

COMPLAINTS POLICY

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Policy developed by:	Rosie Butt, Head of Housing, Support and Engagement

Contents

1. Policy statement
2. Legal framework
3. Equality, Diversity & Inclusion
4. Confidentiality
5. What can you complain about
6. Exclusions
7. How to make a complaint
8. Compensation
9. Roles and Responsibilities
10. Performance
11. Review
12. Hornsey Housing Trust Complaints Procedure

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
 - d) give residents the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the landlord.

- 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 acknowledged** 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. This extension should be no more than 10 working days without a good reason. 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) 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
 - g) reference to relevant policies, law and good practice
 - h) 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 make this request within 20 working days of the date of our formal response. We may consider requests after this time at the discretion of the manager responsible for the service. 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.

Appendix 1: Hornsey Housing Trust Complaints Procedure

1. Purpose

This procedure explains how Hornsey Housing Trust (HHT) staff will receive, record, investigate, respond to and learn from complaints.

It should be read alongside HHT's Complaints Policy and is intended to ensure complaints are handled consistently, fairly and within the required timescales.

All staff are responsible for recognising expressions of dissatisfaction and ensuring they are passed promptly to the Business Support Manager where they may constitute a complaint.

2. Recognising a complaint

A complaint is an expression of dissatisfaction about the standard of service, actions or lack of action by HHT, its staff, contractors or anyone acting on its behalf, affecting a tenant or group of tenants.

The tenant does not need to use the word "complaint".

Staff should distinguish between a **service request** and a **complaint**.

A service request is a request for HHT to take action to put something right, for example:

- reporting a repair for the first time;
- reporting fly tipping;
- reporting anti-social behaviour for the first time; or
- asking HHT to rearrange a missed appointment.

Where the tenant expresses dissatisfaction with HHT's response to a service request, or asks for the matter to be treated as a complaint, it should normally be recorded as a complaint.

The underlying service request must continue to be dealt with while the complaint is being considered.

3. Receiving and recording a complaint

Complaints may be received through any of the methods set out in the Complaints Policy, including verbally.

Where any member of staff receives a complaint, they should:

- 1 listen to the tenant and establish the nature of their concerns;

- 2 establish what the tenant would like HHT to do to resolve the matter;
- 3 record sufficient information to allow the complaint to be investigated;
- 4 identify any vulnerability, communication requirement or reasonable adjustment that may affect how the complaint should be handled; and
- 5 forward the complaint promptly to the Business Support Manager.

The Business Support Manager will determine whether the matter should be recorded as a complaint and enter it onto the Complaints Tracker.

The tracker should record, as a minimum:

- complainant's name and address;
- date received;
- complaint reference;
- service area;
- summary of the complaint;
- desired outcome;
- complaint stage;
- investigating/responding officer;
- acknowledgement date;
- response due date;
- response date;
- outcome;
- remedy or compensation offered;
- outstanding actions;
- learning identified; and
- whether the complaint was escalated.

Where HHT decides that a matter falls outside the complaints process, the tenant must be informed in writing of the reason and advised of their right to contact the Housing Ombudsman.

4. Stage One

4.1 Acknowledgement

The Business Support Manager will acknowledge, define and log the complaint within **5 working days of receipt**.

The acknowledgement should confirm:

- that the complaint has been recorded at Stage One;
- HHT's understanding of the complaint;
- the outcomes the tenant is seeking, where known;
- who will be considering the complaint; and

- when the tenant should expect a response.

If the complaint is unclear, HHT should contact the tenant to clarify the issues being raised.

4.2 Allocating the investigation

The Business Support Manager will allocate the complaint to an appropriate member of staff to investigate.

Where possible, the complaint should not be investigated solely by a person whose actions are the subject of the complaint.

The investigating officer should review all relevant information, which may include:

- correspondence and contact records;
- repair and contractor records;
- tenancy records;
- photographs or other evidence;
- relevant policies and procedures;
- discussions with staff or contractors involved; and
- information supplied by the tenant.

The investigator must consider each element of the complaint separately and determine what happened, what should have happened and whether there has been a service failure.

4.3 Putting things right

HHT should not wait until the complaint response is issued before taking reasonable action to put something right.

Where a service failure is identified, consideration should be given to an appropriate remedy. This may include:

- an apology;
- an explanation;
- completing or repeating work;
- correcting information or records;
- changing a decision where appropriate;
- compensation in accordance with HHT's Compensation Policy; and/or
- changes to HHT's services, procedures or working practices.

4.4 Stage One response

HHT will issue its Stage One response within **10 working days of acknowledgement**.

The response should clearly state:

- that it is the Stage One complaint response;
- the complaint being considered;
- the decision on each element of the complaint;
- the reasons for the decision;
- any service failures identified;
- what HHT will do to put matters right;
- any compensation or other remedy offered;
- any outstanding actions and expected completion dates; and
- how the tenant can request escalation to Stage Two.

The response should be issued when HHT knows the answer to the complaint. It must not be delayed simply because remedial actions or repairs remain outstanding.

The Business Support Manager will monitor outstanding actions until they have been completed and ensure the tenant is kept appropriately updated.

4.5 Extensions

Where the complexity of the complaint means additional time is required, HHT may extend the Stage One response period by up to **10 further working days**.

The tenant must be informed of:

- the reason for the extension;
- the revised response date; and
- the contact details for the Housing Ombudsman.

Longer extensions should only be used where there is good reason.

5. Stage Two

5.1 Request for escalation

If the tenant is dissatisfied with all or part of the Stage One response, they may ask for their complaint to be escalated to Stage Two.

A tenant does not have to provide reasons for requesting escalation. However, HHT should make reasonable efforts to understand what remains unresolved and what outcome the tenant is seeking.

The Business Support Manager will acknowledge, define and log the Stage Two complaint

within **5 working days of receiving the escalation request**.

5.2 Stage Two review

The Stage Two complaint will be considered by an appropriate member of the Leadership Management Team who did not consider the complaint at Stage One.

The Stage Two reviewer should consider:

- the original complaint;
- the Stage One investigation and response;
- any additional information supplied by the tenant;
- whether all aspects of the complaint were properly addressed;
- whether relevant policies and procedures were followed;
- whether the conclusions reached at Stage One were reasonable and supported by the evidence;
- whether the remedy offered was appropriate; and
- whether further action or learning is required.

Stage Two is HHT's final complaint stage.

5.3 Stage Two response

HHT will issue its final Stage Two response within **20 working days of acknowledgement**.

The response should confirm:

- that it is HHT's final Stage Two response;
- the complaint being considered;
- the decision on each element of the complaint;
- the reasons for the decision;
- any service failures identified;
- the remedy being offered;
- any outstanding actions and completion dates; and
- the tenant's right to refer the matter to the Housing Ombudsman Service.

Where additional time is required because of the complexity of the complaint, HHT may extend the response period by up to **20 further working days**. The reason and revised response date must be explained to the tenant and Housing Ombudsman contact details provided.

6. Complaint outcomes

For consistency, HHT should record the outcome of each complaint.

The response should explain clearly what HHT has found rather than relying only on an outcome label. Where appropriate, the complaint record may identify whether:

- HHT identified a service failure;
- HHT identified service failure in some, but not all, aspects of the complaint; or
- HHT did not identify a service failure.

Where a service failure is identified, the response should explain what HHT will do to put matters right.

7. Remedies and compensation

The investigating officer should consider whether a remedy is required whenever a service failure is identified.

Remedies should be proportionate to the circumstances and impact on the tenant and should, as far as reasonably possible, put the tenant back into the position they would have been in had the failure not occurred.

Any financial compensation should be considered in accordance with HHT's Compensation Policy and the circumstances of the individual case.

8. Vulnerability and reasonable adjustments

At all stages, staff should consider whether the tenant has any vulnerabilities or communication needs which affect their ability to participate in the complaints process.

Reasonable adjustments may include:

- communicating by the tenant's preferred method;
- providing information in an alternative format;
- allowing additional support from an advocate, friend or family member;
- allowing additional time for the tenant to provide information where appropriate; or
- making other reasonable adjustments according to individual circumstances.

Any agreed reasonable adjustment relevant to the complaint should be recorded.

9. Outstanding actions

The closure of a complaint response does not mean outstanding remedial actions can be closed.

The Business Support Manager will monitor actions arising from complaints until completion.

The responsible officer must inform the Business Support Manager when an action has been completed and provide evidence where appropriate.

Tenants should be kept informed where an outstanding action is delayed or its expected completion date changes.

10. Learning from complaints

When closing a complaint, the investigating officer should consider:

What went wrong?

Why did it happen?

What have we done to put it right?

What can we do to prevent it happening again?

Learning may include changes to:

- staff guidance or training;
- contractor management;
- record keeping;
- communication;
- policies or procedures;
- service standards; or
- operational processes.

Learning and service improvements will be recorded on the Complaints tracker and reported in accordance with the Complaints Policy.

Recurring themes or significant service failures should be brought to the attention of the Leadership Management Team.

11. Monitoring and reporting

The Business Support Manager will monitor the Complaints tracker, including:

- number and type of complaints;
- Stage One and Stage Two complaints;
- compliance with response timescales;
- extensions;
- service areas and contractors involved;
- complaint outcomes;
- compensation and remedies;
- outstanding actions;
- recurring themes; and

- lessons and service improvements.

Complaint performance and learning will be reported to the Leadership Management Team, Tenant Quality Assurance Committee and Board in accordance with the Complaints Policy.

12. Housing Ombudsman

Tenants may contact the Housing Ombudsman Service for advice and assistance at any point during the complaints process.

Once HHT's Stage Two process has been completed, the tenant may refer their complaint to the Housing Ombudsman Service if they remain dissatisfied.

Staff must ensure the appropriate Housing Ombudsman contact information is included in relevant complaint correspondence.

13. Responsibility

The **Business Support Manager** is HHT's designated complaints handler and is responsible for coordinating the complaints process, maintaining the Complaints tracker and monitoring response times and outstanding actions.

Investigating officers are responsible for carrying out fair and thorough investigations, providing information within required timescales and identifying appropriate remedies and learning.

The **Leadership Management Team** is responsible for Stage Two reviews and ensuring learning from complaints results in appropriate service improvements.

All staff are responsible for recognising complaints and expressions of dissatisfaction and ensuring they are dealt with promptly in accordance with this procedure.

14. Review

This procedure will be reviewed alongside the Complaints Policy and following any significant change to the Housing Ombudsman's Complaint Handling Code or HHT's complaint handling arrangements.