

COMPLAINTS POLICY

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1.0 POLICY STATEMENT

- 1.1 The Policy covers complaint definitions, exclusions, responsibilities and reporting in accordance with the standards set out by the Housing Ombudsman Service and their complaints handling code.
- 1.2 Hornsey Housing Trust (“HHT”) is committed to providing a high-quality service for you and working in an open and accountable way that builds trust and respect. One of the ways in which we can continue to improve our service is by listening and responding to your views and by responding positively to complaints, investigating impartially and by putting mistakes right when things have gone wrong.
- 1.3 Where you let us know about a service failure, such as a member of our staff or a contractor failing to keep to or attend an appointment without notice, HHT aim to resolve the problem on the same day. You do 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 must still be handled in line with the HHT’s complaints policy.
- 1.4 HHT expect you to pursue complaints in a reasonable, courteous and fair manner. If you are pursuing a complaint in an unreasonable manner, then measures to limit contact may be applied. This policy should be read in conjunction with our Unacceptable Behaviour Policy and the Tenant Handbook.
- 1.5 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 an individual resident or group of tenants.

2.0 LEGAL FRAMEWORK

- 2.1 The Regulator for Social Housing requires housing associations to have an approach to complaints that is clear, simple and accessible.
- 2.2 Secure Tenants of Housing Authorities (Right to Repair) Regulations 1994 entitles secure tenants of local housing authorities to have qualifying repairs carried out at their landlord’s expense and receive compensation from their landlord if qualifying repairs are not carried out within a prescribed period.

3.0 EQUALITY DIVERSITY & INCLUSION

- 3.1 HHT are committed to complying with the Equality Act 2010 to ensure that no person or group will be treated less favourably than another person or group of persons and will carry out our duty with positive regard for the following core strands of equality: age, disability, gender, race, transgender, sexual orientation, maternity, pregnancy, marital status and religion and/or belief.

3.2 HHT will make reasonable adjustments to our complaints process where necessary, ensuring that tenants with a specific need are not at a disadvantage when accessing the service. Where the correct authority has been obtained, HHT will liaise with an advocate, friend or family member on a complainant's behalf.

4.0 CONFIDENTIALITY

4.1 HHT will observe confidentiality and divulge details of complainants only with their authority, unless there are safeguarding or criminal concerns which HHT is under statutory duty to declare.

5.0 WHAT CAN YOU COMPLAIN ABOUT?

5.1 HHT aim to deliver excellent services but recognise that on occasions things can go wrong. When they do, HHT will respond quickly, put things right and learn from our mistakes.

5.2 HHT encourage you and users of our service to come forward with complaints so their needs can be met and the quality of our service can be assured and/or improved.

5.3 A complaint must be raised when the tenant expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. Landlords must not stop their efforts to address the service request if the tenant complains.

5.4 You can make a complaint if HHT have:

5.4.1 Done something incorrectly or badly, which has resulted in you getting less than the promised standard of service, such as:

- Giving you inaccurate information
- Providing unclear or incomplete replies to your enquiries
- Issues relating to the type of property you have been offered
- Not carrying out a repair properly

5.4.2 Done something HHT should not have, such as:

- Discriminating against you or treated you unfairly
- Being rude
- Breaking appointments without telling you
- Not following one of the HHT's policies in providing you with a service

5.4.3 Failed to do something HHT should have done, such as:

- Responding to your letters/queries appropriately

- Following procedures for dealing with your query

5.4.4 HHT will accept complaints referred to them within 12 months of the issue occurring or the tenant becoming aware of the issue, unless they are excluded. HHT will apply discretion to accept complaints made outside of the time limit where there are good reasons to do so.

6.0 EXCLUSIONS - WHAT WILL NOT BE TREATED AS A COMPLAINT?

6.1 If HHT decides not to accept a complaint, a detailed explanation must be provided to you setting out the reasons why the matter is not suitable for the complaints process and explain your right to take that decision to the Ombudsman.

6.2 Examples of reasons why the HHT would not accept a complaint.

- An initial report of fly tipping or vandalism
- An initial request for a repair or improvement works
- An initial neighbour nuisance or anti-social behaviour report (see our separate ASB policy and procedure)
- Complaints about services which are not our responsibility – for example, decisions about housing benefit, council tax reductions or nominations, which should be reported to Haringey Council
- 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 with court.
- Complaints about the actions of an organisation that is not working for, or supported by the Trust – such as Haringey Council or a care agency
- Insurance claims – HHT will deal with any claims on our building's insurance. You are responsible for claims on their content's insurance
- Commercial decisions – for example, a decision to dispose of some of the HHT properties
- The issue giving rise to the complaint occurred over twelve months ago
- Matters that have previously been considered under the complaint policy

Although HHT do not treat these issues as a complaint under this procedure, we will deal with them in an appropriate manner and consider the individual circumstances of each complaint

6.3 An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where HHT ask for wider feedback about their services, they also must provide details of how tenants can complain.

7.0 HOW TO MAKE A COMPLAINT

7.1 Complaints will be accepted by the following methods:

- In person at our offices
- To a member of staff when they visit you
- By letter
- By telephone
- By email
- By text message
- Using the contact form on the Trust's website
- Tenant representative on behalf of tenant or accompanied by

8.0 HOW TO COMPLAIN

There are two stages to HHT's complaint's procedure:

- 8.1 **Stage one** - when a complaint is received, the Complaints Handler (Executive Assistant) **will log and acknowledge within 5 working days**. The acknowledgement letter will set out HHT's understanding of the complaint and the outcomes you are seeking. If it is unclear, you should be contacted and a full definition agreed between both parties.
- 8.2 A member of the HHT Team will investigate the complaint and **respond in 10 working days of the complaint being logged** setting out the decision and proposed action, unless the complaint is about one of those individuals, in which case a member of the Leadership Management Team will answer.
- 8.3 If an extension beyond 10 working days is required to enable HHT to respond to the complaint fully, this should be agreed by both parties with reasons explained to the tenant. The complainant should be provided with the Housing Ombudsman contact details at this point.
- 8.4 If an agreement cannot be reached, HHT should provide the Housing Ombudsman contact details so you can challenge the Trusts plans for responding and/or proposed timelines.
- 8.5 Where you raise additional complaints during the investigation, these should be incorporated into the stage one response if they are relevant and the stage one response has not been issued. Where the stage one response has been issued, or it would be unreasonable to delay the response, the complaint should be logged as a new complaint.
- 8.6 Complaints response must be sent to you when the answer to the complaint is known. It must not be delayed until outstanding actions are completed. Outstanding actions should be tracked and actioned promptly with updates provided to you.

- 8.7 The written response at the end of stage 1 will include:
- the complaint stages
 - the decision on the complaint
 - the reasons for any decisions made
 - the details of any remedy offered to put things right
 - details of any outstanding actions
 - reference to relevant policies, law and good practise
 - details of how to escalate the matter to stage two if you are not satisfied with the response
- 8.8 **Stage two** - If you feel the result is unsatisfactory, you are asked to specify in what way your complaint has not been addressed and why you remain unhappy at the early stage and what remedy you are seeking within 28 days. The complaints handler **will log and acknowledge within 5 working days**.
- 8.9 The acknowledgement letter will set out HHT's understanding of the issues outstanding and the outcomes you are seeking. If it is unclear, you should be contacted and a full definition agreed between both parties.
- 8.10 A response from a HHT's Leadership Management Team (either the Head of Housing; Asset Manager; or Head of Finance) **will respond in 20 working days** to try to resolve the matter, unless the complaint is about one of those individuals or if they have answered the stage one complaint, in which case the CEO will answer.
- 8.11 Exceptionally, landlords may provide an explanation to the resident containing a clear timeframe for when the response will be received. This should not exceed a further 20 days without good reason. The complainant must be provided with the Housing Ombudsman contact details
- 8.12 If an agreement cannot be reached, HHT will provide the Housing Ombudsman contact details so you can challenge the Trusts plans for responding and/or proposed timelines.
- 8.13 The person considering the complaint at stage two must not be the same person that considered the complaint at stage one.
- 8.14 Complaints response must be sent to you when the answer to the complaint is known. It must not be delayed until outstanding actions are completed. Outstanding actions should be tracked and actioned promptly with updates provided to you.
- 8.15 The written response at the end of stage two will include:
- the complaint stages
 - the Complaint decision
 - the decision on the complaint
 - the reasons for any decisions made
 - the details of any remedy offered to put things right
 - details of any outstanding actions required to address the issues

- reference to relevant policies, law and good practise
- details of how to escalate the matter to the Housing Ombudsman Service if the tenant remains dissatisfied

8.16 If you are not satisfied after the two-stage procedure, you can take your case to the Housing Ombudsman Service. This service is completely independent of the Trust and is free to use. Housing Ombudsman Service, PO Box 152, Liverpool, L33 7WQ, info@housing-ombudsman.org.uk, www.housing-ombudsman.org.uk

8.17 You may also obtain advice and information about possible legal remedies from a local Citizens Advice Bureau, a law centre or a solicitor.

9.0 COMPENSATION

9.1 Where you have suffered actual loss or damage, you may be compensated accordingly. Compensation will be paid direct to you unless you owe HHT money (e.g., current or former rent/service charge arrears), in which case the compensation will be used first to offset any arrears.

9.2 Compensation may be considered in the following circumstances:

- When certain qualifying repairs have not been completed on time
- Failed to keep an appointment and without notice, and suffered income loss as a result
- When a room in a home cannot be used because of lack of repair
- If the Trusts staff/contractors, damage your belongings
- If belongings are damaged because of disrepair and you can show this is due to our negligence – such as our contractor failing to attend to a leak within time.
- Unquantifiable costs - This refers to the impact on you that cannot be evidenced clearly such as stress, etc. caused by the service failure/complaint handling. When making an assessment the severity of the situation and the length of time involved as well as any other relevant factors should be considered.

9.3 You will not be eligible for compensation:

- For losses resulting from accidental damage to your home e.g., a leak of water or burst pipe; unless damage was caused due to our negligence as above. You should have your own contents insurance and should claim on this
- If access to your home is refused or you did not keep an agreed appointment
- The loss or service failure was not the Trusts responsibility
- Where no actual loss or damage has occurred

10.0 Roles and Responsibilities

- 10.1 At each stage of the complaints process, complaint handlers must:
- a) deal with complaints on their merits, act independently, and have an open mind;
 - b) give the resident a fair chance to set out their position;
 - c) take measures to address any actual or perceived conflict of interest; and
 - d) consider all relevant information and evidence carefully.
- 10.2 Landlords must have processes in place to ensure a complaint can be remedied at any stage of its complaints process. Landlords must ensure appropriate remedies can be provided at any stage of the complaints process without the need for escalation.
- 10.3 HHT staff have a duty to ensure that complaints are dealt with efficiently and in accordance with this policy and procedure. In most cases, the Executive Assistant will be the designated complaint handler and will monitor the complaints response times issued to HHT staff member. The Leadership Management Team has overall responsibility for complaint handling and for ensuring staff are trained in its application.
- 10.4 HHT expect you to pursue complaints in a reasonable, courteous and fair manner. If you are pursuing a complaint in an unreasonable manner, then measures to limit contact may be applied in line with the Trusts Unacceptable Behaviour policy.

11.0 PERFORMANCE

- 11.1 All complaints and expressions of dissatisfaction are recorded. HHT monitor the number of complaints and the service areas to which they relate.
- 11.2 Lessons learned from complaint investigations and service improvements are recorded, reported, and discussed at staff team meetings.
- 11.3 Opportunities will be provided for sharing information from complaints handling and shaping service improvement plans. This may be through the tenant newsletter, the Link; formal service review panels; at scheme tenant engagement meetings; or by any other method agreed with you.
- 11.4 Complaints are to be part of the new tenant engagement strategy.
- 11.5 HHT will publish complaint records in the Link and HHT's annual report and what HHT have learned from the complaints.
- 11.6 A member of HHT's governing body is appointed to have lead responsibility for complaints ensuring the Board is informed about tenant complaints and receives reports on a 6 monthly basis.

12.0 REVIEW

- 13.1 The Self-Assessment will be reviewed against the Housing Ombudsman Code annually to ensure complaint handling remains in line with its requirement. This is to ensure its suitability, adequacy and effectiveness or as required by issues that may come to light through operation of the Policy and its supporting procedures.
- 13.2 HHT will carry out a self-assessment following a significant restructure and/or change in procedures.
- 13.3 Following each self-assessment, HHT will report the outcome of their self-assessment to their governing body and publish the outcome of the assessment on HHT's website.
- 13.4 HHT will include its annual self-assessment in their Tenants Annual Report section on complaints handling performance

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