

# Deptford Housing Cooperative

## Complaints Policy

### **1.0 Introduction**

This policy aims to provide clear and effective guidelines for tenants of Deptford Housing Co-operative (DHC) to make complaints and for DHC to manage the complaints effectively. We value member feedback and view complaints as an opportunity to learn how to do things better.

DHC aims to make it easy for members and stakeholders to express when they are not happy with a service we provide. There will be times when we get things wrong and we aim to respond positively to any complaints or feedback that we receive.

In order to make it easy for members to make a formal or informal complaint, we will accept complaints over the phone, in person, in a letter or by email.

### **2.0 Definition of a Complaint**

*“An expression of dissatisfaction with a policy, procedure, a service or contractual duty, lack of action by the Co-operative or those working on behalf of the Co-op that affects an individual member or group of tenants.”*

We will not restrict what people can complain about or how they chose to complain. Complaints can be raised informally or formally, and we ask that complainants specify how they would like their complaint to be recorded.

### **3.0 Legislation / Regulatory Requirements**

DHC will comply fully with legislation and our regulatory requirements in dealing with complaints and will ensure that complaints are addressed in line with the Localism Act 2011, Housing Act 1996 (Schedule 2), Equality Act 2010, General Data Protection Act 2018. Additionally, we are a member of the Housing Ombudsman Scheme and aim to comply with their complaints handling code.

The Co-operative may use its discretion when applying this policy under the Equality Act 2010 to deal with complaints we receive in a different way where individual circumstances merit this. When applying discretion, the Co-operative will demonstrate that we have applied this fairly and appropriately.

### **4.0 Objectives of the Complaints Policy**

The objectives of the complaints policy are:

- To provide an effective, accessible way for our members, housing applicants and other stakeholders to register a complaint.
- To ensure that complaints are dealt with in a courteous and efficient manner and are resolved promptly using appropriate discretion and confidentiality.
- To provide the management committee and staff with an effective framework for resolving complaints, the aim of which is to result in a positive experience for the complainant.
- To provide guidance for complainants, committee members and staff on the operation of the complaints process, including recording, monitoring and learning from complaints.

DHC will accept complaints from any person or organisation affected by a decision taken by the Coop. These include:

- Members, non-members, and ex members
- Contractors
- Consultants
- Partnership agencies or organisations
- Neighbours of the Co-operative's properties
- Housing Applicants

DHC will consider each complaint received on its own merit, however, may not record a complaint whereby:

- The concerns raised relate to something that happened more than six months previously •  
The first report of a specific problem, such as a repairs, nuisance or anti-social behaviour.
- Anonymous complaints.
- Issues relating to how the Co-operative is governed which will be addressed under the Co-op's Code of Conduct.
- A matter that has already been investigated under the complaints process.
- Cases where legal action has commenced prior to the complaint received.
- Vexatious, persistent, and abusive complaints (refer to paragraphs below).

#### **4.1 Unacceptable/Unreasonable Behaviour**

DHC reserves the right not to investigate complaints if they have reason to believe that a complainant is acting unreasonably, for instance, when a complainant;

- Displays abusive, threatening or discriminatory behaviour
- Makes repeated complaints about issues already dealt with
- Sends multiple letters or emails to the Housing Manager or Management Committee for the same concerns
- Demands confidential information that cannot be shared – such as other member details
- Repeatedly denies access to contractors when trying to resolve maintenance issues
- Behaves in such a way as to adversely affect the housing manager/ management committee's ability to run the co-operative effectively

The above is not exhaustive. In deciding whether a complainant is acting unreasonably, we will use the definitions of “unreasonable behaviour” and “persistent complaints” provided by the Independent Housing Ombudsman and Citizens Advice Bureau.

In the event that the committee considers a complainant is acting unreasonably, we may impose restrictions in the way that we handle the complaint. These restrictions may include, but are not limited to:

- Requiring that the complainant only makes contact through a third party (such as a local councillor)
- Refusing to respond to correspondence relating to specified matters.
- Terminating the complaints procedure before it is exhausted and asking the complainant to take their complaint straight to the Housing Ombudsman.

In all instances where we decide to restrict access to the complaint's procedure, we will always write to the complainant to explain our decision for doing so.

## **5.0 Complaints Officer**

DHC's Housing Manager is the designated complaints officer. The Officer may choose to ask the management Committee to assist with / carry out investigations when complaints are received.

Responsibility for handling complaints will rest with the designated officer and management committee so DHC will ensure that anyone who has responsibility for complaints handling are:

- Able to act sensitively and fairly at all times.
- Be trained to deal with complaints and to look at the complaint objectively.
- Have access to information to resolve the complaint quickly.

## **6.0 The Procedure**

### **Informal Complaint/Early Resolution**

All informal complaints will be managed by DHC's Housing Manager.

We will always encourage the early resolution of a complaint. In many cases, concerns can be resolved quickly and informally. A complaint will be designated an informal complaint (early resolution) where:

- the issue has not previously been dealt with as a complaint, and
- the problem can be resolved quickly or within **2 working days** (or within a timescale that suits the member).

If further enquiries are needed to resolve the complaint, or if the complainant requests it, the issue will be logged as a formal complaint and progress to Stage 1.

All informal complaints (early resolution) will be recorded. This includes any correspondence, reports and communication as well as a record of the resolution or its escalation to the Stage 1 process.

We will aim to respond to complaints within the timescales set out below, however, if we are unable to complete our investigation within the timeframe, we will reserve the right to extend the deadline to meet our obligations. If we extend our deadline, we will always inform the complainant of our reason for doing this and will keep them updated whilst the complaint is ongoing.

### **Stage 1**

A stage 1 complaint will be managed by DHC's Housing Manager

	<b>Action</b>	<b>Timeframe</b>
<b>Stage 1</b>	Acknowledge the complaint in writing.	Within 5 working days
	Carry out an investigation and respond to the complainant.	Within 10 working days

Members who are not satisfied with the outcome of the formal complaint process at stage 1 can request a review of their complaint. This will be stage 2.

The member would need to request a review in writing within one month of receipt of the following;

- The outcome from the Housing Manager (if no works or deadlines are outlined in the outcome)
- The date , or within one month of the date of completion of stating their reasons.

We will provide support to members to request a review where this is required. A member can only use stage 2, if one or more of the following criteria has been evidenced.

- The response received is factually inaccurate.
- Follow-on actions have not been completed as agreed.
- The response received does not address the initial complaint.
- There is evidence that the complaints process was not followed.

Any new complaints or issues not raised during the initial complaint would be dealt with separately and are not grounds for a review.

## Stage 2

A stage 2 review will be conducted by DHC’s Management Committee

	Action	Timeframe
<b>Stage 2</b>	Inform complainant of the process of administration of a review	Within 5 days of receipt of request/ decision to review
	Where a decision is made to decline a stage 2 review, we will clearly communicate in writing the reasons for not escalating this, as well as the right to approach the Housing Ombudsman about our decision.	Within 5 days of receipt of request/ decision to review
	Communicate the results of a review	Within 20 working days from the request being submitted

The decision of the Management Committee is final. They will be open and honest about what they can do and what they cannot do to meet the expectations of the complainant. When they respond to a complaint the Management Committee will set out:

- Whether or not they have upheld the complaint. They may either fully or partially uphold a complaint.
- What, if any action they intend to take.
- How long it will take them to complete the action they have promised to take.
- Whether any compensation will be paid, and how much the compensation will be.

## **7.0 Independent Housing Ombudsman Service**

At any stage of the complaints process, if the complainant is dissatisfied with our response, the complainant may refer their complaint to the Housing Ombudsman directly or via a designated person. The complainant does not have to have exhausted the complaints process before contacting the housing ombudsman. Support and advice can be given at any stage of the complaints process. Since October 2022, a complainant no longer has to use a designated person for their complaint but may chose to do so if they feel it will help their cause.

For more information about the role of the *Designated Persons or Housing Ombudsman Service* please visit <https://www.housing-ombudsman.org.uk/> or call the Independent Housing Ombudsman on 0300 111 3000.

## **8.0 Compensation**

Although we aim to provide a consistently high quality service to our members, we recognise that at times there may be delays and sometimes our services may fall short of expectations. If one of our services fails and this failure causes distress or inconvenience, we may consider offering compensation to the complainant. Compensation is discretionary.

Compensation will be considered and may be offered in the following circumstances:

- A member has experienced a loss of amenities as a result of an action (or inaction) on the part of DHC.
- A member has not been able to use a room due to disrepair, and the disrepair has resulted from an action (or inaction) on the part of DHC.
- We have failed to adhere to one of our policies and this has resulted in damage to possessions or significant distress or inconvenience.

Applications for compensation will be considered on their individual merits. Members will be expected to demonstrate that they have suffered financial loss or significant distress and inconvenience because of an avoidable service failure. When considering compensation, we will take into consideration:

- The severity of distress and degree of inconvenience.
- The duration of the service failure.
- Whether the member took steps to minimise the impact of the service failure.

Compensation will not be payable where the management committee consider that the complainant (or other persons) caused or contributed to the problem which resulted in the complaint.

In the event that a member or other person suffers personal injury as a result of an alleged failing on the part of the co-operative, the co-operative will be obliged to comply with the terms of its insurance policy. This means that we may submit an insurance claim in respect of the incident rather than register a complaint.

## **9.0 Monitoring and Reporting**

The designated Complaints Officer / Group will be responsible for keeping a record of all complaints received by the co-operative.

A file will be created for each complaint and relevant correspondence will be retained on the tenancy file of the complainant.

The management committee will report to members on complaints received at least once a year. A report will be provided to the annual general meeting which includes the number of complaints received, a summary of what the complaints were about and what action was taken. The report will also highlight the lessons learned and any changes made by the co-operative as a result of the complaint.

## **10.0 Policy Review**

This policy will be reviewed annually. It will also be reviewed if there are changes to the rules, legislation or to the regulatory framework applicable to housing related complaints.