



COMPLAINTS POLICY

1. Policy Statement

Lambeth and Southwark Housing Association (LSHA) recognise that people have a right to complain about the standard or non provision of services. This policy sets out LSHA's approach to handling and resolving complaints.

2. Scope

The policy covers complaint definitions, exclusions, responsibilities and reporting in accordance with the standards set out by the Housing Ombudsman Service and their complaints handling code.

3. Principles

LSHA aims to deliver excellent services but recognises that on occasions things can go wrong. When they do, we will respond quickly, put things right and learn from our mistakes.

We will:

- encourage our tenants and users of our services to come forward with complaints and comments so their needs can be met and the quality of our services can be assured.
- record comments and complaints and use them to improve the range and quality of our services.
- provide clear information about how to make a complaint and provide support for those that need it, to help them make their views known.
- ensure that no tenants are disadvantaged or treated less favourably as a result of making a complaint.
- deal quickly with complaints in line with the timescales set out in our procedure.
- fully investigate complaints and keep tenants informed about the progress we are making.

4. Definition

A complaint is defined 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 tenant or group of tenants,

The tenant or service user does not have to use the word 'complaint' for it to be treated as such. A complaint that is submitted via a third party or representative will be handled in line with this policy.

Examples of a complaint include:

- failure to provide a service to our promised standards
- failure to fulfil our legal or contractual obligations
- unacceptable delay or failure to respond to an enquiry or request
- dissatisfaction with a decision or the way that it was made
- dissatisfaction with the attitude or behaviour of our staff or contractors working on LSHA's behalf
- LSHA not operating policies fairly

LSHA will treat anonymous complaints seriously and they will be fully investigated.

5. Exclusions

We will not normally accept the following as a complaint:

- an initial request for service, such as the first request for a repair, information or an explanation. A complaint would only be raised if the tenant expresses dissatisfaction with the response to their service request.
- a report of anti-social behaviour (ASB) (see our separate ASB policy and procedure)
- where legal proceedings have started
- insurance claims and appeals, including damage to personal possessions and personal injury accidents which will require referral to the relevant insurers
- where the complaint is concerning a policy decision (for example a service charge or rent increase) which has been determined in line with LSHA's policy
- where the complaint has not been raised within a reasonable timeframe (e.g. six months of the problem occurring), unless it concerns a safeguarding or health and safety issue

If we decide not to accept a complaint, we will provide an explanation and advise the tenant that they have the right to challenge this decision by contacting the Housing Ombudsman.

We will not normally offer escalation to the next stage of our complaint's procedure where:

- the problem has been resolved at an earlier stage and no additional factors have been raised
- the problem is a recurring issue and we consider we have previously resolved it.
- a complainant is not engaging with us and failing to provide relevant information relating to their complaint.
- where the complainant is behaving unreasonably (see section 10).

If the complaint cannot be escalated, the tenant will be advised that they can approach the Housing Ombudsman if they feel they have not been treated fairly.

6. Method of Complaint

Complaints will be accepted in person, in writing, by telephone, email or online. All complaints will follow the same process, however they have been received.

7. Roles and Responsibilities

All LSHA staff have a duty to ensure that complaints are dealt with efficiently and in accordance with this policy and procedure. In most cases, the Operations Manager will be the designated

complaint handler for stage 1 complaints. The Chief Executive has overall responsibility for complaint handling and for ensuring staff are trained in its application.

We expect tenants and service users to pursue their complaints in a reasonable, courteous and fair manner. If the Chief Executive concludes that a tenant is pursuing their complaint in an unreasonable manner, then measures to limit contact may be applied (see below).

8. Equality and Diversity

LSHA staff, partners, and contractors are committed to providing services which are relevant and appropriate to the needs of tenants. We aim to treat everyone we work with and for fairly and without discrimination.

We will make reasonable adjustments to our complaints process where necessary, ensuring that customers with a specific need are not at a disadvantage when accessing the service. Where the correct authority has been obtained, we will liaise with an advocate, friend or family member on a complainant's behalf.

9. Confidentiality

We will observe confidentiality and divulge details of complainants only with their authority, unless there are safeguarding or criminal concerns which LSHA is under a statutory duty to declare.

10. Unreasonable and Vexatious behaviour

We recognise that most people who make a complaint are reasonable and want to give us an opportunity to provide a suitable resolution. However, there are times when a complainant can make investigating and resolving a complaint difficult. Such behaviour may include:

- excessive contact and/or making large numbers of complaints
- changing the substance of a complaint or raising new issues while the complaint is being considered
- making unreasonable demands - for example, on timescales for investigation, or for services that we do not deliver
- unwillingness to accept our final decision when the complaint has been fully investigated.

We recognise that people may act out of character when they are distressed, upset or unwell. However, we will not tolerate aggressive or abusive behaviour, physical or verbal, directed at our staff. Where we identify this behaviour in an individual complainant, we will still try to resolve genuine complaints and understand the nature of the complaint. However, the case will be considered by the Chief Executive, who will decide the appropriate action to be taken. This may include taking measures to limit the complainant's interaction with LSHA. In this event we will communicate clearly to the complainant to let them know what action will be taken, for how long, and what they will be required to do. Actions could include:

- requiring contact to take place with one named member of staff
- restricting telephone calls to specified days, times and duration
- requiring any visits to the office to be by appointment only
- only accepting telephone calls through a third party such as a solicitor, councillor or friend acting on their behalf.

Where behaviour threatens the immediate safety or welfare of staff or the complainant, we may report the matter to the police or take legal action. In such cases, LSHA may not give the complainant prior warning of that action.

11. Reporting and Monitoring

LSHA's register of complaints is updated when a complaint is made and will show who is dealing with it, target response times, action taken and outcomes.

Complaints are reported to the LSHA Board on a quarterly basis. In addition, complaints performance will be reviewed at least annually and any trends and learning shared with the Board and tenants.

A self-assessment against the Housing Ombudsman's Code will be carried out on an annual basis to ensure that our complaint handling remains in line with its requirement. This will be reported to our Board and published on our website.

12. Learning from Complaints

We are committed to learning from feedback that we receive, including from complaints, and as a result making changes to the way we deliver our services.

Each year we will review and publish our learning on complaints, including sharing this information with our tenants.

COMPLAINTS PROCEDURE

Stage 1

1. Complaints can be made in person, in writing, by telephone, email or online. We encourage the use of our complaints form (see Appendix 1 attached), which staff can complete on the complainant's behalf if required.
2. When a complaint is received, we will check it against our Complaints Policy which sets out the definition of a complaint and exclusions to the Policy. If it falls within our Policy, we will register a complaint and send an acknowledgement within **five days** of receiving it.
3. The acknowledgement letter will set out our understanding of the complaint and the outcomes the complainant is seeking. If this is unclear, the complainant should be contacted and a full definition agreed between both parties.
4. If we decide not to accept a complaint, in line with our Complaints Policy, we will send a letter explaining why within **five days**. The complainant will be told they have a right to challenge this decision by raising the matter with the Housing Ombudsman.
5. Unless there is a conflict of interest, the Operations Manager will investigate the complaint and provide a full written response within **ten working days** of the complaint being logged setting out our decision and proposed action. Where this is not possible, we will advise the tenant of the reason for the delay and provide a full response within **20 working days**.
6. The written response at the end of stage 1 will include:
 - a. the complaint stage
 - b. the complaint definition
 - c. the decision of the complaint
 - d. the reason for any decisions made
 - e. the details of any remedy offered to put things right
 - f. details of any outstanding issues
 - g. details of how to escalate the matter to stage 2 if the resident is not satisfied with the answer
7. If the tenant does not contact us within 20 working days of receiving our response to their complaint, it will be assumed that they do not wish to take the complaint further and the complaint will be closed.

Stage 2

8. If the tenant feels the response to their Stage 1 complaint was not satisfactory, they can refer the matter to the Chief Executive. At both stage 2 and stage 3 (see below) the tenant is requested to specify in what way(s) their complaint has not been addressed at the earlier stage and what remedy they are seeking. They will receive an acknowledgement of their stage 2 complaint within **five days**.
9. The acknowledgement letter will set out our understanding of the issues outstanding and the outcomes the complainant is seeking. If this is unclear, the complainant should be contacted and a full definition agreed between both parties
10. Matters cannot be considered at stage 2 or 3 if they were not directly relevant to the initial complaint. Complainants will be advised within **five days** if their complaint cannot be

escalated to subsequent stages as set out in the Exclusions section of the Complaints Policy.

11. Unless there is a conflict of interest or they have previously dealt with the complaint, the Chief Executive will respond within **20 working days** of the stage 2 complaint being received. Where this is not possible, the customer will be advised of the reason for the delay and a full response will be provided within **30 working days** of the date of escalation.
12. If an extension is required beyond 10 working days to enable a full response to the complaint, we will seek to agree this with the complainant. Where this is not possible, the complainant will be provided with the Housing Ombudsman's contact details so that they can challenge the timeliness of the response if they wish to.
13. The written response at the end of stage 2 will include:
 - a. the complaint stage
 - b. the complaint definition
 - c. the decision of the complaint
 - d. the reason for any decisions made
 - e. the details of any remedy offered to put things right
 - f. details of any outstanding issues
 - g. details of how to escalate the matter to stage 3 if the resident is not satisfied with the answer
14. If the tenant does not contact us within 20 working days of receiving our response to their stage 2 complaint, it will be assumed that they do not wish to take the complaint further and the complaint will be closed.

Stage 3

15. Up to two Board members (depending on availability) will consider the complainant's appeal. They will be invited to a meeting to present their appeal. They may bring someone to help or support them. We would encourage complainants to attend the meeting in these circumstances, to enable a full understanding of their complaint.
16. If the complainant does not wish to attend this meeting, their complaint will be considered by the Board member(s) as a desk top review.
17. A panel hearing will be convened as soon as is practically possible but within six weeks of the complaint being escalated to stage 3. This hearing may take place in person or virtually.
18. The tenant will be given a written response to their appeal within 10 working days of the complaint panel hearing, or 20 working days of their notifying LSHA that they do not wish to attend a hearing.
19. The written response at the end of stage 3 will include:
 - a. the complaint stage
 - b. the complaint definition
 - c. the decision on the complaint
 - d. the reasons for any decisions made
 - e. the details of any remedy offered to put things right
 - f. details of any outstanding actions
 - g. details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied

20. The tenant will be given 20 working days to reply to the panel's response to their complaint. If they do not respond within this time period, it will be assumed that they do not wish to take the complaint further and the complaint will be closed.

Housing Ombudsman Service

The tenant has the right to complaint directly to the Housing Ombudsman at any stage of their complaint

Housing Ombudsman Service
PO Box 152
Liverpool L33 7WQ

Telephone: 0300 111 3000
www.housing-ombudsman.org.uk

Tenants may also obtain advice and information about possible legal remedies from a local Citizen's Advice Bureau, a law centre, or a solicitor.

Appendix 1 -
COMPLAINTS FORM

| | |
|--|--|
| Tenant's name: | |
| Address: | |
| Telephone number: | |
| Email Address | |
| Please tell us about your complaint. Give us as much detail as possible, including dates. You can include additional sheet(s) if needed. | |
| How would you like us to sort out the matter? | |
| What is the best way for us to contact you? | |
| Date: | |
| Signed: | |