



Complaints Policy & Process

Policy & Process





Document Title	Complaints Policy & Process
Version number	3.0
Version date	May 2023
Author Title & Issuing Department	Customer Voice Manger Quality & Performance
Target Audience	All emh colleagues

Approved By	Homes Board
Date Approved	14 th June 2022
Review Date	May 2025

Links to Regulatory Standards – Economic/ Consumer Standards	<p>Tenant Involvement and Empowerment Standard - Customer service, choice, and complaints</p> <p>Registered providers shall have an approach to complaints that is clear, simple, and accessible that ensures that complaints are resolved promptly, politely, and fairly.</p>
Outcomes for Customers	<p>The policy will:</p> <ul style="list-style-type: none"> ▶ ensure our approach to complaints is clear, simple, and accessible. ▶ provide assurance that complaints are resolved promptly, politely, and fairly.
How were tenants, residents and service users involved in the review/development of this document	<p>The emh Scrutiny Panel who are carrying out an investigation into complaints management were asked to review and make comments on the revised policy.</p>
Training Provision	<p>Heads of Service across the business will be responsible for cascading the policy to their teams ensuring all colleagues understand and adopt the principles of the policy.</p>
Links to the Business Plan	<p>Housing and Neighbourhood Services:</p> <ul style="list-style-type: none"> ▶ Increase resident engagement, customer insight and feedback opportunities, bringing the views and comments made by our customers together into meaningful learning that influences service development.
Links to Key Values	<p>Clarity: The policy clarifies:</p> <ul style="list-style-type: none"> ▶ the definition of a complaint ▶ the circumstances in which a matter will not be considered a complaint ▶ the different channels through which residents can make a complaint ▶ the timescales in which emh will respond to a complaint



Version Control

Version	Revision Date	Author: Job Title	Change Description
2	April 2022	Customer Voice Manager	<p>Updated in line with the Housing Ombudsman Reviewed Complaint Handling Code April 2022.</p> <ul style="list-style-type: none">▶ Expanded & clarified the definition of complaints that are not considered within this Policy.▶ Increased our complaint handling principles to include, managing customers' expectations, clarifying the complaint and that we will manage the complaint in line with the Complaint Handling Code.▶ Provided a clear process for stage 1 and 2 complaints and removed information relating to "Stage 3: Appeal to a designated person" as this is no longer necessary.▶ Incorporated additional complaint remedies within the policy, including acknowledging where things have gone wrong, providing an explanation, acting if there has been a delay, reconsidering or changing a decision, amending a record, and changing policies, procedures, or practices.▶ Enhanced the "lessons learned" section including the addition of a member of the governing body to be identified to have lead responsibility for complaints to support a positive complaint handling culture.▶ Included a new section within the policy "self-assessment and compliance"
3	May 2023	Customer Voice Manager	<p>Updated in line with the Housing Ombudsman Complaint Handling Code 2022</p> <ul style="list-style-type: none">▶ Provided clarity that complaints regarding the handling of an ASB case will be treated as a complaint▶ Expanded the definition of a complaint▶ Explanation provided on exclusions and the communication of this decision will be provided in writing to the complainant▶ Expanded the explanation for dealing with complaints regarding emh staff conduct and how this will be handled▶ Expanded the accessibility section to include all ways to make a complaint and how we provide support to those who need it to access our complaint services and information. Also included how we deal with complaints received via social media▶ Updated the complaint process to include a time scale on how we will try and resolve complaints at first point of contact by the close of the following working day where a resident agrees with this approach.



- ▶ Expanded on the reasoning on how decisions are made
- ▶ Updated the policy with details on accepting complaints via a third party
- ▶ Provided clarity to declining an escalation request to stage 2



1. Introduction

1.1.1 Emh is one of the largest providers of affordable homes and care & support services in the East Midlands, with circa 20,000 properties in more than 40 local authority areas. Our group includes:

- ▶ Emh: providing affordable homes for rent and ownership across the region
- ▶ Emh care: providing care and support services to a wide range of customers
- ▶ Midlands Rural Housing: a specialist rural housing services and expertise
- ▶ A specialist home sales agency

1.1.2 Emh has signed up to the Housing Ombudsman Service (HOS) Complaints Handling Code. The Code is a tool designed to support RSLs resolve complaints raised by residents quickly and to use the learning from complaints to drive service improvements.

2. Definitions

2.1.1 Definition of a Complaint

2.1.2 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. The term 'complaint' does not need to be used to raise a complaint. We will accept any expression of dissatisfaction which meets our complaint definition.

2.1.3 Definition of complaints that will not be considered by emh

2.1.4 Emh will accept a complaint unless there is a valid reason not to do so. This includes:

- ▶ The issue that the complaint is about occurred over six months ago; if the complaint is in relation to safeguarding or a health & safety issue it will still be considered.
- ▶ Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
- ▶ The complaint has already previously been considered under the complaints policy.
- ▶ When repeated complaints are made about the same or related matters that we have already addressed.
- ▶ Personal injury or third-party liability claims. These claims will be dealt with by our insurers.
- ▶ Behaviour of our residents. We have a separate policy for how we manage complaints of Anti-Social Behaviour. However, if our residents are dissatisfied with how their ASB case was handled, a complaint can be raised.
- ▶ Dissatisfaction with the content of our policies will not be dealt with as a complaint, but we will still provide you with a response to the issue and we will consider feedback when carrying out future policy reviews



We will provide a detailed explanation if we do not accept a complaint and the Ombudsman can be approached if the resident does not agree with the decision.

2.1.5 Definition of exclusions to this Policy

2.1.6 Complaints in relation to services that require regulation by the Financial Conduct Authority (FCA) under Consumer Credit Activities are dealt with under a separate policy as required by the FCA and they include:

- ▶ Lifeline (does not include lifelines linked to tenancies)
- ▶ Financial advice including debt advice, debt adjusting
- ▶ Tenants Contents Insurance
- ▶ Open Market Homebuy Properties
- ▶ Equity Loans
- ▶ Debt collection in relation to the above services

2.1.7 Internal complaints from emh colleagues will be dealt with by the People Team, under the Grievance Procedures or Whistleblowing Policy as appropriate.

2.1.8 Complaints relating to the alleged misconduct of emh colleagues will be dealt with by the People Team, under the Disciplinary Procedure. We cannot divulge the outcome of these investigations for reasons of confidentiality. We will however explain what our investigations involved.

2.1.9 Complaints from business or corporate partners are dealt with outside of this customer complaints policy.

3. Policy Objectives

3.1.1 To provide an approach to complaints that

- ▶ is clear, simple, and accessible.
- ▶ ensures that the complaints received are resolved promptly, politely, and fairly.
- ▶ enables residents to be heard and understood.

4. Accessibility and awareness

4.1.1 We will make it easy for residents to complain, by providing different channels through which residents can make a complaint. These include:

- ▶ Telephone
- ▶ Myhomeonline
- ▶ Face to face with an emh colleague
- ▶ E-mail
- ▶ Social Media Platforms



- ▶ Contact your local MP or councillor
- ▶ Write to emh homes, Memorial House, Whitwick Business Park, Stenson Road, Coalville, LE67 4JP

If we receive a complaint via social media we will always ask to receive a private message with the details. This is to ensure no confidential details are discussed. If details are not provided privately, then the complaint may not be logged and a response will not be given

4.1.2 We are committed to ensuring that no one is at a disadvantage when accessing our services. We will accept reasonable adjustments that support you with our complaints process. A few examples could be:

- ▶ Large Print Letters
- ▶ Translation services
- ▶ Verbal communication through telephone calls or home visits

4.1.3 Our website includes information on how to raise a complaint and contains links to download both the complaints policy and process.

4.1.4 We will accept complaints that are raised by a third party on behalf of our residents. We will require written consent to release information surrounding the details of the complaint, which we will seek to obtain before we can formally respond to the complaint.

4.1.5 Our Website uses built-in BrowseAloud software which allows visitors who need reading support to listen to all content.

4.1.6 Our complaints policy and process, the Complaint Handling Code and the Housing Ombudsman Scheme will be publicised in leaflets, newsletters and online.

4.1.7 When a resident makes a complaint to emh we will provide contact information for the Ombudsman as part of its regular correspondence.

4.1.8 We will provide early advice to residents regarding their right to access the Housing Ombudsman Service, not only at the point they have exhausted our complaints process. The Housing Ombudsman Service can assist residents throughout the life of a complaint. This affords the resident the opportunity to engage with the Ombudsman's dispute support advisors.

4.1.9 We shall comply with the Equality Act 2010 and may need to adapt normal policies, procedures, or processes to accommodate an individual's needs. We would refer to our Equal Opportunity policy in place to address this.

5. Complaint handling personnel

5.1.1 The Complaints Team will take responsibility for complaint handling to ensure complaints receive the necessary attention and that these are reported to the governing body.

- 5.1.2 The Complaints Team is responsible for ensuring that appropriate arrangements are in place for liaison with the Housing Ombudsman and appropriate cover exists to ensure consistency of service.
- 5.1.3 The Complaints Team may allocate complaints handling to another person. Where this is the case, the complaint handler appointed will have had appropriate complaint handling skills training and no conflicts of interest. Complaint handlers will:
- ▶ be able to act sensitively and fairly
 - ▶ be trained to handle complaints and manage distressed and upset residents.
 - ▶ have access to colleagues at all levels to facilitate quick resolution of complaints
 - ▶ have the authority and autonomy to act to resolve disputes quickly and fairly.

6. Complaint handling principles

- 6.1.1 Where we can we aim to resolve the issue by taking appropriate action immediately. This may involve having to liaise with a contractor or another member of staff. A resolution will be offered by the close of the following working day. If further enquiries are needed to resolve the matter, or if our resident request it, we will progress the complaint to a stage 1.
- 6.1.2 We will ensure that our efforts to resolve a resident's concerns do not obstruct access to the complaints procedure or result in any unreasonable delay.
- 6.1.3 When a complaint is made, we will acknowledge it and log it at stage one of the complaints procedure within five working days of receipt.
- 6.1.4 Within the complaint acknowledgement, we will set out:
- ▶ our understanding of the complaint.
 - ▶ the outcomes the resident is seeking.
- 6.1.5 If any aspect of the complaint is unclear, the resident must be asked for clarification and the full definition agreed between both parties.
- 6.1.6 We will manage residents' expectations from the outset, being clear where a desired outcome is unreasonable or unrealistic.
- 6.1.7 We will aim to resolve complaints at the earliest possible opportunity, having assessed:
- ▶ what evidence is needed to fully consider the issues.
 - ▶ what outcome would resolve the matter for the resident.
 - ▶ whether there are any urgent actions required.
- 6.1.8 All residents are entitled to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the emh where this is reasonable.



- 6.1.9 We will conduct our complaints investigations in an impartial manner and will look to seek adequate, reliable information from both parties so that fair and appropriate findings and recommendations can be made.
- 6.1.10 Our complaint handlers will:
- ▶ manage complaints on their merits
 - ▶ act independently
 - ▶ have an open mind
 - ▶ take measures to address any actual or perceived conflict of interest
 - ▶ consider all information and evidence carefully
 - ▶ keep the complaint confidential as far as possible, with information only disclosed if necessary, to properly investigate the matter.

7. Stages

7.1.1 Stage 1

- 7.1.2 We will respond to the complaint within 10 working days of the complaint being logged. In exceptional circumstances when a complaint cannot be responded to within this period, we will provide an explanation to the resident containing a clear timeframe for when the response will be received. This will not exceed a further 10 days without good reason.
- 7.1.3 If an extension beyond 20 working days is required to enable the landlord to respond to the complaint fully, this will be agreed by both parties.
- 7.1.4 If an agreement over an extension period cannot be reached, we will provide the Housing Ombudsman's contact details so the resident can challenge our plan for responding to, or the proposed timeliness of our response.
- 7.1.5 If the problem is a recurring issue, we will consider any older reports as part of the background to the complaint if this will help to resolve the issue for the resident.
- 7.1.6 We will send a complaint response to the resident when the answer to the complaint is known and not when any outstanding actions required to address the issue, are completed. Any outstanding actions will still be pursued and actioned promptly with regular updates provided to the resident.
- 7.1.7 We will address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law, and good practice where appropriate.
- 7.1.8 If a resident is unhappy with the outcome of their complaint at stage 1, they will need to let us know within 20 working days of our response to request a review.
- 7.1.9 If residents raise additional complaints during the investigation, these will be incorporated into the stage one response if they are relevant, and the stage one response has not been

issued. Where the stage one response has been issued, or it would unreasonably delay the response, the complaint should be logged as a new complaint.

7.1.10 We will confirm the following in writing to the resident at the completion of stage one:

- ▶ the complaint stage.
- ▶ the complaint definition.
- ▶ the decision on the complaint.
- ▶ the reasons for any decisions made, referencing policies, law and good practice where appropriate.
- ▶ how we will remedy and put things right.
- ▶ details of any outstanding actions.
- ▶ details of how to escalate the matter to stage two if the resident is not satisfied with the response.

7.1.11 Stage 2

7.1.12 If any part of the complaint is not resolved to the resident's satisfaction at stage one it will be progressed to stage two of our complaint's procedure, unless an exclusion ground now applies.

7.1.13 If we decline to escalate a complaint, we will clearly communicate in writing the reasons for not escalating as well as the resident's right to approach the Ombudsman about its decision. We will only use the reasons stated in the policy for not escalating a complaint.

7.1.14 If we receive a request to escalate, we will set out our understanding of the outstanding issues and the outcome the resident is seeking. If any aspect of the complaint is unclear, the resident will be asked for clarification and the full definition agreed between both parties.

7.1.15 We will only escalate a complaint to stage two once it has completed stage one part of the complaints process, and at the request of the resident.

7.1.16 The person considering the complaint at stage two, will not be the same person that considered the complaint at stage one.

7.1.17 We will respond to the stage two complaints within 20 working days of the complaint being escalated. In exceptional circumstances when a complaint cannot be responded to within this period, we will provide an explanation to the resident containing a clear timeframe for when the response will be received. This will not exceed a further 10 days without good reason.

7.1.18 If an extension beyond 10 working days is required to enable the landlord to respond to the complaint fully, this will be agreed by both parties.

7.1.19 If an agreement over an extension period cannot be reached, we will provide the Housing Ombudsman's contact details so the resident can challenge our plan for responding to, or the proposed timeliness of our response.

7.1.20 We will confirm the following in writing to the resident at the completion of stage two:

- ▶ the complaint stage.
- ▶ the complaint definition.
- ▶ the decision on the complaint.
- ▶ the reasons for any decision made, referencing policies, law and good practice where appropriate.
- ▶ how we will remedy and put things right.
- ▶ details of any outstanding actions.
- ▶ details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied.

8. Putting Things Right

8.1.1 Where something has gone wrong, we will acknowledge this and set out the actions we have already taken, or intend to take, to put things right. These can include:

- ▶ acknowledging where things have gone wrong.
- ▶ providing an explanation, assistance or reasons.
- ▶ apologising.
- ▶ acting if there has been a delay.
- ▶ reconsidering or changing a decision.
- ▶ amending a record.
- ▶ providing a financial remedy.
- ▶ changing policies, procedures, or practices.

8.1.2 Remedies offered will reflect the extent of any service failures and the level of detriment caused to the resident as a result.

8.1.3 When responding to complaints will seek to look further than the complaint and consider whether anything needs to be 'put right' in terms of process or systems to the benefit of all residents.

8.1.4 Factors that we will consider when formulating a remedy can include, but are not limited to, the:

- ▶ length of time that a situation has been ongoing.
- ▶ frequency with which something has occurred
- ▶ severity of any service failure or omission.
- ▶ number of different failures.
- ▶ cumulative impact on the resident.

- ▶ resident's particular circumstances or vulnerabilities.

8.1.5 We will agree with the resident, where appropriate, the resolution and this will clearly set out what will happen and when by.

8.1.6 If we are awarding compensation, we will consider:

- ▶ whether any statutory payments are due.
- ▶ if any quantifiable losses have been incurred.
- ▶ the time and trouble a resident has been put to.
- ▶ any distress and inconvenience caused.

8.1.7 In some cases, a resident may have a legal entitlement to redress. If this is the case, we will still offer a resolution where possible, obtaining legal advice as to how any offer of resolution should be worded.

9. Continuous Learning & Improvement

9.1.1 We want to learn from complaints as this helps us improve our services. Once a complaint has been closed, we may contact residents to ask for their views on the handling and outcome of their complaint.

9.1.2 We will report back on wider learning and improvements from complaints in our annual report to tenants and more frequently to our residents, colleagues, and scrutiny panel.

9.1.3 We have formal mechanisms in place to make sure we gather learning from complaints and use this insight to improve services. We'll share our learning from complaints with our residents and colleagues.

9.1.4 We recognise the valuable feedback that a complaint can provide, and we have mechanisms in place to ensure that we capture this when we conclude a complaint.

9.1.5 We record and monitor all complaints that we receive, and this information is reviewed by relevant managers and colleagues across emh and is used to identify areas where we can improve our services.

9.1.6 Organisational learning and changes to policy and services resulting from complaints will be captured and shared with our Board, Executive Management Team, colleagues, and residents.

9.1.7 Our performance in respect of complaint handling is constantly reviewed and this also available to our residents and this can be viewed in our Annual Report to Residents or on our website.

9.1.8 A member of the Board will be identified to have lead responsibility for complaints to support a positive complaint handling culture. They will take responsibility for ensuring the governing body receives regular information on complaints that provides insight to the governing body on the landlord's complaint handling performance.

10. Self-assessment and compliance

10.1.1 We will carry out an annual self-assessment in against the Complaint Handling Code to ensure compliance.

10.1.2 Following a significant restructure or change in procedures we will carry out a self-assessment against the Complaint Handling Code to ensure compliance.

10.1.3 After completing a self-assessment against the Complaint Handling Code, we will:

- ▶ publish the outcome of the assessment on our website.
- ▶ report the findings within the Annual Report section on complaints handling performance.
- ▶ report the outcome of our self-assessment to the emh homes board.

10.1.4 Emh is a member of the Housing Ombudsman Scheme and:

- ▶ follows the terms of the Scheme.
- ▶ manages a complaints procedure in agreement with good practice recommended by the Ombudsman.
- ▶ informs and publicises residents' rights to take their complaints to the Ombudsman.
- ▶ manages complaints from residents in line with the stages set out within this policy, on the rare occasions where this is not possible, within an agreed timescale with the resident.
- ▶ publicises its membership of the Scheme.
- ▶ publishes the complaints procedure on the emh website and includes a flow chart of the process in complaint communications to residents, online and in publications.

11. Monitoring and Review

11.1.1 This policy will be reviewed every 3 years or sooner if required by legislation or regulation.

11.1.2 Complaints will be monitored by Boards quarterly and EMT will receive more frequent reports. Housing Ombudsman determinations will be reported at least quarterly. The Quality and Performance team will monitor the complaints procedures to ensure correct application and will prepare and deliver relevant training.

12. Associated Documents

- ▶ Acceptable Behaviour Policy
- ▶ Whistleblowing Policy
- ▶ Compensation for Service Failure Policy
- ▶ Grievance Procedure