

TCHA COMPLAINTS PROCEDURE

Stage 1 and Stage 2 (Review)

1. PURPOSE AND AIM

- 1.1 The TCHA complaints procedure sets out the organisations approach to receiving and handling complaints, ensuring that they are dealt with in a consistent and transparent way. We aim to give excellent customer service. We welcome both positive and negative feedback to help improve our services.

2. APPLICATION AND SCOPE

- 2.1 The TCHA complaints procedure 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. This policy also applies to MP and local councillor queries.
- 2.2 The procedure 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
- 2.3 Tenants of properties that TCHA manages on behalf of another organisation may be required to follow the complaints policy and procedure of the owning landlord.

3. DEFINITIONS

- 3.1 *A complaint is defined as:*

- 3.1.1 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.
- 3.1.2 The complainant does not need to use the word complaint 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.
- 3.2 The housing management team has been designated to act as the dedicated Complaints officer. For the purpose of this procedure the following definitions have been used.

- **Local Officer** – Housing Officer, Housing Administrator
- **Local Manager** - Housing Service Manager
- **Lead Manager** – Senior Housing Services Manager, Chief Executive Officer
- **The System** – Omni ledger/Shared drive

4. PRINCIPLES

- 4.1 All complaints are to be treated seriously and responded within the timescale set out in the TCHA complaints policy and procedure. 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 relevant policies.
- 4.2 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.
- 4.3 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.
- 4.4 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. THE PROCEDURE



5.1 Receiving a complaint

- 5.1.1 Most of the complaints received will be dealt with by the Local Officer. If the complaint is received by a staff member (other than the Local Officer), this should be sent to the local officer within 24 hours. If the complaint is about the Local Officer, then the complaint should be sent to the Local Manager within 24 hours.
- 5.1.2 If the complainant requests to verbally submit their complaint, transcribe their complaint and ask them to confirm they are happy with what you have written. Complainants may ask an advocate to submit a complaint on their behalf. If an advocate is making the complaint check that the complainant has provided us with consent to discuss the matter with them (unless the correspondent is their MP or local councillor).

5.2 Logging a complaint

- 5.2.1 Where possible complaints should be logged at the first point of contact with TCHA. The person logging the complaint will vary depending on how the complaint is received as detailed below.
- Complaints received by the Chief Executive Officer (via phone, email or form) will be passed to a Local Officer to log.
 - Complaints received directly by the Local Officer will be logged by the Local Officer (regardless of the issue)
 - Community complaints received by a Community official will be sent to Service@tamilhousing.org.uk for logging by the housing administrator.

5.3 Checking for existing complaint

- 5.3.1 When you receive a complaint, first check whether there is an existing complaint case on the same matter. If there is, attach any new correspondence to the existing case on the system, as this is being dealt with by someone else, send an email to the officer managing the case. If the related case is closed, then you should escalate it to a review (Stage 2). If there is no open case you should create a case on the system, attaching details of the complaint and any correspondence received.
- 5.3.2 If there is not an existing case, then before you contact the complainant you should consider whether you are able to use a quick fix to resolve the issue; if this is not appropriate then log the complaint on the system.

5.4 Contact the Complainant

- 5.4.1 When you receive a complaint, if it has not been made to you in person then you should contact the complainant via their preferred method of contact (preferably phone call) within 5 working days to acknowledge receipt of the complaint and discuss what you can do to resolve this. You may be able to resolve the issue as part of this conversation, if so then this should be dealt with as a quick fix.
- 5.4.2 If you are unable to contact the complainant to discuss their complaint it should be logged as a complaint and the customer contacted via writing to confirm the case reference and next steps. If an advocate is making the complaint check that the complainant has provided us with consent to discuss the matter with them (unless the correspondent is their MP or local councillor) before you contact them.

5.5 Quick fixes

5.5.1 When receiving a complaint, you should decide whether this can be resolved within 48 hours and therefore be dealt with as a quick fix or whether the matter needs to be escalated to complaint.

5.5.2 If you can resolve the query to the complainants' satisfaction within 48 hours then log this on the system and close the case, identifying any lessons learnt and writing to the complainant. If you are unable to resolve the query to the complainants' satisfaction it should be escalated to a stage 1 complaint on the system and the complainant advised of the next stage of the complaints process.

5.6 Investigate the complaint

5.6.1 You should take appropriate actions to address the complaint or investigate the complainant's issue(s); this could include:

- Visiting the complainant (where appropriate) or arranging a call/video call over Ms Teams
- Reviewing case notes and correspondence - check all documents in relation to the complaint including any tenancy agreement or lease, previous complaint, previous compensation claim, history of contact, any vulnerabilities etc.
- Setting out any legal obligations
- Speaking to other employees/contractors to get information or updates about the issues.
- Where the problem is a reoccurring issue you should consider any older reports and information as background to the complaint.

5.6.2 *Complaints about repairs*

5.6.2.1 If the complaint is about a repair, then you should speak to the relevant contractor or operative. If they are unable to resolve this locally, or it is a complex issue, then you should refer to the Local Manager for support. You should agree the actions needed, and timescales for carrying these out, if possible, within 3 working days of the Local Officer speaking to the customer about the complaint.

5.6.3 *Complaints about multiple issues*

5.6.3.1 When a complaint is about several issues, be sure to request information from any colleagues and ask to meet with them to discuss the case. Ensure all details are logged on the system including requests made for information from Officers.

5.7 Draft response to the complaint

5.7.1 Once the investigation is complete, the Local Officer will draft a written response. The Local Manager will review the response before it is sent to the complainant. The local Officer must consider the following factors when drafting a response to a complaint or forming a resolution to the complaint:

- Length of time the situation has been ongoing and frequency of occurrence
- Severity of issue
- Impact on the complainant including any vulnerabilities

5.7.2 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.

5.7.3 Complaint responses must include:

- A summary of the complaint issue
- An apology if we have identified a service failure
- What we have or have not done or what we will do to rectify
- Next steps with deadlines that have been agreed with the complainant
- Details of any compensation offered
- Resolution, if provided
- Explain that the complaint is now closed and explain what the complainant can do if they are unhappy with the outcome
- If there has been a service failure, we should inform the complainant what we have learnt, and we will advise them of any changes that we will be making as a result including changes to policies, procedures or practices.

5.7.4 If the nature of the investigation is such that you are unable to provide a full resolution within 10 working days, you should still provide a written response that includes an action plan that includes timescales for resolving the complaint.

5.8 Compensation

5.8.1 You should assess if any consolation or goodwill payments are due and may refer or take advice on any financial redress from our Insurers and/or Solicitors. Any consolation or goodwill payment will always be offered as a *'full and final settlement'* further information can be found in TCHA's Compensation and Goodwill Policy. Where an offer is refused or not taken up within the time frame stipulated in any response letter by a complainant. During Covid-19 you should where possible arrange payment by BACS transfer instead of a cheque. (See TCHA Compensation & Goodwill Policy)

5.9 Send response and close complaint

5.9.1 All responses need to be made in writing within 10 working days from the date the complaint was received. The Local Officer must update the system with a copy of the final response and details of any follow up actions.

5.9.2 If the Local Officer is unable to deal with the stage 1 complaint within 10 working days, an extension letter should be sent to the complainant detailing timescales and reason for the extension.

5.10 Follow up actions

5.10.1 If follow up actions have been allocated, the Local Officer must, monitor delivery of actions, update the system and keep the complainant informed of progress. The Local Officer should schedule a follow up call with the complainant to ensure they have been carried out and logged on the system.

5.10.2 If actions have not been carried out as agreed, then a new date should be agreed with the complainant and this should be escalated to the Local Manager and updated on the system.

5.11 Stage 2 - Receiving a review request

5.11.1 A complainant who is dissatisfied with the response can ask for the complaint to be reviewed within 20 working days either from the date the response letter was sent or from the date that follow-up actions were to be completed.

5.11.2 *Criteria for Escalating Complaints*

5.11.3 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. In order to appeal the complainant must ask for an escalation to stage 2 by emailing service@tamilhousing.org.uk.

5.11.4 *The following criteria will apply to escalate complaints to stage 2:*

- Complainants must explain where any significant information provided at stage 1 has not been substantially considered which has led to a service failure stating:
 - The reason(s) why they are dissatisfied with the outcome at stage 1 providing examples
 - The outcome/resolution they are seeking for their complaint to be resolved at Stage 2; or where there are multiple issues of dissatisfaction, the outcome or resolution they are seeking for each element.
 - The amount sought, if seeking financial consolidation or goodwill payment.
- Any issues not raised at stage 1 will not be investigated at stage 2
- We will not treat service requests as complaints
- Reports of ASB will not be treated as complaints, except where our ASB policy has not been fundamentally followed.

5.11.5 Any consolation or goodwill payment will always be offered as a *'full and final settlement'*. Where an offer is refused by a complainant, TCHA reserves the right to withdraw the amount offered and shall not make any repeat offer.

5.12 Reviewing the Request

5.12.1 The Local Manager should review the original complaint response and see if there is anything that can be done to resolve the complaint prior to escalating to a full review. The complainant should be contacted within 2 working days to acknowledge the review request and confirm details of the request to determine if and how they can be resolved.

5.12.2 If the complaint can be resolved between the complainant without the need to escalate this needs to be recorded on the system with any correspondence attached and a formal letter confirming what has been agreed sent to the complainant.

5.13 Carrying out the review

5.13.1 The review could include:

- Speaking to or visiting the complainant (where appropriate)
- Speaking to the officer who carried out the original investigation, and the manager who signed off the response
- Reviewing case notes and correspondence
- Speaking to other departments to get information or updates about the issues. Once you have completed your investigations you need to prepare a review pack, as a word document, which should include:

5.13.2 If the Lead Manager is unable to deal with the review request within 20 working days, an extension letter should be sent to the complainant detailing timescales and reason for the extension.

5.13.3 The final response will be reviewed, where possible, by 2 people, if the complainant does not request a resident reviewer or a resident reviewer is not available, 2 independent managers will be identified.

5.14 Send review response and close complaint

5.14.1 The Lead Manager will write to the complainant within 20 working days from the date of receipt of the review request.

5.14.3 All information will be recorded on the system including a copy of the final response and a copy sent to the independent reviewers and the complainant.

5.15 Stage 3 - Housing Ombudsman

5.15.1 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.

5.15.2 The Housing Ombudsman can request for a review within 6 months of the initial complaint and after 8 weeks of the final response being sent. If a review request is received this should be sent immediately to the Local Manager. All requests will be responded to within **15 working days**.

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
Website: 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/

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.

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*

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

Housing Management Policies & Procedures

- 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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Policy owner:	Devan Kanthasamy – TCHA, CEO
Accountable Director:	Devan Kanthasamy – TCHA, CEO
Who to contact?	Devan Kanthasamy – TCHA, CEO

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6 th 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 or www.lgo.org.uk

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