

Local Housing Companies' Complaints policy

Reference: Scope:	Version 2 Loddon Homes Berry Brook Homes Author: Sue Needham Approved by: Head of Operations Date of approval: 16/12/2021 Date of next review: December 2024
Legislation/Regulatory/ Governance: Related policies:	The Localism Act 2011 Housing Act 1996 (schedule 2) General Data Protection Act 2018 Equalities Act 2010 Housing Ombudsman Scheme Tenant and Involvement Empowerment Standards The Housing Ombudsman’s Complaint Handling Code (July 2020) The Housing Ombudsman’s Dispute Resolution Principles The Regulator of Social Housing Regulatory Framework 2012 Housing Ombudsman Service: Principles of Dispute Resolution Data Protection policy Compensation policy Unacceptable behaviour policy Equality and Diversity policy

1. Policy statement

This policy applies to Loddon Homes and Berry Brook Homes, which collectively will be referred to as the Local Housing Companies (the LHCs). The LHCs have delegated responsibility to Wokingham Borough Council (WBC) for ensuring this policy is implemented and delivered.

The LHCs recognise that meeting residents’ expectations of a high standard of service delivery is a priority. However, they accept that mistakes, oversights or service failures do occur. The LHCs view complaints as an opportunity to improve services and therefore the resident experience.

The LHCs’ aim is to resolve complaints quickly and fairly by identifying what went wrong, and taking action to put matters right. Residents’ expectations will be managed with reference to the LHCs’ Compensation policy where appropriate.

Residents will always be advised not to withhold the payment of rent/service charges should they have a complaint. If they intend to withhold rent for any failings to undertake repair(s) then they must comply with the specific procedure in the Housing Act 2004. Any rent withheld by a complainant who has not followed this procedure will be managed as rent arrears.

2. Scope

- 2.1 Complaints, for the purpose of this policy, relate to:
- a. Any failure to comply with policy, procedure or standards of service delivery.
 - b. A decision which the complainant believes is not fair or clear to them.
 - c. The alleged conduct and/or behaviour of LHC staff or stakeholders.
- 2.2 This policy does not cover:
- a. Services for which the LHCs are not responsible.
 - b. Where the complainant is taking legal action against the LHC on the same issue or the LHC is taking legal action against the complainant on the same issue.
 - c. Complaints submitted anonymously (the LHC will however attempt investigation where possible).
 - d. Complaints submitted six months or more after the issue occurred and it is being brought to the LHC's attention for the first time. Exceptions may be made at the discretion of the manager responsible for the service.
 - e. Where the complainant is an employee of the LHC (unless they occupy an LHC property, and the complaint relates to issues around their tenancy).
 - f. Reporting repairs or anti-social behaviour – these are considered to be service requests.
- 2.3 Complaints from the following individuals or groups will be managed under this policy:
- a. Potential and current social housing residents.
 - b. Shared owners.
 - c. MPs and councillors making a complaint on behalf of a resident.
 - d. Other advocates acting on behalf of a resident (see section 7.4). This does not include legal representatives who write to the LHC with a view to taking legal action.
 - e. Tenant associations, who will follow the procedure set out in their signed recognition agreement.
- 2.4 The following is outside this policy:
- a. Complaints will only be taken from former residents if the individual initially expressed dissatisfaction about the issue while they were still residing in an LHC property.
 - b. Complaints from private owners will only be accepted at the manager's discretion.

3. Roles and responsibilities

- 3.1 A resident can raise a complaint with any member of staff at the LHC.
- 3.2 Stage 1 complaints will be investigated and responded to by an officer.
- 3.3 Any escalation to stage 2 will be investigated, reviewed and responded to by a senior manager. In exceptional circumstances, a stage 2 response may need to be responded to by the Managing Director.
- 3.4 Any requests for information made by the Housing Ombudsman, or other organisations investigating a

complaint referred by one of our residents, will be managed by the relevant officer with support from a senior manager as necessary.

- 3.5 The relevant officer or manager will ensure that any determinations made by the Housing Ombudsman are shared and actioned as necessary, e.g. compensation paid.

4. Definitions

For the purposes of this policy:

- a. A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the LHCs, their own staff, or those acting on their behalf, affecting an individual resident or group of residents.
- b. Service requests, such as a resident reporting a repair, a noisy neighbour or an abandoned vehicle, are not complaints.
- c. An informal complaint is an expression of dissatisfaction which may be resolved by offering a solution or explaining the reason behind the dissatisfaction. An example would be a resident who telephones to report that a contractor has failed to meet an AM appointment and the LHC is able to arrange an alternative appointment at a time convenient to the resident. The LHCs will monitor informal complaints and use them as an opportunity for service improvement.
- d. A formal complaint is an expression of dissatisfaction that cannot be resolved informally. Formal complaints require investigation and a full response issued.
- e. An upheld complaint is where the complaint was justified and there has been a failure to provide the service promised.
- f. A not upheld complaint is where the LHC does not agree that the complaint was justified and there is no evidence of service failure.
- g. A partially upheld complaint is where the LHC agrees that the complaint is partly justified and there is evidence of partial service failure.
- h. An advocate is a person(s) acting on behalf of a complainant to assist them in managing their complaint with the LHC.
- i. A designated person is defined in the Localism Act 2011 as an MP or Councillor for the region in which the complainant's home is located, or a member of a recognised Designated Tenant Panel. For further information refer to the guidance on www.housingombudsman.org.uk
- j. The Housing Ombudsman Service investigates complaints about registered providers of social housing once that organisation's complaints process has been completed. However, residents can contact the Ombudsman at any time during the complaints process for help and advice from a dispute support advisor. For further information refer to www.housing-ombudsman.org.uk
- k. The Regulator of Social Housing regulates registered providers of social housing to promote a viable, efficient and well-governed social housing sector that is able to deliver homes that meet a range of needs. For further information refer to www.gov.uk/government/organisations/regulator-of-social-housing
- l. The Leasehold Advisory Service provides guidance and support for leaseholders relating to disputes with the landlord, including service charges. For further information refer to www.lease-

[advice.org/advice](https://www.advice.org/advice)

5. **Legislation and governance**

The LHCs will take into account the following when dealing with complaints:

- The Localism Act 2011
- Housing Act 1996 (schedule 2)
- General Data Protection Act 2018
- Equalities Act 2010
- Housing Ombudsman Scheme
- Tenant and Involvement Empowerment Standards
- The Housing Ombudsman's Complaint Handling Code
- The Housing Ombudsman's Dispute Resolution Principles

6. **Aims and objectives**

6.1 Aims

In line with the Housing Ombudsman's Dispute Resolution Principles, the LHCs aim to:

- a. Be fair – treat people fairly and follow fair processes.
- b. Put things right - resolve complaints locally and as quickly as possible by being open, accountable and outcome focused.
- c. Learn from outcomes - view all complaints positively, treating them as an opportunity to learn from mistakes, to put things right and to make improvements to services.

6.2 Objectives

- a. To work together within the LHC, with partner organisations and other agencies where necessary to come to positive outcomes to complaints.
- b. To resolve complaints quickly and effectively.
- c. To record and analyse data from complaints, and use it to improve services and amend policies or processes where necessary.
- d. To manage all complaints in an open, fair, transparent and accountable way.

7. **Procedure**

7.1 How LHC manages complaints:

- a. The LHCs will ensure residents are aware that they can make a complaint by letter, email, social media, telephone or in person.
- b. Should a resident choose to make a complaint via social media, the LHCs will respond outside the social media platform in order to maintain confidentiality and privacy.
- c. When a complaint is received, a team member will call the complainant with a view to resolving matters there and then. If this is not possible, we will gather as much information as possible in order to investigate the complaint.

- d. Where a quick resolution is not possible, the complainant can take their complaint to stage 1 of the LHCs' complaints process, which will be acknowledged by the LHC or our managing agent in writing within five working days.
- e. The responsible officer will respond to stage 1 complaints within 10 working days. Where this is not practically possible, we will give reasons and agree new timescales for a full response with the complainant.
- f. If the complainant is not satisfied with the outcome of stage 1, they can escalate their complaint to stage 2. The LHCs will only accept stage 2 escalation requests on the same subject; the complainant may not add additional issues. The complainant will be asked to provide reasons for requesting an escalation and the outcome they want.
- g. Stage 2 complaints will be dealt with by a senior manager who will carry out an independent investigation, which will be signed off by the Managing Director. A formal response will be sent to the complainant within 20 working days.
- h. The manager responsible for responding to the complaint will take into account the LHCs' Compensation policy where appropriate if a complaint is upheld.
- i. The resident will be given a fair opportunity to set out their position and to comment on any adverse findings before a final decision is made.
- j. The LHCs will support vulnerable residents through the complaints' process and, where appropriate, refer them to alternative services that may be able to help.
- k. The LHCs will accept complaints made by advocates on behalf of a resident. In order to ensure compliance with data protection legislation, written consent will be required from the resident. If the resident is not able to give written consent for reasons of incapacity, the LHC will request other evidence that the advocacy is legitimate (refer to the LHCs' Customer Vulnerabilities policy).
- l. The LHCs will endeavour to provide alternative ways to seek support when the subject of the complaint is outside their control.

7.2 When a complaint may be refused or terminated

In exceptional circumstances an LHC may refuse to deal with a complaint:

- a. Where a complaint is about an issue that has already been through the complaints process, with only a very minor difference. The complainant will be advised by the LHC that the case is closed. The complainant then has the right to seek advice from other parties (legal representative, designated person, Housing Ombudsman). See section 7.4.
- b. A complaint escalation may be refused at the Managing Director's discretion if the outcome the complainant wants is not in the control or the responsibility of the LHC, or is excessive given the service failure. This will be explained fully in writing.
- c. Where a complaint is persistent, vexatious or unreasonable (see section 7.3 and the LHCs' Unacceptable Behaviour policy).
- d. The LHCs will not meet excessive demands or respond to every point in an unreasonable communication. In such circumstances the LHC may consider it appropriate to end a complaint.

7.3 Persistent or vexatious complaints

The LHCs reserve the right not to consider a case if the complainant acts in an unreasonable, rude or aggressive manner, or where the complaint is frivolous, vexatious (deliberately annoying) or has already been closed. All relevant correspondence will be looked at to consider the circumstances of potentially persistent or vexatious complaints, including:

- a. Whether a complainant has made persistent or unreasonable demands.
- b. Whether there is a strong likelihood that complaints are being made to intentionally cause harassment, divert resources or to disrupt the LHC's business.
- c. Whether the complainant or their representative has been abusive or threatening to staff or has produced excessive communications.
- d. Whether the complainant displays vexatious behaviour.
- e. The LHCs' Unacceptable Behaviour policy will be referred to when looking at and managing potential persistent or vexatious complaints.

7.4 Complaint closure

- a. A complaint is considered closed when the matter has been investigated and responded to, and the complainant has not notified the LHC that they wish to escalate the complaint to the next stage within 21 days.
- b. If the complainant is a resident of the LHC (this includes social rented tenants and shared owners) and is still not satisfied with any aspect of their complaint, they may contact a designated person or, if they prefer, they can wait eight weeks and ask the Housing Ombudsman to investigate how the LHC dealt with their complaint.

7.5 Complaints resolution organisations

- a. On the rare occasion that the LHC is unable to reach a satisfactory outcome with the complainant, they will be advised of their right to involve a designated person such as an MP, Councillor or recognised Designated Tenant Panel in the stage 2 response.
- b. In accordance with the Localism Act 2011, if complainants are not satisfied with the outcome of their complaint, they can refer it to the Housing Ombudsman Service eight weeks after exhausting the LHCs' complaints procedure. Residents can also contact the Ombudsman at any time while a complaint is active for advice and to help find a resolution.
- c. Complaints relating to services registered by the Care Quality Commission (CQC) or commissioned by Local or Health Authorities can be taken to these bodies directly at any stage.
- d. The Regulator of Social Housing will only investigate a complaint where it feels it is of "potential serious detriment" to residents; this judgement is based on an evaluation of the harm or potential harm to residents. Any other complaint will be referred back to the LHC or the Housing Ombudsman. If a complainant believes their complaint is serious enough to meet the serious detriment test, they should contact the Social Housing Regulator. Complaints should be made no later than three months after the complainant is aware of the problem or reasonably becomes aware of it.
- e. Where shared owners of the LHC and are not satisfied with the outcome of stage 2, they can refer their complaint to the First-Tier Tribunal (Property Chamber) to access their dispute resolutions service. The Leasehold Advisory Service can also provide guidance regarding any complaint.

- f. These organisations will usually expect the LHC's internal complaints procedures to have been fully completed before getting involved, but in some cases will investigate before internal procedures are completed.

8. Equality & Diversity

The LHCs recognise the needs of a diverse population and always acts within the scope of their own Equality and Diversity policy, the Human Rights Act 1998, and Equalities Act 2010. The LHCs work closely with partners to ensure a clear understanding of their resident community with clear, regularly updated service user profiles. The LHCs will record, analyse and monitor information on ethnicity, vulnerability and disability.

9. Confidentiality

9.1 Under the General Data Protection Act 2018 and the Human Rights Act 1998, all personal and sensitive organisational information, however received, is treated as confidential. This includes:

- a. Anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or Board member.
- b. Sensitive organisational information.

9.2 LHC employees will ensure they only involve other agencies and share information where there is a legal basis for processing the information.

10. Review

This policy will be reviewed on a three-yearly basis, or more frequently in response to changes in legislation, regulatory guidance, good practice or changes in other relevant LHC policies.

11. Performance

LHC performance in relation to the delivery of the services and activities set out in this policy will be monitored on an ongoing basis through established reporting mechanisms to the associated Boards.

DOCUMENT CONTROL

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November 2019	November 2019	November 2022	December 2021
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