



Complaints Policy and Procedure

Shian Housing Association

Giving BME people equality, dignity, and hope.

	Approvals
Date approved:	30th September 2020
Date policy implemented:	1st November 2020
Date of latest review:	15th March 2024
Period for subsequent reviews:	3 years
Policy Version	Version 3 – March 2024

Complaints Policy and Procedure

1. Purpose

Shian Housing Association Ltd is committed to providing high-quality customer services. Shian welcomes complaints and compliments from anybody who has received a service from Shian HA. We welcome and value this feedback because, without it, we would not be able to learn from and correct our mistakes; similarly, it is good to know when we have got the service right.

2. Legal Obligation

The policy will comply with the Housing Act (1996 – schedule 2), General Data Protection Act (GDPR) (2018), Equality Act (2010), Housing Ombudsman’s Complaint Handling Code and the RSH Tenant Involvement and Empowerment Standard as well as our internal policy and procedures.

It is important that customers understand and appreciate that Shian HA will treat all complaints in the utmost confidence, complying with all aspects of the General Data Protection Act (2018). This policy is compliant with the requirements of our Regulators and both the Housing Ombudsman’s Service Complaints Handling Code and the Regulator for Social Housing’s Transparency, Influence and Accountability Standard.

3. Shian’s Commitment

We will ensure complaints are handled quickly and efficiently, making sure any changes to the service required are put in place.

All complaints will be monitored to ensure that we are being fair, putting things right and learning from outcomes. An annual report produced by our Operations Director for complaints will be shared with residents, the Scrutiny Panel, and the Board.

All complaints will be conducted in an impartial manner. The complaints handler will:

- Deal with complaints on their own merit.
- Act independently and with an open mind.
- Take measures to address any actual or perceived.

4. What is a Complaint?

An expression of dissatisfaction, however, is made, about the standard of service, actions, or lack of action by the landlord_its own staff, or those acting on its behalf, affecting an individual resident or group of residents.

Where a resident is reporting an issue for the first time, landlords may consider this as a service request. The landlord would be expected to respond by arranging appropriate action and ensuring this is delivered. This would not be recorded as a complaint and the resident must be informed that their concern has been handled as a service request.

Where a resident is reporting a concern for the second time, the issue is significantly affecting them, landlords would be expected to record this as a complaint.

Any service request will be processed in line with relevant policy and procedure and the prescribed timescale.

5. What can I complain about?

A resident can complain about things like:

- Delays in responding to your enquiries and requests.
- Failure to provide a service either by Shian or a 3rd party commissioned by Shian.
- Our standard of service or that of a 3rd party commissioned by Shian
- Failure to follow our policy or procedure.
- Treatment by or attitude of a member of staff or 3rd party representative commissioned by Shian
- If you express dissatisfaction with a service request, this will automatically be raised as a formal complaint.

If a complaint is made about a service failure of a 3rd party commissioned by Shian, this will be investigated internally using the procedures outlined in this Complaints Policy.

6. Complaint Procedure

A customer does not have to use the word “complaint” in order for it to be treated as such. A complaint made by a third party or representative on behalf of a customer will still be handled in accordance with this Policy.

A complaint about anti-social behaviour from a Shian HA resident would not be regarded as a complaint unless the complaint is about Shian HA’s handling of the anti-social behaviour service.

Shian HA recognises that not everybody is willing or able to make a complaint: some people may just be wishing to clarify their understanding of a matter or be listened to. If a customer does not receive a satisfactory answer to a query, the staff member concerned should escalate the matter as a complaint, and customers have the right to do that in any case.

7. Who can Complain?

Anyone can make a complaint about Shian HA’s service. We will accept the complaint unless there is a valid reason not to do so (please refer to section on exclusions below). Details on how to complain are set out below with further details contained within Shian HA’s Guidance on How to Make a Complaint.

Complaints that are submitted via an authorised third party, or representative, such as an MP, will still be handled in line with our complaints policy.

We can take complaints from a friend, relative, or an advocate if the customer has given them your written consent to complain on their behalf and or accompany them to any meeting.

8. How to make a Complaint

Complaints should be made to any member of the staff team, who will then decide who is the best person to handle the complaint. The complaint will then be logged, referred, and monitored for quality assurance purposes. Complaints can be sent to the Shian by email, in writing, by telephone, in person or through Shian HA’s website or social media.

9. Contact Details

Shian Housing Association Ltd
76 Mare Street
Hackney
London E8 3SG
Tel: 0208 985 7120
SMS: 07535 269269
Skype: shianha
Email: housing@shian.org.uk
Website: www.shian.org.uk

Should a negative comment be received on social media, we will respond with a direct/private message to request further information and to advise the reviewer of our complaint's procedure.

10. How long do I have to make a complaint?

Normally, you expect you to make your complaint within 12 months of:

- The event you want to complain about, or
- Finding out that you have a reason to complain, as mentioned previously but no longer than **12 months** after the event itself.
- Where we receive a complaint outside of this timescale, we will ask the complainant why they did not make it within the timescale above. Subject to the response, we may use our discretion to accept or reject the complaint. We will advise the complainant of their right to refer a rejection to take up the complaint to the Housing Ombudsman Services.

11. How will the Complaint be handled?

There are two stages in our complaint procedure: Stage 1 Frontline Resolution and Stage 2 Resolution. We aim to provide our service to the following timescales:

- Formal acknowledgement from a complaint handler – within 5 working days.
- Stage 1 response following formal acknowledgement – within 10 working days.
- Stage 2 review following receipt of request – within 20 working days.

Stage 1 complaints will be dealt with at a frontline officer level, who will endeavour to resolve the complaint within **10 working days** of the acknowledgement.

If we identify that we are likely to miss the agreed timeframe for handling the complaint, we will explain the reasons at the earliest opportunity, and provide you with the proposed timeframe which should not be more than a further **10 working days**. In addition, we will give you details on how to contact the Housing Ombudsman Services.

In responding to the complainant, we will provide a clear explanation of how the complaint can be escalated to Stage 2 of the procedure if the customer remains dissatisfied, and we will set out the timeframe for this, which will be within **30 working days** from receipt of the concluding letter.

Stage 2 complaints, will be dealt with at a Manager or Director. But in any event, it will not be dealt

with by the same person who investigated the Stage 1 complaint who will consider requests to escalate a complaint where the complainant expresses that they remain unhappy with the stage 1 response. We will not unreasonably decline any request for escalation.

We may request the complainant to provide additional information to support the request to escalate to **Stage 2**.

If a complaint is declined to escalate to **Stage 2**, we will set out the reasons for declining the escalation.

- Formal Stage 2 acknowledgement from a complaint handler – within 5 working days
- Stage 2 Resolution and response following formal acknowledgement – within 20 working days

The complaint handler will endeavour to resolve the complaint within **20 working days** of the acknowledgement.

If we identify that we are likely to miss the initial timeframe for handling the complaint, we will explain the reasons at the earliest opportunity, and provide you with the proposed timeframe which should not be more than an additional **20 working days**. In addition, we will give you details on how to contact the Housing Ombudsman Services.

If a complainant raises additional complaints during the investigation, these will be incorporated into the Stage 1 response if they are relevant, and the Stage 1 response has not been issued. Where the additional complaints are not relevant, or the Stage 1 response has been issued, or it would unreasonably delay the response, the complaint will be logged as a new complaint.

Shian HA endeavours to keep complainants updated and to respond within the timescales set out within this policy. If, for whatever reason, Shian HA is unable to resolve the complaint in the above timeframes, we will contact the complainant in writing to set out what we intend to do to resolve the complaint, and by when, with new timescales for response.

We will seek the agreement of the complainant to this plan however if an agreement is not reached, the complainant can contact the Housing Ombudsman Services on the receipt of the notification of the extended timescale from Shian.

If the extended timeframes set out are not adhered to, the customer is able to escalate the complaint and will be provided with the Ombudsman's contact details.

12. Taking a Complaint to the Housing Ombudsman

Customers can approach the Housing Ombudsman for guidance and support at any stage of the process. We make this clear within our information for customers.

If the customer has exhausted our internal complaints process, they can approach the Housing Ombudsman to request a review of our complaint handling.

We have a duty to cooperate with the Housing Ombudsman, which includes providing requested evidence within a 15 working day timescale.

13. Key questions when considering remedies.

Questions that may help us to decide what an appropriate remedy to a complaint include (but are not limited to) the following:

- What has gone wrong?
- Can it be put right – what actions could be taken to remedy the situation?
- What would the complainant like to happen?
- How has the complainant been adversely affected?
- Is there an actual quantifiable financial loss – for example, has the complainant incurred costs as a result of what happened, or not received payment that they should have?
- What other impacts have there been? (for example, distress caused)?
- Did the complainant's actions or inactions, or those of a third party (for example a complainant's advocate), contribute to what happened in the case?
- What remedy would be proportionate, appropriate, and reasonable in the circumstances of the case?
- Did we comply with the relevant internal policy and procedure?

14. Complaints taking too long to resolve

If a customer considers that their complaint is taking too long to resolve, we will offer an escalation of the complaints procedure and we will provide them with the details of the Housing Ombudsman.

Where the outstanding issues involve undertaking work which may take weeks or months to complete, we will inform the complainant of the timescale for the works to be completed and will track and action the outstanding work, providing regular updates to the complainant.

If these timescales are further delayed, we will advise the complainant of this as soon as possible, and inform them of the reason(s) for the delay.

If they are unhappy with the changes, we should agree with the complainant whether a new complaint should be opened or if **Stage 1** should be re-opened and escalated to Stage 2.

15. Goodwill Compensation Payment

We will also consider how any redress offered takes into account the impact of the time taken to resolve these issues. We will consider this on a case-by-case basis in dialogue with the complainant.

When offers of compensation are made, we will refer to our Compensation and Goodwill Policy & Procedure.

We acknowledge that accepting compensation from us at the final stage of the internal complaint procedure does not prevent the complainant from being able to escalate their complaint to the Housing Ombudsman Services. The Complainant will be advised of this in our documentation relevant to processing payment(s).

16. What can't I complain about (Exclusions)

There are some things we can't deal with through our complaint procedure. We will not normally accept complaints or offer escalation to the next stage of our internal complaints procedure in the following circumstances:

- Where the problem is a recurring issue, and we consider we have previously resolved the matter.
- Where a complainant is not engaging with us and failing to provide relevant information relating to their complaint and no vulnerability or support needs are identified.
- Where legal proceedings have started and the issue has been listed for a court hearing.
- Where the complainant is behaving unreasonably and has not given any reasons for their conduct.
- Where complaints involve a personal injury claim or third-party liability claim. These are not dealt with under this process. Instead, they would be passed to our insurers or solicitors.
- Where events that happened more than 12 months ago, unless there are good reasons to accept complaints beyond this period.
- Where complaints are about our policies and procedures where our policy and procedures have a separate right of appeal against the decision.
- Where an issue is in court or has already been heard by a court, a tribunal, or The Housing Ombudsman

If we decide not to accept a complaint, for any of the above or any other reason, we will explain why in detail, and the customer will have the right to challenge this decision by bringing the matter to the relevant Housing Ombudsman Service.

17. Closing Complaints

A complaint will be considered closed when Shian HA has written to the complainant outlining what we have done or propose to do to resolve the complaint. Shian HA will give the customer a further opportunity at this stage to provide feedback to Shian, or to escalate the complaint accordingly.

When writing to the complainant to confirm the outcome of a complaint, we will clarify:

- The complaint stage
- The definition of the complaint
- The decision on the complaint
- Apology for the fact that a complaint has been made or on the substance of the complaint
- Provide an explanation, assistance and reasons for our decision
- The detail of any remedy, financial or otherwise, offered to put things right
- Acknowledgement of any failures
- Details of any outstanding actions taken or still required to put things right
- Anything we have learnt from the complaint
- Details of how to escalate the complaint
- If it is a Stage 2 complaint, the reasons for reconsidering or changing a decision
- If we have to amend a record or add a correction or addendum
- If as a result of the Complaint, we have made changes to any policies, procedures or practices.

Any remedy offered to resolve a complaint will set out clear timescales for actions and will be followed through to completion. Any outstanding actions following the closure of the complaint will be tracked and monitored until completed.

We will address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law, and good practice where appropriate.

18. What happens after stage two of our complaint procedure?

If a customer remains dissatisfied with the response at stage 2 of the procedure, they are able to refer their complaint to the Housing Ombudsman Service. The Ombudsman's contact details will be provided in the concluding letter to the complainant.

The Housing Ombudsman Service **cannot** normally look at:

- Events that happened more than a year ago
- A matter that has been previously addressed by the Housing Ombudsman Services or is being considered in court.

Housing Ombudsman Service
2nd floor 10 South Colonnades
Canary Wharf
London E14 4PU
info@housing-ombudsman.org.uk
Or you can telephone them on: 0300 111 3000
<http://www.ombudsman-housing.org.uk>

19. Vexatious complaints

If a customer displays behaviour that Shian HA consider to be unreasonable or is making unreasonable demands, we will refer to our Unacceptable Behaviour Policy procedure. This provides guidance on what types of behaviour are vexatious and advises colleagues on what action to take in this situation.

For vexatious complainants, we will consider their complaint on a case-by-case basis in dialogue with the complainant. We will acknowledge their complaints but may not investigate the complaint if we have dealt with similar complaints in the past. We reserve the right to communicate with vexatious complainants in writing, via a nominated advocate or a representative. We may also at our discretion restrict our services in other ways, should we deem the behaviour of a customer or complainant to be unacceptable. We reserve the right to determine what is unacceptable.

20. Representation and Support

If customers are not comfortable or confident in making a complaint, we will signpost them to other organisations, such as Citizens Advice and any other appropriate agencies who may be able to

advise and provide support with making a complaint.

If a customer does not have the mental capacity to make a complaint, we will accept complaints from an advocate, an Independent Mental Capacity Advocate (IMCA) or Legal Representative.

21. Zero Tolerance

Shian will ensure any threats of violence and or aggression towards staff members and contractors are met with zero tolerance. We will not tolerate any threats, abuse, aggression, discriminatory behaviour, or violence towards our colleagues and contractors. If a person behaves in this way towards those working for or on behalf of Shian, we will take immediate action, which may also include a legal remedy.

Perpetrators may be:

- Reported to the police
- Limited to specific channels for communicating with us
- Banned from attending Shian office or have services temporarily withdrawn while we put measures in place to protect staff members and contractor.

22. Equality and fairness

We have produced an accessible guide to our Complaints Policy and our Guidance on How to Make a Complaint, which is available to view on our website.

We aim to treat all complainants fairly and equitably, in a non-discriminatory manner and without prejudice. We seek to embed equality, fairness, inclusivity, diversity, and respect in our complaints handling policy and processes.

We recognise that some of Shian HA's customers may wish to be represented by a Power of Attorney or advocate.

23. Reasonable adjustments

We are committed to making our service easy to use for all members of the community. Shian acknowledges its duties under the Equality Act 2010 (the Act). Whilst the Act does not define what is a 'reasonable adjustment,' the Equality and Human Rights Commission recommends consideration of the following factors in determining what is 'reasonable':

- How effective the adjustment will be in avoiding the disadvantage the customer would otherwise experience.
- The practicality of the adjustments
- The extent of any disruption the adjustments might cause
- The financial and other costs of making the adjustment
- The amount of resources already in place
- The availability of financial support or other assistance.

Where Shian is notified of a condition or situation disadvantaging a customer, or other household members, we will seek to make reasonable adjustments to delivery of services. Shian will review each case based on the facts presented and in full consideration of Shian's Vulnerability Policy and Aids and Adaptations Policy. Shian will not make assumptions about customer requirements for

reasonable adjustments or what those adjustments might be.

Shian will endeavour to agree and deliver adjustments in a reasonable and mutually agreeable timescale.

24. Monitoring and learning from complaints

All Stage 1, Stage 2 and complaints made to the Housing Ombudsman Service will be monitored by Shian HA's Operations Director for complaints.

A report giving an overview of complaints received and learning from them will be taken to the Board on a quarterly basis. A designated Board member will be responsible to ensure any service improvement or learning as a result of complaints made to Shian HA is implemented. This would be the Vice-Chair of the Board.

An annual report containing details of complaints performance, and service improvements made will be published in June each year. The annual report will be made available to Shian HA's Residents, the Scrutiny Panel, and the Board and on the website.

We will review any feedback to help us learn from the complaint and contact customers who remain dissatisfied to ensure they are aware of how to pursue their complaint if they wish to.

25. Compliments

Any compliment received should be passed onto our Operations Director who will ensure that relevant staff member(s) receive(s) it. The team will also record all compliments and include these in their regular reporting to Shian HA Security Panel Residents' Group, and the Board.

26. Compensation

Where we have found through our investigation that we are at fault, compensation can be made in a form of rectification of the complainant's complained about and or goodwill gesture. In some cases compensation will also be appropriate in the form of a financial contribution to our customers are used to offset rent or other debt in the first instance.

Reimbursements, such as for a replacement product, or where a customer has incurred additional expense, are paid regardless of arrears on a rent account.

Examples of when the complainant's own actions might mitigate the extent of any compensation being considered;

- Failure by the complainant to communicate clearly with the landlord.
- Failure to bring individual matters to landlord's attention within a reasonable time frame.
- Refusing help to make a coherent complaint.
- Failing to respond to contact from the landlord.
- The dispute is about repairs, but the complainant has repeatedly refused to allow access to inspect the property and assess the extent of work needed.

Where the complainant's behaviour in pursuing their complaint becomes unreasonable, such as pursuing the matter unreasonably or excessively.

27. Self-Assessment

We will self-assess our performance against the Housing Ombudsman's Complaint Handling Code and publish this assessment on an annual basis. This can be found on our website. The self-assessment will be made available to, and reviewed by the Board.