

Midland Heart Policy

Complaints

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Staff Affected	Tenancy Services
Business Owner	Director of Customer Experience
Approved By	Adele O'Brien – Director of Customer Experience
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Policy Name: Complaints Policy

1. Policy Summary...

- 1.1. This Policy outlines our approach to handling complaints made by tenants in line with the Housing Ombudsman's Complaint Handling Code

2. Policy Principles

- 2.1. We welcome all complaints and see them as an opportunity to identify issues and introduce positive changes and improvements. When handling complaints, our aims are to:
- Accept responsibility when things go wrong.
 - Put things right quickly.
 - Learn from complaints to improve services.
 - Be consistent, proportionate and appropriate to the situation when investigating and resolving complaints.
 - Treat all tenants and residents with respect and demonstrate that we have listened, as part of our complaint handling.
 - Ensure Building Safety related complaints are escalated to the appropriate responsible person.

3. It applies to

- 3.1. The policy applies to all Midland Heart tenants and residents. A tenant or resident is anyone who receives or requests a service from us or who is directly affected by our activities.
- 3.2. This includes anyone who has applied for our homes or uses our services, or a member of the public who has been directly impacted by a decision we have made or a failure in our service provision. However, only people who have a legal right to live in a home owned or managed by us can refer their complaint to the Housing Ombudsman Service for external review. This includes tenants, leaseholders, and other residents who live in a home owned or managed by us under a formal housing agreement.
- 3.3. Complaints made by family members on behalf of deceased Midland Heart tenants can be accepted if they are brought by the estate and they have legal documentation to evidence this.

4. Definitions

- 4.1. **Service request:** A service request is a request for information or a first request for us to take action to put something right. Whilst a service request is not a complaint we will record and monitor the types of service requests we receive. If at any time a tenant is dissatisfied with the action taken to resolve their service request, we will raise their concerns as a complaint whilst we work to resolve the issue.
- 4.2. **Complaint:** A complaint can be received from anyone who is a tenant or resident and is defined as '*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. When making a complaint, a tenant does not have to use the word complaint for it to be treated as such. If a tenant expresses dissatisfaction, we will give them the choice to make a complaint. Examples of where a complaint may be made include:
- Where a resident contact us within 12 months of an issue occurring, or becoming aware of the issue.
 - 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.
- 4.4. An expression of dissatisfaction with services made through a survey is not defined as a complaint. Where tenants' express dissatisfaction in our satisfaction surveys (undertaken by an external agency), our interviewers have been trained to make tenants aware of their right to make a complaint and signpost them to more information on our policy.
- 4.5. We accept group complaints, which will be dealt with following the normal complaints process. We require a nominated lead representative with signed authority from the remainder of the group for that person to act on their behalf. These will be treated as a single complaint with all correspondence addressed to the lead representative.

5. Exclusions

- 5.1. We will always accept a complaint unless there is a valid reason not to do so. We will not be able to accept or escalate a complaint if:
- It is a request for a new service: for example, when a tenant or resident informs us of a problem but are actually requesting a service for the first time e.g. repair, ASB.
 - The issue occurred over 12 months ago, unless it is part of an ongoing issue.
 - The complaint has already exhausted our policy: in these cases, tenants or residents will have the right to escalate to the Housing Ombudsman Service
 - Complaints that refer to statutory or other external obligations (i.e. things we must do by law): In these circumstances an explanation of such obligation will be provided.
 - Aspects of a complaint that refers to any issue where legal proceedings have commenced through a Claim form or Particulars of Claim that have been filed in court (either from us or a tenant). These will be dealt with through the legal process and handled by our Insurance Team and Legal Advisors. Examples include injunctions or other tenancy breaches, a legal disrepair claim, legal defect claim, third party liability claim or personal injury claim.
 - Where a tenant or resident does not agree with a decision made in accordance with our policies and procedures. These are classed as an appeal and will be dealt with in line with the policy it is concerned with.
 - Unresolved complaints relating to activity regulated by the Financial Conduct Authority. These can be referred to the Financial Ombudsman Service, Exchange Tower, London, E14 9SR, Telephone: 020 7964 1001.

- The amount of service charge or rent increase set in line with policy.
 - Where a complainant's behaviour meets the criteria set out in our Unacceptable Behaviour Policy, we may apply communication restrictions or, in some circumstances, decide not to accept new complaints. Any such decision will be proportionate, clearly explained, time-limited and kept under regular review. The tenant will be informed of their right to refer that decision to the Housing Ombudsman Service where eligible. Where a complaint is accepted, it will be handled in line with this policy; however, contact restrictions may still apply throughout the process.
- 5.2. If we are unable to accept a complaint, we will ensure that explain the reasons why we are unable to accept it and provide details of how to contact the Housing Ombudsman.
- 5.3. There may be occasions where there is good reason to apply discretion when deciding whether to accept a complaint or escalation. We will always consider the individual circumstances of the complaint and the individual involved when making our decisions.

6. Accessibility and Awareness

- 6.1. Complaints can be received through any of our communication channels. This includes to any member of staff, via phone, email, letter, website form and social media where we have an online presence. Where complaints are received through social media to maintain privacy and confidentiality, we will respond via private message.
- 6.2. Complaints can be raised on behalf of tenants or residents through other agencies e.g. advocates or support agencies. If you would like an advocate to act on your behalf or represent you or accompany you at any meetings with us, please let us know. 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.
- 6.3. 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. If the enquiry contains issues which should be treated as a complaint, the usual complaints process will apply.
- 6.4. We will promote the ways in which a complaint can be made through all of our main communication channels, this includes our website, social media, posters, leaflets, letters, and phone calls.

7. Reasonable Adjustment and Support

- 7.1. 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 in line with our Vulnerability Policy.
- 7.2. 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.
- 7.3. 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

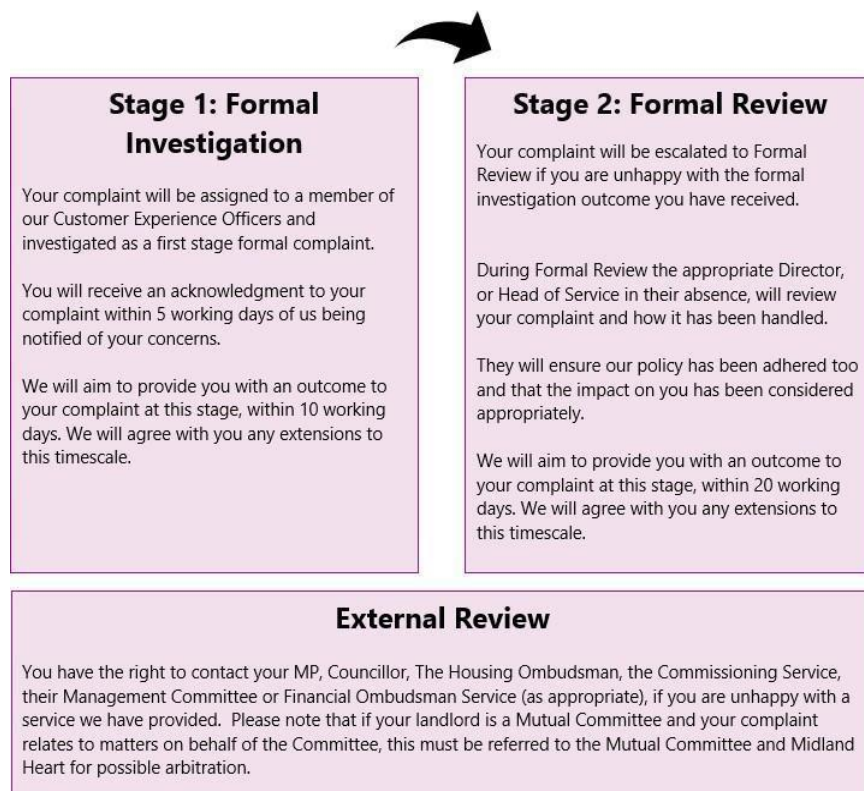
how best to overcome the difficulty or seek advice from expert organisations that can assist with signposting and other forms of support.

8. Complaint Handling Staff

- 8.1. We expect all staff and operating businesses of Midland Heart as well as our contractors and agents to adhere to this policy.
- 8.2. We have a standard objective in relation to complaint handling for all employees that reflects the need to:
 - Have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments.
 - Take collective 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.

9. Complaints Stages

- 9.1. If we can resolve a tenant’s concern immediately, we will always aim to do this. In situations where we are not able to resolve a service request or a tenant informs us they are unhappy with the actions taken, we operate a two stage complaints process.



- 9.2. Any complaints related to our contractors will be investigated in line with our own complaints policy. Residents are not expected to go through two complaints processes.

10. The Complaint Handling Process

10.1. When a complaint is received, we will:

- Acknowledge, define and log at stage 1 of the complaints procedure **within 5 working days of the complaint being received.**
- Issue a full response to stage 1 complaints **within 10 working days** of the complaint being acknowledged.
- If an extension to this timescale is needed, we will inform the tenant of the expected timescale for response. Any extension must be no more than 10 working days without good reason, and the reason(s) must be clearly explained to the tenant.
- Requests for stage 2 must be acknowledged, defined, and logged at stage 2 of the complaint procedure within **5 working days of the escalation request being received.**
- Issue a final response to the stage 2 **within 20 working days** of the complaint being acknowledged.
- If an extension for this time timescale is needed, then we will inform the resident of the expected timescale for response. Any extension must be no more than 20 working days without good reason, and the reason(s) must be clearly explained to the tenant.
- When we inform a tenant about an extension to these timescales, they must be provided with the contact details of the Ombudsman
- Review any additional complaints raised as part of our first stage response, unless the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response in these cases we will raise a new complaint.

10.2. Complaints at Stage 1 of our process will be assigned to a member of our Customer Experience Team. They will be suitably trained in complaint handling and given the authority and autonomy to resolve complaints promptly and fairly

10.3. If a tenant is unhappy with our Stage 1 response, they can request an escalation to Stage 2 Requests to escalate a complaint to stage 2 should be within 2 months of receipt of the formal outcome.

10.4. Complaints at Stage 2 will be reviewed by a member of staff who was not involved at Stage 1. This will usually be the Director or Head of Service for the relevant service area. Where a complaint is multi faceted, one service area will take the lead in coordinating the response.

10.5. At both stages of our complaints process we will

- Be clear which aspects of your complaint we are, and are not, responsible for
- Provide you with an opportunity to set out your concerns and outcomes being sought.

- Confirm our understanding of your complaint.
 - Consider all relevant information and evidence in investigating your concerns.
 - Address all points raised and provide clear reasons for any decisions made.
 - Consider remedies at any point within the complaints process to resolve the complaint as early as possible.
- 10.6. You will receive a response to your complaint when the answer is known. There may be situations where actions are ongoing or outstanding following a complaint being closed. We will ensure that these actions are tracked, and you are kept informed of any updates regarding these actions.
- 10.7. 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.
- 10.8. Tenants and Residents (in line with section 3.2) can access the Housing Ombudsman Service by contacting them at:
- Housing Ombudsman Service
PO Box 1484, Unit D, Preston, PR2 0ET
Telephone: 0300 111 3000
www.housing-ombudsman.org.uk
- 10.9. Should a complaint be escalated to the Housing Ombudsman for external review we will co-operate fully with any investigation and comply fully with the resulting final decision.
- 10.10. If a complaint is linked to Variable Service Charges, tenants and Residents can be signposted to the Leasehold Advisory Service. [Home - The Leasehold Advisory Service](#)

11. Putting Things Right

- 11.1. Where something has gone wrong, we will ensure that our response includes the actions we have or will take to put things right. This can include actions such as:
- Apologising.
 - Taking action if there has been delay.
 - Reconsidering or changing a decision.
 - Amending a record or adding a correction or addendum.
 - Providing a financial remedy.
 - Reviewing policies, procedures or practices.
- 11.2. Remedies may be offered at any stage of the complaints process.
- 11.3. Any remedy offered will reflect the impact on the resident as a result of any fault identified.
- 11.4. Where appropriate any remedies set out will be agreed with the tenant

- 11.5. Financial compensation will be considered as part of our redress 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 quantifiable loss, significant distress and inconvenience or time and trouble as a result of Midland Heart or their contractor's or agent's actions.
- 11.6. Compensation will be appropriate, fair in accordance with our Compensation and Redress Policy as appropriate and in line with the Housing Ombudsman Remedies and Compensation guidance.
- 11.7. Before compensation is paid a tenant or resident, any monies owed to Midland Heart will be taken into consideration.
- 11.8. 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 offset against the tenants rent account.

12. Unacceptable Actions or Behaviour

- 12.1. 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 behaviour in line with our Unacceptable Behaviour Policy.

13. Self-assessment, reporting and compliance.

- 13.1. 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.
- 13.2. 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.
- 13.3. Where applicable the Board will be provided with details of where the Ombudsman have made findings of severe maladministration or referrals to regulatory bodies.
- 13.4. Our Executive Director for Tenancy Services 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.
- 13.5. We also have a member of our governing body (Member Responsible for Complaints-

MRC) who has been appointed to have lead responsibility for complaints to support a positive complaint handling culture.

14. Related Law & Regulations....

Legislation/Regulation	Relevance to This Policy
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.
Housing Ombudsman Complaints Code 2024	Sets the requirements for complaint handling and learning. Statutory from April 2024
General Data Protection Regulation 2018 (GDPR) guidance.	All information held about our tenant, residents or colleagues must be in line with the Midland Heart Data Protection Policy, Data Protection Procedure and General Data Protection Regulation 2018 (GDPR) guidance.
Social Housing (Regulation) Act 2023	The policy should be read in conjunction with Awaab's Law.
Building Safety Act 2022	

15. This policy links to ...

Internal:

- Health and Safety Policy
- Reasonable Adjustment Policy (Appendix 1)
- Safeguarding & Wellbeing Policy & Procedure
- Whistleblowing Policy
- Disciplinary Policy
- Data Protection Policy & Procedure
- Unacceptable Behaviour Policy
- Awaab's Law Policy and related procedures
- Vulnerability Policy

External:

- Housing and Regeneration Act
- Equality Act 2010
- Localism Act 2011
- Human Rights Act 1988
- Housing Ombudsman Complaints Code 2024
- Data Protection Act 2018
- Building Safety Act 2022
- Social Housing (Regulation) Act 2023
- The Consumer Standards

Policy Document Control

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Directorate: Tenancy Services

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Customer Insight (if applicable): *Tenant Involvement into this policy and associated changes has been obtained through tenant involvement in our annual Complaints Code self-assessment.*

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Next Review Date: March 2027