

Local Housing Companies' Complaints policy

Reference: Scope:	Version 3 Loddon Homes Berry Brook Homes Author: Tracy Garner Approved by: Head of Operations Date of approval: 18/04/2024 Date of next review: April 2027
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 2024 The Housing Ombudsman’s Dispute Resolution Principles 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 (the Local Housing Companies (the LHCs)). The LHCs have delegated responsibility to Wokingham Borough Council (WBC) for ensuring this policy is implemented and delivered, although we can and do deal with complaints made directly to ourselves when applicable.

The LHCs aim to provide good quality services and to treat all residents fairly. We recognise that sometimes things do go wrong and residents may be dissatisfied and wish to complain. We view complaints positively. Our aim is to resolve complaints as quickly as possible by being open, accountable and outcome focused, investigating and identifying what went wrong and taking action to put things right.

Throughout the complaints process, we will make reasonable adjustments to accommodate residents’ needs in line with the Equality Act 2010. This may include changes to the complaints policy, procedure or process.

This policy is available to view on our website, or by email or post on request.

2. Scope

A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the LHC, our own staff, or those acting on our behalf, affecting a resident or group of residents.

A resident does not have to use the word ‘complaint’ for it to be treated as one. Whenever a resident

expresses dissatisfaction we will give them the choice to make a complaint. This also applies if the complaint relates to an ongoing service request; we will not stop our efforts to address the service request if the resident complains.

This policy does not cover:

- Services for which we are not responsible.
- Where the complainant is taking legal action against us on the same issue or we are taking legal action against the complainant on the same issue.
- Complaints submitted anonymously (we will however attempt investigation where possible).
- Complaints submitted 12 months or more after the issue occurred or after the resident became aware of it. Exceptions may be made at the discretion of the manager responsible for the service.
- Matters that have previously been considered under our complaints policy.
- Where the complainant is an employee of the LHC (unless they occupy one of our properties and the complaint relates to issues around their tenancy).
- Reporting repairs or anti-social behaviour – these are considered to be service requests.

Complaints from the following individuals or groups will be managed under this policy:

- Potential and current LHC residents.
- Shared owners.
- MPs and councillors making a complaint on behalf of a resident.
- Other advocates acting on behalf of a resident (see section 7). This does not include legal representatives who write to us with a view to taking legal action.
- Tenant associations, who will follow the procedure set out in their signed recognition agreement.

We will not take a blanket approach to excluding complaints; we will consider the individual circumstances of each complaint. If we refuse to accept a complaint, an explanation will be given setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman.

3. Roles and responsibilities

A resident can raise a complaint with any member of staff at the LHC.

Stage 1 complaints will be investigated and responded to by an officer.

Stage 2 complaints 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.

Any requests for information made by the Housing Ombudsman, or other organisation investigating a complaint referred by one of our residents, will be managed by the relevant officer with support from a senior manager as necessary.

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 LHC, its own staff, or those acting on their behalf, affecting an individual resident or group of residents.
- b. A service request is a request from a resident requiring action to be taken to put something right, such as reporting a repair, a noisy neighbour or an abandoned vehicle.
- c. An upheld complaint is where the complaint was justified and there has been a failure to provide the service promised.
- d. A not upheld complaint is where we do not agree that the complaint is justified and there is no evidence of service failure.
- e. A partially upheld complaint is where we agree that the complaint is partly justified and there is evidence of partial service failure.
- f. An advocate is a person(s) acting on behalf of a complainant to help them manage their complaint.
- g. The Housing Ombudsman Service investigates complaints about registered providers of social housing like Loddon Homes, as well as voluntary members such as private landlords like Berry Brook Homes. Residents can contact the Ombudsman at any time during the complaints process for help and advice. For further information refer to www.housing-ombudsman.org.uk
- h. 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

5. Legislation and governance

We 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 2024
- The Housing Ombudsman's Dispute Resolution Principles

6. Aims and objectives

Aims

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

- Be fair – treat people fairly and follow fair processes.
- Put things right - resolve complaints locally and as quickly as possible by being open, accountable

and outcome focused.

- 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.

Objectives

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

7. Procedure

How we manage complaints:

We will make it as easy as possible for residents to complain, and will take complaints in any way including by letter, email, social media, telephone or in person. A resident may make their complaint to any member of LHC staff. Should a resident choose to make a complaint via social media, we will respond outside the social media platform to ensure confidentiality and privacy.

An expression of dissatisfaction made through a survey is not defined as a complaint; however, we will make the resident completing the survey aware of how they can make a complaint if they wish to. At each stage of the complaints process we will:

- Deal with all complaints on their merits, act independently and have an open mind.
- Give the resident a fair chance to set out their position.
- Take measures to address any actual or perceived conflict of interest.
- Consider all relevant information and evidence carefully.

Team members dealing with complaints will have access to staff at all levels to help resolve complaints as promptly as possible. They will also have the authority and autonomy to act to resolve disputes promptly and fairly.

When a complaint is received, a team member will call the complainant to make sure we are clear what they are dissatisfied with and what they would like as an outcome.

The complaint will be dealt with in line with stage 1 of the LHCs' complaints process and will be acknowledged, defined and logged by us or our managing agent in writing within five working days. The responsible officer will respond to stage 1 complaints within 10 working days. Where this is not possible, we will give reasons and agree an extension with the complainant of no more than 10 working days without good reason.

Where residents raise additional complaints during the investigation, they will be incorporated into the stage 1 response if they are related and the stage 1 response has not yet been issued. Where the response has already been issued, the new issues are unrelated to the original complaint or investigating them would unreasonably delay the response, the new issues will be logged as a new complaint.

If the complainant is not satisfied with the outcome of stage 1, they can escalate their complaint to stage 2 and they do not need to give a reason for doing so. We will only accept stage 2 escalation requests on the same subject; the complainant may not add additional issues unless they are related to the original complaint. Stage 2 is our final response.

Stage 2 complaints will be acknowledged, defined and logged within five working days of the escalation

request being received and 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. Where an extension to this timescale is needed, we will inform the resident of the expected time for response, which will be no more than 20 working days without good reason.

If we have to inform a resident about an extension to these timescales, we will provide details of the Ombudsman.

We will take into account the LHCs' Compensation policy where appropriate if a complaint is upheld.

We will support vulnerable residents through the complaints process and, where appropriate, refer them to alternative services that may be able to help. We will accept complaints made by advocates on behalf of a resident. 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, We will ask for other evidence that the advocacy is legitimate (refer to the LHCs' Customer Vulnerabilities policy).

We will endeavour to provide alternative ways to seek support when the subject of the complaint is outside our control.

When a complaint may be refused or terminated

In exceptional circumstances we may refuse to deal with a complaint:

- 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 that the case is closed. The complainant has the right to seek advice from other parties (legal representative, Housing Ombudsman). See section 7.
- A complaint escalation may be refused at the Managing Director's discretion if the outcome the complainant wants is not in our control or the responsibility, or is excessive given the service failure. This will be explained fully in writing.
- Where a complaint is persistent, vexatious or unreasonable, or the complainant acts in an unreasonable, rude or aggressive manner, (see the LHCs' Unacceptable Behaviour policy).
- We will not meet excessive demands or respond to every point in an unreasonable communication. In such circumstances we may consider it appropriate to end a complaint.

We will not take a blanket approach to excluding complaints and will consider the individual circumstances of each complaint.

Withholding rent and/or service charges

Residents will always be advised not to withhold the payment of rent/service charges when 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.

Complaint closure

A complaint is considered closed when the matter has been investigated and responded to, and the complainant has not notified us that they wish to escalate the complaint to the next stage within 21 days.

If the complainant is still not satisfied with any aspect of their complaint, they may contact the Housing Ombudsman to investigate how we dealt with their complaint.

Complaints resolution organisations

If we are unable to reach a satisfactory resolution with the complainant, they will be advised of their right to involve another party, such as an MP, Councillor or the Housing Ombudsman. Complainants can refer their complaint to the Housing Ombudsman at any point in the complaints procedure.

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.

Shared owners who are not satisfied with the outcome of stage 2 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.

These organisations (other than the Housing Ombudsman) will usually expect our internal complaints procedures to have been fully completed before getting involved, but in some cases will investigate before internal procedures are completed.

8. Self-assessment, reporting and compliance

The LHCs must produce an annual complaints performance and service improvement report for scrutiny and challenge, which will include:

- Our annual self-assessment against the Ombudsman's Complaint Handling Code.
- A full analysis of our complaint handling performance, including a summary of the types of complaints we have refused to accept.
- Any findings of non-compliance with the Code by the Ombudsman.
- Service improvements made as a result of learning from complaints.
- Any annual report about our performance from the Ombudsman.
- Any other relevant reports or publications produced by the Ombudsman in relation to our work.

9. Equality & Diversity

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

10. Confidentiality

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:

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

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

11. 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.

8. Performance

Our 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

Issue date	Approval date	Planned review date	Actual review date
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