

## **TCHA - COMPLAINTS POLICY**

### **1.0 PURPOSE AND AIM**

- 1.1 The TCHA complaints policy sets out TCHA's approach to receiving and handling complaints, ensuring that they are dealt with in a consistent and transparent way.
- 1.2 TCHA aim to give excellent customer service. TCHA welcome both positive and negative feedback to help improve our services. The overall objective of this policy is to value complaints as a source of tenant feedback about the standard of service delivery, and to ensure that complaints are investigated impartially, and resolved at an early stage.
- 1.3 TCHA aims to:
- Respond within agreed timescales
  - Operate a customer focused complaints process
  - Seek to resolve complaints at the first point of contact
  - Investigate complaints thoroughly and impartially
  - Keep records of complaint investigations
  - Acknowledge any identified service failure and offer an apology
  - Use the outcome of complaints to inform service reviews

### **2.0 SCOPE**

- 2.1 This policy applies to all areas of the business and covers all complaints received from all residents, customers, and third parties making a complaint on their behalf. The TCHA complaints policy also applies to MP and local councillor queries.
- 2.2 This policy sets out the arrangements for handling complaints from:
- Assured and Assured Shorthold tenants of homes owned by TCHA
  - Applicants held on the waiting list by TCHA
  - Former tenants of homes owned by TCHA
  - TCHA Leaseholders
- 2.3 Tenants of properties that TCHA manages on behalf of another organisation may be required to follow the complaints policy of the owning landlord, community landlords and other registered service providers (RSP).
- 2.4 The TCHA complaints policy does not apply in circumstances where the complaint is being handled through another process:
- Statutory appeal bodies or tribunals
  - Legal proceedings
  - Insurance claims
  - Complaints about staff being investigated under the disciplinary process

2.5 Comments made about TCHA's policies or procedures will not be regarded as complaints unless the point of concern being raised is that the process has been applied unfairly.

### **3.0 DEFINITIONS**

#### **3.1 Complaint**

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.

3.2 The complainant does not need to use the word complaint in order for the issue to be treated as such. TCHA recognise the difference between a service request, survey feedback and a formal complaint and take appropriate steps to resolve the issue for complainants as early as possible.

3.3 The housing management team has been designated to act as the dedicated Complaints officer.

### **4.0 PRINCIPLES**

#### **4.1 What are not complaints?**

4.1.1 There are some instances where the issue that you raise will not be dealt with via the complaints process, these include:

- A routine first-time request for a service, for example reporting something that needs to be repaired or reports of anti-social behaviour which need to be investigated;
- 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 2 investigation. This information will be considered as part of a new complaint;
- Complaints which involve a personal injury claim or third-party liability claims are not dealt with under this process. Instead they would be investigated by an appropriate member of staff and if required, they would be passed to our Insurers or Solicitors;
- Requests for consolation or goodwill payments or to renegotiate any amounts offered as full and final settlements;
- Events that happened more than 6 months ago;
- Our policies and procedures that have a separate right of appeal or review;
- Reports of Anti-Social Behaviour (ASB) will not be treated as complaints as these issues are covered by our ASB Policy, except where our ASB policy and/or procedures have not been followed.
- Issues that are in Court, likely to be in Court, or have already been heard by a Court, a tribunal, or the Independent Housing Ombudsman.
- This is not an exhaustive list

#### **4.2 How to complain**

4.2.1 Complaints can be made in several ways:

- By phone on 0208 493 7160

- By email to [service@tamilhousing.org.uk](mailto:service@tamilhousing.org.uk)
- In writing to Tamil Community Housing Association, Tamil House, Unit 2 Fountayne Business Centre, Broad Lane, N15 4AG.
- Directly to any of our colleagues in person
- Via a representative or advocate (we must have written permission from the customer)
- Via the TCHA website by completing the webform

#### 4.3 **Anonymous complaints**

- 4.3.1 Our ability to fully explore and feedback on the issue may be limited due to the nature of anonymous complaints. We will record and monitor anonymous complaints in the same way that we treat other feedback. Anonymous complaints will be considered on their individual merits and may be investigated where they identify issues for service review, fraud or health and safety.

### 5.0 **COMPLAINTS PROCESS OVERVIEW**

- 5.1 TCHA are committed to ensuring that our staff are treated with respect. To protect our staff, we will not engage with any threatening or abusive behaviour. We will deal with any unacceptable behaviour under the unacceptable standard policy.
- 5.2 Making a complaint will not result in any adverse changes to the services that you receive from TCHA. To ensure fairness TCHA will deal with complaints on their merits, act independently and remain open minded, take measures to address any actual or perceived conflict of interest, consider all information and evidence carefully and ensure the complaint remains confidential with only necessary information being disclosed to investigate the matter.
- 5.3 TCHA aims to provide a consistent quality of service to an agreed standard, but recognises that sometimes service delivery may fall below expected standards, causing dissatisfaction, and prompting complaints. We welcome feedback from customers, and value information that will enable us to improve our services.
- 5.4 TCHA aims to seek to resolve complaints informally at the first point of contact, we recognise that putting thing right is the first step to repair and rebuild TCHA and the complainant's relationship. Procedures for complaints handling will include a process to appeal against the decision made, and for the matter to be investigated by a Senior Manager. Complainants will be informed of their right to appeal at each stage and about the role of the Ombudsman service.
- 5.4.1 TCHA reserves the right to allow the Lead Manager to exercise discretion in how to respond to the compliant providing clear explanations to the complainant.
- 5.4.2 TCHA will listen to your complaint and carefully consider your expectations and desired outcomes. Where appropriate TCHA will ensure that appropriate action is taken and any remedy offered reflects the extent of any and all service failures, these may include; acknowledging when things go wrong, apologising and taking prompt action if there has been a delay, reconsidering or changing a decision, changing policies, procedures or practices and offering compensation in line with our Compensation policy.

5.4.3 Complaints should be made within a reasonable period which would normally be within six months of the matter occurring. In exceptional circumstances we may decide to respond to a complaint outside of this timescale.

5.5 TCHA recognises that some complainants may have trouble in making a complaint due to vulnerability, language, or literacy. TCHA will offer a choice to complain in person or in writing using different channels, and recognise the role of advocates in supporting complainants to present their complaint, where informed consent is given. Further information can be found in TCHA's reasonable adjustment policy.

### 5.6 ***Response timescales***

5.6.1 We will aim to respond to formal complaints within the following target timescales:

- Acknowledgement 5 Working days from receipt of the complaint
- Stage 1 10 Working days from receipt of the complaint
- Stage 2 20 Working days from receipt of the review request
- Stage 3 (Ombudsman) After 8 weeks of case closed and within 6 months of logged complaint

### 5.7 **Criteria for Escalating Complaints to Stage 2:**

5.7.1 If a complainant is still unhappy after receiving the stage 1 response, an escalation request to stage 2 can be made in writing. TCHA will investigate all stage 2 complaints.

### 5.8 **Housing Ombudsman**

5.8.1 If the complainant remains unhappy with the outcome of the review, stage 2, response from TCHA the complainant can ask The Housing Ombudsman Service to review their complaint, details can be found in section 6 below.

5.8.2 TCHA will respond to all requests made by the Housing Ombudsman service within 15 working days.

### 5.9 **Consolation/Goodwill Payments**

5.9.1 TCHA will assess if any consolation or goodwill payments are due and may refer or take advice on any financial redress to our Insurers and/or Solicitors. Any consolation or goodwill payment will always be offered as a '*full and final settlement*'. Where an offer is refused or not taken up within the time frame stipulated in any response letter by a complainant, TCHA reserves the right to withdraw the amount offered and shall not make any repeat offer. Further information can be found in TCHA's Compensation and Goodwill Policy.

### 5.10 **Response standards**

- 5.10.1 Complaint responses will be jargon free. The responses given to complaints will include: a summary of the complaint (s), if the complaint is not being upheld, the reason for the decision an apology for any service failures identified, any corrective action taken, or being taken and a contact name for further enquiries and any action the complainant may be expected to take.
- 5.10.2 A letter will be sent to complainants confirming that the complaint is closed. Complainants will also be invited to complete a satisfaction survey about the handling of their complaint. The outcome of complaint will be reviewed to influence policy and procedure development, inform our equality and diversity policy, and form part of service reviews.

### **5.11 Aggressive or Abusive Behaviour**

- 5.11.1 TCHA will not tolerate aggressive or abusive behaviour from complainants. Colleagues should be treated with courtesy and respect. Anger in respect of a complaint may be understandable but it must not escalate into aggression towards our colleagues. Further information can be found in TCHA's Unacceptable Actions Policy.

### **5.12 Unreasonable Demands**

- 5.12.1 Where the demands of a complainant substantially affect our colleagues causing a negative impact on other customers or workload, we will consider them unreasonable. This can include demanding responses within an unreasonable timescale; constant contact whether by phone, email or in writing; repeatedly changing the subject of a complaint or raising unrelated issues and insisting on speaking or seeing specific colleagues.

### **5.13 Unreasonably Persistent**

- 5.13.1 We will consider actions to be unreasonably persistent when a complainant refuses to accept a decision made in relation to a complaint; refuses to accept explanations relating to what we can and cannot do or continues to pursue a case without presenting any new information or evidence. We reserve the right to determine what we believe is unacceptable behaviour. We will not respond to insulting, abusive, derogatory, or demeaning language aimed at or about TCHA staff, contractors, or other residents.
- 5.13.2 Where a complainant refuses to modify their behaviour when requested, a Senior Manager may make the decision to deal with them outside of the complaints policy and/or restrict a resident's access to our services. Any restrictions would be communicated to the customer in writing and provide a full explanation detailing how the restriction has been applied and how they can continue to contact us about emergencies and any urgent issues.
- 5.13.3 TCHA will use both the Housing Ombudsman's guidance and/or TCHA's Unacceptable Actions Policy to determine whether the complaint may be categorised in this way, and to determine any further action.
- 5.13.4 TCHA reserves the right to communicate with unreasonably persistent or vexatious complainants in writing, via a nominated advocate or a representative. TCHA reserves the right to take legal or possession action, if a complainant behaves in such a way that they are breaking the law or breaches the terms and conditions of their tenancy and/or terms of their lease.

## 6.0 EXTERNAL APPEAL OPTIONS

6.1. Tenants, leaseholders or housing applicants who have exhausted TCHA's complaints process, but believe the response is incorrect or incomplete, can ask a designated person, which could be any MP in England or a councillor for the local authority for the property, to review the case.

6.1.1 Their role is to help resolve disputes between tenants and landlords which they can do in whatever way they think is most likely to work.

### 6.2 *The Housing Ombudsman Service*

6.2.1 Tenants, leaseholders or housing applicants who have exhausted TCHA's complaints process, but believe the response is incorrect or incomplete can contact the Housing Ombudsman directly at:

The Housing Ombudsman Service,  
PO Box 152,  
Liverpool L33 7WQ  
Telephone: 0300 111 3000  
Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)  
Website: [www.Housing-ombudsman.org.uk/home](http://www.Housing-ombudsman.org.uk/home)

### 6.3 *Property Ombudsman*

6.3.1 If a complainant is a tenant of a Community landlord, they can contact the property Ombudsman who provide resolution of disputes between tenants and property agents.

6.3.2 They can find out more information about how to complain at [www.tpos.co.uk/](http://www.tpos.co.uk/)

### 6.4 *Local Government Ombudsman*

6.4.1 If they are then unhappy with the outcome of the local authority's actions, they can contact the Local Government Ombudsman.

6.4.2 Local Government Ombudsman at [www.lgo.org.uk](http://www.lgo.org.uk).

### 6.5 *Financial Ombudsman*

6.5.1 The complainant can contact the Financial Ombudsman if their complaint was about insurance or a 'First Buy Shared Equity' Loan or 'Shared Equity' loan with TCHA.

6.5.2 They can find more information about the Financial Ombudsman at <http://www.financial-ombudsman.org.uk/>

### 6.6 *Local authorities*

## Housing Management Policies & Procedures

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6.6.1 Where we are providing services on behalf of a local authority customers can also complain to their local authority, this will apply to:

- Temporary housing tenants

### 6.7 *Financial Conduct Authority*

6.7.1 We are regulated by the Financial Conduct Authority (FCA).

6.7.2 The FCA cannot investigate or resolve complaints.

6.7.3 If a complainant has either a 'First Buy Shared Equity' loan or a 'Shared Equity' loan, they should follow our complaints policy.

### 6.8 *First Tier Tribunal*

6.8.1 If the complaint relates to service charges, the complainant can refer the issue to the First Tier Tribunal at any stage.

6.8.2 They can find more information about the First Tier Tribunal at <https://www.gov.uk/courts-tribunals/first-tier-tribunal-property-chamber>

## 7.0 **ACCOUNTABILITY**

7.1 The Chief Executive is responsible for the implementation of this policy. Service Managers are responsible for ensuring that this policy is implemented within their service areas.

### 7.2 **Learning from complaints**

7.2.1 We treat complaints as an opportunity to learn from our mistakes and improve our service. Complaint numbers, outcomes and satisfaction inform policy reviews and the way we deliver our services.

## 8.0 **REVIEW**

8.1 This policy will be reviewed every three years or more frequently to take account of changes in good practice and/or legislation. This policy will remain in force between any periods of review.

**Review: Document Control**

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6 <sup>th</sup> December 2020	TCHA Complaints procedure reviewed	v2.0

**References:**

Housing Act 1985 & Housing Act 1996

Data Protection Act 2018/GDPR 2018

Human Rights Act 1998

Schedule 2, Localism Act 2010

Regulator of Social Housing Regulatory Framework: Tenant Involvement and Empowerment Standard

Equality Act 2010

Ombudsman service casework and good practice guidance on complaints handling [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk) or [www.lgo.org.uk](http://www.lgo.org.uk)

Related TCHA policies: Compensation and Goodwill Policy, Interim Policy amendments, Reasonable Adjustment Policy, Unacceptable Actions Policy.