



INQUILAB HOUSING ASSOCIATION

November 2021

COMPLAINTS POLICY

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GENERAL STATEMENT OF POLICY

Inquilab Housing Association (Inquilab/ we/us/our) welcomes complaints and customer feedback as an opportunity to learn from our customers and improve our services. Having a clear, accessible and transparent approach to handling complaints is a vital component of our approach to ensuring our customers are empowered to challenge the quality of service they receive from us. This policy sets out our approach to handling complaints and how customers who are not satisfied with our formal process may escalate the matter to the Housing Ombudsman.

We seek to resolve complaints and expressions of dissatisfaction promptly and train our employees to resolve issues raised to them at the first opportunity. However, if you wish to raise a formal complaint, we will decide whether to uphold the complaint within 10 working days. If you are not satisfied with the response you receive from us, you may escalate the complaint further (to stage 2 of our process) where the complaint will be reviewed. The review will be overseen by an independent manager together with a second independent employee/ Board Member/ Committee Member or a Resident Scrutiny Panel Member. Anyone reviewing the case in Stage 2 must be unconnected with the case and able to convene within the required timeframe.

If you are still unhappy with the response you have received, after Stage 2, you may escalate your complaint to the Housing Ombudsman who may be contacted using the following details:

Address: Housing Ombudsman, Exchange Tower, Harbour Exchange Square,
London E14 9GE
Tel: 0300 111 3000
Email: info@housing-ombudsman.org.uk
Web: www.housing-ombudsman.org.uk

Complaints Policy

1. Policy Objectives

1.1 This policy has the following objectives:

- To comply with all legal, regulatory, and contractual requirements when handling complaints and meet the requirements of the Housing Ombudsman's Complaint Handling Code.
- To continue to develop and maintain a culture of openness and transparency to create positive relationships when handling complaints
- To address complaints fairly, impartially, objectively, and professionally
- To keep the person who complained informed and regularly updated with progress addressing their complaint (even if there is no new information to provide).
- To resolve the complaint at the earliest opportunity, and in any case within the timescales in Housing Ombudsman's Complaint Handling Code.
- To use learning from complaints to inform policy development and service improvement.
- To treat all people fairly, sensitively and with respect, and take into account the needs of anyone protected by the Equality Act 2010
- To ensure a zero tolerance approach to harassment, or hate speech, or unreasonable behaviour, from residents and/or their representatives when pursuing a complaint

2. Policy Scope

2.1 This policy applies to Inquilab and our customers. It does not cover feedback from stakeholders or third parties who we do not provide housing or services to, such as the media or members of the public who do not have a legal relationship with. For the purpose of this policy, a 'customer' is defined as a person or representative of a person (defined in 2.3) who is or has been in a landlord/tenant relationship with us. This includes people who have a lease, tenancy, licence to occupy, service agreement, or other arrangement to occupy premises owned or managed by us. This also includes applicants for an Inquilab home. If the complaint is made by a former customer, then they must have had a legal relationship with us at the time that the subject of the complaint took place.

2.2 This policy does not apply to complaints where separate legal action is being pursued against us as these are covered by legal protocols.

2.3 We will accept complaints from others acting on the customer's behalf only where we have the customer's express authority or clear evidence of there being a suitable legal arrangement in place to do so. We will consider each case on its own merit. Potential representatives include:

- Trustees, legal guardians, and people appointed under a Power of Attorney

- People who are expressly authorised to act on a customer's behalf (such as family members) or have been authorised by the resident to act on their behalf (for example a Councillor/MP).
- Organisations such as a Tenants and Residents Associations which can reasonably demonstrate that they have authority to act on behalf of an Inquilab resident or residents.

2.4 Exclusions:

2.4.1 The following are not considered to be complaints under this policy.

- A first-time request for a service or an enquiry about a service.
- A first-time request for Inquilab to intervene in the behaviour of others (e.g., a first-time report of Anti-Social Behaviour, ASB)
- Simple notification that we have failed to deliver a service that we specifically committed to deliver, which is a "service failure").
- A request for information or explanation of an Inquilab policy or practice.
- Disagreeing with an Inquilab strategy, policy, or service target.

2.4.2 The Following complaint types will also not be considered under this policy:

- The issue giving rise to the complaint occurred over six months before the complaint is made, unless there is a recurring issue or where complaints are related to safeguarding concerns, health, and safety matters or where there are agreed to be exceptional circumstances (which will be considered on a case-by-case basis.)
- A complaint that has previously been considered and no substantive new information is provided.
- A complaint where issues or the services are outside of Inquilab's control (for example they are provided by a Local Authority.)
- A complaint where the issue has been or likely to be subject to legal proceedings or where Inquilab does not wish to prejudice any legal proceedings.
- A complaint where the issue relates to ongoing or possible insurance claims.

2.4.3 Anonymous complaints will not be considered unless there is a clear and strong reason for doing so, which may include:

- The seriousness of the issue raised, where it for example relates to a significant risk to health and safety, legal or regulatory compliance, or other public interest.
- The credibility of the concern and the likelihood of confirming the allegation from attributable sources.

2.5.6 The lists above are not exhaustive. Where we decide not to consider a

complaint, we will provide an explanation setting out the reasons why the matter is not suitable for the complaint.

3. Definition of a Complaint

3.1 We have adopted and expanded on the Housing Ombudsman's definition of a complaint:

'An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by Inquilab, our staff, or those acting on our behalf, affecting an individual resident or group of residents or person who is affected by Inquilab's services.'

3.2 We have expanded on the Housing Ombudsman's definition to enable anyone affected by Inquilab's services (i.e., those with whom we do not have a contractual relationship) to make a complaint. Such complaints fall outside the jurisdiction of the Housing Ombudsman.

3.3 If customer tells us they want to complain, we will always record it as a complaint. However, we recognise the difference between a service request, service failure, feedback, and a complaint.

- A "request for service" is the customer asking us to do something, for the first time (e.g., "My heating is broken – please fix it").
- A "service failure" is when we do not deliver the service, we have committed to e.g., "we told you we would repair your heating on a given date, but we did not attend the property". If the customer complains about it, it is treated as a complaint.

3.4 If a customer expresses dissatisfaction with our service, we will try to put things right at the earliest possible opportunity, therefore we may be able to resolve the issue for our customer quickly without it becoming a formal complaint. We will record all expressions of dissatisfaction to help improve our services. If a customer remains dissatisfied or makes it clear they wish to complain, then the matter will be logged as a stage one complaint.

3.5 Expressions of dissatisfaction from people who are not Inquilab customers (e.g. a neighbour of one of our tenants) will be registered and treated as a complaint at first contact.

3.6 A customer does not have to use the word "complaint" in order for it to be treated as such. However, on occasion, either our employees or our customers may not be sure of the position:

- If, as an Inquilab employee you are unclear whether a customer wishes to complain, please ask them to clarify.
- If, as a customer, you wish to make a complaint and you are unsure whether your expression of dissatisfaction is being registered and treated as a formal complaint, please clarify that this is what you wish to happen.

3.7 Examples issues customers may complain about is included in Appendix A

4. How to make a complaint

4.1 We want to make sure that it is easy for our customers to make a complaint and to use our complaints service. We publish information about how to make a complaint on our website, in leaflets and in other customer communications.

4.2 We accept complaints made through different channels, including

- Using the online complaint form on our website
- By telephone, email, online contact form, or letter
- By contacting us through our presence on social media platforms
- In person.

4.3 In each case we will verify the identity of the person making the complaint and their relationship to Inquilab (this may be particularly necessary for complaints received through social media). All complaints will be managed confidentially and in line with the Data Protection Act 2018

4.4 We will provide additional support to customers if they have difficulty accessing our complaints service, in line with our Reasonable Adjustments Policy. This may include providing information in appropriate alternative formats, text relay, or a home visit.

4.5 When we receive any complaint, we will make customers aware of the Housing Ombudsman Service. We will advise them that Inquilab licensees, tenants and leaseholders have the right to seek advice from the Housing Ombudsman Service throughout the life of their complaint. Inquilab's tenants and leaseholders will also be advised of their right to refer their complaints to the Housing Ombudsman Service once they have exhausted Inquilab's complaints process.

4.6 If the complaint relates to an agency providing a service on behalf of Inquilab, the customer must finish the agency's complaints procedure before making a complaint through Inquilab's complaints policy.

5. The Complaint Process

5.1 On receiving a complaint:

- We will acknowledge the complaint within 5 working days of receiving it. We will verify the identity of the complainant and their relationship to Inquilab. We will decide whether to accept the complaint, and if we do not, we will explain the reasons why. We will draw the complainant's attention to the service provided by the Housing Ombudsman, and to this policy. We will ensure that we fully understand the nature of the complaint and what outcome the customer is seeking.

- An Inquilab officer will be assigned to investigate the complaint.

5.2 Informal Process

5.2.1 When you first let us know, you're dissatisfied about a lack of service or lack of action we'll try to resolve the issue informally outside our formal complaints process. As a starting point, we need to know what you'd like us to do to put it right e.g:

- Re-book a missed appointment
- Complete an outstanding repair

5.2.2 If you remain unhappy or wish to raise a formal complaint, our Customers and Communities/ Housing team are your first point of contact.

5.3 Formal Process

Stage one – investigation and resolution

5.3.1 We will aim to resolve complaints as quickly as possible, at first point of contact where possible.

5.3.2 We will ensure that the customer is given an opportunity to set out their position and to make any comments before a final decision is made.

5.3.3 Within 10 working days from receipt of complaint we will provide the complainant with our decision on whether their complaint is upheld or not, and if it is upheld, what action is proposed to address it. If there is a good reason, we may take longer than this, but we will explain this to the complainant, and it will not exceed a further working 10 days. We will provide an explanation and a date by when the stage one response should be received.

5.3.4 If the customer is not satisfied with the outcome, they may escalate the complaint to the next stage.

Stage two – escalation within Inquilab

5.3.5 If the customer decides to escalate the complaint to stage 2 it will be reviewed by two people. This will be an independent manager overseeing, with another staff member, or a board member or a committee member or a Resident Scrutiny Panel member. All must be unconnected with the case and able to convene within the required timeframe.

5.3.6 We will ensure that the customer is given an opportunity to set out their position and to make any comments before a final decision is made.

5.3.7 Within 20 working days from the request to escalate the complaint, we will provide the complainant with our decision on whether their complaint is upheld or not, and if it is upheld, what action is proposed to address it. If there is a good reason, we may take longer than this, but we will explain this to the complainant, but it will not exceed a further 10 working days. We will provide an explanation and a date by when the stage two response should be received

Complaints process exhausted

5.3.8 If the customer wishes to further escalate the decision, we will advise the complainant that they can approach their MP or a local councillor (these are regarded as “designated persons”) who will be able, if the complainant is an Inquilab tenant or leaseholder, to approach the Housing Ombudsman on their behalf. After eight weeks they can, if they are an Inquilab tenant or leaseholder, refer the matter to the Housing Ombudsman Service directly.

Closing a complaint

5.3.9 We will not close a complaint until the complaint investigation has been completed, the decision communicated to the complainant and, if an action plan is necessary, this has been agreed with the complainant. We may however close the complaint where the complainant does not respond to requests to discuss an action plan. We will wait 8 weeks (i.e. 56 days) before the case is closed to allow the complainant to contact the Ombudsman should they choose to do so.

6. Communication

6.1 We will ensure that we keep customers regularly updated with the progress of the complaint even if there is no new information to provide. We may make an arrangement with the customer as to the frequency and method of communication.

6.2 We will use plain language when communicating with the customer.

6.3 We will write to the customer with the outcome of the complaint giving clear reasons for our decisions made and how we will put things right.

7. Remedies

7.1 Complaints can be resolved in a number of ways. We will always acknowledge where things have gone wrong and apologise. In addition, we may:

- Agree an action plan with the customer
- Complete agreed work or actions
- Reconsider or change a decision
- Amend our records if there an error
- Make an offer of compensation.

7.2 Any remedy offered will reflect the extent of any failures and the level of detriment caused to the complainant as a result.

Remedies for complaints about staff/representative conduct or behaviour

7.3 Remedies in respect of complaints about the conduct or behaviour of staff or other parties acting on our behalf will be addressed in line with human resources and contract management policies. Complainants will be given

relevant information about the outcome of their complaint, but personal data and employment-related information will not be shared with them in line with our duties around staff confidentiality and data protection.

Safeguarding

- 7.4 If something leads the person managing the complaint to suspect that abuse is taking place, they will refer to the safeguarding policy and procedures.
8. Unreasonable complaints
- 8.1 On some occasions, we receive complaints which may be frivolous or 'vexatious' and where it is not possible to reach a reasonable solution, or where the complainant will not accept a reasonable solution.
- 8.2 Each case will be considered on its merits. However, if we believe that a customer is behaving unreasonably during the complaints process, we will explain the reasons why we believe this to be the case. Certain behaviour from customers may be unacceptable and we will advise the customer how to engage with us further.
- 8.3 If appropriate, we will discuss a contact management plan with them (which may include restricting the customer to a single person of contact within Inquilab but will not include a complete ban on them contacting Inquilab). Restrictions placed on a customer's contact will be appropriate to their needs and have regard to the provision of the Equality Act 2010. However, we will continue to seek a resolution where there are serious concerns relating to our statutory duties including for health and safety.
- 8.4 It is important to recognise that in some cases involving persistent contact or vexatious complaints, there may be an underlying reason for the complainant's behaviour, which makes effective communication difficult. This will be considered when agreeing a strategy. We will also consider the use of advocates or support agencies to aid communication and resolution, where appropriate.
- 8.5 This approach will only be taken where considered absolutely necessary when all other options of finding a resolution have been explored. For further information, please see our Customer Guidance on unacceptable behaviour in Appendix B.
9. Continuous learning and improvement
- 9.1 We will ensure that there is a positive complaint handling culture which links how we resolve complaints and the quality of the service provided to how we learn and improve and develop a good relationship with our customers. We will do this by:
- Emphasising the importance of learning from complaints and embracing customer feedback as part of our employee induction programme;
 - Incorporating learning from complaints into team briefings and meetings; and
 - Incorporating learning from cases into formal training and refresher training.

- 9.2 We recognise the importance of resident involvement and will ensure that residents are consulted as part of service improvement processes. We will regularly feedback to the Residents Scrutiny Panel, committees and the board, and this feedback will be discussed, alongside scrutiny of the Ombudsman's annual landlord performance report.
- 9.3 We will publicise to licensees, tenants, and leaseholders at least annually how we have learnt from complaints and what service improvements have been made.
- 9.4 We will review this policy where appropriate, based on learning from complaints. Our review programme is also driven by service improvement initiatives, changes to legislation, regulation, evolving good practice or feedback from customers and other key stakeholders. Typically, we review policies on a three yearly cycle.

10. Key legal and regulatory references

- Housing Act 1996
- Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (Regulation 16)
- Equality Act 2010
- Localism Act 2011
- Data Protection Act 2018
- The Housing Ombudsman Service's Scheme and Complaint Handling Code
- The Regulator of Social Housing Regulatory Standards

Related Inquilab policies / documents

- Data Protection Policy
- Diversity and Inclusion Policy
- Safeguarding Policy
- Home Loss and Disturbance policy
- Code of Conduct (Inquilab website)
- Reasonable Adjustments policy

Policy owner / Date of Review:	Board Accountable Director – Director of Customers and Communities
Changes to document	V2
Approved By / Date of Approval:	November 2021
Effective Date	December 2021
Date of next review:	October 2024

APPENDIX A: EXAMPLES OF COMPLAINTS

Examples of issues that customers may complain about include:

- Failure to deliver a service within expected or reasonable timescales, including failure to respond to an initial request for service.
- Unsatisfactory quality of service.
- Failure to answer reasonable questions or giving misleading or unsuitable advice.
- Unacceptable behaviour of a member of staff or other party acting on behalf of Inquilab (which may include discourtesy, disrespect, or dismissiveness).
- Failure to follow Inquilab's policies, rules or procedures or legislation.
- Failure to consider all available relevant information in coming to a decision.
- Bias, prejudice, or unfair acts that result in discrimination on the grounds of protected characteristics defined in the Equality Act 2010.
- Inappropriate use of personal information.

APPENDIX B: UNACCEPTABLE BEHAVIOUR GUIDANCE FOR CUSTOMERS

Please remember we're here to help and we'll always be polite and courteous. We expect the same in return and we have zero tolerance for verbal abuse or the use of discriminatory language.

We also class behaviour as unacceptable if the nature or frequency of contact with us stops us dealing effectively with your or other customers' enquiries.

Examples of behaviour we class as unacceptable are:

- Repeatedly contacting us to report an issue that's already in hand
- Continuous/excessive phone calls, emails, or letters
- Demanding a response within an unreasonable timescale
- Insisting on communicating with a particular member of staff
- Contacting numerous Inquilab staff regarding the same issue
- Repeated requests for information
- Repeatedly changing the basis of a complaint or raising unrelated concerns
- Continuing to pursue a complaint without presenting any new information
- Persistent refusal to accept Inquilab's explanations or decisions
- Making unjustified comments about staff who are trying to deal with issues, and seeking to have them replaced
- Denying or changing statements made at an earlier stage
- Refusing to allow access for inspections or to complete work which would resolve a request or complaint
- Insisting we deal with requests in ways that are incompatible with our policies, procedures, or good practice.

We won't tolerate this type of behaviour and we'll take formal action if we identify behaviour which is unacceptable. This usually means we'll put a contact arrangement in place, e.g.

- Limiting contact to a specific channel for all non-urgent enquiries (e.g. letters and emails only)
- Arranging for a specific member of staff to act as a single point of contact
- Responding to correspondence in a specified timescale
- Limiting the number or length of telephone calls.

If a customer continues to behave unacceptably, despite measures we've put in place, we may decide to take tenancy or legal action.