

# LYNSTED HOUSING CO-OPERATIVE COMPLAINT POLICY

## 1. Aims of the complaints policy

### 1.1. The Co-op wants:

- its members and others to be able to complain easily and confidentially
- complaints to be dealt with fairly and efficiently
- complaints to be taken seriously
- to learn lessons from complaints and to use them to improve
- to provide good quality services to all its customers.

### 1.2. Welcoming Complaints

The Co-op wants to know if customers or other service users are unhappy with its services. It positively encourages staff and committee members to hear and respond to dissatisfaction, and to recognise that the word complaint does not have to be used for an issue to be logged as one. If you express dissatisfaction, the Co-op will always give you the choice to make a complaint. Registering dissatisfaction as a complaint means it will be responded to formally within a set time frame, and that the Co-op can learn from the problem and make sure it can't happen again.

### 1.3. The Co-op welcomes complaints from its members, but also from anybody who uses its services or is affected by them. They could be:

- tenants
- other people who use its services
- former tenants
- neighbours of Co-op properties
- applicants for housing.

### 1.4. The Co-op can also accept complaints from someone assisting you with a complaint, e.g. the Citizen's Advice Bureau, MPs, Councillors, support workers, or family and friends. They will need to show us written and signed authorisation from you. Complaints raised in this way will always be dealt with in line with this policy. You may also be accompanied or represented by someone else at any meeting with the Co-op where this is reasonable.

### 1.5. At any time during the complaints process you may contact the Housing Ombudsman Service. Information about how to contact the Service can be found in paragraph 11.1 below.

### 1.6. A copy of this policy will be distributed to members, will be supplied on request, and can be sent in other formats to anyone requesting it.

### 1.7. If at any time the Co-op is unable to comply with the Housing Ombudsman Complaint Handling Code due to exceptional circumstances it will inform the Ombudsman, notify all residents, and provide a timescale for returning to to compliance.

## 2. What is a complaint?

### 2.1 A complaint will normally be about a service a resident has or has not received. It is 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.

2.2 All complaints must be addressed to the Co-op and not its managing agent. But complaints may be submitted to the Co-op through its managing agent (see 3.1 below).

2.3 The Co-op will not usually consider something a complaint if it is:

- something the complainant became aware of more than 12 months ago (unless there is a health and safety or a safeguarding issue)
- something that's not been asked for yet, like a repair, or Service Requests
- covered by another policy, like anti-social behaviour
- something it doesn't do or can't control, like a repair that's a tenant's responsibility or a nominations agreement
- anonymous
- something new that comes up while a complaint is being investigated
- being dealt with through legal action or an insurance claim
- something the Co-op is already dealing with as a complaint
- survey feedback, although wherever possible the Co-op will make you aware how you can raise your dissatisfaction as a complaint if you wish to do so when you complete a survey. Where the Co-op asks for wider feedback about its services, it will also provide details of how residents can complain
- a policy, unless you believe it's not been applied or followed correctly
- already been investigated and responded to as a complaint.

2.4 A Service Request is a request to the Co-op requiring action to be taken to put something right. Service Requests are not complaints, but will be recorded, monitored and reviewed regularly. Any dissatisfaction you raise through a survey will be treated as a Service Request. A complaint will be raised if you express dissatisfaction with the response to your Service Request, even if the handling of the Service Request remains ongoing. The Co-op will not stop its efforts to address the Service Request if you complain.

2.5 The Co-op will accept any complaint about an issue that occurred or that you became aware of within the previous 12 months unless it is excluded on the grounds above. The Co-op will consider applying discretion to accept complaints made outside this time limit where there are good reasons to do so.

2.6 If the Co-op decides not to accept your complaint you will receive an explanation in writing setting out the reasons the matter is not suitable for the complaints process and your right to take this decision to the Housing Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell the Co-op to take on the complaint.

2.7 The Co-op will not take a blanket approach to excluding complaints, it will consider the individual circumstances of each complaint and you will not be treated differently for making a complaint.

2.8 The Co-op will publicise this Complaint Policy, the Ombudsman Complaint and the Complaint Handling Code in communications to residents including when it publishes the outcome of the Tenant Satisfaction Measures. The Co-op does not currently have a website.

### **3. Making a complaint**

3.1 Please get in touch with us as soon as something has gone wrong so we can put it right.

You can raise a complaint to any member of staff:

- in person through a committee or staff member
- by phone using the Co-op's telephone number- 08004480473
- by letter addressed to the Co-op's registered office- The Business Terrace, Maidstone House, King Street, Maidstone, Kent ME15 6AW
- by email at [info@lynstedhousing.co.uk](mailto:info@lynstedhousing.co.uk)
- through the enquiry form on the Co-op's website
- where no other avenue is available, to your Co-op's managing agent.

3.2 Complaints can be received via any media. Dissatisfaction raised publicly via social media will usually receive an open public response, so everyone who may be affected can access the same information. When specific or individual responses are required, communication through social media will be private and the complainant will be given an opportunity to have their complaint considered formally through this complaints process.

3.3 The complaint will be dealt with confidentially by the Management Committee. If it is necessary to talk to someone outside the Committee to resolve the complaint this will only happen with your consent.

3.4 The Co-op will always act in accordance with the Equality Act 2010. It will respond to reasonable requests if something needs to be changed to meet your needs. This includes but is not limited to providing information in different languages and formats and making any necessary adjustments to its policies, procedures and processes. We will record any adjustments and keep them under regular review.

3.5 If the Co-op refuses a complaint the Complaint Officer or a Committee Member will write to say why, and how to contact the Housing Ombudsman if you think this decision is wrong.

#### **4. Investigating and responding to a complaint**

4.1 The Co-op will always deal with complaints impartially and ensure that the person(s) carrying out the investigation does / does not have a conflict of interest. They will:

- be clear what the Co-op can and cannot do to meet the expectations of the complainant and say if they believe a desired outcome is unreasonable or unrealistic
- deal with complaints on their merits
- act independently and with an open mind
- take measures to address any actual or perceived conflict of interest
- consider all information and evidence carefully
- keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter
- ensure you are given an opportunity to set out your position
- address all points raised in the complaint and give clear reasons for any decisions taken, referring to the relevant policy, law and good practice where appropriate
- allow you, and if applicable any other resident or committee member or officer, to comment on any adverse findings before a final decision is made.

- 4.2 While they are investigating your complaint they will keep you updated in the way and at the frequency you have agreed with them. The Co-op will always aim to resolve complaints as quickly as possible.
- 4.3 The Co-op will keep a full record of the complaint and the outcomes at each stage. This will include the original complaint and the date received, all correspondence with you, correspondence with other parties, and any relevant supporting documentation such as reports or surveys.
- 4.4 The Co-op will always respond to a complaint as soon as the answer is known. It will not delay the response until all of the actions needed to resolve the complaint are completed. It will track those actions to ensure they are completed in a timely manner and keep you updated.
- 4.5 The complaint response will confirm:
- the complaint stage
  - the decision on the complaint
  - the reasons for any decisions made
  - the details of any remedy offered to put things right
  - details of any outstanding actions
  - details of how to escalate the matter to the next stage if you remain dissatisfied.
- 4.6 When it is concluded, the Co-op will give you an opportunity to feed back about the way your complaint was handled and record the outcome.
- 4.7 The Co-op has a shared objective in relation to complaint handling for all relevant staff (where applicable) and contractors including its managing agent. This reflects the need to:
- have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments
  - take collective responsibility for any shortfalls identified through complaints, rather than blaming others
  - act within the professional standards for engaging with complaints as set by any relevant professional body.

## **5. Complaints procedure – Stage One**

- 5.1 The Complaint Officer will record your complaint in the Complaints Register. The Officer or another member of the Committee will aim to contact you in writing, by phone or email, within 5 working days to acknowledge receipt of the complaint.
- 5.2 When they acknowledge your complaint, the person responding will set out their understanding of the elements of the complaint and the outcomes you are seeking. If anything is unclear, they will contact you for clarification. The full definition of the complaint must be agreed between you and the person dealing with the complaint.
- 5.3 The acknowledgement letter will clearly set out any elements of the complaint that the Co-op is not responsible for and, where possible, give advice on who to contact for resolution of these elements.

- 5.4 The acknowledgement letter will also include information on how to contact the Housing Ombudsman Service if you wish to do so at this stage.
- 5.5 The Complaint Officer will either investigate the complaint or refer it to the Complaint Officer for investigation. This will normally be the Secretary and Chair, but it may be someone else like other committee members, ordinary Co-Op members, people independent of the co-op or a mixture of these.
- 5.6 The aim of the investigation is to make sure the management committee has enough information to make a fair decision. The investigator will invite you to talk to them about the complaint, look at any relevant documents, decide whether the Co-op's policies have been followed properly and speak to any witnesses. The investigator will also invite anyone else involved in the complaint to talk to them and may ask for advice from the Co-op's managing agents or other professionals.
- 5.7 If you raise additional complaints while the Stage One complaint is investigated, they will be incorporated into the original complaint. If the Stage One complaint has been issued and the new issues are unrelated to the original issues, they will be registered as a new complaint.
- 5.8 The investigator will complete their investigation and aim to respond to you within 10 working days of the date it was acknowledged. The response will tell you whether your complaint has been upheld or not upheld. It will tell you how their decision was reached and, where applicable, what is being done to put the problem right. The letter will also contain information about how you can appeal if you remain dissatisfied.
- 5.9 If the investigator is unable to respond fully within 10 working days, they will give you the reason why and the date by which they expect to be able to respond. This will not be any longer than an additional 10 working days. Where a response will fall outside of the agreed timescales, the investigator will agree with you how frequently they will contact you to update you via your preferred contact method.
- 5.10 When the Complaint Officer sends your formal response, the letter will confirm:
- the complaint stage
  - the complaint definition
  - the decision on the complaint
  - the reason for the decisions made
  - the details of any remedy offered to put things right
  - details of any outstanding actions
  - how to escalate to stage two if you are not satisfied with the response.
- 5.11 The Complaint Officer will always aim for your complaint to be resolved early and locally. They will have delegated authority from the Committee to apply remedies up to a defined level to resolve the complaint at any stage of the procedure. Sometimes though a complaint may need to be heard by the Management Committee. If this is the case, the Complaint Officer will write to tell you when the complaint will be heard. This will normally be the next scheduled meeting of the Management Committee or, if no meeting is scheduled before the response is due, a special meeting will be called.

- 5.12 At the meeting, members will be asked if they have a conflict of interest. If they do they will be asked to leave. For example, they could be related to, or close friends with, the person complaining, or someone being complained about.
- 5.13 The Committee will hear the complaint and invite you to attend to talk about it if you would like to. The Committee will then decide whether to uphold or not uphold the complaint. If one element of the complaint is upheld, the whole complaint case will be classed as upheld.
- 5.14 The Complaint Officer will write to you no later than 5 working days after the meeting to tell you the committee's decision, how it was reached and, where applicable, what is being done to put the problem right. The letter will also contain information about how you can appeal if you remain dissatisfied.

## **6. Complaints procedure – Stage Two**

- 6.1 If you remain dissatisfied once Stage One has been completed, you can escalate your complaint to stage two. Please write to the Complaint Officer, stating what you are dissatisfied with and what you would like the Committee to do to put things right. Please say:
- with which parts of the committee's decision you remain dissatisfied
  - what you are asking them to do to put it right
  - any evidence you have to support your appeal.
- 6.2 The Committee will not unreasonably refuse to escalate the complaint. If they are not able to escalate, they will set out the reasons in writing, which will be the same as the reasons they cannot accept a complaint. They will also tell you how to refer their decision to the Housing Ombudsman.
- 6.3 The Complaint Officer or another Committee member will acknowledge your Stage two complaint in writing within 5 working days of receipt. Where it is not agreed to escalate your complaint, the Complaint Officer will write to you within 2 working days of the decision, setting out the reasons the escalation request has been refused. The Co-op will only refuse to escalate complaints for a valid reason and in accordance with the Housing Ombudsman's Complaint Handling Code.
- 6.4 Where your complaint is escalated, the acknowledgement will be set out in the same way as at Stage One of this procedure, including a clear definition of the complaint and the outcome you are seeking. As at Stage One, the person sending the letter will contact you to discuss the complaint if they are not clear about any aspect of it.
- 6.5 Where possible you will receive a response to your complaint within 20 working days of the date the complaint was acknowledged. If this is not possible the Complaint Officer's letter will say why an extension is needed. This will be no longer than a further 20 working days. The letter will include details of how you can contact the Housing Ombudsman. The Complaint Officer will also agree with you the intervals for keeping you informed about your complaint and include this in the letter.
- 6.6 The Co-op will always manage complaints in a way that aims to avoid the need for an extension to be applied. It will only apply an extension in exceptional circumstances where it is not possible to avoid the following:

- the person to whom the investigation is referred is not available to complete the investigation within 20 days
  - evidence needed to investigate the complaint is not available in time for a response to be issued within 20 days
  - the Co-op wishes to arrange for an independent professional to deal with the complaint and is not able to appoint someone in time for the 20 day deadline to be met.
- 6.7 The Reviewer will arrange to review the committee's decision with someone who was not involved in your complaint in any way. This will be the Review Panel. The Panel could include an ordinary member of the Co-op or someone independent like a member of another Co-op or a professional adviser.
- 6.8 The Review Panel will investigate and advise the Complaint Officer whether it has upheld the committee's decision. The Complaint Officer will report the decision to the committee and arrange for it to be considered at the next scheduled meeting or, if no meeting is scheduled within the deadline, at a special meeting.
- 6.9 At the meeting the Committee will consider the findings of the Panel. The Complaint Officer will write to you to tell you what the Panel's findings were and whether the committee accepts them.
- 6.10 The Complaint Officer's letter will confirm:
- the complaint stage
  - the complaint definition
  - the decision on the complaint
  - the reason for the decisions made
  - the details of any remedy offered to put things right
  - details of any outstanding actions
  - how to escalate to the Housing Ombudsman if you are not satisfied with the response.

## **7. Putting things right**

- 7.1 Where something has gone wrong, the Co-op will acknowledge this and set out the actions it has either already taken or intends to take to put things right. 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.
- 7.2 Where the Complaint Officer recommends a remedy to put things right, this may include but is not limited to additional works to a property, a rent refund or a payment. The Complaint Officer will have delegated authority to an appropriate level to apply remedies at any stage of the procedure. Where the remedy recommended exceeds the Complaint Officer's delegated authority it will be referred to the Committee for consideration.

- 7.3 Any remedy offered will be fair, reasonable and realistic and will reflect the impact on you of any fault identified. The offer will also be made in line with guidance issued by the Housing Ombudsman.
- 7.4 If a remedy is offered, it will be agreed with you and the offer will set out what will happen and by when. The remedy will be followed through to completion.



## 8. Timescales

Stage One Complaint Acknowledgement	5 working days from the Co-op hearing about the complaint.
Stage One Complaint Response	10 working days from acknowledgement (with a maximum extension period of 10 working days).
Stage Two Complaint Acknowledgement	5 working days from your request to escalate.
Stage Two Complaint Response	20 working days from acknowledgement (with a maximum extension period of 20 working days).

## 9. Reporting on and learning from complaints.

- 9.1 If the complaint is upheld the Complaint Officer's letter will also tell you what has been learnt from it and how the learning will be used to help us improve. The Complaint Officer will record the lessons learned from the complaint, produce an action plan if necessary, and record the actions taken to put the problem you complained about right.
- 9.2 The Co-op will encourage a positive complaint handling culture. It will use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.
- 9.3 The Co-op will report back on wider learning and improvements from complaints to members and any other relevant stakeholders.
- 9.4 The Complaint Officer will also act as the Committee Member Responsible for Complaints. They will be responsible for ensuring the Management Committee receives regular information on complaints that provides insights into the Co-op's performance on complaint handling. This will include analysis of any themes or trends to identify possible systemic issues, serious risks or policies and procedures that require revision.
- 9.5 The Co-op will produce an annual complaints performance and service improvement report, which will include its self-assessment against the Housing Ombudsman's Complaint Handling Code. The report will be made available to Co-op residents and will include feedback from the Co-op's committee / governing body.
- 9.6 The committee / governing body will receive at least:
- regular updates on the volume, categories and outcomes of complaints alongside complaint handling performance
  - regular reviews of issues and trends arising from complaint handling
  - regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings
  - the annual complaints performance and service improvement report.
- 9.7 The Co-op will look beyond the circumstances of any individual complaint. It will consider whether any service improvements can be made as a result of any learning made from the complaint regardless of the outcome.

9.8 The Co-op will always carry out a new self-assessment against the Housing Ombudsman's Complaint Handling Code if there is a significant restructure, merger and/or change in procedures.

## **10. Vexatious and malicious complaints**

10.1 In identifying vexatious and malicious complaints, care must be taken to:

- distinguish between complainants who are raising genuine concerns
- complainants who are simply being difficult.

This can be achieved by recognising that complainants may often be aggrieved, frustrated or have other reasons for their behaviour. The focus must be on careful consideration of the *merits* of the complaint rather than the attitude of the complainant.

10.2 A complaint may be regarded as vexatious where the complainant:

- persists in making a complaint which has already been investigated and provides no new or material information
- seeks to prolong contact by continually changing the substance of a complaint or by continually raising further concerns or questions while the complaint is being addressed
- fails to clearly identify the substance of a complaint, or the precise issues which may need to be investigated despite reasonable efforts by the committee to assist them
- complains solely about trivial matters to an extent which is out of proportion to their significance
- makes excessive contact with the committee or seeks to impose unreasonable demands or expectations on resources, such as responses being provided more urgently than is reasonable or necessary.

10.3 A complaint may be regarded as malicious if an investigation finds it is:

- unfounded
- based on lies, rumour or gossip
- intended to defame or cause harm to a person or persons.

10.4 If the committee determines a complaint is vexatious or malicious it may:

- limit the scope of the complaint to what is reasonable or relevant to the complaint itself
- restrict the complainant's access to the committee to an identified channel
- call a General Meeting of the co-op to discuss the complainant's membership.

10.5 In all cases the Complaint Officer will write to the complainant within 5 working days of the committee meeting at which the decision is taken, setting out the reasons for the decision and allowing for the complainant to appeal in accordance with the process set out in Section 5 above.

10.6 The Complaint Officer's letter will also include information about how to contact the Housing Ombudsman Service.

10.7 The Co-op has in place a policy for dealing with unreasonable behaviour from residents and their representatives, including putting in place restrictions on contact. Restrictions will only be put in place where there is clear evidence of unreasonable behaviour and will be kept under review. The restrictions will be proportionate and the Co-op will be mindful of the provisions of the Equality Act 2010.

## **11. Contacting the Housing Ombudsman**

11.1 You may contact the Housing Ombudsman at any time for advice and assistance with your complaint. The Ombudsman's contact details are:

[www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk).

Housing Ombudsman Service  
PO Box 1484  
Unit D  
Preston  
PR2 0ET

Phone: 0300 111 3000

Email: [info@housingombudsman.org.uk](mailto:info@housingombudsman.org.uk)