

COMPLAINTS POLICY

1. Introduction

- 1.1. Inquilab Housing Association (Inquilab) is committed to providing a high quality service for its residents 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 to the views of our residents and in particular, by responding positively to complaints, and by putting mistakes right when things have gone wrong.

2. Background Legislation

- 2.1. This policy has due regard to the Housing Act 1996 and the Localism Act 2011.

3. Definitions

- 3.1. **A complaint** is when a resident is unhappy with a service provided by Inquilab and wants us to put it right. Examples of complaints are:

- We failed to do something that should have been done (e.g. failed to carry out a repair as we stated we would or within an agreed timescale).
- We did something that should not have been done.
- We gave unclear, unsuitable or unhelpful information or advice.

- 3.2. We treat multiple complaints by the same customer as a single complaint.

- 3.3. A complaint can be made by anyone who is entitled to receive a service from Inquilab or is affected by that service provision. This can also include former Inquilab residents where applicable. With written consent, a family member, friend or advocate may act on behalf of a complainant. Tenants can authorise someone else to make a complaint on their behalf, i.e. an advocate. An advocate can be a friend, relative or representative from an external organisation (such as Citizen Advice Bureau), excluding legal representatives. They must inform us in writing.

- 3.4. We expect all customers to behave reasonably and will not accept complaints if their behaviour is unreasonable, e.g

- Threaten, verbally abuse or attack staff
- Are rude or offensive to staff
- Make approaches to several members of staff at the same time about the same issue.

- 3.5. If tenants make a complaint and we follow our process, we will not accept another complaint about the same issue

- 3.6. **An Enquiry** is usually from a Member of Parliament (MP) or a Local Councillor and may support an existing complaint made directly by a complainant or may simply be an enquiry or a request for information.

3.7. What is not a complaint

- 3.8. We will deal with concerns related to the following outside our Complaints Policy:

- Vexatious complaints – set out in Appendix 1 of the Policy
- Legal action – if we are taking legal action, tenants will have to use the appropriate appeals process to challenge our decision. If tenants are taking legal action against us, we'll liaise with their legal representative

- Insurance claims – our Finance Team will deal with any claims on our buildings insurance. Tenant are responsible for claims on their contents insurance
- Defects in new-build homes –these should be report these directly to the Development Team
- Transfer bandings – an appeal can be made to the lettings team
- Behaviour of other customers e.g. alleged anti-social behaviour - can be reported this to the Operations Team
- Services which aren't our responsibility, e.g. local authority decisions about nominations or housing benefit – these should be reported to the local authority
- From staff members – we deal with these under our Grievance Policy
- From contractors – our contract will outline how to raise concerns
- Service charge complaints - we manage these through a separate service charge dispute procedure
- Rent Increases - our housing management team deal with these and/or refer concerns to a resident property tribunal
- Commercial decisions e.g. a decision to sell some of our homes
- Governance process from involved customers (i.e. members of Residents Scrutiny panel) – we deal with these through the Code of Conduct.

4. Timescales

- 4.1.** Normally a complaint must be received by Inquilab within six months of:
- The issue taking place.
 - The resident finding out they have a reason to complain, but must be no longer than 12 months after the issue took place.
- 4.2.** This time limit is in line with the Housing Ombudsman Service guidance on complaints and the timescales they operate.
- 4.3.** In exceptional circumstances, Inquilab may be able to accept a complaint after the time limit has passed. If a resident feels that the time limit should not apply, they will need to tell us why so that a decision can be made.

5. Policy Statement

- 5.1.** This policy explains how residents can make a complaint if they are not satisfied with our services. Current residents of Inquilab living in rented, shared ownership, leasehold, and applicants for housing with Inquilab can make a complaint. Complaints can be made face to face, by phone, online, by email, by letter or by fax.

5.2. Informal complaints

- 5.3.** In order to try and resolve complaints as quickly as possible, we may initially deal with the problem or service failure informally which will be outside the complaints process e.g.

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

5.4. Formal Complaints Process

- 5.5.** We operate a two stage complaint process:

5.6. Stage one complaint

- 5.7.** If a resident is unhappy with a service we have provided or if we have been unable to resolve an issue to their satisfaction under informal process, a complaint can be logged under stage one of our formal complaints process.
- 5.8.** An officer will investigate the complaint and provide a written response within 10 working days of receiving the complaint and will keep residents informed of the progress until resolution. We aim to fully resolve the complaint within 30 calendar days where it is the responsibility of Inquilab or one of our contractors. If longer is required, we will contact the resident to agree a new timescale.
- 5.9.** If a complaint is received where actions are required by a third party e.g. a developer in the case of defects, or a managing agent in the case of estate services or a Local Authority, we aim to fully complete the complaint within 90 calendar days.
- 5.10.** A complaint already upheld by Inquilab at Stage 1 cannot be taken forward to the next stage (unless the customer disagrees with the level of any compensation offered).

5.11. Stage two complaint review

- 5.12.** If a resident is dissatisfied with the outcome of the stage one investigation, the complainant can make a request for their complaint to be escalated to a review panel. The tenant must request this within twenty working days of receiving our response to the complaint. If we don't escalate the complaint to a review, we'll explain the reasons why within ten working days.
- 5.13.** The panel will be made up of:
- Operational Director or Head of Operations
 - Resident scrutiny Committee Member
 - Resident Services Panel member (Optional)
 - Customer Services Manager
 - Any other staff member relevant to the review
 - Business expert (if required).
- 5.14.** Tenants can be accompanied by one person if:
- they have a legal relationship with us (i.e. applicant, tenant, leaseholder, licensee)
 - They are an advocate for the applicant, tenant, leaseholder or licensee
 - Live in one of our homes (and the tenant gives their consent).
 - Legal representatives are not permitted during this process.
- 5.15.** We'll contact you to ask your preference.
- 5.16.** It's not necessary for tenants to attend the review unless they would like to. The review panel members work together to agree a decision on the day. In exceptional cases, the review panel can defer their decision until after the meeting, e.g. if they need to consult a specialist or take legal advice. The panel will review the case and provide a written response to the resident within 10 working days.

5.17. This is the final stage of the Inquilab complaints process. If a resident would like to escalate their complaint after completing the Inquilab internal process, they can contact the following:

5.18. Designated Person – A designated person is a Councillor, MP or an external Tenant Panel. Any external tenant panel must be ‘recognised’ by Inquilab based on its criteria (set out in appendix 2). A designated person will help resolve the complaint in one of two ways; they can try and resolve the complaint themselves or they can refer the complaint straight to the Housing Ombudsman Service if the complaint remains unresolved. Tenants can involve a Member of Parliament or Councillor at any point of their complaint.

5.19. Housing Ombudsman Service – A resident can wait eight weeks after completion of Inquilab’s internal complaint process and contact the Housing Ombudsman Service directly or the case can be referred to the Housing Ombudsman Service by a designated person.

6. Complaints relating to Inquilab contractors

6.1 We require any contractor that provides services on our behalf to comply with this policy by:

- Recording and responding to residents’ feedback when required.
- Providing us with any information relating to a complaint when requested.
- Assisting Inquilab with complaints investigations as appropriate.

7. Where policy does not apply

7.1. This policy will not apply if:

- We have not been told about it before. In this case we will work with the complainant to resolve it informally, as a query.
- Where legal action has commenced against Inquilab. Where legal action is threatened and not instigated the case will continue to be treated as a complaint until legal action has started.
- Customers experiencing nuisance or anti-social behavior (this is dealt with under our ASB Policy & Procedure), but a customer can complaint about our handling of a reported ASB case.
- Issues regarding hate crime or domestic violence
- It relates to a criminal offence that is being dealt with by the police.
- Appeals where other appeal policies exist e.g. Allocation etc.
- The complaint is about policy. Dissatisfaction about policy will be logged and monitored. (This does not include complaints about how the policy has been interpreted or communicated, unless the need for staff to have further training and development has been identified by an appropriate person)
- Mediation is in progress to resolve issues.
- A complaint about the level of service charges which should go to the Leasehold Valuation Tribunal. This does not include complaints about service charge administration or services paid for but not received or service contractors.
- It has already been dealt with under this policy within the previous 6 months.
- A customer making a complaint six months or more after the alleged incident or incidents complained about.
- There are repeated or clearly unfounded complaints from a customer.
- If the complaint is about a service which was not provided by Inquilab

7.2. In these instances, the decision to deal with the matter outside of the Complaints Policy and Procedure is taken by the relevant Director or Head of Operations, who will advise the customer of an alternative course of action.

8. Properties managed by agents

8.1. If the complaint relates to an agency providing a service on behalf of Inquilab Housing Association, the resident must finish the agency's complaints procedure before making a complaint to Inquilab.

9. Anonymous complaints

9.1. An anonymous complaint may highlight a problem with the way the resident perceives the service, or it might raise a 'whistle-blowing' issue that needs to be followed up. We will record, investigate and monitor anonymous complaints in the same way that we treat standard complaints.

10. Suspected abuse

10.1. If something leads the person managing the complaint to suspect that abuse is taking place, they will refer to the safeguarding policy and procedures.

11. How we learn from complaints

11.1. A complaint should be seen as an opportunity to learn about what or how we need to improve our service at Inquilab. We therefore want to learn from every complaint and capture and share the things that we learn so that improvements can be made where appropriate.

11.2. In order to do this, we will record and monitor every complaint including details such as what the complaint was about, how it was resolved, how quickly it was resolved and what we learnt.

11.3. We will carry out regular complaint reviews in order to continuously look at how we can improve our handling of complaints and the services we provide.

12. Compensation

12.1. Compensation where appropriate can be paid at the end of any stage in the complaints process. All compensation payments awarded will be made in line with the compensation and goodwill gestures policy and authorised by someone with the relevant budgetary authority.

Appendix 1- Responding to vexatious complaints

1.1. A very small minority of residents make complaints that are vexatious, in that they persist unreasonably with their complaints, or make complaints in order to make life difficult for Inquilab rather than genuinely to resolve a grievance. This may involve making serial complaints about different matters, or continuing to raise the same or similar matters repeatedly.

1.2. Inquilab reserves the right, at any stage of the complaints procedure, to review a complaint and give a decision without a formal investigation. This might occur when a complainant is deliberately repetitious, threatening or abusive and must be agreed by the relevant Director of service.

- 1.3. Examples of this behavior (whether written or oral) may include persistent unreasonable demands on our staff and resources either through the number of approaches made, unrealistic expectations with regards to meeting timescales, insisting on seeing or speaking to a particular member of staff, persistent emails, letters, phone calls or visits to offices.
- 1.4. On some occasions we may consider persistent refusal to accept a decision unacceptable, when we have investigated thoroughly, acted within the bounds of our responsibilities and provided an explanation to outline the reasoning for our final decision.
- 1.5. Inquilab acknowledges that a degree of persistence has to be accepted, particularly if a customer is following up legitimate complaints as a result of failure by Inquilab or its representatives to resolve. These situations will be monitored, audited and used when the complaints procedure is reviewed and/or updated.
- 1.6. The Local Government Ombudsman defines a vexatious complainer as “complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation’s consideration of their, or other people’s, complaints”.
- 1.7. Some examples of the type of behaviour that fall under vexatious are:
 - Refusing to specify the grounds of a complaint, despite offers of help
 - Refusing to cooperate with the complaints investigation process
 - Refusing to accept that certain issues are not within the scope of a complaints procedure
 - Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
 - Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced
 - Changing the basis of the complaint as the investigation proceeds
 - Denying or changing statements he or she made at an earlier stage
 - Introducing trivial or irrelevant new information at a later stage
 - Raising many detailed but unimportant questions, and insisting they are all answered
 - Submitting falsified documents from themselves or others
 - Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations
 - Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses
 - Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints
 - Refusing to accept the decision; repeatedly arguing points with no new evidence.

1. Appendix 2- External 'Recognised Tenant Panel' Terms of Reference

- 1.1. The Localism Act and the regulatory standards for social housing highlight the need for landlords and tenants to work together. The emphasis is on finding solutions to complaints at a local level.
- 1.2. Here are our criteria to recognise a group wishing to become a 'recognised tenant panel'.
- 1.3. **Here's what you need to provide to be a Tenant Panel member**
- 1.4. You need to provide the following details for all members of your panel:
 - Name
 - Address
 - Telephone number
 - Email address.
- 1.5. You don't have to be an Inquilab customer to become a member of a recognised tenant panel. You do have to be a tenant of a Registered Provider.
- 1.6. You need to give us:
 - Name and address of your landlord
 - Details of any tenancy breaches (e.g. rent arrears, unauthorised alterations or anti-social behaviour).
- 1.7. You need to declare any conflict of interest e.g.
 - If any of your panel know the complainant
 - If any of the panel have previously been involved in the complaint.
- 1.8. We're unable to recognise the group if there's a conflict of interest from a member of your panel.
- 1.9. We'll also choose not to recognise a panel if group members have been the subject of a ruling where they've behaved unreasonably.
- 1.10. You need to agree to our Data Protection Policy
- 1.11. We expect all panel members to conduct themselves in a courteous and polite manner
- 1.12. Any individual or personal issues of the panel should not be discussed at the panel.

2. The panel

- 2.1. Before we can recognise the tenant panel, it must:
 - Consist of a minimum of two and a maximum of four tenants
 - Agree who will chair the meeting

- Focus on finding a solution to the complaint.
- 2.2. A complainant can contact a 'recognised tenant panel' if they choose to do so. The complainant may request a recognised panel to become their advocate and handle the complaint for them (i.e. a non-legal representative).
- 2.3. As part of the recognition process for the panel, we'll agree which geographical area the group will cover complaints for.

3. Support – Here's how we can help:

- Give you details of available training.
- Provide answers to technical questions/ copies of policies. We need ten working days to provide this information.
- Support you by providing access to resources (location for meeting/ computer access) and a minute taker if required.
- Include your panel's contact details on our website. As a recognised tenant panel we may pass contact details onto a complainant if they wish to approach you. Complainants may contact you directly.
- Suggest best practice for effective panels.

4. Outcome

4.1. After the meeting, the panel has two options:

- a) **Referral** – if the panel decide to refer the case to the Housing Ombudsman Service (HOS), the complainant must agree this is the most suitable step. It's then the panel's responsibility to contact the HOS if they feel the case needs to escalate to this level. The panel must let the Customer Team know the outcome/decision within five days of the meeting.
- b) **Decline referral** - if the panel decides not to refer case to the HOS, it's their responsibility to inform the customer. The panel don't need to inform the HOS if they decide not to refer a complaint. The panel must let Customer Team know the outcome/decision within five days of the meeting.

4.2. The Panel must focus only on the original complaint and is unable to include or to refer any other matters outside of the complaint to the HOS.

4.3. We may withdraw recognition of a panel if a member breaches any of the terms detailed in this document. We reserve the right to reconsider the recognition agreement for the whole panel.