



Complaints Policy

April 2024

1. Introduction

- 1.1. This policy applies to SW9 Community Housing and contractors or third parties working on behalf of SW9.
- 1.2. This policy complies with the Regulator of Social Housing (RSH) 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 arrangements for complaints brought in by the Localism Act 2011.
- 1.4. In line with the Complaints Handling Code 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 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 'an expression of dissatisfaction, however made, about the standard of service, action or lack of actions by the landlord, it's own staff, or those acting on it's behalf, affecting a resident or group of residents.'
- 3.2 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
- 3.3 We 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 will still investigate the concerns raised outside of the Complaints Policy, and respond, usually within 10 working days.
- 3.4 We will accept group complaints. It is at the discretion of the residents as to whether one complainant has been identified as the complaint lead or if the residents wish to make individual complaints.

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3.5 Generally, we will not accept a complaint as a formal complaint under this policy, in the following circumstances:

- The issue has already been considered through our complaints process at any stage.
- The individual has not raised their concerns within 12 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.
- Legal action has been commenced against SW9 and/or SNG that relates to the subject of the complaint being raised.
- The complaint is about a service that we do not provide, or is not our responsibility, 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, please see section 6 below.

3.6 There may be instances where we will not consider an attempt to make a formal complaint under this policy. The manager dealing with the complaint will make the final decision on whether to accept the complaint or not. 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.

3.7 **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 the resident and SW9 and often the Compensation Policy will provide sufficient recompense to residents who are aggrieved.

3.8 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
- Through an advocate (See advocacy and support for further information).

3.9 We will acknowledge and log all complaints within 2 working days of receipt.

3.10 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.

- 3.11 We will aim to respond 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.
- 3.12 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.
- 3.13 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.
- 3.14 If a request to escalate a complaint is received outside the 30-day timeframe, we may still agree to escalate the complaint depending on the circumstances around the delay for requesting the escalation. If we refuse to escalate, we will provide you with our reasons for refusal and details around what you can do if you remain unhappy with our response.
- 3.15 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.
- 3.16 The HOS will ultimately review the complaint and determine if the outcome of the stage one complaint was reasonable and whether the decision not to escalate to stage two was correct.
- 3.17 In order to maintain trust and faith in our services, we will always ensure that no member of staff directly connected to the subject matter of the complaint will be involved in the investigation of the complaint.

4. Complaints concerning the Executive Director or Board Member

- 4.1 SW9 The Company Secretary is independent and supports the Board and the organisation. The Company Secretary will keep the Chair of the Board informed of the nature and progress of any complaint about the Executive Director or Board member. If the complaint is about the Chair, then the Company Secretary will report to the Finance, Audit and Risk Committee.

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- 4.2 Where a complaint is made, the Chair of the SW9 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.
- 4.3 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).
- 4.4 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.
- 4.5 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.
- 4.6 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.

5. Advocacy and support

- 5.1 We will accept a complaint by a resident through an advocate as long as we have written consent from the resident that the advocate can act on their behalf.
- 5.2 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.

6. Taking a complaint further Designated Person

- 6.1 SW9 will do everything we reasonably can to solve complaints; however, if a customer wishes to take their complaint further, they may do.
 - 5.1 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'.
 - 5.2 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.

7. Housing Ombudsman

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

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stage two complaint response.

- 7.2 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.
- 7.3 If a complaint is passed to the Housing Ombudsman, it will then be SNG's 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.

8. Service Charge Complaints

- 8.1 SW9 follows the Housing Ombudsman's Complaint Handling Code when it comes to investigating Service Charge Complaints.
- 8.2 Under paragraphs 42(d) and (f) of the Housing Ombudsman Scheme (October 2023) the Ombudsman may not investigate complaints that:
- a) concern the level of rent or service charge or the amount of the rent or service charge increase or;
 - b) concern matters where the Ombudsman considers it quicker, fairer, more reasonable, or more effective to seek a remedy through the courts, other tribunal or procedure.
- 8.3 We would not consider a complaint about the figures/data provided in either an estimate or actual Service Charge notice, these would go through a separate process dedicated to investigating such matters (Service Charge Enquiry and Dispute Procedure). Should you remain dissatisfied with our investigation you would then be provided with First Tier Tribunal referral rights who can independently review all evidence and determine if the figures/data provided is accurate and reliable.
- 8.4 Issues related to Service Charges that we (and the Housing Ombudsman) will consider under the Complaints Policy are:
- Complaints about the communications in respect of service charges.
 - Complaints that the resident has not received the service/benefit they are paying for, or the service provided has been of a poor standard.
 - Complaints that the landlord has not followed the correct process in respect of service charges.
- 8.5 For more information please visit the following website: [Insight Report July 2023 \(housing-ombudsman.org.uk\)](https://housing-ombudsman.org.uk)

9. Persistent or vexatious complaints

- 9.1 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

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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.

- 9.2 If a resident has made unreasonable complaints in the past, we will not assume that their next complaint is unreasonable. Each case will be considered on its merits. All relevant correspondence will be evaluated to consider the circumstances including:
- (a) Where a resident has made persistent or unreasonable demands.
 - (b) Where a complaint is being pursued vexatiously i.e. we consider that the complaint is being made to cause unnecessary aggravation, frustration or inconvenience to the organisation and/or its staff rather than seeking to resolve a genuine issue.
 - (c) Whether the resident or their representative has been abusive or threatening to housing staff or has produced excessive correspondence.
- 9.3 In the circumstances above, persistent or vexatious complaints will be excluded from consideration under the Complaints Policy and the Unreasonable Behaviour Policy will be applied in placing appropriate restrictions on further contact from the complainant.

10. Learning Lessons and reporting

- 10.1. We will undertake the Complaint Handling Code self-assessment annually. This is shown in Appendix 1.
- 10.2. Complaint performance reports are provided weekly to senior managers across SW9 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 and highlights repeat complaints and lessons learnt.
- 10.3. Our complaint figures will be published on our website annually in line with the Consumer Standards. Our Complaints Policy will be made available on the website.

11. Related Documents

- Compensation Policy
- Unreasonable Behaviour Policy
- Data Protection Policy

12. Legislation and regulation

- 12.1. 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 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.

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13. Equality and diversity

13.1 SW9 will treat all customers with fairness and respect. We value diversity and work to promote equality and tackle unlawful discrimination.

13.2 Our complaints approach promotes open communication between customers and SW9 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.

13.3 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.

14. Review

14.1 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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Policy author:	Customer Resolutions Manager	
Policy owner:	Director of Customer Services and Operations	
Adopted from Network Homes: y/n	Y	
Review schedule (1, 2 or 3 years):	3 years	
Equality Impact Assessment (EIA)	Date completed	
	Initial or full EIA	

Change Record

Date	Reviewed by (name and	Version	Summary of changes
November 2020	SW9 SLT	Final.v2	Updated to bring in line with NH
January 2022	SW9 SLT	Final.v3	Review
February 2023	Policy and Performance Lead	Final.v3.1	Formatting Changes
March 2023	Policy and Performance Lead	Final v.3.2	Updated contact details
February 2024	Customer Resolutions Manager	Final.v4	Review to align with ombudsman complaint handling code