

Complaints Policy

1. Summary

- 1.1. This policy is designed to create a positive culture of welcoming complaints as feedback, remedying any detriment and learning from the feedback to improve service delivery and ensuring that complaints are dealt with in a timely way.
- 1.2. SHAL is required by the Housing Act 1996 to be a member of the Housing Ombudsman Scheme 2020. The purpose of the Scheme is to enable tenants and others to have their complaints about SHAL investigated by the Housing Ombudsman Service when they have exhausted the internal process. The role of the service is to resolve disputes sent to it about SHAL, make awards of compensation or other remedies as appropriate and to support effective tenant/landlord dispute resolution.
- 1.3. A complaint is defined as:
 - 1.3.1. 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. (Complaint Handling Code 1.2)
- 1.4. The Complaint Handling Code 2022 requires that SHAL ensures that tenants are aware of our policy and process regarding complaints, and that they are aware of the Complaint Handling Code and their right of access to the Housing Ombudsman Service.
- 1.5. The complaints process has two stages. Each stage has a required time frame for the resolution of the complaint.
- 1.6. The policy and process aims to be fair, focussed on the person making the complaint and the action required to put things right. Where SHAL has failed to do something or has done something which has caused detriment to the complainant employees are empowered to put it right at the first stage.

1.7. SHAL's board receives complaint handling data alongside other performance data to give assurance and assess risk. This includes the volume, category and outcome of complaints and the adherence to timescales. Any reports to the Ombudsman and subsequent feedback are also included if they arise. The board also receives an annual report which evidences the learning provided by the feedback from complaints which have been made in the preceding year. This report is published to tenants.

2. Objectives

- 2.1. The key objectives of this policy are to let our tenants know that:
- 2.1.1. We will welcome and actively encourage feedback and complaints from them, and we will treat all complaints in a fair and consistent way.
 - 2.1.2. We will demonstrate how we learn from our mistakes and from the feedback we are given.
 - 2.1.3. We will publish information showing how we have performed in responding to complaints.
 - 2.1.4. We will aim to respond to all complaints effectively at the first stage.
 - 2.1.5. We will give tenants the information they need in order to progress a complaint to the Housing Ombudsman where they have exhausted our internal processes and remain dissatisfied. We will co-operate with the Housing Ombudsman in finding a resolution to the complaint, carrying through any notifications for redress which they publish, and we will publish in an anonymised version of the nature of the complaint, the redress recommended by the Ombudsman and the learning we have gained.

3. Details

- 3.1. We will deal with all complainants in a fair and timely way.
- 3.2. SHAL has a Complaints Officer who is a member of the Management team. Their role is to oversee the complaints policy and process and ensure that complaints are monitored by the Management team on a quarterly basis, reported to the Board as part of the Performance Information and that all

complaints are dealt with and closed within the housing management system in line with the timescales set out in the policy, unless agreed otherwise with the complainant. The Complaints Officer has the autonomy to resolve complaints across all SHAL's areas of operation, including Repairs and Maintenance, Development and Communications. The decision will be recorded and reviewed by the Management team on a quarterly basis.

- 3.3. Complaints made about the Complaints Officer will be dealt with by another member of the Management team.
- 3.4. A complaint is 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. (Complaint Handling Code 1.2)
- 3.5. Complaints should be treated differently to requests for services. For example:
 - 3.5.1. "I'm not happy because I can't lock my front door and I need to get the children from school" is a request for a service (i.e. repair).
 - 3.5.2. "I'm not happy because I reported I couldn't lock my front door and I've been waiting for 2 days" is a complaint (i.e. we have not attended to an emergency repair within 24 hours).
- 3.6. We may not follow this policy when responding to complaints that are:
 - 3.6.1. Submitted anonymously.
 - 3.6.2. Directly linked to legal action that is being considered or has commenced.
 - 3.6.3. Received more than 6 months after the event.
 - 3.6.4. About the content of an approved policy unless there is evidence that the policy will result in a systemic service failure
 - 3.6.5. Concerns rent or service charges – these will be fed back to the Board separately as part of the Performance information report
 - 3.6.6. Made and pursued in an unreasonable and aggressive manner.
- 3.7. A complaint can be made by any individual, group of individuals, organisation, or company, including:

- 3.7.1. An applicant for housing
- 3.7.2. A current or former tenant of SHAL
- 3.7.3. Other organisations and businesses, including other landlords
- 3.7.4. Any member of the public directly affected by our activities
- 3.7.5. A group of complainants (e.g. a petition)
- 3.8. We will accept complaints made by advocates on behalf of a complainant if we are satisfied that the advocate is supporting the complainant in making a complaint (and not using the complainant to pursue their own complaint).
 - 3.8.1. We will ask for evidence that the advocate has been authorised by the complainant to represent them.
 - 3.8.2. Advocates may include a friend, solicitor, advice agency, politician or statutory authority.
 - 3.8.3. Where a customer would like an advocate but has difficulty finding one, we will do all we can to identify an organisation that may be able to fulfil that role.
- 3.9. We will accept complaints made both verbally and in writing. We do not expect complainants to complete a complaints form, although one is available.
- 3.10. Employees of SHAL who receive complaints will ensure that they take into account the personal circumstances and vulnerabilities of the individual tenant making the complaint. For example, we will pay for translation services so that the complainant can make the complaint in their first language. We will take account of the impact of previous trauma which may be triggered by the event or omission complained of in responding to the complaint. We will ensure that people feel safe with the person who is investigating the complaint and provide alternatives if this will ensure the complainant feels confident in making the complaint.
- 3.11. Complaints can be made by:
 - 3.11.1. Email
 - 3.11.2. Letter
 - 3.11.3. Social media

- 3.11.4. Telephone
- 3.11.5. Text
- 3.11.6. Verbally to a member of staff
- 3.12. We will record a complaint on the Housing Management System as soon as it is received by a member of staff. The timeframe for a response will start immediately.
- 3.13. We will inform complainants of the time frame for a response and outline the complaints procedure when the complaint is recorded.
- 3.14. We will keep in regular contact with the complainant throughout the stages. If we are not able to meet the timescales outlined in this policy, we will talk to the complainant at the earliest opportunity and agree a revised timescale.
- 3.15. There are two stages to our complaint's procedure. A complaint cannot be referred directly to Stage 2 without being considered at Stage 1. We will acknowledge each stage of the complaint within 3 working days of receipt.
 - 3.15.1. Stage 1
 - a The SHAL employee who received the complaint should respond in writing within 10 working days of receiving the complaint.
 - a SHAL may provide an explanation to the complainant containing a clear timeframe for when the response will be received. This should not exceed a further 10 days without good reason.
 - a If an extension beyond 20 working days is required to enable SHAL to the complaint fully, this should be agreed with the complainant.
 - a If the complainant is not happy with the Stage 1 response, they can ask for it to be referred to Stage 2. This must be done within 20 working days of receiving the Stage 1 response.
 - 3.15.2. Stage 2

- a A member of the Executive team along with the Complaints Officer (or another member of the Management team) will consider the complaint and the Stage 1 response.
 - a The complainant will receive a response in writing within 20 working days of it being passed to Stage 2.
 - a SHAL may provide an explanation to the resident containing a clear timeframe for when the response will be received. This should not exceed a further 10 days without good reason.
 - a If an extension beyond 10 working days is required to enable SHAL to respond to the complaint fully, this should be agreed with the complainant.
- 3.15.3. Where agreement over an extension period cannot be reached, SHAL should provide the Housing Ombudsman’s contact details so the complainant can challenge SHAL’s plan for responding and/or the proposed timeliness of SHAL’s response.
- 3.15.4. If the complainant remains dissatisfied after Stage 2, they are entitled to refer the complaint to the Housing Ombudsman Service. The complaint can be about the actions or omission of SHAL. The Ombudsman must be of the opinion that the person complaining has been adversely affected by the actions or omissions of SHAL in respect of their application for or occupation of property.
- 3.15.5. Under certain circumstances it may be reasonable to provide compensation following the investigation of a complaint at either stage 1 or stage 2 of this policy. Please see the compensation policy for further information.
- 3.16. The Ombudsman will not investigate complaints which are made prior to having exhausted SHAL’s complaints procedure unless;
- 3.16.1. there is evidence of complaint handling failure and an unreasonable amount of time has been taken to respond;
 - 3.16.2. was not brought to the attention of SHAL within 6 months of the matter arising as a formal complaint;

- 3.16.3. concern a policy which is based on best practice unless the policy may give rise to systemic service failure;
 - 3.16.4. concerns the level of rent or service charge;
 - 3.16.5. concerns matters that are or have been subject to legal review or should be subject to legal process;
 - 3.16.6. concerns commercial or contractual relationships not connected with the complainant's application for or occupation of a SHAL property;
 - 3.16.7. concerns employment matters;
 - 3.16.8. are being pursued in a frivolous or vexatious manner;
 - 3.16.9. relate to governance process or decisions;
 - 3.16.10. do not cause significant adverse effect;
 - 3.16.11. where the complainant is seeking an outcome the Ombudsman cannot provide.
- 3.17. The following complainants are entitled to make a complaint to the Ombudsman about SHAL:
- 3.17.1. A person who is or has been in a landlord/tenant relationship with SHAL under a lease, tenancy agreement, licence to occupy, service agreement or other agreement to occupy premises owned or managed by SHAL
 - 3.17.2. If the complaint is made by an ex-occupier, they must have had a legal relationship with SHAL at the time the matter complained of arose
 - 3.17.3. An applicant for a property owned or managed by SHAL
 - 3.17.4. A representative of any of the people above who is authorised by them to make a complaint on their behalf
 - 3.17.5. A representative of any of the above who does not have the capacity to authorise them to make a complaint on their behalf. The Ombudsman must be satisfied that the representative has the legitimate authority to act on their behalf

- 3.17.6. A person who has the authority to make a complaint on behalf of a person who is now deceased
- 3.18. Changes to the Housing Ombudsman Scheme took effect from 1 October 2022, making it easier for residents to access the Housing Ombudsman service if they remain unhappy with SHAL’s final response on their complaint. The revised Scheme removes the ‘democratic filter’ following a change in the law. It means residents will no longer have to contact a designated person or wait eight weeks before referring their complaint to the Housing Ombudsman if they remain dissatisfied at the end of SHAL’s complaint process.
- 3.19. Residents can still contact their MP, local councillor or tenant panel about a complaint, but the designated person role will not be part of the Housing Ombudsman’s formal process.
- 3.20. SHAL will co-operate with the Ombudsman where local resolution is sought by mediation, arbitration or some other means and will report back to the Ombudsman on the outcome where this is required.
- 3.21. We will report on the number, nature and outcome of complaints on a regular basis (at least annually), along with tenant satisfaction with the outcome and process. We will also report on our performance against the target timescales for each stage of a complaint.
- 3.22. We will use complaints and the lessons learnt from them to review what we do, how we do it and make improvements where necessary, especially if there is a pattern to the complaints.
- 3.23. The Complaints Officer will contact each complainant following the resolution of the complaint in order to seek feedback in relation to our handling of the complaint. If the Complaint’s Officer has resolved the complaint or has been involved in its resolution, another member of the Management Team will seek feedback.

4. Outcomes

- 4.1. Customers will be fully aware of what is a complaint, how they can make one and feel comfortable in making one.

- 4.2. Complaints will be dealt with promptly and efficiently and complainants will be kept well informed of the progress of their complaint.
- 4.3. We will learn from and improve services as a result of receiving complaints and the overall level, type and handling of complaints is transparent.
- 4.4. Our performance with regards to individual complaints is transparent.

5. Consultation

- 5.1. A copy of this policy is available on our website to allow members of the public an opportunity to comment on its contents.
- 5.2. All tenants will be contacted to let them know of its availability online and a copy will be made available on request.
- 5.3. SHAL's involved tenant group will review the policy and suggest any comments and amendments to the board.

6. Equality and Diversity

- 6.1. We will treat all our customers fairly and equally. We will not, under any circumstances, discriminate against anyone because of:
 - 6.1.1. Age
 - 6.1.2. Being or becoming a transsexual person
 - 6.1.3. Being married or in a civil partnership
 - 6.1.4. Being pregnant or on maternity leave
 - 6.1.5. Disability
 - 6.1.6. Race including colour, nationality, ethnic or national origin
 - 6.1.7. Religion, belief or lack of religion/belief
 - 6.1.8. Gender
 - 6.1.9. Sexual orientation
- 6.2. We will understand the different needs of our customers and we will ensure our services are accessible to everyone and will make reasonable adjustments for people so that they can make full use of this policy and process.

7. Value for Money

- 7.1. For SHAL, value for money means delivering our purpose as efficiently, economically, equitably and effectively as possible.

- 7.2. This policy will provide value for money by ensuring that time and resources are not wasted and that SHAL uses complaints to improve its services efficiently and effectively.

8. Owner

8.1. Housing Manager

9. Version and Revisions

9.1. This policy will be reviewed every 3 year(s)

9.2. Revisions

New version	Date	Revision details
1.0	10/09/20	
1.1	18/09/20	See minutes of the Board meeting (17/09/20)
2.0	15/06/22	Timeframes for stages 1 and 2 amended in line with Complaint Handling Code and all changed to “working days”.
2.1	17/11/22	3.23 added to detail that the Complaints Officer will seek feedback on the handing of each complaint following its resolution.