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COMPLAINTS POLICY

Policy Statement

This complaints policy applies to any individual using or directly affected by Sutton Housing Society's (SHS) services.

SHS provides a service for making complaints to:

- give dissatisfied individuals a mechanism for seeking redress;
- collect feedback to enable SHS to review its performance and continuously improve services.

The purpose of our complaints policy is to resolve complaints raised by residents quickly and to use the learning from complaints to drive service improvements.

This policy is in line with the requirements of the Housing Ombudsman's complaints handling code, which came into effect on 1 September 2020 and was amended on 1 April 2022. The code ensures that complaint handling data is being used consistently across social landlords, promoting engagement at different levels with a landlord and sets out expectations for Boards, senior executives and frontline staff.

Defining a complaint

In line with the Housing Ombudsman's complaint handling code a complaint is universally defined as:

"an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents."

Staff are trained to recognise the difference between a service request, survey feedback and a formal complaint. Staff are encouraged to take appropriate steps to resolve the issue for residents as early as possible. The resident does not have to use the word 'complaint' for it to be treated as such (staff will agree / confirm the registration of any complaint with the individual). A complaint that is submitted via a third party or representative is handled in line with this complaints policy.

A service request is from a resident to SHS, requiring action to put something right. Many problems can be resolved by staff without the need to refer the matter as a formal complaint. These are recorded and monitored proactively, as with formal complaints. A complaint should be raised when the resident raises dissatisfaction with the response to their service complaint.

Chasers on a service request, such as a missed appointment, can often be resolved 'there and then' with an apology and the provision of another appointment and may not need to

enter the complaints system. However, if further enquiries are needed to resolve the matter, or if the resident requests it, the issue must be logged as a formal complaint.

Survey feedback may not necessarily need to be treated as a complaint, though, where possible, the person completing the survey should be made aware of how they can pursue their dissatisfaction as a complaint should they wish.

Policy Aims and Objectives

We aim to resolve all service requests and complaints as quickly as possible and in line with the Housing Ombudsman's complaints handling code requirements. SHS wishes to ensure that at each stage of the complaint, it is dealt with objectively and that we apologise where SHS is at fault. We will compensate people in line with our compensation policy where it is warranted.

For all complaints, the complainant is provided with a named person responsible for their complaint who is their point of contact throughout the complaint. SHS has a lead "complaints officer" who oversees all service requests and complaints; this is the Operations Director.

The complaints officer role is to ensure that complaints handling works well. The role is to ensure that SHS:

- acts sensitively and fairly
- staff are trained to receive complaints and deal with distressed and upset residents
- enables access to staff at all levels to facilitate quick resolution of complaints
- staff have the authority and autonomy to act to resolve disputes quickly and fairly.

SHS will learn from mistakes and we will publish information about complaints each year, including their number and nature, and the outcome of the complaints.

We are mindful of our duties as outlined in The Equality Act 2010, to make reasonable adjustments for individuals with disabilities. We will make reasonable adjustments where necessary for those people with protected characteristics, to ensure that we provide the same services, as far as is possible, as residents who are not disabled. In respect of a complaint, this may mean allowing additional time to provide information, respond to enquiries etc.

Governance

SHS' complaints policy meets the requirements of our regulator, the Regulator for Social Housing (RSH), Tenant Involvement and Empowerment Standard and the Housing Ombudsman's complaints handling code.

To ensure complaints are used to help improve services, regular updates on the volume, category and outcome of complaints, alongside complaint handling performance is provided to the board. The use of complaint data alongside other management information on stock, services and resident feedback provides greater insight into the organisation.

Annually, any issues and trends arising from complaint handling, including discussion of the Ombudsman's yearly landlord performance report and the inclusion of any organisational learning is discussed by the Board and shared in our annual report.

Consideration of individual complaint outcomes where necessary, including findings of severe maladministration of the Ombudsman or any referrals by it to regulatory bodies, including scrutiny of any subsequent procedural or organisational changes, will be reported.

In addition, annually SHS will confirm that the complaint handling code is being applied.

Where a complaint involves a third party, SHS will need to disclose some of the details about the complaint for it to be properly investigated e.g. with contractors. Any data shared will be done so in line with the Data Protection Act 2018.

SHS is registered with the Housing Ombudsman Service; this service provides individuals with an independent review should they remain dissatisfied at the end of the SHS complaints process. Contact details can be found on our website at www.suttonhousingsociety.org.uk

Circumstances not covered by the complaints policy

We will accept a complaint unless there is a valid reason not to do so. The complaints policy does not apply where:

- The issue of the complaint occurred over twelve months ago. This excludes any complaints that concern safeguarding or health and safety issues. Where the problem is a recurring issue, SHS will consider any older reports as part of the background to the complaint if this will help to resolve the issue for the resident)
- The matter has already been considered under the complaints policy
- A resident complains about the behaviour of another resident. This would be dealt with under SHS' anti-social behaviour policy
- A resident complains about their level of rent and service charge e.g. they are unhappy with the amount of increase rather than believing it has been incorrectly calculated
- It is a complaint about the decision of the review panel which hears appeals arising from other procedures, e.g. assured shorthold tenancy extensions where decisions have already been reviewed and the complainant has had the opportunity of making submissions
- The issue is subject to legal action or to an enforcement notice or other statutory notice (SHS will ensure that residents are not left without a response for lengthy periods of time)
- The complainant refuses to reasonably engage with SHS / the process after making the complaint, is abusive to staff or acts unreasonably

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- Several related complaints are made which would be more effectively dealt with together rather than on an individual basis. However, in this instance the complaints will be logged, although the policy timescales may not apply depending upon the components to be investigated
 - Complaints made by SHS staff – these are dealt with under the grievance procedure through HR. However, the policy will apply if the member of staff is an SHS resident making a complaint about SHS' service and not a colleague

We consider these exclusions to be fair and reasonable to residents.

SHS reserves the right to refuse to deal with complaints, or to deal with them differently, if they are pursued unreasonably or could be handled more effectively in a different manner. Additionally, a complaint will not be re-opened at the complainant's request if, after review by SHS, it is established that no new evidence relevant to the complaint has been provided.

If we decide not to accept a complaint, a detailed explanation will be provided to the resident setting out the reasons for this and advise of the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may instruct SHS to take on the complaint.

The use of advocates

Complainants may ask another person to act on their behalf in bringing their complaint to SHS' attention. This advocate may be a friend, relative or representative from an external organisation such as the Citizens Advice. An advocate may not be a solicitor or other legal professional unless they are acting in a 'lay' capacity i.e. not representing the complainant on a professional basis.

How a complaint can be made

We want to make our complaints process as easy to access and understand as possible.

We therefore provide several ways for residents to make a complaint:

- Email using hello@shsoc.org.uk (available for use 24/7)
- Telephone by calling 020 8642 1500 (available for use 24/7)
- In person by visiting the office at Pat Shaw House, 13 – 19 Ventnor Road, Sutton SM2 6AQ (apart from bank holidays, available weekdays 9am – 5pm)
- In writing to the office at Pat Shaw House
- In person, speaking to an SHS staff member on site
- Via social media platforms Twitter, Instagram and LinkedIn.

Please note that for any complaints received via social media, staff will contact the individual directly but not via social media to discuss the situation with them.

We will adapt our normal policies, procedures, or processes to accommodate an individual's needs as much as possible, where it is reasonable to do so.

A resident may make a service request initially; if they are dissatisfied with the response / action, they may choose to escalate this to a complaint.

SHS will provide early advice to residents regarding their right to access the Housing Ombudsman Service throughout their complaint, not only when the landlord's complaints process is exhausted. This ensures that the resident has an opportunity to engage with the Ombudsman's dispute support advisors for impartial advice.

SHS has 2 stages to our complaint's procedure:

- **Stage 1 – investigation of the complaint:** the investigation is usually carried out by the manager responsible for the person or service being complained about on a day-to-day basis and is overseen by the Operations Director, acting as the complaints officer.

When a complaint is made, it will be acknowledged and logged at stage one of the complaints procedure within five days of receipt, with a target response time of 10 working days from the receipt date.

It may not always be possible to complete all agreed actions within this time period; the formal response would advise of any target completion date. We will, however, keep in touch by telephone or other means, to let the complainant know the progress of the complaint. However, if an extension beyond 20 working days is required to enable us to respond to the complaint fully, this should be agreed by both parties. If an extension period cannot be reached, SHS will provide the complainant with the Housing Ombudsman's contact details so they can challenge our plan for responding and / or the proposed timelines of our response.

Where residents 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 unreasonably delay the response, the complaint should be logged as a new complaint.

- **Stage 2 - reviewing the decision:** If all or part of the complaint is not resolved to the resident's satisfaction at stage one, it must be progressed to stage two of SHS' procedure, unless an exclusion ground now applies.

The complainant should contact the Operations Director, stating why the outcome is not acceptable. This can be carried out in several ways, as listed in "how to make a complaint" above. The contact must be made within 10 working days of the date of the outcome letter in Stage 1.

Where appropriate, the Operations Director will review the decision in consultation with the Chief Executive. A formal response will be sent within 10 working days of the request for review being received.

If an extension beyond a further 10 working days is required to enable SHS to respond to the complaint fully, this should be agreed by both parties. If an extension period cannot be reached, SHS will provide the Housing Ombudsman's contact details to the complainant so they can challenge our plan for responding and / or the proposed timeliness of our response.

SHS will not unreasonably refuse to escalate a complaint through all stages of the complaint procedure. We will not decline to escalate a complaint unless it falls within the list of exclusions where the complaints policy does not apply.

There is no appeals process. If a resident remains dissatisfied with how their individual situation has been handled and / or with the outcome, they can contact the Housing Ombudsman.

SHS will cooperate with the Housing Ombudsman's requests for evidence and provide this within 15 working days. If a response cannot be provided within this timeframe, we will provide an explanation for the delay. And if accepted as reasonable, the Housing Ombudsman will agree a revised date with us.

The Housing Ombudsman Service

SHS hopes that any complaints are resolved at Stage 1 or stage 2 at the most. However, should the complainant remain dissatisfied following this, they can ask for a review of the case by the Housing Ombudsman Service.

The Ombudsman will only investigate a complaint where the complainant has exhausted SHS' Complaints procedure, although this must be done within 6 months. The complainant must be an SHS resident or an SHS applicant for housing to raise this with the Ombudsman.

Housing Ombudsman Service
PO Box 152
Liverpool
L33 7WQ
Tel: 0300 111 3000
Lo Call: 0845 712 5973
E-mail: info@housing-ombudsman.org.uk
Web: www.housing-ombudsman.org.uk

Petitions

A complaint made in the form of a petition on behalf of multiple residents will be treated as one complaint, with contact via the nominated signatory.

Anonymous complaints

Anonymous complaints may not be acted upon; they will, however, be brought to the appropriate manager's attention and investigated if necessary.

Monitoring complaints

All complaints are kept under review for 3 months. Assuming there are no further occurrences, the complaint will be closed at this point. The complaints log is reviewed on a regular basis by the Senior Management Team.

Confidentiality

All complaints are treated with confidentiality in mind and in line with the Data Protection Act 2018.

Equalities statement

SHS will treat all complainants with fairness and respect. We value diversity and work to promote equality and tackle unlawful discrimination.

Our approach to complaints promotes openness between residents, applicants and SHS staff in order to understand the complaint and resolve the complaint in a positive manner. We will take fully into account an individual's needs and preferences. We will offer support or tailor our approach as appropriate.

FOR STAFF COPY ONLY:

NB: Please refer to <H:\OFFICE PROCEDURES\07 Administration\7.11 Complaints Procedure Flowchart>