



## **FEEDBACK AND COMPLAINTS POLICY**

## Feedback and Complaints Policy

### 1. Introduction

This policy sets out our approach to dealing with feedback from our customers. Feedback covers compliments, comments and complaints.

Our policy reflects best practice and conforms to the principles set out by the Ombudsman Services mentioned below. It also complies with current legislative and regulatory requirements including but not limited to the following:

- Social Housing (Regulation) Act 2023
- Homes and Communities Agency Regulatory Standards (Consumer Standards)
- Housing Ombudsman Service
- Local Government Ombudsman Service
- Consumer Protection Act 1987
- Consumer Right Act 2015
- Unfair Terms in Consumer Contracts Regulations 1999
- Localism Act 2011
- Equality Act 2010

The policy is published on our website and is presented alongside MHA's current Complaints Handling Code self-assessment, aligning with the latest requirements of the Housing Ombudsman.

The Regulator of Social Housing Transparency, Influence and Accountability Standard requires organisations to ensure that complaints are addressed fairly, effectively and promptly.

The section below relates to complaints and what we are required to do:

*Registered providers must ensure their approach to handling complaints is simple, accessible and publicised.*

*Registered providers must provide accessible information to tenants about:*

- a) how tenants can make a complaint about their registered provider*
- b) the registered provider's complaints policy and complaints handling process*
- c) what tenants can do if they are dissatisfied with the outcome of a complaint or how a complaint was handled, and*
- d) the type of complaints received and how they have learnt from complaints to continuously improve services.*

Please see below the link to the Regulator of Social Housing Consumer standards.

<https://www.gov.uk/guidance/regulatory-standards#consumer-standardsc>

## 2. Purpose and Aims

Following the Social Housing (Regulation) Act 2023, as of 1<sup>st</sup> April 2024 the Housing Ombudsman's Complaint Handling Code is now statutory for all registered providers. Therefore, it is a legal requirement for MHA to be compliant with the complaint handling code set out by the Housing Ombudsman. MHA has incorporated the standards set out in the code into this policy and complaint handling procedure. Please see MHA's Complaint Handling Code Self-Assessment.

### **Our Service Promise**

Our Customer Service Promise consists of a set of service standards which comply with statutory requirements and that have also been agreed with our customers. The ones relating to this policy area are reproduced below:

- *We will provide a number of ways to report a complaint and accept complaints made by others on your behalf*
- *We will acknowledge complaints within 2 working days and provide a full response within 10 working days. If the complaint takes longer to investigate we will keep you informed*
- *If you are not happy with the outcome of your complaint you can make an appeal within 21 days of the decision*

## 3. Definitions

### **What is a complaint?**

We define a complaint 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.

Wherever dissatisfaction is expressed, MHA will give those individuals the choice to make a complaint. MHA also recognises that feedback from a resident does not have to contain the word "complaint" in order for it to be treated as such.

Complaints can be made by individuals or as a collective and can be made by representatives acting on their behalf providing written consent is given.

Examples of complaints may include:

- A customer is unhappy with a service which is not as good as has been promised or which does not follow the agreed policy and/or process
- A customer feels that we have done something wrong, or not done something we should have
- A customer believes that they have been treated unfairly or discourteously

### **What is a service request?**

A service request is a request from a customer requiring action from MHA to put something right. Service requests will **not** be treated as a complaint. MHA will take the necessary action to resolve reported service requests. If a customer is not happy with the way MHA is handling their service request, then customer can raise a complaint.

Examples of a service request may include:

- A customer is unhappy because their boiler has stopped working.
- A customer is unhappy because their neighbours are playing loud music and causing anti-social behaviour.

### **What is a vexatious complaint?**

We define a vexatious complaint as one when it becomes apparent that the complainant is displaying unacceptable behaviour, pursuing a complaint that is without merit and intends to cause inconvenience, harassment or expense to MHA. Where we feel a complaint is vexatious, the attached process will be followed (Appendix A).

### **What is a compliment?**

We define a compliment as an expression of satisfaction about the standard of service we provide. This could be satisfaction with an individual, team or a particular service or a contractor/supplier.

All compliments are recorded, and a copy is sent to the relevant service manager to provide feedback to the member of staff or service.

### **What is a comment?**

We define this as a statement by a customer about a service received where there is no suggestion that the individual is making a complaint. A comment is an idea, suggestion or opinion on how we can improve our services.

## **4. Policy Statement**

We are committed to providing excellent services for all our customers. We take pride in our work and we work in a fair and open manner to build trust and mutual respect.

Feedback can be given to anyone in the organisation in a variety of ways including by telephone; in person; via MHA's website (and other social media platforms); our Customer Portal, Chatbot by email or by letter. Feedback can also be given on behalf of a customer by another person acting on their authority, although personal data will not be disclosed to a third party without the Power of Attorney or prior consent being in place.

We actively encourage feedback on services, with both negative and positive comments welcomed. Compliments, comments and complaints provide an opportunity to improve

services; things can be put right, explanations and reasons for actions given and, if necessary, the way things are done can be changed.

MHA staff receive relevant training to deal with all feedback and identify any vulnerabilities with customers. All feedback is treated confidentially and in line with our Data Protection and GDPR policy. MHA staff ensure that information on how to pursue a complaint is made available to all customers should they wish to escalate their feedback further. All customer complaints are dealt with fairly, effectively and promptly.

## **5. How we will handle your complaint**

MHA understands the key to effective complaint handling is resolving issues for customers at the earliest opportunity. Therefore, at the start of each complaint, the customer/s will be asked what resolution they would like to see implemented to resolve the situation. Wherever feasible MHA will make efforts to restore the customer to their position prior to them encountering the reported issue as quickly as possible.

Where possible, concerns are resolved by staff at the first point of contact and this could mean an 'on the spot' apology' and explanation if something has clearly gone wrong, and immediate action is taken to resolve the problem. However, where this is not possible and where time is needed to investigate matters in more detail, a Team Leader or Operational Manager will be assigned as the complaint case handler and a response will be provided within the agreed time periods.

Case handlers will contact individuals by telephone or carry out a home visit to discuss the matters raised, if needed and they have the necessary authority and autonomy to act quickly to resolve issues effectively and fairly.

The complaints procedure consists of two stages so that an individual can appeal to a higher stage in the organisation if they are not satisfied with the response. When we receive a complaint we will:

### **Stage 1**

- Send an Acknowledgement Letter within 2 working days
- Contact the complainant within 3 working days of receiving the complaint. This will define the complaint for both MHA and customer
- Investigate and respond with an outcome in writing to the complaint within 10 working days of the complaint being acknowledged – the investigation may also include liaising with any third party

If further complaints are raised before an outcome has been given at Stage 1, then these will be incorporated into the complaint providing there is adequate time to investigate the new issues raised.

If the investigation cannot be completed within 10 working days, we will contact the complainant and agree on an extension to timescales for a response (this will be no longer than an additional 10 days, without good reason).

If further complaints are received after an outcome has been sent, then a new complaint will be raised.

### Stage 2 Complaints Panel

If an individual is unhappy with outcome of stage 1 it can be escalated to a stage 2. This stage requires us to:

- Acknowledge the complaint has been escalated to Stage 2 within 5 working days of receiving the request.
- Set up a Complaints Panel meeting within fifteen working days of a request to appeal the outcome of stage one. The panel will normally consist of two customers that are member of the Customer Experience Committee or Customer Panel and normally a member of the senior management team.
- Advise the complainant within 5 working days of the Panel decision, subject to any further investigation being required.

Please note it is advisable for the complainant to put in writing the reasons why they wish their complaint to be escalated to a Stage 2. This will assist the complaint panel in identifying early resolutions and remedies prior to the hearing.

Final responses take the form of letters and set out how the complainant may approach the Housing Ombudsman Service should they believe the complaint has not been resolved.

## 6. Remedies

MHA will seek remedies to a complaint at every opportunity. We will look to be fair in our approach to put things right and will learn from the outcomes.

Whilst MHA will look to provide a remedy, we will do so in accordance to guidance set by the Housing Ombudsman. Possible forms of remedies can include:

- An apology from MHA staff up to and including the CEO
- Specific action i.e. undertake work or provide the service either been denied or not fully provided.
- Improve or review policies, procedures or practises
- Provide additional training
- Financial Compensation – please see MHA's Compensation policy for further information

Where any lessons have been learnt through a complaint, MHA will inform those involved of the action taken to prevent the issue from happening again and any service level improvements that have been made.

## **7. Learning from Complaints**

We recognise the importance of involving customers and clients in reviewing and scrutinising complaints we receive and have developed a Complaints Learning forum. The Complaints Learning

Forum is made up of our customers and service managers who will meet regularly to work with and support Manningham Housing Association to help us continuously improve our complaints' handling process.

We are committed to learning and improving as an organisation and value feedback on both complaints and compliments which we see as enabling us to continuously improve and provide better services to our customers. MHA records all feedback and lessons learnt from complaints. This is monitored by Heads of Service, the Executive team and MHA's Board. MHA produces a quarterly report on Complaints and Compliments which is scrutinised by the Customer Experience Committee and also publishes learnings in our Annual Tenant Report. Furthermore, MHA shares both positive and negative outcomes with all staff on a regular basis through monthly team meetings and one-to-ones. This harbours a positive culture and approach to handling feedback from customers.

Where a complaint is investigated by the Housing Ombudsman and they have made a determination, MHA shall honour any orders or recommendations outlined.

## **8. What do we consider not to be a complaint?**

There are some things we cannot deal with or escalate through our complaint's procedure. These include:

- A service request or a request for information
- The issue is, or has been, subject to legal proceedings
- Liability issue that is subject to an insurance claim
- If the issue has already been considered under the Complaints policy previously.
- The complaint has not been raised within a reasonable time frame of the issue occurring. We consider 12 months to be a reasonable time frame, although some complaints may be considered in exceptional circumstances such as the complainant has only become aware of the issue that relates to issues more than 12 months ago
- Neighbour nuisance or anti-social behaviour reports
- Reports for a repair
- Any issue that does not fall within the remit of MHA
- Where we feel a complaint is vexatious

Where a complainant (or parties acting on their behalf) displays unacceptable behaviour, this will be raised with a Director to make a determination on whether or not it is a vexatious complaint. When making this determination we will consider a proportionate response and give regard to provisions made under the Equality Act 2010. If we find that the complainant has any support needs, we will seek advice from any support agencies. If a complaint or complainant is

deemed to be vexatious then we will inform the complainant and advise that their complaint will not be investigated. Any findings of a vexatious complaint will be kept under regular review.

MHA considers each complaint based on the individual circumstances. We will inform the customer in writing if their complaint falls into any of these categories and that it will not be considered further. Customers will also be given details of the Housing Ombudsman should they wish to appeal against any decisions.

## **9. Confidentiality and Data Protection**

We will always treat any sensitive or personal information given to us as confidential in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulations (GDPR) 2018, in line with MHA's General Data Protection Regulations Policy. We will only pass this information on to third parties such as statutory organisations if:

- We are required by law to do so - either for the prevention or detection of crime or the apprehension or prosecution of offenders.
- There is an information/data sharing protocol, contract, or confidentiality agreement in place.
- The person who gave us the information is happy for us to share the information. Our employees will always respect confidentiality and will not share any information given in confidence unless justified by the assessed risk to the vulnerable person or required by law.

## **10. Equality and Diversity**

As Bradford's only Black and Minority Ethnic (BAME) housing association, MHA is actively committed to promoting and embedding a culture of equality, diversity and inclusion. MHA is an organisation that values differences and enables individuals to be their authentic selves.

Our aims are for the organisation to be a leading voice for BAME communities, to be truly representative of all sections of society and communities we serve, and for each member of our staff, residents, and other stakeholders to feel respected and valued.

## **11. Monitoring and Review**

We will monitor and review this policy in conjunction with residents to ensure its effectiveness and relevance to the Association's stated aims and objectives.

The Assistant Chief Executive/Director of Operations has overall responsibility for the on-going monitoring of this policy through the work of frontline staff, particularly those engaged in Neighbourhood Management. The policy will be reviewed every three years or sooner following significant legislative or regulatory changes or good practice requirements.

<b>Policy Name</b>	Feedback and Complaints
<b>Equality Impact Assessment</b>	Completed
<b>Date Approved by Committee</b>	12/04/2024
<b>Next Review date</b>	12/04/2027
<b>Lead Officer</b>	Head of Housing Services

## **APPENDIX A.**

### **VEXATIOUS COMPLAINTS**

On some occasions we will receive complaints where it is not possible to reach a reasonable solution due to the unacceptable behaviour of the complainant (or parties acting on their behalf) or where the complainant will not accept a reasonable solution.

Being persistent in trying to resolve an issue or a complaint is not in itself vexatious, and we will assess each case individually.

A Director at Manningham Housing Association will make a decision if a complaint is deemed to be vexatious giving particular regard to provisions under the Equality Act 2010.

Once approval has been gained the Manager will notify complainants, in writing, that we have responded fully to the points raised and have tried to resolve the complaint and that there is nothing more to add and continuing contact on the matter will serve no useful purpose. Individuals will be notified that correspondence is at an end and that further communications will not be acknowledged or answered.

Please see below for the approval form which will need to be completed and signed off by a Director at Manningham Housing, before a complaint can be classed as being vexatious.

We will add a pop up to the SDM complaints module, which will alert staff that an individual has been identified as being vexatious. Further discussion will then need to take place, with the appropriate manager, to determine whether the complaint can be logged onto the SDM complaints module.

Once complaints are considered and have been determined as vexatious, this status may be withdrawn if for example, the complainant subsequently demonstrates a more reasonable approach or if they submit a further complaint for which the normal complaints procedure would appear appropriate. This will be determined by a Director at Manningham Housing Association.

We will look to deal with vexatious complaints in one or more of the following ways:

- Once it is clear that an individual meets the criteria of being vexatious, we will inform them, in writing that their conduct is unacceptable and that, if it continues, they may be classified as "vexatious". The letter will state clearly which elements of their behaviour are causing problems
- Decline further contact with the complainant either in person, by telephone, email or letter, whilst ensuring that one form of contact is maintained
- In extreme cases, or where the safety of staff is at risk, the individual will be informed that the association reserves the right to pass habitually unreasonable vexatious behaviour to their solicitors and if warranted to the Police

**Vexatious Complaints Approval Form**

Name(s) Complainant: .....

Address: .....

Brief summary of the behaviour that is causing concern:

Are there any vulnerability issues or support needs that we need to be aware of? Yes/no

If yes, please specify:

Are any reasonable adjustments required? Yes/No

If yes, please specify:

Any additional Comments:

Managers Name: .....

Managers signature: .....

I have checked the above information and can confirm that this is action is appropriate:

Directors Name: .....

Directors signature: .....

Date: .....