



## **COMPLAINTS POLICY**

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## **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.
- 2.2 Where a third party such as an independent adjudicator or contractor investigates a complaint, they will adhere to the two stage complaints process set out in the Housing Ombudsman 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.
  - acknowledge and set out our understanding of the complaint and the outcomes the complainant is seeking. This will apply to stage 1 and stage 2.
  - 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 If all or part of the complaint is not resolved to the tenant's satisfaction, we will progress the complaint to stage 2. We may decline to escalate to the next stage of our complaint's procedure where:

- 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 independently and on its own merits, conduct a thorough investigation and consider all information carefully. We will acknowledge all complaints, giving the complainant the opportunity to clarify our understanding of their complaint. Any individual or group about whom a complaint is made will never investigate the complaint. We will seek, where necessary, an independent assessment to ensure impartiality
- 6.5 We will acknowledge stage 1 complaints within five working days of receipt and respond in full within a further 10 working days or 20 working days by exception. Please refer to the complaints procedure for further details.
- 6.6 We will acknowledge stage 2 complaints within five working days of receipt and respond in full within a further 20 working days, or 40 working days by exception, Please refer to the complaints procedure for further details.

## **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 text, 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. The Head of Operations may delegate stage 1 complaints to a designated colleague. If HoO has not been involved in Stage 1 complaint, they may investigate Stage 2 complaints.
  - 8.3 The Chief Executive is responsible for ensuring that training and adequate resources
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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.

- 8.3 If a Stage 2 complaint is required and has involved the Chief Executive, then a member of the Board, or third party will investigate
- 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. The member responsible for complaints cannot investigate complaints at either Stage 1 or Stage 2

## **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.

## **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 Persistent 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

- reporting complaints about the same issues that have been investigated without additional evidence, cause or information.

11.3 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.

11.4 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, councilor 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, escalation to Stage 2, escalation to HOS, any learning and outcomes.

12.2 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.

12.3 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. 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@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)  
[www.housing-ombudsman.org.uk](http://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.

## **COMPLAINTS PROCEDURE**

### **Stage 1**

1. Complaints can be made in person, in writing, by telephone, text, email or online using our complaints form (see Appendix 1 attached), which staff can complete on the complainant's behalf if required.
2. When a complaint is received, the Head of Operations (or another delegated colleague or member of the management team in their absence) 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, assign a complaint reference number, and send an acknowledgement within **five working 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, we will contact the complainant to obtain clarification. The acknowledgement letter will clearly set out any aspects of the complaint for which the association is not responsible. The letter will also inform the complainant of the HOS contact details.
4. If we decide not to accept a complaint, in line with our Complaints Policy, we will send a letter explaining why within **five working days**. The complainant will be told they have a right to challenge this decision by raising the matter with the Housing Ombudsman.
5. If the tenant wishes to amend or add issues to the complaint, they will be considered as part of the complaint until the complaint investigation is concluded. Any Issues added after this time will be considered as a separate complaint.
6. Unless there is a conflict of interest, either the Head of Operations or a delegated colleague will investigate the complaint and provide a final 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** wherever possible. Any extension beyond this will be clearly explained to the complainant and contact details of the Housing Ombudsman provided. We will agree with the tenant suitable intervals for keeping them informed about their complaint.
7. Where tenants raise additional complaints during the investigation, these will be incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.
8. We will provide a response to the complainant when the answer is known, not when the outstanding actions required to address the issue are completed.

9. The written response at the end of stage 1 will include:



- a. the complaint stage
  - b. the complaint definition
  - c. the decision on the complaint
  - d. the reasons for any decisions made, including reference to relevant policy, law and good practice where appropriate
  - e. the details of any remedy offered to put things right
  - f. details of any outstanding actions; and
  - g. details of how to escalate the matter to stage 2 if the resident is not satisfied with the answer
10. The tenant will not be informed of the details regarding any action taken against individual members of staff. They may be informed that action is being taken.
  11. If the tenant does not contact us within 30 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.
  12. Any outstanding actions will be tracked and actioned promptly, with updates provided to the complainant, whether or not the complaint is escalated or closed.

## Stage 2

13. If the tenant feels the response to their Stage 1 complaint was not satisfactory, they can refer the matter to stage 2. This is the final stage of LSHA's complaint procedure.
14. The complainant will be asked to specify in what way(s) their complaint has not been addressed at the earlier stage and what remedy they are seeking but the onus is on LSHA to understand why a resident remains unhappy. They will receive an acknowledgement of their stage 2 complaint within **five working days**.
15. The acknowledgement letter will set out our understanding of the issues outstanding and the outcomes the complainant is seeking. If this is unclear, we will contact the complainant to obtain clarification. The acknowledgement letter will clearly set out any aspects of the complaint for which the association is not responsible.
16. Matters cannot be considered at stage 2 if they were not directly relevant to the initial complaint. Complainants will be advised within **five working days** if their complaint, or any part of it, cannot be escalated to subsequent stages as set out in the Exclusions section of the Complaints Policy.
17. Unless there is a conflict of interest or they have previously dealt with the complaint, the Head of Operations or the Chief Executive will investigate and issue a final response 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 **40 working days** of the date of escalation, unless there is good reason.
18. If the Chief Executive has been involved or implicated in either stage of the complaint, Board Member or an independent adjudicator will be appointed. The

independent adjudicator will work within the guidelines of this policy and the Housing Ombudsman Code.

19. If an extension is required 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 do so. We will agree with the tenant suitable intervals for keeping them informed about their complaint.
20. 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 reasons for any decisions made, including reference to relevant policy, law and good practice where appropriate;
  - e. the details of any remedy offered to put things right;
  - f. details of any outstanding issues; and
  - g. details of how to escalate the matter to the Housing Ombudsman service if the complainant remains dissatisfied.
21. If the tenant does not contact us within 40 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.
22. Any outstanding actions will be tracked and actioned promptly, with updates provided to the complainant, whether or not the complaint is escalated or closed.

**COMPLAINTS FORM**

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