

# **JMB not right first time & 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 a resident does not believe this to be the case. The JMB wishes to identify and resolve resident dissatisfaction with services 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 most likely to be achieved by a visit or phone call from a JMB staff member.

The JMB uses a 'not right first time criteria', which is broader than a conventional formal complaints policy.

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. The aim should be to put the resident into the position that they would have been if the mistake had not been made
- b) An individual residents or a 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 not right first time issues and complaints quickly without placing an unreasonable administrative burden on the organisation. This means ensuring the resourcing of complaints handling is proportionate to the overall resources of the JMB, i.e. it needs to make sure that this process is not unbalanced by unreasonable demands from a single resident (defined below).

## **3. Lessons to be learned**

The first priority on receiving a not right first time notification or 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. A regular review of not right first time and complaints trends by JMB's Performance sub-group and management team will 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. The JMB is aware that individual compensation payments reduce the funding for collective service provision.

#### **5. Active participation**

Right first time 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 an issue raised by a resident who believes that the JMB has not got it right first time. The purpose of doing this is 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
- Prioritising interaction with these residents.

## 9. Primary point of contact

Very occasionally a resident may lose trust, causing relations with a particular officer or team to break down. An officer not directly involved in the issue (s) being raised can be designated as the primary point of contact. That officer can help mediate between the resident and other sections of the JMB.

## 10. 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 it right first time.

If a resident feels that the JMB has not got it right first time they are encouraged to email [comments@leathermarketjmb.org.uk](mailto:comments@leathermarketjmb.org.uk), to help the JMB track their issue.

Alternatively, a resident can write heading their letter official complaint or not 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 or not right first time issues are raised.

Residents may contact a resident director to raise their issue. The JMB asks that residents also makes sure that a JMB officer is aware that they wish to follow this process. This is because resident directors are volunteers and they may not have reliable access to their emails or be able to check the mail they receive in the office on a regular basis.

Residents can raise their issue with the Council. However residents are not encouraged to do this if the service is provided by the JMB, because it slows down the receipt of the issue and consequent resolution by the JMB. The Council will not review a complaint unless it has first been considered by the JMB.

The correspondence will either be recorded as an official complaint or 'not right first time' issue.

**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 should be appropriately prompt (see the JMB's repairs and ASB policies)

For a complaint that is not as time-critical as those described above the action required to resolve the problem should happen within 15 working days. If it is not possible to resolve within this timescale the action being taken 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.

**Level 2:** Either a director or senior manager will consider the issue.

The JMB officer who dealt with the issue at Level 1 should submit a written report setting out the nature of the complaint and action taken to resolve it. It is important that a full investigation is undertaken, all elements of the complaint are addressed and the information provided is accurate.

The investigator will when possible determine the action to be taken. The resident can request a direct hearing providing that they can give reasonable availability.

The investigator should endeavour set out their decision in writing within 25 working days. A Level 2 issue may be complex and have multiple strands. In which case the resident should receive an up-date within 15 working days of each contact.

If the resident wishes to introduce new issues these should be raised separately as a Level one issue.

The final decision letter should refer to level 3 of the process if the resident is not satisfied with the response

**Level 3:** If the resident is not happy with the Level 2 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 of the Level 2 decision. The JMB will then notify [complaints@southwark.gov.uk](mailto:complaints@southwark.gov.uk).

The JMB will provide a written report setting out the complaint, the JMB's response and the reasoning behind the Level 2 response.

**Level 4:** If the resident believes that neither the JMB or the Council have adequately addressed and resolved the complaint they can also ask the Housing Ombudsman to review if maladministration has taken place. Information is available on the website below.

[www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

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

## 11. **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 and reasonable 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 directors and staff.

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 to offer challenge, but also if the complaint is escalated it can be demonstrated that the complainant's unreasonable behaviour has significantly contributed to or caused 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 running into thousands of pounds. This is not a service that their rent or service charges were covering. Also they were acting as unofficial 'block reps', seeking to by-pass the JMB's democratic structure of communal issues being raised through their residents associations or with a resident director.

Examples of unreasonable demands:

- Multiple service requests: More than 12 service requests per year. Whilst the JMB seeks to respond quickly to service requests, in the case of multiple requests the JMB will routinely refer to its service standards and take 15 working days to reply.
- 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.

## **Response**

The JMB will initially highlight to the resident why the above the approach is unreasonable. If the person is aggressive the JMB Manager/ Deputy Manager should be informed and they 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 a single incident is serious or the behaviour still persists the JMB chair and manager will restrict the service offered by the JMB.

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.

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