EDEN HOUSING ASSOCIATION LIMITED

COMPLIMENTS, COMPLAINTS AND FEEDBACK POLICY

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This policy applies to Eden Housing Association and all its wholly owned subsidiaries, including Mitre Housing Association

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1. Policy Statement

Providing excellent customer service is one of our main objectives. We aim to put the needs and aspirations of our customers at the heart of everything we do.

The Association views Compliments, Complaints and Feedback handling as a key element of its Customer Strategy and a means of monitoring, maintaining and improving the level and quality of service provided. In addition, we will use the feedback received to drive and deliver the improvements our customers want.

The Regulator of Social Housing's Consumer Standard "Tenant Involvement and Empowerment" clearly states, "*a registered provider shall have an approach to complaints that is clear, simple and ensures that complaints are resolved promptly, politely and fairly*". The main aim of this policy and associated procedure is to set out Eden Housing Association's (EHA) approach to resolving Compliments, Complaints, and Feedback, clearly demonstrating how we will meet this requirement.

2. References

Internal
Customer Strategy (STRAT 07)
Data Protection Policy (CORP 13)
Compliments, Complaints and Feedback Procedure
Feedback Manager User Guide
Feedback Manager Tutorial Video
Unacceptable Actions Policy
Compensation Policy
Equality Diversity and Inclusion Strategy and Policy
Tenant Satisfaction Measures Procedure
Heat Network Complaints Policy

External
Gov.UK Regulatory Standards – Consumer Standard
Housing Ombudsman Scheme
General Data Protection Act 2028
Equality Act 2010
Localism Act 2011
Housing Act 1996 (schedule 2)
Data Protection Act 2018
Consumer Standards – Tenant Involvement and Empowerment Standard

3. Policy Content

EHA sets out to provide a high quality of service and satisfaction to all of our customers however, we recognise that occasionally things do go wrong.

We believe that a positive complaint handling culture across the whole organisation is integral to the effectiveness with which we resolve disputes, the quality of service we provide and our ability to learn and improve.

This Policy provides a means by which customers can inform us when they are either satisfied or dissatisfied with the service they have received. We will always encourage

our staff to think creatively and use common sense when dealing with all complaints and feedback. In addition, we welcome praise when our staff do things well or go the extra mile.

4. Our Aim

- To deliver a seamless, high quality customer experience which is tailored to the individual's requirements
- To be fair, transparent and consistent in the way we manage Compliments, Complaints and Feedback
- To recognise teams/individuals and the services provided which have exceeded the expectations of our customers
- To learn from Complaints/Feedback and commit to making appropriate changes to prevent a recurrence
- To put things right as quickly as possible
- To ensure that we keep the customer informed of progress whilst we are dealing with the Complaint/Feedback
- To inform our customers when they have influenced changes to policy, improvements to services and publish our findings.

5. Compliments, Complaints and Feedback

We define a complaint as:

'*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'.*

When dealing with Compliments, Complaints and Feedback we will always:

- **Show respect** – treating everyone with fairness and dignity, in addition all information shared with us will be dealt with in a confidential manner by an appropriate member of staff
- **Be open positive and flexible** - towards feedback and new ideas. We will encourage innovations and creativity that will improve outcomes for our customers.
- **Work in partnership** – develop open communications and equal relationships with our customers, staff and partners, valuing their contributions at all times enabling us to work together to resolve issues effectively and efficiently
- **Deliver** – we will do what we say we are going to and be held accountable for all of our actions

6. Who can make a Compliment, Complaint or provide Feedback?

Anyone receiving or requesting a service from EHA can make a Compliment, Complaint or provide Feedback for example

- EHA Tenants and Leaseholders
- Residents (owner occupiers and private tenants)

In addition, we will accept Compliments, Complaints and Feedback from family members, local Councillors or any other advocate acting in the best interests of our

customer (providing they are authorised to do so). Complainants will be given the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with us.

7. How can a customer make a Compliment, Complaint or provide Feedback?

In order to encourage feedback from our customers we recognise that we must not put barriers in their way and will ensure that our Policy is available in a clear and accessible format for all customers. This includes via our website, email, hard copy on request from any of our staff. We value diversity and are committed to promoting equality of opportunities to ensure all residents are treated fairly. Customers are able to make Compliments, Complaints and provide Feedback to any member of staff in a number of ways:

- Telephone
- Letter
- E-mail
- Website
- Social Media
- Online self-service portal
- In person
- Completing a survey

Any complaints received via our social media platforms will be dealt with appropriately to ensure confidentiality and privacy is maintained at all times. If the complaint is raised via a public page we will contact the customer using an alternative secure medium to engage in a one to one dialogue about their areas of concern.

We comply with the Data Protection Act 2018 at all times in relation to the collection, storage access to and provision and disclosure of data.

If the customer requires assistance to use our service, we will do everything we reasonably can to assist by agreeing adjustments to how we deliver our service, this could include (but is not limited to)

- Providing advice and assistance about the process
- Providing information in appropriate alternative formats such as large print, braille and other languages
- Providing an interpreter
- Providing a same sex interview
- Extension of time limits (where it is lawful to do so)
- Use of email or telephone in preference to hard copy letters
- Rest or comfort breaks in any meeting

We will not make assumptions about whether a customer requires a reasonable adjustment or about what those adjustments might be. We will discuss the requirements of a reasonable adjustment with the individual customer and seek to reach agreement on what will be reasonable in the circumstances to best suit the customer's needs.

Many adjustments will be straight forward to make, and will be delivered with a

minimum of delay. In some circumstances we may need to seek advice and consider our duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of customers who may need to access the complaints policy. Examples may include but are not exhaustive:

- How *effective* the adjustment will be – will the adjustment fully address the disadvantage it is meant to overcome?
- How *practical* the adjustment will be – eg we may not be able to extend timeframes if there is a legal deadline to meet
- The availability of *resources* to make the adjustment - an adjustment that is effective may not be considered reasonable. How reasonable an adjustment is will be considered in light of the resources required to make it. If an adjustment costs a significant amount of money, it may not be reasonable.
  How much *disruption* the adjustment will make to the delivery of our services, e.g. it will not usually be reasonable for a member of staff to only deal with one person and their complaint – other customers and services will inevitably suffer.

Our Housing Management system allows us to store and view alerts relating to the complainants needs and vulnerabilities. This information can then be used to prioritise complaints accordingly.

8. Definitions

The definitions detailed below will ensure that the Policy and associated procedures are implemented consistently across the organisation

- **Service Request –** A service request is a request from a customer to the landlord requiring action to be taken to put something right.
- **Follow Up Request –** these generally arise when the customer continues to have an outstanding query in relation to an earlier service request. We will always provide advice/guidance and offer to log as a formal complaint at this stage. We will not stop our efforts to address the request if a complaint is logged
- **Compliment -** an expression of gratitude or praise for a member of staff or service area
- **Comment –** an area of strength or weakness, which can be used to continuously improve our services
- **Formal Complaint** – 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. When dealing with a formal complaint we will not stop our efforts to address the initial request.

The customer does not have to use the word complaint for it to be treated as such. Whenever a customer expresses dissatisfaction we will give them the opportunity to make a complaint. A complaint that is submitted via a third party or representative will be handled in line with our complaints policy. Our staff will be trained to recognise the difference between a Service Request, Follow Up Request and Formal Complaint taking appropriate steps to resolve the issues as early as possible. If dissatisfaction is raised via our quarterly Tenant Satisfaction Measures (TSM) perception survey our customer service team will contact the customer to ascertain if they would like to make

a complaint.

9. Formal Complaints

A Formal Complaint is generally dissatisfaction with the actions, decisions or failure of our services after we have had the opportunity to put things right.

Formal Complaints can relate to one or more of the following areas (this list is not exhaustive)

- Failure to provide a service
- Failure to provide a service to a standard that could reasonably be expected
- Failure to follow EHA policy or procedure
- Unhelpful attitude of a member of staff and/or contractors
- Failure to provide information or the right information in a timely manner
- We gave poor or unsuitable advice
- We failed to respond to enquiries
- We missed agreed appointments
- Delay or neglect to administrative or other processes
- Failure to consider all relevant information before reaching a decision
- Failure to fulfil any contractual decisions
- Any examples of malice, bias, inequity or discrimination

Exclusions and requests to escalate a complaint

We will accept all complaints and requests to escalate a complaint from Stage 1 to Stage 2 unless there is a valid reason not to do so for example:

- Liability issue that is subject to an insurance claim (although any other elements of the complaint will be considered)
- The issue is, or has been subject to legal proceedings**
- The issue giving rise to the complaint occurred over twelve months ago***
- Matters that have previously been considered under the complaints policy

**The Ombudsman's view is that a matter does not become 'legal' until proceedings have been 'issued'. The issuing of proceedings involves filing details of the claim, such as the Claim Form and Particulars of Claim, at court. The court will then serve this on the respondent for them to answer to. See Appendix 5.

In relation to claims pursuant to the Pre-Action Protocol for Housing conditions claims we will remain committed to inspecting properties as soon as a claim is raised and to completing the repairs needed as soon as is practicable. Where a resident has been advised by a solicitor to deny access to complete the repairs, we may consider alternative methods of gaining access, such as seeking an injunction.

We will accept complaints referred within 12 months of the issue occurring or the customer becoming aware of the issue, unless they are excluded on other grounds. We will consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so

We will not apply a 'blanket approach' when making these decisions. If a decision is made not to accept or allow the escalation of the complaint, a detailed explanation will

be provided. The complainant has the right to challenge this decision by taking their complaint to the Housing Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell us to take on the complaint.

Formal Complaints Process

We operate a 2 Stage customer focussed Formal Complaints process which ensures that the complainant is given the opportunity to explain their point of view and the outcome they are seeking before a final decision is reached.

We will provide all complainants with a written acknowledgement including:

- The complaint stage and reference number
- Our understanding of the complaint and the outcomes they are seeking
- Name of the investigating officer
- Timescale for acknowledgement and response (see appendix 2)
- A copy of our Formal Complaints Service Standard (see appendix 3)

When dealing with Formal Complaints we:

- We welcome and encourage all complaints and feedback acknowledging where we have fallen short in order that we are able to improve the services we deliver
- Do not see high volumes of complaints as a negative as these can as they can be indicative of a well-publicised and accessible complaints process.
- Recognise that putting things right is the first step to repairing and re-building trust with the complainant
- Believe that regular contact (whilst the complaint is open) allows the complainant a fair opportunity to comment on any adverse findings before a final decision is made (the frequency and method of communication to be agreed by both parties)
- Will ensure that internal/and or independent support or advocacy is available for customers who need it
- Will conduct our investigations in an impartial manner, seeking sufficient reliable information from all parties so that fair and appropriate findings and recommendations can be made including any recurring issues
- Will send the response to the customer when the answer to the complaint is known, it will not be delayed until the outstanding actions are completed. Outstanding actions will be tracked and regular updates provided to the customer until the case is complete.
- Will be clear that additional complaints can be incorporated in to the stage one response at any time whilst the complaint is open. Where the stage 1 response has been issued, and the new issues are unrelated to those already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint
- Will aallow for financial recompense, within defined corporate guidelines where service failure has occurred. We will take account of whether any statutory payments are due, if any quantifiable losses have been incurred as well as any distress and inconvenience caused. These will be considered on a case by case basis by the investigating officer.
- Will not refuse to escalate a complaint through all stages of the procedure unless there is a valid reason not to do so. We will not apply a ‘one size fits all’

approach when making these decisions with each request being considered separately.

- Where a key issue of a complaint relates to the parties' legal obligations or entitlements to redress we will clearly set out our understanding of the obligations of both parties.
- Will take ownership of all complaints involving a third party i.e. contractor and deal with them in line with our policy, procedure. We will ensure that the third party are aware of our obligations in line with the code and our approach to complaint handling. The complainant must not be expected to go through two complaints processes
- Will resolve complaints in a number of ways, it's important that the solution or remedy we reach reflects the extent of any service failures encountered. A complaint can be remedied at any stage of the process without the need for escalation.
- Upon closure of a complaint the Complaints & Resolution Officer will provide the service manager with a copy of the final response letter, summary of the case and any outstanding actions with target times for completion. This ensures that:

    - The service manager can implement timely learning and improvements from the investigation
    - All outstanding actions are addressed and we keep in regular contact with the complainant until we are confident that all issues have been addressed to their satisfaction

    The Complaints & Resolution Officer remains involved in the case until the outstanding actions are completed.

Once the complaint is closed we will send the complainant a survey which focuses on how satisfied they were at each stage of the process. All feedback is used to improve services going forward.

When responding to formal complaints we will:

- Clearly label our written responses to Stage 1 and 2 and add the reference number
- Address all points raised and provide clear reasons for any decisions, referencing relevant policy, law and good practice where appropriate
- Acknowledge and apologise for any failures identified, inform of any changes made or actions taken to prevent the issues from happening again and provide full details of how the complaint can be escalated if the complainant remains dissatisfied
- If the given timescales cannot be adhered to, we provide an explanation for the delay and agree a revised date for the response with the complainant.

The response provided by the investigating officer dealing with the Stage 2 Formal Complaint marks the end of the Eden Housing Association complaints process. A letter confirming the decision of the investigating officer will include details on how the complainant can take their complaint forward should they decide that they are dissatisfied with the process Eden Housing Association has followed.

Referring the complaint to the Housing Ombudsman

Contact with the Housing Ombudsman can be made at any point during the complaints process. Contact details are included within our Policy/Procedure, Service Standard and all acknowledgement and response letters. The Housing Ombudsman will deal with each complaint to find the best outcome for the complainant's individual circumstances. We will co-operate with the Ombudsman's request for evidence and provide this within 15 working days. In the first instance it would be the Complaints Officer who would liaise with the Ombudsman alternatively a member of the Management or Executive Team.

Further information on the Housing Ombudsman's Complaint Handling Code and Guidance on determinations of Complaint Handling Failure and Orders can be obtained from Appendix 4 or by accessing their website www.housing-ombudsman.org.uk

10. Customer Responsibilities

We believe that our customers have the right to be heard, understood and respected, and that our staff should enjoy the same rights.

We recognise that when things go wrong our customers may be unhappy and show signs of stress and frustration when making a complaint. However, our customers have a responsibility not to engage in:

- Aggressive or abusive behaviour – for example verbal abuse and threats
- Making unreasonable demands – for example continual phone calls, letters, emails or visits to our offices repeatedly changing the content of a complaint or raising unrelated issues. We consider these demands as unacceptable and unreasonable if they start to substantially impact on our work, such as taking up an excessive amount of staff time to the disadvantage of other customers
- Making malicious complaints – for example making malicious comments or complaints, which are without foundation
- Unreasonable Persistence – for example persisting in pursuing a matter when they have already exhausted other statutory routes of appeal, making complaints in order to make life difficult for EHA rather than to genuinely resolve a problem

Our Unacceptable Actions Policy provides full details on our approach if a customer continuously behaves in a way that staff feel is unreasonable.

11. Staff Responsibility

The Director of Operations retains the overall responsibility for this Policy however all managers are responsible for the implementation ensuring that associated monitoring, staff awareness, training, policy development and communication to customers is undertaken. All relevant staff have a standard objective within their annual personal development plans in relation to complaint handling.

EHA has a dedicated Complaints & Resolutions Officer role. The aim of this role is to ensure an open and consistent approach to handling complaints; ensuring that internal processes and regulatory guidelines are understood and adhered to across the

organisation, that identified training needs reflect where we fall short and where there are legislative changes, and that we capture and report on our findings. The role seeks to embed a customer centric culture in the management of complaints, being invested in listening to and learning from our customers, holding our hand up where we fall short in the delivery of our services and implement changes to improve. The role reports into the Customer Service Manager and works closely with the Complaints Panel to ensure scrutiny and provide assurance.

12. Equality Impact Assessment (EIA)

Eden Housing Association is committed to ensuring that no person or group of persons will be treated less favorably than another person or group and will carry out its duty with positive regard to the following core strands of equality:

- Age
- Disability
- Gender
- Race
- Transgender
- Sexual Orientation
- Religion and or Belief
- Civil Partnership and Marriage
- Pregnancy and Maternity

A copy of the Equality Impact Assessment can be found in **Appendix 1**

13. Complaints Panel

We have a Complaints Panel made up of two Board Members, two Scrutiny Panel Members and two fellow elected tenants. We have a Member Responsible for Complaints (MRC) who sits on both our Complaints Panel and Board to provide assurance on the effectiveness of our complaints process by providing performance measures including adherence to timescales, areas for improvement and customer satisfaction. The Panel is supported by our Complaints & Resolutions Officer and Customer Service Manager and will meet quarterly (aligned with our board meetings).

The role of the Panel will be to:

- Understand the impact of complaint handling on our customers using feedback from our quarterly TSM surveys as part of the drive to encourage a positive complaint and learning culture
- Review issues and trends arising from complaint handling
- Ensure that learning is being used to drive service improvements including reviewing whether any reasonable adjustments requested can help us take wider steps to improve our services
- Support effective handling, prevention, learning and development
- Use the data to assess performance and risks
- Analyse the volume, category and outcome of complaints alongside timely compliance with published timeframes and any Ombudsman orders
- Instruct “Deep Dives” into areas where complaint trends indicate an increase in dissatisfaction

- Participate in detailed complaints case studies which will allow the panel to gain an understanding of the complainant's journey and how learning outcomes are captured and implemented.

The Panel **will not**

- hear complaints
- deal with appeals or
- have the ability to overturn the investigating officer's decision

14 Monitoring and Review

This Policy will be reviewed every year in line with the Housing Ombudsman's Complaint Handling Code including the production of an Annual Complaints performance and service report, or in line with changes in regulation and/or legislation. Monitoring results will be used by the Association to inform future policy review in this area.

Overall monitoring and review of the Policy will be undertaken in consultation with:

- Service Users
- Complaints Panel Members
- Board Members

All reviews will consider whether:

- the current Policy adheres to legislative and regulatory requirements and reflects current good practice
- the aims and objectives of the Policy are being met
- the current Policy outcomes meet the needs and aspirations of our customer base
- service users are aware of and understand the Policy and believe it to be consistent and fair
- the service offers value for money

Our policy and procedures aim to promote a positive approach from all employees. Regular training and updates will be provided to further enhance that approach.

Performance monitoring will be undertaken in the following areas to assess the impact of:

- The number of Compliments, Comments and Formal Complaints recorded
- The number of Formal Complaints where the timescale for a response has been extended
- The number of Complaints Upheld, Partially Upheld or Not Upheld
- Details of the service improvements implemented as a result of Formal Complaints
- The number of Stage 2 Formal Complaints referred to the Housing Ombudsman
- The number of Complaint Handling Orders issued by the Housing Ombudsman

We carry out an annual self-assessment against the Housing Ombudsman's

Complaint Handling Code to ensure that our complaint handling remains in line with its requirements. In addition, we will carry out a self-assessment following a significant restructure and/or change.

The annual self-assessment is reported to board, submitted to the regulator and publicised on our website with an action plan to implement improvements if required.

The annual self-assessment is publicised on our website or upon request available in a format to meet the requirements of the individual. The self-assessment should be read in conjunction with our Compliments, Complaints and Feedback Policy and Procedure documents allowing the reader to cross reference/evidence how we meet the code.

Appendix 1

Equality Impact Assessment

Question	Response
1. Summary of aims and objectives of the policy/practice/activity	To demonstrate our commitment to upholding a positive complaint handling culture across the whole organisation.
2. What involvement, consultation, engagement has taken place for the policy/practice/activity (*e.g relevant groups/stakeholders*)	Refer to Tenant Engagement Assessment
3. Who is affected by the policy/practice/activity	Anyone receiving or requesting a service can make a Compliment, Complaint or provide feedback
4. What are the arrangements for monitoring and reviewing the impact of the policy/practice/activity	All Compliments, Complaints and Feedback are recorded on the Feedback Manager Module of Orchard (which includes appropriate retention timeframes) • Cases are reviewed on a weekly basis by the Complaints & Resolutions Officer • Data provided is disseminated to Board/Complaints Panel via the quarterly reporting cycle • Data reported and discussed at management team meetings • Data reported and discussed at team meetings • Feedback monitored against TSM perception survey results • Policy and associated procedures are reviewed annually, or in line with changes in regulation and/or legislation • Annual Complaints Handling Code self-assessment completed and published • Formal Complaints Satisfaction Survey sent out after each complaint is closed down • Scrutiny Audit Taskforce focusing on Formal Complaints • Business Process Review focusing on Formal Complaints

Protected Group	Is there a potential for a positive or negative impact	Explain and provide evidence/data used	Action to address the negative impact
Disability	No	The policy/procedure ensures that we will	

		not treat an individual less favorably if they possess a protected characteristic	
Gender reassignment	No	The policy/procedure ensures that we will not treat an individual less favorably if they possess a protected characteristic	
Marriage or civil partnership	No	The policy/procedure ensures that we will not treat an individual less favorably if they possess a protected characteristic	
Pregnancy or maternity	No	The policy/procedure ensures that we will not treat an individual less favorably if they possess a protected characteristic	
Race	No	The policy/procedure ensures that we will not treat an individual less favorably if they possess a protected characteristic	
Religion or belief	No	The policy/procedure ensures that we will not treat an individual less favorably if they possess a protected characteristic	
Sexual orientation	No	The policy/procedure ensures that we will not treat an individual less favorably if they possess a protected characteristic	
Sex (gender)	No	The policy/procedure ensures that we will not treat an individual less favorably if they possess a protected characteristic	
Age	No	The policy/procedure ensures that we will not treat an individual less favorably if they possess a protected characteristic	

Question	Explanation	
Is it possible the proposed policy/practice/activity could discriminate or unfairly disadvantage people	No – it is our overall aim to ensure that no customer is discriminated against, or receives less favorable treatment because of a protected characteristic. In all "appropriate" circumstances we will comply with a duty to provide a reasonable adjustment.	
Decision	**Tick the relevant box**	**Include any justification required**
1. No barriers identified and no change required – **proceed**	N/A	
2. Barriers identified towards one (or more) protected groups – **adapt or change** the policy/practice/activity to remove any barriers. This will better advance equality and/or foster good relations	N/A	
3. Barriers identified towards one (or more) protected groups – **stop.** There are adverse effects which cannot be prevented / mitigated	N/A	
4. Barriers identified towards one (or more) protected groups – no proportionate way to amend the policy/practice/activity so **proceed with caution.**	N/A	

Action (To be completed as required)

If the Evaluation has resulted in Decision 4, complete a risk assessment and record on Operational Risk Register	**Date Completed**: N/A

Tenant Engagement Assessment – is engagement with tenants necessary?

Impact	**Tick relevant box**	**Note any details / justification**
No Impact on current tenants – you can proceed without engagement	N/A	
Direct or indirect impact on current tenants. **Stop!** Identify who will be affected ie all tenants or a specific group	Yes	Anyone receiving or requesting a service can make a Compliment, Complaint or provide Feedback.

Influence	**Tick relevant box**	**Note any details / justification**
No influence for tenants – i.e. wholly legislative – you can proceed without engagement.	N/A	
Possible influence on areas of policy/ practice/ activity impacting on tenants – **stop. Arrange engagement with EIO**	Yes	

Summary of engagement (To be completed as required)

Tenant group impacted and engaged (i.e. all/ sheltered)	Anyone receiving or requesting a service can make a Compliment, Complaint or provide Feedback.
Consultation method	Face to Face, In Person, email, phone and survey
Summary of engagement	Full review of Policy Procedure and associated documents in line with the Housing Ombudsman's Complaints Handling Code. Feedback also sought from Complaints Panel, Scrutiny Audit Taskforce and Business Process Review which both focused on Formal Complaints.
Key themes/ implications	

If you would like some assistance to work through this engagement assessment, please contact Jenny Webb – EIO.

Health & Safety Policy Review Assessment

Question	Additional information	
Does this policy/practice/activity address any Health & Safety practices?	N/A	
What is the key legislation related to this policy?	Housing Ombudsman's Complaint Handling Code	
Is the policy a control of a corporate or operational risk register? (if yes name risk)	N/A	
Tick groups/ departments who require knowledge of this policy		
	All staff	**Yes**
	ICT	
	Finance	
	Housing Options	
	Housing	
	Customer Services	
	Property	
	HR	
	Governance	
	Assisted Living	
	Contractors	
	Tenants	
Risk to tenants	**Tick the relevant box**	**Additional Information**
1. Are there additional measures required to reduce risk level to tenants.	N/A	
2. Has that risk been assessed?	N/A	
3. No Health & Safety implications	N/A	
4. Does it require tenant visibility?	Yes	If yes – upload to website

All assessments completed by:	Author: Heidi Ware – Customer Service Manager Date: March 2025
All assessments reviewed by:	Reviewer(s): Executive Team & Board – 20 May 2025 Date:
Will these assessments be published?	Completed assessments are appended to each policy. Any appropriate public related policies are uploaded to the EHA website

Feedback Method	Responsible for registering on Feedback Manager	Officer Assigned to for investigation and closure	*Appendix 2* Timescale for completion
Compliment	Any member of EHA staff	Manager of individual/service area	No completion timescale set. Compliment is assigned to the relevant manager as soon as it has been logged. Manager then responsible to raise with individual or team. Good practice to do this within 14 working days.
Comment	Any member of EHA staff	Relevant member of staff/manager	No completion timescale set. Comment is assigned to the relevant member of staff/manager as soon as it has been logged. Good practice to investigate within 14 working days and update the customer/Feedback Manager.
Service Request/Follow Up Request	Any member of EHA staff	Relevant member of staff/team	Completion timescale set at 5 working days.
Stage 1 Formal Complaint	Any member of EHA staff	Complaints & Resolutions Officer/Relevant Manager	Acknowledgement within 5 days of the complaint being received. Completion timescale set at 10 working days (after acknowledgement). With an extension not to exceed a further 10 working days where there is a rationale to do so.
Stage 2 Formal Complaint	Any member of EHA staff	Relevant Director, Chief Executive or nominated Board Member	Acknowledgement within 5 days of the complaint being received. Completion timescale set at 20 working days (after acknowledgement). With an

			extension not to exceed a further 20 working days where there is a rationale to do so.
Contract Disputes	Any member of EHA staff	Relevant member of Management or Executive Team	Dependant on details within the individual Contract or Service Level Agreement

Appendix 3

Compliments, Complaints and Feedback Service Standard

Providing excellent Customer Service is one of our main objectives. We aim to put the needs and aspirations of you, our customers, at the heart of everything we do. We view Compliments, Complaints and Feedback as a means of monitoring, maintaining and improving the level and quality of service we provide.

You can make a Compliment, Complaint or provide Feedback in a number of ways:

- Visit our offices in person
- Ring us on 01768 861400
- Send us an email to enquiry@edenha.org.uk
- Write to us at Blain House, Bridge Lane, Penrith CA11 8QU
- Logging into 'My Account' of our Tenants Portal
- Completing a survey

In addition, we will accept Compliments, Complaints and Feedback from family members, local Councilors or any other advocate acting in your best interests (providing you have authorised them to do so).

If you require assistance to use our service, we will do everything we reasonably can to assist by agreeing adjustments to how we deliver our service and acknowledging our obligations to the Equality Act 2010. This could include (but is not limited to):

- Providing advice and assistance about the process
- Providing information in appropriate alternative formats such as large print, braille and other languages
- Providing an interpreter
- Providing a same sex interview
- Extension of time limits (where it is lawful to do so)
- Use of email or telephone in preference to hard copy letters
- Rest or comfort breaks in any meeting

We will not make assumptions about whether you require any reasonable adjustment or about what those adjustments might be. We will discuss your requirements to reach an agreement that best suits your individual needs.

Definitions:

We define a complaint as:
'*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'.*

We will use the following definitions to ensure that we provide a fair and consistent service to all of our customers:

- **Service Request –** A service request is a request from a customer to the landlord requiring action to be taken to put something right.
- **Follow Up Request –** these generally arise when the customer continues to have an outstanding query in relation to an earlier service request. We will always provide advice/guidance and offer to log as a formal complaint at this stage, we will not stop our efforts to address the request if a complaint is logged
- **Compliment -** an expression of gratitude or praise for a member of staff or service area
- **Comment –** an area of strength or weakness, which can be used to continuously improve our services
- **Formal Complaint** – 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. When dealing with a formal complaint we will not stop our efforts to address the initial service request.

We operate a 2 Stage customer focussed Formal Complaints process which ensures that you are given the opportunity to explain your point of view and the outcome you're seeking before a final decision is reached.

We will provide all complainants with a written acknowledgement of their complaint including:

- the complaint stage and reference number
- our understanding of the complaint
- name of the investigating officer
- timescale for the response
- details of how to access the Housing Ombudsman's dispute support advisors throughout the life of the complaint
- a copy of our Service Standard

When responding to formal complaints we will:

- address all points raised and provide clear reasons for any decisions,
- acknowledge and apologise for any failures identified, inform of any changes made or actions taken to prevent the issues from happening again
- contact you if the given timescales cannot be met, we will let you know when you can expect a response and provide an explanation for the delay
- provide details of how to escalate the complaint if you remain dissatisfied

The response provided to the Stage 2 Formal Complaint marks the end of the Eden Housing Association complaints process. Should you remain dissatisfied with our response you can refer to the Housing Ombudsman.

The table below demonstrates who will deal with Formal Complaints, the timeframe for response and how to escalate your complaint to the Housing Ombudsman if you remain dissatisfied.

Stage 1 Formal Complaint Complaint will be logged and acknowledged within 5 working days Timeframe for response - 10 working days (after acknowledgement)			
General Complaint	Complaint relating to the behaviour of a member of staff	Complaint relating to the behaviour of a Director	Complaint relating to the behaviour of the Chief Executive or Board Member
Who will deal with the Stage 1 Formal Complaint?			
Complaints & Resolutions Officer or Appropriate Manager	Appropriate Manager (in consultation with HR if required)	Chief Executive (in consultation with HR if required)	Nominated Board Member
If the complainant remains dissatisfied escalate to Stage 2 Formal Complaint Complaint will be logged and acknowledged within 5 working days Timeframe for response – 20 working days (after acknowledgement)			
Who will deal with the Stage 2 Formal Complaint			
Director of the Service or other Director or CEO	Director of the Service	Nominated Board Member	Nominated Board Member
This concludes Eden Housing Association's Formal Complaints Process If the complainant remains dissatisfied they can direct their complaint to the Housing Ombudsman			

Housing Ombudsman – If the complainant remains dissatisfied, they can refer to the Housing Ombudsman. Their aim is to deal with each complaint to find the best outcome for the individual circumstances.
Once the complaint has been received the Housing Ombudsman may:

- Work with the complainant and the landlord to resolve the dispute under their early resolution procedure. For example, using their experience of resolving complaints to make suggestions to the landlord and/or the customer
- Carry out an investigation - this generally takes place when the Housing Ombudsman decide an investigation is proportionate to the circumstances and evidence presented
- Refer the case to a different organisation if it is an issue that does not fall within the Housing Ombudsman's jurisdiction

Further information relating to the Housing Ombudsman can be found obtained by contacting the Housing Ombudsman:

1. Tel: 0300 111 3000
2. Post: Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET
3. Online www.housing-ombudsman.org.uk

Phoneline opening hours:

- Monday, Tuesday, Wednesday, Friday 9am - 5pm Thursday 9am - 3.30pm
- The phone lines are closed on weekends and bank holidays.
- Calls to and from 0300 111 3000 and direct dial lines of the Dispute Resolution Team are recorded for training and monitoring purposes.

Please note the Housing Ombudsman: strongly encourage you to use the online complaint form (which can be found on their website) to raise a complaint rather than sending via post. **Do not** send original documents by post as they are unable to post them back to you. The Housing Ombudsman does not accept any new case enquiries sent via email.

Appendix 4

Housing Ombudsman Scheme

The Housing Ombudsman Scheme is approved by the Secretary of State under section 51 of, and Schedule 2 to, the Housing Act 1996 as amended by the Localism Act 2011, the Building Safety Act 2022 and the Social Housing (Regulation) Act 2023 (the Act).

The Act requires social landlords, as defined by section 51(2) of the Act, to be members of an approved scheme. Others may join the Scheme on a voluntary basis. The purpose of the Housing Ombudsman Scheme is to enable tenants and other individuals to have complaints about members investigated by a Housing Ombudsman.

The role of the Ombudsman is to resolve disputes involving members of the Scheme, including making awards of compensation or other remedies when appropriate, as well as to support effective landlord and tenant dispute resolution by others.

The Scheme came into effect on **1 April 2024** and replaces the previous Scheme.

People who can use the Scheme

The following people can make complaints to the Ombudsman about members:

a. a person who is or has been in a landlord/tenant relationship with a member. This includes people who have a lease, tenancy, licence to occupy, service agreement or other arrangement to occupy premises owned or managed by a member. If the complaint is made by an ex-occupier, they must have had a legal relationship with the member at the time that the matter complained of arose;
b. an applicant for a property owned or managed by a member;
c. a representative of any of the people above who is authorised by them to make a complaint on their behalf;
d. a representative of any of the people above who does not have the capacity to authorise a representative to act on their behalf. The Ombudsman must be satisfied that the representative has the legitimate authority to act on the person's behalf; or
e. a person with authority to make a complaint on behalf of any of the people above who is deceased.

The Ombudsman may accept one complaint from more than one complainant or a group about the same member if the issues and facts are the same without carrying out multiple investigations.

What can be complained about

A complaint:

a. relates to the actions or omissions of a member which, in the Ombudsman's opinion, have affected the complainant in respect of their application for, or occupation of, property
b. falls within the Ombudsman's jurisdiction as set out in paragraph
c. falls within the Ombudsman's jurisdiction as set out in paragraph

A complaint is duly made when:

a. it has been referred to the Ombudsman
b. it has exhausted, or the Ombudsman has decided it has exhausted, the member's internal processes for considering complaints, and
c. the Ombudsman has obtained evidence that the requirements are met

The Ombudsman must decide whether a complaint comes within their jurisdiction under the terms of the Scheme.

The Ombudsman will make any enquiries that they consider necessary to decide if a complaint comes within their jurisdiction or to resolve a complaint.

Where a complaint has been referred to the Ombudsman which, in their opinion, does not meet the requirements, the Ombudsman will decide the complaint as outside jurisdiction and provide a statement of reasons.

The Ombudsman must investigate any complaint duly made, not withdrawn, or not referred to a member for resolution.

A complainant may withdraw the complaint at any time, but the Ombudsman must be satisfied as to the circumstances and may make whatever enquiries they see fit, before ceasing consideration of the complaint. The Ombudsman may investigate any complaint duly made but withdrawn.

Complaints which the Ombudsman cannot consider

The Ombudsman cannot consider complaints which, in the Ombudsman's opinion

a. were not referred to the Ombudsman by one of the people who can use the Scheme
b. concern matters which do not relate to the actions or omissions of a member of the Scheme;
c. concern matters that are the subject of court proceedings or were the subject of court proceedings where judgement on the merits was given
d. concern matters in respect of Local Housing Authorities in England which do not relate to their provision or management of social housing, or the management of dwellings which they own and let on a long lease.

What the Ombudsman can do following investigation

The Ombudsman's determination may uphold or reject the complaint and make orders or recommendations, including that the member:

a. apologise to the complainant;
b. pay compensation to the complainant;

c. performs or does not perform any of the contractual or other obligations existing between the member and the complainant;
d. exercises or does not exercise any of the rights existing between the member and the complainant;
e. undertakes or refrains from undertaking works;
f. review and/or update policies and practice where a matter may result in further complaints about the same matter; and/or
g. takes such other reasonable steps to secure redress within the legal powers of the member.

Where the Ombudsman's consideration of a complaint finds evidence of maladministration the Ombudsman may order the member to take steps to put things right.

Compliance with the Ombudsman's orders

a. Members must provide evidence of compliance with the orders of the Ombudsman within the timescale given by the Ombudsman.
b. The Ombudsman may require a member to report to the Ombudsman on compliance with a determination in such a way and at such a time as the Ombudsman may specify.
c. The Ombudsman will report a member to any appropriate regulatory agency and/or the board, committee or scrutiny panel of the member, if it fails to comply with the Ombudsman's determination.
d. The Ombudsman may order a member which fails to comply with a determination to publish that it has failed to comply, in such a way as the Ombudsman sees fit.
e. The Ombudsman may publish the fact and circumstance of non-compliance by any named member in a special report and may also include these details in the Ombudsman's annual report or elsewhere.
f. Failure to provide or facilitate any of the above may result in a determination of complaint-handling failure
g. The Ombudsman may apply to the Secretary of State for an order which makes provision for, or in connection with, authorising the Ombudsman to apply to a court or tribunal for an order that a determination made by the Ombudsman may be enforced as if it were an order of a court.

Complaint Handling Code Self-Assessment

The Social Housing (Regulation) Act 2023 (the Act) empowered the Housing Ombudsman to issue a code of practice about the procedures members of the Scheme should have in place for considering complaints.

It also placed a duty on the Ombudsman to monitor compliance with a code of practice that it has issued. The Ombudsman consulted on the Complaint Handling Code (the Code) and our intended approach to the duty to monitor in late 2023. The statutory Code will take effect from 1 April 2024 and our duty to monitor compliance will commence at the same time.

Where the Housing Ombudsman finds an organisation has deviated from the Code in policy or practice, it may use its powers to put matters right and ensure compliance with the Code. Where a landlord's policy does not comply with the Code, it must

provide a detailed explanation for non-compliance in its self-assessment and the date by which it intends to comply.

Where there are exceptional circumstances which mean a landlord cannot meet specific requirements of Code, for example a small provider does not have a website, the Ombudsman will take a proportionate approach. In these circumstances, landlords must undertake all reasonable endeavours to deliver the intentions of the Code in an alternative way, for example by publishing information in a public area so that it is easily accessible.

Self - assessment

There will be a legal duty placed on the Ombudsman to monitor compliance with the Code, regardless of whether it receives individual complaints from residents about a landlord. For the first time, this means landlords will need to submit their self-assessment annually to the Ombudsman. The timing of the annual submission to the Ombudsman has been aligned with the Regulator of Social Housing's requirements for the publication and submission of Tenant Satisfaction Measures (TSM) outcomes.

The self-assessment must also must be published on their websites so that residents are able to easily access it.

Additional information regarding the Housing Ombudsman Services can be found on their website:

https://www.housing-ombudsman.org.uk

Appendix 5

This guidance note from the Housing Ombudsman is particularly concerned with claims pursuant to the Pre-Action Protocol for Housing Conditions Claims (the protocol) but can be applied to any relevant legal action

Issue

There will always be some matters of disrepair that will be more complex and difficult to resolve than others. Residents may consider resorting to legal claims to get these issues resolved, and landlords are concerned about the increase in the number of legal firms seeking out disrepair claims. This guidance note is particularly concerned with claims made pursuant to the Pre-Action Protocol for Housing Conditions Claims (the protocol) but can be applied to **any relevant legal action.**

Legal action can be stressful, costly and time-consuming for residents and, for landlords, it can divert much needed funds away from investment programmes. It is, therefore, particularly important that these cases are handled with care to maintain the relationship between the resident and the landlord and to minimise the risk of them becoming protracted and contentious.

Background

In order to effectively manage these cases, landlords should ensure that they are equipped to identify cases at risk of becoming legal issues at an early stage and have appropriate strategies in place to progress them accordingly. These processes should have continuing emphasis on ensuring that the resident: is kept informed; feels that the landlord is taking the issue seriously; and is assured that the matter is progressing.

The Ombudsman's approach

Under the Housing Act 1996, where the Housing Ombudsman investigate a complaint, they must determine it by reference to what is, in the Ombudsman's opinion, fair in all the circumstances. When assessing cases involving potential legal claims, they will often consider how the landlord handled both the substantive repairs complained of and the associated formal complaint.

Managing legal cases

Whilst it is a resident's prerogative to follow the protocol and make a claim, they should first consider whether following alternative dispute resolution (ADR) avenues, such as the landlord's internal complaints process (ICP) and the Housing Ombudsman's investigation process, might be more beneficial. Both the Ombudsman and the courts will look to see that ADR has been attempted in the first instance. Making use of ADR will usually mean:

- More timely resolution of the issues
- A more simple and flexible approach to redress
- No legal costs incurred by the resident
- Reduced costs for the landlord allowing greater expenditure on investment programmes

- The investigation and resolution will not be limited in scope in the way that a disrepair claim would be
- The potential to benefit other residents in similar circumstances through resolution and proactive learning
- There is an impartial and independent assessment of the landlord's actions by the Ombudsman.

Even when a landlord receives correspondence initiating the protocol, it is important that they do not disengage from either the ICP **or the repair issue itself**. Commencing the protocol does not constitute legal proceedings and ADR can be pursued at any stage of the protocol.

The Ombudsman's view is that a matter does not become 'legal' until proceedings have been 'issued'. The issuing of proceedings involves filing details of the claim, such as the Claim Form and Particulars of Claim, at court. The court will then serve this on the respondent for them to answer to.

The Ombudsman also stresses the importance of landlords remaining committed to inspecting properties as soon as a claim is raised and to completing the repairs needed as soon as is practicable. Where a resident has been advised by a solicitor to deny access to complete the repairs, the landlord should consider alternative methods of gaining access, such as seeking an injunction.

In the interests of effectively managing legal claims and promoting ADR, landlords should consider taking the following steps:

- Being clear with the resident on how it is handling correspondence – whether under the ICP or the protocol or both.
- Clearly communicating to the resident when a complaint has exhausted the ICP, and which correspondence constitutes the final complaint response (this can be from the landlord's complaints team or legal team/representative and can include a landlord's response to a letter of claim under the protocol).
- Directing residents who have completed the ICP to the Ombudsman, for a free, independent and impartial assessment of the case. Whilst landlords may manage residents' expectations around our jurisdiction, it is ultimately for us to decide whether we will investigate a complaint.
- Even when proceedings have been issued, ensuring that all matters raised in subsequent correspondence form part of those proceedings and do not need addressing via another route, such as the ICP. Landlords should make use of the full effect of their ICP wherever possible and not prematurely close complaints because of existing unrelated proceedings.
- Using intelligence from these cases to identify potentially systemic issues (which might be replicated across a building or estate) and feed into their long-term asset management strategy and/or proactive actions to prevent similar cases.

Spotlight on Damp and Mould

Whilst claims under the protocol or complaints about repairs may concern issues other than damp and mould, this section of the guidance focuses on complaints relating to this issue.

When investigating an unresolved complaint in relation to Damp and Mould the Ombudsman's assessment will include:

- Whether the landlord has fully and fairly investigated the issues, including engaging independent expertise where appropriate, and communicated this effectively with the resident?
- Where the issues are structural, has the landlord taken appropriate and reasonable steps to undertake repairs and address them?
- Where the issues are non-structural, has the landlord done all it can to mitigate the impact and provide appropriate support to the resident?
- Throughout its response, has the landlord considered the individual circumstances of the resident, including any vulnerabilities or health issues?
- Where significant works are required, has the landlord appropriately managed the resident's expectations regarding timescales, considered whether a decant might be necessary, and/or completed smaller remedial works to improve the resident's living environment pending completion of the works?
- Has the landlord taken appropriate steps to ensure the effective operation of communication channels between its own teams and the resident throughout the repairs and complaints processes?

Each case will be considered on its own individual facts and circumstances. This guidance note is not intended to restrict the Ombudsman's investigations or fetter their discretion.

*****It is the responsibility of all staff to keep abreast of all the Housing Ombudsman Spotlight Reports – these can all be found on the Housing Ombudsman Website*****