

New Foundations Housing Association

Complaint Handling Code

July 2024



Introduction

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

New Foundations is a member of the Housing Ombudsman, and it is important that it follows the procedures that the ombudsman puts in place.

More importantly, the new complaint handling code helps New Foundations to ensure it has a positive complaints culture, helps to improve and develop its services and reinforce that New Foundations tenants are at the heart of its service.



The Complaint Handling Code

What is a complaint?

1. Good complaint handling allows residents to be heard and understood.
2. A complaint must be defined 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.

3. A resident does not have to use the word complaint for it to be treated as one. If a resident expresses dissatisfaction, landlord must give them the choice to make a complaint.
4. Landlords must recognise the difference between a service request and a complaint. This must be set out in their complaints policy.
5. A complaint must be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. Landlords must not stop their efforts to resolve the service request if the resident complains.
6. Dissatisfaction reported through a survey is not a complaint, however, the person completing the survey should have clear information of how, if needed, they can make a complaint.



The Complaint Handling Code

Exclusions – what is not counted as a complaint.

1. Landlords must accept a complaint unless there is a valid reason not to do so. If a landlord decides not to accept a complaint, it must be able to evidence its reasoning. Every complaint must be considered on its own merits.
2. A complaints policy must set out the circumstances in which a matter will not be considered as a complaint. These circumstances must be fair and reasonable to residents. Acceptable exclusions include:
 - The issue being complained about is over 12 months.
 - Legal proceedings have begun.
 - The issue has already been considered through the complaint's procedure.
3. If a complaint is made that is more than 12 months ago, the landlord must consider whether to apply discretion to accept it.
4. If the landlord does not accept the complaint, they must explain the reasons fully to the resident.
5. A landlord must not take a blanket approach to excluding complaints – This means each complaint must be considered individually.



The Complaint Handling Code

Accessibility and awareness

1. Landlords must make it easy for residents to complain, examples include:

- Different methods, such as phone call, email, by post.
- Easy read version of the complaint's procedure.

2. Residents must be able to raise their complaints in any way and with any member of staff. All staff must be aware of the complaints process.

3. High volumes of complaints must not be seen as negative; it could mean that the complaints process is well published and accessible. Low amounts of complaints could mean residents are not aware of how to complain, or do not have access to complain.

4. The complaints policy must be available in clear and accessible methods for all residents. It must detail what will happen at each stage and include timeframes. The policy must be on the landlords website.

5. The policy must explain how the landlord will promote details of the policy, including details of the Housing Ombudsman and this code.

6. Landlords must allow residents advocates to deal with the complaint on their behalf.

7. Landlords must give residents accessible information on how they can contact the Housing Ombudsman about their complaint.



The Complaint Handling Code

Complaint handling staff

1. Landlords must have a person or team who are responsible for complaint handling, who will ensure that the complaints are reported to the governing body. This person is called the Complaints Officer.
2. The Complaints Officer must have access to staff at all levels. They must have the freedom and authority to act to resolve the complaint fairly.
3. Landlords are expected to build a culture of learning from complaints and treat the complaints as a top priority. All staff should be fully trained on complaints handling.



The Complaint Handling Code

Complaint handling process

1. Landlords must have a single policy in place for dealing with complaints covered by this code. Residents must not be treated differently if they complain.
2. Resolving complaints early between landlords and tenants is important. There should be no additional stages to a complaint that could cause confusion, such as 'informal complaint' or 'stage 0'.
3. A process with more than two stages is not acceptable, this leads to confusion and could delay residents access to the housing Ombudsman.
4. If a landlord uses a third party to deal with its complaints, this must form part of the two stage complaints process set out in this code.
5. Landlords are responsible for ensuring that any third parties handle complaints in line with the code.
6. When a complaint is logged as stage 1 or moves up to stage 2, landlords must detail their understanding of the complaint and what the resident wants to achieve. This is called the 'complaint definition'. If any part of the complaint is unclear, the resident must be asked to make it clear.
7. When a complaint is accepted by the landlord at either stage 1 or 2, the landlord must make it clear to the resident which part of the complaint the landlord is responsible for and explain clearly when they are not responsible.
8. At each stage of the complaints process, complaint handlers must:
 - a) Deal with the complaint, act independently and have an open mind;
 - b) Give the resident a fair chance to explain their position;
 - c) Act to address any conflict of interest;
 - d) Consider all information carefully.



The Complaint Handling Code

Complaint handling process

9. If the complaint will take longer than the timescale allows, the landlord must agree with the resident suitable intervals for keeping them informed about their complaint.
10. Landlords must make reasonable adjustments for residents where appropriate under the Equality Act 2010. Landlords must keep a record of any adjustments made.
11. Landlords must not refuse to escalate their complaint without a valid reason. A landlord must clearly set out these reasons and it must comply with the provisions set in in this code.
12. A full record must be kept of the complaint, including dates, all communication between resident and landlord and any documents.
13. Landlords must have a process in place to ensure a complaint can be resolved at any stage of the process.
14. Landlords must have policies and procedures in place for managing unacceptable behaviour from residents/advocates. Landlords must evidence reasons for putting any restrictions in place.
15. Any restrictions placed due to unacceptable behaviour must be proportionate and take regard of the Equality Act 2010.



The Complaint Handling Code

Complaint stages

Stage 1



Step 1

1. Landlords must have a process in place to consider which complaints can be responded to as early as possible, and which will need to be looked at in more detail. Things to consider include:

- Is the resident vulnerable

Most stage 1 complaints can be resolved quickly, with an explanation, resolution or apology given to the resident.

2. Complaints must be acknowledged, defined and logged at stage 1 of the complaints procedure within 5 working days of the complaint being received.

3. Landlords must issue a full response to stage 1 complaints within 10 working days of the complaint being acknowledged.

4. Landlords must decide whether an extension to the timescale is needed and inform the resident. Any extension must be no more than 10 working days without good reason, this reason must be fully explained to the resident.

5. When the landlord informs the resident of the extension, details of the Housing Ombudsman must be provided, including contact details.

6. A complaint response must be provided to the resident when the answer to the complaint is known. Not when outstanding actions required to address the complaint are completed.

7. Landlords must address all points raised in the complaint and provide clear reasons for any decisions.

8. Where residents raise additional complaints, these must be included into the stage 1 response if they are related. Where a stage 1 response has already been issued, or any new issues are unrelated, then a new complaint must be logged.



The Complaint Handling Code

Complaint stages

Stage 1

9. Landlords must confirm the following in writing to the resident at the completion of stage 1 in clear, plain language:

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

Step 1



The Complaint Handling Code

Complaint stages

Stage 2



10. If all or part of the complaint is not resolved at stage 1, it must be progressed to stage 2 of the landlord's procedure. Stage 2 is the landlord's final response.

11. Requests for stage 2 must be acknowledged, defined and logged at stage 2 of the complaints procedure with five working days of the escalation request being received.

12. Residents must not be required to explain their reasons for requesting a stage 2 consideration. Landlords are expected to make reasonable efforts to understand why a resident remains unhappy as part of its stage 2 response.

13. The person considering the complaint at stage 2 must not be the same person that considered the complaint at stage 1.

14. Landlords must issue a final response to stage 2 within 20 working days of the complaint being acknowledged.

15. Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response.

16. When a resident is informed of an extension, they must be provided with contact details for the Housing Ombudsman.

17. A complaint response must be provided when the answer to the complaint is known, not when outstanding actions have been completed.

18. Landlords must address all points raised in the complaint and provide a clear reason for any decisions.



The Complaint Handling Code

Complaint stages

Stage 2

19. Landlords must confirm the following in writing to the resident at the completion of stage 2 in clear, plain language:

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

20. Stage 2 is the landlords final response and must involve all suitable staff members needed to issue a response.

Step 2



The Complaint Handling Code

Putting things right

1. It is important that when something has gone wrong, the landlord accepts this and sets out the actions required to put things right, these can include:

- Apologising
- Acknowledging when things have gone wrong
- Providing an explanation, assistance or reason
- Taking action if there has been a delay
- Reconsidering or changing a decision
- Amending a record or adding a correction
- Providing a financial remedy
- Changing policy, procedure or practice.

2. Any remedy offered, must reflect the impact on the resident.

3. The remedy offer must clearly set out what will happen and when.

4. Landlords must take account of the guidance issued by the Ombudsman when deciding on remedies.



The Complaint Handling Code

Self-assessment, reporting and compliance



1. Landlords must produce an annual complaints performance and service improvement report for scrutiny and challenge, which must include:
 - The annual Self-assessment against this code to ensure their complaint handling policy remains current with requirements.
 - A full analysis of the landlords complaint handling performance. This must include details of the types of complaints the landlord has refused to accept.
 - Any non-compliance with this code by the ombudsman
 - The service improvements made as a result of learning from the complaints.
 - Any annual reports about performance from the ombudsman.
2. The annual complaints performance and service improvements must be reported to the governing body and published to the website.
3. Landlords must carry out Self-assessment following any major changes to the organisation.
4. Landlords may be asked to review and update the self-assessment following an ombudsman investigation.
5. If a landlord is unable to comply with the code, due to exceptional circumstances, it must inform the ombudsman and provide information to residents.





The Complaint Handling Code

Scrutiny & oversight: continuous learning and development

1. Landlords must look to see if services need improving following a complaint.
2. A positive complaints culture can help identify issues within the organisation and positive changes can be made.
3. Landlords should be accountable and report to residents, governors etc.
4. Landlords must appoint a senior member of the team to be responsible for complaints handling.
5. In addition, a member of the governors must be appointed to have responsibility for complaints. This person is the Member Responsible for Complaints (MRC).
6. The MRC will be responsible for ensuring the governing body receives all updates on complaints, the MRC needs full access to perform in their role.
7. The MRC must receive:
 - Regular updates on volumes and details of complaints
 - Regular reviews of trends in complaint handling
 - Regular updates on the outcomes of the Ombudsman's investigations and progress made.
 - The annual complaints performance and service improvement report.
8. Landlords must have a standard objective with complaint handling for all employees that reflects the need to:
Take responsibility for any shortfalls identified, act within professional standards, take responsibility for any shortfalls.

