



# COMPLAINTS POLICY

## MARCH 2022

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## 1. Introduction

- 1.1. This policy applies to SW9 Community Housing and contractors or third parties working on behalf of SW9 CH.
- 1.2. This policy complies with the HCA Tenant Involvement and Empowerment Standard.
- 1.3. The policy provides a framework for fair and consistent management and resolution of customer complaints. We have updated the procedure to include the new arrangements for complaints brought in by the Localism Act 2011.
- 1.4. In line with the guidance provided by the Housing Ombudsman, our complaints procedure emphasises working with customers and taking reasonable actions to resolve complaints in a fair, prompt and polite manner, taking into account the individual circumstances of the complainant.

## 2. Aims and Objectives

- 2.1 SW9 CH recognises the importance of customer complaints as a valuable form of feedback about our services. We will learn from and use the information gained from complaints to help drive forward improvements and to respond positively to our residents' needs and expectations. We want to resolve all complaints quickly and effectively. Our aim is to resolve any problems straight away where possible.

## 3. Policy Statement

### Overview of our complaint policy

- 3.1 A complaint is defined as 'a communication expressing dissatisfaction with the service provided by us and/or our service partners'. This includes complaints about:
  - a delay in providing a service
  - a failure to provide a service
  - a mistake made in the way we provided a service
  - the failure to act in a proper way
  - the provision of an unfair service
- 3.2 We only accept complaints from our named tenants, shared owners, and leaseholders. Other members of the household and third parties such as the Citizens Advice Bureau can act as advocates, however, we require signed consent from the leaseholder, shared owner or tenant confirming their authorisation. Where the complainant does not meet any of the above criteria, we have the right to refuse a complaint, however, we may still investigate the concerns raised outside of the Complaints Policy, and respond, usually within 10 working days.
- 3.3 We will accept group complaints where one complainant has been identified as the complaint lead, will act as sole communicator, and provide updates to all involved. We will not communicate with anyone else involved, unless they give us clear indication and explain why their complaint should be treated separately from the group complaint.

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3.4 All complainants should provide their full name and address and confirm that they have given explicit consent to the group complaint, if we do not have this, we will treat it as a single complaint brought by the lead complainant.

3.5 This policy does not apply when:

- The issue has already been considered through our complaints process at any stage.
- The individual has not raised their concerns within 6 months of the issue(s) occurring.
- It is the first time we have been made aware of the issue - we need a chance to put it right before investigating it as a complaint (see 3.4 below).
- Legal action is taken against SW9 CH and/or Network Homes about issues raised following a complaint – see paragraph 3.10.
- There is already an open complaint, whether group or individual, covering the same specific issue.
- The complaint is about a service that we do not provide, including (but not limited to) repairs that are the tenant’s responsibility.
- The complaint is about matters subject to an insurance claim. However, residents can complain about delays in handling an insurance claim.
- The complaint relates to a dispute about a service charge, including how a figure has been calculated or whether it represents value for money. Such complaints will be referred to the service charge dispute procedure and ultimately if unresolved to the First Tier Tribunal.
- The complaint is about one of our policies (including anti-social behaviour). Generally, matters of policy cannot be complained about, however, a customer can complain if they believe a policy has not been applied or followed correctly in their case.

3.6 This is not an exhaustive list and there may be instances not listed where this policy does not apply. The complaints manager will seek guidance on anything not covered above prior to making any final decision. Should we refuse a complaint a detailed explanation will be provided setting out our reasons, along with The Housing Ombudsman’s contact details as your right to challenge our decision. Refusal to log or escalate a complaint will be recorded and reported to the Housing Ombudsman Service at least once every 12 months.

3.7 We ask residents to get in touch with us as soon as something has gone wrong and give us the opportunity to put it right.

3.8 If we believe we are in a position to resolve a concern raised within two clear working days (from initial contact) we will treat this a service request and your concerns will be dealt with outside of the complaints policy. We will inform the complainant of this at the earliest opportunity and if we cannot resolve the problem within the agreed timeframe we will then register and investigate it as a formal stage one complaint.

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- 3.9 If after being informed of the above process the complainant requests we log a complaint and bypass the initial stage pre-emptive stage, a stage one complaint will be logged straight away.
- 3.10 **Disrepair** - Where there is a complaint that relates to potential disrepair, we will always ask a resident to pursue the complaints process in the first instance recognising that litigation can be costly and time consuming for both resident and SW9 CH and often the Compensation Policy will provide sufficient recompense to residents who are aggrieved.
- 3.11 A resident can make a complaint in a format that they find easiest including:
  - Using our online complaints form
  - By phone to 02073263700
  - In person or by letter
  - By email to [complaints@sw9.org.uk](mailto:complaints@sw9.org.uk)
  - Through an advocate (See advocacy and support for further information).
- 3.12 We will acknowledge and log all complaints within 5 working days of receipt.
- 3.13 We will aim to response to all Stage one complaints within 10 working days and all Stage two complaints within 20 working days. (See 3.19). Where we are unable to meet the target timescales set out above, we will send out a holding letter explaining the reasons for the delay and will provide a new target response date. We will keep residents informed throughout the complaint process until the complaint is fully resolved.
- 3.14 Our complaint response will include information about the resident’s right of review. If a customer is dissatisfied with a response to their complaint at stage one, they are entitled to ask for the complaint to be escalated to stage two. A complaint cannot be escalated until the stage one decision has been issued.
- 3.15 Residents have up to 30 days to escalate their complaint to stage two. If an escalation request is received after the 30 days, we may ask for further details from the resident to help us to determine whether there are sufficient grounds to agree to escalate a complaint.
- 3.16 If we determine a sufficient reason has not been provided, we will log a new stage one complaint (dependent on if there is sufficient information to do so) or refuse the escalation, confirm our reason for refusing the escalation and provide contact details for the Housing Ombudsman Service (HOS).
- 3.17 We may also decline an escalation request where the resident has behaved unreasonably or has refused to engage with staff in resolving the complaint through reasonable action. This would include implementing an action plan to resolve issues or refusing access to a property. Again, the reason for refusing the escalation and contact details for the HOS will be provided.
- 3.18 The HOS will ultimately review the complaint and determine if the outcome of the

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stage one complaint was reasonable and whether the decision not to escalate to stage two was correct.

- 3.19 We have a two stage complaints process, where we aim to resolve the vast majority of complaints at stage one, and we aim for all of our complaints at both Stage one and two to be responded to on time.

**Stage one:** From the date of receipt of a stage one complaint, if accepted, we have 10 working days to respond. The complaint investigation will be overseen by a manager who will approve the complaint outcome, associated response to the customer, any compensation award and any service improvements or follow up actions.

**Stage two:** From the date of receipt of an escalation, if accepted, we have 20 working days to respond to the stage two complaint. The complaint investigation will be conducted by the Senior Leadership Team in cooperation with the Operational Management Team. The Senior Leadership Team will provide the final approval and sign off on the decision, compensation, and stage two response.

- 3.20 We will never ask a member of staff to investigate a complaint where they have been personally involved in the concerns raised.

### **Complaints concerning the Executive Director or Board Member**

- 3.21 Where the complaint is about the actions of the Executive Director or Board Member, as with any complaint, informal resolution should always be sought in the first instance, working with the complainant to seek to agree how the matter can be resolved without requiring a formal investigation. It may not be appropriate for the Executive Director to be involved in related discussions given the subject matter of the complaint and in such circumstances, the Company Secretary should liaise with the complainant, as the Company Secretary supports and administers the Board of SW9 CH. The Company Secretary should keep the Chair of the Board informed of any complaint and informal resolution.
- 3.22 Where an informal resolution cannot be agreed, the Chair of the SW9 CH Board will appoint a panel made up of two members of the Board to investigate the complaint (not the Board member in question, should the complaint be against that Board member). The Company Secretary will provide support to this arrangement.
- 3.23 In carrying out its investigation, the panel should take reasonable steps to establish the facts of the complaint and ensure that the Executive Director/Board Member is given a fair opportunity to put their case in writing or in person (whichever they prefer).
- 3.24 The panel should notify its conclusions and any recommendations for action to the Chair, who will issue the final decision on the complaint. The decision should be issued within 30 working days of the panel hearing.
- 3.25 Where the complaint is one that would fall under the jurisdiction of the Housing Ombudsman, the complainant will be advised of the process to follow should they remain dissatisfied and wish to refer the complaint to the Ombudsman.

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3.26 If a complaint is made in relation to the conduct of the Chair of the Board, the same process and investigation will be conducted as above, with the Chair of the Finance, Risk and Audit Committee taking on the role of the Chair of the Board in setting up the panel and issuing the final decision.

#### **4. Advocacy and support**

4.1 Sometimes a resident may be unable or reluctant to make a complaint on their own. We will accept complaints brought by third parties as long as the resident has given their written consent for that person to act on their behalf. This person may be a friend, relative, carer, Citizens Advice, or similar representative.

4.2 Where a person does not have the capacity to provide written consent for an advocate to act on their behalf and power of attorney is not given, we will accept verbal consent. However, in order to comply with the Data Protection Act and the General Data Protection Regulation we will attempt to verify that consent has been given. If this is not possible, we will accept the complaint but will only respond direct to the complainant.

4.3 SW9 CH has a separate procedure for responding to correspondence and enquiries from MPs or Councillors, which will be used unless the MP or Councillor specifically requests the complaints procedure be used.

4.4 Where a general enquiry from an MP or Councillor relates to an existing complaint, we will inform them that we are already investigating the complaint and that we will advise them of the outcome of the investigation once it is completed.

#### **5. Taking a complaint further**

##### **Designated Persons**

5.1 SW9 CH will do everything we reasonably can to solve complaints; however, if a customer wishes to take their complaint further, they may do so using new arrangements brought in by the Localism Act 2011.

5.2 Under these procedures, a customer may ask their MP or Councillor to review the case or to refer it to the Housing Ombudsman. In this role, MPs and Councillors are known as 'Designated Persons'.

5.3 The Designated Person can themselves investigate the case, or they may refer a complaint to the Housing Ombudsman Service on behalf of the customer if they feel that this is appropriate.

##### **Housing Ombudsman**

5.4 The Designated Person may refer a complaint to the Housing Ombudsman Service on behalf of the resident if they feel that this is appropriate.

5.5 A person may refer their complaint to the Ombudsman directly following an eight-week period from the end of the SW9 CH complaints procedure starting from the date of the

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stage two complaint response.

- 5.6 The Housing Ombudsman can only investigate complaints which are in relation to housing services. We can advise customers on appropriate alternative bodies that may be able to hear a complaint. For example, complaints about service charges should be referred to the First Tier Tribunal.
- 5.7 If a complaint is passed to the Housing Ombudsman, it will then be Network Homes' responsibility as landlord to provide the Ombudsman with the complaint records they need to provide an independent review of the complaint. We will take a positive view of recommendations for learning made by the Housing Ombudsman and comply with their final determinations.

## 6. Unreasonable behaviour

- 6.1 Our complaints policy is based around effective and open communication between our staff and the resident to agree a resolution to the complaint. We recognise that sometimes a minority of people can be unreasonably persistent or aggressive in pursuing their complaints, and that this can affect our staff's ability to investigate and respond to a complaint, or to provide a service. Residents who display unreasonable behaviour may be considered under SW9 CH Habitual Complaints Policy.

## 7. Learning Lessons and reporting

- 7.1. We record the actions and outcomes of complaint investigations so that we can learn from them.
- 7.2. Complaint performance reports are provided weekly to senior managers across SW9 CH to identify and remedy areas of poor performance. A complaint monitor is presented to the Services Committee quarterly. This monitor reports on complaint performance across SW9 CH and highlights repeat complaints and lessons learnt.

## 8. Related Documents

- Compensation Policy
- Habitual Complaints policy
- Data Protection Policy

## 9. Legislation and regulation

- 9.1 The legislation listed in this policy is not intended to cover all legislation applicable to this policy. To meet the required RSH Tenant Involvement and Empowerment Standard outcome on adherence to all relevant law, SW9 CH will take reasonable measures to ensure compliance with any and all applicable legislation by reviewing policies and procedures and amending them as appropriate. Any queries relating to the applicable legislation should be directed to the policy author.

## 10. Equality and diversity

- 10.1 SW9 CH will treat all customers with fairness and respect. We value diversity and work

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to promote equality and tackle unlawful discrimination.

- 10.2 Our complaints approach promotes open communication between customers and SW9 CH staff to understand the complaint and resolve it in a positive manner. We will consider the customer's communication needs and preferences and offer support or tailor our approach accordingly.
- 10.3 We are committed to helping customers to access information about their homes and services in a way that suits individual needs. We will apply this policy consistently and fairly and will not discriminate against anyone based on any relevant characteristics, including those set out in the Equality Act 2010.

## 11. Review

- 10.4 All policies should be reviewed every 3 years as a minimum, or sooner if there is a specific legislative, regulatory or service requirement or change in guidance, law or practice.

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## VERSION CONTROL/CHANGE RECORD

**Guidance:** When a document has undergone **major changes** requiring approval, the version number must change – e.g. from V1.0 to V2.0. When a document has undergone **minor changes**, not requiring approval, only the number after the decimal point must change – e.g. from V1.1 to V1.2. When a document is reviewed but no changes are made, the number after the decimal point must still change.

<b>Date</b>	<b>Reviewed by (name and title)</b>	<b>Version</b>	<b>Summary of changes</b>
Nov 2020	SW9 SLT	Final.v2	Updated to bring in line with NH
January 2022	SW9 SLT	Final.v3	Review
February 2023	Policy and Performance Officer	Final.v3.1	Formatting changes
March 2023	Policy and Performance Officer	Final.v3.2	Updated contact details

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