

Wellington Mills Complaints Policy

1 Introduction

- 1.1 This policy applies to Wellington Mills Housing Co-operative and seeks to ensure that Wellington Mills Housing Co-op complaints process is flexible and responsive to the needs of individual residents to enable them to be heard and understood.

Wellington Mills Housing Co-op complies with the Complaint Handling Code (the **Code**) issued by the Housing Ombudsman Service. All complaints dealt with under this policy will be dealt with in a manner consistent with the Code and will maintain all records as required by the Code.

- 1.2 A **complaint** is defined as: “an expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by Wellington Mills Housing Co-op, its Management Committee, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.
- 1.3 The word “complaint” does not need to be used expressly for the matter to be considered a complaint. Whenever a resident expresses dissatisfaction, Wellington Mills Housing Co-op will give them the option to make a complaint. Complaints made by residents may be made by the resident’s carer, family members or a representative of a resident and these will be handled in line with Wellington Mills Housing Co-op’s complaints policy.
- 1.4 A service request is a request from a resident requiring action to be taken to put something right. (e.g., to carry out routine maintenance etc.) **service requests** are not a **complaint**. Service requests will be dealt with in accordance with the Residents’ Handbook. Failure to deal appropriately with a service request may lead to the matter being dealt with as a complaint.
- 1.5 Service requests will be recorded, tracked, and monitored to completion
- 1.6 A complaint will be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. Wellington Mills Housing Co-op will not stop our efforts to address the service request if the resident raises a complaint.
- 1.7 An expression of dissatisfaction with services made through a resident’s survey is not defined as a complaint, though wherever possible, the person completing the survey will be made aware of how they can pursue a complaint if they wish to.
- 1.8 In dealing with complaints Wellington Mills Housing Co-op will ensure that:
- (a) individuals who raise a complaint are listened to and treated with courtesy and empathy.
 - (b) residents will never be disadvantaged for raising a complaint;
 - (c) complaints will be investigated promptly, thoroughly, honestly, and openly.

2 Complaints not accepted

2.1 Wellington Mills will accept a complaint unless there is a valid reason not to do and will ensure we consider the individual circumstances of each complaint.

2.2 The following matters will not be considered as complaints:

- (a) The issue giving rise to the complaint occurred over twelve months ago.
- (b) Legal proceedings have begun as defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at Court.
- (c) Matters that have previously been considered under the complaints policy.
- (d) the complainant is anonymous, unless there is sufficient documentary evidence to substantiate the complaint.

2.3 The following types of complaint, if not resolvable locally, should be referred to the Council:

- a) complaints about rent levels or service charges;
- b) complaints about services provided directly by the Lambeth Council;
- c) complaints about the behaviour or performance of an employee of the Council or anyone acting on the Council's behalf such as a contractor appointed by the Council;
- d) Claims for compensation for disrepair or loss of services provided by the Council.

2.4 Unless excluded on other grounds, Wellington Mills Housing Co-op will accept complaints referred to them within 12 months of issue occurring or the resident becoming aware of the issue. Where there are good reasons to do so, Wellington Mills Housing Co-op will also consider whether to apply discretion to accept complaints made outside the time limit.

2.5 If a complaint is not accepted a detailed explanation will be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and their right to take that decision to the Ombudsman (see details below). The Ombudsman may direct the Wellington Mills Housing Co-op to take on the complaint.

3 Unreasonable behaviour

We understand that residents can get upset and frustrated when things have gone wrong.

- 3.1 If Wellington Mills Housing Co-op feels a complaint is pursued unreasonably, including any actions or behaviours of the resident/representative, these complaints will be reviewed in line with Wellington Mills Housing Co-op unreasonable behaviour policy.
- 3.2 All complaints will be reviewed on an individual basis
- 3.3 If any restrictions are put in place, these will proportionate and demonstrate regard for the provisions of the Equality Act 2010.
- 3.4 Wellington Mills Housing Co-op will ensure any restrictions will be recorded, monitored and reviewed regularly and the complainant updated following the review.
- 3.5 Any restrictions in place will not prevent Wellington Mills Housing Co-op from ensuring the complaint can be taken through the full complaints process.

4 Who is eligible to complain?

Any resident who has a complaint against the TMO or those acting on its behalf may use the complaints procedure. Any resident who has a complaint against the Council or those acting on its behalf should use the Council's own complaints procedure. However, complaints about the Council which are made to the TMO will be passed to the Council within one working day.

- 4.2 Complaints will be dealt with in a manner that is consistent with Wellington Mills Housing Co-op Equality & Diversity Policy and the TMO's duties under the Equality Act 2010
- 4.3 The complaints handling policy will be published on Wellington Mills Housing Co-op website. Residents can also request for a soft or hard copy from the estate office.
- 4.4 If any individual making a complaint wishes Wellington Mills Housing Co-op to make reasonable adjustments to accommodate an individual's particular needs, they, or their representative, can contact Wellington Mills Housing Co-op by phone, email or in person to discuss what adjustments may be possible.
- 4.5 Wellington Mills Housing Co-op acknowledges that a high volume of complaints must not be seen as negative, as this can be indicative of a well-publicised and accessible complaints procedure. Low complaint volumes are potentially a sign that residents are unable to complain.
- 4.6 The complaints handling policy will be published on Wellington Mills Housing Co-op website.
- 4.7 Residents will have the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting. We will always follow data protection measures when disclosing any information to a third party.

5 The type of complaint covered under this policy

5.1 The complaints procedure is appropriate in the following circumstances:

- complaints about any service provided by the TMO such as:
 - Repairs undertaken to the dwelling or the communal areas;
 - Complaints about the standard of caretaking and cleaning;
 - Complaints about how the TMO deals with tenancy management issues

- complaints about the behaviour or performance of an employee of the TMO or anyone acting on the TMO's behalf;
- claims for compensation for disrepair or loss of services provided by the TMO;
- Complaints about the behaviour or performance of a member of the Management Committee and breaches of the TMO's Code of Governance/Code of Confidentiality/Code of Conduct.

5.2 Complaints policy and procedures link to other policies and procedures

See: 'Repair Performance Standards'
'Performance Standards for Estate Services'
'Tenancy Management Policies'
'Code of Governance'
'Code of Confidentiality'
'Code of Conduct'

6.0 How complaints should be made

6.1 At each stage of the complaints process, Wellington Mills will:

- a) deal with complaints on their merits;
- b) act independently and have an open mind but may consider reports of previous complaints that relate to the same issue being complained about;
- c) give the resident a fair chance to set out their position;
- d) take measures to address any actual or perceived conflict of interest; (which may include asking another committee member to investigate the complaint);
- e) consider all relevant information and evidence carefully.

6.2 All complaints must be made to the Estate Director either in writing, by e-mail, by telephone or in person.

6.3 The Estate Director will help those who require help in putting their complaint in writing. If the Director is the subject of the complaint, the complainant should be referred to the Chair of the Management Committee.

6.4 Complaints should normally be addressed to the Estate Director at the Estate Office. Where appropriate, the complaint should be addressed to the Chair of the Management Committee at the same address.

7.0 The complainant's rights

7.1 Confidentiality

In dealing with complaints Wellington Mills Housing Co-op will comply with confidentiality and data protection policies.

7.2 All complaints made about the TMO's services or those acting on its behalf will be treated in the strictest confidence. The full report of any investigation will only be available to

the Estate Director or, if it relates to the Director or actions of the board, it will be available to the Chair/Secretary of the Management Committee.

7.3 Rights of Representation

The complainant may be represented by any person of their choice.

7.4 Right to be accompanied

The complainant may be accompanied during any interview or investigation by a friend, witness or advocate.

7.5 Right to be supported by Translator or Interpreter

Where the complainant requires the help of a translator or interpreter, a contribution may be made to any costs at the discretion of the Management Committee.

7.6 We will always follow data protection measures when disclosing any information to a third party.

8.0 The complaints process

8.1 There are two levels of complaint:

- Stage 1 will be dealt with by the Wellington Mills TMO
- If you are unsatisfied with the result of Stage 1, you may escalate it to Stage 2. Stage 2 is dealt with by Lambeth Council. However if a resident is dissatisfied after exhausting both stages of complaint, they have the option to make a complaint to the Housing Ombudsman.

9. How the Stage 1 complaint will be investigated

9.1 Who will investigate Complaints?

Complaints will be investigated by the Estate Director or delegated member of staff or where appropriate the Chair of the Management Committee or a person appointed by the Chair.

9.2 The person responsible for the investigation will compile a report (detailed according to the severity of the complaint) with the following contents:

- the nature of the complaint(s) and how it/they relate(s) to the TMO's responsibilities and standards of performance;
- those who provided evidence about the complaint being investigated;
- the evidence or statements provided;
- the conclusion and recommendations of the investigating officer;
- A summary document.

9.3 Timetable to ensure prompt investigation

The Estate Director or Management Committee Chair will acknowledge all complaints within 5 working days of receipt.

- (a) summarise Wellington Mills Housing Co-op understanding of the complaint (The complaint definition);

- (b) make clear which aspects of the complaint Wellington Mills Housing Co-op is, and is not, responsible for and clarify any areas where this is not clear;
- (c) summarise Wellington Mills Housing Co-op understanding of what the Complainant is seeking as an outcome;
- (d) raise any questions that require clarification from the Complainant; and
- (e) set out the next course of action and anticipated timescale.

9.4 The TMO will notify the complainant in writing of its conclusions within 10 working days from the date the acknowledgement was sent. If it is necessary to extend this period of time, the Estate Director or Chair will write to the complainant explaining the reasons why the TMO has not reached a conclusion and giving a new deadline for a response.

9.5 If any further extensions are required, this will be in agreement with resident who will be updated at regular intervals. Such explanation should also include the contact details of the Housing Ombudsman.

The outcome of all complaints (anonymised), together with outstanding complaints, must be reported to each meeting of the Management Committee.

9.6 In responding to the complaint, we will confirm in writing:

- (e) The complaint stage
- (f) The complaint definition
- (g) The decision on the complaint
- (h) The reasons for any decisions made
- (i) The details of any remedy offered to put things right
- (j) Details of any outstanding actions; and
- (k) Details of how to escalate the matter to stage two if the individual is not satisfied with the result.
- (l) Details on how to escalate to Ombudsman

10. How Stage 1 decisions will be taken and communicated

- 10.1 When the response to the complaint has been decided, it should be included in the summary document and sent to the complainant.
- 10.2 The summary should state whether or not the complaint has been upheld. If the complaint has been upheld, the summary should state:
 - what action will be recommended to the Management Committee to rectify the cause of complaint.

- What compensation, if any, will be recommended to the Management Committee.

If the complaint is not upheld, the summary document should state:

- the main grounds on which the complaint has not been upheld and (if applicable) the main grounds on which the claim for compensation has not been upheld.

11. How the Stage 2 complaint will be investigated

11.1 How do I escalate the complaint to Stage 2?

- If you want to talk to someone, please call 020 7926 9694.
- You may also make a complaint in person to any member of council staff
- If you'd prefer to put your complaint in writing, please e-mail complaints@lambeth.gov.uk or write to:

London Borough of Lambeth
PO Box 80771
London
SW2 9QQ

11.2 What is the timeline for resolving Stage 2 complaints?

Lambeth will acknowledge the complaint within 5 working days and will deliver a final response within 20 working days from the date the acknowledgement was sent.

11.3 If you are not happy with the way the council has handled your complaint you have the right to refer it to the Ombudsman (<https://www.lambeth.gov.uk/about-council/contact-us/make-complaint/ombudsman>)

12. Record Keeping and Monitoring

All information will be dealt with in accordance with the TMO's Code of Confidentiality. Information and records will be kept in a secure filing cabinet.

All management complaints will be centrally recorded in accordance with the categories provided by the Council. In addition records will be kept on the complainants file and any other relevant file.

Details of all complaints received (anonymised where appropriate to protect the identity of those involved), action taken to investigate the complaint and recommendations to the Management Committee on action to be taken will be reported to monthly management committee meetings. In addition summary details will be recorded in the quarterly monitoring report provided by the TMO to the Council.

13. Putting things right where something has gone wrong

13.1 Where something has gone wrong Wellington Mills Housing Co-op will acknowledge this and set out the actions it has 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.
- a. Any remedy offered must reflect the impact on the resident as a result of any fault identified.
 - b. The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.
 - c. Wellington Mills Housing Co-op will take account of the guidance issued by the Housing Ombudsman when deciding on appropriate remedies.

14. Annual Review

This policy will be reviewed on an annual basis

Wellington Mills Housing Co-op will carry out an annual self-assessment in accordance with the Code.

The Management Committee will consider any findings or recommendations of the annual self-assessment and the annual complaints performance and service improvement report.

15. For the purposes of this policy:

- 15.1 Contact for Stage 1:
 - Name: *[Roseline Mann]*
 - Telephone number: *[0207 633 0255]*
 - Address: *[24 Mead Row, SE1 7JG]*
 - Email address: *[Rmann2@lambeth.gov.uk]*
- 15.2 Contact for Stage 2
 - Name: *[Lambeth Council Complaints department]*
 - Telephone number: *[0207 926 9694]*
 - Address: *[London Borough of Lambeth, PO Box 80771,
London SW2 9QQ]*
 - Email address: *[complaints@lambeth.gov.uk]*

16 Housing Ombudsman Service

The contact details for the Housing Ombudsman Service are:

Telephone: 0300 111 3000



Email: info@housing-ombudsman.org.uk
Website: www.housing-ombudsman.org.uk
Address: Housing Ombudsman Service,
PO Box 1484, Unit D, Preston, PR2 0ET

This policy has been approved for issue by:

Signature:

Name:

Position:

Date:

[Wellington Mills Housing Co-op]

Registered number: [22877R]

Complaints

Appendix for internal use only

Service request or complaint?

(Flow Charts with 3 example scenarios)







