

# Midland Heart Policy

## Complaints, Comments & Compliments Policy

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Staff Affected	All Midland Heart Staff
Business Owner	John Walker, Director of Quality & Customer Experience
Approved By	John Walker, Director of Quality & Customer Experience
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**Always refer to documents stored on the Intranet when applying policy and procedure.**

## Contents

	Page No.
1. Purpose	3
2. To Be Read In Conjunction With	3
3. Policy Document Version Control	3
4. <b>Policy Statement</b>	4
5. Equality and Diversity	8
6. Reasonable Adjustment and Support	8
7. Performance and Monitoring	9
8. Legal Framework	9

## 1. Purpose

1.1 When services fail to meet customers' expectations we want to listen carefully to what customers 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
3.0	Jun 16	Valerie Hamilton & Hayley Bradbury	Simplified policy to reflect focus on customer service, quick resolution and outline of new process model.
3.1	Nov 16	Valerie Hamilton & Hayley Bradbury	Amended to comply with ARCO standards; <ul style="list-style-type: none"><li>● Clarified response times</li><li>● Local Government Ombudsman added as body for external review</li></ul>
3.2	Feb 17	Valerie Hamilton & Hayley Bradbury	Business Owner updated Clarifications to policy to improve compliance to ARCO standards.

3.3	June 18	Lina Patel	Reference to Data Protection and GDPR – 4.6.2
3.4	April 2019	Naz Sanghar	Health Check Review: Removed out of date Policies Updated Vision to Mission statement Completed Equality Impact Assessment
3.5	March 2021	Naz Sanghar & Laura Weddell	Independent Housing Ombudsman Self-Assessment – Changes as a result of recommendations from Board and Operations Committee

## 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 **Scope** contractors and agents.

4.1.2 The policy applies to:

- **Complaints** – where a customer is dissatisfied due to a housing, care or support service failure.
- **Comments** – where a customer is dissatisfied with a policy or set service standard.
- **Compliments** – where a customer gives positive feedback on service received.

4.1.3 The policy does not apply to:

- **Appeals** – where a customer 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 the customer 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 customers 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 Any customer can complain. A customer 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 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.'*

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 customer request.
- There has been poor conduct by staff or Midland Heart agents/contractors. Please Note: For instances of poor staff conduct, the customer 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 customer 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:** Customers 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 Customer.

- **If a complaint refers to a legal disrepair claim, legal defect claim or personal injury claim:** These will be dealt with by our Insurance Team and Legal Advisors.

#### 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 Is a customer 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 customers 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 customer feedback and expectation. These standards are:

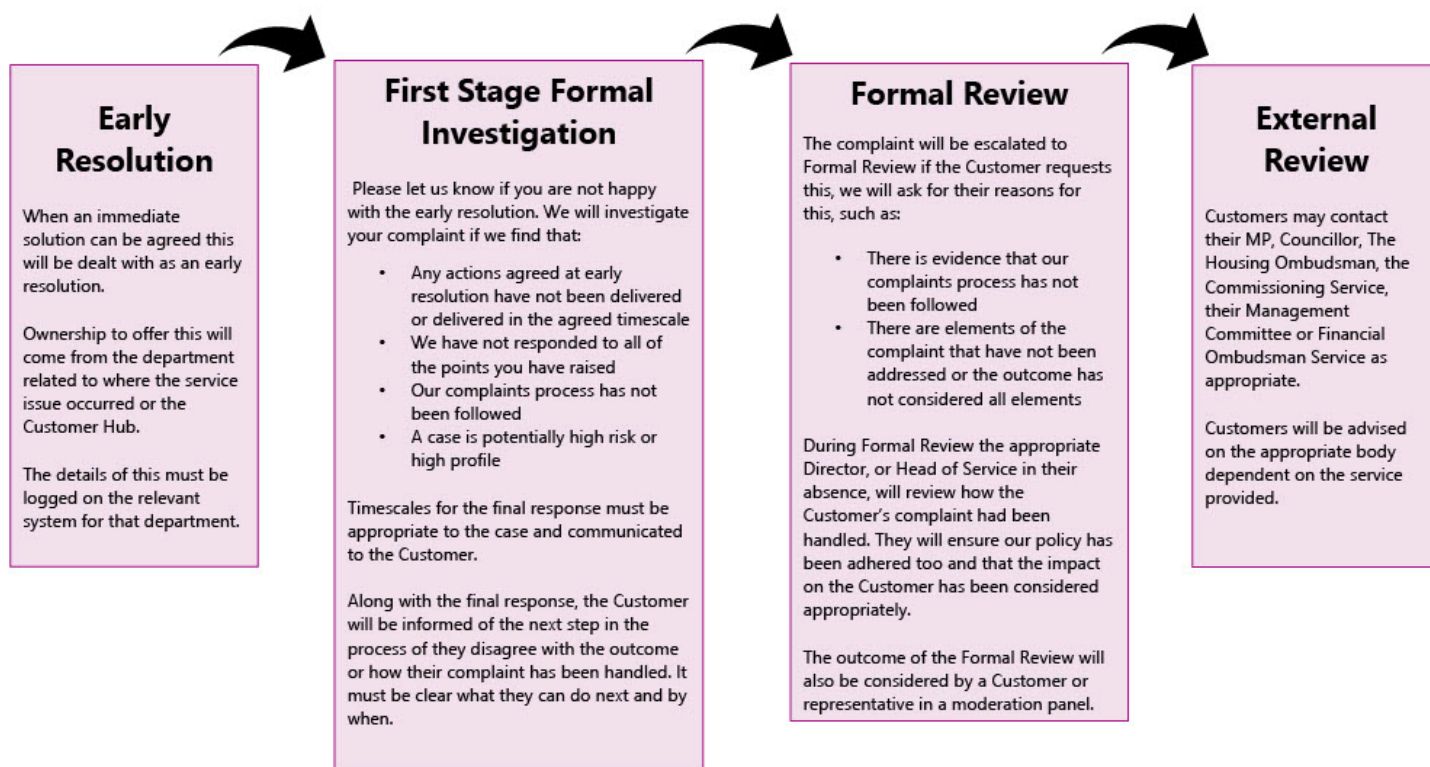
- We will acknowledge a complaint as soon as possible
- A clear escalation process for complaints. See process diagram at 4.7 below.

**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 customers 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:

- 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.
- Where the timescales above are not possible due to the specifics of the complaint, we will agree an appropriate extension for response with the customer
- Where the timescales above are not possible due to the specifics of the complaint, we will agree an appropriate extension for response with the customer.
- We will keep the customer informed and will clearly communicate how we will resolve the complaint.
- We will measure customer 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** Our complaint handling process is focused on frontline resolution with escalation to a Manager or the Complaints Team for cases that require detailed investigation or are potentially serious, high risk or high-profile complaints.
- 4.7.2** Complaints can be received on behalf of customers through other agencies e.g. advocates or support agencies. In these cases, we will need written consent from the customer 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 customer, they will not be required

to provide written consent as they are elected representatives. These will be treated as MP or Councillor enquiries and will only follow the usual complaints process if explicitly expressed that they are making a complaint on behalf of a customer.

**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, customers will be entitled to request escalation of the complaint.

**4.7.5** 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 customer is forceful or determined. However, the actions of customers 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 customer has suffered significant inconvenience as a result of Midland Heart or their contractor's or agent's actions.

**4.9.2** Compensation will be limited and in accordance with our Compensation Matrix as appropriate.

**4.9.3** There will be unavoidable delays for us to deliver some agreed actions and services as a result of the Government imposed restrictions following the coronavirus pandemic, for example completing some responsive repairs. We will keep you informed about what these changes will be and the revised timescales however our usual service standards may not always be met. As this is outside of the control of Midland Heart we will not be issuing compensation for delays where the sole reason for the delay is the coronavirus restrictions

## **5 Equality and Diversity Statement**

**5.5.1** 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 customers in line with our Equality Impact Assessment.

## **6 Reasonable Adjustment and Support**

**6.5.1** We understand that some customers may have difficulty communicating a complaint and / or participating in the complaint process, as such we will always make reasonable adjustments, enabling customers to report their concerns and engage in the process.



- 6.5.2 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.
- 6.5.3 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.
- 6.5.4 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**

- 7.5.1 All complaints, comments and compliments will be recorded and reported to our Executive Board so that a strategic overview can be taken, with learning from complaints informing service improvement. In addition, all final stage complaints (Formal Review and Ombudsman) will be summarised and reported to the Operations Committee outlining how services are being improved as a result of them.

**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.

Duty of Candour	'Duty of Candour' for regulated health and social care providers came into effect from April 2015 for providers of care. The 'Duty' is one of the key recommendations from the Francis report and is set out in the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, Reg 20. The Duty of Candour requires a commitment to openness, honesty and transparency from providers of care to develop a culture of learning and improvement, which will assist in the reduction of avoidable harm.
Independent Housing Ombudsman Complaints Code 2020	Specified need for Reasonable Adjustment Policy for Complaints policy