

# Milldale Housing Co-operative

## Complaints Policy

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| Draft                  | Revised        |
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| Approved by Committee  |                |
| Approved by Membership |                |
| Policy Review          |                |

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# 1. Introduction

- 1.1 Milldale Housing Co-operative Limited (MHC) values what our members tell us, even when they are telling us that they are dissatisfied. This means that we see complaints as an opportunity to learn how to do things better.
- 1.2 We aim to make it easy for our members and any other person to tell us that they are unhappy with the service we are providing. We recognise that there will be times that we get things wrong and when this happens, we will respond positively to any complaints or feedback that we receive.
- 1.3 To make it easy for members to tell us they are dissatisfied or to make a formal complaint, we will accept complaints over the phone, in person, in a letter or by email.

# 2. Service request or complaint

- 2.1 For this policy we have chosen to adopt the definition used in the 'Complaints Handling Code 2024' (Housing Ombudsman, 2024).
- 2.2 **Definition of a service request:** "a request by the resident to the landlord requiring action to be taken to put something right."
- 2.3 **Definition of a complaint:** "A formal expression of dissatisfaction, however made, with a policy, procedure, a service or contractual duty, lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents."
- 2.4 If a member expresses dissatisfaction whilst their service request is being processed, the matter will be raised as a formal complaint at stage one of the complaints process. For this policy, dissatisfaction raised in response to member surveys will not be recorded as a complaint, however, we will inform our members of their right to have us treat their concerns as a formal complaint should they wish us to.

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- 2.5 Adopting this approach will ensure that we do not restrict what people can complain about or how they do it. And we will only require our members to specify how they would like their concerns recorded.

## 3. Legislation/Regulatory Requirements

- 3.1 MHC will comply fully with legislation and our regulatory requirements in dealing with complaints and will ensure that complaints are addressed in line with the Localism Act 2011; Housing Act 1996 (Schedule 2); Equality Act 2010; General Data Protection Act 2018; Regulator of Social Housing Consumer Standards (2024); Awaab's Law; Social Housing Regulation Act 2023; and the Housing Ombudsman Complaint Handling Code (2024).
- 3.2 The Co-operative may use its discretion when applying this policy under the Equality Act 2010 to deal with complaints we receive in a different way where individual circumstances merit this. When applying their discretion, the Co-operative will demonstrate that they have applied it fairly and appropriately.
- 3.3 We will keep a record of any known disabilities/vulnerabilities that have been disclosed to us by our members to help us shape the services we deliver, and as a way to learn from the complaints that we have received.

## 4. Objectives

The objectives of the complaints policy are:

- 4.1 Provide an effective, accessible way for our members; housing applicants; and others to register a complaint to:
- ensure that complaints are dealt with in a courteous and efficient manner and are resolved promptly using appropriate discretion and confidentiality;
  - provide the management committee and staff with an effective framework for resolving complaints that result in a positive experience for the complainant;

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- provide guidance for complainants, advocates, committee members and staff of the organisation of the complaints process, including recording, monitoring and learning from complaints.
- 4.2 MHC will accept complaints from any person or organisation who is affected by a decision taken by us which includes, but is not limited to: residents, or the residents' representative; contractors; consultants; partnership agencies / organisations; and housing applicants.
- 4.3 MHC will consider each complaint received on its own merit; however, we will not usually record a complaint whereby:
- the concerns raised relate to something that happened more than twelve months previously, although we will apply our discretion when receiving complaints outside of this timeframe if there is a good reason to do so;
  - the first report is a service request such as: repairs; nuisance or anti-social behaviour;
  - the complaint is anonymous; however, we will consider the matter raised and make changes to service provision where appropriate;
  - the matter has already been investigated under the complaints process.
  - the issue relates to the governance of the Co-operative which will be addressed under the Code of Conduct policy;
  - legal action commenced prior to the complaint received;
  - we can demonstrate unreasonable behaviour through persistent, and abusive complaints received (refer to paragraphs below).
- 4.4 MHC reserves the right not to investigate complaints if they have reason to believe that a complainant is acting unreasonably: for instance, because they are abusive, making repeated complaints about the same subject; sending multiple letters or emails to committee members / managing agent about the same thing; or otherwise behaving in such a way as to adversely affect their ability to run the co-operative. In these instances, the Co-operative may conclude that the complainant is acting 'unreasonably'.
- 4.5 In deciding whether a complainant is acting unreasonably, we will use the definitions of "unreasonable behaviour" and "persistent complaints" provided by the Independent Housing Ombudsman. (Housing Ombudsman, n.d.)
- 4.6 We will always try to resolve the issue of unreasonable behaviour informally, however if this approach is not successful, we will adopt a formal approach.

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4.7 If we consider that a complainant is demonstrating unreasonable behaviour we may impose restrictions on the way that we handle the complaint. These restrictions may include, but are not limited to:

- requiring that the complainant only makes contact through a third party;
- refusing to respond to correspondence relating to specified matters already addressed;
- terminating the complaints procedure before it is exhausted and asking the complainant to take their complaint straight to the Ombudsman.

## 5. Member Responsible for Complaints (MRC)

5.1 MHC will appoint an MRC who will be responsible for ensuring complaints are being handled correctly, in addition to analysing trends and outcomes. The MRC will be responsible for investigating complaints at stage one of the process unless there is a valid reason not to do so at which point we will appoint our managing agent or Independent Adjudicator to respond. Stage two complaints will be investigated by the general membership or Independent Adjudicator.

5.2 Responsibility for handling complaints will rest with the MRC and MHC will ensure that anyone who has responsibility for complaints handling:

- can act impartially, sensitively, and fairly;
- are trained to deal with complaints and to look at the issues objectively;
- have access to information to resolve the complaint quickly.

## 6. The Complaints Process

6.1 We will aim to respond to complaints within the timeframes set out below, however there may be times when we are unable to do this for reasons such as being unable to complete our investigation within the timeframe specified.

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| Stage | Action                                                                                                                                                                                              | Target Time                                       |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| 1.    | The MRC will: <ul style="list-style-type: none"><li>• Acknowledge your complaint.</li><li>• Investigate and respond to your complaint.</li></ul>                                                    | Within 5 working days<br>Within 10 working days   |
| 2.    | The General Meeting (Secretary) or Independent Adjudicator will: <ul style="list-style-type: none"><li>• Acknowledge your complaint.</li><li>• Investigate and respond to your complaint.</li></ul> | Within 5 working days.<br>Within 20 working days. |

- 6.2 When we receive a complaint, we will acknowledge receipt and set out our understanding of the complainants concerns to the best of our knowledge, as well as what we believe is the outcome they are looking for.
- 6.3 We will speak to all relevant parties to gather evidence and dependent on the complexity of the complaint received we will carry out our investigation and provide a response as soon as possible.
- 6.4 We will comply with the Equality Act 2010 when assessing each complaint received and where there are known vulnerabilities, we may adapt our approach to how we communicate with the complainant throughout the process and where possible, respond earlier than the target timeframe.
- 6.5 If we receive further complaints from the tenant at either stage of our complaints process, we will incorporate them into our response if they are related, and where we have not responded to the complaint already. If the issues are not related to the initial complaint, or we have already provided a response, we will open a new complaint and follow the complaints process.
- 6.6 If we extend our deadline, we will aim to keep the extension to a maximum of ten working days for stage one and twenty working days for stage two unless we know that we will not have the relevant information to respond within that time. Where we identify this, we will update the complainant at suitable intervals agreed with them and provide them with the details of the Housing Ombudsman.
- 6.7 At the end of the complaints process (stage two) if the complainant remains dissatisfied with our response, we will automatically refer the complainant to the

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Housing Ombudsman, however, the complainant has the right to raise their concerns with the Housing Ombudsman at any stage of the complaint.

- 6.8 We will be open and honest about what we can and cannot do to meet the expectations of the complainant.
- 6.9 If the complaint has multiple issues identified, we will respond to the complainant as soon as we have investigated them. If we are unable to resolve all the issues in one response, we will track the issues outstanding to ensure that every matter is resolved before the complaint is closed.
- 6.10 If we identify a failure in the service because of the complaint received, we will acknowledge this and learn from our mistakes.
- 6.11 When responding to complaints, we will set out:
- our understanding of the issues raised with us;
  - whether or not we have upheld the complaint. We may uphold a complaint fully or partially;
  - what, if any, actions we intend to take because of the complaint;
  - whether any compensation will be payable, and how much it will be.
- 6.12 Where our actions, or in-action has led to the complaint, we may:
- offer an apology;
  - reconsider a previous decision taken;
  - make changes to our policies, procedures, or practices.
- 6.13 We will keep a record of each complaint received and correspondence pertaining to the complaint will be stored in an individual electronic folder.
- 6.14 MHC will fully co-operate with the Housing Ombudsman's requests for evidence to investigate the complaint further and will provide information within 15 working days of receiving the request. If we cannot provide a response within this timeframe, we will explain why we cannot fulfil our obligation.
- 6.15 To make a complaint to the Housing Ombudsman, or for further information about their role, you can:
- Visit them online: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk) and complete an online form

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- Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)
  - Telephone: 0300 111 3000
  - Write to them: Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET.

## 7. Compensation

- 7.1 Although we aim to provide a consistently high-quality service to our members, we recognise that at times there may be delays and sometimes our services may fall short of expectations. If one of our services fails and this failure causes distress or inconvenience, we may consider offering compensation; however, compensation will not be automatic.
- 7.2 Compensation may be offered in the following circumstances:
- a member has experienced a loss of amenities because of an action (or inaction) by us;
  - a member has not been able to use a particular room within their property due to disrepair, and the disrepair has resulted from an action (or inaction) on our part;
  - we have failed to adhere to one of our policies and this has resulted in damage to possessions or significant distress or inconvenience.
- 7.3 Applications for compensation will be considered on their individual merits and may be payable at any stage of the complaints process.
- 7.4 We will follow guidance on awarding compensation issued by the Housing Ombudsman and members may be asked to tell us how they have suffered financial loss or significant distress and inconvenience because of the service failure.
- 7.5 When awarding compensation, we will take into consideration: the severity of the distress and degree of inconvenience; the duration of the service failure; and whether the complainant took steps to minimize the impact of the service failure.
- 7.6 Compensation will not be payable whereas we consider that the complainant (or other persons) has caused or contributed to the problem which led to the complaint being raised.

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- 7.7 If a member or other person suffers personal injury because of an alleged failing on the part of the co-operative, MDPHC will be obliged to comply with the terms of its insurance policy. This means that we may submit an insurance claim in addition to raising a formal complaint.

## 8. Compensation

- 8.1 The MRC will be responsible for keeping a record of all complaints.
- 8.2 A file will be created for each complaint received and relevant correspondence will be retained.
- 8.3 The management committee will report back to members on complaints received at least once a year. A report will be provided to the annual general meeting which includes the number of complaints received, a summary of what the complaints were about and what action was taken. The report will also highlight the lessons learned and any changes made by the co-operative because of the complaint.
- 8.4 MHC will make their complaints policy format accessible for all its members and copies of the policy will be sent to members via email, text, or paper format when requested, or on the managing agents' website.
- 8.5 Communication sent to members about their complaints will be sent using plain language and will include evidence that they have relied on when reaching their decision. Decisions will be based on legislation, policy, regulation, and 'good practice'.
- 8.6 The designated complaints officer / group will provide monthly reports to the management committee and an annual report to the membership on lessons learned from complaints received and improvements or amendments made to service provision as a result.

## 9. Policy Review

- 9.1 This policy will be reviewed annually against the Housing Ombudsman Complaint Handling Code. It will also be reviewed if there are changes to the rules, legislation, regulatory framework or 'good practice'.

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## References

Housing Ombudsman, 2024. *Complaint Handling Code 2024*. [Online]

Available at: <https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/complaint-handling-code-2024/>

[Accessed 9 February 2024].

Housing Ombudsman, n.d. *Managing unacceptable behaviour*. [Online]

Available at: <https://www.housing-ombudsman.org.uk/landlords-info/guidance-notes/managing-unacceptable-behaviour-policy/>

[Accessed 6 March 2024].