



FEEDBACK AND COMPLAINTS POLICY

JANUARY 2021

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:

- Homes and Communities Agency Regulatory Standards (Consumer Standards)
- Housing Ombudsman Service
- Local Government Ombudsman Service
- Consumer Protection Act
- Localism Act 2011
- Equality Act 2010

The Regulator of Social Housing Tenant Involvement and Empowerment Standard requires organisations to have clear and effective mechanisms for responding to tenant complaints.

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

1.1 Registered providers shall provide tenants with accessible, relevant and timely information about:

- a. how tenants can access services*
- b. the standards of housing services their tenants can expect*
- c. how they are performing against those standards*
- d. the service choices available to tenants, including any additional costs that are relevant to specific choices*
- e. progress of any repairs work*
- f. how tenants can communicate with them and provide feedback*
- g. the responsibilities of the tenant and provider*
- h. arrangements for tenant involvement and scrutiny.*

1.2 Providers shall offer a range of ways for tenants to express a complaint and set out clear service standards for responding to complaints, including complaints about performance against the standards, and details of what to do if they are unhappy with the outcome of a complaint. Providers shall inform tenants how they use complaints to improve their services. Registered providers shall publish information about complaints each year, including their number and nature, and the outcome of the complaints. Providers shall accept complaints made by advocates authorised to act on a tenant's/tenants' behalf

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

Our Service Promise

In 2019 we updated “Our Customer Service Promise”. This consists of a set of service standards that we agreed with our customers. The one’s 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.*

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 vexatious complaint?

We define a vexatious complaint as one when it becomes apparent that the complainant is 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 the internet; 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 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.

All feedback is treated confidentially and in line with our Data Protection and GDPR policy. Where possible, concerns are resolved by staff at the first point of contact 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 response will be provided within the agreed time periods. Members of staff will also contact individuals by telephone to discuss the matters raised, if needed.

The complaints procedure contains two stages so that an individual can appeal to a higher stage in the organisation if they are not satisfied with the response.

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. Complainants must wait eight weeks from the end of MHA's complaints process before the Ombudsman can consider the case.

In England tenants can ask for their complaint to be considered by a 'designated person' when MHA's complaints procedure is finished.

A designated person can be an MP, a local Councillor, or an Independent Complaints Panel. Designated persons can either try to resolve the complaint locally, refer it directly to the Housing Ombudsman or refuse to take it on board. Tenants are still able to contact the Housing Ombudsman Service directly but must wait eight weeks from the end of MHA's complaints process before the Ombudsman can consider the case.

Where a complaint is upheld appropriate remedies will be provided. This may include one or more of the following: providing of the service that has either been denied or not fully provided, an apology and/or, where appropriate, compensation.

Where we suspect that a complaint or complainant is vexatious this will be raised with a Director to make a determination. When making this determination we will consider if we suspect the complainant has any support needs and if so, 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.

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.

5. What do we consider not to be a complaint?

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

- The issue is, or has been, subject to legal proceedings
- Liability issue that is subject to an insurance claim
- Requests for compensation
- The complaint has not been raised within a reasonable time frame
- The complaint has been considered already
- Neighbour nuisance or anti-social behaviour reports
- Reports for a repair
- Where we feel a complaint is vexatious

We will inform the customer in writing if their complaint falls into any of these categories and that it will not be considered further.

6. Confidentiality and Data Protection

Under the Data Protection Act 1998 and the General Data Protection Regulations 2018 (GDPR) a complainant has the right to see any information stored about them on computer, or in a paper file. Under these terms, the Association will of course respond to requests made in writing, to have access to information held about them.

7. Equality and Diversity

Manningham Housing Association is a BME Association, committed to addressing the housing needs of primarily, but not exclusively, BME communities.

In carrying out these obligations, the Association is committed to a policy of fair and equal treatment for all its tenants, employees and applicants, regardless of religion, sexual orientation, age, class, racial origin, sex, disability or marital status as determined in the Association's Equality and Diversity Policy.

8. Monitoring and Review

We will monitor and review this policy every 3 years in conjunction with residents to ensure its effectiveness and relevance to the Association's stated aims and objectives.

The Director of Operations has overall responsibility for the on-going monitoring of the policy.

Policy name	Feedback and Complaints
Date approved by the Executive	Jan 2021
Date approved by the Board	
Next review date	Jan 2024
Lead officer	Ulfat Hussain - Assistant Chief Executive/Director of Operations

APPENDIX A. VEXATIOUS COMPLAINTS

On some occasions we will receive complaints which may be frivolous or vexatious and where it is not possible to reach a reasonable solution or where the complainant will not accept a reasonable solution. Such complaints may be as a result of someone being difficult and unreasonable.

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. 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 that we need to be aware of? 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: