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# 1. Purpose and context

- 1.1 We aim to deliver an excellent and reliable resident experience, but we recognise that sometimes things go wrong, and people may need to give us feedback, which may include making a complaint. We actively encourage such feedback. Not only are we required by legislation and regulation to have a complaints policy, but it gives us an opportunity to put a situation right and helps us to learn and improve.
- 1.2 We have reviewed this policy to ensure it:
  - Complies with the Housing Ombudsman scheme and complaint handling code.
  - Complies with the Social Housing Regulator's standards, including the Transparency, Influence and Accountability standard.
- 1.3 The contents of the complaints policy, which had previously been subject to resident consultation, has been checked and updated to reflect updates in regulation, but otherwise broadly retained. This policy stands separately but complimentary to Lewisham Council's main complaints policy, but specifically focused to cover our landlord duties and the regulation for Housing. Where a complaint does not fall under the scope of this policy, it may instead fall under the scope of the Council's main complaints policy. If this is the case, we will let you know.

**Note:** We expect further work to policies and processes, in response to new regulation and evolving good practice.

- 1.4 We have included a section specifically for Building Safety Complaints within this policy (Section 8). While we acknowledge there are some differences in definition, process and legislation etc, we feel on balance that it is better to include this information, as residents who wish to make such a complaint may consult this policy. This also helps us to ensure we log and respond all such complaints consistently.

# 2. Scope and Definitions

- 2.1 The Housing Ombudsman defines a complaint as:

*"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."*

- 2.2 A service request is defined as:

*A request from a resident to the landlord requiring action to be taken to put something right.*

- 2.3 Matters that may lead to a complaint include when:

- We fail to meet our legal duties, promises or standards we have set.
- We do something wrong, poorly, or fail to do something we should.
- We are impolite or unhelpful.

- 2.4 We would not usually consider the following as complaints for handling under this policy:

- It is a first request for a service, information or action, or is currently being dealt with as a service request in line with our stated service standards and timescales.
  - It is a complaint about another resident, for example a report of anti-social behaviour. This would be dealt with by our ASB or Tenancy services.
  - A policy already has an appeal process built into it which would be more suitable to use, for example an appeal against the amount of rent or service charges.
  - Legal proceedings against us are in progress<sup>1</sup>. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
  - Where the matter being complained about is a service provided by another part of Lewisham Council, for example is about council tax, school admissions, or penalty charges. In which case we will direct you to follow the Council's main complaints policy and process: <https://lewisham.gov.uk/mayorandcouncil/complaints-and-feedback/how-to-send-a-complaint-to-us>
  - Where the complaints process has already been followed and exhausted
- 2.5 We are unable to investigate anonymous complaints under this policy, as there would be insufficient information for us to follow our process. However, the information may be passed to the manager responsible for the day-to-day service for action. For example, if it relates to safeguarding concerns or reports of tenancy fraud.
- 2.6 We will never unreasonably refuse to accept or escalate a complaint through all stages of the complaint's procedure. Where we believe the complaint is unsuitable for the complaints process, we will always provide clear and valid reasons for our decision and the right to take this decision to the Housing Ombudsman. (See section 4 and 5).
- 2.7 For complaints made by a group of people, see section 6.
- 2.8 The following people can make complaints for handling under this policy:
- A person who is or who has been in a direct landlord/tenant relationship with Lewisham Council's Housing Services. This includes people who have a lease, tenancy, licence to occupy, service agreement or other arrangement to occupy premises it owns or manages. If an ex-occupier makes the complaint, they must have had a legal relationship with Lewisham Council at the time that the matter, that is the subject of the complaint, arose.
  - An applicant for a property owned or managed by Lewisham Council.
  - A representative of any of the people above who is authorised by them to make a complaint on their behalf, such as an MP, Councillor or third-party advocate. We will always follow data protection measures when disclosing any information to a third party, and our response timeframes may need to be adjusted to allow sufficient time for this.
  - A representative of any of those listed above who are unable to authorise someone to act on their behalf. We must be satisfied that the representative has the legitimate authority to act on the person's behalf. We recognise the person may also wish to be accompanied by such a representative at a meeting with us.
  - A person with authority to make a complaint on behalf of any of the people above who are deceased.

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<sup>1</sup> We will continue to try to resolve the problem, but timescales etc may sit outside of the complaints process.

- 2.9 There may be exceptions to the above at our discretion. For example, when a neighbour to one of our properties or a tenant of a leaseholder raises a concern that could impact on the health, safety, or wellbeing of our residents.
- 2.10 A complaint should be brought to us within twelve months of the problem coming to your attention so that we can investigate it properly and put things right. However, we understand there may be exceptional circumstances that stopped the complaint being raised earlier and each case will be considered on its own merit.
- 2.11 The word 'complaint' does not have to be used for it to be logged and handled in line with the Complaints procedure, providing it meets the definition in 2.1 above.
- 2.12 A complaint does not need to be made in writing and can be made to us in a number of ways which include:
- By telephone to 0800 028 2028
  - Face to face with a member of staff
  - By email to: [HousingComplaintsandFeedback@lewisham.gov.uk](mailto:HousingComplaintsandFeedback@lewisham.gov.uk)
  - By letter to: Housing Complaints and Feedback, Lewisham Council, Laurence House, 1 Catford Road, London SE6 4RU
  - Online via Lewisham Council's website
  - By social media
- 2.13 Complaints made by social media will be directed to the appropriate contact/online form or passed to the relevant team for action. To protect your privacy, you should send information you want to be kept private via direct message. For example, your address and telephone number.

### 3. Guiding principles

- 3.1 This policy has been written in line with the Housing Ombudsman's dispute resolution principles and expanded to reflect our approach to dealing with dissatisfaction:
- Be fair – We will treat people fairly and follow fair process, keeping the complainant updated with progress within published timescales.
  - Be objective – We will ensure that the complaint is dealt with impartially at every stage.
  - Put things right – we will work to put the customer back into the position they were in before the issue occurred. We will acknowledge and apologise for any mistake or service failure, providing an explanation of what went wrong where we (or a contractor working on our behalf) were at fault.
  - Be consistent – We will compensate or reimburse customers in line with our Compensation, reimbursements, and remedies policy<sup>2</sup>.
  - Learn from outcomes – learn from complaints and use the information to improve services.

### 4. The complaints process

- 4.1 All responses to formal complaints being handled under this policy are co-ordinated by our Housing Complaints and Feedback team.

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<sup>2</sup> The Housing Services Compensation policy is available on our website.

### 4.2 Chasing up service requests, and initial expressions of dissatisfaction:

- Many problems can be resolved quickly without the need for a formal complaint. We encourage this approach as the first step to resolving most issues, as it is often the easiest and quickest way to achieve a positive outcome for you.
- In the circumstances when we have been unable to resolve your issue, or where you request it, these will be logged as a complaint and handled under this policy.

### 4.3 Stage 1

4.3.1 When we receive your complaint, we will acknowledge, define, and log it within five working days, telling you the name of the investigating officer or the team it has been allocated to, and giving you a complaint reference number.

4.3.2 Whenever possible, the investigating officer will contact you by telephone to talk through your complaint to ensure we understand the issues, the impact they have had on you, and agree how you would like your complaint resolved (unless you have requested no telephone contact).

4.3.3 Where additional complaints are raised during our investigation, these will be incorporated into the stage 1 response if relevant and it has not yet been issued. Where the stage 1 response has already been issued or the additional complaints would unreasonably delay it, the issues will be logged as a new complaint and a separate complaint reference number provided.

4.3.4 Once the investigating officer has investigated your complaint, they will send you their response within 10 working days of the acknowledgement, notifying you of:

- The complaint stage.
- An outline (definition) of what we understand your complaint to be about.
- The decision following investigation and the reasons for it
- The details of any remedy offered, or action taken, to put things right.
- Details of any outstanding actions
- Details of how to escalate your complaint to the next stage of the complaint's procedure.

4.3.5 If we cannot respond fully to your complaint within 10 working days, we will let you know that we need more time and explain the reason for the delay. This extension will not exceed a further 10 working days without good reason. In the meantime, we will:

- Answer the points we can within the original timeframe.
- Give you a new date for sending the final response to the remaining points.
- Explain when any follow up actions or information are going to be provided.
- Give you contact details for the Ombudsman.

4.3.6 If you do not agree with the outcome of your complaint or the actions proposed to resolve it, you may decide to escalate your case to stage 2 of the complaints process for our final response. We would normally expect this to be within twelve months of the original complaint.

### 4.4 Stage 2

4.4.1 When you ask for your complaint to be escalated to stage 2, we will acknowledge it within five working days, telling you the name of the allocated officer or the name of

the team it has been passed to, and giving you a complaint reference number. The person considering your complaint at stage 2 will never be the same person who considered it at stage 1, to ensure a proper and unbiased review.

4.4.2 The allocated officer may contact you to discuss your complaint and to clarify that we understand your complaint (unless you have requested no telephone contact). The stage 2 is not usually a reinvestigation, but a review of the actions and decisions taken at stage 1 to check that they were thorough, reasonable and fair.

4.4.3 Once the allocated officer has looked into your complaint, they will send you their response within 20 working days of the acknowledgement, notifying you of:

- The complaint stage.
- The complaint definition
- The decision following investigation and the reasons for it
- The details of any remedy offered, or action taken, to put things right.
- Details of any outstanding actions
- Details of the Housing Ombudsman Service.

4.4.4 If the allocated officer cannot respond fully to you within 20 working days, they will let you know that we need more time and explain the reason for the delay. This extension will not exceed a further 20 working days without good reason. In the meantime, we will:

- Answer the points they can within the original timeframe.
- Give you a new date for sending the final response to the remaining points.
- Explain when any follow up actions or information are going to be provided.
- Give you contact details for the Ombudsman.

4.4.5 Where you are still not happy with the outcome of your complaint after stage 2 has been completed, you can escalate your case to the Housing Ombudsman (See section 5).

#### **4.5 Directly addressed complaints**

All correspondence and communications directed or addressed to an individual member of staff, including to Directors, will be forwarded to our Housing Complaints and Feedback team to handle in line with the approved process. This approach helps to ensure that information is properly logged and that everyone receives a fair and consistent service.

## **5. The Housing Ombudsman**

5.1 If you have been through both stages of our complaints process but are still unhappy, you have the right to refer your complaint to the Housing Ombudsman. The Housing Ombudsman is responsible for investigating social housing complaints.

5.2 Complainants have the right to contact the Housing Ombudsman throughout the handling of their complaint for guidance and support, and do not have to exhaust our complaints process before doing so.

5.3 Our complaints policy has been written in line with requirements within the Housing

Ombudsman's statutory code.

5.4 The Housing Ombudsman can be contacted by:

- Telephone: 0300 111 3000
- Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)
- Online: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)
- Post: Housing Ombudsman Service, PO Box 1484, Unit D, Preston PR2 0ET

## 6. Group complaints

- 6.1 A group complaint is where residents from more than one property submit a joint complaint about the same issue. If it appears that individuals are raising different issues or the individual circumstances vary, it may be more appropriate for these to be dealt with as separate complaints. We would let you know if so
- 6.2 For all group complaints, there should be a lead person identified, with the names and addresses of all signatories provided to confirm everyone has given their permission to be part of the complaint.
- 6.3 Petitions about policies and requests for action will not be handled under the complaints policy, but as general enquiries, and will be responded to within 10 working days.

## 7. Persistent, unreasonable, or abusive behaviour

- 7.1 Occasionally, we may be contacted by someone who makes abusive, unreasonably persistent, or repetitive complaints. For example, they may:
- Make repeated complaints about the same issue which has already gone through all stages of the complaint's procedure.
  - Keep changing what their complaint is about.
  - Be unwilling to accept documented evidence.
  - Threaten to be/are physically violent or verbally abuse towards staff or those working in our behalf.
  - Approach several officers at the same time about the same issue.
- 7.2 We understand that people may act out of character when they are distressed, upset or unwell. However, aggressive and abusive behaviour directed at our staff or contractors, including verbal abuse will not be tolerated. Please see our Unacceptable Behaviour policy<sup>3</sup>.
- 7.3 We reserve the right to refuse to deal with complaints or to deal with them differently if the complainant acts unreasonably, or where multiple requests require us to deal with these in a more effective way. We will always let you know when we will be dealing with the request differently, and the reasons why. Where a restriction is put in place, we will keep this under regular review.

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<sup>3</sup> Consultation with residents took place while this policy was being developed by Lewisham Homes who were managing homes on behalf of Lewisham Council.

- 7.4 A complaint will not be reopened if, after review, no new evidence relevant to the complaint has been provided. We will always provide the reasons for this decision and remind you of your right to approach the Housing Ombudsman for guidance and support.

## 8. Building Safety complaints

### 8.1. Purpose and Definition

8.1.1 This section has been specifically developed to help us meet new obligations under the Building Safety Act 2022 (Section 93) which requires the Principle Accountable Person (PAP) to establish and publish a complaints system.

8.1.2 This section is limited in scope to buildings that are owned and managed by Lewisham Council's Housing Services and to which building safety cases currently apply – that is High Rise Buildings over 18 meters, in occupation. The scope is also limited to the matters defined below.

8.1.3 Definition: For the purpose of this section only, a relevant complaint is defined in the Building Safety Act as a complaint relating to:

- a 'building safety risk' - a risk to the safety of people in or about the building arising from either the spread of fire or structural failure; and
- the performance by an accountable person with regard to their duties.

8.1.4 Where a complaint regarding building safety does not meet the above definition, it may still be able to be reviewed under the wider housing complaints policy. We will advise if this will be used instead.

### 8.2 Relationship and compatibility with our Housing Complaints policy

8.2.1 In developing this section, we reviewed each element of the requirements for Building Safety complaints and checked these against our wider Complaints policy. We concluded that, for the most part, complaints regarding Building Safety would and should be handled in line with our Housing Complaints policy and processes. This has been developed in line with the Housing Ombudsman's code of practice, and as such it represents a high-quality approach to managing and resolving complaints. This includes for example:

- Methods that can be used to register a complaint – which would include directly to a Building Safety Manager
- Confirmation that complaints will be handled in line with data protection legislation.
- Confirmation that we comply with the Equality Act 2010 including adjustments.
- That complaints are handled fairly and consistently – which makes up part of our guiding principles.

### 8.3 Exceptions and adjustments for Building Safety Act complaints

The following areas are specific to Building Safety Act complaints when compared to other types of complaints. In all other ways the Housing Complaints policy and processes meet the requirements and should be followed. The clarifications are as



follows:

### 8.3.1 Any person

Our Housing Complaints policy was written in line with the Housing Ombudsman's guidance and include limited jurisdiction. As such our complaints process generally requires a landlord/ tenant (or leaseholder) relationship.

While our current policy allows for exceptions, the Building Safety Legislation is wider and makes it clear that 'any person' is able to make a relevant complaint where it relates to matters covered under Building Safety, as defined above. Therefore the 'relationship requirement' will not be applied to this type of complaint.

### 8.3.2 Prioritisation

The Building Safety legislation states that: "*there is an effective process for the prioritisation of relevant complaints taking account of the level of risk involved*".

While we are confident that applying and meeting our existing timescales for complaints will usually be appropriate, we acknowledge that some matters need to be dealt with more quickly than the complaint timescale. This is already the case for example for urgent matters of health and safety, where a repair may need to be urgently undertaken before the complaint response. This information has been added for the avoidance of doubt, and to clarify that we may respond/partially respond to a related complaint/ element of a complaint more quickly, based on assessed risk.

### 8.3.3 Additional representations and comments

The Building Safety legislation requires us to state '*how a complainant can make representations and comments on any findings during an investigation*'. However, it also requires responses to be dealt with in a timely way.

Our Housing complaints policy states that we may contact a complainant to confirm that we understand the issues being raised. The policy also allows for additional complaints or information to be raised before a response has been issued, but where this would unreasonably delay the response that we may open an additional complaint.

We confirm that we will take a similar approach with Building Safety complaints, and while we will be able to receive other information or comments during an investigation, we will explain whether this will be added to the existing complaint, responded to separately, or agree a time extension with you. The ability to challenge our response is already part of the main policy.

### 8.3.4 Escalation to the Regulator

The legislation requires that we confirm how a Building Safety complaint can be escalated to the Regulator. The Building Safety Regulator can be contacted by phone on 0300 790 6787 or through their website. [Contact the Building Safety Regulator - GOV.UK \(www.gov.uk\)](#)

## 9. Confidentiality

9.1 We are committed to protecting your right to confidentiality and privacy. Our staff have

a duty of care towards keeping your information safe and secure in line with data protection legislation and our data protection policy.

- 9.2 We treat all complaints information confidentially. These will always be anonymised when reported, and your real name will never be used.

## 10. Monitoring and learning

- 10.1 This policy will be implemented through our internal procedures, which include a system for recording and monitoring complaints.
- 10.2 We conduct satisfaction surveys and use this feedback, as well as information regarding complaint trends and lessons learnt, to help us to analyse and improve our services. We will produce an annual complaints performance and service improvement report for scrutiny and challenge.
- 10.3 We regularly consider good practice around complaint handling, including reviewing the wider Housing Ombudsman decisions and learning published on its website.
- 10.4 We provide regular and refresher training on customer care and complaints handling to officers, always encouraging issues to be resolved at the earliest stage.

## 11. Legislation, regulation and good practice

Relevant legislation, regulation and good practice includes, but is not limited to:

- Social Housing regulatory framework, including the Transparency, Influence and Accountability Standard
- Housing Act 1996 (section 51, schedule 2)
- Housing Ombudsman Complaint Handling Code (updated 8th February 2024)
- General Data Protection Regulations 2018
- Data Protection Act 2018
- Building Safety Act 2022

## 12. Equality, diversity, and inclusion

- 12.1 An equality assessment was carried out as part of the development of this policy to identify any negative impacts it may have on individuals or groups on the basis of protected characteristics, and none were identified.

The principle of fairness is built into the policy. Whilst we expect a consistent standard of customer service, we do not take a 'one size fits all' approach, and we recognise the impact of a failing may be different for different people. Our staff are encouraged to be solution oriented and work with each customer to arrive at a fair and reasonable solution to their complaint.

- 12.2 This policy and complaints service is designed to be accessible, with complaints being accepted in a variety of ways (see section 2).
- 12.3 We may offer an adjusted service where necessary, for example to accommodate a specific health or vulnerability need, or in response to unreasonable behaviour. (See

section 7).

12.4 We will ensure our handling of complaints is fair and reasonable, complies with equality legislation and within published timescales.

### 13. Communication and consultation

13.1 This policy is published on our website, together with guidance on how we will handle your complaint. This information is also available on request from the Housing Complaints and Feedback team.

13.2 We consulted residents<sup>3</sup> on response times for correspondence as part of our wider review of customer service standards. The Resident Scrutiny Committee also provided feedback on the proposed updates to this policy.

13.3 This policy has been updated in response to the requirements set out in the updated Housing Ombudsman Complaint Handling code published in February 2024.

13.4 We will publish an annual complaints performance and service improvement report. We report performance and feedback on how we deal with complaints as well as how we are using this learning to shape our services. We provide performance information to:

- Residents – through our website, newsletters, and an annual report
- The wider council
- Our regulators

**Replaces:** Lewisham Housing Services Complaints policy 2024

Updates to reflect the new statutory code including the definition of a service request and the new address for the Housing Ombudsman Service.

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**Approved by:** Director of Housing Resident Engagement and Services

**Policy owner:** Director of Housing Resident Engagement and Services