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| Document Name: | Complaints Policy |
| Version: | 5.0 |
| Document Custodian: | Managing Director |
| Document Champion: (if applicable) | Housing Manager |
| Board Approval | 7/2/25 |
| Review Date | 7/2/26 |

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Section 1 - Abbreviations, Definitions, Regulations, Guidance & Legislation

1. Abbreviations

- 1.1 Highstone Housing Association (HHA)
- 1.2 Regulator of Social Housing (RSH)
- 1.3 Homes England (HE)
- 1.4 National Housing Federation (NHF)
- 1.5 Housing Ombudsman (HO)

2 Regulations, Guidance & Legislation

- 2.1 HHA must consider and act in accordance with the following regulations, guidance and legislation.
 - a. Co-operative & Community Benefit Society Act 2014
 - b. HO's Complaint Handling Code 2024
 - c. Equality Act 2010
 - d. General Data Protection Act 2018
 - e. RSH's Consumer Standards
- 2.2 HHA will regularly review its legal framework and update the above list as required.

3 Definitions

- 3.1 **Complaint** – a complaint is defined by the HO as an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.
- 3.2 **Service request** – a service request is defined by the HO as a request from a resident to the landlord requiring action to be taken to put something right.
- 3.3 **Enquiry** – we define this as a resident or their advocate asking about something concerning their home, tenancy or HHA.
- 3.4 **Comment or suggestion** – we define this as a resident or their advocate expressing an idea or opinion on an aspect of their home, tenancy or HHA.
- 3.5 **Resident** – a person living in a HHA property with whom HHA has a landlord-tenant relationship or who has applied directly to be housed by HHA.
- 3.6 **Advocate** – a person or organisation, who is not a solicitor or any other legal professional (unless they are acting in a lay capacity). HHA requires evidence that one of the following is in place before it can accept a complaint made on behalf of a resident by an advocate.

Where a resident does not have capacity:

- a. Lasting Power of Attorney (LPA) for Property & Financial Affairs or Health & Welfare
- b. Enduring Power of Attorney (EPA) for Financial Affairs¹
- c. Ordinary Power of Attorney (OPA)
- d. Deputyship for Property and Affairs (including financial matters) or Health & Welfare
- e. A written nomination from someone holding one of the above for a resident authorising an advocate to act on the resident's behalf

Where a resident has capacity:

- f. A written nomination from the resident authorising an advocate to deal with a complaint on their behalf

- 3.7 **Non-resident** – a person who:
 - a. is not representing a resident as an advocate; or

¹ EPAs were replaced by LPAs on October 1st 2007. Any EPAs created prior to this date which have not been replaced by an EPA or revoked are still legally binding

- b. does not have a landlord-tenant relationship with HHA; or
- c. has previously had a landlord-tenant relationship with HHA but is seeking to complain about an issue which is unrelated to their previous tenancy.

Section 2 - Introduction

4. Introduction

- 4.1 The policy sets out HHA's approach to the management of complaints. The document applies to all employees and board members at all times.
- 4.2 For the purposes of this policy, the term board member includes any co-optees appointed to the board unless stated otherwise.
- 4.3 Nothing in this document will override the requirements imposed by the RSH, statute or other applicable regulations. HHA will ensure that no other internal policy or procedure overrides or deviates from the principles of this document.

5. Continuous Renewal & Continuity

- 5.1 The policy will be reviewed annually by the board to ensure it is fit for purpose and compliant with all relevant laws, regulations and standards. The document may be reviewed within a shorter timescale if:
 - a. It becomes ineffective
 - b. There are substantial changes in practice
 - c. HHA's auditors, the HO or another third party recommend changes
 - d. Changes are required by law
- 5.2 The powers and responsibilities set out in this policy will remain with the stated postholder or committee, without the need for amendments, if job or committee titles are changed between reviews unless the board agrees an alternative approach.

6. Disclaimer

- 6.1 The policy can only be considered valid when viewed from the relevant section of HHA's shared folders or when downloaded from HHA's website. Those using the document must ensure that they are using the most recent, board approved version.

Section 3 - Policy Statement

7. Policy Statement

- 7.1 HHA is committed to providing excellent services to its residents. HHA welcomes all types of feedback from all sources and we see feedback and complaints as an opportunity to learn and improve.
- 7.2 We recognise that sometimes things can go wrong and residents or their advocates may be unhappy with the service that we have provided. If our services fall below the standards expected of us we will:
 - a. Acknowledge where things have gone wrong and accept responsibility
 - b. Apologise
 - c. Listen to your feedback to improve our approach
 - d. Explain how we intend to put things right, where it is within our power to do so, within reasonable timescales
- 7.3 The policy sets out a simple, clear process which aims to ensure that complaints are resolved promptly and fairly in accordance with our regulatory and statutory obligations.

Section 4 - Policy Scope & Exclusions

8. Policy Scope & Exclusions

- 8.1 The policy applies to HHA's residents and their advocates. Complaints made by non-residents, who are not complaining on behalf of a resident, will be dealt with under this policy, but they will not have the option to escalate their complaint to the HO.
- 8.2 We will accept complaints from former residents or their advocates providing:
- the complaint is made within 12 months of the incident or issue, or
 - within 12 months of the former resident becoming aware of the incident or issue, and
 - the resident had a landlord-tenant relationship with HHA at the time the incident or issue occurred.
- 8.3 Where a resident lacks capacity, we will accept complaints on their behalf from advocates meeting our definition of an advocate for a resident without capacity. Where the advocate does not have legal authority to act on behalf of the resident, we will use our judgement to assess whether they are acting in their best interests. If we decide to accept a complaint from an advocate without a form of legal authority, we may restrict the information we provide in our complaint responses to ensure we are meeting our statutory obligations.
- 8.4 Residents with capacity may appoint an advocate to act on their behalf but must do so in writing with written evidence of the appointment sent to HHA's Complaints Officer.
- 8.5 Residents or non-residents may be accompanied at any meetings held during the process of investigating a complaint by one other person. The person accompanying the complainant cannot be a solicitor or any other legal professional unless they are acting in a lay capacity. The resident must clarify in advance of a meeting if the person accompanying them is an advocate or if they are attending to provide support.
- 8.6 Matters concerning resident dissatisfaction made by a member of parliament or a local councillor on behalf of a resident will be dealt with as complaints under this policy.
- 8.7 We will exercise our judgement in cases where the evidence supports HHA taking a different course of action, but we will generally not accept complaints which meet one or more of the following criteria:
- Complaints made anonymously²
 - Complaints made about incidents or issues which:
 - occurred more than 12 months ago
 - the complainant has been aware of for more than 12 months
 - Where legal papers³ relating to the complaint have been served in court
 - Where a complaint relates to an active or prospective insurance claim
 - Any matters which have already been dealt with under our complaints policy
 - Complaints relating to anti-social behaviour which will be dealt with under our Anti-Social Behaviour Policy⁴
 - Complaints relating to services which we do not provide or contract to be provided
 - Complaints which have already been investigated or are under investigation by the HO
 - Complaints where the complainant, or their advocate, breaches our Unacceptable Behaviour Policy or where the complainant refuses to co-operate with the HHA staff seeking to investigate
 - Complaints relating to staff conduct which will be dealt with in accordance with our disciplinary procedures

² Anonymous complaints will be investigated but will not be dealt with under this policy.

³ A Claim Form or Particulars of Claim Form

⁴ Complaints about the way in which HHA has handled an Anti-Social Behaviour case will be accepted and dealt with under this policy. However, complaints directly concerning Anti-Social Behaviour will not be dealt with under HHA's Complaints Policy.

- 8.8 A group of residents making a complaint through a petition or another group medium will be treated as one complaint. The resident group must nominate a lead person with whom HHA can correspond and one other member may attend any meetings which take place during the investigation process.
- 8.9 If the same resident, non-resident or advocate makes multiple complaints of a similar nature whilst their first complaint remains open, the subsequent complaints will not be treated as additional complaints. Any new information will be dealt with in the ongoing complaint investigation.
- 8.10 If HHA uses a third party organisation to investigate and handle a complaint, HHA will ensure the organisation complies with the requirements of the HO's Complaints Handling Code.
- 8.11 If the complainant or their advocate breaches our Unacceptable Behaviour policy we may impose contact restrictions and/or reject the complaint. If HHA is forced to take action of this nature, we will ensure our interventions are proportionate and we will keep any restrictions under review. We will also provide you with a letter or email explaining the reasons for our decision.
- 8.12 Where HHA decides not to accept a complaint, we will provide the complainant with an explanation by letter or email outlining the reasons for our decision.
- 8.13 If HHA is unable to comply with the HO's complaints handling code due to exceptional circumstances such as a cyber incident or natural disaster, HHA will inform its residents and the HO. HHA will publish a notice on its website and confirm a timescale for returning to compliance with the Code.
- 8.14 Our policy will be published on our website and a copy will be included in our welcome pack for new residents. We will also publish an easy read version of the policy on our website and complaints information will be provided to all of our support providers.
- 8.15 HHA will also publish the following documents on its website on an annual basis:
- self-assessment against the Complaint Handling Code,
 - Complaints Performance & Service Improvement Report (CPSIR)
 - response from the board to the CPSIR

Section 5 - What is a complaint?

9. Complaints

- 9.1 Residents and their advocates do not need to use the words "complaint" or "formal complaint" for HHA staff to take action and for the complaints process to begin. Non-residents must specify that they want to make a complaint.
- 9.2 Examples of complaints we will consider are where we have:
- failed to provide a service or been delayed in providing a service
 - provided a service which fell below the expected standard
 - failed to follow our policies or procedures
 - failed to keep residents informed
 - failed to display the standards of behaviour expected from HHA staff or contractors
- 9.3 We understand that residents may express their dissatisfaction when we seek their feedback through surveys or consultations. However, we will not treat dissatisfaction or negative feedback provided through a formal feedback process as complaints. When we run formal feedback exercises, we will always make our complaints process clear to our residents.

10. Non-Complaints

- 10.1 A service request, enquiry, comment or suggestion is not a complaint and will not be dealt with under this policy.
- 10.2 If dissatisfaction is expressed when a resident or advocate is making a service request, enquiry, comment or suggestion, HHA staff will clarify whether a complaint is being made. If a non-resident

expresses dissatisfaction when making a service request, enquiry, comment or suggestion it is the responsibility of the non-resident to clarify whether they want to make a complaint.

- 10.3 HHA works closely with third party support providers at many of its properties and may receive complaints relating to the provision of support. A complaint relating to a service which HHA does not provide directly or contract to be provided on its behalf will not be dealt with under this policy. However, HHA staff will help our residents to address their complaint to the organisation who is best placed to deal with it.
- 10.4 It is sometimes difficult to distinguish service requests from complaints. An example of a service request could be that a contractor has missed an appointment and the resident has waited in to provide access. The resident may express their dissatisfaction to a HHA staff member and request a new appointment. If the resident is satisfied with an apology and a new appointment being arranged, the service request can be logged and closed. Alternatively, the resident could also request that the issue is investigated at stage 1 of the complaint process.

Section 6 - How to make a complaint

11. Making a complaint

- 11.1 HHA residents, or their advocates, can make a complaint by:
- Speaking to any member of HHA staff
 - Calling our office on 01484 609189
 - Emailing complaints@highstoneha.co.uk
 - Filling out the complaints form on our website - <https://www.highstoneha.co.uk/contact/>
 - Writing to us at Highstone Housing Association, 329 Wakefield Road, Denby Dale, Huddersfield, HD8 8RX
- 11.2 Non-residents must make complaints by email, phone or by using the form on our website.
- 11.3 We'll take a complainant's preferences into account when issuing communications and we'll make reasonable adjustments where required in accordance with the Equality Act 2010.

Section 7 - Our complaints process

12. Stage 1

- 12.1 If you're unhappy with our response to your service request or you want to raise a complaint we will acknowledge your complaint within **five working days of receipt**.
- 12.2 Complaints at stage 1 will be investigated by our Complaints Officer. If our Complaints Officer is the subject of the complaint, another HHA officer will carry out the investigation.
- 12.3 We will generally contact you by email unless you have stated your preference for an alternative method of communication. If your preference for communication is not a written format, we will also contact you by email or, if you do not have an email address, by letter. Our acknowledgement will:
- Confirm receipt of your complaint
 - Explain whether HHA is able to progress your complaint
 - Confirm the nature of your complaint and the aspects of it which we are able to deal with under our complaints policy
 - Establish how you would like us to resolve your complaint if you have not specified this in your initial contact
 - Explain the timescales within which we will issue a stage 1 complaint response.
- 12.4 We will respond to all stage 1 complaints within **ten working days** of acknowledging the complaint.
- 12.5 If a resident raises further concerns that were not included in their initial contact during the investigation they will be included in the original complaint and covered in the stage 1 response. If including the additional concerns would cause a significant delay or the additional concerns were raised after the stage 1 response has been issued, a separate complaint will be opened.

- 12.6 If for any reason we need **more than ten working days** to respond to your complaint we will contact you to:
- explain the reasons for the extension of time
 - clarify the timescales within which we expect to provide you with a response
 - confirm how we will keep you informed during the extension period
- 12.7 If you are a resident or an advocate, any communication we provide regarding extensions will also include the HO's contact details and an explanation that the HO can be contacted for advice at any point.
- 12.8 Extensions of time at stage 1 will be **no more than ten working days**. Extensions will be assessed on a case by case basis, but examples of reasons for a delayed response could include but are not limited to:
- Delays to the provision of information by a third party which are outside of HHA's control
 - The volume of information which must be reviewed
 - The complexity of the complaint and the number of parties from whom information must be obtained
- 12.9 Our stage 1 response will be sent by email unless you have stated your preference for an alternative method of communication. If your preference for communication is not a written format, we will also contact you by email or, if you do not have an email address, by letter. Our stage 1 complaint response will:
- Set out the complaint stage
 - Define your complaint
 - Explain the decision we have reached
 - Outline the reasons underpinning our decision
 - Provide details of any solutions we offering to put things right
 - Details of any actions we intend to take and the timescales which they will be taken in
 - Details of how to escalate to stage 2 of our process if you are not satisfied with our stage 1 response.
- 12.10 We will close your complaint if you refuse to engage with the officer undertaking the investigation. Lack of engagement includes, but is not limited to:
- Failing to respond to requests for information within agreed timescales
 - Failing to respond to contact attempts by the investigating officer for 10 working days
- 12.11 Where we close your complaint, we will write to you to explain our decision.

13. Stage 2

- 13.1 If the complainant is unhappy with the stage 1 response they may escalate to stage 2 of the complaints process. A request to escalate to stage 2 of the process must be made **within 30 days of the stage 1** response being issued. Stage 2 cannot begin until stage 1 has concluded.
- 13.2 Stage 2 complaints will be investigated by the Managing Director. If the Managing Director is the subject of the complaint, it will be investigated by the Member Responsible for Complaints.
- 13.3 All stage 2 complaints will be reviewed by the Member Responsible for Complaints before the complaint response is issued.
- 13.4 We will acknowledge your stage 2 complaint **within 5 working days** of complaint receipt.
- 13.5 We will generally contact you by email unless you have stated your preference for an alternative method of communication. If your communication preference is not a written format, we will also contact you by email or, if you do not have an email address, by letter. Our stage 2 acknowledgement will:
- Confirm receipt of your stage 2 complaint
 - Confirm the nature of your stage 2 complaint and why you remain dissatisfied
 - Clarify the aspects of your complaint which we are able to deal with under our complaints policy

- d. Establish how you would like us to resolve your complaint if you have not specified this in your initial contact
 - e. Explain the timescales within which we will issue a stage 2 complaint response.
- 13.6 We will respond to all stage 2 complaints within **twenty working days** of acknowledging the complaint.
- 13.7 If a resident raises further concerns that were not included in their initial contact during the investigation they will be included in the original complaint and covered in the stage 2 response. If including the additional concerns would cause a significant delay or the additional concerns were raised after the stage 2 response has been issued, a separate stage 1 complaint will be opened.
- 13.8 If for any reason we need **more than twenty working days** to respond to your complaint we will contact you to:
- a. explain the reasons for the extension of time
 - b. clarify the timescales within which we expect to provide you with a response
 - c. confirm how we will keep you informed during the extension period
- 13.9 If you are a resident or an advocate, any communication we provide regarding extensions will also include the HO's contact details and an explanation that the HO can be contacted for advice at any point.
- 13.10 Extensions of time at stage 2 will be **no more than twenty working days**. Extensions will be assessed on a case by case basis, but examples of reasons for a delayed response could include but are not limited to:
- a. Delays to the provision of information by a third party which are outside of HHA's control
 - b. The volume of information which must be reviewed
 - c. The complexity of the complaint and the number of parties from whom information must be obtained
- 13.11 Our stage 2 response will be sent by email unless you have stated your preference for an alternative method of communication. If your communication preference is not a written format, we will also contact you by email or, if you do not have an email address, by letter. Our stage 2 complaint response will:
- a. Set out the complaint stage
 - b. Define your complaint
 - c. Explain the decision we have reached
 - d. Outline the reasons underpinning our decision
 - e. Provide details of any solutions we are offering to put things right
 - f. Details of any actions we intend to take and the timescales which they will be taken in
- 13.12 If you are a resident or an advocate, our stage 2 response will also include the HO's contact details and an explanation that your complaint can be escalated to the HO if you remain dissatisfied with our response.
- 13.13 Stage 2 is the final part of our process and it is not possible to appeal a decision taken at stage 2.
- 13.14 We will close your complaint if you refuse to engage with the officer undertaking the investigation. Lack of engagement includes, but is not limited to:
- a. Failing to respond to requests for information within agreed timescales
 - b. Failing to respond to contact attempts by the investigating officer for 10 working days
- 13.15 Where we close your complaint, we will write to you to explain our decision.

14. HO Review

- 14.1 Where a resident or their advocate is dissatisfied with HHA's stage 2 response they can escalate to the HO. A HO review is not available to non-residents.

- 14.2 The HO can only consider a complaint once HHA has provided its stage 2 response but can be contacted for advice at any point during the process. The HO's contact details are:
- Phone: 0300 111 3000
 - Email: info@housing-ombudsman.org.uk
 - Address: Housing Ombudsman Service, PO Box 1484, Unit D, Preston PR2 0ET
 - Website: www.housing-ombudsman.org.uk

Section 8 - Our complaints culture

15. Roles & reporting

- 15.1 HHA's Managing Director is accountable for the organisation's complaints culture and its approach to complaints handling.
- 15.2 The Managing Director will review complaints data and take action to address any themes, trends or risks including the revision of policies and procedures where appropriate. The Managing Director will ensure that the learning and improvements introduced as a result of complaints are reported to stakeholders as required.
- 15.3 The Managing Director is supported by the Member Responsible for Complaints who will be a member of the HHA board. If the Member Responsible for Complaints role is vacant, it will be filled on an interim basis by the HHA Chair or Vice Chair until a new Member Responsible for Complaints is appointed.
- 15.4 The Managing Director is responsible for ensuring that the Member Responsible for Complaints receives the information required to provide a sufficient level of insight into HHA's complaints handling performance.
- 15.5 The Member Responsible for Complaints is responsible for ensuring that the board receives regular updates on complaints from the Managing Director which will include:
- a. the volume, categories and outcomes of complaints,
 - b. complaint handling performance;
 - c. reviews of issues and trends arising from complaint handling;
 - d. updates on the outcomes of any investigations undertaken by the Ombudsman
 - e. updates on progress made in complying with orders made by the Ombudsman
 - f. the annual complaints performance and service improvement report.
- 15.6 HHA's Complaints Officer responsible for the day to day management and delivery of complaints handling, complaints reporting and liaising with the HO. HHA's Complaints Officer is HHA's Housing Manager. The Housing Manager has the required authority to investigate complaints and has access to all staff members within the organisation.
- 15.7 If the Housing Manager post is vacant, the Managing Director will appoint another Complaints Officer until the Housing Manager post is filled.
- 15.8 HHA will carry out additional self-assessments against the Complaints Handling Code following a major event, such as a restructure, merger or significant change in procedures, if the board, Member Responsible for Complaints, Managing Director or Complaints Officer believe that HHA's compliance with the Code has been impacted.

16. Complaint resolution & Investigation

- 16.1 All HHA staff must:
- a. adopt a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments to find resolutions
 - b. be reflective and take collective responsibility for any shortfalls identified through the complaint investigation process;

- c. comply with any professional standards relevant to complaints set by the Chartered Institute of Housing and any other professional bodies of which they may be a member.
- 16.2 At each stage of the process HHA's staff must:
- a. deal with complaints on their merits, act independently, and have an open mind
 - b. give the complainant a fair chance to set out their position
 - c. take measures to address any actual or perceived conflict of interest
 - d. consider all relevant information and evidence carefully
- 16.3 Where a resident expresses dissatisfaction we will confirm if the resident wishes to make a complaint and, if so, ensure the complaint is logged and the process begins. However, wherever possible, for all resident and non-resident complaints, HHA staff will attempt to resolve the problem immediately rather than waiting for the outcome of a complaint investigation.
- 16.4 Our staff will treat complainants with impartiality and empathy when they make a complaint and it will not impact the way in which HHA engages with them outside of the complaints process. Responses to complaints will be issued as soon as is reasonably practicable when the investigation concludes and will not wait for actions to resolve the complaint to be completed.
- 16.5 Where it is feasible for us to do so, we will respond to complaints earlier than the timescales stated in the sections above. We also assess whether we should respond to complaints earlier than our stated timescales if to do otherwise would put the resident at risk of harm.
- 16.6 When offering resolutions to complaints, HHA staff will consider relevant HO guidance.

17. Learning & Improvement

- 17.1 HHA views all complaints as an opportunity to learn and to improve the quality of our services across the organisation. Where appropriate, we will report the lessons learned from the complaints we receive to our staff and will use the information to amend our policies and procedures. HHA staff must look beyond their individual role and consider whether wider service improvements can be made as a result of learning from a complaint.
- 17.2 We will carry out an annual self-assessment against the HO's complaints handling code to ensure that our complaints policy remains compliant with the HO's requirements and we will also publish an annual complaints performance and service improvement report. Both documents will be reviewed by the board and published on our website. Our board will also publish a response to the complaints performance and service improvement report.

Section 9 – Equality, Diversity & Inclusion

18. Equality, Diversity & Inclusion

- 18.1 HHA is committed to ensuring that our interactions with all people, communities and organisations are fair and inclusive and that everyone is all customers will be treated fairly, with dignity and respect regardless of their age, disability, gender or gender reassignment, marital status or civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation .
- 18.2 HHA will make reasonable adjustments where necessary for complainants with protected characteristics to ensure that our complaints process is accessible. Reasonable adjustments may include:
- a. Providing a complainant with additional time to provide information or respond to requests
 - b. Using an interim correspondence address for victims of domestic abuse, hate crimes or harassment
 - c. Translating documents into alternative languages, providing easy read or large print versions of documents
 - d. Use of an interpreter
 - e. Communication through an advocate during meetings
 - f. Rest of comfort breaks during meetings
 - g. Collecting information through a home visit

- 18.3 Complainants can request reasonable adjustments when making their complaint by speaking to HHA's Complaints Officer. HHA will remind residents that they can request reasonable adjustments to our complaints process in our complaints acknowledgement letters.
- 18.4 In some cases, the provision of reasonable adjustments may elongate response timescales and we will keep complainants informed if timescales are extended.