



HCHA Complaints Policy and Procedure

HCHA welcomes complaints. It is how we learn to get things right.

How this document works

The first section Pages 1-5 is our **Complaints Procedure** and sets out **how to complain** to HCHA.

The second section from Page 6 onwards is our **Complaints Policy** and gives more information for you and HCHA staff.

Anyone can complain to us about our services including tenants or other professionals. You can also ask us to explain this document to you at any time.

HCHA is determined to comply with the Equalities Act 2010, so **if you need any extra help or support to complain** please let us know; we will always make reasonable adjustments.

We manage complaints in line with **The Housing Ombudsman Complaint Handling Code of Practice** and the code is available online at <https://www.housing-ombudsman.org.uk/landlords/complaint-handling-code/>. The Ombudsman is independent and usually intervenes in a complaint once you have been through our complaints process. However they can advise you at any time and you have the right to use their service. There is lots of helpful advice and help on their website.

You can contact the Ombudsman on 0300 111 3000, by filling in the online form at <https://www.housing-ombudsman.org.uk/contact-us/>, or by email info@housing-ombudsman.org.uk. Please note that the Housing Ombudsman can only deal with housing matters. We will always help to guide you to advice in any other matter. Please ask.

We take your data protection and confidentiality very seriously. If you have any concerns, at any time, about how we might share information when we deal with your complaint, please do ask us.

1 What is a complaint?

A complaint is 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.

We aim to sort out problems and put things right as quickly as possible. It is best to let us know as soon as you are not happy as that really does help us to put



things right straight away, if we can. For example, our sheltered housing scheme managers can usually sort out most things on the spot.

If you aren't satisfied with our response or if you witness something that you do not wish to share with one of our staff for any reason, then we really do want to know.

2 How can I complain?

- By email to info@HCHA.org.uk;
- In writing to HCHA, Ground Floor, 9 Richards Close, Harrow, HA1 2BE;
- Online via www.HCHA.org.uk;
- In person to your scheme manager (if you live in Sheltered or Extra Care Housing);
- Verbally to any member of HCHA staff (we may have to call or write to you for more details and we will do this as soon as we can);
- Via Social Media; if you do this we will ask you to contact us another way to give us the details and to protect your confidentiality;
- By phone to your housing or scheme manager or by calling our Head Office 0208 424 2776.

However we receive your complaint we will take it seriously

You can always ask for a representative or advocate to represent you.

Your rights matter to us: we will always check with you that you have given them permission to be your representative.

3 When we cannot deal with your complaint

3.1 Sometimes we cannot accept a complaint. Some of the reasons are set out below. If we decide that we cannot deal with your complaint we will write to you and explain why we would not accept the complaint detail:

- The issue you want to complain about is more than six months old (unless it is a recurring problem);
- Any type of legal proceedings have started;
- It is a complaint or problem that we have already dealt with using our complaints policy and procedure;
- Very rarely we receive vexatious complaints that we will not deal with and we have clearly explained that in our policy that follows. We will always write and inform someone if we have made that decision. HCHA will always make that decision based on evidence.

3.2 If you have complained to us and we did not accept your complaint, but have told us about a problem that we can help to resolve, we will still do that. We will tell



you what we will do and when as soon as we can.

4 Complaints about support or care services

4.1 The Housing Ombudsman can only intervene about housing matters. If your complaint is about a support or care service we will advise you how best to take your complaint forward. Usually this is with the local authority who commissioned us to provide the service.

4.2 If we receive any complaint that we realise is for another organisation we will always assist you to make that complaint and that includes forwarding your complaint to the right organisation if you give us permission to do so.

5 Our procedure – Two Steps

5.1 **Step One** – you complain to us:

- We will **acknowledge** your complaint. We will always do this within **5 working days** but hope will be in touch more quickly.
- We might **come back to you** to clarify what you have said or ask for more details.
- We will make a decision about your complaint within **10 working days**. If that isn't possible (for example: we need evidence from someone else like a contractor and haven't received it) we will always contact you and explain why we cannot meet our 10 day deadline. We will give you a new date for a decision. This will only happen if it is unavoidable. **This will not exceed another 10 working days** without good reason.

5.2 **Step Two** – still not happy and want to escalate your complaint?

- We will acknowledge your request to escalate the complaint within **5 working days** but aim to be in touch more quickly.
- If your Stage One complaint was dealt with by our housing, administration, finance or maintenance staff, then a senior member of HCHA will review their decision at Stage Two.
- If a senior staff member dealt with your Stage One complaint, it will be reviewed by two other members of the senior management team.
- We will make a decision about your complaint within **20 working days**. If that isn't possible (for example: we need evidence from someone else like a contractor and haven't received it) we will always contact you and explain why we cannot meet our 10 day deadline. We will give you a new date for a decision. This will only happen if it is unavoidable. **This will not exceed another 10 working days** without good reason.

5.3 HCHA will never unreasonably refuse to escalate a complaint. Rarely, we may refuse if we have decided that we can offer no further remedy or response to the problem. We will always write to you and clearly inform you if that is the case.



5.4 We hope that all complaints can be dealt at Stage One. If we decide that we cannot resolve your complaint at Stage Two, in some circumstances, we may consider an appeal. If we both agree, we will put together a panel within 20 working days. We will try our best to have an impartial tenant take part on the panel (unless you tell us not to do this) and we will invite a member from our Board of Management or of an HCA committee. We aim to do this only where it is absolutely necessary.

5.5 At any time during the Complaints process you can:

- Bring in an advocate or representative;
- Ask us to clarify anything we have said in response to your complaint;
- Make a comment about our response(s) or raise an objection any decision that we have made;
- Contact the Housing Ombudsman for advice;
- Ask us to make reasonable adjustments if you or your advocate/representative need them to be able to take part in the complaints process;
- Challenge our information;
- Ask us to pause the process because you are unable to take part, for example you are in hospital. We will always agree to any reasonable requests to do so.

5.6 If you remain dissatisfied at the end of the HCHA complaints process you have the right to contact the Housing Ombudsman and ask them to intervene. The Ombudsman requests that you contact them within 8 weeks of the final decision being made.

6 Sometimes we close a complaint during the process. This can happen when:

- You tell us that you want to withdraw the complaint. We may ask you why and may still investigate the matter internally. We may still want to learn from your experience and/or your comments;
- We have asked you for details, have not received them and cannot take the complaint forward without them;
- Approval to deviate from this procedure was obtained from the Chief Executive (CEO) and the Chair of HCHA and as a result, we have referred the complaint directly to the Housing Ombudsman, the Police or another statutory agency. The Chair and CEO will be informed at the same time. We will always do this without undue delay and keep you informed;
- You have told us that no solution that we can offer you will be accepted or that one solution only is acceptable and we cannot agree; we will however try our best to offer any available reasonable options to you;



- You have been repeatedly abusive, threatening or violent towards the people dealing with your complaint, or where we have evidence that you have harassed or attempted to bribe or otherwise intimidate or influence our staff or contractors working on behalf of HCHA, or where we have evidence that you have deliberately damaged property associated with the complaint. HCHA staff are expected to deal with every person reasonably, professionally and fairly and equally they have the right not to work with people who are abusive or who threaten, harass or otherwise seek to intimidate them;
- The complaint is not about HCHA services or any contractor working on our behalf. We will always help tenants to take those complaints forward.

7 Some examples of how we might resolve your complaint:

- Saying sorry;
- Putting it right;
- Amending a record;
- Acknowledging that we made a mistake and setting out how we will put it right;
- Reconsidering a decision that we have already made;
- Changing what we do (both in the case of your complaint and in the future for others), and/or our information, policies or procedures;
- Providing an explanation or more detail about your problem.

You can make any notes you wish to here



HCHA Complaints Policy

In this section we set out:

- Further guidance for our staff managing complaints and audits;
- Further information about our policy;
- How we audit, report on and manage complaints to help our learning.

1 When this policy may be set aside

- 1.1 HCHA works with some people who are vulnerable to abuse. Where a complaint contains any allegation of abuse, from whatever source, staff must report this immediately to their line manager.
- 1.2 Line Managers may decide if the complaints procedure will be fully or partially set aside but must report this to the Senior Management Team. In all instances of serious allegations against staff the CEO and Chair of HCHA must be informed without undue delay, independently of each other and at the same time.
- 1.3 Line Managers must record details and inform the complainant if the process is to be set aside. Where any part of a complaint dealing with suspected or reported abuse is set aside it will be considered under the HCHA Safeguarding Policy and managed accordingly.
- 1.4 Any allegation of criminal activity may be referred to the Police and this process may be set aside. This decision must be made by at least two senior members of HCHA staff and in all instances the CEO and the Chair of HCHA must be informed independently of each other and at the same time, without undue delay.

2 How we will respond to complaints

- 2.1 All complaints will be considered in a fair, reasonable and impartial manner. Staff will be approachable and helpful at all stages of the procedure. Nobody will suffer any disadvantage as a result of making a complaint.
- 2.2 We do our best to follow up anonymous complaints but cannot always do so. However, if they are received they will receive the same level of attention as any other complaint wherever possible, as we wish to listen and learn from all complaints.

3 Compensation

- 3.1 It is not the policy of HCHA to pay compensation in response to complaints. In exceptional circumstances HCHA may consider compensation claims but all claims must be agreed by the Chief Executive and at least one other member of the Senior



Management Team. All payments must be reported to the Board of Management.

4 Vexatious Complaints

4.1 Vexatious complaints are rare. Being vexatious means, taking action or bringing forward complaints without sufficient grounds for winning, purely to cause annoyance. In the rare instance that a vexatious complainant is identified evidence must be presented to the CEO who will make the final decision before any further action is taken.

4.2 There is no intention in this part of the policy to evade dealing with the rightful complaints of those who may struggle to control their behaviour or language because of mental health or cognitive problems, because we have not managed the complaint well and the person is upset or where they are just distressed for whatever reason.

4.3 If the decision is taken that any person is vexatious the CEO must ensure that a letter is sent to that person without undue delay setting out the decision, what the evidence it is based upon and any measures put in place to manage contact with the Association.

4.4 Some examples of vexatious complaining include refusing to accept documented evidence or responses to complaints even when delivered by hand, continually raising repeated complaints and adding new complaints so that the volume of work is overwhelming or make an excessive number of contacts and unreasonable demands on staff in a short space of time.

4.4 In the very rare instances where a tenant has been found to be harassing staff (for example where they have been arrested for harassment, warned in writing by Police or where HCHA has an injunction in place) HCHA may deem a complaint as vexatious however all complaints must still be dealt with fairly and reasonably.

5 The Complaints Officer Role

5.1 HCHA is a small Association and no one person takes the Complaints Officer Role. The role is shared with the Head of Operations and Head of Asset Management and Development.

5.2 The Complaints Officer role will oversee complaints, ensure they are logged and responded to within the timescales set out in the Housing Ombudsman Code.

6 Audit and Governance

6.1 The Annual results from audits will be set out in the Annual Report in line with the Housing Ombudsman Code.

6.2 Complaints will be subjected to internal audit and self-assessment at least once every six months to ensure that HCHA remains compliant with the Code of Practice.



A summary will be reported to the Board and to Tenants (in the HCHA Annual Report) at least twice a year.

6.3 The HCHA complaints recording processes will ensure the accurate reporting of:

1. The proportion of complaints acknowledged within set time limits at every stage of the process;
2. The proportion of complaints resolved at Step One and within timescale targets;
3. The proportion of complaints resolved at Step One and within extended timescales where this has been agreed;
4. The proportion of complaints resolved at Step Two and within timescale targets;
5. The proportion of complaints resolved at Step Two and within timescale targets;
6. The proportion of complaints resolved on Appeal with clear analysis of timescales and if targets were met;
7. The number of complaints referred to the Housing Ombudsman and the source of referral and reasons for referral;
8. Analysis of Question: Where advice was given was it accurate and easy to understand?
9. Number of cases HCHA refused to escalate;
10. The reasons HCHA refused to escalate any complaint;
11. Analysis of the Question: Did we explain the decision to the resident or their representative?
12. Analysis of the Question: Where HCHA acknowledged that things had gone wrong, can we evidence that we have taken appropriate steps to put it right?
13. Analysis of the Question: What improvements have been made as a result of complaints?
14. How HCHA shares learning with:
 - residents;
 - the Board of Management;
 - in our Annual Report.

6.4 The Senior Management Team are responsible for arranging, analysing and reporting the results of Housing Ombudsman Self Assessments and internal audits to the Board of Management twice annually.