

JMB Complaints Resolution Policy

1. Introduction

This policy is for the benefit of JMB residents and applies to matters that fall within the scope of JMB's Management Agreement. This policy also applies to services provided by contractors employed by the JMB.

The JMB tries to get its service delivery right-first-time, but recognises that there may be instances in which either this is not the case or the resident does not believe it to be so. The JMB wishes to identify and resolve resident dissatisfaction with service provision, whenever possible. This process provides a reliable, trackable process to resolve issues. The JMB will try and resolve the issue as quickly as possible. This is

Issue resolution falls into three broad categories:

- a) The JMB has not followed its own policies or met its service standards, in which case it will resolve this situation.
- b) An individual residents or collection of residents may be unhappy with judgement calls made by officers or JMB decision-making bodies. If so this process allows for these decisions to be reviewed.
- c) Whilst the JMB tries to meet residents' aspirations when it can, sometimes the JMB may not be able to give a resident what they are requesting, and if this is the case the JMB will clearly communicate why it cannot meet that particular resident's aspirations.

2. Service delivery

The aim is to resolve complaints quickly without placing an unreasonable administrative burden on the organisation. This means ensuring the resourcing of complaints-handling is proportionate to the overall resourcing of the JMB, i.e. it needs to make sure that this process is not unbalanced by an unreasonable demands from a single resident (defined below).

3. Lessons to be learned

The first priority on receiving a complaint is to resolve the immediate issue. However, the JMB will when relevant look backwards to see if an apology should be given and there are lessons to be learned.

This process should be used to highlight any lessons to be learned, such as changing policies or better resourcing certain activities. The regular review of

complaints trends by JMB's Performance sub-committee helps to highlight the lessons to be learned.

4. Approach

The objective of this process is to consider whether the appropriate action has been taken and reasonable solutions have been considered. It is not an objective to 'placate' the complainant by offering unmerited extra services or financial payments in an effort to close down the complaint. Issue rectification, rather than compensation payments, is the primary objective of this policy. Within its procedures the JMB Manager/ Deputy Manager can authorise a compensation payment when a resident has suffered a direct financial loss (that is not covered by insurance), which is the direct result of a service failure by the JMB or the contractors it employs. If it is a contractor's responsibility they will be re-charged.

5. Active participation

Complaint resolution may require the active participation of the resident, such as providing reasonable access to their home for repairs, following JMB's advice on issues such as tackling condensation or recording and reporting instances of anti-social behaviour.

6. Confidentiality

The JMB seeks to provide the fullest explanation of the situation it can, however if the complaint is about the management of anti-social behaviour, the JMB will need to be mindful of the other person's right to confidentiality. There may be other legal restrictions in the information that the JMB can provide. If there are such limitations the JMB will communicate why the information it has provided is restricted.

7. How should this process be used?

A JMB resident can make use of this process by heading their correspondence 'official compliant'. In addition the JMB Manager/ Deputy Manager or Director may route into this process a possible service delivery failure. The purpose of doing this to ensure that the complaint is tracked and a resolution achieved, when possible.

8. Equalities

The JMB is aware that some of its most disadvantaged residents have lower expectations about the service standards and access/ knowledge of how to raise complaints. It is critical that the JMB's most vulnerable residents are not excluded from this resolution process and that reasonable adjustments are made, such as:

- The complaint can be dictated to a JMB officer not directly involved in the issue being raised
- A resident who has difficulty getting into the office could be visited at home
- The JMB should assist disadvantaged residents to use this process and to prioritise interaction with these residents.

9. Process

Problem resolution: A resident can raise a formal complaint, or alternatively a senior manager or director may recognise that a resident does not think the JMB has got a service delivery issue right first time.

If residents are nervous about writing they can ask a staff member they trust or friend to write down their complaint.

In reality the JMB is flexible about how official complaints are raised.

Residents can make a first report of their complaint to the Council. However the Council will refer the matter back to the JMB. Therefore quicker resolution can be achieved if the matter is directed to the JMB in the first instance.

Level 1: A phone call or visit by a JMB officer to resolve the problem is best. If an urgent issue is being reported such as an urgent repair or serious anti-social behaviour problem the response such be appropriately prompt, usually within 12 working hours of receiving the complaint.

For a complaint that is not as time-critical as those described above, the action required to resolve the problem should happen within fifteen working days; if it is not possible to resolve within this timescale the action being taken to resolve or investigate the problem should be confirmed in writing (either by letter or email). Occasionally an extra five working days may be required to investigate a complex issue. If so this should be communicated to the resident.

If resolution is achieved on the basis of future action that is promised the service manager should ensure that the action is completed.

In the response the officer should say that s/he hopes that s/he has resolved the issue to the residents satisfaction, however if this is not the case the Level 2 process should be set out.

If the JMB manager is named in a complaint that is primarily about a service failure the focus will remain on resolving the service failure.

Governance: A complaint may be raised that relates to governance and is a board rather than staff issue. In this case a director will be nominated to investigate and seek resolution.

If the complaint is primarily about the conduct of the JMB Manager, a director will investigate.

Whilst personal and informal interaction is likely to be the most effective way to resolve the problem the JMB will confirm in writing the action being taken to resolve the problem.

Level 2: If the resident is not happy with the response they can ask Southwark's complaints section to undertake an independent review of the action undertaken by the JMB. The resident should notify the JMB be within 15 days decision. The JMB will notify complaints@southwark.gov.uk.

The JMB will provide the Council's Complaints team with the information required to investigate and hopefully resolve the issue.

Level 3: If the resident believes that neither the JMB or the Council have adequately addressed and resolved the complaint they can ask the Housing Ombudsman to review if maladministration has taken place. Information is available on the website below.

www.housing-ombudsman.org.uk

The Housing Ombudsman will not consider a complaint until the JMB's complaints process has been followed.

10. Resolving complaints in difficult circumstances

It is accepted that a resident may make reasonable service requests in an unreasonable way. Also that if people are in difficult situations they may react in a way that is out of character.

It is also recognised that some residents have a lifetime's experience of not being listened to by organisations affecting their lives, and therefore feel that they need to express their request in strong terms.

The JMB seeks to provide an equitable service, and even if the resident's initial approach is unreasonable will seek to provide a service as long as it is safe to do so.

However the JMB also recognises that it has a responsibility to its staff and should protect their safety and mental well-being. This means that the JMB should challenge, rather than accept, unreasonable behaviour.

The JMB believes in a reciprocal relationship with directors and staff being respectful and polite and having an expectation that residents will be the same in their dealings with staff and directors.

Personal abuse/ sarcasm by a resident either against the JMB or an individual director/ staff member is not acceptable and should be challenged. Both because this is best practice, but also if the complaint is escalated it can be demonstrated that

the complainant's unreasonable behaviour has significantly contributed to the on-going issue.

The JMB board believes that managers should prioritise their staffing resource on the basis of service requirements and that decisions should not be unbalanced by the unreasonable demands of an individual resident. The board's policy is that staff should retain a focus on the needs of all residents, not those who shout the loudest or are most difficult.

Experience has shown that if relationships are fraught with a particular resident it is important that a formal approach is taken, with the service to be provided being defined by the JMB's policies set out in writing. Additionally that offering discretionary/ unmerited service rarely leads to a better relationship, but to increased unreasonable expectations.

The JMB has experience of a couple of residents who were making hundreds of service requests a year, the cost of responding could run into thousands of pounds. This is not a service that their rent or service charges were covering.

Examples of unreasonable demands:

- Multiple service/ information requests: Whilst the JMB seeks to respond quickly to service and information requests, in the case of multiple requests the JMB will routinely refer to its service standards and take 10 working days to reply. If the JMB may restrict responding to information requests to 12 per year i.e. one per month
- Aggressive and/ or sarcastic tone
- A clear intention to attack/ undermine the JMB, rather than resolve the issue at hand. This is often characterised by an attempt to pick holes in the response and a wide courtesy copy list.

11. Response to difficult situations

The JMB will initially highlight why the above the approach is unreasonable. If the person is aggressive, sarcastic or makes unfounded allegations the JMB Manager/ Deputy Manager will issue a formal warning

If the behaviour persists a senior director and senior manager will meet with the person and explain why their behaviour is unreasonable.

If the behaviour is unreasonable, but does not put JMB staff at risk, the JMB will limit its response to fulfilling the requirements set out in the resident's tenancy or leasehold agreement. The JMB may set a limit of twelve complaints per year.

If the resident is aggressive the JMB will withdraw the elements of service necessary to secure the safety of its staff.

The resident has the right to ask that any limitation of service is reviewed a year after its application.

12. Primary point of contact

In most cases the primary point of contact by a resident will be their Resident Services Officer. The Resident Services Officer will call on the support of colleagues as appropriate.

If a resident raises multiple issues with the JMB, the JMB may nominate another officer as the primary point of contact to manage the interaction.

Also if a resident can make a reasonable case that they have lost trust in their Resident Services Officer, another JMB officer may be nominated.

13. Homeowners

Homeowners are very welcome to make use of this policy. With regard to waiving or reducing service charges, this can only be done by the JMB voluntarily or ordered by the First Tier (Leasehold) Tribunal. The Ombudsman does not have the power to order a reduction of service charges.

14. Legal Action

If legal action is being taken against the JMB/ council the complaints' process can still be used to achieve a resolution of the issue.