



COMPLAINTS POLICY

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Complaints Policy

1 Introduction

Leeds Jewish Housing Association (LJHA) is committed to the provision of a high-quality service to all of our customers, and every member of staff is responsible for delivering that service.

We welcome complaints, comments, suggestions and compliments and we use customer feedback as an opportunity to learn about what we are doing well and where we need to improve. This helps us to improve the services we deliver.

2 Scope

This policy covers occasions when residents or applicants are dissatisfied with the level or type of service they have received and wish to make a complaint, whether formally or informally.

3 Purpose

To have a process in place that is clear, simple and accessible so complaints are resolved promptly, consistently and fairly, in compliance with all regulatory and statutory requirements.

4 Defining a complaint

Following the introduction of the Housing Ombudsman's complaint handling code in September 2020, a **complaint** is universally defined as:

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

Staff are trained to recognise the difference between a concern (pre-complaint), service request, enquiry and a formal complaint. Staff are encouraged to take appropriate steps to resolve the issue for residents as early as possible.

A **concern** (pre-complaint) is when we are initially advised of a problem and are given the opportunity to put things right in a short space of time. Many problems can be resolved by staff without the need to refer the matter as a formal complaint. These are known as “concerns (pre-complaint)” and are recorded and monitored proactively, as with formal complaints.

An **enquiry** is when a customer contacts us to ask about something concerning their home or tenancy. For example, a customer might ask for information about their rent account, or to query or clarify something on their rent statement. This is not a complaint. If we fail to provide or clarify this information, then this could become a complaint.

A **request** is when a customer contacts us to do something to their home or tenancy. For example, a customer may ask for a repair to their home. This is not a complaint. If we fail to carry out the repair, then this could become a complaint.

A **comment or suggestion** is when a customer expresses an idea or opinion on an aspect of their home, tenancy, or in relation to the wider day-to-day running of LJHA. This is not a complaint. If we fail to acknowledge or respond to a comment or suggestion with respect, then this could become a complaint.

We will ensure that customers are aware of how we are deciding to record any of the above, and ensure that they are in agreement with this.

There are a number of exceptions to when we will not initialise the Complaint procedure and these are:

- The issue of the complaint occurred over six months ago (where the problem is a recurring issue, LJHA will consider any older reports as part of the background to the complaint if this will help to resolve the issue for the resident).
- The matter has already been considered under the complaints policy.
- A resident complains about the behaviour of another resident. This may be dealt with under LJHA'S anti-social behaviour policy. This policy is available on our website at www.ljha.co.uk or you can request a copy by contacting us on 0113 320 7777 or by email at info@ljha.co.uk.
- A resident complains about their level of rent and service charge e.g. they are unhappy with the amount of increase rather than believing it has been incorrectly calculated. **However, a leaseholder or tenant can appeal a service charge to the First-Tier Tribunal or the Leasehold Advisory Service.** More information can be found at <https://www.justice.gov.uk/downloads/tribunals/residential-property/rent-assessment-guidance.pdf> or at <https://www.justice.gov.uk/tribunals/residential-property#leasehold>
- The issue is subject to legal action or to an enforcement notice or other statutory notice (LJHA will ensure that residents are not left without a response for lengthy periods of time).
- The complainant refuses to reasonably engage with LJHA/ the process after making the complaint, is abusive to staff or acts unreasonably.
- Several related complaints are made which would be more effectively dealt with together rather than on an individual basis. However, in this instance the complaints will be logged, although the policy timescales may not apply depending upon the components to be investigated.
- If a complainant is rude or non-co-operative during the complaint's procedure.

We consider these exclusions to be fair and reasonable to residents.

LJHA reserves the right to refuse to deal with complaints, or to deal with them differently, if they are pursued unreasonably or could be handled more effectively in a different manner. Additionally, a complaint will not be re-opened at the complainant's request if, after review by LJHA, it is established that no new evidence relevant to the complaint has been provided.

5 Policy Aims and Objectives

We aim to resolve all concerns (pre-complaints) and complaints as quickly as possible. LJHA wishes to ensure that at each stage of the complaint, it is dealt with objectively and that we apologise where LJHA is at fault. We will compensate people in line with our compensation policy where it is warranted.

We aim to respond formally to all concerns (pre-complaint) and complaints in writing within 10 working days of a complaint being received. Where a resident / applicant remains dissatisfied with the service, they can ask for a review by the appropriate Manager, Director, or where applicable, the Chief Executive.

For all complaints, the complainant is provided with a named person responsible for their complaint who is their point of contact throughout the complaint. LJHA has a lead “complaints officer” who oversees all service requests (pre-complaint) and complaints; this is the HR & Resources Manager. Contact details are found below under ‘making a complaint’.

The complaints officer role is to ensure that complaints handling works well. The role is to ensure that LJHA:

- acts sensitively and fairly
- staff are trained to receive complaints and deal with distressed and upset residents
- enables access to staff at all levels to facilitate quick resolution of complaints
- staff have the authority and autonomy to act to resolve disputes quickly and fairly.

LJHA will learn from mistakes and we will publish information about complaints each year, including their number and nature, and the outcome of the complaints.

We are mindful of our duties as outlined in The Equality Act 2010, to make reasonable adjustments for individuals with disabilities. We will make reasonable adjustments where necessary for those people with protected characteristics, to ensure that we provide the same services, as far as is possible, as residents who are not disabled. In respect of a complaint, this may mean allowing additional time to provide information, respond to enquiries etc. If you would like us to consider any reasonable adjustments to enable you to make a complaint please contact the complaints officer. Contact details are found below under ‘making a complaint’.

6 Making a complaint

If it is mutually agreed for LJHA to deal with a concern (pre complaint) without initialising the formal complaints procedure then as part of that process the member of staff dealing with the complaint should:

- clarify what did happen
- ascertain what should have happened
- identify what was the cause of any identified failings
- identify what can be done to resolve the problem.

We want to make our formal complaints process as easy to access and understand as possible.

We therefore provide several ways for residents to make a complaint:

- Email using info@ljha.co.uk (available for use 24/7)
- In writing to Stonegate Way, Queenshill Avenue, Moortown, Leeds LS17 6FD
- Telephone by calling 0113 320 7777

- In person by visiting the office at Stonegate Way, Queenshill Avenue, Moortown, Leeds LS17 6FD (due to current Covid 19 restrictions please telephone us first to make an appointment)
- In person, speaking to a LJHA staff member on site
- Via social media platforms Twitter and Facebook.

Where initial concerns or complaints are made via social media platforms, these will be responded to by either telephone, email or letter so as to uphold confidentiality.

We will adapt our normal policies, procedures, or processes to accommodate an individual's needs as much as possible, where it is reasonable to do so.

A resident may make a concern (pre-complaint) initially; if they are dissatisfied with the response / action, they may choose to escalate this to a complaint.

LJHA has 2 stages to our formal complaint's procedure:

- Stage 1 – investigation of the complaint: The investigation is usually carried out by the member of staff appropriately placed to deal with the area of complaint raised, and is overseen by the "complaints officer". There are also occasions when the complaints officer will carry out the stage 1 investigation.

The target time for responding to complaints is 10 working days from the receipt date. It may not always be possible to complete all agreed actions within this time period, but the formal response would advise of any target completion date. We will, however, keep in touch by telephone or other means, to let the complainant know the progress of the complaint.

- Stage 2 - reviewing the decision: If the complainant is not happy with the outcome of Stage 1, the complainant should contact the complaints officer, stating why the outcome is not acceptable. This can be carried out in several ways, as listed in "how to make a complaint" above. The contact must be made within 20 working days of receipt of the outcome letter in Stage 1, otherwise we will consider the matter closed.

The complaints officer will review the decision in consultation with a member of the Management or Executive Management Teams. A formal response will be sent within 20 working days of the request for review being received. Should the complaints officer have investigated stage 1 then the appropriate details will be given with the outcome as to who to direct any stage 2 complaint to.

There is no appeals process. If a resident remains dissatisfied with how their individual situation has been handled and/ or with the outcome, they can contact the Housing Ombudsman.

LJHA will cooperate with the Housing Ombudsman's requests for evidence and provide this within 15 working days. If a response cannot be provided within this timeframe, we will provide an explanation for the delay. And if accepted as reasonable, the Housing Ombudsman will agree a revised date with us.

In cases where the complaint involves the complaint officer, a member of management or the Executive team then the complaint will be directed to the Board.

Anonymous complaints are not dealt with through this complaints policy. However, depending on the nature of the complaint, it may be necessary to investigate the matter to protect the Association's interest.

Complaints from groups of tenants will be accepted. The response will be sent to all members of the group who are named in the complaint.

We reserve the right to deal with complaints in an alternative way (outside the normal procedures) if circumstances require this. In such a rare case, the Association records why the complaint has been dealt with differently and informs the complainant accordingly.

We also reserve the right to extend the timescales detailed in stage 1 and 2 should the complaint be in regard to a complex issue, taking into account the size and resources of the association. If this is the case then the complainant will be updated regularly and the communication channels will be made clear.

7 The Housing Ombudsman Service

LJHA hopes that any complaints are resolved at Stage 1 or stage 2 at the most. However, should the complainant remain dissatisfied following this, they can ask for a review of the case by the Housing Ombudsman Service.

The Ombudsman will only investigate a complaint where the complainant has exhausted LJHA's Complaints procedure, although this must be done within 6 months. The complainant must be an LJHA resident or an LJHA applicant for housing to raise this with the Ombudsman.

Housing Ombudsman Service
81 Aldwych
London
WC2B 4HN
Tel: 0300 111 3000
Lo Call: 0845 712 5973
E-mail: info@housing-ombudsman.org.uk
Web: www.housing-ombudsman.org.uk

The Housing Ombudsman service can also assist residents throughout the life of the complaint not just when the process has been exhausted. The same contact details as above can be used at any time during the complaint.

8 The use of advocates

Complainants may ask another person to act on their behalf in bringing their complaint to LJHA's attention. This advocate may be a friend, relative or representative from an external organisation such as the Citizens Advice. An advocate may not be a solicitor or other legal professional unless they are acting in a 'lay' capacity i.e. not representing the complainant on a professional basis. If you would like further support or to be put in contact with one of our tenant ambassadors, to enquire about them acting as an advocate for you, please contact the Community Engagement Officer on info@ljha.co.uk or 0113 320 7777.

9 Governance

LJHA's complaints policy meets the requirements of our regulator, the Regulator for Social Housing (RSH), Tenant Involvement and Empowerment Standard and the Housing Ombudsman's complaints handling code.

To ensure complaints are used to help improve services, regular updates on the volume, category and outcome of complaints, alongside complaint handling performance is provided to the board governance structure. The use of complaint data alongside other management information on stock, services and resident feedback provides greater insight into the organisation.

Complaints data, handling and lessons learnt may also be used as part of directed task and finish work within LJHA's Resident engagement framework. This framework will also assist LJHA in the drafting of appropriate policies and procedures involving complaints.

Annually, any issues and trends arising from complaint handling, including discussion of the Ombudsman's yearly landlord performance report and the inclusion of any organisational learning is discussed by the Board and shared in our annual report.

Consideration of individual complaint outcomes where necessary, including findings of severe maladministration of the Ombudsman or any referrals by it to regulatory bodies, including scrutiny of any subsequent procedural or organisational changes, will be reported.

In addition, annually LJHA will confirm that the complaint handling code is being applied.

Where a complaint involves a third party, LJHA will need to disclose some of the details about the complaint for it to be properly investigated e.g. with contractors. Any data shared will be done so in line with the relevant Data Protection legislation.

LJHA is registered with the Housing Ombudsman Service; this service provides individuals with an independent review should they remain dissatisfied at the end of the LJHA complaints process. Contact details can be found on our website at www.ljha.co.uk

10 Unreasonable, Intensive and Persistent Complainants

We will class unreasonable or unreasonably persistent complaints as those complainants who, because of the frequency or nature of their contacts, hinder our consideration of their or any other people's complaints.

Actions and behaviours of unreasonable or persistent complainants may include, but are not limited to the following:

- refusing to specify the grounds of a complaint;
- refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refusing to accept that issues are not within the remit of the complaints policy;
- changing the basis of their complaint as the investigation proceeds;
- making unnecessary and unreasonable demands and resources of staff whilst the complaint is being investigated;
- submitting repeat complaints after the complaints process has been completed essentially about the same issues;
- refusing to accept the decision and repeatedly arguing the point and complaining about the decision;

- combination of some or all of the above.

The HR & Resources Manager (acting in their capacity as Complaints Officer) in conjunction with the Chief Executive will make the decision to deem someone a persistent or unreasonable complainer. Once this decision has been made the complainant will be given a warning in writing and informed of any restrictions that have been placed on them.

Options and restrictions placed on a persistent complainant should be for a specified period and not exceed six-months before being reviewed.

Options and restrictions may include: -

- Placing restrictions on contacts to LJHA via telephone, email or in writing;
- Informing the complainant that where communication in writing is received it will be read but not acknowledged;
- Refusal to take phone calls from the complainant;
- Refusing to register and process complaints about the same matter.

11 Confidentiality

The Association will, as far as possible respect the confidentiality of complaints. In normal circumstances the identity of the complainant will only be known by those dealing with the complaint, all of whom are not at liberty to inform others of who has lodged the complaint. It should be noted, however, that in cases where a complaint refers to a particular resident, it may be necessary to disclose the identity of the complainant to allow a fair assessment to be carried out.

The relevant Data Protection legislation will be upheld at all times during the complaint's procedure.