

COMPLAINTS POLICY

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1.0 POLICY STATEMENT

- 1.1 The Complaints Policy covers complaint definitions, exclusions, responsibilities and reporting in accordance with the standards set out by the Complaint Handling Code of the Housing Ombudsman Service.
- 1.2 Hornsey Housing Trust (“HHT”) is committed to providing a high-quality service for our tenants 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 positively to complaints, investigating impartially and learning from service failures. HHT recognises the early and local resolution of issues between landlords and residents is key to effective complaint handling.
- 1.3 When we are advised of a service failure, such as a member of our staff or a contractor failing to keep to or attend an appointment without notice, HHT aims to resolve the problem to the complainant’s satisfaction. The word ‘complaint’ does not have to be used 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. HHT acknowledges it is not appropriate to have any extra named stages to a complaint, as this causes unnecessary confusion.
- 1.4 HHT expects complainants to pursue complaints in a reasonable manner. If complaints are pursued in an unreasonable manner, we may refer complainants to our Unacceptable Behaviour Policy and their tenancy obligations.
- 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 a tenant or group of tenants.
- 1.6 HHT has processes in place to consider which complaints can be responded to as early as possible, and which require further investigation. HHT will consider factors such as the complexity of the complaint and whether the tenant is vulnerable or at risk. Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the tenant.

2.0 LEGAL FRAMEWORK

- 2.1 The Regulator for Social Housing and Housing Ombudsman Service require housing associations to have an approach to complaints which is clear, simple and accessible.
- 2.2 Secure tenants of housing organisations, under the Right to Repair Regulations 1994, have the right 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 has a policy on Equality, Diversity and Inclusion and is 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 in the complaints process. We will carry out our duty with positive regard for protected characteristics: age, disability, gender, race, transgender, sexual orientation, maternity, pregnancy, marital status and religion.
- 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 data protection regulations and confidentiality and will only divulge details of complainants with their consent, 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 aims to respond quickly, put things right and learn from our mistakes.
- 5.2 HHT encourages users of our services to come forward with complaints to meet the needs of our tenants and maintain and improve the quality of our services.
- 5.3 A complaint will be raised when the tenant expresses dissatisfaction with our 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 Tenants may make a complaint if HHT has:
- 5.4.1 Done something incorrectly or badly, which has resulted in delivery of less than the promised standard of service, such as:
- a) Giving inaccurate information
 - b) Providing unclear or incomplete replies to enquiries
 - c) Issues relating to the type of property offered
 - d) Not carrying out a repair properly

5.4.2 Done something HHT should not have, such as:

- a) Discriminating or treating someone unfairly
- b) Being rude
- c) Breaking appointments without prior notice
- d) Not following one of HHT's policies in providing services

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

- a) Responding to letters or enquiries appropriately
- b) Following procedures for dealing with an enquiry

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 the complaint is 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 HHT will not refuse to escalate a complaint through all stages of the complaints procedure unless there are valid reasons to do so. A detailed explanation must be provided to the complainant setting out the reasons why the matter is not suitable for the complaints process and explain the right of the complainant to take that decision to the Housing Ombudsman.

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

6.2.1 An initial report of fly tipping or vandalism.

6.2.2 An initial request for a repair or improvement works.

6.2.3 An initial neighbour nuisance or anti-social behaviour report (see our separate ASB policy and procedure).

6.2.4 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.

6.2.5 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.

6.2.6 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.

- 6.2.7 Insurance claims – HHT will deal with any claims on buildings insurance. The tenant is responsible for claims on contents insurance.
- 6.2.8 Commercial decisions – for example, a decision to dispose of some of the HHT properties.
- 6.2.9 The issue giving rise to the complaint occurred over twelve months ago.
- 6.2.10 Matters that have previously been considered under the Complaints Policy.
- 6.2.11 Although HHT does 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, although wherever possible the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where HHT asks 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:
 - a) In person at our offices
 - b) To a member of staff when they visit
 - c) By letter
 - d) By telephone
 - e) By email
 - f) By text message
 - g) Using the contact form on the Trust's website
 - h) Tenant representative on behalf of tenant
- 7.2 There are two stages to HHT's complaints procedure, at each stage of the complaint 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 consider all relevant information and evidence carefully.

- 7.3 **Stage one** - when a complaint is received, the Complaints Handler (Business Support Manager) **will log and acknowledge within 5 working days**. The acknowledgement letter will set out HHT's understanding of the complaint and the complainant's desired outcomes. If it is unclear, the complainant should be contacted and a full definition agreed between both parties.
- 7.4 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.
- 7.5 If an extension beyond 10 working days is required to enable HHT to respond to the complaint most effectively, this should be agreed by both parties with reasons explained to the tenant. The complainant should also be provided with the Housing Ombudsman contact details.
- 7.6 If an agreement cannot be reached, HHT will provide the Housing Ombudsman contact details for further consideration of the response timelines.
- 7.7 Where an additional complaint is raised during the investigation, it should be incorporated into the stage one response if possible. 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.
- 7.8 The complaint response must be sent to you when the answer to the complaint is known. It must not be delayed pending completion of outstanding actions. Outstanding actions should be tracked and actioned promptly with updates provided to you.
- 7.9 The written response at the end of stage one will include:
- a) the complaint stages
 - b) the complaint definition
 - c)
 - d) the decision on the complaint
 - e) the reasons for any decisions made
 - f) the details of any remedy offered to put things right
 - g) details of any outstanding actions
 - h) reference to relevant policies, law and good practice
 - i) details of how to escalate the matter to stage two if the complainant is not satisfied with the response
- 7.10 **Stage two** - If the complainant views the result of stage one unsatisfactory, they are asked to specify in what way the complaint has not been addressed and why they remain unhappy at the early stage and what remedy they are seeking, within 28 days. The complaints handler **will log and acknowledge the stage two complaint within 5 working days**.
- 7.11 The acknowledgement letter will set out HHT's understanding of the issues outstanding in the same manner as a stage one complaint.

- 7.12 A member of HHT's Leadership Management Team **will respond to the complaint within 20 working days of acknowledgement.**
- 7.13 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 will be provided with the Housing Ombudsman contact details at this point.
- 7.14 If an agreement cannot be reached on timeline, HHT will refer to the Housing Ombudsman for further assistance.
- 7.15 The person considering the complaint at stage two will not normally be the same person who dealt with stage one.
- 7.16 The stage two response must be sent to the complainant 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.
- 7.17 The written response at the end of stage two will include:
- a) the complaint stages
 - b) the complaint definition
 - c) the decision on the complaint
 - d) the reasons for any decisions made
 - e) the details of any remedy offered to put things right
 - f) details of any outstanding actions required to address the issues
 - g) reference to relevant policies, law and good practise
 - h) details of how to escalate the matter to the Housing Ombudsman Service if the tenant remains dissatisfied
- 7.18 If the complainant remains unsatisfied after the two-stage procedure, they may take their 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
- 7.19 The complainant may also obtain advice and information about possible legal remedies from a local Citizens Advice Bureau, a law centre or a solicitor.

8.0 COMPENSATION

- 8.1 Where a complainant has suffered actual loss or damage, they may be compensated accordingly. Compensation will be paid directly to the tenant, subject to the complainant not owing HHT money (e.g., current or former rent/service charge arrears), in which case the compensation will be used first to offset any arrears.
- 8.2 Compensation may be considered in the following circumstances:

- a) When certain qualifying repairs have not been completed on time
- b) Failure to keep an appointment without notice, and income loss as a result
- c) When a room in a home cannot be used because of lack of repair
- d) If HHT staff/contractors, damage a tenant's belongings
- e) If belongings are damaged because of disrepair and it can be demonstrated that this is due to negligence – such as a contractor failing to attend to a leak within time.
- f) Unquantifiable costs - This refers to an impact which cannot be evidenced clearly such as stress caused by the service failure/complaint handling. When making an assessment, the severity of the situation, the length of time involved and any other relevant factors should be considered.

8.3 Complainants may not be eligible for compensation:

- a) For losses resulting from accidental damage to the home such as a leak or burst pipe; unless
- b) damage was caused due to negligence as stated above. Tenants are expected to take out home contents insurance for incidents which do not qualify for compensation.
- c) If access to the tenant's home is refused or they did not keep an agreed appointment
- d) The loss or service failure was not HHT's responsibility
- e) Where no actual loss or damage has occurred

8.4 HHT will maintain a separate policy on compensation to ensure it is assessed fairly and consistently wherever possible.

9.0 Roles and Responsibilities

9.1 At each stage of the complaints process, complaint responders must:

- a) deal with complaints on their merits, act independently, and have an open mind;
- b) give the resident sufficient opportunity 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.

9.2 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. HHT prioritise complaint handling and a culture of learning from complaints. All relevant staff are trained in the importance of complaint handling. Complaints are seen as a core service and HHT staff must be resourced to handle complaints effectively.

9.3 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 Business Support Manager will be the designated complaint handler and will monitor the complaints

response times issued to the HHT staff member responding to the complaint. The Leadership Management Team has overall responsibility for complaint handling and for ensuring staff are trained in its application.

10.0 PERFORMANCE

- 10.1 All complaints and expressions of dissatisfaction are recorded and HHT monitors the number of complaints and the service areas to which they relate. We will survey tenants following a complaint to ask about their overall experience of the process.
- 10.2 Lessons learned from complaint investigations and service improvements are recorded, reported, and discussed at staff team meetings.
- 10.3 Opportunities will be provided for sharing information from complaints handling and shaping service improvement plans. This may be through the tenant newsletter; formal service review panels; at scheme tenant engagement meetings; or by any other method agreed with tenants.
- 10.4 Complaints will be considered within new tenant engagement strategy and by regular review of the Tenant Quality Assurance (TQA) Committee and Board.
- 10.5 HHT will publish complaint information in its annual report to tenants, outlining what HHT has learned from complaints in the year.
- 10.6 A member of HHT's Board is appointed to have lead responsibility for complaints ensuring the Board is informed about tenant complaints and receives reports on a 6 monthly basis.

11.0 REVIEW

- 11.1 A Self-Assessment will be made against the Housing Ombudsman Code annually, to ensure complaint handling remains in line with its requirements.
- 11.2 HHT will carry out a self-assessment following a significant restructure and/or change in procedures.
- 11.3 Following each self-assessment, HHT will submit the report to the Housing Ombudsman, to Board and TQA Committee, and will publish the outcome of the assessment on HHT's website.
- 11.4 HHT will refer to its annual self-assessment in its Annual Report to tenants.
- 11.5 The Board of HHT will review this policy on an annual basis.