

Complaints Policy

Title:	Complaints Policy
Person Responsible:	Director of Business Improvement
Customer consultation arrangement:	None
EIA required:	Yes
EIA Completed (date):	
Approved by:	
Approval Date:	August 2023
Links to other Policies:	None
Review Date:	August 2026

Document management		
Version	Date amended	Amendments
1	14.10.20	New policy following a self-assessment against the Housing Ombudsman's complaint handling code.
2	28.07.23	To reflect the outcomes of the self assessment on the latest Housing Ombudsman complaint handling code
3	04.10.23	Minor amendments on compensation section following Board review. Approval by Complaints Lead.
4	18.04.24	Policy amended and updated due to changes to the Complaint Handling Code and associated Legislation.

COMPLAINTS POLICY

1. Purpose and Scope

- 1.1 Lune Valley Rural Housing Association (LVRHA) is a registered provider (housing association) formed in 1989. We own and manage approx. 106 homes across a wide geography in the Lune Valley area. LVRHA is committed to providing excellent services, creating safe and sustainable communities and promoting pride in its neighbourhoods.
- 1.2 LVRHA believes that our customers have a right to be heard, listened to, understood and treated with respect. We work hard to be open and accessible to everyone.
- 1.3 We welcome feedback from our customers, including complaints and compliments and carry out regular transactional and perception customer satisfaction surveys. We also provide wider opportunities for our customers to provide feedback, shape and influence service provision, be involved in decision making and hold us to account.
- 1.4 This policy provides a framework to promote a positive culture and support strong resident-landlord relationships. It means things can be put right for customers when they have gone wrong. It will help LVRHA to develop and improve services. It follows established dispute resolution principles: to be fair, put things right, and learn from outcomes.

2.0 Regulatory and Legislative Requirements

- 2.1 This policy complies with the Regulator of Social Housing's Standards, particularly the Tenant Involvement and Empowerment Standard and the Housing Ombudsman Service (HOS) Complaint Handling Code (CHC). LVRHA Board will formally adopt the HOS CHC and we will annually self-assess against the Code, publishing the assessment.
- 2.2 Other relevant legislation and reference points include, but are not limited to:
 - Housing Acts 1985 and 1996
 - Landlord and Tenant Act 1985
 - RSH Consumer Standards
 - Housing Ombudsman Service – Complaint Handling Code, Determinations, Spotlight Reports and Guidance, Compensation Policy – Guidance for Landlords, Guidance on Pre-Action Protocol for Housing Conditions Claims and service complaints
 - Homes (Fit for Human Habitation) Act 2018
 - Defective Premises Act 1972
 - Housing Health and Safety Rating System (HHSRS) 2006

- Pre-Action Protocol for Housing Disrepair Cases (England)
- Equality Act 2010
- Data Protection Act 2018

3.0 Definitions

- Customers – includes Tenants of LVRHA and wider residents and where applicable their representatives or advocates.
- Service Request - a service request is a request from a resident to the landlord requiring action to be taken to put something right.
- Complaint - ‘an expression of dissatisfaction, however, made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.’
- Unacceptable behaviour – aggressive and abusive behaviour, harassment or actions that result in unacceptable or excessive demands on our service or refusal to co-operate with reasonable requests in that it prevents colleagues from carrying out their duties effectively. Please see LVRHA’s Unacceptable Behaviour Policy.
- Compensation - providing redress to restore a person to the position they would have been in had the service failure not occurred. Please see LVRHA Compensation Policy.

4.0 Our Approach

- 4.1 Effective complaint handling enables customers to be heard and understood and for LVRHA to put right for customers when they have gone wrong and help LVRHA to develop and improve services.
- 4.2 A service request is a request from a resident to LVRHA requiring action to be taken to put something right. Service requests are not complaints, but must be recorded, monitored and reviewed regularly.
- 4.3 A complaint is defined as ‘an expression of dissatisfaction, however, made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.’ A customer does not have to use the word ‘complaint’ for it to be treated as a complaint. A complaint that is submitted via a third party or representative will be handled in line with this policy. Customers will be given the choice if they wish to make a complaint if they are unhappy with our services.
- 4.4 A complaint will be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. LVRHA will not stop our efforts to address the service request if the resident complains.
- 4.5 An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey will be made aware of how they can pursue a complaint if they wish to. Where LVRHA ask for wider

feedback about our services, we will also provide details of how residents can complain.

- 4.6 LVRHA will accept complaints made in person, via email, telephone, letter or through any other communication channels such as the LVRHA My Account App, website or social media. Any complainants via social media will be taken offline, and the customer will be encouraged to continue their complaint either by email, telephone or letter.
- 4.7 LVRHA will accept complaints referred to us within 12 months of the issue occurring or the customer becoming aware of the issue, unless they are excluded on other grounds. We will consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so.
- 4.8 LVRHA will consider the [HOS Guidance on the Pre-Action Protocol for Housing Conditions Claims and service complaints](#) when handling disrepair cases and considering compensation.

5.0 Exclusions

- 5.1 We will consider each complaint on its own merits and consider the individual circumstances. There will be exceptional situations when a matter will not be considered as a complaint or escalated, which could include:
 - An initial request for a service e.g. first reporting a repair,
 - The issue giving rise to the complaint occurred over twelve months ago,
 - Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court,
 - Insurance matters where an insurance claim has been made and this is being dealt with by SLH insurers. Note that complaints about delays accessing the complaints procedure or other complaints not part of the insurance claim will be investigated, but not the insurance claim until those steps have been exhausted. Complaints will be dealt with by following the Housing Ombudsman's [Guidance on complaints involving insurance issues \(housing-ombudsman.org.uk\)](#) including clarity on what can be considered through the complaints procedure.
 - Matters that have previously been considered under the complaints policy,
 - On the basis that it has been pursued in a way that is unacceptable and has been dealt with under our Unacceptable Behaviour Policy,
 - Persons or bodies over which SLH has no control.
- 5.2 If LVRHA decides not to accept a complaint, an explanation will be provided to the customer setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell LVRHA to take on the complaint.

6.0 Access and Awareness

- 6.1 LVRHA will make it easy for our customers to complain by providing different channels through which customers can make a complaint. We will consider our duties under the Equality Act 2010 and endeavour to anticipate the needs and reasonable adjustments of residents who may need to access the complaints process.

- 6.2 Customers can raise their complaints in any way and with any colleague. All colleagues will be made aware of the complaints process and be able to pass details of the complaint to the Complaints Officer – the Customer Insight Partner.
- 6.3 LVRHA recognise the value of complaints and high volumes of complaints are not be seen as a negative, as they can be indicative of a well-publicised and accessible complaints process. Low complaint volumes are potentially a sign that customers are unable to complain.
- 6.4 LVRHA will make this Complaints Policy available in a clear and accessible format for all customers on our website. A copy can be provided upon request. This will detail the two-stage process, what will happen at each stage, and the timeframes for responding. The policy including information about the Housing Ombudsman Service and the HOS Complaint Handling Code will be published on our website.
- 6.5 LVRHA will give customers the opportunity to have a representative deal with their complaint on their behalf and to be represented or accompanied at any meeting with LVRHA.
- 6.6 LVRHA will provide customers with information on their right to access the Housing Ombudsman Service and how the individual can engage with the HOS about their complaint. This will be included in this policy, on our website and in complaint acknowledgement and outcome letters.

7.0 Complaint Handling Colleagues

- 7.1 South Lakes Housing Association (SLH) is a managing agent for LVRHA. SLH Customer First Team, which includes a Customer First Manager and Customer Insight Partner, will take responsibility for complaint handling, including liaison with the HOS and ensuring complaints are reported to the governing body (or equivalent). We refer to that person or team as the ‘complaints officer’. The complaints officer has access to colleagues at all levels to facilitate the prompt resolution of complaints. They have the authority and autonomy to act to resolve disputes promptly and fairly and to escalate any issues or complaints to the Director of Customer Experience if required.
- 7.2 LVRHA will promote a positive complaint handling culture and the value of learning of complaints. All relevant colleagues will be suitably trained in the importance of complaint handling.

8.0 The Complaint Handling process

- 8.1 This policy provides the framework for handling complaints. We will not treat customers differently if they complain. The early and local resolution of issues between LVRHA and our customers is key to effective complaint handling. It may be possible to provide an explanation and resolution to the customer’s satisfaction when they first contact us, such as a delay in a contractor attending an appointment by ringing the contractor, apologising and informing the customer when the contractor will arrive and if so we will record details on the system, if not we will log a complaint.
- 8.2 LVRHA has a two-stage complaints process and we will take responsibility for ensuring that any third parties handle complaints in line with this policy.
- 8.3 When a complaint is logged at Stage 1 or escalated to Stage 2, LVRHA will set out our understanding of the complaint and the outcomes the customer is seeking. This is referred to as “the complaint definition”. If any aspect of the complaint is unclear, we will ask the customer for clarification. We will be clear about which aspects of the

complaint we are, and are not, responsible for and clarify any areas where this is not clear.

- 8.4 At each stage of the complaints process, complaint handlers will:
- a. deal with complaints on their merits, act independently, and have an open mind;
 - b. give the resident a fair chance to set out their position;
 - c. take measures to address any actual or perceived conflict of interest; and consider all relevant information and evidence carefully
- 8.5 Where a response to a complaint will fall outside the timescales set out in this policy, LVRHA will agree with the customer suitable intervals for keeping them informed about their complaint.
- 8.6 LVRHA will make reasonable adjustments for customers where appropriate under the Equality Act 2010. LVRHA will keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments will be kept under active review.
- 8.7 LVRHA will not refuse to escalate a complaint through all stages of the complaints procedure unless we have valid reasons to do so as outlined in the exclusions in Section 5.
- 8.8 A full record will be kept of the complaint, and the outcomes at each stage. This will include the original complaint and the date received, all correspondence with the customer, correspondence with other parties, and any relevant supporting documentation such as reports or surveys.
- 8.9 LVRHA will ensure appropriate remedies can be provided at any stage of the complaints process without the need for escalation.
- 8.10 LVRHA has a policy and procedures in place for managing unacceptable behaviour from residents and/or their representatives. Please see the Unacceptable Behaviour Policy.

9.0 Complaints Stages

- 9.1 LVRHA have a two-stage complaints process. We will consider which complaints can be responded to as early as possible, and which require further investigation. We will consider factors such as the complexity of the complaint and whether the customer is vulnerable or at risk. Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the customer.
- 9.2 If you wish to make a complaint regarding your choice-based lettings rehousing application which is managed by the Local Authority, about the handling of an application, then complaints will be referred to the relevant Local Authority.
- 9.3 If your complaint is about your new home and or complaint is about LVRHA's managing agent then this will be considered under this policy framework. [Cumbria Choice Allocations Policy](#).

9.2 Stage 1

Complaints will be acknowledged, defined and logged within five working days of the complaint being received.

LVRHA will issue a full response to stage 1 complaints within 10 working days of the complaint being acknowledged.

If an extension to this timescale is needed when considering the complexity of the complaint we will inform the customer of the expected timescale for response. Any extension will be no more than 10 working days without good reason, and the

reason(s) will be clearly explained to the customer and they will be provided with the contact details of the Ombudsman.

A complaint response will be provided to the customer when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions will be tracked and actioned promptly with appropriate updates provided to the resident. The response will address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.

Where customers raise additional complaints during the investigation, these will be incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.

The written complaint response to the customer at the completion of stage 1 will be in clear, plain language and include:

- a. the complaint stage;
- b. the complaint definition;
- c. the decision on the complaint;
- d. the reasons for any decisions made;
- e. the details of any remedy offered to put things right;
- f. details of any outstanding actions; and
- g. details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.

Stage 1 investigations and responses will be overseen by a Manager or Team Leader.

9.3 Stage 2

If all or part of the complaint is not resolved to the customer's satisfaction at stage 1, it must be progressed to stage 2 of the procedure. Stage 2 is LVRHA's final response. Customers wishing to appeal should do so within 20 working days.

Requests for stage 2 must be acknowledged, defined and logged at stage 2 of the complaints procedure within five working days of the escalation request being received.

Customers are not required to explain their reasons for requesting a stage 2 consideration. LVRHA will make reasonable efforts to understand why a customer remains unhappy as part of its stage 2 response.

The person considering the complaint at stage 2 must not be the same person who considered the complaint at stage 1.

We will issue a final response to the stage 2 within 20 working days of the complaint being acknowledged.

If an extension to this timescale is needed when considering the complexity of the complaint we will inform the customer of the expected timescale for response. Any extension must be no more than 20 working days without good reason, and the reason(s) will be clearly explained to the customer and they will be provided with the contact details of the Ombudsman.

A complaint response will be provided to the customer when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions will be tracked and actioned promptly with

appropriate updates provided to the resident. The response will address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate. The written complaint response to the customer at the completion of stage 2 will be in clear, plain language and include:

- a. the complaint stage;
- b. the complaint definition;
- c. the decision on the complaint;
- d. the reasons for any decisions made;
- e. the details of any remedy offered to put things right;
- f. details of any outstanding actions; and
- g. details of how to escalate the matter to stage 2 if the individual is not satisfied with the response

Stage 2 is LVRHA's final response and will involve all suitable colleagues needed to issue such a response and will be overseen by a Head of Service or Director.

10.0 Putting things right

10.1 Where something has gone wrong LVRHA will acknowledge this and set out the actions it has already taken, or intends to take, to put things right. This can happen at any stage of the process, without the need for escalation. These can include:

- Apologising;
- Acknowledging where things have gone wrong;
- Providing an explanation, assistance or reasons;
- Taking action if there has been delay;
- Reconsidering or changing a decision;
- Amending a record or adding a correction or addendum;
- Providing a financial remedy;
- Changing policies, procedures or practices
- Gestures of goodwill (e.g. vouchers, chocolates, flowers).

10.2 Any remedy will reflect the impact on the customer as a result of any fault identified and take account of the guidance issued by the HOS. The remedy offer will clearly set out what will happen and by when, in agreement with the customer where appropriate. Any remedy proposed will be followed through to completion. Please see LVRHA Compensation Policy.

10.3 Reporting

10.4 LVRHA will produce an annual complaints performance and service improvement report for scrutiny and challenge, which will include:

- a. the annual self-assessment against this HOS Complaint Handling Code to ensure our complaint handling policy remains in line with its requirements.
- b. a qualitative and quantitative analysis of LVRHA's complaint handling performance. This will include a summary of the types of complaints LVRHA has refused to accept;
- c. any findings of non-compliance with this HOS Complaint Handling Code by the HOS;
- d. the service improvements made as a result of the learning from complaints;

- e. any annual report about the landlord's performance from the HOS; and
- f. any other relevant reports or publications produced by the HOS in relation to the work of the landlord

The annual complaints performance and service improvement report will be reported to our Board and published on the website relating to complaints. The Board's response to the report will be published alongside the report.

If LVRHA is unable to comply with the HOS CHC due to exceptional circumstances, such as a cyber incident, we must inform the HOS, provide information to customers who may be affected, and publish this on our website, providing a timescale for returning to compliance with the Code.

11.0 Scrutiny & oversight: continuous learning and improvement

11.1 LVRHA welcome and recognises the value of complaints and the importance of accountability and transparency and will look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from the complaint. LVRHA will also:

- use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.
- report back on wider learning and improvements from complaints to stakeholders, such as customer panels, and its managing agent.
- appoint a suitable senior lead person accountable for their complaint handling – the Director of Customer Experience, who will assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.

11.2 Governance

11.2.1 LVRHA will appoint a Board member to have lead responsibility for complaints to support a positive complaint-handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC'). The MRC will be responsible for ensuring the Board receives regular information on complaints that provides insight on LVRHA's complaint-handling performance. This person will have access to suitable information and colleagues to perform this role and report on their findings.

11.2.2 The MRC and the Board will receive:

- a. regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance;
- b. regular reviews of issues and trends arising from complaint handling;
- c. regular updates on the outcomes of the HOS's investigations and progress made in complying with orders related to severe maladministration findings; and
- d. annual complaints performance and service improvement report.

11.3 The Managing Agent

11.3.1 Will ensure all relevant colleagues receive training on the complaints policy and know how to log, investigate and respond to complaints. The managing agent has a standard objective in relation to complaint handling for all relevant colleagues or third parties that reflects the need to:

- a. have a collaborative and cooperative approach towards resolving complaints, working with colleagues across teams and departments;
- b. take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and
- c. act within the professional standards for engaging with complaints as set by any relevant professional body.

12.0 Equality, Diversity and Inclusion

12.1 LVRHA is aware of our responsibilities under the Equality Act 2010 and is committed to equality, diversity and inclusion. We will endeavour to provide a service that seeks to meet the needs of a particular individual or household and ensure no one is disadvantaged in accessing our services. We recognise that some of our customers may have permanent or transitory vulnerabilities and where customers require additional support, we will endeavour to make reasonable adjustments.

12.2 We will also take account of any known vulnerabilities and identify if any impact is worsened through for example disability, old age or the presence of young children when considering redress and/or compensation payments.

13.0 Monitoring & Review

13.1 This policy will be reviewed every three years, or where there have been significant changes to the Complaints Handling Code, regulation, legislation, operations or best practice to warrant a further policy review.

13.2 LVRHA would carry out a self-assessment if we were involved in a merger and/or change in procedures or if asked to review and update the self-assessment following a HOS investigation.

13.3 If you have any questions about this policy, please contact the managing agent for LVRHA via email, customerservices@southlakeshousing.co.uk

Summary of the LVRHA Complaints Procedure

Acknowledgment

Within 5 working days, we will contact the customer and send an email/letter to acknowledge the complaint and set out our understanding of the complaint and the outcomes the customer is seeking.

Within 5 working days, we aim to send you an email/letter to acknowledge your complaint.

Stage 1 Manager/ Team Leader Review

Investigation and full reply within 10 working days from acknowledgment. If this is not possible, an explanation and a date by when the stage one response should be received. This should not exceed

Acknowledgment

Within 5 working days, we will contact the customer and send an email/letter to acknowledge the complaint and set out our understanding of the complaint and the outcomes the customer is seeking.

Stage 2 Head of Service/ Director/ Review

Full reply within 20 working days - if this is not possible, an explanation and a date by when the stage one response should be received. This should not exceed a further 20 working days without good reason.

At the completion of each stage of the complaints process LVRHA will write to the resident advising them of the following:

- a. the complaint stage;
- b. the complaint definition;
- c. the decision on the complaint;
- d. the reasons for any decisions made;
- e. the details of any remedy offered to put things right;
- f. details of any outstanding actions; and
- g. details of how to escalate the matter if the individual is not satisfied with the response.

As part of the complaint policy, the customer shall be given a fair opportunity to:

- set out their position
- comment on any adverse findings before a final decision is made

At anytime in the process a customer can contact the Housing Ombudsman Service for advice. Once LVRHA Complaint's Policy has been exhausted, customers have the right to refer the complaint to the Housing Ombudsman Service, of which SLH is a member.

Further information is available <https://www.housing-ombudsman.org.uk/residents/make-a-complaint/>, or call on 0300 111 3000 or write to Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET.