



INNISFREE HOUSING ASSOCIATION

April 2024

Complaints Policy

COMPLAINTS POLICY

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COMPLAINTS POLICY

1. INTRODUCTION

- 1.1. Innisfree Housing Association (Innisfree) aims to give an excellent service to our residents. We want to do the right things, at the right time, in the right way. If we get things wrong, we want to put them right and learn from our mistakes. The way we deal with complaints is set out in this policy.
- 1.2. A complaint is an expression of dissatisfaction by a resident where an initial response to their problem has not proven satisfactory. A complaint can be about the standard of service Innisfree or one of our contractors have provided, or the response to a request for a service from us or an organisation working on our behalf, or our action or lack of action.

2. OUR APPROACH

- 2.1 Complaints are valued and acted upon promptly. We recognise that we do not always get things right the first time. We welcome feedback on the services we provide and encourage residents to raise any concerns they may have about the services they have received. When things go wrong, we will focus on putting things right and this may include action to resolve the immediate problem, reviewing our policies and procedures and providing training on improved ways of working. All employees of Innisfree are responsible for delivering an excellent service to our residents and in turn are responsible for handling complaints. Employees will be empowered to deal with complaints and will receive training and support to do this in line with our policies and procedures.
- 2.2 If a resident has a reason to complain we will:
 - Listen and deal with their complaints in a timely manner.
 - Keep the resident informed throughout the process.
 - Apologise when we have gotten things wrong.
 - Investigate their complaint fully.
 - Handle all parties fairly and with respect.
 - Put right any mistakes made and learn from them.
 - Help anyone who needs assistance in making a complaint.

3. WHAT IS A COMPLAINT AND WHO CAN COMPLAIN?

- 3.1. Effective complaint handling should be a resident friendly process that enables residents to be heard and understood. The starting point for this is a mutual understanding of what constitutes a complaint. As stated in the Housing Ombudsman Complaint Handling Code, a complaint shall be defined 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.”* Innisfree prioritise complaint handling and a culture of learning from complaints.
- 3.2. A complaint could be made when a resident feels;
- Dissatisfied with the standard of service provided by us or our contractors, even if the handling of the service request remains ongoing.
 - Unhappy with our actions or decisions.
 - Unhappy with a situation that they wish to have rectified
 - We have failed to do something we should have done or have acted inappropriately.
 - We have treated them unfairly or disrespectfully.
 - We have failed to respond to their initial enquiries.
 - We have failed to meet one of our resident service promises.
 - We have failed to follow our policies or procedures.
- 3.3. Anyone who uses our services can complain including our tenants and applicants for housing.

4. WHAT COMPLAINTS WILL WE NOT CONSIDER?

- 4.1. Issues which we do not deal with under this process are:
- A first request for a service, such as a repair.
 - Neighbour disputes and anti-social behavior.
 - Where Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
 - When our insurers are dealing with an issue.
 - Where the issue giving rise to the complaint occurred over twelve months ago.
 - Where the issue giving rise has previously been considered under the complaints policy.

- 4.2. Anonymous complaints cannot be investigated due to the lack of verifiable information. We will discourage anonymous complaint making and always encourage complainants to make full, recordable complaints so that appropriate investigations and resolution might be achieved.
- 4.3. Petitions will be recorded as a complaint from the nominated lead spokesperson.
- 4.4. We will not consider complaints that are or have been the subject of legal proceedings. Where a complainant chooses to pursue their complaint through a solicitor, threatens legal action or takes legal action about an issue, we will normally refer the matter to our solicitor and deal with the matter outside of the complaints process.
- 4.5. In the event where we receive multiple complaints from a complainant, we can deal with these as one complaint.
- 4.6. We expect all complainants to behave in a reasonable manner. We shall not accept or investigate complaints where the behaviour of the complainant has become unreasonable, abusive, or vexatious (Please refer to Vexatious Complaints Policy below).
- 4.7. The complaints process is designed to resolve reasonable complaints. Sometimes we may need to change or stop the process if a resident is making unreasonable requests for resolution or is behaving in an unreasonable way (Please refer to Vexatious Complaints Policy below).
- 4.8. If a complaint is referred to us over 12 months after the issue occurring or the complainant becoming aware of the issue, we may apply discretion to accept a complaint outside of this time limit where there are good reasons to do so.
- 4.9. We do not take a blanket approach to excluding complaints and will consider each case individually. When we are unable to accept a complaint, we will provide an explanation setting out the reasons why the matter is not suitable for the complaints process.
- 4.10. Residents have the right to challenge the rejection of their complaint by referring their complaint to the Housing Ombudsman. If the Ombudsman does not agree that an exclusion has been fairly applied, the Ombudsman may tell us to take on the complaint.
- 4.11. On deciding to change or stop the process, the Chief Executive will ensure the resident has received a clear explanation as to why the decision has been made and will inform them of their right to approach the Housing Ombudsman Service.

4.1.2. Where we are unable to comply with the Complaints Handling Code due to exceptional circumstances we will inform the Housing Ombudsman, any affected complainants, and publish this on our website alongside a timeframe for returning to compliance with the Complaints Handling Code.

5. HOW EASY IS IT TO MAKE A COMPLAINT?

- 5.1. We want it to be easy for anyone to let us know that something has gone wrong for them. All members of Innisfree staff will take complaints from residents in writing, in person, over the telephone, by email, online via our website and social media channels, or through a third party.
- 5.2. With third-party complaints, we will need to ensure that the person has permission to act on the complainant's behalf before we respond and will handle the complaint in line with this Policy. If we receive a complaint.
- 5.3. If we receive a complaint through social media channels we will contact the complainant privately to address their concerns and follow this Policy, ensuring confidentiality and privacy is maintained.
- 5.4. It helps us to have a clear description of the complaint and how the resident thinks it can be put right or what they need from Innisfree because something has gone wrong. We will provide an easy-to-follow complaint form and guidance note to residents on how to make a complaint to us.
- 5.5. Our staff are encouraged to actively identify complaints. A resident will not have to use the word "complaint" or to ask to "make a complaint." Staff will record any expression of dissatisfaction as a complaint and respond using this approach. Once received, a complaint will be passed onto the appropriate member of staff to investigate the concerns raised.
- 5.6. We are committed to embedding the 2010 Equality Act into our Policies and Procedures. As part of this commitment, we will anticipate and facilitate reasonable adjustments and adapt our standard policies and procedures wherever possible, in order to ensure every individual can make a complaint.
- 5.7. To make an adjustment means to change work practices to avoid or correct the disadvantage to a person with a disability.

This may include:

- Allowing more time than we would usually for someone to provide information that we need.
 - Providing specialist equipment or additional support, such as a sign language interpreter.
- 5.8. Where a reasonable adjustment is agreed, we will keep a record of this in our Housing Management system and keep the adjustments under active review.

6. WHAT DO WE DO WHEN WE RECEIVE A COMPLAINT?

- 6.1. We believe it is best to get complaints settled as quickly as possible and that is what we aim to do. Some complaints are more complicated, so we have a few steps that we may need to go through to reach a solution.
- 6.2. The member of staff will find out from the resident what the issue is that they are dissatisfied with, what they would like to be done to resolve the matter and a timescale of when it should be resolved.
- 6.3. The member of staff will treat the enquiry as a formal complaint and pass it to the appropriate member of staff, who will function as the impartial investigating Complaints Officer for your complaint. The investigating Complaint Officer will:
 - be able to act sensitively and fairly
 - be trained to manage complaints and deal with distressed and upset residents
 - have access to staff at all levels to facilitate quick resolution of complaints
 - have the authority and autonomy to act to resolve disputes quickly and fairly

If a resident requests that we contact them in a specific way or at certain times, we will endeavour to contact them in that manner where reasonable to do so.

7. STAGE ONE

- 7.1 When we receive a complaint, the investigating Complaint Officer will acknowledge the complaint within 2 working days – they will outline complaint definition, confirm which aspects of the complaint Innisfree are, and are not, responsible for, explain how the complaint will be investigated, and inform the complainant that we aim to issue a full response within 10 working days.
- 7.2 If any aspect of the complaint is unclear, the Complaint Officer will speak to the complainant for clarification and a full complaint definition will be agreed between both parties.
- 7.3 During their investigation, the Complaint Officer may speak to the complainant and any relevant parties, including Innisfree staff members and contractors. They may also review the resident's tenant file and relevant information held regarding the complaint. If the problem is a recurring

issue, the Complaints Officer will consider any older reports as part of the background to the complaint to help resolve the issue for the complainant.

7.4 In their response to the stage 1 complaint, the Complaint Officer will address all points raised in the complaint and:

- Explain that the complaint is being considered at Stage 1 of Innisfree's Complaint Policy
- Define the complaint
- Deal with the complaints on their merits
- Act independently, in an impartial manner, and have an open mind
- Take measures to address any actual or perceived conflict of interest
- Consider all relevant information and evidence carefully
- Give the resident a fair chance to set out their position
- Keep the complaint confidential as far as possible, with information only disclosed if necessary to thoroughly investigate the matter
- Outline the findings of their investigation, the reasons for any decisions made, and acknowledge where things have gone wrong
- Explain the details of any remedy offered to put things right, including:
 - Apologising
 - Acknowledging where things have gone wrong
 - Providing an explanation, assistance, or reasons
 - Taking acting action if there has been a delay
 - Reconsidering or changing a decision
 - Amending a record or adding a correction or addendum
 - Providing financial remedy
 - Changing policies, procedures, or practices
- Detail any outstanding actions – including any actions if there has been a delay
- Explain how to escalate the matter if the complainant remains dissatisfied

7.5 The resident, and if applicable any staff member who is the subject of the complaint, will be given a fair chance to set out their position and comment on any adverse findings before a final decision is made.

- 7.6 If the complainant wishes to add additional points to their complaint, the Complaint Officer will include the points into the stage 1 response if they are relevant and the stage 1 complaint has not been issued. If the stage 1 complaint has been issued or it would unreasonably delay the response, we will consider the newly raised points as a new complaint.
- 7.7 If they feel a full reply is not possible within the 10 working days, the Complaint Officer will explain this to the complainant and will remain in contact until a full reply is issued. The extension period should be agreed by both parties, and suitable intervals for keeping the complainant informed about the complaint must be agreed. We aim to issue a full response in the following 10 working days; if this needs to be extended it must be for good reason and the reason(s) must be clearly explained to the resident.
- 7.8 Where a remedy is offered, it must reflect the impact on the complainant as a result of any fault identified. The remedy offer will clearly set out what will happen and by when, in agreement with the complainant, where appropriate. Any remedy proposed will be managed through our Compensation Policy, taking into account guidance issued by the Ombudsman when deciding on appropriate remedies, and followed through to completion.
- 7.9 Once a stage 1 response has been shared with the complainant - if the complainant accepts our reply, or no response is received from them within 28 working days, we will consider the complaint resolved.
- 7.10 If the complainant is dissatisfied with the response to the stage 1 response, they can let the Complaints Officer know that they would like the complaint considered at stage 2.
- 7.11 The Complaints Officer will not escalate the complaint to stage 2 of this Policy if:
- It is the first request for a service, such as a repair.
 - The complaint is regarding neighbour disputes and anti-social behavior.
 - Legal action is being taken.
 - Our insurers are dealing with an issue.
 - The cause of dissatisfaction occurred more than twelve months ago.
- Please refer to Section 4 for full details of exceptions under our Complaints Policy.

7.12 At any time throughout the complaints process, the complainant has the right to contact the Housing Ombudsman for advice and support if they feel dissatisfied with the way that their complaint is being considered or managed.

8 STAGE TWO

- 8.1 If a complainant remains dissatisfied following a stage 1 complaint response, they can let the Complaints Officer know that they would like the complaint to be considered at stage 2 of the Complaints Policy.
- 8.2 We will escalate the complaint internally and a member of our Senior Management Team will take on the role of Complaint Officer at stage 2. This investigating Complaint Officer will not be the same person that considered the complaint at Stage 1.
- 8.3 The Complaint Officer will acknowledge the complaint within 2 working days – they will outline the complaint definition and the remedies that the complainant is requesting to resolve the outstanding issues. They will explain how the stage 2 complaint will be investigated and inform the complainant that we aim to issue a full response within 20 working days.
- 8.4 If any aspect of the complaint is unclear, the Complaint Officer will speak to the complainant for clarification and a full complaint definition will be agreed between both parties.
- 8.5 During their investigation the Complaint Officer may speak to the complainant and any relevant parties, including Innisfree staff members and contractors. They will review the stage 1 complaint and the stage 1 response and may review the tenant file and relevant information held regarding the complaint. If the problem is a recurring issue, the Complaint Officer will consider any older reports as part of the background of the complaint to help resolve the issue for the complainant.
- 8.6 As stage 2 is Innisfree's final response, the Complaint Officer must involve all suitable staff members needed to issue such a response. In their response to the stage 2 complaint, the Complaint Officer will address all points raised in the complaint, the stage 1 complaint, and any remedies requested by the complainant to resolve the complaint. Their response will:
 - Explain that the complaint is being considered at Stage 2 of Innisfree's Complaint Policy
 - Deal with the complaints on their merits
 - Act independently, in an impartial manner, and have an open mind
 - Take measures to address any actual or perceived conflict of interest

- Consider all relevant information and evidence carefully
- Give the resident a fair chance to set out their position
- Keep the complaint confidential as far as possible, with information only disclosed if necessary to thoroughly investigate the matter
- Outline the findings of their investigation and the reasons for any decisions made – they will include whether they agree or disagree with the findings made in the stage 1 complaint. Referencing relevant policy, law, and good practice where appropriate.
- Explain the details of any remedy offered to put things right, including:
 - Apologising
 - Acknowledging where things have gone wrong
 - Providing an explanation, assistance, or reasons
 - Taking acting action if there has been a delay
 - Reconsidering or changing a decision
 - Amending a record or adding a correction or addendum
 - Providing financial remedy
 - Changing policies, procedures, or practices
- Detail any outstanding actions
- Explain how to escalate the matter to the Housing Ombudsman if the complainant remains dissatisfied

8.7 The resident, and if applicable any staff member who is the subject of the complaint, will be given a fair chance to set out their position and comment on any adverse findings before a final decision is made.

8.8 If the complainant wishes to add additional points to their complaint, the Complaint Officer will include the points in the stage 2 response if they are relevant and the stage 2 complaint has not been issued. If the stage 2 complaint has been issued or it would unreasonably delay the response, we will consider the newly raised points as a new complaint.

- 8.9 If they feel a full reply is not possible within the 20 working days considering the complexity of the complaint, the Complaint Officer will explain this to the complainant and will remain in contact until a full reply is issued. The extension period should be agreed upon by both parties, and suitable intervals for keeping the complainant informed about the complaint must be agreed. We aim to issue a full response in the following 20 working days; where this deadline must be extended with good reason, the reason(s) must be clearly explained to the complainant.
- 8.10 Where a remedy is offered, it must reflect the impact on the complainant as a result of any fault identified. The remedy offer will clearly set out what will happen and by when, in agreement with the complainant, where appropriate. Any remedy proposed will be managed through our Compensation Policy, taking into account guidance issued by the Ombudsman when deciding on appropriate remedies, and followed through to completion.
- 8.11 Once a stage 2 response has been shared with the complainant - if the complainant accepts our reply, or no response is received from them within 28 working days, we will consider the complaint resolved.
- 8.12 If the complainant is dissatisfied with the response to the stage 2 response, the Complaint Officer will explain that the complainant has the right to contact the Housing Ombudsman for advice and support if they feel dissatisfied with the way that their complaint was being considered or managed.

9 HOW WE WILL LEARN FROM COMPLAINTS

- 9.1 A resident complaint is an opportunity to improve our service. We want to learn from every complaint and share the things that we learn so that everyone can improve. In order to do this, we will record and monitor every complaint including details such as what the complaint was about, how it was resolved, how quickly it was resolved and what we learnt.
- 9.2 We will contact residents after they have complained to find out about their experience of the process, and we will seek to learn from this feedback and to change our processes and approach to reflect resident's views.

9.3 Innisfree's objective in relation to complaint handling reflects our need to:

- Have a collaborative and cooperative approach towards resolving complaints, working with colleagues and across teams and departments
- Take collective responsibility for any shortfalls identified through complaints, rather than blaming others
- Act within the professional standards for engaging with complaints, as set by relevant professional bodies

9.4 We will carry out regular complaint reviews to continuously look at how we can improve the delivery of our services. We will look beyond the circumstances of individual complaints and consider whether we need to improve our services. We will report on wider learning and improvements in our annual report, and more frequently to our residents and staff.

10. HOW WE REPORT OUR COMPLAINTS HANDLING PERFORMANCE

10.1 Our Operations Director will assess any themes or trends in the complaints that we receive or the outcomes of complaint investigations, to identify potential systemic issues, serious risks, or policies and procedures that require revision.

10.2 We will produce an annual complaints performance and service report for scrutiny and challenge, including:

- A qualitative and quantitative analysis of our complaint handling performance, including a summary of the types of complaints we have refused to accept
- Any findings of non-compliance with the Complaint Handling Code by the Housing Ombudsman
- The service improvements made as a result of any learning from complaints received
- Any annual report, relevant report or publication produced from the Housing Ombudsman regarding our performance or work

We will provide our Board Members with a copy of this report and publish it on our website, alongside the Board's response where available.

10.3 We will carry out an annual self-assessment against the Housing Ombudsman's Code to ensure that our complaint handling remains in line with requirements. We will also carry out a self-assessment following any significant restructuring or change in our procedures, or at the request of the Housing Ombudsman following an investigation. Following this assessment, we will:

- Report the outcome of the assessment to our Board Members
- Publish the outcome of the assessment on our website
- Include the assessment in our annual report
- Publish this Policy on our website
- Provide information about the Housing Ombudsman and the Complaint Handling Code on our website

10.4 Our Board Members have the lead responsibility for complaints to support a positive complaint handling culture, we refer to them as the Member Responsible for Complaints (the MRC). They are responsible for ensuring they receive regular information on complaints that provides insights on our complaints handling performance, including:

- Regular updates on the volume, categories, and outcomes of complaints, alongside complaint handling performance
- Regular reviews of issues and trends arising from complaint handling
- Regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings
- Annual complaints performance and service improvement report

11. HOUSING OMBUDSMAN

11.1 We are committed to embedding the Independent Housing Ombudsman's Guidelines for best practice into our policies and procedures. If the resident is not satisfied with the outcome of their complaint, they can refer their complaint to the Housing Ombudsman Service. The Housing Ombudsman contact details are as follows:

Housing Ombudsman Service

P O Box 152, Liverpool, L33 7WQ

Telephone 0300 111 3000

Email info@housing-ombudsman.org.uk

Policy on unreasonably persistent, vexatious, or abusive complaints or complainants

1. INTRODUCTION

- 1.1 Most of complaints we deal with will be straightforward, however, there will be cases where individuals pursue their complaints in a manner which can either impede the complaint investigation process or can have a significant impact on the resources of the association in handling the complaint. This situation can arise both during a complaint investigation and at the point when a complaint has been closed.

2. OUR APPROACH

- 2.1 We value complaints and will act promptly to address complaints, investigating them thoroughly in a fair and respectful manner.
- 2.2 We recognise that people may act out of character in times of trouble or distress, particularly if they feel that Innisfree has not provided an adequate service. However, we still expect our staff to be treated with courtesy and respect. Likewise, we expect staff and contractors providing services on our behalf to conduct themselves in a professional manner, demonstrating courtesy and respect when communicating with residents.
- 2.3 We will not tolerate abusive, offensive, or threatening behaviour towards staff or contractors providing services on our behalf.

3. DEFINITIONS

- 3.1 We define unreasonably persistent and vexatious complainants as those complainants who, because of the nature or frequency of their contacts with us, hinder our consideration of their or other people's complaints. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a complainant. A vexatious complainant is someone who pursues a complaint where it is not reasonable to do so because of the subject matter, its history, or the way the complaint is being pursued.

- 3.2 Features of an unreasonably persistent and/or vexatious complainant are featured in **Appendix 1** to this policy.

4. UNACCEPTABLE BEHAVIOUR

- 4.1 We do not expect staff to tolerate unacceptable behaviour by complainants or any resident. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include;
- Using abusive or foul language on the telephone;
 - Using abusive or foul language face to face;
 - Sending multiple emails;
 - Leaving multiple voicemails.

5. UNREASONABLE DEMANDS

- 5.1 Residents may make what we consider unreasonable demands through the amount of information they seek or provide, the nature and scale of service they expect or the number of approaches they make to us.
- 5.2 Examples could be demanding a response within an unreasonable timescale, insisting on seeing or speaking to a member of staff, continual phone calls, emails or letters or repeatedly changing the substance of the complaint and raising unrelated concerns. We consider these demands as unacceptable and unreasonable if they start to impact on our work.

6. ASSESSING THE COMPLAINT AS PERSISTENT OR VEXATIOUS

- 6.1 The aim of this policy is to ensure that in all circumstances we deal with all complainants in a consistent, fair and reasonable manner. It sets out how we identify which complainants will be treated as vexatious or unreasonably persistent and what we will do in those circumstances.
- 6.2 The decision to define a complainant as vexatious will be made by the Chief Executive. A report and supporting evidence must be submitted for the Chief Executive to determine a vexatious complainant.

- 6.3 Any complainant identified as vexatious must be written to advising why their access to the complaints procedure has been restricted and when their vexatious status will be reviewed.
- 6.4 As part of our commitment to embed the Equality Act 2010 into our practices, we will ensure that any issues of vulnerability are considered when assessing whether a complaint or complainant may be classed as vexatious.
- 6.5 We will first ensure that the complaint is being or has been investigated fully in accord with the complaints procedure.
- 6.6 We will take account of the fact that raising legitimate queries or criticisms of a complaint process as it progresses, for example if agreed timescales are not adhered to, will not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant.
- 6.7 Likewise, the fact that a complainant is unhappy with the outcome of a complaint and wishes to challenge it once, or more than once, is not necessarily cause for the person to be labelled vexatious or unreasonably persistent.
- 6.8 No complainant can be identified as a vexatious complainant forever. The status of the complainant must be reviewed every 6 months to ensure that we are fair in our processes.

APPENDIX 1

An unreasonably persistent and/or vexatious complainant may:

- Refuse to specify the grounds of a complaint despite offers of assistance.
- Refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure.
- Refuse to accept that issues are not within the power of the association to investigate, change or influence.
- Insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or good practice (insisting, for instance, that there must not be any written record of the complaint).
- Make what appear to be groundless complaints about the staff dealing with the complaints and seek them to be dismissed or replaced.
- Make an unreasonable number of contacts with us, by any means, in relation to a specific complaint or complaints.
- Make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant.
- Harass, verbally abuse or otherwise seek to intimidate staff dealing with their complaint, by use of foul, inappropriate, offensive or racist language.
- Raise new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process.
- Introduce irrelevant new information whilst the complaint is being investigated and expect this to be considered and commented on.
- Change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed.
- Adopt an excessively 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the association, but at the same time with a Member of Parliament, elected councillors, the police and/or solicitors.
- Refuse to accept the outcome of the complaint process after its conclusion and/or denying that an adequate response has been given.
- Make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure.
- Persist in seeking an outcome which we have explained is unrealistic for legal or policy (or other valid) reasons.
- Refuse to accept documented evidence as factual.



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