

## **Maldon Housing Association**

**Date of issue:** August 2024

**Date for review:** August 2026 (or sooner if required by statute, regulation or positive practice)

### **(1) Policy aims and objectives**

We recognise that we do not always get things right at the first opportunity. However, we are committed to delivering high quality services to our residents, and this includes putting things right when we have got something wrong. We will talk to any resident who has expressed dissatisfaction with an aspect of our service and look to put it right. We will look to do this in a timely manner.

We aim to have a process in place that allows residents to easily express dissatisfaction with an aspect of our service and that enables us to seek to respond positively to that dissatisfaction with a view to resolving the issue to the satisfaction of the resident. Where we are unable to do so, we will assist our residents to raise their complaint with the Housing Ombudsman Service.

In our complaints process, we aim to follow the Ombudsman's dispute resolution principles, namely of "being fair, "putting things right" and "learning from outcomes".

### **(2) Confidentiality**

When dealing with a complaint, we may ask residents for information that we believe we need in order to assist in resolving the complaint. Where we do so, we will comply with relevant statutory and other requirements, such as the collection, storage, access to, provision and disclosure of data in accordance with the Data Protection Act 2018.

### **(3) Definition of a complaint**

We have adopted the definition of a complaint as set out by the Housing Ombudsman, as follows:

*'An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.'*

A resident does not have to use the word 'complaint' for it to be treated as such. Where a resident expresses dissatisfaction, we will give them the opportunity to make a complaint, unless there is a valid reason not to. Such reasons will be limited, are set out in this policy and any refusals to accept a complaint will be subject to a right of appeal.

Sometimes we will log a service request rather than a complaint. A service request is a request requiring action to be taken to put something right. Service requests are not complaints, but we will record and monitor them to completion, where appropriate.

The following is an example:

- Where a resident contacts us to advise that a repair is required, and we have not been made aware of the matter previously, we would raise a service request.
- If a resident contacts us to complain that we have not dealt with the repair in a timely fashion or to their satisfaction, we would raise a complaint.

Where a resident has expressed dissatisfaction with a service via a survey, we will discuss with the resident (assuming we are able to identify them) how we can resolve the dissatisfaction and whether they wish it to be logged as a complaint.

#### **(4) Exclusions**

We will accept a complaint unless we believe there is a valid reason not to do so. If we decide not to accept a complaint we explain why and give you the chance to challenge our decision and provide you with contact details for the Housing Ombudsman Service, so that you may approach that service for advice (you can approach that service for advice at any time). The Ombudsman can tell MHA to consider the complaint.

We will treat each complaint on its merits but may decline to accept a complaint for one of the following reasons:

- The issue giving rise to the complaint occurred over 12 months ago (but we will consider the details of a complaint to see if there is a valid reason to accept the complaint)
- 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
- Matters that have previously been considered under the complaints policy

#### **(5) Access to the complaints service**

We want to make it easy for residents to raise their concerns with us. So, we will accept complaints made in any way and to any member of staff. We will ensure that all members of staff are familiar with the complaints process. If residents prefer, they may ask a representative to deal with their complaint on their behalf, and to be represented or accompanied at any meeting with MHA.

Our policy will be made available on request. There will also be a copy available at each of our schemes and on our website.

#### **(6) Complaints handling process - stage 1**

MHA will seek to resolve complaints quickly and efficiently to the satisfaction of the resident or complainant. When a complaint is made that fits the criteria as outlined above, we will log it at stage one of our process. We will acknowledge your complaint and set out our understanding of the complaint and the outcomes the resident is seeking. If any aspect of the complaint is unclear, we will ask the complainant for clarification. Wherever possible, we will meet with the complainant, or their representative, in order to understand the issues better.

Responsibility for responding to and seeking to resolve complaints rests with the management team. We will acknowledge the complaint within five working days and make any reasonable adjustments to facilitate the complaints process. We will respond in full to the complaint within a further 10 working days. However, if we are investigating a particularly complex complaint, we may advise that we need an extension up to a maximum of a further ten days and seek the agreement of the complainant to this effect. Where we do this, we will provide the complainant with the Housing Ombudsman's details.

Once we have reviewed and investigated a complaint we will respond in writing to the complainant, setting out our response to the complaint, including whether the complaint has been upheld and setting out what we propose to do to resolve the complaint. This will be done when we have completed our enquiries. If there are actions agreed that will take longer than the consideration of the complaint, we will track these to satisfactory completion, and contact you again to confirm completion of actions.

When we respond to you we will set out the following:

- the complaint stage
- the complaint definition
- the decision on the complaint
- the reasons for any decisions made
- the details of any remedy offered to put things right
- details of any outstanding actions
- details of how to escalate the matter to stage 2 if the individual is not satisfied with the response

## **(7) Complaints handling process - stage 2**

If the resident is not satisfied with the outcome of the complaint at stage 1, they have the right to escalate the complaint to stage 2. We will ask the resident why they are not satisfied, so that we can determine whether we can still resolve the complaint, but we will not insist on this before escalating the complaint. Wherever possible, we will meet with the complainant in order to understand why the resident remains dissatisfied.

We will acknowledge the escalation within five working days of the escalation request being received. The complaint will be considered at stage 2 by the Chair of the board of trustees, or another trustee.

We will issue a final response to the stage 2 within 20 working days of the complaint being acknowledged. Where the complaint is of a complex nature, we may extend this timescale by a maximum of 20 working days, and seek the agreement of the complainant to this extension, setting out clear reasons for the extension. If we do this, we will advise the complainant of the contact details for the Housing Ombudsman.

As with our response at stage 1, our response at stage 2 will address all relevant points raised in the complaint, once the answer is known (and then we will track outstanding actions to completion).

At stage 2, we will confirm in writing the outcome of our complaint investigation and set out clearly the following:

- the complaint stage
- the complaint definition
- the decision on the complaint
- the reasons for any decisions made
- the details of any remedy offered to put things right
- details of any outstanding actions
- details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied

Stage 2 is the final stage of MHA's complaints process.

### **(8) Putting things right**

Where appropriate, we will acknowledge when something has gone wrong, and set out how we propose to put it right. In order to put things right, we may take one or more of the following actions:

- apologise
- acknowledge where things have gone wrong
- provide an explanation, assistance, or reasons
- taking action if there has been delay
- reconsider or change a decision
- amend a record or add a correction or addendum
- provide a financial remedy
- change policies, procedures, or practices

In our response at stage 1 and 2, where relevant, we will aim to ensure that the remedy reflects the impact of any fault on the resident, and we will set out what will happen and when, following appropriate guidance, such as that issued by the Ombudsman.

### **(9) Reporting and learning**

We will produce an annual complaints performance and service improvement report for scrutiny and challenge by the board of trustees and by residents. This will be published on our website, along with the trustees' response.

When we carry out investigations into complaints, we will not just look to resolve that complaint, but also look at whether there are any wider implications, such as service improvements. We will appoint a member of the management team to be accountable for complaints management, with responsibility for assessing any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.

We will appoint a trustee to have lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC') and they will have responsibility for ensuring:

- regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance
- regular reviews of issues and trends arising from complaint handling
- regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings
- the annual complaints performance and service improvement report