

<b>Complaints Policy</b>	Revised Draft: 1 Author: Melanie Brennan Date: 18 March 2024
--------------------------	--

## **Complaints Policy**

### **1. Introduction**

Lewisham Family Co-operative Association (LFCA) value what our members tell us, even when they are telling us that they are dissatisfied. This means that we see complaints as an opportunity to learn how to do things better.

We aim to make it easy for our members and any other person to tell us that they are unhappy with the service we are providing. We recognise that there will be times that we get things wrong and when this happens, we will respond positively to any complaints or feedback that we receive.

To make it easy for members to tell us they are dissatisfied or to make a formal complaint, we will accept complaints over the phone, in person, in a letter or by email.

### **2. Service request or complaint?**

For this policy we have chosen to adopt the definition used in the 'Complaints Handling Code 2024' (Housing Ombudsman, 2024).

**Definition of a service request:** *"a request by the resident to the landlord requiring action to be taken to put something right."*

**Definition of a complaint:** *"A formal expression of dissatisfaction, however made with a policy, procedure, a service or contractual duty, lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents."*

If a member expresses dissatisfaction whilst their service request is being processed, the matter will be raised as a formal complaint at stage one of the complaints process. For this policy, dissatisfaction raised in response to member surveys will not be recorded as a complaint, however, we will inform our members of their right to have us treat their concerns as a formal complaint should they wish us to.

Adopting this approach will ensure that we do not restrict what people can complain about or how they do it. We will only require our members to specify how they would like their concerns recorded.

### **3. Legislation / Regulatory Requirements**

LFCA 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; Regulator of Social Housing Consumer Standards (2024); Awaab's Law; Social Housing Regulation Act 2023; and the Housing Ombudsman Complaint 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 their discretion, the Co-operative will demonstrate that they have applied it fairly and appropriately.

#### **4.Objectives of the Complaints Policy**

The objectives of the complaints policy are:

To provide an effective, accessible way for our members; housing applicants; and others 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 that result in a positive experience for the complainant.
- To provide guidance for complainants, advocates, committee members and staff on the operation of the complaints process, including recording, monitoring, and learning from complaints.

LFCA will accept complaints from any person or organisation who are affected by a decision taken by us which includes, but is not limited to: residents, or the residents' representative; contractors; consultants; partnership agencies / organisations; and housing applicants.

LFCA will consider each complaint received on its own merit; however, we will not usually record a complaint whereby:

- The concerns raised relate to something that happened more than twelve months previously,
- The first report is a service request such as: repairs; nuisance or anti-social behaviour.
- The complaint is anonymous; however, we will consider the matter raised and make changes to service provision where appropriate.
- The matter has already been investigated under the complaints process.
- The issue relates to the governance of the Co-operative which will be addressed under the Code of Conduct policy.
- Legal action commenced prior to the complaint received.
- We can demonstrate unreasonable behaviour through persistent, and abusive complaints received (refer to paragraphs below).

LFCA reserves the right not to investigate complaints if they have reason to believe that a complainant is acting unreasonably: for instance, because they are abusive, making repeated complaints about the same subject; sending multiple letters or emails to committee members / managing agent; or otherwise behaving in such a way as to adversely affect their ability to run the co-operative. In these instances, the Co-operative may conclude that the complainant is acting 'unreasonably'.

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 (Housing Ombudsman, n.d.)

We will always try to resolve the issue of unreasonable behaviour informally, however if this approach is not successful, we will adopt a formal approach.

If we consider that a complainant is demonstrating unreasonable behaviour we may impose restrictions on 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.
- Refusing to respond to correspondence relating to specified matters already addressed.
- Terminating the complaints procedure before it is exhausted and asking the complainant to take their complaint straight to the Ombudsman.

## 5. Complaints Officer

LFCA will appoint a designated person / group who will be responsible for handling complaints. We may choose to ask the managing agent to assist with / carry out investigations when complaints are received.

Responsibility for handling complaints will rest with the designated person / group appointed and we will ensure that anyone who has responsibility for complaints handling:

- Can act impartially, sensitively, and fairly.
- Are trained to deal with complaints and to look at the complaint objectively.
- Have access to information to resolve the complaint quickly.

## 6. The Complaints Process

We will aim to respond to complaints within the timescales set out, 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 we will try to keep any extension to a maximum of 10 working days unless we know that we will not have the relevant information to respond to in this timeframe. Where this is identified, we will keep the complainant updated whilst the complaint is ongoing.

Stage	Action	Target Time
1.	<p>We will:</p> <ul style="list-style-type: none"> <li>• Acknowledge your complaint.</li> <li>• Investigate and respond to your complaint.</li> </ul> <p>If you are not satisfied with the response, we will give you the opportunity to progress your complaint to stage two of the complaints process.</p>	<p>Within 5 working days Within 10 working days</p>
2.	<p>We will:</p> <ul style="list-style-type: none"> <li>• Acknowledge your complaint.</li> <li>• Investigate and respond to your complaint.</li> </ul> <p>We will give the complainant the choice of taking their stage 2 complaint to a general meeting for a decision or refer the complaint to an independent organisation to investigate the matters raised. If we use an independent organisation, we will ensure that they work in accordance to our policy when investigating the complaint.</p>	<p>Within 5 working days. Within 20 working days.</p>

We will be open and honest about what we can do and what we cannot do to meet the expectations of the complainant. If we identify a failure in our service as a result of a complaint received, we will acknowledge this. When responding to the complaint we will set out:

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

If our actions or in-action has led to the complaint, we may: offer an apology; reconsider a previous decision; or change our policies, procedures, or practices.

If at the end of the process, the complainant remains unhappy with the outcome of their complaint they will be informed of the next stage in the process which will be for them to raise their complaint with the Housing Ombudsman.

LFCA will fully co-operate with the Housing Ombudsman's requests for evidence to investigate the complaint further and will provide information within 15 working days of receiving the request. If we cannot provide a response within this timeframe, we will explain why we cannot fulfil our obligation.

For more information about the role of the Housing Ombudsman Service please visit [www.housingombudsman.org.uk](http://www.housingombudsman.org.uk) or call them on 0300 111 3000.

## **7. 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; however, compensation will not be automatic.

Compensation may be offered in the following circumstances:

- A member has experienced a loss of amenities because of an action (or inaction) by us.
- A member has not been able to use a particular room within their property due to disrepair, and the disrepair has resulted from an action (or inaction) on our part.
- 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 may be asked to tell us how they have suffered financial loss or significant distress and inconvenience because of the service failure. When awarding compensation, we will take into consideration: the severity of the distress and degree of inconvenience; the duration of the service failure; and whether the complainant took steps to minimize the impact of the service failure.

Compensation will not be payable where we consider that the complainant (or other persons) has caused or contributed to the problem which led to the complaint being raised.

If a member or other person suffers personal injury because of an alleged failing on the part of the co-operative, LFCA will be obliged to comply with the terms of its insurance policy. This means that we may submit an insurance claim in addition to raising a formal complaint.

## **8. Monitoring, Reporting, Communication and Learning**

The designated complaints officer / group will be responsible for keeping a record of all complaints.

A file will be created for each complaint received and relevant correspondence will be retained.

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 because of the complaint.

LFCA will make their complaints policy format accessible for all its members and copies of the policy will be provided where requested or on the website if feasible. Communication sent to members about their complaints will be sent using plain language and will include evidence that they have relied on when reaching their decision. Decisions will be based on legislation, policy, regulation, and 'good practice'.

The designated complaints officer / group will provide monthly reports to the management committee and an annual report to the membership on lessons learned from complaints received and improvements or amendments made to service provision as a result.

## **10. Policy Review**

This policy will be reviewed annually against the Housing Ombudsman Complaint Handling Code. It will also be reviewed if there are changes to the rules, legislation, regulatory framework or 'good practice'.

---

## **References**

- Housing Ombudsman, 2024. *Complaint Handling Code 2024*. [Online]  
Available at: <https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/complaint-handling-code-2024/>  
[Accessed 9 February 2024].
- Housing Ombudsman, n.d. *Managing unacceptable behaviour*. [Online]  
Available at: <https://www.housing-ombudsman.org.uk/landlords-info/guidance-notes/managing-unacceptable-behaviour-policy/>  
[Accessed 6 March 2024].