

Residents' Complaint Policy & Procedure

Policy statement

St. Arthur Homes is proud to be able to offer its residents the opportunity to become homeowners which they would otherwise not have been able to do so without the shared ownership product. We respect them as owners, with the rights but also responsibilities of owners and as such, it is our intention not to interfere in their quiet enjoyment of their home. However, if they are dissatisfied with the service that St. Arthur Homes provides, we wish to offer a robust complaint policy that will investigate their concerns and provide redress if required. It is our desire that we can resolve complaints fairly and in a timely manner through direct contact with the resident (unless they request representation), but ultimately, should we not be able to do so, we must offer them the opportunity to take their concerns to the Housing Ombudsman Service.

Key Principles

- We will always be responsive to a resident who wishes to voice a concern. We will not run away from a complaint.
- We accept a complaint may arrive in various forms, by writing, by email, by telephone or face-to-face. The word 'complaint' may not be used, and it may arrive via third party.
- If residents say they are unhappy with a service – we accept that they are.
- We aim to put ourselves in the shoes of the Complainant in order to understand their concerns and find out what they want from their complaint.
- We will keep fair and honest records of the complaint and how it's being dealt with. We will make these available to the Complainant if they so wish.
- If we feel we cannot meet the redress being sought by the Complainant, we will give them a clear and honest account of why and always make them aware of the next stage in the complaint process and how they can access it.
- If at the end of the process, the Complainant does not have their complaint upheld, we wish them to leave the process feeling that their concerns were fairly and honestly addressed.
- We wish to learn from complaints, regardless of their outcome, in order to improve our service.

1. Introduction

St. Arthur Homes seeks to provide high-quality services to its residents but we recognise that sometimes this service may fail and residents may receive a less than satisfactory service. We will take complaints seriously and aim to learn from our service failures. Where something has gone wrong, we will identify the problem, put it right, apologise and improve the way we do things. If as a result of the failure the residents have lost money, we will redress this under our Compensation Policy.

This policy takes account of the requirements of the Social Housing Regulator and the Housing Ombudsman Service. Specifically, we will adhere to the principles of the Housing Ombudsman's *Complaint Handling Code*.

2. How we distinguish between an 'service request' and a 'complaint'

A **complaint** is when a resident contacts us to tell us with 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. Often, for minor matters, these can be mutually and informally resolved through engagement with the resident. However, if there is any doubt the resident will be offered a copy of our Complaints Policy leaflet.

What is NOT a Complaint

There are some things we can't deal with through our complaints procedure. These include:

- a routine first-time request for a service (known as a 'service request');
- not doing a repair that your lease requires you to carry out;
- a dispute with your neighbour (although in some circumstances we may be able to help you with ongoing anti-social behaviour);
- issues with your mortgage lender;
- unreasonable or vexatious complaints;
- an issue that occurred more than 6 months before St. Arthur Homes was first made aware (unless it concerns safeguarding or a serious health and safety issue);
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision following a Stage Three investigation or has been adjudicated by the Housing Ombudsman Service;
- an Enquiry where a resident contacts us to ask us something concerning their home. The enquiry may be a request to fix something (such as lighting not working in a communal area). In this case, even though the resident is not happy about the situation, we consider this to be an enquiry because they are bringing it to our attention. If we have offered to deal with the matter as a formal complaint but the

resident wishes to try to resolve the matter informally, we will respect that wish and treat it as an 'enquiry'. However, the enquiry may become a complaint if we do not take appropriate action;

- reports of neighbour nuisance and anti-social behaviour, where the source of the nuisance is our residents, are treated as requests for assistance, not as complaints about our service. These will be dealt with through our Anti-Social Behaviour procedures. However, if we fail to deal with the anti-social behaviour, this may become a complaint.

Note: If we do not accept a complaint, a detailed explanation must be provided to the Complainant setting out the reasons why the matter is not suitable for the complaints process and their right to take that the Housing Ombudsman. **The contact details for the Ombudsman must be in each letter to the Complainant.**

NB: Service requests, as an expression of dissatisfaction, are still logged in the complaints log. The log contains an option to denote the expression as a complaint, or a service request. This allows STAH to learn from these, as well as complaints.

3. Making a complaint

A resident can make a complaint in any way – verbally or in writing. A leaflet giving more detail is available through our website or on request. Although we may initially by talking to the Complainant, we will keep notes of the discussion in the complaints log, and we will always follow with an email or letter.

In the event that a complaint is made via social media we will quickly respond by offering the customer service email address, our phone number, and postal address details for the person to contact us on. It is important not to air complaint responses on social media. This is principally to protect the sensitive data of individuals. As such we will take the conversation off social media and onto one of the above secure channels.

Note that St Arthur must comply with the Equality Act 2010. Normal procedures may need to be adapted to accommodate an individual's needs. St Arthur recognises that equal opportunity is a needs-based approach; it cannot work on a one size fits all basis. As such all reasonable adjustments to making or responding to a complaint will be made.

This policy and the Complaints Policy leaflet must be made available in printed and/or large format text if requested, for example.

4. What happens when a complaint is received?

- When a complaint is received, St. Arthur Homes will first log the complaint.

- The Complaints Officer will decide the next course of action using an appropriate and unconflicted member of staff. If there is a person who is the subject of the complaint, the complaints officer will allow them to set out their position and comment on any adverse findings before a final decision is made.
- Then, we will liaise with the Complainant and seek to understand what the resident wants as a result of making the complaint. Notes will be made in the complaints log and recorded as Stage One of our complaints process. If we cannot immediately resolve the complaint, we will agree with the Complainant what we will do and by when. We will explain to the Complainant that if they do not agree with our response, to let us know the reasons why and we will consider the complaint again in light of their comments.
- If the Complainant is not happy with our response and wants us to take a second look at their complaint, we will do so and record this as Stage Two of our complaints process. We will ask the Complainant why our first response did not answer their complaint and on receiving this we will review their complaint again. This stage is responded to by a different member of staff to the stage one response. An unconflicted handler must be selected for this stage.
- If the Complainant is not happy with our second response and wants us to take a third look at their Complaint we will do so and record this as Stage Three of our complaints process. We will ask the Complainant why our second response did not answer their complaint and on receiving this we will review their complaint again. Stage Three of our complaints is an *independent review* that would involve a person independent from the day-to-day business of the organisation such as a Non-Executive Director. However, this third stage is not mandatory and the complainant can choose instead to go direct to the Housing Ombudsman Service. This must be made clear to the Complainant, and they must actively request a Stage Three response rather than contacting the Ombudsman.
- If the Complainant is not happy with the final consideration of their complaint, either the internal review or the optional independent review, we will explain to them the process they need to undergo to refer their complaint to the Housing Ombudsman Service.

Note that here residents raise additional complaints during the investigation, these should be incorporated into the stage one response if they are relevant, and the stage one response has not been issued. Where the stage one response has been issued, or it would unreasonably delay the response, the complaint should be logged as a new complaint.

5. Response Times

At Stage One we will aim to respond within 5 working days. If we feel we cannot do that we will acknowledge the complaint and inform the Complainant that we will respond within 10 working days of receiving their complaint.

With Stage Two, we must respond within 20 working days, however we aim to respond within 10 working days. If it seems the investigation is going to take longer we will liaise with the Complainant to keep them informed.

For Stage Three, we must respond within 20 working days however we aim to respond within 10 working days. Here, we need to bring in an independent reviewer. Hence, we will explain this to the Complainant and keep them informed of the time-scale when agreed with the independent reviewer.

For extensions to these response times, please refer to the Complaints Handling Code section 5.1-5.3 (stage one), 5.13-5.14 (stage two), and 5.18-5.19 (stage three). Extensions must be agreed by both parties. If not agreed, St Arthur must provide contact details for the Housing Ombudsman.

6. Actions

We will always apologise when the Complainant feels aggrieved even if their complaint is not upheld in part or in full. Where actions are needed as a result of the complaint, we will seek to carry these out in a timely manner, and we must keep the Complainant informed of progress. Where the complaint is upheld, we may compensate the Complainant in accordance with our Compensation Policy.

Any remedy offered must reflect the extent of any service failures and the level of detriment caused to the resident as a result. We must carefully manage the expectations of residents and not promise anything that cannot be delivered or would cause unfairness to other residents.

Any legal advice needed to respond to the complaint will be dealt with by the complaints officer in discussion with the executive team. This is relevant where a resident may have a legal entitlement to redress, or the business needs legal advice to respond in full.

All complaints will be recorded in the complaint log as they are raised and go through the complaint resolution process.

7. Frivolous or Vexatious Complaints

On some occasions, we will receive complaints which may be frivolous where we are not able to reach a reasonable outcome with the Complainant. Such complaints may be as a result of someone being difficult and unreasonable or 'vexatious'. A vexatious complaint is recognised in law as one which is brought without sufficient reason and/or serves only to annoy or harass. We will follow our Complaint Procedure to ensure the Complainant is given a fair opportunity to be heard but once this is exhausted, or if the complaint is not upheld at Stage Two (or Stage Three if they take up this option) and the Complainant

refuses to access the Housing Ombudsman Service, we will advise the Complainant that we cannot continue to engage with them on this matter. Full details will be recorded in the complaints log. If we suspect their behaviour is as a result of mental illness we will consider contacting the appropriate external agency to assist the resident.

8. Learning from complaints

If a 'learning experience' arises for St. Arthur Homes because of the complaint, this will also be detailed in the complaint log along with any changes implemented. The complaints log will be reviewed periodically to see if there are any patterns or learning points over time.

9. Advocates

A representative of a person may also make a complaint. The representative must be acting on behalf of a person who had a right to complain where this person:

- Is unable to complain themselves because of a physical incapacity or a lack of capacity within the meaning of the Mental Capacity Act 2005; or
- has requested the representative to act on their behalf (proof must be provided in this instance). This might be for general support, to accommodate a disability or to assist where the resident does not have English as their primary language.

10. Housing Ombudsman Service

Under the Localism Act 2011, there must be at least 8 weeks from the end of the complaint process before the Ombudsman will consider the complaint, or through a 'Designated Person' earlier than 8 weeks.

During 2022, the government removed the democratic filter through the Building Safety Bill. Residents with unresolved complaints are now able to access the Housing Ombudsman directly without having to contact a designated person or wait eight weeks.

In all dealings with a Complainant, St Arthur will signpost to the Ombudsman, even at Stage One. This is so that the resident may contact the Ombudsman for impartial advice during the complaint resolution process.

The Housing Ombudsman Service will decide if it is appropriate for them to consider the complaint. They will usually only consider investigating a case brought to them from residents of landlords and managing agents who receive services directly and if the resident has already been through the St. Arthur Homes complaints process.

Housing Ombudsman Service,

Phone: 0300 111 3000

9.15am-5.15pm: Monday to Friday

Housing Ombudsman Service

PO Box 152

Liverpool L33 7WQ

Email at: info@housing-ombudsman.org.uk

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