

# SEEKING A FAIR RESOLUTION

## THE ROLE OF THE INDEPENDENT COMPLAINTS REVIEWER

My role as Independent Complaints Reviewer is to act as an honest broker in investigating complaints about the Homes & Communities Agency made by members of the public or organisations affected by the HCA's actions or decisions. My aim is to achieve the impartial and fair settlement of complaints, making a positive difference for the HCA's customers now and in the future. If you remain dissatisfied with the HCA's final response to your complaint, you can refer it to me at no cost to you.

This leaflet explains my role in more detail and how to go about referring your complaint. If you have a general enquiry you can write or telephone for advice or further information.

When referring your complaint please help me by giving as much information as possible and by being as specific as you can. At the back of this leaflet you will find an easy to complete form to help you. My office address and contact numbers are at the end of the leaflet.

### **JODI BERG**

*Independent Complaints Reviewer*

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## The Independent Complaints Reviewer

If you believe that there has been a failure in the Homes & Communities Agency's standards of service or that you have been treated unfairly and been caused unnecessary problems or concerns, you can ask the Independent Complaints Reviewer (ICR) to investigate your complaint. The ICR will look into your complaint in an objective and impartial way.

Examples of poor service or unfairness can include:

- Failure to follow proper procedures
- Discourtesy
- Discrimination or injustice
- Excessive delay
- Not answering your complaint fully and promptly
- Failure to apologise for mistakes

**The ICR is managerially independent of the HCA and her service is free to complainants.**

## Who can make a complaint to the ICR?

Any person, group or organisation adversely affected by the actions or omissions of the HCA.

The HCA has an internal complaints procedure. Initially, you should give the HCA itself an opportunity to resolve your complaint. If you feel that it is taking an unreasonably long time to deal with your complaint or that the response that you have received is not satisfactory, you can ask the ICR to consider it on your behalf.

The ICR will usually only investigate complaints to which the HCA has given a final response. The HCA's complaints procedure is explained on its website: <http://www.homesandcommunities.co.uk/complaints>

Complaints about the HCA should, in the first instance, be addressed to the member of HCA staff that you have been dealing with. If you are unhappy with their reply or need further help you can write to the HCA Complaints Officer who will consider the issues afresh and try to resolve them.

To help you, the address, contact number and email address for the HCA Complaints Officer are set out below:

The Complaints Officer  
Homes and Communities Agency  
110 Buckingham Palace Road  
London SW1W 9SA

Tel: 0300 1234 500

Email: [complaints@hca.gsx.gov.uk](mailto:complaints@hca.gsx.gov.uk)

**Please note that the ICR will not usually consider any complaint later than six months after the HCA has completed its own investigations and offered a final response.**

## Are there complaints the ICR can't investigate?

The ICR will not initiate complaints herself and there are a number of complaints that she cannot investigate which are summarised below: -

- Complaints about services provided by registered social landlords (housing associations). If you are a housing association tenant you should refer your complaint to the Housing Ombudsman Service at:

Housing Ombudsman Service  
81 Aldwych  
London  
WC2B 4HN

Tel: 020 7421 3800

Lo-call: 0845 7125 973

Minicom: 020 7404 7092

Fax: 020 7831 1942

E-mail: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

- Decisions made by the HCA based upon the laws under which it operates (although complaints about the way in which such decisions were made may be investigated)
- Complaints made by HCA employees concerning their employment or by applicants for employment about recruitment procedures
- Complaints which have become the subject of court proceedings
- Complaints which have been investigated or are under current investigation by the Parliamentary and Health Service Ombudsman
- Complaints which relate to current investigations by the police or taxation authorities
- Complaints against local Councils which should be directed to the Council concerned and subsequently to the Local Government Ombudsman

If you are not sure whether your complaint falls within one of these categories we will be pleased to advise you.

## How do I go about making a complaint to the ICR?

Initial contact can be made in writing, by telephone, by fax or by e-mail. Should you wish the ICR to investigate your complaint, it is better to put it in writing so that none of the facts are overlooked. If you would like help to put your complaint in writing, you can telephone the ICR's office for assistance.

The following information will be needed to help the ICR deal with your complaint more quickly: -

- Your name, address, a daytime telephone number and, if available, an e-mail address
- The name of any person or organisation on whose behalf you are referring the complaint and the reason why you are dealing with it. You must also say whether they support the referral of the complaint
- The HCA office involved and any reference number(s) there
- Any relevant correspondence or documentation. It is preferable for you to send photocopies but, if this is not possible, please make it clear which documents sent are originals and which you would like returned. Photocopies will be taken at no cost to you and the originals will be returned to you promptly
- Explain the reason for your complaint as clearly and precisely as possible
- Explain what you would like the HCA to do to resolve your complaint

We have included a Complaints Referral Form to help you.

## What will happen once I have made my complaint?

We will acknowledge your complaint within one week. We will agree with you the issues that you would like us to consider and ask you to confirm this by signing a complaint summary. The ICR will then consider whether the complaint is a matter that she can investigate. If the ICR cannot look into your complaint or decides not to, you will be told why.

Once the ICR is satisfied that she can proceed, she will obtain a response to your complaint from the HCA. The ICR has the right of full access to any documents and information she considers necessary to enable her to investigate your complaint.

The ICR hopes to resolve complaints by agreement whenever possible. We will want to know what you would like the HCA to do to put things right and, if we can achieve a satisfactory settlement for you by conciliation, we will bring our investigation to a close at this point.

The ICR may decide that resolution is not possible and that further investigation or enquiries are necessary. In some cases this might involve speaking with you or, in unusual circumstances, meeting you personally. All conversations or meetings will be informal and held in private.

The ICR will deal with your complaint as quickly as possible, but the length of time it will take can vary from case to case depending on its complexity.

On completion of her review, the ICR will send you a report. If your complaint has been resolved by agreement, the report will outline the terms of the resolution and any action the HCA has agreed to take. Following investigation, the report will explain the ICR's findings and any recommendations. The report will also be sent to the HCA's Chief Executive.

If your complaint is upheld, the ICR will seek an apology for you and, where appropriate, can recommend other redress action. She is able to comment on the HCA's handling of any particular matter and can also make recommendations to improve its services in the future. Finally, in some cases, the ICR may recommend payment of limited compensation.

## Will the HCA take notice of the ICR's report?

The HCA will implement recommendations made by the ICR in her report on a complaint. Only in exceptional circumstances will the HCA refuse to act upon these recommendations. In this event, the Chief Executive will write to you and to the ICR giving a full explanation.

## Will the ICR's findings be made public?

The ICR will not make her reports on individual complaints public, but she will produce annual reports. As well as statistical information, these reports will include brief anonymised summaries of completed cases. Annual reports are published inside and outside of the HCA.

## Giving your views

The ICR welcomes all comments about her service, whether complimentary or critical. If you have any comments to make, please let us know.

If you want to complain about the way we have dealt with you, please let us know immediately, and we will respond to your concerns promptly. Further information on how to make a complaint and the way we will respond can be obtained in request.

## What should I do if I remain dissatisfied after the ICR has investigated my complaint?

Should you remain dissatisfied with the outcome of the ICR's review, you can ask an MP to refer your complaint to the Parliamentary and Health Service Ombudsman.

Further information about this service can be obtained from:

Office of the Parliamentary and Health Service Ombudsman  
Millbank Tower  
Millbank  
London SW1P 4QP  
**Helpline:** 0345 015 4033  
**E-mail:** [phso.enquiries@ombudsman.org.uk](mailto:phso.enquiries@ombudsman.org.uk)

NB The offer of an independent complaints review process does not affect your right to seek to have your complaint considered by the Ombudsman at any time, however, the Ombudsman will usually expect you to have referred your complaint to the ICR first. It will not usually be possible to refer your complaint to the ICR during or following investigation by the Ombudsman.

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## Important things to know about the ICR service

The ICR examines complaints informally. This means that we handle complaints in a different way from courts and tribunals, and we do not hold hearings which people are required to attend. We gather information in documentary form and usually settle complaints by correspondence. We only hold informal interviews where it is necessary to understand a complaint better, or to find out more about the HCA's response to it.

The ICR cannot accept anonymous complaints or initiate her own investigations without a referral. Your name, and the name of any person or organisation you represent will be shared with the HCA when we receive your complaint and ask for information about it.

In order to deal with your complaint effectively, we will need to handle personal details about you, which may include sensitive information. We will try to do so considerately, but we may need to exchange information about your complaint with the HCA in order to find out important facts about it.

We are able to see all of the relevant information about your complaint, including HCA files and other data. Although we have the right of access to this information for the purposes of our investigation, we have no authority to release it to you or any other third party.

Any requests for data or information must be made direct to the HCA. If such a request is made and we are examining relevant material, we will return it immediately to allow the HCA to deal with the request. The evidence will be returned to us as soon as possible so that our review can proceed.

The ICR will respect your privacy and will not publish information about you or your case. We will not discuss your personal case with the media or any other third party, although we may refer to the kind of issues it brings to light, in order to encourage better understanding of the causes of complaints and how they can be avoided through service improvement.

## Need more help?

This leaflet is also available on audiotape and can be provided in other languages. Should you require information about this, please let us know by telephone, fax, letter or e-mail.

Where necessary, we are able to provide a translation service to assist you in the presentation of your complaint.

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### **The Independent Complaints Reviewer**

Dover House (Ground Floor)

66 Whitehall

London SW1A 2AU

Telephone 020 7930 0749

Fax 020 7321 0406

E-mail: [enquiries@icr.gsi.gov.uk](mailto:enquiries@icr.gsi.gov.uk)

Website address: [www.icrev.org.uk](http://www.icrev.org.uk)

## Independent Complaints Reviewer - Complaint Referral Form

This form should only be completed after reading the leaflet explaining the role of the ICR. Please use block capitals

1. Name \_\_\_\_\_

2. Address \_\_\_\_\_

Postcode

3. Contact telephone numbers

4. Fax and/or e-mail address

5. Are you referring the complaint on behalf of someone else?

*If the answer is "no" please go to question 11*

### Details about any person or organisation on whose behalf you are referring the complaint

6. Name(s):

7. Address:

8. Explain why you are referring the complaint:

9. Are you referring the complaint with the agreement of the above person/organisation?

### Details about your complaint

10. Please explain your complaint/s as clearly and precisely as possible

*Please continue on a separate sheet of paper if necessary.*

11. Have you received a final written response to your complaint from the Homes and Communities Agency?

*If you have answered 'yes' to this question, please send us a copy of the final response letter*

12. When did you receive the response from the Homes and Communities Agency?

13. Has your complaint been referred to any other organisation? If so please provide details

14. Please explain as clearly as possible how would you like the Homes and Communities Agency to put the matter right for you?

*Please continue on a separate sheet of paper if necessary*

15. Please forward all relevant documents to the ICR. Please list below the documents you are sending

*Please continue on a separate sheet of paper if necessary*

**Please read the following information and then sign below to confirm that you want to refer your complaint to the ICR**

I would like the Independent Complaints Reviewer to consider my complaint. I understand that:

- You will need to handle personal details about me, which could include sensitive information in order to deal with my complaint effectively.
- You will need to exchange information about my complaint with the Children's Commissioner (for example to find out important facts about my case).
- You handle complaints in a different way from the courts, not requiring people to attend hearings in person, but resolving disputes by correspondence.
- You may publish examples of where things can go wrong, based on real cases, but you will always respect my privacy and keep my personal information confidential.

Signed \_\_\_\_\_

Date \_\_\_\_\_

Please take a moment to print, fill in and return our questionnaire on Equal Opportunities of Access to the Independent Complaints Reviewer. You can find the questionnaire at [www.icrev.org.uk/equalopps.html](http://www.icrev.org.uk/equalopps.html)

**Please send this form together with all relevant documents to: -**

**The Independent Complaints Reviewer  
Dover House (Ground Floor)  
66 Whitehall  
London SW1A 2AU**

**If you require further information or advice on completing the form please contact the office of the ICR:**

**Telephone 020 7930 0749**

**Fax 020 7321 0406**

**E-mail: [enquiries@icr.gsi.gov.uk](mailto:enquiries@icr.gsi.gov.uk)**