

Contents

1. Purpose and context
2. Scope and definitions
3. Guiding principles
4. The complaints process
5. Complaints made to the CEO/Directors
6. The Housing Ombudsman
7. Anonymous complaints
8. Group complaints
9. Dealing with persistent, abusive and unreasonable behaviour
10. Confidentiality
11. Monitoring and controls
12. Legislation, regulation and good practice
13. Equality, diversity and inclusion
14. Communication and consultation

1. Purpose and context

- 1.1. One of our key ambitions is to deliver an excellent and reliable resident experience. We actively encourage feedback on our services and know that this may sometimes be a complaint.
- 1.2. We view complaints and other feedback as an opportunity to check what we are doing and put a situation right where we may have given a poor service. Complaints also help us to learn and improve what we do.
- 1.3. We are required by legislation and regulation to have a complaints policy. It is also a specific requirement of our management agreement with Lewisham Council. As such, we have reviewed this policy to ensure it:
 - Complies with the Housing Ombudsman scheme and complaint handling code.
 - Complies with the Social Housing Regulator's standards, including the Tenant Involvement and Empowerment standard.
 - Helps us to continually improve.
- 1.4. This policy is designed to work alongside other policies and procedures, including our compensation, reimbursements and remedies policy.

2. Scope and definitions

- 2.1. The Housing Ombudsman defines a complaint 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.”

2.2. Matters that may lead to a complaint include when:

- We fail to meet our legal duties, promises or standards we have set.
- We do something wrong, poorly, or fail to do something we should.
- We are impolite or unhelpful.

2.3. We are unable to consider the following as complaints for handling under this policy:

- It is a first request for a service or information, or we have not exceeded the timescales set out in our service standards.
- It is a complaint about another resident, for example a report of anti-social behaviour. This would be dealt with by our ASB or Tenancy team.
- A policy already has an appeal process built into it, for example an appeal against the amount of rent or service charges.
- Legal proceedings against us are started or are already in progress. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
- Once we are confident there are no underlying health issues, you refuse to reasonably engage with us after making your complaint, are abusive to staff or act unreasonably (see section 9 below).
- The matter being complained about is a service provided by Lewisham Council, for example is about council tax, school admissions, penalty charges. Further information about the Council's complaints procedure can be found at: <https://lewisham.gov.uk/mayorandcouncil/complaints-and-feedback/how-to-send-a-complaint-to-us>

2.4. We will never unreasonably refuse to accept or escalate a complaint through all stages of the complaints procedure. Where this is the case, we will always provide clear and valid reasons for this decision and the right to take that decision to be taken to the Housing Ombudsman. See 4.8 below for further information.

2.5. The following people can make complaints for handling under this policy:

- A person who is or who has been in a landlord/tenant relationship with either us or Lewisham Council. This includes people who have a lease, tenancy, licence to occupy, service agreement or other arrangement to occupy premises it owns or manages. If an ex-occupier makes the complaint, they must have had a legal relationship with either us or Lewisham Council at the time that the matter complained of arose.
- An applicant for a property owned or managed by either us or Lewisham Council.
- A representative of any of the people above who is authorised by them to make a complaint on their behalf, such as an MP or Councillor. We will always follow data protection measures when disclosing any information to a third party and our response timeframes may need to be adjusted where we must allow time for this.
- A representative of any of the people above who are unable to authorise someone to act on their behalf. We must be satisfied that the representative has the legitimate authority to act on the person's behalf.
- A person with authority to make a complaint on behalf of any of the people above who are deceased.

2.6. There may be exceptions to the above at our discretion. For example, when a neighbour to one of our properties or a leaseholder's tenant raises a concern that could impact on the health, safety or wellbeing of our residents. Such cases may not fall within the Housing Ombudsman's jurisdiction, but we would always let you know how the issue could be taken forward.

- 2.7. A complaint should be brought to us within six months of the problem coming to your attention so that we can investigate it properly and put things right. However, we understand there may be exceptional circumstances that stopped the complaint being raised earlier and each case will be considered on its own merit.
- 2.8. A complaint does not need to be made in writing and can be made to us in a number of ways:
 - By telephone to: 0800 028 2028
 - Online at: <https://www.lewishamhomes.org.uk/contact-us/complaints-and-compliments/>
 - Face to face with any member of staff.
 - By letter to: FREEPOST Lewisham Homes (no stamp needed)
 - By email to: CustomerRelations@lewishamhomes.org.uk
 - By social media.
- 2.9. Complaints made by social media will be directed to the appropriate contact/online form or passed to the relevant team for action. To protect your privacy, you should only send any information you want to be kept private via direct message, for example your address and telephone number.
- 2.10. The word 'complaint' does not have to be used for it to be logged and handled in line with the Complaints procedure, providing it meets the definition in 2.1 above.

3. Guiding principles

- 3.1. This policy has been written in line with the Housing Ombudsman's dispute resolution principles and expanded to reflect our approach to dealing with dissatisfaction:
 - Be fair – treat people fairly and follow fair process, keeping the complainant updated with progress within published timescales.
 - Be objective – ensure that the complaint is dealt with impartially at every stage.
 - Put things right – work to put the customer back into the position they were in before the issue occurred. Acknowledge and apologise for any mistake or service failure, providing an explanation of what went wrong where we (or a contractor working on our behalf) were at fault.
 - Be consistent – compensate customers in line with the Compensation, reimbursements and remedies policy.
 - Learn from outcomes – learn from complaints and use the information to improve services.

4. The complaints process

- 4.1. All responses to formal complaints being handled under this policy are co-ordinated by the Customer Relations team.
- 4.2. Initial expressions of dissatisfaction:
 - 4.2.1. Many problems can be resolved quickly without the need for a formal complaint. We always encourage this approach as the first step to resolving most issues, as it is often the easiest and quickest way to achieve a positive outcome for you. Your dissatisfaction with our services will be logged on our systems so we can monitor and understand where we are not meeting expectations, and use this information to improve our services.
 - 4.2.2. In the circumstances when we have been unable to resolve your issue, it will be logged as a

complaint and handled under this policy.

4.3. Stage 1

4.3.1. When we receive your complaint:

- We will acknowledge it within five working days, telling you the name of the investigating officer or the team it has been allocated to and giving you a complaint reference number.
- Whenever possible, the investigating officer will contact you by telephone to talk through your complaint to understand the issues, the impact they have had on you, and agree how you would like your complaint resolved (unless you have requested no telephone contact).
- Where additional complaints are raised during our investigation, these will be incorporated into the stage 1 response if relevant and it has not yet been issued. Where the stage 1 response has already been issued or the additional complaints would unreasonably delay it, the issues will be logged as a new complaint and a separate complaint reference number provided.
- Once the investigating officer has investigated your complaint, they will send you their response within 10 working days notifying you of:
 - The complaint stage
 - An outline of what your complaint was about
 - The decision following investigation and the reasons for it
 - The details of any remedy offered to put things right
 - Details of any outstanding actions
 - Details of how to escalate your complaint to the next stage of the complaints procedure
- If we cannot respond fully to your complaint within 10 working days, we will let you know that we need more time and the reason for the delay – this extension will not exceed a further 10 days without good reason. In the meantime, we will:
 - Answer the points we can within the original timeframe.
 - Give you a new date for sending the final response letter to the remaining points.
 - Explain when any follow up actions or information are going to be provided.

4.3.2. If you do not agree with the outcome of your complaint or the actions proposed to resolve it, you may decide to escalate your case to stage 2 of the complaints process. If this is the case, you should let the Customer Relations team know within 20 working days from the date of the final response letter.

4.4. Stage 2

4.4.1. When you ask for your complaint to be escalated to stage 2:

- We will acknowledge it within five working days, telling you the name of the allocated officer or the name of the team it has been passed to and giving you a complaint reference number. The person considering your complaint at stage 2 will never be the same person who considered it at stage 1 to ensure a proper and unbiased review.
- The allocated officer may contact you to discuss your complaint and understand why you remain dissatisfied (unless you have requested no telephone contact). The stage 2 is not usually a reinvestigation, but a review of the actions and decisions taken at stage 1 to check that they were thorough, reasonable and fair.
- Once the allocated officer has looked into your complaint, they will send you their response

within 20 working days to let you know the outcome and any additional actions to be taken to resolve it.

- If the allocated officer cannot respond fully to you within 20 working days, they will let you know that we need more time and the reason for the delay – this extension will not exceed a further 10 days without good reason. In the meantime, they will:
 - Answer the points they can within the original 20 working days timeframe.
 - Give you the new date for sending the final response letter to the remaining points.
 - Explain when any follow up actions or information are going to be provided.

4.4.2. Where you are still not happy with the outcome of your complaint after stage 2 has been completed, you can ask Lewisham Council's Stage 3 Adjudicator to review your case.

4.5. Stage 3

4.5.1. The Stage 3 Adjudicator considers complaints about the actions of Lewisham Council and its partners, including Lewisham Homes. Their role is not to question the actions we have taken because someone does not agree with them, but if something has gone wrong and the person has suffered as a result, the Stage 3 Adjudicator aims to get it put right by recommending a suitable remedy.

4.5.2. When receiving your complaint, the Stage 3 Adjudicator will:

- Acknowledge it within two working days and let you know when you can expect their decision.
- Issue a final decision to both you and us within 20 working days of your request to escalate your complaint. If more time is needed, the Stage 3 Adjudicator will let you know.

- 4.6. In many cases, the next steps noted in your complaint response letters will include actions which will happen in the period ahead. This could include follow-on repairs, an inspection or a meeting, which may require some time to organise. We will always tell you about the proposed actions, their timescales and the responsible officers in our complaint response letters. If we then fail to deliver against these commitments, your complaint can be reopened and escalated.
- 4.7. Any decision not to progress a complaint to the next stage or to deal with it differently from the complaints policy and/or procedure will be made by the Customer Relations Manager in conjunction with the Head of Governance and Assurance. This is to ensure a fair and consistent approach is taken at a senior level. If this is the case, clear and valid reasons for the decision will be provided, together with your right to contact the Housing Ombudsman - see section 1.3 above.
- 4.8. A complaint may not be reopened at the complainant's request if no new evidence has been provided. If we decide not to follow the complaints procedure, for example we want to skip stages or refer your case to the Housing Ombudsman, we will usually discuss this with the Housing Ombudsman first. We will always let you know what options are available to you, for example how to take your complaint to the Housing Ombudsman.
- 4.9. The Housing Ombudsman Service can be contacted at any stage of the complaints procedure for guidance and support in making your complaint.

5. Complaints made to the CEO/Directors

- 5.1. All letters, emails and telephone calls raising complaints with the Chief Executive (CEO)/Directors will be forwarded to the Customer Relations team to handle in line with the complaints policy. This approach helps to ensure that everyone receives an equal service and that no-one is able to bypass the complaints process.

6. The Housing Ombudsman

- 6.1. Complainants have the right to contact the Housing Ombudsman throughout the handling of their complaint for guidance and support, and do not have to exhaust our complaints process before doing so.
- 6.2. If you have been through all three stages of our complaints process but are still unhappy, you have the right to refer your complaint to the Housing Ombudsman. (Since the 1 October 2022, you no longer need to wait eight weeks before doing so). The Housing Ombudsman is responsible for investigating social housing complaints.
- 6.3. The Housing Ombudsman can be contacted by:
 - Telephone: 0300 111 3000
 - Email: info@housing-ombudsman.org.uk
 - Online: www.housing-ombudsman.org.uk
 - Post: Housing Ombudsman Service, PO Box 152, Liverpool L33 7WQ

7. Anonymous complaints

- 7.1. We are unable to investigate anonymous complaints under this policy, as there would be insufficient information for us to do so. However, such cases may be passed to the manager responsible for the day-to-day service for action, for example if they relate to safeguarding concerns or reports of tenancy fraud.

8. Group complaints

- 8.1. A group complaint is where residents from more than one property submit a joint complaint about the same issue. If it appears that individuals are raising different issues or the individual circumstances vary, it may be more appropriate for these to be dealt with as separate complaints. We would let you know if so.
- 8.2. For all group complaints, there should be a lead person identified, with the names and addresses of all signatories provided to confirm everyone has given their permission to be part of the complaint.
- 8.3. Petitions about policies and requests for action will not be handled under the complaints policy, but as general enquiries, and responded to within 10 working days.

9. Dealing with persistent, abusive and unreasonable behaviour

- 9.1. Occasionally, we may be contacted by someone who makes abusive, unreasonably persistent or repetitive complaints, for example they:
 - Make repeated complaints about the same issue which has already gone through all stages of the complaints procedure.
 - They keep changing what their complaint is about.
 - They are unwilling to accept documented evidence.
 - They threaten or are physically violent or verbally abuse towards officers or their families.
 - They approach several officers at the same time about the same issue.

- 9.2. We understand that people may act out of character when they are distressed, upset or unwell. However, aggressive and abusive behaviour directed at our staff or contractors, including verbally will not be tolerated.
- 9.3. We reserve the right to refuse to deal with complaints or to deal with them differently if the complainant acts unreasonably or it could be handled more effectively in a different way. We will always let you know when this is the case and the reasons why. Additionally, a complaint will not be reopened if, after review, no new evidence relevant to the complaint has been provided. We will always provide the reasons for this decision, and remind you of your right to approach the Housing Ombudsman for guidance and support.

10. Confidentiality

- 10.1. We are committed to safeguarding your right to confidentiality and privacy. All our officers have a duty of care towards keeping your information safe and secure in line with data protection legislation and our data protection policy.
- 10.2. We treat all complaints information confidentially, and it will always be anonymised when reported and your real name or initials will never be used.
- 10.3. Only officers who need to know the details of your complaint to deal with it will have full access to your information.

11. Monitoring and controls

- 11.1. This policy will be implemented through our internal procedures, which include a system for recording complaints.
- 11.2. We conduct satisfaction surveys and use this feedback, as well as the complaint trends and lessons learnt, to continually improve our services.
- 11.3. We regularly consider good practice around complaint handling, including reviewing the Housing Ombudsman decisions published on its website.
- 11.4. We provide regular and refresher training on customer care and complaints handling to officers, always encouraging issues to be resolved at the earliest stage.

12. Legislation, regulation and good practice

- 12.1. Relevant legislation, regulation and good practice includes, but is not limited to:
 - Regulatory framework, including the Tenant Involvement and Empowerment Standard
 - Housing Act 1996 (section 51, schedule 2)
 - Housing Ombudsman Complaint Handling Code (updated 1 April 2022)
 - General Data Protection Regulations 2018
 - Data Protection Act 2018

13. Equality, diversity and inclusion

- 13.1. An equality assessment was carried out as part of the review of this policy to identify any negative impacts it may have on individuals or groups, and none were identified.
- 13.2. The principle of fairness is built into the policy. Whilst we expect a consistent standard of customer service, officers can exercise flexibility in working with a customer to arrive at a solution to their complaint rather than a 'one size fits all' approach.

- 13.3. This policy and complaints service is designed to be accessible, with complaints being accepted in a variety of ways (see 2.7 above).
- 13.4. We may offer an adjusted service where necessary, for example to accommodate a specific health or vulnerability need, or in response to unreasonable behaviour (see section 9).
- 13.5. We will ensure our handling of complaints is fair and reasonable, complies with equality legislation and within published timescales.

14. Communication and consultation

- 14.1. This policy is published on our website, together with guidance on how we will handle your complaint. Both documents are also available on request from the Customer Relations team.
- 14.2. We consulted residents on response times for correspondence as part of our wider review of customer service standards. The Resident Scrutiny Committee has also provided feedback on the proposed updates to this policy.
- 14.3. This policy considers recommendations from the updated Housing Ombudsman Complaint Handling code published in April 2022.
- 14.4. We report performance on how we deals with complaints:
 - To residents – through its website, residents’ magazine and annual report
 - To our Board and relevant committees
 - To Lewisham Council

Revised policy: Replaces January 2022 Complaints policy to reflect updates to the Housing Ombudsman’s Complaint Handling Code (minor revisions October 2022 to reflect the requirement to remove the ‘designated person’, and S3A job title change in February 2023)	
Date approved: 27 April 2022	Effective date: 27 April 2022
Next review: 18 November 2024	
Approved by: Executive Leadership Team	
Policy owner: Head of Governance and Assurance	