



## Complaints Policy

### Related policies

This Policy should be read in conjunction with:

- Repairs and Maintenance Policy
- Diversity Action Plan – Policy and Procedure Statements
- Compensation Policy
- Service Standards
- Vexatious Complaints Policy
- Anti-social Behaviour Policy
- Guidance on compliments and suggestions

Policies available on request.

### Assistance

If you need assistance understanding this document in any way, or need help to make a complaint, please contact us using any method stated in Point 6.

### 1. Policy statement

- 1.1 We set out to provide a high-quality service and satisfaction to our customers.
- 1.2 We recognise that sometimes things go wrong, and we need to respond quickly to put them right.
- 1.3 We welcome the opportunity to make improvements to our service which may arise as a consequence of a complaint from our customers.

### 2. Aims of the Policy

- 2.1 To deliver an easy and high-quality customer experience which is tailored to the complaint.
- 2.2 To put things right as quickly as possible.
- 2.3 To ensure a complaint is monitored and managed within the published timescales.
- 2.4 To be fair, transparent, and consistent in the way we manage complaints.
- 2.5 To learn from complaints and make appropriate changes to prevent the recurrence of preventable issues.

- 2.6 To ensure customers are kept informed throughout the process in line with our service standards.
- 2.7 To provide a point of contact who will take ownership of the complaint.
- 2.8 To enable customers to access alternative advice and support through guidance and signposting on our website.

### **3. Definitions**

- 3.1 A formal complaint is 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.
- 3.2 A service request is a request from a resident requiring action to be taken to put something right. Service requests are recorded, monitored, and reviewed regularly.
- 3.3 A complaint should be raised when the resident raises dissatisfaction with the response to their service request.

### **4. What is not considered a complaint within this Policy**

- 4.1 The first request for a service from the Association.
- 4.2 The issue occurred over six months ago, and the customer did not report it at the time. However, where the problem is a reoccurring issue; safeguarding and/or health and safety issues, the Association will consider any older reports as part of the background to the complaint if this will help the issue for the customer.
- 4.3 The underlying issues is not within the remit or control of the Association.
- 4.4 An anonymous complaint. The Association would be unable to respond to the complainant as part of this process, however, it would carry out an investigation of the reported issues and action accordingly if sufficient detail has been provided.
- 4.5 Anti-Social Behaviour (ASB)/neighbour nuisance complaints should be dealt with in accordance with the ASB Policy and Procedure. If, however, the complaint relates to the process or our failure to deal with the concerns raised it should be dealt with under this policy.
- 4.6 Legal proceedings have started. This is defined as details of the claim, such as the Claim Form, Particulars of Claim, having been filed at court.
- 4.7 The matter had already exhausted the Association's complaints policy.

- 4.8 The Association sometimes receives complaints that are vexatious (aggressive, abusive, or unreasonable). If we believe this is the case, we will contact the customer and explain why we have reached this decision. At our discretion, we may give the customer the opportunity to act in a more reasonable manner or we may refuse to progress the complaint. Please refer to the Vexatious Complaints Policy.
- 4.9 If the Association decides not to accept a complaint a detailed explanation will be provided to the customer setting out the reasons why the matter is not suitable for the complaints process.

The customer has the right to challenge this decision by taking their complaint to the [Housing Ombudsman](#). Where appropriate, the Housing Ombudsman will instruct the Association to take on the complaint.

## **5. Who can make a complaint?**

- 5.1 This Policy is applicable to anyone who receives or requests a service from us, for example tenants and shared owners.
- 5.1.1 Complaints received by other stakeholders, for example a parish council, will be dealt with under the same principles applicable to other complaints; however, the review meeting representatives may differ and there is no right to refer the complaint to the Housing Ombudsman.
- 5.1.2 Complaints received with regards to the Association's Policies, will be dealt with under the same principles applicable to other complaints, however they may be referred to the Association's Board or representatives of it.
- 5.1.3 Complaints received with regards to staff conduct will be dealt with by the operational manager and human resources in accordance with the internal disciplinary procedure.
- 5.2 We accept complaints from family members, local councillors, or other advocates, such as a Solicitor supporting a customer (except where a formal letter before action has been submitted), The customer must have given authorisation for them to do so.
- 5.3 Customers do not have the right to withhold rent during the complaints process. They do have the potential to undertake existing minor repairs themselves and deduct the cost of doing so from future rent payments. There is a [strict process](#) that needs to be followed by the Customers.

## 6. How can Customers complain?

### 6.1 Customers can complain to the Association by:

- |   |   |
|---|---|
| <input type="checkbox"/> Website            | Submit a form   |
| <input type="checkbox"/> myhomeonline       | <a href="#">Log in and submit a form</a>  |
| <input type="checkbox"/> Email              | <a href="mailto:enquiries@midlandsrural.org.uk">enquiries@midlandsrural.org.uk</a>  |
| <input type="checkbox"/> Letter             | Memorial House, Stenson Road, Coalville,<br>Leicestershire, LE67 4JP  |
| <input type="checkbox"/> Telephone          | 0300 1234 009   |
| <input type="checkbox"/> Social media sites | Facebook<br>To protect confidentiality and privacy the Association<br>may choose to respond using a different method to that<br>used to contact us  |
| <input type="checkbox"/> In person          | Contact us to book an appointment   |
| <input type="checkbox"/> Using an advocate  | Permission must be given by the customers.<br>(If a solicitor has been appointed to act on behalf of the<br>customer, this will be referred to the Association's<br>solicitor and not dealt with as part of this policy.) |

## 7. Complaint process

- 7.1 We expect our staff to act in a respectful manner at all times to our customers, and we ask that customers and their representatives also act to our staff in a respectful manner.
- 7.2 We will attempt to tackle concerns swiftly and efficiently. For instance, where a contractor or member of staff has failed to keep an appointment and the customer wants a second appointment to be made. Where this is the case an apology should be offered, and the Customer advised that a record will be kept of the concern. The Customer should be asked if they wish this to be considered as a formal complaint. If they do, then the formal complaints procedure set out below should be followed. In all cases a record of the contact should be made on the complaints database for trends to be monitored, reporting purposes and lessons learned.
- 7.3 The Complaints Procedure document provides more detail on the stages and processes involved.
- 7.4 The customer can contact the [Ombudsman](#) during the process for support and advice.

## 7.5 Complaint Procedure – Stage 1

- 7.5.1 Submission of a formal complaint will not delay any action, we will ensure that responses are co-ordinated, and the customer is not troubled by inconsistent and uncoordinated communication.
- 7.5.2 Within three working days of receipt of a formal complaint the details will be accepted, logged, and acknowledged.
- 7.5.3 A full independent investigation will be carried out by the Customer & Business Support Team (C&BST) and a formal response will be provided to the customer within 10 working days from the date the complaint was received.
- 7.5.4 The complaint response will be sent to the resident when the answer to the complaint is known. It must not be delayed until any outstanding actions are completed. Outstanding actions should be tracked, and updates provided to the resident.
- 7.5.5 Where a resident raises additional complaints during the investigation, these should be incorporated into the Stage 1 response if they are relevant, and the Stage 1 response has not been issued. Where the Stage 1 response has been issued, or it would unreasonably delay the response, the complaint should be logged as a new complaint.
- 7.5.6 The Housing Ombudsman Complaints Handling Code allows landlords the discretion to extend response times by 10 days at stages 1 and 2 (and beyond - where there is a good reason to do so). Examples of a 'good reason' could include:
  - a delay by a third party, over which a landlord has no control, in providing information;
  - requiring further time to undertake interviews; and/or
  - needing longer to acquire all the information required from multiple sources to enable a landlord to properly investigate a long-standing, complex case.

Whether an extension is required should be assessed on a case-by-case basis and the C&BST will agree the revised response date with the customer.

If an agreement for an extension is not reached the Association will provide the Housing Ombudsman's contact details so the resident can challenge the landlord's plan for responding and/or the proposed timeliness of the response.

## 7.6 Stage 2 - Review of Complaint

- 7.6.1 The customer can ask for the complaint to be escalated to Stage 2 within 20 working days, this date is stated in the Stage 1 full response.

## 7.6.2 A review will be considered if:

- further evidence is provided.
- subsequent events, after the full response, have taken place which affects the nature of the complaint; and/or
- the actions proposed have not resolved the issue.

## 7.6.3 Within three working days of receipt of the request for escalation to Stage 2, the details will be logged, acknowledged, and passed to the Company Secretary or a Senior Manager who has no connection to the complaint.

## 7.6.4 A review can be refused for the same reasons as stated in Section 4 of this Policy.

## 7.6.5 The Company Secretary or a Senior Manager who has no connection to the complaint; and a resident representative, if available, will carry out a review within 20 working days of receipt of the request. If appropriate a meeting may be arranged with the customer.

## 7.6.6 Within five working days of the review, the Company Secretary or a Senior Manager who has no connection to the complaint will provide the outcome to the customer.

## 7.7 Referral to the Housing Ombudsman

The customer can refer the complaint to the [Housing Ombudsman](#) if they remain dissatisfied after the Stage 2 outcome. Details will be provided to the Ombudsman on request. This service is only available to tenants and shared owners of the Association.

## 7.8 Closing the complaint

If at any stage of the process a full response to a complaint has been given and there has not been further contact from the customer within 20 working days, the complaint will be deemed to be satisfactorily closed.

## 7.9 Satisfaction with complaints process

After the complaint has closed the customer will be contacted and asked via a survey if they were satisfied with the complaints process.

## 7.10 Self-Assessment

The Association will complete a self-assessment against the code each year by 31<sup>st</sup> April and following a significant restructure and/or change in procedures.

## 8. Appropriate remedy

- 8.1. If we find no basis for any appropriate remedy, we will provide a full explanation to why we have come to this conclusion.
- 8.2. Complaints can be resolved in a number of ways and any remedy reflects the extent of the service failure and the impact on the customer.
- 8.3. Goodwill gestures may be offered on a case-by-case basis dependent upon the nature of the complaint.
- 8.4. A compensation payment and/or valid claims for reimbursement for financial loss will be considered in accordance with the Association's Compensation Policy.

## 9. Performance monitoring and lessons learnt

- 9.1. The Association recognises that feedback provides a valuable source of information to help improve, evolve, and tailor our services. The Company Secretary ensures complaints are recorded, analysed and quarterly and annual reports are available to

our Board and residents. The data includes:

- Volume, categories, and outcomes.
- Complaint handling performance, including compliance with the Ombudsman's orders.
- Issues and trends arising from complaint handling and lessons learned.
- Annual performance report produced by the Ombudsman, where applicable.
- Individual complaint outcomes including where the Ombudsman made findings of maladministration or recommendations.
- Annual self-assessment against the Complaints Handling Code.

- 9.2. Operational managers will take responsibility to learn from complaints received. We will provide staff debriefing and reflections; and assess training needs. We will review processes, procedures, and put actions in place to prevent repeat complaints being received.
- 9.3. All employees have a collaborative and co-operative approach towards resolving complaints. Taking responsibility for any shortfalls identified through complaints. And act within the Professional Standards for engaging with complaints as set by the Chartered Institute of Housing.

## 10. Equality of access

It is essential that the complaints policy and procedure should be equally accessible to our customers. We will ensure that materials are provided in easy-to-read formats and provide customers access to appropriate support.

- 10.1 Some individuals may be discouraged from complaining because:
- ☐ they have poor communication skills
  - ☐ they have poor literacy skills
  - ☐ they have a disability/vulnerability which makes it harder for them to communicate
  - ☐ English is not their first language.
- 10.2 Where an individual has particular communication difficulties it is the responsibility of the Association to ensure that all their customers have equal access to the complaints process. For instance, it may be appropriate to take details by personal interview or by a home visit. If necessary, other forms of communication may also be considered, including:
- ☐ translation of communications into another language
  - ☐ translation of communications into braille
  - ☐ use of Language Line interpretation service
  - ☐ communicating with the customer's advocate, where permission has been granted.
- 10.3 Where another form of communication is required, there may be an unavoidable delay in responding and we will tell you if that is the case.
- 10.4 The accordance with the Equality Act 2010, the Association will adapt normal processes to accommodate an individual's need. Reasonable adjustments will be considered in line with the Diversity Action Plan Policy and Procedure Statement.

## 11. Review

- 11.1 The Policy will be reviewed every three years or sooner if regulatory/legislator changes are required. We will also review the Policy if customer/user feedback requires this.

To be read in conjunction with:

- Diversity Action Plan Policy and Procedure Statement
- Repairs and Maintenance Policy
- Compensation Policy
- Service Standards
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- Guidance on compliments and suggestions