



Havebury Housing Partnership

COMPLAINTS POLICY

Policy Number	HS 011
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Policy Lead Officer	Amy St Ledger
EIA	Yes
Legal Advice (incl. date)	N/A - This policy follows the Complaint's Handling Code
Leadership Team Review	June 2022
JNC Review	N/A
Tenants' Forum Review	June 2022
Approved by (incl. date)	Operations Committee July 2022
Policy Review Due	July 2024 (every 2 years or as policy/legislation changes)

Definitions

Housing Ombudsman Service (HOS)	The Housing Ombudsman Service is set up by law to look at complaints about the housing organisations that are registered with them.
Shared Owners	A person who has bought a share of a property and pays rent to a landlord on the remainder of the property.
Landlord and Tenant Act	This sets out the rights and responsibilities of landlord and tenant.
Leaseholders	A person who has a legal agreement with a landlord called a 'lease'
Contractor	A person or company that has a contract to do work or provide goods or services for another company.
General Data Protection Regulation (GDPR)	Regulation setting out rules relating to the protection of persons with regard to the processing of personal data and rules relating to the free movement of personal data.
Designated Person	See Appendix A.

A Glossary of Terms can also be accessed [here](#).

1. Introduction

- 1.1 We provide services to thousands of tenants each year, but we recognise sometimes things can go wrong.
- 1.2 This policy is an important document for our tenants. It sets out how we will manage complaints, with the aim of resolving these as swiftly and fairly as possible. It applies to any tenant who holds any type of tenancy with us. This includes shared owners and leaseholders within blocks we own.
- 1.3 It sets out how we value feedback on the services we provide and what they can expect from us when they complain.
- 1.4 We recognise complaints are an important barometer of the health, performance and our reputation. This, alongside other information, will be used this to help improve the services we provide.
- 1.5 We will treat complaints fairly, processes will be customer focussed and we will seek to resolve these as quickly as possible.
- 1.6 Where a complainant does not have a relationship with us under the Landlord and Tenant Act 1985, they can only access up to stage 2 of the policy. This is due to the option of going to the Housing Ombudsman Scheme (HOS) not being open to people outside of this group.

2. Definitions

- 2.1 We define a complaint as an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation or its employees, contractors or other representatives. This can affect an individual resident or group of residents. This is the definition used by the HOS.
- 2.2 The word 'complaint' does not need to be used for us to treat this as such. However, we won't treat a request for service, such as reporting a repair, or anti-social behaviour as a complaint. We will however investigate service failures in the cases of these requests.

3. Who Can Complain?

- 3.1 Current or former residents of our homes, including shared owners and leaseholders; residents renting garages and allotments. We will also accept complaints via third parties or representatives of our residents, where written permission has been obtained.
- 3.2 However, some complainants are not able to access the HOS. This includes complaints about garages, allotments; or complaints made by people where we don't hold a landlord/tenant relationship. Further information on the HOS can be obtained from their website www.housing-ombudsman.org.uk. In these cases, the complaints process will end at stage 2 of this process.
- 3.3 If information on the process is required in printed form, we can provide this on request.

4. Aims and Objectives

4.1 The aims and objectives of this policy are to:

- Encourage feedback from residents, particularly where service levels have fallen short from what we expect.
- Set out what to expect from our complaints process.
- Establish a means for us to learn from mistakes; or when service levels have fallen short from what we expect.
- To ensure a resident is aware of their right to contact the HOS at any point of the complaint, not just when the complaint process is exhausted. This allows the resident to engage with HOS complaints advisors.

5. Policy Statement

5.1 A complaint can be raised in circumstances where:

- We have not delivered a service to an acceptable quality, within a reasonable timeframe; or this has failed to meet any other agreed service standard.
- One of our team members, contractors or other representatives of Havebury have conducted themselves in an unprofessional manner, inconsistent with our values.
- If a complainant does not want to follow the formal process, we will aim to provide a local and early resolution with them. We recognise that many residents may not wish to follow a formal process and just want an issue resolved. We will not restrict access to a formal route if the informal route is unsuccessful in resolving the issue.

5.2 The following are not considered to be a complaint:

- a. A request for service, such as to carry out a repair, or a report of anti-social behaviour. We will however investigate service failures in the cases of these requests.
- b. Claims for compensation outside of those relevant to a complaint (all claims are dealt with in accordance with our Compensation and Payments Policy)
- c. Insurance claims. These will be dealt with in accordance with our Insurance Policy. This includes open/unresolved insurance claims.
- d. The issue giving rise to the complaint occurred more than 6 months ago. This does not apply in instances relating to health and safety or safeguarding.
- e. We will not consider a matter where legal proceedings have commenced. However, where a pre-action protocol has been raised, the complaints process will continue.
- f. We will not consider a matter which has been previously considered under this policy.
- g. Anything that is out of our jurisdiction (for example private land or public rights of way).

5.3 Where we are not considering a matter under this policy, we will contact the resident and give a detailed explanation of this. In these instances, the resident has the right to contact the HOS (unless the type of complaint is exempt), asking them to review this decision. The HOS may then instruct us to deal with this complaint.

- 5.4 We will accept complaints through any channel - this includes our social media platforms. Where a complaint is reported through these, we expect the resident to contact us privately to discuss this separately outside of social media. This is to ensure privacy and confidentiality is maintained.
- 5.5 We will accept complaints on behalf of residents, from a third party or other agency. In line with General Data Protection Regulation (GDPR), we will require written permission from the resident to discuss this on their behalf.
- 5.6 Where a complaint is received via an MP or councillor, we will check with either the resident or MP/councillor, if they wish for queries to be treated as a formal complaint.
- 5.7 Where a complaint is made about a contractor or supplier that we use, we will initially investigate and determine the best course of action. This could involve referring the complaint for resolution to the third party/service provider.
- 5.8 We will manage expectations in our complaints handling. This includes where the expectation for resolution is too high.
- 5.9 A complaints officer will take responsibility for complaints handling. They will have the authority and autonomy to resolve disputes quickly and fairly.
- 5.10 We will ensure residents are aware of the role of HOS, including being able to access dispute resolution advisors at any part of the complaints process.
- 5.11 We will give the resident a fair chance to set out their position as well as comment on any adverse findings before a final decision is made.
- 5.12 We operate a two-stage approach in managing complaints:

Acknowledgement: residents will receive an acknowledgement of the complaint within five working days.

Stage 1 - the complaint is handled by a complaints officer. A formal response will be provided 10 working days from receipt of complaint. If this is not possible, for example the complaint is particularly complex, we will extend this for another 10 days maximum. In these instances, we will contact the complainant and discuss the reasons for this, as well as keep in touch.

Stage 2 - this will be reviewed by a panel made up of a member of the Leadership Team and involved tenants. A response will be sent out no more than 20 working days from the request to escalate. If this is not possible, for example the complaint is particularly complex, we will extend this for a maximum of a further 10 working days. In these instances, we will contact the complainant, discuss the reasons for this and seek their agreement to extend for a specified period. We will always keep them updated during this process.

If a response is provided that includes compensation, this must be accepted (or rejected and escalated accordingly) by the appeal period end date as outlined in each stage above. If no response is received after this appeal period, further contact will be made to allow a further 10 working days to accept the compensation. If after this time has elapsed and no contact or appeal/escalation is received, we will close

the complaint and no monies will be paid. We will assume that you are satisfied with our response.

- 5.13 Once a resident has exhausted our internal process, the HOS will accept an escalation after a period of 8 weeks from the end of our process. We will support residents by providing information on how to do this by request, and in our formal responses to complaints. A complaint can only be referred to the HOS within 8 weeks if this is completed by a Designated Person. We will adhere to the requirements at the time, of the designated person as appropriate and defined by the code.
- 5.14 We aim to resolve complaints as quickly, constructively and effectively as possible; and will engage with third parties, mediation and advocates for the complainant (with signed authority) where it is beneficial in finding a timely resolution.
- 5.15 We will keep in regular contact with residents around how complaints investigations are progressing.

6. Review and Reporting

- 6.1 We will keep accurate records of all complaints we have received, lessons learned and how we have implemented any changes from these. This information will be shared with teams across the business, as well as Collaborative Management and Leadership teams.
- 6.2 We will review our method of engagement with residents whose behaviour is deemed unreasonable in pursuing a complaint. We may change our approach in dealing with these complaints, which will be agreed by an executive or assistant director.
- 6.3 Board will have overall responsibility for our complaint's performance, but the Operations Committee (to be replaced by Tenant Experience Committee following 20 September 2022 Annual General Meeting and to be known as TEC thereafter in this policy) will also receive regular updates, including themes and lessons learnt.
- 6.4 The Chair of the TEC, will have to have lead responsibility for complaints to support a positive complaint handling culture.

7. Legislation and Regulation

- 7.1 The Localism Act 2011 introduced a single housing ombudsman as a point of recourse for social housing residents and Leaseholders in resolving complaints. It allowed for 'designated persons' to act on behalf of complainants to resolve complaints locally before proceeding to the Ombudsman.
- 7.2 The Regulator of Social Housing's Resident Involvement and Empowerment Standard sets out that providers shall have an approach to complaints that is clear, simple and accessible that ensures that complaints are resolved promptly, politely and fairly.
- 7.3 Data Protection Policy
- 7.4 Equality Act 2010
- 7.5 Housing Ombudsman Scheme Complaint Handling 2022.

8. Diversity and Inclusion

8.1 We will ensure this policy is applied fairly and consistently to residents, in line with our Diversity and Inclusion policy. We will ensure no person or group of persons is treated no less favourably than any other person or group of persons.

8.2 We have completed an equality impact assessment on this policy and consulted with the Equality Diversity and Inclusion group to ensure this is accessible to all.

9. List of Related Internal Documents (including procedures relating to the Policy)

P032	Complaints Procedure
HS012	Compensation and Payments Policy
HS054	Managing Unacceptable Behaviour

Appendix A

The role of the Designated Person

A designated person is either an MP or Local Councillor.

A designated person can help resolve the complaint in one of two ways:

- they can try and resolve the complaint themselves or
- they can refer the complaint straight to the HOS.

If they refuse to do either a complainant can contact us directly.

The designated person can try to put things right in whatever way they think may work best. The HOS can advise them on good practice in complaint handling but has no authority over them. If the problem is still not resolved following the intervention of the designated person either they or the complainant can refer the complaint to the HOS.

If the designated person is not used, then the HOS can be accessed directly but by law it must be at least eight weeks after we have given you our final response to a complaint.

The designated person process applies even if the complainant has previously been in contact with an MP or local councillor about the complaint.