



COMPLAINTS POLICY

1. Policy Statement

1.1 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

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

3. Principles

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

3.2 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

4.1 A complaint is defined as an expression of dissatisfaction, however made,

about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.

4.2 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.

4.3 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

4.4 A service request is a request from a resident to the landlord requiring action to be taken to put something right, such as the first request for a repair or a report of anti social behaviour and is not a complaint. A complaint would only be raised if the tenant expresses dissatisfaction with the response to their service request. We will continue to address the service request, even if a complaint is raised.

4.5 An expression of dissatisfaction with services made through a survey is not defined as a complaint.

5. Exclusions

5.1 Other exclusions may include:

- where legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
- insurance claims and appeals, including damage to personal possessions and personal injury accidents which will require referral to the relevant insurers.
- where the issue giving rise to the complaint occurred over twelve months ago, unless there are good reasons to do so, such as a safeguarding or health and safety issue.
- matters that have previously been considered under the complaints policy.

5.2 We will consider the individual circumstances of each complaint and, 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.

6. Complaint Handling Process

- 6.1 LSHA operates a two-stage complaint handling process. Any third parties who are involved in resolving complaints will adhere by this code.
- 6.2 We will not normally offer escalation to the next stage of our complaint's procedure where:
- the matter has been resolved at an earlier stage and no additional factors have been raised;
 - a complainant is not engaging with us and failing to provide relevant information relating to their complaint;
 - one of the exclusions set out in 5.1 now applies; or
 - where the complainant is behaving unreasonably (see section 11).
- 6.3 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.
- 6.4 We will consider each complaint on its own merits, conduct a thorough investigation and consider all information carefully. Any individual or group about whom a complaint is made will never investigate the complaint.

7. Awareness

- 7.1 Our Complaints Policy and details of the Housing Ombudsman will be published on our website, promoted via tenants' newsletters and noticeboards, and available upon request.
- 7.2 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. LSHA will treat anonymous complaints seriously and they will be fully investigated.
- 7.3 A self-assessment against the Housing Ombudsman's Code will be carried out on an annual basis or sooner if there is a significant restructure, merger and/or change in procedures. This will ensure that our complaint handling remains in line with the Code's requirement. This will be reported to our Board and published on our website.

8. Roles and Responsibilities

- 8.1 All LSHA staff have a duty to ensure that complaints are dealt with efficiently and fairly, in accordance with this policy and procedure.
- 8.2 The Head of Operations will be accountable for complaint handling and for assessing themes and trends to identify any systemic issues, serious risks or policies and procedures that require revision. They will also fulfil the role

of the 'Complaints Officer', with another member of the management team deputising in their absence.

- 8.3 The Chief Executive is responsible for ensuring that training and adequate resources are available to staff to support them in their complaint handling. Unless they have been involved at Stage 1, they will be responsible for dealing with stage 2 complaints.
- 8.4 The member responsible for complaints (MRC) is James Cross. They will have lead responsibility for complaints to support a positive complaint handling culture. They are responsible for ensuring that the board receives information that provides regular insight into complain handling performance.

9. Equality and Diversity

- 9.1 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 fairly and without discrimination.
- 9.2 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. These adjustments will be noted, alongside any disabilities the complainant has disclosed, and kept under review during the complaint handling process.
- 9.3 Where the correct authority has been obtained, we will liaise with an advocate, friend or family member on a complainant's behalf.
- 9.4 Complainants have the right for a representative to accompany them to a meeting with LSHA and for them to speak on their behalf.

10. Confidentiality

- 10.1 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.

11. Unreasonable and Vexatious Behaviour

- 11.1 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, such as timescales for investigation, or for services that we do not deliver

- unwillingness to accept our final decision when the complaint has been fully investigated.

11.2 We understand 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. We will always try to understand and resolve genuine complaints. However, the case will be considered by the Chief Executive, who may decide that it is appropriate to take measures to limit the complainant's interaction with the association. Any restrictions placed on contact due to anti social behaviour are proportionate and demonstrate regard to the Equality Act 2010.

11.3 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:

- limiting the complainant to only contact a named member of staff;
- limiting the frequency or timing of contact;
- limiting the complainant to only contact the association in writing;
- requiring office visits to be by appointment only; or
- only accepting contact via a third party such as a solicitor, councillor or friend acting on their behalf.

11.4 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.

11.5 Where sanctions are applied, complainants will be notified in writing and reviewed after six months.

12. Reporting and Monitoring

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

12.2 If there is an exceptional reason that prevents LSHA from complying with the Code due to exceptional circumstances, such as a cyber incident, they will notify the HOS, residents who may be affected and publish this on the website.

12.3 Complaints will be reported to the LSHA Board on a quarterly basis, this will include the volume, categories and outcomes of complaints, alongside complaint handling performance and updates on any HOS investigations or findings.

12.4 In addition, complaints performance will be analysed at least annually and any trends and learning shared with the Board and tenants via an annual complaints performance and service improvement report. This will be published on our website and include:

- the annual self-assessment against the HOS Code;
- a summary of the types of complaints refused;
- any findings of non-compliance with the HOS code;
- any annual report about our performance from the HOS;
- and other relevant reports of publications produced by the HOS in relation to the work of the landlord.

13. Learning from Complaints

13.1 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.

13.2 Each year we will review and publish our learning on complaints. This may include outlining changes we have made to policies, procedures or practices. We will share our learning with our staff, residents and the board.

14. Related Policies

Compensation Policy
Equality and Diversity Policy

15. Contact Details:

Housing Ombudsman Service

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

Housing Ombudsman Service
PO Box 1484
Unit D
Preston PR2 0ET

Telephone: 0300 111 3000

Email:

info@ombudsman.org.uk

www.housing-ombudsman.org.uk

Tenants may also obtain advice and information about possible legal remedies from Citizen's Advice (www.citizensadvice.org.uk), a law centre, or a solicitor.

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V1.0	30 October 2024	Emma Keegan	Annual review	By Board 6 November 2024