

# LHML Complaints and Disputes Policy and Procedure

(Date for review June 2022)



## 1 Introduction

This policy and procedure is for owners of LHML, their tenants, and contractors providing goods and services to LHML.

This complaints and disputes policy is based on guidance in *The Royal Institute of Chartered Surveyors (RICS) Code of Practice: Service charge residential management Code and additional advice to landlords, leaseholders and agents (3<sup>rd</sup> edition)*.

Most complaints or disputes can be resolved amicably at the informal stage if both parties come together to discuss the problem and agree a way forward.

Where this is not the case this procedure sets out how a complaint/dispute will be addressed more formally. The Board may not be able to satisfactorily resolve all complaints and disputes even when the complaint or dispute is upheld.

## 2 Purpose of this complaints and disputes policy and procedure

The purpose of this policy and procedure is:

- to establish what is and is not a complaint/dispute that can be addressed by the Board;
- to set out the procedure to be followed for complaints/disputes; and
- to resolve matters of concern amicably and speedily, whenever possible.

## 3 Types of complaints/disputes covered by this policy

The types of complaints/disputes covered by this policy include:

Complaints by shareholders/owners about the Board relating to:

- lack of communication with shareholders/owners (Companies Act 2006);
- failure to respond to reasonable requests for information by shareholders/owners (Companies Act 2006);
- failure to deliver actions/ services related to the common areas and parts of the estate (Property Leases);
- failure to keep personal data secure (GDPR Regulations 2018);
- discrimination (Equality Act 2000);
- accounting/ service charge matters (Property Lease); and

Disputes between residents related to:

- the role and function of the company, e.g. anti-social behaviour, breach of a leaseholder's agreement (RICS Code); and

#### Complaints by contractors related to:

- payments;
- terms of their contract;
- failure to keep personal data secure (GDPR Regulations 2018); and
- discrimination (Equality Act 2000).

#### **4 Types of complaint not covered by this policy and procedure**

Complaints or disputes by shareholders/owners about ground rent. This is a matter for the superior landlord who can be contacted through Simarc.

Disputes between residents about other residents' behaviour, or the behaviour of other residents' children, pets, or visitors which would usually be deemed acceptable by most people.

Complaints and disputes between owners and their tenants.

#### **5 Making a complaint**

##### *Stage 1:*

##### Disputes between residents.

Try to resolve the matter informally by speaking to the resident(s) concerned.

##### Complaints by shareholders/owners about the operation of the Board

Try to resolve the matter informally by speaking to the director who represents your area of the estate.

##### Complaints by contractors

Try to resolve the matter informally by speaking to the Estate's representative overseeing your contract.

##### *Stage 2:*

##### Disputes between residents.

Write to the Vice Chair, provide enough information to explain your concern, and say what you would like to happen.

##### Complaints by shareholders/owners about the operation of the Board

Write to the Chair, provide enough information to explain your concern, and say what you would like to happen.

##### Complaints by contractors

Write to the Estate's Treasurer, provide enough information to explain your concern, and say what you would like to happen.

#### **6 How we handle a dispute/ complaint**

##### *Stage 1:*

Disputes between residents- are a matter for residents.

Complaints by shareholders/owners about the operation of the Board- the area rep will investigate and will seek to resolve the matter informally.

Details of the complaint and the outcome will be recorded in the company's Complaints Log.

Complaints by contractors- the estate's representative will investigate and will seek to resolve the matter informally. Details of the complaint and the outcome will be recorded in the company's Complaints Log.

*Stage 2:*

Disputes between residents - on receipt of a formal complaint, the Vice Chair will investigate and will seek to resolve the matter. If appropriate a panel of directors and independent persons may be set up to hear the complaint. Details of the complaint and the outcome will be ratified by the Board and will be recorded in the company's Complaints Log. The Board's decision is final.

Complaints by shareholders/owners about the operation of the Board- on receipt of a formal complaint, the Chair will investigate and will seek to resolve the matter. If appropriate a panel of directors and independent persons may be set up to hear the complaint. Details of the complaint and the outcome will be ratified by the Board and will be recorded in the company's Complaints Log.

A shareholder, if dissatisfied with the Board's decision, may complain to the superior landlord, through Simarc; or seek to convene a meeting of shareholders, in line with company's articles.

Complaints by contractors-on receipt of a formal complaint, the Treasurer will investigate and will seek to resolve the matter. If appropriate a panel of directors and independent persons may be set up to hear the complaint. Details of the complaint and the outcome will be ratified by the Board and will be recorded in the company's Complaints Log. The Board's decision is final.

## **7 Reporting**

An annual report of the type of disputes/complaints, outcomes and lessons learned will be made to the Board.

## **8 Confidentiality and data protection**

Personal information relating to disputes/complaints and the Complaints Log will be kept secure and confidential in line with the company's GDPR policy and procedures.

The annual report on disputes/complaints will be anonymised.

References in minutes will be anonymised.

## **9 Timescales**

You should receive a response within 28 days.

## **10 Questions and further information**

Contact the Chair.

## **11 Policy responsibility and review**

The Chair is responsible for the implementation of the policy. This policy and procedure will be reviewed every 3 years.

**Complaints/ Disputes Log: Example format**

Complainant/ Complaint/Dispute No	Brief details of the complaint/dispute:	Date received:	Complaint/ Dispute investigated by:	Action taken:	Date resolved/ completed: