

COMPLAINTS POLICY & PROCEDURE

Objectives

To improve the quality of the Tenants experience.

To ensure that all complaints and suggestions are promptly addressed, resolved and shared within the agreed timescales to ensure that lessons are learned and that the learning improves service quality and delivery.

What is a complaint?

A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by our organisation, our staff, or those acting on our behalf, affecting an individual or group of tenants.

All information received relating to dissatisfaction is treated as a complaint whether the specific word 'complaint' is used or not.

What is a service request?

A service request is a request LRHS receives from a tenant requesting action to be taken to put something right. This might include:

- A request for a repair to be undertaken
- A complaint regarding anti-social behaviour or noise disturbance
- Contact regarding a maintenance technician or contractor not arriving within agreed timescales

All service requests will be dealt with within 2 working days. It is acknowledged that at any time a service request may, at any point, be raised as a complaint.

*When stated in this document 'working days' refer to standard Monday – Friday working days

Our Policy

- LRHS take complaints and/or dissatisfaction of our service seriously. We will aim to put things right that have gone wrong and learn lessons to avoid the problem happening again.
- LRHS will comply with legislation, national guidelines, regulation and best practice when managing complaints, dissatisfaction and suggestions. A systematic approach will be taken with all aspects of complaints, dissatisfaction and suggestions.
- LRHS will ensure that its complaints process is fair and transparent and does not discriminate directly or indirectly because of the following:
 - Age
 - Being or becoming a transsexual/transgender person
 - Being married or in a civil partnership
 - Being pregnant or on maternity leave
 - Disability
 - Race including colour, nationality, ethnic or national origin
 - Religion, belief or lack of religion/belief
 - Sex
 - Sexual orientation

The complainant will feel free to complain without fear of reprisal and will be treated with courtesy, respect and compassion.

- Staff will undertake training on how to manage complaints in line with their roles and responsibilities
- A full record will be held of all complaints received regardless of the level of seriousness and means of communication. This approach allows an open and transparent culture around raising concerns in the earliest stage to allow resolution. A record of the complaint will also be held by the Property Services Manager and will be reported in line with contractual or regulatory requirements if applicable.
- LRHS understand that a person may be unable or not want to make a complaint themselves. LRHS accept complaints from a representative of a person who is dissatisfied with our service. LRHS also take complaints from a friend, a relative or an advocate, if the complainant has given their consent to complain on their behalf.

Accessing our service

To make it as easy as possible and in keeping with our obligations under the Equality Act, we will take reasonable steps to adapt our normal complaint handling policies, procedures and processes, where appropriate to accommodate a person's needs. For example providing correspondence in large print or identifying an auxiliary aid or service. We will also look to take steps, where reasonable, to accommodate the communication needs of others, for example accessing a language line service for those whose first language is not English.

Where there has been a request relating to the above we will review the timescales requested and where necessary these will be extended and this information will be fully communicated to the complainant.

What is not considered under LRHS complaints procedure

It is important to note that we will not discriminate against anyone who makes a complaint. If a complainant behaves inappropriately in making a complaint, we will seek to manage that behaviour as necessary, while treating the complaint like any other. (Please see separate Unacceptable behaviour policy). However, there will be some rare occasions when we will not accept a complaint, examples of this are given below (this list is not exhaustive):

- A routine, first time request for a service for example reporting a problem that needs to be repaired or initial action on anti-social behaviour
- Complaints that are already under a current Ombudsman investigate or cases on which the Ombudsman has previously made a decision
- Complaints that involved legal proceedings, court or tribunal action by or against the Society where documentation has been filed at the Court
- An attempt to re-open a previously concluded complaint or to have a complaint re-considered where we have already given our final decision following a Stage 2 investigation
- A complaint where it is more than 12 months since the issue or circumstance has occurred (see further information under 'Time limits for submitting a complaint')
- Inappropriate or unacceptable behaviour, which is threatening, abusive or aggressive

If we feel that your complaint does not fall under our complaints procedure you will be informed of this in writing together with an explanation within 10 working days. You will also be informed of the option to appeal this decision by contacting the Housing Ombudsman Service.

All tenants have the right to access the Housing Ombudsman Service at any time throughout the complaint process. The Housing Ombudsman contact details can be found at the end of this document.

Time limits for submitting a complaint

Complaints should be submitted within 12 months of the incident or concern arising. The time limit, however, can be waived if:

- It is still practical and possible to investigate the complaint (the records still exist, and the individuals concerned are still available to be questioned etc) and
- The complainant can demonstrate reasonable cause for delay in making the complaint. It is at the discretion of the Property Services Manager if the time limit can be set aside.

How to make a complaint

You can make a complaint:

- In writing to our registered address: Rustington Hall, Station Road, Rustington, West Sussex, BN16 3AY
- By email to: estates@lrhs.co.uk
- By telephone: 01903 787222

Procedure

Stage 1 Formal complaint investigation

For all complaints regarding our Property Management Service are managed, in the first instance, by our Property Services Manager, or deputy if it is felt there is a conflict of interest. You will be kept informed throughout the complaint investigation and notified of the outcome as soon as it is known.

Step 1:

Formal acknowledgement of the complaint received will be sent within 2 working days to the complainant. The acknowledgement will include:

- An invitation to meet and discuss the complaint
- The name of the person who will be investigating the complaint
- How the investigation will be handled
- A time limit for the investigation to be concluded. This should be within 10 days. However, some cases may take longer, and the complainant will be made aware and kept informed of this

Step 2:

Following a full investigation, a response letter will be sent, and this will include the following:

- A summary of the issue from the complainant's point of view
- Details of the evidence and sources consulted in order to investigate the issue fully and fairly
- A presentation of the findings for each issue clearly and concisely described
- A conclusion, stating clearly whether the issue is 'upheld', 'partially upheld' or 'not upheld', unless it is ineligible, in which case the reason for this will be given, for example out of time or out of jurisdiction

- An explanation of the outcome and whether any remedial action or learning points arise from the investigation of that issue
- An apology where the complaint is upheld and shortcoming or failings have been found
- The complainant's right if not satisfied with the outcome to move to Stage 2
- A signature from the responsible individual

Step 3

The complaint will be closed once confirmation has been received that there is satisfaction with the outcome. In the event of dissatisfaction, LRHS will support the complainant to access further support.

Stage 2 Formal Complaint Investigation

If you are not satisfied with the response at Stage 1, you can ask for your complaint to be reviewed by our CEO, or a member of our Board of Trustees depending on whether there is a conflict of interest at Stage 2 of our process. This request must be made within 30 days of the receipt of the Stage 1 response. In most cases, we will agree to look again at our decision and to consider any additional information provided. In certain cases, we may not be able to do this and, if so, we will explain why.

The Stage 2 formal complaint review is not a repeat of the full investigation. The actions and decisions taken at Stage 1 will be examined to check if they were thorough, reasonable and fair. We aim to give you our decision on the outcome of the view of your complaint within twenty working days.

The outcome of the Stage 2 formal complaint review represents the end of our internal complaint process. We hope we will have been able to resolve your complaint. If this is not the case, you can ask the Housing Ombudsman Service (contact details at the end of the document) to review our responses to you.

We will always explain the options to you at the end of our internal complaint process.

Please remember you can contact the Housing Ombudsman Service at any stage for guidance about making a complaint about your landlord.

Compensation

Compensation payments may be paid at the discretion of the Property Services Manager, CEO or member of the Board of Trustees. The level of compensation paid will ensure that the individual(s) will not be adversely affected should the service failure have not occurred. The various remedies available will be considered but we accept that in some circumstances, financial compensation may be the only and appropriate form of redress.

Financial compensation explained

The amount paid will reflect the nature of the complaint and will be fair and proportionate and each case will be considered on its individual merits. Discretion and common sense will be applied, while promoting consistency. At LRHS we understand our responsibility regarding any detriment or damage caused to the individual or their property and belongings by a third party (contractor) working on the landlord's behalf. This information will be clearly documented and disclosed in a letter to the complainant.

There are three types of compensation payment:

- Mandatory (such as statutory home loss payments)
 - Home loss, disturbance, improvements and payments under the Right to Repair scheme
- Quantifiable loss payments (where people demonstrate actual loss)
 - Increased heating bills due to disrepair, having to pay for alternative accommodation or take away food, paying for cleaning or carrying out repairs where LRHS has failed to meet its obligations*
- Discretionary payments (for time and trouble/distress and inconvenience)
 - Poor complaint handling, delays in providing a service (eg undertaking a repair), failure to meet target response times, loss of use of part of the property, failure to follow policy and procedure, unreasonable time taken to resolve a situation**

. *any such costs must have been reasonably incurred and evidence of such loss provided in which case the amount will be calculated and a set amount of compensation will be offered
** this will be separated into categories such as 'minor', 'moderate' or 'severe' to include the duration of the problem and extent of severity of the service failure. It will take into account the vulnerability and identify that any impact is worsened through disability, old age or the presence of young children.

Other remedies explained

LRHS will undertake a flexible approach when considering different remedy solutions. Some of these actions may be taken to remedy a complaint, either separately from or in conjunction with an offer of compensation.

These can include:

- practical actions eg we will undertake repairs or redecoration which would otherwise be a tenant's responsibility
- gestures of goodwill eg vouchers, chocolates, flowers

Situations where compensation will not be considered

There will be some circumstances where compensation will not be considered these include:

- loss of earnings
- claim for personal injury
- The fault of a third party such as a utility company (for example electricity, water or gas)
- Beyond our control (for example severe weather) or where we have told customers in advance a service or function will not be available
- Subject to tribunal or legal proceedings
- Where any damage is covered under contents insurance.

Damage claims

Claims for damage to your personal belongings should be claimed under your home contents insurance policy. We advise our tenants to insure their home contents.

We always aim to resolve a complaint ourselves within our internal process. We recognise sometimes this is not possible. At the end of the internal process, a customer may choose to ask the Housing Ombudsman Service to investigate their complaint if they remain dissatisfied.

Internal Escalation and Appeals

A complainant can request that their complaint be escalated to Stage 2 if they are dissatisfied with the initial response at Stage 1.

Please refer to our complaint exclusion list on page 2 for details of when we will not escalate a complaint.

Housing Ombudsman

The Housing Ombudsman service is set up by law to look at complaints about the housing organisations that are registered with it. The service is free, independent and impartial. It can advise customers at any stage of the complaint process, even if you are unsure about whether to complain.

The Housing Ombudsman can be contacted;

Telephone: 0330 111 3000

Email: info@housing-ombudsman.org.uk

Address: PO Box 152, Liverpool, L33 7WQ

Website: www.housing-ombudsman.org.uk