

# Midland Heart Policy

## Complaints, Comments, Compliments & Reasonable Adjustments Policy

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Business Owner	<i>John Walker, Director of Quality &amp; Customer Experience</i>
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**Always refer to documents stored on the Intranet when applying policy and procedure.**

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## 1. Purpose

1.1 When services fail to meet tenants and residents' expectations, we want to listen carefully to what they tell us, respond appropriately where services have failed or fallen below standard and improve our housing services in response to complaints. This policy deals with the principles for effective complaints handling to reflect Midland Heart's positive approach to complaints, comments, and compliments.

1.2 The actions we will take are driven by our Mission to be "a leading housing organisation, delivering homes and services across the Midlands that enable people to live independently" and our Values:

- **People Focused**
- **Inclusive**
- **Professional**

## 2. To Be Read In Conjunction With

### 2.1 External:

- See section 6 – Legal Framework for details

### 2.2 Internal:

All Midland Heart's operational policies and procedures are related to the Complaints, Comments and Compliments Policy and Process. This policy should, in particular, be read in conjunction with the Complaints Toolkit, please also read the following documents:

- Violence and Aggression Guidance (in relation to unacceptable behaviours)
- Duty of Candour Policy
- Health and Safety Policy
- Reasonable Adjustment Policy (Appendix 1)
- Safeguarding & Wellbeing Policy & Procedure
- Whistleblowing Policy
- Disciplinary Policy
- Data Protection Policy & Procedure
- Unreasonable Persistent Complainant Policy

## 3. Policy Document Version Control

VERSION	DATE ISSUED	AUTHOR	CHANGE DESCRIPTION
3.6	July 2022	Jenny Daisley & Jessica Woodley	Independent Housing Ombudsman Self-Assessment – Compliance with Independent Housing Ombudsman Code
4.0	September 2023	Jenny Daisley	Independent Housing Ombudsman Self-Assessment – Compliance with Independent Housing Ombudsman Code

## 4. Policy Statement

### 4.1 Scope of Policy

- 4.1.1 This policy is relevant to all staff and operating businesses of Midland Heart as well as our contractors and agents. We have a standard objective in relation to complaint handling for all employees that reflects the need to:
- 4.1.2 have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments.
- 4.1.3 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 the Chartered Institute of Housing.
- 4.1.4 The policy applies to:
- **Complaints** – where a tenant or resident is dissatisfied due to a housing or support service failure.
  - **Comments** – where a tenant or resident is dissatisfied with a policy or set service standard.
  - **Compliments** – where a tenant or resident provides positive feedback on service received.
- 4.1.5 The policy does not apply to:
- **Appeals** – where a tenant or resident does not agree with a decision made in accordance with our policies and procedures. Appeals will be dealt with in line with the policy it is concerned with.

## 4.2 Introduction

- 4.2.1 This policy reflects Midland Heart’s commitment to valuing complaints, comments and compliments. Our aims are to:
- Accept responsibility when things go wrong
  - Put things right quickly
  - Learn from complaints to improve services
  - Ensure Building Safety related complaints are escalated to the appropriate responsible person
- 4.2.2 Our complaint handling principles are resolution focused. These principles are:

<b>User Focused</b>	We have tenant and residents at the heart of our process for a flexible and responsible service.
<b>Accessible</b>	Our complaint process will be well publicised, easy to understand and available to all.
<b>Simple and timely</b>	We have a clear complaints process and agreed timelines for resolving complaints.
<b>Seek an early resolution</b>	We will aim to resolve all complaints at the earliest opportunity.
<b>Thorough, proportionate and consistent</b>	Our method of investigating and resolving complaints will be consistent, proportionate and appropriate to the circumstances of the case.

<b>Objective, impartial and fair</b>	We will treat all tenants and residents with respect and demonstrate that we have listened, understood and considered all relevant facts as part of our complaint handling.
<b>Deliver improvement</b>	We will use information from complaints to measure performance, identify trends and highlight opportunities for service improvement.

### 4.3 What is a Complaint?

4.3.1 A complaint can be received from anyone who is a tenant or resident. A tenant or resident is anyone who receives or requests a service from us or who is affected by our activities. If a service failure has occurred, we will always try to fix things straight away. Issues resolved in this way will still be recorded and learning outcomes will feed into service improvement.

Midland Heart's definition of a complaint reflects that of the Independent Housing Ombudsman:

*'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'*

4.3.2 A complaint may be made where:

- There has been a failure of our published service standards, and where action has not been taken within agreed timescales.
- We have not acted in line with our policies and procedures to a tenant or resident request.
- There has been poor conduct by staff or Midland Heart agents/contractors. Please Note: For instances of poor staff conduct, the tenant or resident will be advised once the matter is concluded however we will not disclose the outcome due to confidentiality rights of staff (unless legally obliged).

4.3.3 A complaint does not cover:

- **Requesting a new service:** When a tenant or resident informs us of a problem they may use the word 'complaint' but are actually requesting a service for the first time e.g. repair, ASB.
- **An issue that is more than 6 months old:** A complaint must be made no later than 6 months after the date the event occurred. The time limit will not apply if Midland Heart is satisfied that there are exceptional circumstances involved.
- **Closed complaints:** Tenant or residents will have the right to speak with their MP/Councillor or relevant Ombudsman (see External Review box in diagram 4.7) about closed complaint outcomes they are not satisfied with.
- **Complaints that refer to statutory or other external obligations (i.e. things we must do by law):** In these circumstances, where the facts are clear, the issue cannot be changed so investigating the complaint would not offer resolution. An explanation of such obligation will be provided to the tenant or resident .
- If a complaint refers to a legal disrepair claim, legal defect claim or personal injury claim and legal

proceedings have commenced and have been filed at court then these will be dealt with through the legal process and handled by our Insurance Team and Legal Advisors and not through our complaints process.

4.3.4 Complaints can be received through any of our communication channels. This includes via phone, email and social media. Where complaints are received through social media to maintain privacy and confidentiality, we will respond via private message.

#### 4.4 What is a Comment?

4.4.1 Disagreement with, or an opinion about, a policy or service standard will be treated as a comment since a service failure has not occurred. These comments will be formally recorded and reported to the policy owner to be considered when that policy is reviewed.

#### 4.5 What is a Compliment?

4.5.1 A statement of positive recognition or praise for a service or individual or it tells us what we should do more of. Compliments will be logged, and the staff concerned advised of the details of the compliment by their line manager.

#### 4.6 Complaint Quality Standards

4.6.1 It is focused on quick, simple and effective complaints handling with early resolution by empowered and well-trained staff.

4.6.2 All information held about our tenant or residents must be in line with the Midland Heart Data Protection Policy, Data Protection Procedure and General Data Protection Regulation 2018 (GDPR) guidance.

4.6.3 We have set quality standards for how we handle complaints based on our tenant and resident feedback and expectations. These standards are:

- We will acknowledge a complaint within 5 working days
- A clear escalation process for complaints. See process diagram at 4.7 below.

**Please note:** Unresolved complaints relating to activity regulated by the Financial Conduct Authority can be referred to the Financial Ombudsman Service, Exchange Tower, London, E14 9SR, Telephone: 020 7964 1001.

- Sometimes tenants and residents tell us they are unhappy with something and may not wish to make a formal complaint but just that we put things right. Our Early Resolution will aim to resolve these concerns at the first point of contact.
- Where our early resolution fails to resolve the matter, or where the issue is particularly serious, such as involving a health and safety issue, these will always be handled as a formal complaint

and the following timescales will apply:

- We will acknowledge requests for both formal and review stage complaints within 5 working days.
  - Where an investigation is required our target to respond will be 10 working days.
  - Where a formal review is required our target to respond will be 20 working days.
  - During both formal investigation and review stages of the process, where the timescales above are not possible due to the specifics of the complaint, we will agree an appropriate extension for response with the complainant. We will only extend for 10 working days, unless the tenant or resident requests additional time or in extreme circumstances where the complaint is more complex.
- We will keep the tenant or resident informed and will clearly communicate how we will resolve the complaint.
  - We will always provide a response to complaints. Once a response has been provided it will be closed. There may be situations where actions are ongoing or outstanding following a complaint being closed and we will ensure that these actions are tracked and complainants are kept informed of any updates regarding these actions.
  - We will measure tenant satisfaction and how we handle complaints monthly as well as conducting an annual review.
  - Ensure Building Safety related complaints are escalated to the appropriate responsible person for action and monitoring alongside the complaint.

## **4.7 Complaint Handling Process**

- 4.7.1 If we can resolve a complaint immediately, we will always aim to do this as an Early Resolution, however if a tenant or resident remains unhappy or wishes to access our complaints process, we will acknowledge that complaint within 5 working days and aim to provide a First stage formal outcome within 10 working days.



### **First Stage Formal Investigation**

Your complaint will be investigated as a first stage formal complaint if you express your wish to do so or if early resolution has not been successful.

You will receive an acknowledgment to your complaint within 5 working days of us being notified of your concerns.

We will aim to provide you with an outcome to your complaint at this stage, within 10 working days. We will agree with you any extensions to this timescale.

### **Formal Review**

Your complaint will be escalated to Formal Review if you are unhappy with the formal investigation outcome you have received.

To provide you with a thorough response at this stage, we will ask you for the reasons you wish to escalate your complaint.

During Formal Review the appropriate Director, or Head of Service in their absence, will review your complaint and how it has been handled. They will ensure our policy has been adhered too and that the impact on you has been considered appropriately.

We will aim to provide you with an outcome to your complaint at this stage, within 20 working days. We will agree with you any extensions to this timescale.

### **External Review**

You have the right to contact your MP, Councillor, The Housing Ombudsman, the Commissioning Service, their Management Committee or Financial Ombudsman Service (as appropriate), if you are unhappy with a service we have provided. Please note that if your landlord is a Mutual Committee and your complaint relates to matters on behalf of the Committee, this must be referred to the Mutual Committee and Midland Heart for possible arbitration.

- 4.7.2 Complaints can be received on behalf of tenants or residents through other agencies e.g. advocates or support agencies. In these cases, we will need written consent from the tenant or resident to discuss the complaint with their representative in line with our Data Protection Policy and Procedure and our GDPR 2018 requirements.
- 4.7.3 Where a Councillor or MP makes an enquiry on behalf of a tenant or resident, they will not be required to provide written consent as they are elected representatives. These will be treated as MP or Councillor enquiries and the usual complaints process including early resolution where appropriate, will apply.
- 4.7.4 We will put in place arrangements to monitor agreed actions and ensure they are carried out within timescales. Where we fail to deliver the agreed actions or timescales, tenants or residents will be entitled to request escalation of the complaint.
- 4.7.5 Requests to escalate a complaint to review stage should be received within 2 months of receiving the formal outcome.
- 4.7.6 We would not unreasonably refuse a request to escalate a complaint unless the request includes the refusal points mentioned in our policy (Section 4.3.3). If we do make the decision to refuse a



complaint, Tenants and Residents can access the Independent Housing Ombudsman Service:

Housing Ombudsman

PO Box 152, Liverpool, L33 7WQ

Telephone: 0300 111 3000

[www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

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

4.7.7 Should a complaint be escalated to an Ombudsman for External Review we will co-operate fully with any investigation by the Ombudsman and comply fully with the resulting final decision.

#### **4.8 Unacceptable Actions or Behaviour**

4.8.1 We understand that upsetting and distressing circumstances can result in people acting out of character and we do not view behaviour as unacceptable just because a tenant or resident is forceful or determined. However, the actions of tenants or residents who are angry, demanding or persistent may result in unreasonable demands or unacceptable behaviour towards staff. If this happens, we may take action to tackle the behavior and will use the Unreasonable Persistent Complainant Policy.

#### **4.9 Compensation**

4.9.1 Financial compensation is a final option for Midland Heart and will only be paid in cases where the loss or suffering is considered to warrant such a payment or where the tenants or residents has suffered significant inconvenience as a result of Midland Heart or their contractor's or agent's actions.

4.9.2 Compensation will be appropriate, fair in accordance with our Compensation Matrix as appropriate and the Housing Ombudsman remedies guidance.

- Before compensation is paid a tenant or resident, any monies owed to Midland Heart will be taken into consideration.
- In circumstances where a tenant or resident owes any debt to Midland Heart (rent, service charge, catering costs etc.), compensation calculated, that is not an out of pocket expense, will be credited to the tenants rent account.

### **5. Equality and Diversity Statement**

5.1.1. Equality and diversity has always been at the very core of our work to meet the needs of the diverse communities in which we operate. We will ensure that our approach is tailored to meet the needs of our tenants and residents in line with our Equality Impact Assessment.

## **6. Reasonable Adjustment and Support**

- 6.1.1. We understand that some tenants and residents may have difficulty communicating a complaint and / or participating in the complaint process, as such we will always make reasonable adjustments, enabling tenants and residents to report their concerns and engage in the process.
- 6.1.2. We are committed to ensuring that disabled people are not disadvantaged in accessing all our services and we carry out Equality Impact Assessments to ensure this does not happen.
- 6.1.3. There is no prescribed list of reasonable adjustments; the adjustment will depend on the individual's needs. We will discuss the requirements with the person concerned and seek to reach agreement on what may be reasonable in the circumstances. We will not make assumptions about whether a disabled person requires any reasonable adjustments or about what those adjustments should be.
- 6.1.4. In the majority of cases we will be able to agree and deliver the required reasonable adjustment with a minimum of delay. In some cases, we may need to consider in more detail how best to overcome the difficulty a disabled person is experiencing or seek advice from expert disability organisations that can assist with signposting and other forms of support.

## **7. Performance and Monitoring**

- 7.1.1. We will provide to our Board Regular updates on:
- the volume, categories and outcome of complaints
  - the volume of refused or rejected complaints and the reasons
  - complaint handling performance
  - compliance with the Ombudsman's orders
  - reviews of issues and trends arising from complaint handling,
  - the annual performance report produced by the Ombudsman
  - the annual self-assessment against the Complaint Handling Code for scrutiny and challenge.
- 7.1.2. Where applicable the Board will be provided with details of where the Ombudsman have made findings of severe maladministration or referrals to regulatory bodies.
- 7.1.3. Our Executive Director for Operations will have lead responsibility for complaints to support a positive complaint handling culture. They will be responsible for ensuring the Board receives regular information on complaints that provides insight to the governing body on the landlord's complaint handling performance.

## **8. Legal Framework**

<b>Legislation</b>	
Housing and Regeneration Act	Provides a framework for housing related complaints.
Equality Act 2010	Provides a duty for ensuring equality of opportunity for all protected groups and those associated with protected groups.
Localism Act 2011	Localism Act changes the way that complaints are dealt with once the complaints process of the landlord has been exhausted. The emphasis is that, where possible, complaints should be resolved at a local level and this should ultimately reduce the numbers that are escalated to the Housing Ombudsman.
Human Rights Act 1988	Under the Equality Duty of the Human Rights Act, organisations have a duty to promote equality of opportunity. That duty applies when decisions about individuals are being made. Article 8 refers to the right to respect the right to private and family life.
Independent Housing Ombudsman Complaints Code 2020	Specified need for Reasonable Adjustment Policy for Complaints policy
Independent Housing Ombudsman Complaints Code 2020	Specified changes regarding definition, SLA's, resourcing, learning and governance arrangements.