

# HYELM – COMPLAINTS

## Policy Statement

### 1.0 Introduction

- 1.1 HYELM is committed to delivering an excellent service to all its residents and values all feedback as an important learning opportunity to improve areas of service provision and operation.
- 1.2 We recognise that sometimes things do go wrong and when this happens, we have a simple and accessible complaints policy designed to ensure complaints are dealt with in a fair, impartial, consistent and prompt manner.
- 1.3 This policy, and others, if requested, are available in different formats, such as languages, large print and recorded form.
- 1.4 We will make reasonable adjustments in line with the Equality Act to support residents in making a complaint.
- 1.5 We have adopted the Housing Ombudsman's Complaint Handling Code.


### 2.0 Policy Objectives

- 2.1 This policy aims to:
  - Set out a definition of a complaint that can be clearly understood by both residents and staff.
  - Provide a way of dealing with complaints that is easy to access and efficient.
  - Enable and empower our staff to take a lead in understanding when a resident is trying to make a complaint and deal with such concerns as soon as possible and in the most effective manner.
  - Help us to learn and improve service delivery.

### 3.0 Definition

- 3.1 A complaint is an expression of dissatisfaction, however made, about the standard of service, action or lack of action by HYELM, our own staff, or those acting on our behalf, affecting an individual resident or group of residents.
- 3.2 This policy relates to complaints made by:
  - Anyone living in one of our properties or receiving a service from us.
  - Applicants for housing.
  - Any person acting with the complainant's consent on their behalf, such as a family member, advocate, advice agency, Councillor, MP or other designated person as defined by the Localism Act. The complainant would need to confirm they are happy for us to liaise with the 3rd party before we would respond to the complaint.

These group's will be referred to as 'residents' within this policy.




- 3.3 A resident does not have to use the word 'complaint' for it to be treated as such. If we believe a resident is attempting to make a complaint even though they may not directly ask us to we will follow this complaints policy unless the resident asks us not to.
- 3.4 HYELM's complaints officers are the management team lead by the Property Manager within each development. If a complaint is about a member of the management team, that person will not deal with the complaint. A complaints officer will also be excluded from dealing with a complaint if there is a conflict of interest.
- 3.5 A complaint is not a first attempt to request a service or an enquiry.

A **request** is when a resident contacts us to take action to put something right, say within their apartment or communal areas. For example, a resident may ask for something within their apartment to be fixed. This is not a complaint. If we fail to carry out the repair to an agreed timescale or we repeatedly fail to turn up for appointments this may become a complaint. Requests for improvements that do not fall within our service offering are refused and will not be treated as a complaint.


An **enquiry** is when a person contacts us to ask something about the property or tenancy. For example, a resident might ask for information as to why they were sent an arrears letter. This is not a complaint. If we fail to provide this information, then this could become a complaint.

- 3.6 Typically, a complaint could be about:
- delays in responding to enquiries and requests.
  - failure to provide a service.
  - the standard of a service received.
  - failure to follow our policies or procedures.
- 3.7 We will accept all requests from residents to log a complaint unless there is a valid reason not to do so. There are some things that can't be dealt with under this complaints policy. These include:
- Requests for specific services. For example, the first report of a repair unless we fail to complete the repair.
  - Issues that are in court or have already been heard by a court or tribunal, or where legal action has been taken.
  - Matters that are currently/have been dealt with by HYELM's insurers.
  - Insurance claims that would normally be covered by a resident's home contents insurance. Insurance claims will be referred to HYELM's insurers.
  - Issues relating to anti-social and nuisance. HYELM have special procedures for reporting and dealing with these issues and will not be dealt with under this policy unless we have failed to deliver to an agreed service standard.
  - Issues giving rise to a complaint that occurred over six months ago unless they concern serious breaches in either safeguarding or health & safety.
  - Matters that have previously been considered under the complaints policy.

If we decide not to accept a complaint, we will provide an explanation to the resident setting out our reasons why the matter is not suitable for the complaints process and provide details on how the resident can appeal this decision with the Housing Ombudsman.



## **4.0 Complaints Procedure**


- 4.1 HYELM reserves the right not to respond to anonymous complaints.
  - 4.2 Complaints will be accepted in person, via telephone (020 7336 9000), in writing (HYELM – Old Street, 43-51 New North Road, London N1 6JB) and via email ([hi@hyelm.com](mailto:hi@hyelm.com)).
  - 4.3 If a complaint is received from a public forum (e.g. social media) that HYELM use to communicate with residents, we will respond to the complaint using the channels detailed in 4.2 to ensure a level of confidentiality and privacy are maintained.
  - 4.4 We will include copies of our complaints policy and an information for resident leaflet produced by the Housing Ombudsman Service as part of our initial response to the resident. Copies of these can also be requested at any time even if a complaint is not being made.
  - 4.5 At any point in the complaints process we are happy to work with a representative to help the resident deal with their complaint and for a resident to be represented or accompanied at any meeting where this is reasonable.
  - 4.6 Unacceptable behaviour from residents and/or their representatives when pursuing a complaint will be dealt with in line with our policy on anti-social behaviour.
  - 4.7 We will acknowledge receipt of a complaint (both at stage one and two) within five working days of receiving it. The acknowledgement will set out our understanding of the complaint and the outcomes we believe the resident is seeking. If we are uncertain about any aspect of the complaint, we will ask the resident for clarification and the full scope of the complaint will then be agreed between both parties.
  - 4.8 If the desired outcome being asked by the resident is unreasonable or unrealistic, we will inform them of this.
  - 4.9 If any additional evidence or meetings are required to fully consider the issues raised these will be communicated to the resident.
  - 4.10 As part of any investigation the resident, and if applicable any staff member who is the subject of the complaint, will be given a fair chance to set out their position and comment on any adverse findings before a final decision is made.
  - 4.11 Where a key issue of a complaint relates to specific legal obligations, we will clearly set out the obligations of both parties.
  - 4.12 We will agree with the resident reasonable arrangements in terms of frequency and method of communication for the duration of the complaint investigation.
  - 4.13 **Complaint – Stage One**
    - We will investigate and respond to the resident within 10 working days of the complaint being acknowledged and logged. If this will not be possible, we will aim to agree an extension of time with the resident. If an extension cannot be agreed between both parties, the resident can challenge our plan for responding and/or the proposed timeliness of response with the Housing Ombudsman.
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- In responding to the complaint, we will confirm:
  - the complaint stage;
  - the complaint definition;
  - the decision on the complaint referencing the relevant policy, law and good practice where appropriate;
  - the reasons for any decisions made;
  - the details of any remedy offered to put things right;
  - details of any outstanding actions; and
  - details of how to escalate the matter to stage two if the resident is not satisfied with the answer.
- Where residents raise additional complaints during the investigation, these will 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 will be logged as a new complaint.

#### 4.14 **Complaint – Stage Two**

- If a resident is not satisfied that all or part of their complaint is resolved in stage one they can ask for their complaint to be escalated to stage two.
- The request to escalate the complaint must be made within 10 working days of receiving our findings of the stage one complaint.
- Complaints that reach stage two will be considered by a member of the executive team. This will not be the same person that considered the complaint at stage one.
- Complaints will only be escalated to stage two once stage one has been completed.
- We will investigate and respond to the resident within 20 working days of the complaint being escalated. If this will not be possible, we will aim to agree an extension of time with the complainant. If an extension cannot be agreed between both parties, the resident can challenge our plan for responding and/or the proposed timeliness of response with the Housing Ombudsman.
- In responding to the complaint, we will confirm:
  - the complaint stage;
  - the complaint definition;
  - the decision on the complaint referencing the relevant policy, law and good practice where appropriate;
  - the reasons for any decisions made;
  - the details of any remedy offered to put things right;
  - details of any outstanding actions; and
  - details of how to escalate the matter to the Housing Ombudsman if the resident is remains dissatisfied.

## 5.0 **Outcomes**

- 5.1 At any stage a complaint may be upheld, partially upheld or not upheld and this will be clearly communicated in any outcome letter.
  - 5.2 At all stages the objective is to find a positive resolution although there will be times when the resident's desired outcome is simply not possible/reasonable.
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- 5.3 Where something has gone wrong, we will acknowledge this and provide details of the actions that we have taken, or intend to take, to put things right. For example, these might include:
- providing an explanation, assistance or reasons;
  - apologising;
  - taking action if there has been a delay;
  - reconsidering or changing a decision;
  - amending a record;
  - providing a financial remedy; or
  - changing policies, procedures or practices.
- 5.4 Any remedy offered will set out what will happen and by when, in agreement with the resident where appropriate, and will reflect the extent of the service failure and the level of detriment caused to the resident as a result.
- 5.5 Where actions are agreed as part of the resolution, the complaint will be closed but the actions will remain live until they are agreed as complete.

## **6.0 Closing Complaints**

- 6.1 Complaints will be closed if no request for escalation is received within 10 working days of receiving our findings.
- 6.2 Further complaints, even if of a similar nature, will be treated as new complaints unless the complaint is due to the fact that we have not completed the agreed actions of any resolution.
- 6.3 Once a complaint has been closed a full record of the complaint and outcomes at each stage will be stored for the longest of either three years or until the resident leaves our accommodation. This record will include the original complaint and the date received, all correspondence with the resident, correspondence with other parties and any reports or surveys prepared.

## **7.0 Independent Review**

- 7.1 If, having exhausted our internal complaints process a resident is still dissatisfied with the response, they can contact the Housing Ombudsman Service to investigate how we dealt with the matter.
- 7.2 To contact the Housing Ombudsman Service the resident can ask either a Member of Parliament (MP), a local Councillor or a tenant panel to refer the complaint. HYELM does not currently have a tenant panel.
- 7.3 The resident can also contact the Housing Ombudsman directly but please note that the Ombudsman will not be able to investigate the complaint until eight weeks from the end of our internal complaints process.
- 7.4 The contract details for the Housing Ombudsman Service are:
- Online complaints form: [www.housing-ombudsman.org.uk/residents/make-a-complaint/](http://www.housing-ombudsman.org.uk/residents/make-a-complaint/)
  - Phone: 0300 111 3000
  - Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)
  - Postal address: Housing Ombudsman Service, PO Box 152, Liverpool L33 7WQ

## **8.0 Related Documents**

- 8.1 This policy and procedure should be read in conjunction with HYELM's policies and documents:
- Guide for Residents
  - Tenancy Agreement
  - Information for residents about the Housing Ombudsman Service
  - Anti-Social Behaviour Policy

## **9.0 Commitment to Review**

- 9.1 HYELM is committed to continuously improving its practice in the direct work that it does with its residents. It is a learning organisation and where it is identified that policies or procedures could be improved, it will change them.
- 9.2 We value and respond to feedback received from residents, partner agencies and all other stakeholders, particularly in relation to good practice. This policy will be reviewed every three years or sooner where any changing legislation or workplace activity has an impact.
- 9.3 The next review of this policy is due in July 2024.