

COMPLAINTS POLICY

1. Scope

Our complaints policy sets out how we will deal with complaints by aiming to resolve problems quickly, consistently and fairly for our residents. The policy applies to all our residents, including anyone who receives a service provided by us, and covers actions by all ISHA employees including contractors, sub-contractors and agents and volunteers.

2. Policy Statement

Our policy is that:

- We want to hear from residents when they feel dissatisfied about their home or a service provided by us or anyone acting on our behalf. We will make it easy for residents to tell us their concerns in the way that is most convenient to them.
- We welcome complaints because they are really important to us. We want to take the opportunity to fix an immediate problem, rebuild our relations with customers, learn from this and improve our services. We will always try to resolve a customer's complaint.

2.1 Definition of a complaint

We define a complaint using the Housing Ombudsman's standard definition:

“an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by ISHA, our own staff, or those acting on our behalf, affecting an individual resident or group of residents.”

2.3. We will not accept the following complaints:

- Instances where the complaint is made more than six months after the matter has come to the resident's attention unless there are exceptional circumstances as to why the delay occurred
- Matters that are being taken through ISHA's Insurance Claims procedure
- Complaints made by one ISHA resident against another resident. ISHA has a separate Anti-Social Behaviour policy to investigate such claims. However, we

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will investigate a complaint about how an ASB case or service request has been handled

- Complaints submitted anonymously – although we may still investigate the matter
- Where a complaint is already being dealt with as a complaint (unless there is new evidence/information provided regarding a closed complaint);
- Instances where the resident refuses to engage in a reasonable manner.
- Instances where the resident or ISHA has initiated legal proceedings. If we receive legal instruction or correspondence during the handling of a complaint, we reserve the right to hand over the case to our legal representative and write to inform the resident the complaint is closed.

2.4 How to make a complaint

Residents can make complaints through all our usual contact points – by ringing the ISHA number, through our website, by emailing us, or to any member of ISHA staff.

Where a resident needs help to make a complaint, we will provide support needed including encouraging (with permission from the resident) the use of a representative or advocate where appropriate

2.5 Who can complain?

Anyone who has received a service from ISHA (or those acting on behalf of ISHA) who is dissatisfied with that service.

A representative or advocate can act on behalf of a resident. They must provide signed authority from the resident. This could be a friend, relative or a representative of an external organisation such as the Citizens Advice Bureau or MIND. MPs and councillors can also act on behalf of a resident.

2.6 Resolving the Complaint

We will send written acknowledgement of receipt of a complaint within 4 working days of receipt by ISHA.

We will make our decision, and inform the complainant of that decision in writing, within 10 working days of receiving the complaint. If this time period needs to be extended, the complainant will be informed of the good reasons for that extension.

All complaints will be dealt with by our Complaints and Resolution Officer. The Complaints and Resolution Officer will contact the resident to find out more about the complaint and to investigate it.

As part of the investigation we will work with the resident to agree on a course of action and keep them updated on the progress of their complaint.

The frequency of contact between the Complaints and Resolution Officer and the resident will be agreed as part of the investigation and updates provided to the resident based on the agreement made.

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2.7 Closing the Complaint

Once all the agreed actions to resolve the complaint have been completed, the Complaints and Resolution Officer will write to the resident with the outcome of their complaint. The resident will be able to confirm they are satisfied that their complaint has been addressed and provide any further observations which ISHA could learn from.

ISHA will clearly state whether a complaint has been upheld, not upheld or partially upheld. Where the complaint contains multiple issues, each issue will be dealt with separately.

If the resident does not feel the complaint has been sufficiently resolved, they should be clear what they remain unhappy about. Where possible, the Complaint and Resolution Officer will continue to work with the customer to resolve their complaint. If this cannot be done, they should refer the complaint to Stage 2 of the complaints process.

2.8 We will not take complaints to Stage 2 of our process if:

- The complainant is vexatious or unreasonable
- The complainant does not give a reason for their continued dissatisfaction or what it is they want ISHA to do to resolve their complaint
- The complaint meets any of the points under **2.3**

Where this is the case, the customer will be notified that the complaint has now been closed, and the reasons for this. The customer retains the right to take this to the Ombudsman.

2.9 Stage 2 complaint

If a complainant remains dissatisfied, the complaint can be referred to a senior colleague for Stage 2 of the complaints process. When requesting this, the customer should outline the reasons they remain unhappy and what elements of their complaint remain unresolved.

The senior investigator will review what has been done previously. They will not reinvestigate the complaint. This Stage 2 investigation will usually involve a meeting or telephone call to fully understand why the complaint has not been resolved.

The resident will be notified of the outcome of the review within 20 days of their request for escalation, unless good reasons for this have been explained ahead of time.

During the Stage 2 review, further actions may be identified that could resolve the complaint. These actions will be carried out and the complaint closed. If there is nothing further to add and consequently the complaint has exhausted our Complaints process, the complaint will be closed.

The customer will be notified that the complaint has now been closed, and the reasons for this. The customer retains the right to take this to the Ombudsman.

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2.10 Further Options

If the customer remains unhappy with the decision after Stage 2 of our process they then have the right to go to a Designated Person (MP or Councillor) or wait 8 weeks to go the Housing Ombudsman Service.

Further options are outlined in the Appendix.

2.11 Designated person

A resident may approach a 'designated person' (introduced by the Localism Act 2011) where they are still dissatisfied after exhausting ISHA's complaints process. The following are referred to as 'designated persons':

- MP (Member of Parliament)
- Councillor
- Recognised Tenant panel

The role of a 'designated person' is to facilitate resolution of a resident's complaint. This may involve them providing advice to tenants, advocating on their behalf, discussing matters with the landlord, engaging with other designated persons or carrying out other actions.

They can also refer complaints to the Housing Ombudsman where they are unable to resolve a complaint locally or if the complainant wishes and authorises them to do so.

2.12 Complaining directly to the Independent Housing Ombudsman

Complainants may complain directly to the Independent Housing Ombudsman after exhausting ISHA's complaints process. However, they will need to wait eight weeks from the end of ISHA's Complaints process before approaching the Ombudsman.

A customer can contact the Housing Ombudsman using the details below:

Email info@housing-ombudsman.org.uk Telephone 0300 111 3000
 Online www.housing-ombudsman.org.uk Fax 020 7831 1942
 Post Exchange Tower, Harbour Exchange Square, London, E14 9GE

3 LEARNING FROM COMPLAINTS

3.1 ISHA's complaints policy is a key way for us to improve service to residents. The way complaints are dealt with will be reviewed by a Resident Complaint Panel. For information about joining the panel, please email involvement@isha.co.uk.

3.2 We will report regularly to residents on the learning and actions taken as a result of complaints received. We will do this on our website, in regular resident newsletters and in our annual Resident Report.

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4 EQUALITY & DIVERSITY

4.1 ISHA is committed to valuing and promoting equality and diversity. We recognise we have a duty to eliminate unfair treatment and discrimination in the services we provide and to promote and value respect in everything we do. We expect our staff to share these values and treat all customers with fairness and respect.

4.2 To ensure we meet this commitment we carry out Equality Impact Assessments on policies that directly affect customers and ensure we take account of equalities legislation where appropriate.

5 DATA PROTECTION AND GDPR

We are committed to protecting personal information in line with GDPR 2018

All complaints will be dealt with in line with our GDPR policies.

Third parties representing complainants will be required to provide a letter of authorisation to act on their behalf. Where there is no evidence to prove that they have been authorised to represent them in this way, we will ask for any other evidence which proves the complainant is happy to be represented by the third party.

APPENDIX

1. Further Options for a customer after a complaint has exhausted ISHA's complaint process include (depending on their original complaint issue):

First-Tier Tribunal (Property Chamber – Residential Property)

Anyone who is a landlord, tenant, freeholder or leaseholder can apply. They will consider cases regarding:

- Rent increases for fair or market rates
- Leasehold disputes e.g. variable service charges
- Leasehold enfranchisement e.g. extending a lease

www.gov.uk/housing-tribunals

A customer may want to get help and advice from the Leasehold Advisory Service before they apply to the First-Tier Tribunal. For this, they would contact the Leasehold Advisory Service.

Telephone 020 7832 2500
Website www.lease-advice.org

Alternate Dispute Resolution (ADR)

- Provides an alternative to going to court to settle disagreements.
- Methods include arbitration and mediation
- Arbitration – disagreeing parties agree to be bound by the decision of an independent third party
- Mediation – a third party attempts to arrange a settlement between the two sides

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