

Residents' Complaint Policy & Procedure

Policy statement

St Arthur Homes is proud to be able to offer its residents the opportunity to become homeowners which may otherwise not have been possible without the Shared Ownership product. We respect you as owners with the rights as well as responsibilities of owners, and as such it is our intention not to interfere in the quiet enjoyment of your home. However, if you are dissatisfied with the service that St Arthur Homes provides, we wish to offer a robust complaint policy that will investigate the concerns and provides redress if required. It is our desire that we can resolve complaints fairly and in a timely manner through direct contact with the resident, but ultimately, should we not be able to do so, we wish to offer you the opportunity to take your 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.
- 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 'Enquiry' and a 'Complaint'

A **Complaint** is when a resident contacts us to advise us of dissatisfaction, 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 a 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 Residents' Complaints Procedure 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;
- not completing 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.
- 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 which 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.

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 talk to the Complainant, we will keep notes of the discussion in the Complaints Log, and we will always follow up with an email or letter.

4. What happens when a complaint is received?

- When a complaint is received, St Arthur Homes will liaise with the Complainant and seek to understand what the resident expects 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.
- 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 directly to the Housing Ombudsman Service. We will ensure the Complainant is aware of the timescales of this process and that it requires bringing in someone from outside of the operational management team.
- 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.

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 will 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 will aim to do this in a timely manner, but we will need to bring in an independent reviewer. Hence, we will explain this to the Complainant and keep them informed of the estimated timescale when agreed with the independent reviewer.

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 keep the Complainant informed of progress. Where the complaint is upheld, we may compensate the Complainant in accordance with our Compensation Policy.

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 speak English as their primary language.

10. External Complaints Process

If after Stage Two or optional Stage Three the Complainant is still dissatisfied with the outcome, they can refer their complaint to the Housing Ombudsman Service. Either they can do this directly themselves or through a 'Designated Person'. There are two types of Designated Persons who customers can refer their complaint to, a local Councillor or a local MP. This must be done within eight weeks of the final decision.

11. 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. This is to allow some time for reflection on both parties and during which time a compromise might be reached. The exception to this is if the referral is made by the Designated Person in which case the complaint must be referred in writing.

The Housing Ombudsman Service (HOS) 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:

Exchange Tower

Harbour Exchange Square

Isle of Dogs

London

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Tel: 0300 111 3000

E-mail: info@housing-ombudsman.org.uk

