

APNA GHAR HA - COMPLAINTS POLICY

1.0 AIM

- 1.1 This policy sets out Apna Ghar Housing Associations (*'Apna Ghar'*) approach to receiving and handling complaints, ensuring that they are dealt with in a consistent, fair and transparent way.
- 1.2 We aim to give excellent customer service. We welcome both positive and negative feedback to help improve our services.
- 1.3 The overall objective of this policy is to value complaints as a source of resident feedback about the standard of service delivery, and to ensure that complaints are investigated impartially, and resolved at an early stage.
- 1.4 Apna Ghar aims to:
 - Respond within agreed timescales
 - 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 improvements and reviews

2.0 SCOPE OF COMPLAINTS POLICY

- 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. This 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 Apna Ghar
 - Applicants held on the waiting list by Apna Ghar
 - Former tenants of homes owned by Apna Ghar
- 2.3 Tenants of properties that Apna Ghar manages on behalf of another organisation may be required to follow the complaints policy of the owning landlord.
- 2.4 This 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 Apna Ghar’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

A complaint is *an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organization, our own staff, or those acting on our behalf, affecting an individual resident or group of residents.*

3.2 Who can complain?

- Any person can express dissatisfaction at services we provide. We will also accept complaints from someone acting on behalf of a customer.
- Complaints can be made in person, over the telephone, by letter, by email, or via the website.
- All complaints will be recorded and used to help improve our services.
- When a complaint is made, we will aim to resolve it as quickly as possible.
- If you report or we suspect that abuse or neglect is taking place, we will refer to our Safeguarding policies and procedures. You can also report allegations of abuse and neglect directly to the local authority where you live.

- 3.3 For all compensation related cases, please refer to the Consolation & Goodwill Payments Policy.

Complaints relating to staff conduct will be fully investigated in line with our HR policies, but we cannot divulge the outcome of these investigations for reasons of confidentiality and Data Protection. We will, however, explain broadly what investigation(s) we carried out.

3.4 Housing Ombudsman Service

- 3.5 This is an independent service for the investigation of complaints made about social landlords after the organisation’s own complaints procedures have been exhausted. The Housing Act 1996 (amended by the Housing & Regeneration Act 2008) requires all social housing providers to belong to the service.

3.6 Local Government Ombudsman (LGO)

- 3.7 The LGO investigates complaints made about local authorities.

4.0 PRINCIPLES OF THE COMPLAINTS POLICY

4.1 What are not complaints?

4.2 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;
- 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 re-negotiate 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 has 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.

4.3 How to complain

4.4. Complaints can be made in several ways:

- By phone on 0208 795 5405
- By email to agha@apnaghar.org.uk
- In writing to APNA GHAR HA, 21 Westmoreland Road, London, NW9 9BW
- Directly to any of our colleagues in person
- Via a representative or advocate (we must have written permission from the customer)

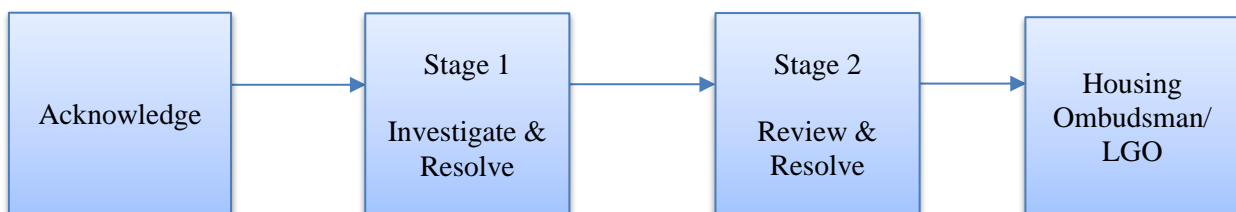
4.5 We will listen to your complaint and carefully consider your expectations and desired outcomes.

4.6 We will aim to resolve your complaint as quickly as possible. Where appropriate, a limited amount of compensation may be awarded in line with our Compensation/Goodwill Policy.

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

4.8 Complaint process

- 4.9 Apna Ghar 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.
- 4.10 Making a complaint will not result in any adverse changes to the services that you receive from us.
- 4.11 Apna Ghar 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 residents, and value information that will help us to improve our services.
- 4.12 Apna Ghar aims to seek to resolve complaints informally at the first point of contact. 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. Residents will be informed of their right to appeal at each stage and about the role of the Ombudsman service.
- 4.13 Apna Ghar recognises that some residents may have trouble in making a complaint due to vulnerability, language, or literacy. We will offer residents the choice to complain in person or in writing by different methods, and recognise the role of advocates in helping residents to present their complaint, where informed consent is given.



4.14 Response timescales

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

- Acknowledgment 5 working days
- Stage 1 10 working days
- Stage 2 (Reviews) 20 working days

4.16 Acknowledgement:

4.17 We will contact complainants within 5 working days to acknowledge receipt of their complaint.

4.18 Stage 1 – Initial Formal Complaint (10 working days): -

4.19 We will investigate Stage 1 complaints within a 10-working day timescale. If the timescales for our response need to be changed for any reason, we will inform you of a new timescale, this may be where we are waiting for further supporting information from you about your complaint (or from your household members), your representative (if any), from a contractor or another third party or where we need to take independent or specialist advice, including any legal or health and safety advice.

4.20 Complaints will be monitored against timescales at each stage, and performance will be reported to Senior Managers.

4.21 Apna Ghar expects that any expression of dissatisfaction with the service should be raised promptly to enable the facts to be investigated. We will not normally investigate complaints that are raised after 6 months of the event they concern or after 6 months of the end of the tenancy, without good reason(s) being given and agreed by the Managing Director.

4.22 Stage 2 – Complaint Review and Resolution (20 working days):-

4.23 If you are not satisfied with our response at Stage 1, you can ask for your complaint to be reviewed at Stage 2.

4.24 Stage 2 complaints are generally more in depth; timescales may be revised where further clarification, supporting evidence or evidence of communications is requested from the complainant, or where we are waiting for further supporting information from you (or your household members) about your complaint, your representative (if any), or from a contractor or another third party or where we need to take independent or specialist advice, including any legal or health and safety advice. Where this applies; we will keep complainants informed of progress and any revised timescales.

4.25 You can request a stage 2 review within 20 working days from either the date of our final response letter at Stage 1 or from the date we were due to complete any agreed actions.

4.26 You can make a request for a stage 2 review, stating why you are still unhappy, by the same methods as making a complaint set out in the section above '*How to Complain*'.

4.27 The review will be carried out by another Manager or Senior Manager who was not involved in making the initial decision at Stage 1. We will contact you directly to discuss the complaint and you will receive a final written response within 20 working days of the date you submitted your review request or the date when we received any further information

from you; for example, where we have requested this for clarification purposes in order to progress your complaint. Where this occurs, we will provide you with an explanation and a new date by which we will provide our response. Upon receiving our Stage 2 final response, you will have exhausted our internal complaints process.

4.28 Criteria for Escalating Complaints to Stage 2:

4.29 In order to appeal our Stage 1 response, you can ask for an escalation to stage 2. We will not investigate stage 2 complaints automatically based on opposing views between the Complainant and Apna Ghar as this is unlikely to lead to a satisfactory resolution for both parties and likely to prolong the resolution of a complaint.

4.30 The following criteria will apply to escalate complaints:

1. Complainants must explain where any significant information provided at stage 1 has not been substantially considered which has led to a service failure; examples will be required;
2. Any issues not raised at stage 1 will not be investigated at stage 2;
3. State the reason(s) why they are dissatisfied with the outcome at stage 1 and provide examples or reasons for this;
4. State the outcome or 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 of their complaint;
5. Where a complainant is seeking a financial consolation or goodwill payment, the amount sought should be stated at the outset of the stage 2 complaint to enable Apna Ghar to fully consider this.

4.31 Consolation & Goodwill Payments

4.32 Apna Ghar 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 by a complainant, within a reasonable time frame as stipulated in any response letter sent by us; Apna Ghar reserves the right to withdraw the amount offered and shall not make any further or repeat offer(s).

4.33 Response standards

4.34 Complaint responses will be jargon free and written in easy-to-understand plain language. The responses given to complaints will include:

- A summary of the complaint (s) and the complaint stage
- The outcome of the complaint and the reasons for any decisions made
- An apology for any service failures identified or details of any remedy to put things right
- Any corrective action taken, or being taken and a contact name for further enquiries
- Details of how to escalate the matter if dissatisfied

- any action the complainant may be expected to take
- 4.35 Residents will be invited to complete a satisfaction survey about the handling of their complaint. The outcome of complaints will be reviewed to influence policy and procedure development, inform our equality and diversity policy, and form part of service or continuous improvement reviews.
- 4.36 Aggressive or Abusive Behaviour**
- 4.37 Apna Ghar 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.
- 4.38 Physical violence; language (spoken or written) or behaviour which makes colleagues feel fearful, threatened or abused is not acceptable. Such behaviours can include making derogatory personal remarks; being rude; inflammatory statements or making unsubstantiated allegations.
- 4.39 Unreasonable Demands**
- 4.40 Where the demands of a resident 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.
- 4.41 Unreasonably Persistent**
- 4.42 We will consider actions to be unreasonably persistent when a resident refuse 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.
- 4.43 Where a resident refuse 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. All such restrictions would be communicated to the resident in writing and must explain how the restriction has been applied and how they can continue to contact us about emergencies and any urgent issues.
- 4.44 Apna Ghar will use both the Housing Ombudsman's guidance and/or Apna Ghar's Unacceptable Actions Policy to determine whether the complaint may be categorised in this way, and to decide on any further action.
- 4.45 Apna Ghar reserves the right to communicate with unreasonably persistent or vexatious complainants in writing, via a nominated advocate or a representative.

4.46 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 Apna Ghar staff, contractors, or other residents.

4.47 We reserve the right to take legal or possession action, if a resident behaves in such a way that they are breaking the law or it breaches their tenancy or the terms of their lease.

4.48 Anonymous complaints

4.49 Our ability to fully explore and feedback on any 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, safeguarding, fraud or health and safety.

4.50 Support & Reasonable Adjustments

4.51. Residents may request support and reasonable adjustments, where for example they have a disability. All such requests will be accommodated where they are practical and reasonable. This may include providing information in alternative formats, extending deadlines, allowing residents to be accompanied or represented by an advocate or a representative. Please refer to our Reasonable Adjustments Policy (available from our website).

5.0. OTHER OPTIONS AVAILABLE TO RESIDENTS

5.1 Designated person

5.2 A social housing tenant may approach a ‘designated person’ (as set out in the Localism Act 2011) where they are still dissatisfied after exhausting our complaints process. These are ‘designated persons such as an MP (Member of Parliament), Councillor or Tenant Panel.

5.3 The role of a ‘designated person’ is to help resolve tenant complaints by:

- providing advice to tenants
- advocating on their behalf
- discussing matters with the landlord
- engaging with other designated persons
- carrying out other actions.

5.4 They may also refer complaints to the Housing Ombudsman if they are unable to resolve a complaint locally and the complainant agrees.

5.5 External Appeal Options:

- 5.6 First Tier Tribunal** - If your complaint relates to service charges or rent adjustments you can refer the issue to the First Tier Tribunal at any stage. Contact details:
www.gov.uk/housing-tribunals
- 5.7 If you are not satisfied with the outcome of the Stage 2 review response from Apna Ghar you have the option of asking **The Housing Ombudsman Service** to review your complaint: -

Housing Ombudsman Service
PO Box 152
Liverpool L33 7WQ
Telephone: 0300 111 3000 Email: info@housing-ombudsman.org.uk
Web: www.housing-ombudsman.org.uk

6.0 ACCOUNTABILITY

- 6.1. The Managing Director is responsible for the implementation of this policy. Service Managers are responsible for ensuring that this policy is implemented within their service areas.
- 6.2. Learning from complaints**
- 6.3. 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.

7.0 REVIEW

- 7.1 This Complaints Policy was reviewed and amended in November 2020 in response to the publication of the Housing Ombudsman's revised Code for Complaints (2020).
- 7.2. 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.

Sources/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
The Housing Ombudsman Service (Complaint Handling Code, 2020)
Equality Act 2010
Apna Ghar HA Reasonable Adjustments Policy (2020)