

Reviewed following Housing Ombudsman changes to the code: March 2024
Next review: March 2027

Complaints Policy

Related policies.

This Policy should be read in conjunction with: -

- Data Protection Complaints Policy
- Repairs and Maintenance Policy
- Diversity Action Plan – Policy and Procedure Statements
- Compensation Policy
- Service Standards
- Anti-social Behaviour Policy
- Acceptable Behaviour Policy

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 5.

Purpose

The purpose of the Policy is to ensure we resolve customer dissatisfaction as quickly as possible and we welcome the opportunity to make improvements to our service which may arise as a consequence of a complaint from a customer.

This Policy is in line with the regulatory standards and guidance from the Housing Ombudsman Service Complaint Handling Code 2024; and the Regulator of Social Housing.

1. Aims of the Policy

- 1.1 To deliver an excellent customer service to our customers and we accept that sometimes things can go wrong. When they do we are committed to ensuring an easy and high-quality customer experience which is tailored to the complaint.
- 1.2 To put things right as quickly as possible and within the published timescales.
- 1.3 To be fair, transparent, and consistent in the way we manage complaints.
- 1.4 To learn from complaints and make changes to improve the way we do things.
- 1.5 To ensure customers are kept informed throughout the process in line with our service standards.

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- 1.6 To provide a point of contact who will take ownership of the complaint.
- 1.7 To enable customers to access alternative advice and support through guidance and signposting on our website.

2. Definitions

- 2.1 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 customer or group of customers.
- 2.2 A service request is a request from a customer to the landlord requiring action to be taken to put something right. Service requests are not complaints, but must be recorded, monitored, and reviewed regularly.
- 2.3 A complaint must be raised when the customer expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. We will not stop our efforts to address the service request if the customer raises a formal complaint.

3. What is not considered a complaint within this Policy

We will consider a complaint and/or escalated it, unless there is a valid reason not to. If we decide not to accept a complaint, an explanation will be provided to the customer setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Housing Ombudsman. If the Housing Ombudsman does not agree that the exclusion has been fairly applied, the complaint will be investigated.

Each complaint will be considered on its own merits. The following will not be considered within this policy: -

- 3.1 The first request for a service from us.
- 3.2 The issue occurred or the customer was aware of the issue over twelve months ago, and the customer did not report it at the time. We will consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so.
- 3.3 The underlying issues is not within our remit or control.
- 3.4 An anonymous complaint. We 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.

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- 3.5 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.
- 3.6 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. A disrepair claim will be actioned in conjunction with a formal complaint.
- 3.7 The matters have previously been considered under the complaints policy.
- 3.8 We sometimes receive 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. In accordance with our acceptable behaviour policy we may restrict contact.
- 3.9 Any personal injury claims. These should be referred to our insurance company.
- 3.10 A complaint relating to data protection arises where an individual raises concerns specifically about how their personal data has been handled. Such complaints will be managed in accordance with our Data Protection Complaints Policy.

4. Who can make a complaint?

- 4.1 This Policy is applicable to anyone who receives or requests a service from us, for example tenants and shared owners.
 - 4.1.1 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.
 - 4.1.2 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.
 - 4.1.3 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.
- 4.2 Customers have the opportunity to have a representative deal with the complaint on their behalf, and to be represented or accompanied during the complaints process. The customer must have given authorisation for them to do so.
- 4.3 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 \(www.citizensadvice.org.uk/housing/repairs-and-housing-conditions/repairs-and-housing-conditions\)](http://www.citizensadvice.org.uk/housing/repairs-and-housing-conditions/repairs-and-housing-conditions).

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5. How can customers complain?

5.1 Customers can complain to us by:

- myhomeonline (log in and submit a form)
- Email enquiries@midlandsrural.org.uk
- Website Submit a complaints/contact us form
- Letter Memorial House, Stenson Road, Coalville, Leicestershire, LE67 4JP
- Telephone 0300 1234 009
- Social media sites Facebook
Twitter
To protect confidentiality and privacy we may choose to respond using a different method to that used to contact us
- In person contact us to book an appointment
- Using an advocate Permission must be given by the customers.
(If a solicitor has been appointed to act on behalf of the customer, this will be referred to our solicitor and not dealt with as part of this policy)

6. Complaint process

- 6.1 We expect our staff to always act in a respectful manner to our customers, and we ask that customers and their representatives also act to our staff in a respectful manner.
- 6.2 We will try to resolve customer's service requests 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 service request should be made on the complaints database for trends to be monitored, reporting purposes and lessons learned.
- 6.3 The complaints procedure document provides detail on the stages and processes involved.

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- 6.4 The customer can contact the Ombudsman (www.housing-ombudsman.org.uk/customers) during the process for support and advice.
- 6.5 Complaint Procedure – Stage 1
- 6.5.1 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.
- 6.5.2 Within 3 working days of receipt of a formal complaint the details will be accepted, logged, and acknowledged.
- 6.5.3 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 acknowledged.
- 6.5.4 The complaint response will be sent to the customer 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 customer by the operational department.
- 6.5.5 Where a customer raises additional complaints during the investigation, these should be incorporated into the Stage 1 response if they are related, and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.

If an extension to the timescale is needed when considering the complexity of a Stage 1 complaint, the customer should be informed of the expected timescale for response. Any extension must be no more than 10 working days without good reason, and the reason will be clearly explained to the customer. Examples of good reason are:

- 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 customer will be informed of the expected timescale for a response, along with suitable intervals to keep the customer informed about their complaint and contact details for the Housing Ombudsman.

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6.6 Stage 2 - Review of Complaint

- 6.6.1 If all or part of the complaint is not resolved to the customers satisfaction at Stage 1, it must be progressed to Stage 2 of the procedure within 20 working days, this date is stated in the Stage 1 response letter.
- 6.6.2 The Stage 2 panel will review the complaint and consider any further evidence or events that have taken place which affects the nature of the complaint; or actions proposed have not resolved the issues.
- 6.6.3 Within 5 working days of receipt of the request for escalation to Stage 2, the details will be acknowledged, defined, and logged. The Company Secretary and a Senior Manager who doesn't have a connection to the complaint will carry out the review.
- 6.6.4 A review can be refused for the same reasons as stated in Section 4 of this Policy.
- 6.6.5 The company secretary and a senior manager who doesn't have a connection to the complaint will carry out a review and respond to the complaint within 20 working days of the complaint being acknowledged.
- 6.6.6 If an extension to the timescale is needed when considering the complexity of a Stage 2 complaint, the customer should be informed of the expected timescale for response. Any extension must be no more than 20 working days without good reason, and the reason will be clearly explained to the customer. Examples of good reasons are detailed in 6.5.5.

Whether an extension is required should be assessed on a case-by-case basis and the customer will be informed of the expected timescale for a response, along with suitable intervals to keep the customer informed about their complaint and contact details for the Housing Ombudsman.

6.7 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.

6.8 Closing the complaint

If at any stage of the process a full response to a complaint has been given and there has been no contact from the customer within 20 working days regarding the complaint, the complaint will be closed.

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6.9 Satisfaction with complaints process

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

6.10 Self-Assessment

The Association will complete a self-assessment against the code each year by 31st April, following a significant restructure and/or change in procedures, and/or a request from the Housing Ombudsman following an investigation.

7. Appropriate remedy

- 7.1 If we find no basis for any appropriate remedy, we will provide a full explanation to why we have come to the conclusion.
- 7.2 Complaints can be resolved in a number of ways and any remedy reflects the impact on the customer as a result of any failures and inconveniences.
- 7.3 Goodwill gestures may be offered on a case-by-case basis dependent upon the nature of the complaint.
- 7.4 A compensation payment and/or valid claims for reimbursement for financial loss will be considered in accordance with our Compensation Policy and the guidance issued by the Housing Ombudsman.

8. Performance monitoring and lessons learnt

- 8.1 We recognise a positive complaint handling culture, accountability and transparency are integral to the effectiveness with which disputes are resolved. We will use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.
 - 8.1.1 We will report wider learning and improvements from complaints to stakeholders, such as: customers, staff, and Board. The company secretary (Member responsible for complaints) ensures the governing body receives regular information on complaints that provides insight on the landlord's complaint handling performance.

The governing body will receive the following data:

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

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In addition, the following will be produced annually for the governing body and be published on the website:

- a) the self-assessment against the Housing Ombudsman complaint handling code to ensure the policy remains in line with the requirements.
- b) a qualitative and quantitative analysis of the landlord's complaint handling performance. This must also include a summary of the types of complaints the landlord has refused to accept.
- c) any findings of non-compliance with the complaints handling code.
- d) the service improvements made as a result of the learning from complaints.
- e) any annual report about the landlord's performance from the Ombudsman; and any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord.

8.1.2 It is the responsibility of operational managers to look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from complaints.

8.2 Any themes or trends should be assessed by operational management to identify potential systemic issues, serious risks or policies and procedures that require revision. They should also be used to inform staff and contractor training.

8.3 All employees have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments; and a collective responsibility for any shortfalls identified through complaints, rather than blaming others; and, act within the [Professional Standards for engaging with complaints as set by the Chartered Institute of Housing](#).

9. Training

Our induction programme ensures new staff are aware of the complaint culture, policy and procedure. In addition, all staff are trained on any changes to the policy and refresher training is arranged when required or if a training gap has been identified.

10. Equality of access

We will consider our duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of customers who may need to access the complaints process. We will ensure that materials are provided in easy-to-read formats and provide customers access to appropriate support.

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- 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
- Vexatious Complaints Policy
- Anti-social Behaviour Policy
- Guidance on compliments and suggestions