EDEN HOUSING ASSOCIATION LIMITED

COMPLIMENTS, COMPLAINTS AND FEEDBACK PROCEDURE AND GUIDANCE FOR STAFF

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Review/Amendments Record

Date	Change by	Summary of Change
March 2021		Changes in line with Housing Ombudsman's Complaints Handling Code
June 2022	Heidi Ware	Changes in line with the Housing Ombudsman's Complaint Handling Code
Sept 2022	Heidi Ware	Hsg Ombudsman Opening times
Nov 2022	Heidi Ware	Removal of reference to the Designated Person
Nov 2022	Heidi Ware	Guidance note added from Hsg Ombudsman relating to claims pursuant to the pre-action protocol for Housing Condition Claims
April 2023	Heid Ware	Updated Exclusion section to make reference to Letter Before Claim/Action
June 2024	Heidi Ware/Mark Barrow	Ongoing review of operational processes following changes to 2024 CHC.
March 2025	Heidi Ware/Mark Barrow	Updates to procedure following annual review/self-assessment against the Housing Ombudsman's CHC. No changes to the code however changes made where our operational processes have been enhanced.

1. Introduction

This procedure is intended as a working guide for all staff and is in place to assist logging and dealing with:

- Compliments
- Comments
- Follow Up Requests
- Formal Complaints.

Staff are always encouraged to use a 'common sense' approach to resolve issues at the first point of contact. This procedure should be read alongside the Compliments, Complaints and Feedback Policy and the Feedback Manager User guide (both documents can be found on ERNIE).

This policy does not apply to issues with heat networks. A heat network complaint policy will be provided on request.

2. 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 customers (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.

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'.*

If the customer wanting to make a Compliment, Complaint or provide Feedback is not an EHA tenant or wishes to remain anonymous they may do so.

3. How can the 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.

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. Eg 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.

4. Internal Recording Tool

We will use the Feedback Manager module of our Housing Management system Orchard to log, manage and provide statistical reports in relation to:

- Comments
- Compliments
- Follow Up Requests
- Formal Complaints

In addition, the Feedback Manager module allows us to log Contract Disputes (for reporting purposes only). Service level agreements are in place to address contract disputes.

5. 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 service 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 choice to make a complaint. A complaint that is submitted via a third party or representative must be handled in line with the landlord's 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.

Appendix 1 details responsibility and timescales set to deal with Compliments, Complaints and Feedback.

6. 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.

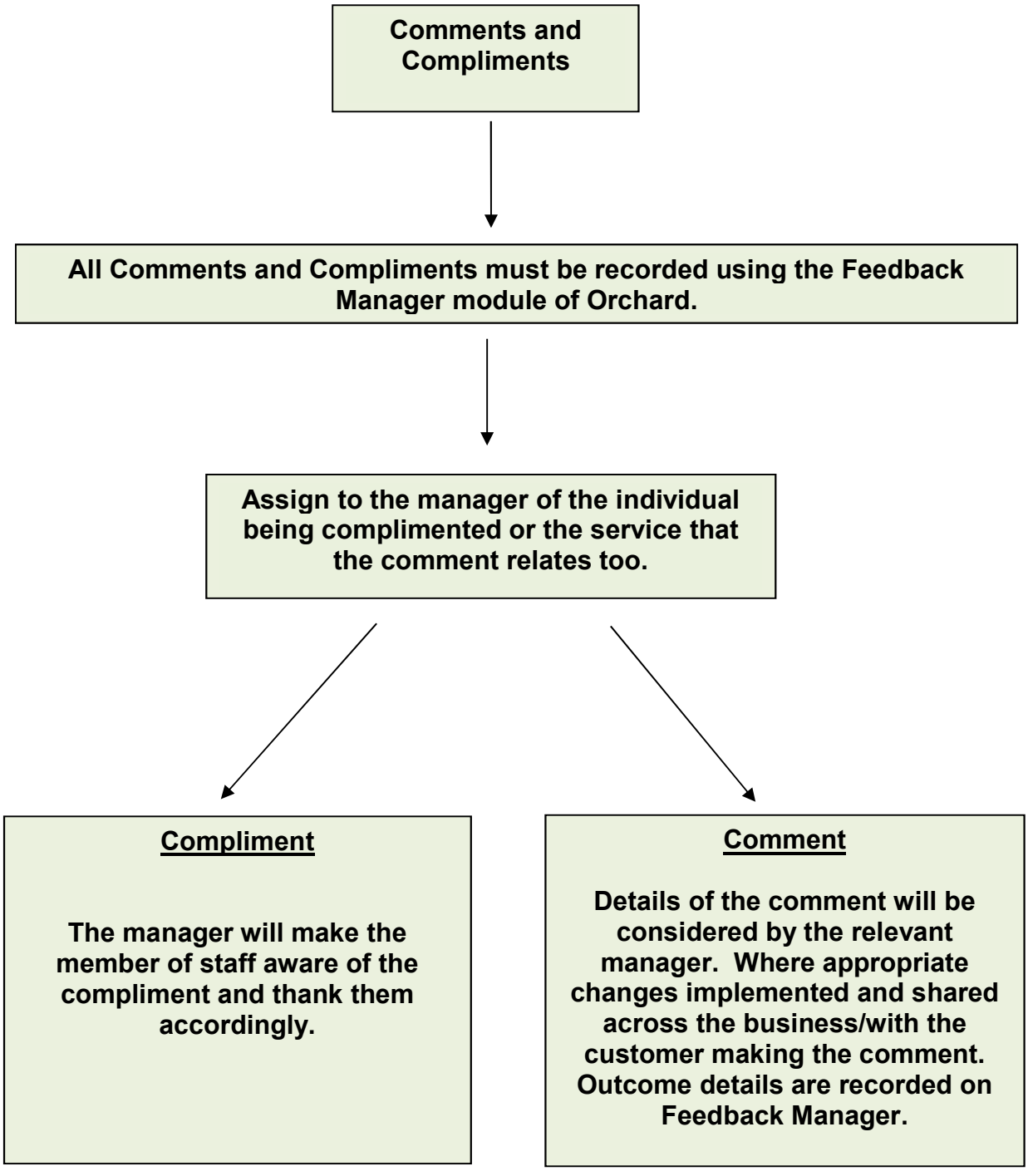
In relation to claims pursuant to the Pre-Action Protocol for Housing conditions claims we will remain committed to inspecting properties as soon as a claim is raised and to completing the repairs needed as soon as is practicable. Where a resident has been advised by a solicitor to deny access to complete 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.

7. Comments and Compliments

Full details of how to register Comments and Compliments are provided within the Feedback Manager User Guide.



Compliments

- All compliments should be recorded using the Feedback Manager module of Orchard.
- Where individual members of staff/teams are named, details should be assigned to the manager. The manager should then thank accordingly.
- Where the Association as a whole is being complimented, details should be assigned to the Executive Team.
- A quarterly summary of compliments is shared with members of the Executive Team.

Comments

- All comments should be recorded using the Feedback Manager module of Orchard.
- Comments received may be used to improve and/or introduce new services.
- The comment should be passed to the relevant manager for consideration.
- The manager will consider the comment and deal with it appropriately. Once the comment has been considered the manager must update Feedback Manager to detail what action has or hasn't been taken and fed back to the customer, for example

Comment: **Mrs Smith, 55 No Street, No Town**
" I think that Eden Housing Association should consider providing a gardening service"

Manager: Comment considered, appropriate notes added to Feedback Manager detailing actions taken or plans in place to implement or disregard.

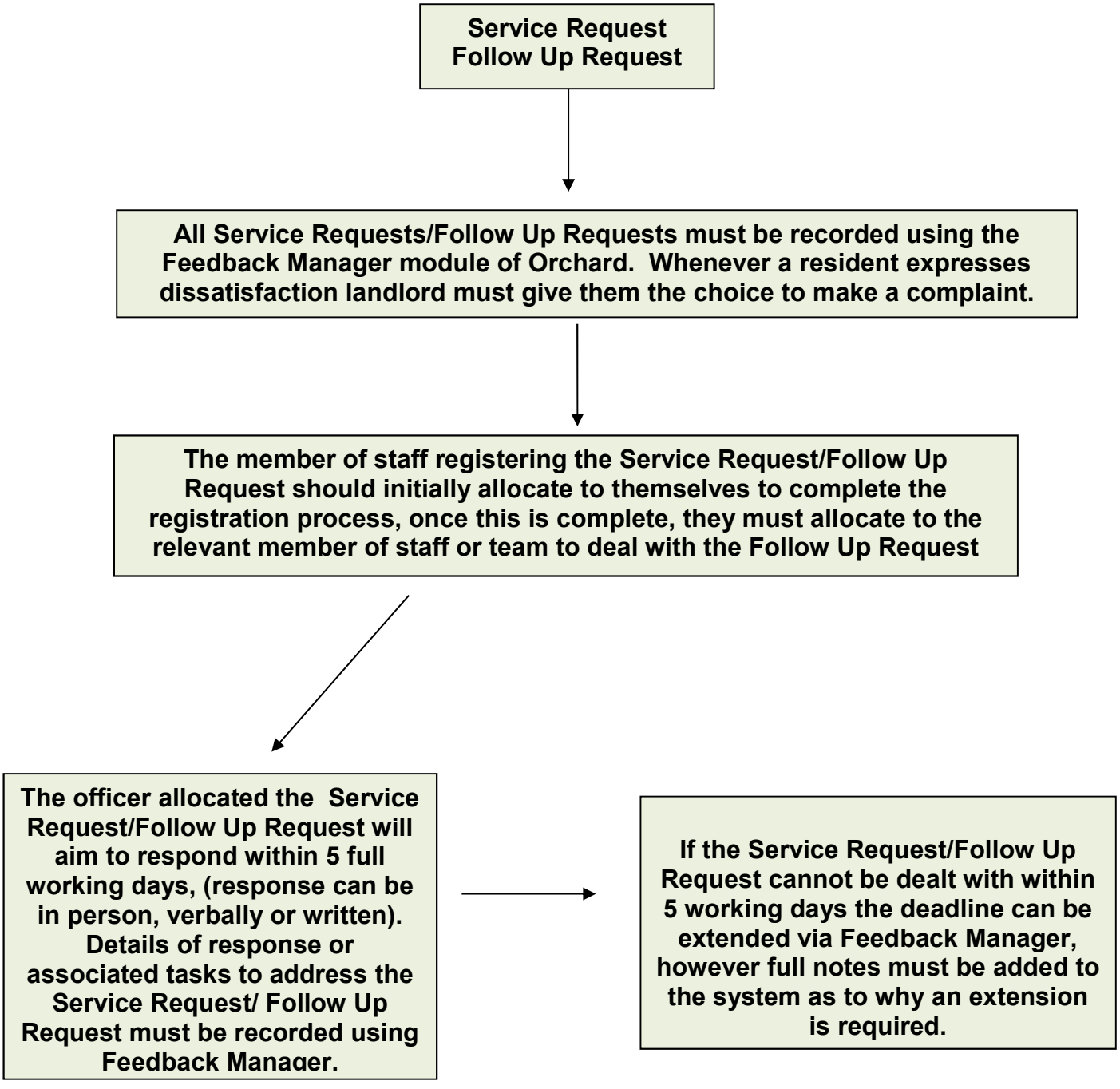
10/03/2025 Discussed at Management Team and agreed to form a working group of staff and customers to investigate positives and negatives of providing a gardening service. Mrs Smith made aware via phone call 11/03/2025 and invited to be part of working group. Heidi Ware, Customer Service Manager 11/03/2025

or

01/03/2025 Discussed at Management Team and agreed that this is not a project we feel would benefit the business at present. Mrs Smith contacted to thank for her comment and an explanation provided as to why we will not be taking forward. Heidi Ware Customer Service Manager 11/03/2025

8. Service Request/Follow Up Requests

Full details of how to register Service Requests/Follow Up Requests are provided within the Feedback Manager User Guide.



Service Requests/Follow Up Requests – General Guidance

PLEASE NOTE

It is imperative that extensive notes are added to Feedback Manager by both the officer registering and dealing with the Service Request/Follow Up Request.

This will not only improve the customer experience but will also allow any member of staff to view the case and clearly see what actions have been taken.

- Service Requests/Follow Up 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
- Whenever a resident expresses dissatisfaction landlord must give them the choice to make a complaint.
- All Service Requests/Follow Up Requests should be recorded using the Feedback Manager module of Orchard.
- If the Service Request/Follow Up Request is received via letter or email this must be scanned to wisdom (using the correct Service Request/Follow Up Request reference number).
- Service Request/Follow Up Requests can be assigned either to an individual or a team. Before assigning a Service Request/Follow Up Request to an individual officer you must check that the officer is available to deal within the timescale required (not on annual leave or sickness), if they are unavailable it should be assigned to the whole team.
- If the Service Request/Follow Up Request is assigned to a team it will appear in everyone's worklist until actioned by one member of the team. Once picked up it will disappear from everyone else's worklists.
- When logging a Service Request/Follow Up Request, the customer will be advised that we will aim to deal with it within 5 working days. If this is not possible to meet this timescale the date must be extended on the system. In these instances, it is the responsibility of the officer dealing with the Service Request/Follow Up Request to extend the deadline on the system, make the customer aware and add full notes to Feedback Manager.
- Responses to the Service Request/Follow Up Requests can either be via phone, email, verbally or in writing dependant on what has been agreed with the customer. Regardless of how the Service Request/Follow Up Request is responded to full notes must be added to Feedback Manager.
- All correspondence relating to the Service Request/Follow Up Request must be scanned to the document tab of Feedback Manager.
- All staff can view and add information to the Service Request/Follow Up Request after it has been logged, for example telephone calls, visits to the office, emails and written correspondence using the events option on Feedback Manager, (emails and written correspondence should be scanned to the individual case). It is good practice to make the officer dealing with the follow up request aware of any additional contact either verbally or via email.

9. Formal Complaints

Full details of how to register Formal Complaints are provided within the Feedback Manager User Guide.

Stage 1 Formal Complaint
will be logged and acknowledged within 5 working days

The acknowledgement letter will include a case number, details of investigating officer, the resolution the complainant is seeking and timeframe for a response.

Stage 1 Formal Complaint is investigated and a response sent to the complainant 10 working days from acknowledgement, and up to a further 10 working days where an extension is required. Stage 1 Complaint will be closed at this point.

If the complainant remains dissatisfied the complaint will be escalated to a Stage 2 Formal Complaint will be will be logged and acknowledged within 5 working days

The Stage 2 acknowledgement letter will include a case number, details of investigating officer, the resolution the complainant is seeking and timeframe for a response (up to 20 working days from acknowledgement).

Stage 2 Formal Complaint is investigated and a response sent to the complainant within 20 working days of the acknowledgement, and up to a further 20 working days where an extension is required

This concludes Eden Housing Associations Formal Complaints process

If the complainant remains dissatisfied they can direct their complaint to the Housing Ombudsman

Appendix 2 provides details of how to escalate the complaint to the Housing Ombudsman.

Formal Complaints – General Guidance

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
- Failure to provide information or the right information in a timely manner
- Poor or unsuitable advice given
- Failure to respond to enquiries
- 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

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 aim to manage the expectations of the complainant from the outset, being focussed on what we can do and also being clear where a desired outcome is unreasonable or unrealistic.

- Complaints involving matters of a very personal or confidential nature, e.g. complaints about the behaviour of members of staff should be assigned to the Complaints Officer who will work with the relevant manager using the “Sensitive” area of the complaints recording process. The Complaints Officer / manager may consult HR for additional advice on how to proceed if required.
- Complaints about a Director should be referred to the Chief Executive using the “Sensitive” section of the complaints recording page in Feedback Manager.
- Complaints about the Chief Executive or a Member of the Board should be referred to the Chair/Vice Chair of the Board or the Chair or Vice Chair of Audit and Risk using the “Sensitive” section of the complaints recording page in Feedback Manager. If further guidance is required please speak directly to the Complaints Officer or the Customer Service Manager.
- The Chief Executive/Director of Finance and Corporate Resources must be informed of any complaint relating to or containing allegations of financial impropriety (e.g. theft) or fraud. The complaint should be processed as normal.
- Where the nature of the complaint being processed involves some actual or potential contravention of any rule of law or code of practice, or

maladministration or an alleged injustice, then the appropriate Director will inform the Chief Executive of progress and action proposed to seek appropriate advice, should the complainant remain dissatisfied.

- If a complainant has suffered injury or damage to property and indicates their intention to make a claim against the Association, the Financial Accountant and Customer Service Manager should be made aware in the first instance, they will ensure that all details are recorded appropriately and reported to the executive team.

- The Executive team must be kept informed of the progress of complaints which could reasonably be expected to be the subject of court or tribunal proceedings, or which are in the hands of the Association's insurers.

- Preliminary investigations of the complaint may reveal circumstances that require disciplinary action to be considered. In such cases the Executive Team must be informed as soon as this possibility becomes apparent. The complaint will be investigated (though not necessarily to its conclusion) before disciplinary action is considered. Disciplinary action will be separate from the investigation of the complaint.

Dealing with a Formal Complaint

The Complaints & Resolutions Officer (please read as including 'or other designated Officer'.) investigating a Formal Complaint must:

- take ownership of all complaints involving a third party ie 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
- be able to act sensitively and fairly
- be able to receive complaints and deal with distressed and upset complainants
- recognise that putting things right is the first step to repairing and rebuilding the relationship
- have access to staff at all levels to facilitate quick resolutions of complaints
- have the authority and autonomy to act to resolve disputes quickly and fairly
- deal with the complaint in an impartial manner, seeking sufficient reliable information from both parties so that fair and appropriate findings and recommendations can be made including any recurring issues
- 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.
- Additional complaints can be incorporated in to the stage one response at any time whilst the complaint is open

- deal with complaints on their own merits
- act independently and have an open mind
- take measures to address any actual or perceived conflict of interest
- keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter
- make sure that they don't promise anything that cannot be delivered or would cause unfairness to other residents

The following should be considered when investigating a Formal Complaint:

- what the complaint is about?
- what evidence is needed to fully consider the issues?
- whether this is a recurring issue, if so consideration of previous reports should be taken into account
- the complainant's needs for example where there is a vulnerability or where reasonable adjustments are in place
- what risks the complaint raises for the organisation?
- what outcome would resolve the matter for the complainant?
- any urgent action required?

When communicating with the complainant the Complaints & Resolutions Officer must:

- use plain language that is appropriate to the complainant
- address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate
- where a key issue of the complaint relates to the parties legal obligations the Complaints & Resolutions Officer should clearly set out its understanding of the obligations of both parties and seek clarification before doing so where this is not initially clear
- adhere to any arrangements agreed with residents in terms of frequency and method of communication

The complainant should be kept updated and informed throughout the complaint even if there is no new information to provide, notes of these conversations should be added to Feedback Manager. This gives the complainant the opportunity to comment on any adverse findings before a final decision is made.

The complainant, and if applicable any staff member who is the subject of the complaint must also be given a fair chance to:

- set out their position
- comment on any adverse findings before a final decision is made

Putting things right

Where something has gone wrong it is important that we acknowledge this and set out the actions we have already taken or intend to take. Examples of where action to put things right may be taken:

- there was an unreasonable delay
- inaccurate or inadequate advice, explanation or information was provided
- our policy/procedure was not followed correctly without good reason
- there was a factual or legal error that impacted on the outcome for the complainant
- there was unprofessional behaviour by staff

We can 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. Remedies could include could include:

- acknowledging when things have gone wrong
- providing an explanation, assistance or reasons
- apologising
- taking action if there has been a delay
- reconsidering or changing a decision
- amending records
- providing a financial remedy
- changing policies, procedures and practices

In reaching a conclusion factors could include:

- length of time that a situation has been ongoing
- frequency with which something has occurred
- severity of any service failure or omission
- number of different failures
- cumulative impact on the complainant
- complainants' individual circumstances or vulnerabilities

When offering a remedy, we will clearly set out what will happen and by when, in agreement with the complainant where appropriate. Any remedy proposed MUST be followed through to completion and any amendments to an agreed remedy explained clearly with the complainant along with reasons for the changes

Service Failure Payments

Where it is clearly demonstrated that we have failed to deliver some aspect of our service, a customer has suffered as a result and the reasons for this were within the control of the Association we will ensure that our remedy reflects the impact on the resident. In some instances, we may consider paying compensation. In awarding compensation, we will consider whether any statutory payments are due, if any quantifiable losses have been incurred as well as the time and trouble a complainant has been put to as well as any distress and inconvenience caused.

Compensation payment considered appropriate by the Association where the service failure was caused by the under-performance of a contractor, will be notified in advance to the contractor and subsequently reclaimed from the contractor's invoice.

Who else can help whilst the complaint is ongoing?

Not only do the Housing Ombudsman investigate complaints if the complainant has exhausted our internal complaints process, but they can also actively support both customers and landlords to find a resolution whilst the complaint is ongoing.

The Housing Ombudsman's Dispute Resolution service can assist by preventing problems escalating and improving the landlord/customer relationship. *(Please Note: The Housing Ombudsman cannot make a formal decision on a case at this stage).* The Housing Ombudsman's contact details can be found in **Appendix 2**.

Stage 1 Formal Complaint Process

- All Stage 1 Formal Complaints will be logged via Feedback Manager within five working days of the complaint being received. Any member of staff can log a Formal Complaint.
- The officer logging the complaint is responsible for sending out the initial acknowledgement letter.
- Within the initial acknowledgement letter complainants are made aware of the case reference number, the officer investigating their complaint and a timeframe for response (10 working days). Our formal complaint acknowledgement letters will set out our understanding of the complaint and the outcomes the resident is seeking. If any aspect of the complaint is unclear, the resident must be asked for clarification.
- The complaint is then assigned to the Complaints & Resolutions Officer for investigation.
- Feedback Manager allows the Complaints & Resolutions Officer to determine if there are any current outstanding complaints. This information together with any previous history or other information that may be relevant should be considered.
- If the complainant raises additional complaints during the investigation these should be incorporated into the Stage One response. 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
- Whilst investigating the complaint the complainant will be given the opportunity to explain their point of view and the outcome they are seeking before a final decision is reached.

- A response must be sent to the complainant when the answer to the complaint is known, not when the outstanding actions required to address the issue, are completed. Outstanding actions must still be tracked and actioned expeditiously with regular updates provided to the complainant.

- The Complaints & Resolutions Officer must respond to the complaint within 10 working days of the complaint being logged. Exceptionally, it

may be necessary to provide an explanation to the resident containing a clear timeframe for when the response will be received. If the Complaints & Resolutions Officer is unable to resolve the complaint within 10 working days we will provide an explanation for the delay and agree a revised date for the response (this should not exceed a further 10 days without good reason). Full details/notes must be added to Feedback Manager. *If an agreement cannot be reached we will provide the complainant with contact details for the Housing Ombudsman.*

- After the complaint has been investigated a formal response will be sent to the complainant.
- Upon closure of a complaint the Complaints & Resolutions 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 & Resolutions 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.

- If the complainant remains dissatisfied with the response they can escalate to Stage 2 of the Formal Complaints process and will be asked which element of the complaint they remain dissatisfied with and what action they feel would resolve the complaint.

The complaint will then be escalated to a Stage 2 Formal Complaint, a letter acknowledging this will be sent to the complainant and will include the case reference number, name of the investigating officer and a timeframe for response. Where an exclusion ground applies and the Association declines to escalate a complaint, this will be clearly communicated with the complainant referring to the Policy as well as the complainant's right to approach the Ombudsman about the decision.

When we receive a request to escalate a Formal Complaint we will consider:

- what the escalation review will be about ie why the complainant remains dissatisfied, and whether any part of the complaint has already been resolved
- who needs to be kept informed
- what evidence needs to be gathered - comments from those involved, relevant policies and contemporaneous records, inspections etc

Appendix 3 and 4 are the Stage 1 Acknowledgement and Response templates. These are generated from Feedback Manager and should be completed to meet the needs of the individual case/complainant. They can either be sent via the post or email dependant on what has been agreed with the complainant. A copy of the service standard will also be sent with each of these letters.

Appendix 7 is the template holding letter to be used if the investigating officer is unable to respond within the timeframe originally agreed.

Stage 2 Formal Complaint Process

- The officer logging the Stage 2 complaint will record via Feedback Manger clearly identifying the Stage 1 reference number within the notes, this can be done by any member of staff.
- The officer logging the complaint is responsible for sending out the acknowledgement letter within five working days of the complaint being received.
- Within the acknowledgement letter complainants are made aware of the case reference number, details of what they are dissatisfied with, the outcome they seek, the officer investigating their complaint and a timeframe for response (20 working days).
- The complaint is then assigned to an officer for investigation, in line with the table at Appendix 1.
- Feedback Manager allows the investigating officer to view full details of the Stage 1 complaint and response. This information together with any previous history that may be relevant should be considered by the investigating officer.
- Whilst investigating the complaint the customer will be given the opportunity to explain their point of view and the outcome they are seeking before a final decision is reached.
- If the investigating officer is unable to resolve the complaint within 20 working days we will provide an explanation for the delay and agree a revised date for the response with the complainant. Full details must be added to Feedback Manager*. If an agreement cannot be reached we will provide the complainant with contact details for the Housing Ombudsman.*
- The investigating officer must respond to the complaint within 20 working days of the complaint being logged. Exceptionally, it may be necessary to provide an explanation to the resident containing a clear timeframe for when the response will be received. If the investigating officer is unable to resolve the complaint within 20 working days we will provide an explanation for the delay and agree a revised date for the response (this should not exceed a further 20 days without good reason). Full details/notes must be added to Feedback Manager. *If an agreement cannot be reached we will provide the complainant with contact details for the Housing Ombudsman.*

- After the complaint has been investigated a formal response will be sent to the complainant followed by the Formal Complaint satisfaction survey.

The response provided by the investigating officer dealing with the Stage 2 Formal Complaint marks the end of the Eden Housing Association's 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 remain dissatisfied with the response provided.

Appendix 5 and 6 are the Stage 2 Acknowledgement and Response templates. These are generated from Feedback Manager and should be completed to meet the needs of the individual case/complainant. They can either be sent via the post or email dependant on what has been agreed with the complainant. A copy of the service standard will also be sent with each of these letters.

Appendix 7 is the template holding letter to be used if the investigating officer is unable to respond within the timeframe originally agreed.

10. Referring to the Housing Ombudsman

Housing Ombudsman

Contact with the Housing Ombudsman can be made at any point during the complaints process. Guidance is included within our Policy/Procedure, Service Standard and all acknowledgement and stage 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

Appendix 2 provides additional information and contact details of how to refer to the Housing Ombudsman.

Appendix 8 provides additional information on the Housing Ombudsman Scheme, the Complaint Handling Code and Complaint Handling Orders.

11. Learning from Complaints

We will always look beyond the circumstances of individual complaints and consider if anything needs to be put right in terms of processes or systems that would benefit **all** of our customers. In addition, we ask all complainants to complete a Formal Complaints Satisfaction Survey upon closure of their complaint to aid learning and service improvements. We aim to proactively use

learning from complaints to revise policies and procedures, train staff and to improve communication and record keeping.

Details of any learning points and/or actions which can be taken from complaints are recorded upon closing down the complaint.

The officer dealing with the complaint will:

- Ensure that the complainant is made aware of any learning points/actions following the complaint
- Discuss learning points/actions with staff/management team

We will closely monitor all complaints and the data collected will be discussed and presented in the following areas:

- Within individual teams
- Management team meetings
- Management actions dashboard
- Scrutiny Panel/Complaints Panel
- Board meetings
- Viewpoint Newsletter
- From 2021 inclusion within the Annual Report
- Annual Complaints Performance and Service Improvement Report

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. The panel meet quarterly in advance of Board Meetings, in addition they also instruct “deep dives” into areas where our complaint trend data indicates dissatisfaction.

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

12. Staff Training

- All new members of staff receive training on the formal complaints processes, learning and outcomes as part of their induction package
- All staff within the organisation receive annual refresher training in the handling of complaints in addition staff will have access to the Policy, Procedure, User Guide and training videos which are all stored on ERNIE.
- All staff involved with a particular complaint will be informed of the final outcome of that complaint. Team feedback sessions will be organised where appropriate.
- Formal Complaint discussions are a standard agenda item at all Management and Team Meetings
- All relevant staff have a standard objective within their annual personal development plans in relation to complaint handling.

Appendix 1 - Staff Responsibility and Timescales for Completion

Feedback Method	Responsible for registering on Feedback Manager	Officer Assigned to for investigation and closure	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 or other designated officer	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 unless there is a rationale to do so.
Stage 2	Any member of EHA	Relevant Director, Chief Executive	Acknowledgement within 5 days of the

Formal Complaint	staff	or nominated Board Member	complaint being received. Completion timescale set at 20 working days (after acknowledgement) with an extension not to exceed 20 working days without good reason.
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

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:

- Tel: 0300 111 3000
- Email: info@housing-ombudsman.org.uk
- Post: Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET
- 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.

Appendix 3 Stage 1 Acknowledgement Letter

Reference: **<COMPLAINT REF>**
<DATE>

Dear

Re: Formal Complaint Stage 1 Acknowledgement Letter ref:

We acknowledge receipt of your complaint reported on **<Date>** concerning **<Add brief description of the complaint>.**

Thank you for taking the time to bring this matter to our attention as we are always looking to improve whether that's sharing best practice when we do things well or where we have fallen short. In all cases we want to listen to and learn from our customers in order to improve.

The purpose of this letter is to;

- acknowledge your complaint
- summarise your complaint and how you would like us to put things right
- provide you with a named person who will be deal with your complaint and;
- set out the next steps we will take to investigate and respond and by when

We will also provide you with a copy of our Service Standard, our Formal Complaints process and details about the Housing Ombudsman Service and how they can be contacted. This information is attached to the end of this letter.

Complaint Details and Desired Outcome
Be clear which aspects of the complaint we are, and are not, responsible for and clarify any areas where this is not clear.
Summary of complaint
Specific outcomes that the complainant has told us they are seeking

We are dealing with the matters you have raised as a Stage 1 Formal Complaint in accordance with the Association's Compliments, Complaints and Feedback Policy.

Next Steps

Your complaint is being dealt with by Mark Barrow, Complaints and Resolution Officer **< or other named person>.** They will contact you as part of their investigation to check their understanding of your complaint, let you know what will happen next and answer any questions you may have.

Following the investigation you should receive a written response within 10 working days on or before **<insert date>**.

If for some reason it is not possible to provide a response within this time, we will contact you to explain the reason why and provide you with a revised response date.

If you have any queries regarding the information in this letter, please do not hesitate to contact a member of the Customer Service Team.

Yours sincerely

Customer Service Team

Direct Line: 01768861400
Email: enquiry@edenha.org.uk

Stage 1 Formal Complaint Acknowledgement

We want to provide high quality services that our customers are happy with. However, we know that sometimes things do go wrong. When a problem arises, we will do everything we can to put it right.

We record and monitor all complaints to make sure that we sort problems as quickly as possible to prevent them happening again.

When we receive a Formal Complaint, we will:

- Record the complaint details and provide you with a complaint reference number, which we will refer to whenever we write, email or contact you (see over page).
- Investigate your complaint. If your complaint involves a third party e.g. a repairs contractor, we may share your details with them to see what we can do to put things right. We will only share information with carefully selected partners.
- We will contact you within 10 working days to advise you of the outcome of our investigations, including any actions the Association will or has taken. If it looks as though we cannot investigate or resolve the complaint within 10 working days we will contact you providing an update and a revised completion date.

Who else can help whilst your complaint is ongoing?

Not only do the Housing Ombudsman investigate complaints if you remain dissatisfied once you've exhausted our Formal Complaints Process, but they can also actively support both customers and landlords to find a resolution whilst the complaint is ongoing.

The Housing Ombudsman's Dispute Resolution service can assist by preventing problems escalating and improving the landlord/customer relationship. *(Please Note: The Housing Ombudsman cannot make a formal decision on a case at this stage).*

The Housing Ombudsman can be contacted on:

- Tel: 0300 111 3000
- Email: info@housing-ombudsman.org.uk
- Post: Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET
- 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.

**** The Service Standard is always sent out with this letter****

Appendix 4 Stage 1 Formal Complaint Response Letter

Reference: **<Ref No>**
<Date>

Re: Formal Complaint Stage 1 Response Letter Ref: <REF NO>

I'm writing to you following the complaint you raised with us on **<Date>** which we acknowledged in our letter on **<Date>**.

I have had an opportunity to look into the complaint you raised and I can provide you with a formal response.

You raised your complaint with us concerning **<Details>** on **<Date>** which we acknowledged in our letter dated **<Date>.**

My response includes details of each part of your complaint and where this has been Upheld, what we propose to do to put things right. In all cases we will provide reasons for the decisions we have made.

Complaint details
In your complaint you said you are dissatisfied with <**Details>**
Your desired outcome is <**Details>**

<Decision for each part of the complaint>
<Include Upheld or Not Upheld and brief rationale>

Putting things right
We are committed to improving the delivery of our services. In this case we have <**details where we have fallen short or identified a failure in service>.**

Please accept our apologies for the stress and inconvenience this has caused. **<Details where needed>**

Actions and Outcomes
Please be assured that we will act upon our findings. This includes taking steps to

- **Outcome actions / learnings**

<Where compensation is awarded> We want to put things right and acknowledge where we have fallen short. In reference to our compensation policy I would make an award of **<Details- breakdown > 1 element >**. If you would like to accept this compensation award I would be grateful if you would share your bank details including sort code, account number and name on the account. I will request the payment which should reach your account by **<Payment run date>**

Next Steps
Please accept our apologies for the experiences you have had and I hope you feel valued and listened to during this process.
In terms of next steps <Details of any outstanding actions>. I will remain a contact for you until any outstanding actions have been completed.

I believe I have done all that I can to resolve your Stage 1 Formal Complaint, however if you remain dis-satisfied with this response please refer to the information attached with this letter. This includes a copy of our Service Standard, Formal Complaints process and details about the Housing Ombudsman Service.

If you have any queries regarding the information in this letter, please do not hesitate to contact me and I will do my best to help.

Yours sincerely

Name of Investigating Officer
Direct Line: 01768861400
Email: enquiry@edenha.org.uk

Stage 1 - Formal Complaint Response

If, after receiving our response to your Stage 1 Formal Complaint you remain dissatisfied and would like to escalate the complaint to Stage 2 please contact us either over the phone, in writing, email or in person.

Who else can help whilst your complaint is ongoing?

Not only do the Housing Ombudsman investigate complaints if you remain dissatisfied once you've exhausted our Formal Complaints Process, but they can also actively support both customers and landlords to find a resolution whilst the complaint is ongoing.

The Housing Ombudsman's Dispute Resolution service can assist by preventing problems escalating and improving the landlord/customer relationship. *(Please Note: The Housing Ombudsman cannot make a formal decision on a case at this stage).*

The Housing Ombudsman can be contacted on:

- Tel: 0300 111 3000
- Email: info@housing-ombudsman.org.uk
- Post: Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET
- 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.

**** The Service Standard is always sent out with this letter****

Appendix 5 Stage 2 Formal Complaint Acknowledgement Letter

Reference: **<COMPLAINT REF>**
<DATE>

Re: Formal Complaint Stage 2 Acknowledgement Letter ref:

We acknowledge receipt of your request to escalate your complaint to Stage 2 of our complaints process. We received this request on **<Date>.** You told us you are unhappy with our response to you at Stage 1 reference **<ref no>** concerning **<details of element(s) of complaint being escalated>**

We are sorry you remain dis-satisfied. We will deal with the matters you have raised as a Stage 2 Formal Complaint in accordance with the Association's Compliments, Complaints and Feedback Policy.

The purpose of this letter is to;

- acknowledge your complaint
- summarise your complaint and how you would like us to put things right
- provide you with a named person who will be deal with your complaint and;
- set out the next steps we will take to investigate and respond and by when

We will also provide you with a copy of our Service Standard, our Formal Complaints process and details about the Housing Ombudsman Service and how they can be contacted. This information is attached to the end of this letter.

Complaint Details and Desired Outcome
You said you remain dissatisfied with **<Details>**

You would like to see **<Details of desired outcome>**

Next Steps

Your complaint is being dealt with by **<name of person and their role>.** They will contact you as part of their investigation to check their understanding of your complaint, let you know what will happen next and answer any questions you may have.

Following the investigation you should receive a written response within 20 working days from the date of this letter on or before **<insert date>**.

If for some reason it is not possible to provide a response within this time, we will contact you to explain the reason why and provide you with a revised response date.

If you have any queries regarding the information in this letter, please do not hesitate to contact a member of the Customer Service Team.

Yours sincerely

Customer Service Team

Direct Line: 01768861400
Email: enquiry@edenha.org.uk

Stage 2 Formal Complaint Acknowledgement

We record and monitor all complaints to make sure that we sort problems as quickly as possible to prevent them happening again.

When we receive your request to escalate the Stage 1 Formal Complaint, we will:

- Acknowledge that you have expressed dissatisfaction with the response received to your Stage 1 Formal Complaint (see over page).
- Confirm that we have escalated to a Stage 2 Formal Complaint, advise which officer will be dealing with your complaint and provide a timescale for the response.
- Investigate your complaint. If your complaint involves a third party e.g. a repairs contractor, we may share your details with them to see what we can do to put things right. We will only share information with carefully selected partners.
- We will contact you within 20 working days to advise you of the outcome of our investigations, including any actions the Association will or has taken. If it looks as though we cannot investigate or resolve the complaint within 20 working days we will contact you providing an update and a revised completion date.

Who else can help whilst your complaint is ongoing?

Not only do the Housing Ombudsman investigate complaints if you remain dissatisfied once you've exhausted our Formal Complaints Process, but they can also actively support both customers and landlords to find a resolution whilst the complaint is ongoing.

The Housing Ombudsman's Dispute Resolution service can assist by preventing problems escalating and improving the landlord/customer relationship. *(Please Note: The Housing Ombudsman cannot make a formal decision on a case at this stage).*

The Housing Ombudsman can be contacted on:

- Tel: 0300 111 3000
- Email: info@housing-ombudsman.org.uk
- Post: Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET
- 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.

**** The Service Standard is always sent out with this letter****

Appendix 6 Stage 2 Formal Complaint Response Letter

Reference: **<Ref No>**
<Date>

Dear

Re: Formal Complaint Stage 2 Response Letter Ref: < REF NO>

I am writing to let you know I have completed my investigation into your complaint and can provide you with a formal response. You raised your complaint with us concerning **<Details>** on **<Date>** which we acknowledged in our letter dated **<Date>**.

This response includes details of each part of your complaint and where this has been Upheld, what we propose to do to put things right. In all cases we will provide reasons for the decisions we have made.

Complaint details and Desired Outcome
In your complaint you said you are dissatisfied with <**Details>**
Your desired outcome is <**Details>**

Complaint Decision
I would like to set out my decision as follows;

<Decision for each part of the complaint including reference to Stage 1 decision where appropriate>
<Include Upheld or Not Upheld and brief rationale>

Putting things right
We are committed to improving the delivery of our services. In this case we have <**details where we have fallen short or identified a failure in service>.**

Please accept our apologies for the stress and inconvenience this has caused.

Actions and Outcomes

Please be assured that we will act upon our findings. This includes taking steps to

- **<Outcome details>**

Compensation Details <Where relevant>

In order to put things right and in reference to our compensation policy I would make an award of **<provide breakdown for each element and include a Total>.**

Next Steps
Please be assured we will take steps to improve the delivery of our services. In terms of next steps;

- **<Request bank details and provide expected timescales for compensation>**
- **<Details of outstanding actions and you will remain a contact>**

In addition to the above, a copy of our Service Standard and details of our Formal Complaints process including details about the Housing Ombudsman Service and how they can be contacted is attached to the end of this letter.

I believe that I have done all that I can to resolve your Stage 2 Formal Complaint and make sure that the responses in this letter are reasonable and proportionate. I hope that you feel valued and listened to during this process.

The response provided to your Stage 2 Formal Complaint marks the end of the Eden Housing Association complaints process.

Should you remain dissatisfied with my response and would like to discuss this further please do not hesitate to contact me, alternatively you can refer your complaint to the Housing Ombudsman. Our Customer Service Team can assist in this process or their contact details are provided within the attached Service Standard.

Yours sincerely

Name of Investigating Officer
Direct Line: 01768861400
Email: enquiry@edenha.org.uk

**** The Service Standard is always sent out with this letter****

Stage 1 & 2 Formal Compalint Update/Extension Letter

Reference: **<COMPLAINT REF>**
<DATE>

I am writing to you following your **<Stage 1 or Stage 2>** Formal Complaint and our Acknowledgement Letter dated **<Date>** concerning **<Add brief description of the complaint>.**

In that letter we let you know that we aim to provide a written response within **<10 / 20>** working days of our acknowledgement and we would contact you if we need to extend this time.

In order to **<Reason for extension>** we will need some further time before coming back to you. We will need to extend our response time by **<10/20>** working days and we aim to provide a formal response to you on or before **<Insert date>**.

Thank you so much for your patience in this matter and please contact me if you have any queries in the meantime. I have included details of our Service Standard and the Housing Ombudsman Service at the bottom of this letter.

Yours sincerely

Mark Barrow

Mark Barrow
Complaints Officer
Customer Advisors: 01768861400
Email: mark.barrow@edenha.org.uk

Formal Complaint Update

We want to provide high quality services that our customers are happy with. However, we know that sometimes things do go wrong. When a problem arises, we will do everything we can to put it right.

We record and monitor all complaints to make sure that we sort problems as quickly as possible to prevent them happening again.

Who else can help whilst your complaint is ongoing?

Not only do the Housing Ombudsman investigate complaints if you remain dissatisfied once you've exhausted our Formal Complaints Process, but they can also actively support both customers and landlords to find a resolution whilst the complaint is ongoing.

The Housing Ombudsman's Dispute Resolution service can assist by preventing problems escalating and improving the landlord/customer relationship. *(Please Note: The Housing Ombudsman cannot make a formal decision on a case at this stage).*

The Housing Ombudsman can be contacted on:

- Tel: 0300 111 3000
- Email: info@housing-ombudsman.org.uk
- Post: Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET
- 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.

Appendix 8 – Housing Ombudsman Scheme

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 9

This guidance note 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 we investigate a complaint, we 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, we 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 our 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.

The Ombudsman has published a thematic report into complaints involving damp, mould and condensation. This report sets out best practice drawn from our casework and call for evidence.

The Ombudsman encourages landlords to consider the report's recommendations, including their response to complex cases or where extended works may be required. When investigating an unresolved complaint, 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 our investigations or fetter our 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*****