about the same complaint, and making unnecessary demands over staff time

4.10.6 Submitting repeated complaints, relating to the same events

4.10.7 Continually raising new issues during the complaint investigation which should have been included in the original complaint.

**4.11** Where a complaint falls within any of these categories, a decision can be made by the Heads of Services to halt the complaint process and refer the complaint directly to the Housing Ombudsman, and where relevant The Property Ombudsman.

**4.12** Alternatively, a decision may be made to implement restrictions of the forms of communication held between the complainant and Populo as a result of the unreasonable behaviour. This may include who the complainant can contact, how and when contact can be made, or stopping the investigation in its entirety in accordance with clause 4.10 of this policy. The complainant will be notified that the behaviour is unacceptable and advised on the implications before further action is taken although in exceptional cases this may not be possible or appropriate

**4.13** Should we decide to implement restrictions, we shall ensure that all restrictions are considered proportionate to the nature of the unreasonable behaviour that is being exhibited, with additional restrictions being implemented should restrictions be imposed but the behaviour persists.

## **5. Complaint Investigation and Resolution (Stage 1 and 2)**

**5.1** There are 2 stages to our formal complaints process.

**5.2** Customers have the right to refer their complaint to the Housing Ombudsman, where appropriate, at any point during the investigation of either a Stage 1 or Stage 2 complaint, and details of how to do this will be included within any complaint's correspondence.

**5.3** If the tenant is a PRS tenant, the tenant must first go through the complaints stages first prior to any referral to the Property Ombudsman. However, in cases where there are significant delays in Populo's investigation process, the PRS tenant may be entitled to refer their complaint directly to The Property Ombudsman.

**5.4** Details of our Stage 1 and Stage 2 complaints stages are detailed below:

### ***Stage 1 – Complaint Handling***

**5.5** On receipt of a complaint about the standard or service, action, or lack of actions by Populo or one of our contractors, the complaint is logged by our customer services administration team and allocated to a Property Manager or Housing Officer who will act as the lead officer for handling the complaint. That designated officer will have the relevant resources and authority to deal with the dispute, and to provide a suitable remedy to the complaint in accordance with Populo's compensation policy

**5.6** The complaint will be acknowledged, via an acknowledgment letter, in 3 working days, and will be defined and logged within our complaint's tracker.

**5.7** In the acknowledgment letter, you should expect details of the staff member handling the complaint, our understanding of your complaint and of the outcomes



that the customer is seeking. It will also contain any questions that we need to ask should we need clarification regarding the complaint. We will also agree with the customer how often they would like to be kept updated on the complaint.

- 5.8 If additional complaints are raised during this investigation, we will aim to incorporate these into the stage 1 response, unless we consider it will unreasonably delay our response to the initial complaint, in which case a new complaint will be logged.
- 5.9 We will write within 10 working days after we receive a complaint to explain the outcome of our investigation, the reasons for the decision, how we will resolve the complaint, any outstanding actions and the timescales, and the method to escalate to stage 2 should the customer be dissatisfied with the response.
- 5.10 This should not exceed a further 10 working days without good reasons, for example, if a customer cannot be contacted; or has made a request to be contacted at specified times which are outside of the complaint response timescales or that the matter is of particular complexity i.e. involving multiple stakeholders who cannot be contacted with the relevant timeframes.
- 5.11 If we can't meet the initial 10 working day deadline, we will be sure to contact the complainant explaining the good reason for the extension, in writing, and why this is having an impact to responding within the 10 working day timeframe. We will then write again within a further 10 working days. We will then agree a timescale for suitable intervals to keep the customer informed of the resolution of their complaint.
- 5.12 After we have agreed the resolution and confirmed our decision in writing, we will monitor progress until all actions are complete
- 5.13 Populo will ensure that where an extension is beyond the 10 working days, if you are shared ownership or LAR resident, that we also provide copies of the contact details of the Housing Ombudsman. If you are a private rental tenant, then we will be sure to provide you copies of the contact details of The Property Ombudsman.

### ***Escalation of Complaint from Stage 1 to Stage 2***

- 5.14 If a customer remains dissatisfied with the outcome of the Stage 1 response, they will be given the opportunity to explain why they feel the complaint has not been resolved, and whether they want to progress the complaint to Stage 2. This escalation request may be received within 1 month of the Stage 1 response.
- 5.15 Escalation requests outside of this timeframe will not be considered unless there are exceptional reasons for why the request could not be made earlier. In addition, a complaint will not be escalated in the case that said complaint falls within any of the exclusions of the complaint noted above.
- 5.16 If all or part of the complaint is not resolve to the customer's satisfaction at Stage 1, it must be progressed to Stage 2 of the landlord's policy. Stage 2 is the landlord's final response.

### ***Stage 2 – Escalated Complaints Handling to Senior Manger***

- 5.17** A Senior Manager, who is not related to the initial complaint will be the lead officer at the Stage 2 complaint. We will make contact within 3 working days to acknowledge the request for escalation into a stage 2 complaint, and we will define and log the complaint in accordance with our internal complaint's tracker. The designated officer will have all of the relevant resources and authority to handle the complaint, and to provide a suitable remedy to the complaint in accordance with Populo's Compensation Policy.
- 5.18** We will also agree with the customer how they would like to be kept updated on the complaint raised.
- 5.19** In the acknowledgment letter for a Stage 2 complaint, you should expect details of the staff member handling the complaint, our understanding of your complaint and of the outcomes that the customer is seeking. It will also contain any questions that we need to ask should we need clarification regarding the complaint. We will also agree with the customer how often they would like to be kept updated on the complaint.
- 5.20** We will write within 20 working days after we receive the Stage 2 complaint to explain the outcome of our investigation, the reasons for our decision, how we will resolve the complaint, any outstanding actions and the timescales, and the method to escalate to the Housing Ombudsman should the customer remain dissatisfied.
- 5.21** This should not exceed a further 20 working days without good reasons, for example, if a customer cannot be contacted; or has made a request to be contacted at specified times which are outside of the complaint response timescales or that the matter is of particular complexity i.e. involving multiple stakeholders who cannot be contacted with the relevant timeframes
- 5.22** If we can't meet the initial 20 working day deadline, we will be sure to contact the complainant explaining the good reason for the extension, in writing, and why this is having an impact to responding within the 20 working day timeframe. We will then write again within a further 10 working days. We will then agree a timescale for suitable intervals to keep the customer informed of the resolution of their complaint.
- 5.23** Populo will also ensure that where the extension is beyond the 20 working days, that we also provide copies of the contact details of the Housing Ombudsman. If you are a private rental tenant, then we will be sure to provide you copies of the contact details of The Property Ombudsman.
- 5.24** After we have agreed the resolution and confirmed our decision in writing, we will monitor progress until all actions are complete.

### ***Remedies and Compensation Offer***

- 5.25** Expected remedies to a Stage 1 or Stage 2 complaints can include:
- 5.25.1 Financial statutory compensation
  - 5.25.2 Discretionary compensation: this will be considered on a case by case basis and in line with our Compensation Policy where the complaint has been upheld.

- 5.25.3 Expediting repairs
  - 5.25.4 Issuing a formal apology
  - 5.25.5 Mediation where necessary
  - 5.25.6 Vouchers or gift cards
  - 5.25.7 The list is non-exhaustive and will be reviewed on a case by case basis, and against our Compensation Policy.
- 5.26** We will aim to issue any financial/discretionary compensation within 10 working days of acceptance of the compensation offer.
- 5.27** Levels of discretionary compensation will be judged in accordance with the evidence and will be determined as followed:
- 5.27.1 The replacement of damaged items will be on a like for like basis. We will consider the age of the item and consider the possibility of replacing with pre-owned items, or items of an equal value.
  - 5.27.2 Every effort will be made to replace the item, including delivery charges.
  - 5.27.3 Financial payments for discretionary compensation will be considered if this cannot be achieved and paid by BACS payment.
  - 5.27.4 We will also consider where financial compensation for inconvenience and distress is appropriate, following a failure of service, in such case we will review the individual case and make an appropriate offer of compensation.
- 5.28** The cost of a service that has failed will be defined by the relevant service charge and/or a proportion of rent. Where payments are to be offered, consideration will be given to adding the payment to the customer's account where there are arrears and where such action will not have a disadvantaged impact on the customer.
- 5.29** All claims for personal injury or ill health will be dealt with via a Personal Injury Claim in consultation with Populo Living's insurers and not through our Complaints Policy.
- 6. Contacting the Housing Ombudsman**
- 6.1** If the customer is still not satisfied after undergoing our Stage 1 and Stage 2 complaints process, the customer may contract the Housing Ombudsman Service should they wish to pursue the matter further outside of Populo's internal complaint process. If they are a PRS tenant, then then customer may choose to refer the complaint to The Property Ombudsman.
- 6.2** For LAR and shared ownership tenants, The Housing Ombudsman is available via the following information:
- 6.2.1 **The Housing Ombudsman Website** at [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)
  - 6.2.2 **Via Post at:** Housing Ombudsman, PO BOX 1484, Unit D, Preston, PR2 0ET
  - 6.2.3 **Telephone:** 0300 111 3000
  - 6.2.4 **Email:** [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

**6.3** For private rental tenants, the Property Ombudsman is available via the following information:

6.3.1 The Property Ombudsman: at <https://www.tpos.co.uk/>

6.3.2 Via post at: Milford House, 43-55 Milford Street, Salisbury, Wiltshire, SP1 2BP

6.3.3 Telephone: 01722 333306

6.3.4 Email: [admin@tpos.co.uk](mailto:admin@tpos.co.uk)

**6.4** Please note that private rental customers must have exhausted Populo's internal complaints procedures first prior to making a complaint to The Property Ombudsman.

## **7. Monitoring and Review**

**7.1** We will ensure that we are approachable and helpful throughout the complaints process, measuring our adherence to this policy through internal audit and compliance checks, and through performance reporting to our Board.

**7.2** Policy overview sessions will be delivered to relevant teams following implementation of this policy to ensure the content and responsibilities are understood.

**7.3** We will regularly monitor our performance on complaints, reporting this annually to the Board via the self-assessment, and bi-monthly at each board meeting, and sharing with customers through the annual reports i.e. self-assessment, and Annual Performance and Service Reports.

**7.4** The Board and the Executive will be kept informed of cases referred to by the Housing Ombudsman, with details of the decision reached any recommendations provided.

**7.5** Quarterly surveys will be conducted with our customers to ascertain the quality of our service provision, and in doing so, will ensure that the surveys will contain information that details how customers can raise a complaint should an issue arise.

**7.6** A copy of the complaints policy, periodically reviewed, will be published on the Populo website and circulated with tenants directly where changes to the policy arise.

**7.7** This policy will be reviewed every 2 years unless a change in legislation, regulation, guidance, or business needs prompts an earlier review.