



<b>Title</b>	Complaints Policy
<b>Scope</b>	This policy applies to: -emh group
<b>Author(s) Lead Department</b>	Customer Experience Team Leader Customer Service Centre
<b>Date Approved Approved By</b>	Version 1 – approved on 4 <sup>th</sup> Dec 2020 by emh group board and involved residents
<b>Review Date</b>	4 <sup>th</sup> Dec 2023
<b>Key Values</b>	<b>Accountability:</b> Our handling of complaints in line with the policy seeks to ensure we are accountable for both our actions and putting things right when they go wrong.
<b>Business Plan Key Strategic Goals</b>	b) To provide excellent, locally accountable customer services with customers at the heart of everything that we do.
<b>Building a stronger relationship with tenants, residents and service users</b>	Consulted with various resident groups including the Scrutiny Panel and both policy approval and digital survey groups.
<b>Associated Policies/Documents</b>	<ul style="list-style-type: none"> <li>• emh group Compensation for Service Failure Policy</li> <li>• emh group Complaints Guide</li> <li>• Accessible Information Policy</li> <li>• emh group Grievance Policy and Procedure</li> <li>• emh group Whistleblowing Policy</li> <li>• emh group Customer Service Strategy</li> </ul>
<b>Version Control</b>	Version number: 2020/Customer Experience Team Leader/1/Complaints

## 1. Introduction

1.1 emh group comprises emh group, a non-asset owning parent, with two largely ring-fenced functional divisions: EMH Housing and Regeneration Limited, trading under the name emh homes, which is a Registered Provider regulated by the Regulator of Social Housing and emh Care and Support whose regulated activities fall within the remit of the Care Quality Commission.

1.2 The Group also includes three specialist legal entities:

- EMH Treasury PLC, a special purpose vehicle established primarily to raise funds through the Debt Capital Markets;
- Midlands Rural Housing provides management and development services to four rural housing associations, managing around 1,400 homes. It also provides general rural consultancy services and campaigns for more investment in rural affordable housing, and is an Industrial & Provident Society;
- emh Sharpes is an in-house landscape maintenance company which acts as a social enterprise within the Group.

### 1.3 Policy Statement

This policy covers complaints received by residents in relation to services that are **not** considered as requiring regulation by the Financial Conduct Authority under Consumer Credit Activities. For clarity, complaints relating to the FCA regulated services are dealt with under a separate policy as required by the FCA. The services this covers are:

- Lifeline (does not include lifelines linked to tenancies)
- Financial advice including debt advice, debt adjusting
- Tenants Contents Insurance
- Open Market Homebuy Properties
- Equity Loans
- Debt collection in relation to the above services

1.4 The policy does not cover employees, ex-employees or those going through the recruitment process who wish to raise a grievance – this should be raised through the Human Resources team and grievance policy.

1.5 Our aim is to deliver excellent standards of service to all residents; however, we recognise that sometimes things go wrong or that the services we offer may not always meet customer expectations or the expectations of those affected by the service. We also recognise the benefit of positive feedback and of listening to the views and ideas of our residents. emh group encourages and welcomes feedback on the customer experience of our services via the complaints process and will use this intelligence to support business improvement.

### 1.6 Policy Objectives

The purpose of this policy is to:

- Provide residents with a friendly process that enables them to be heard and understood.
- Residents have a mutual understanding of what constitutes a complaint.
- Give residents the opportunity to make complaints or comments about service improvement and to have these reviewed promptly.

- Give residents the opportunity to compliment the service where it exceeds their expectations.
- Highlight any areas of excellence or of common complaint from which we can learn and if necessary, adapt our behaviour.
- Raise overall levels of customer satisfaction.
- Promote a culture that drives continuous improvement.
- Create a climate where service improvement is seen as an on-going partnership between us and our residents.

## **2. Definition of a Complaint**

- 2.1. A complaint is defined as an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.
- 2.2. The resident does not have to use the word complaint for it to be treated as such.
- 2.3. In general terms, staff receiving complaints should bear in mind the distinction between 'complaints' that are actually service requests (e.g. a repair request or a report about an anti-social behaviour incident) and a complaint about a service failure (e.g. a delay in completing a repair or a failure to apply policy). It is the latter to which this document refers.
- 2.4. A complaint about the performance of a contractor or consultant should be addressed through this policy as it falls within our control
- 2.5. Anyone who uses, seeks to use, or is affected by the services we provide is entitled to make a complaint. This includes residents (including leaseholders), service users and their families, applicants for housing, former residents and applicants, neighbours of our residents, contractors working on our behalf, and members of the general public. All may be referred to as residents throughout this Policy.
- 2.6. Complaints can also be made by a complaint's advocate. This could be a carer, relative, Councillor, Member of Parliament, a representative from Citizens Advice, Solicitor (where a solicitor normally acts on behalf of the complainant – i.e. an appointee/power of attorney etc) and Social Services Department or other such person or agency. Responses to these will in the first instance be addressed back to the complainant unless they provide written permission.
- 2.7. If the complainant has instructed a solicitor in a legal capacity, rather than as an advocate, we may also instruct solicitors.

### **Exclusions**

- 2.8. We will accept a complaint unless there is a valid reason not to do so, for example: if your complaint had already exhausted our complaint procedure previously.
- 2.9. A complaint will not be considered where more than six months has elapsed between the cause of the complaint and it being brought to our attention. Although we retain the discretion to accept a complaint if we so choose. Where the problem is a recurring issue, we will consider any older reports as part of the background to the complaint if this will help to resolve the issue.

- 2.10. If we believe that a complaint is being pursued unreasonably, we may choose not to handle the complaint. Such decisions will be referred to the relevant Director. Our procedure sets out how we will deal with vexatious complaints. We define vexatious as a complaint instituted without sufficient grounds and serving only to cause annoyance to the receiver of the complaint; an oppressive complaint (with unjust severity); or otherwise an abuse of the procedures for dealing with complaints or conduct matters.
- 2.11. Where legal proceedings have started, we will take steps to ensure that residents are not left without a response for lengthy periods of time. Where there is no admission of liability from us, legal advice may be obtained from the resident. Further information relating to this can be found by contacting the Housing Ombudsman or by going on their website.
- 2.12. We will deal with complaints relating to Directors, the Chief Executive or Board members in line with this policy but may need to change the investigating officer and appeals route. Thus, two other Directors/Board members (normally including the Company Secretary) will agree who should investigate, review at appeal and whether outsourcing the complaint should be undertaken.

### **3.0. Accessibility and awareness**

- 3.1. We will make it easy for residents to complain, by providing different channels through which residents can make a complaint.
- 3.2. We expect to receive complaints via social media. We have a social media protocol which covers the process and how confidentiality and privacy will be maintained.
- 3.3. We will make our complaint policy available in a clear and accessible format for residents. This will detail the number of stages involved, what will happen at each stage and the timeframes for responding.
- 3.4. We shall comply with the Equality Act 2010 and may need to adapt normal policies, procedures, or processes to accommodate an individual's needs. We would refer to our Equal Opportunity policy in place to address this.
- 3.5. Our website includes information on how to raise a complaint and contains links to download both the complaints policy and process.
- 3.6. Our complaints policy and process will be publicised in leaflets, newsletters, online, in offices and on request.
- 3.7. We will provide residents with contact information for the Ombudsman as part of its regular correspondence with residents.
- 3.8. We will provide early advice to residents regarding their right to access the Housing Ombudsman Service, not only at the point they have exhausted our complaints process. The Housing Ombudsman Service can assist residents throughout the life of a complaint. This affords the resident the opportunity to engage with the Ombudsman's dispute support advisors.

### **4. Complaints team, procedure, timeliness and responsiveness**

- 4.1. A concern is where the resident contacts us to make us aware of their dissatisfaction with an aspect of our service and where a satisfactory remedy and actions can be agreed to satisfy the resident, as a first-time fix. For instance, where a contractor or member of staff has failed to keep an appointment and the resident merely wants a second appointment to be made. Where this is the case an apology should be offered, and the resident advised that a record will be kept of the concern. The

resident should be asked if they wish this to be considered as a formal complaint. If they do, then the formal complaints procedure set out below should be followed. In all cases a record of the contact should be made on the complaints database for trends to be monitored and lessons learned.

- 4.2. Concerns may remain anonymous if the resident so wishes and are to be dealt with at local or departmental level by an appropriate member of staff, usually the first point of contact (in practice this could be any member of office or site-based staff below manager level).
- 4.3. Anonymous complaints cannot be formal because they are impossible to respond to.
- 4.4. Where a concern needs to be investigated and cannot be resolved at point of contact to the resident's satisfaction the formal complaint stage will commence.
- 4.5. The policy is a staged process. Residents can progress to the next stage if the concern is not resolved to their satisfaction. Housing residents can choose to contact the Housing Ombudsman Service at any time. – see note 1 below.
- 4.6. The Housing Customer Complaints and Care Customer Complaints Procedures document provides more detail on the stages and processes involved.
- 4.7. The current stages are:
  - **Formal Stage 1:** complaint to be dealt with by an appropriate officer (in practice head of service, departmental manager or a member of the Customer Experience Team).
  - **Formal Stage 2 (not for FCA regulated services – see separate policy):** internal panel including one or more of the following: Head of Service, Director, Executive Director, plus Board member and/or resident representative – see note 2 below. These will be heard within 20 working days from the date the complainant requests the hearing. Complainants who have exhausted our internal process have the right to appeal through external stages.
  - **Stage 3:** Appeal to a 'designated person' (see note 3)
  - **Stage 4:** Appeal to the Housing Ombudsman Service (for residents): Our final decision will include the right to refer the complaint to the Housing Ombudsman Service.

*Note 1: The Housing Ombudsman will support both the resident and the landlord at any point during the Formal Complaint process. This will be entirely based on encouraging an early resolution. To pass a formal complaint to the Ombudsman for investigation (Stage 4) the complaint must have exhausted the internal stages.*

*Note 2: It is not always appropriate and/or possible for a complaint to be heard by both a Board member and/or resident representative, for example where the matter is of a particularly sensitive nature; where the resident prefers not to have their complaint heard by another resident; or where there is no Board member or resident representative available for the hearing.*

*Note 3: If after exhausting our internal complaints process, housing complainants are not satisfied, they have the right to appeal to a 'designated person' tier prior to the Ombudsman. Alternatively they can wait 8 weeks from the end of the internal process and apply direct to the Housing Ombudsman. A designated person tier is a local MP or councillor. Designated persons are there to help to resolve complaints and if they are unable to help they can refer the complaint to the Housing Ombudsman without waiting the 8 weeks.*

- 4.8. At Stage 1, contact will be made without exception, with the complainant to ensure that:
- we have the full details of the complaint, and
  - we have confirmation of what action the complainant is expecting from us to resolve the complaint.
- 4.9. A quality check will also be made after each stage of the complaint to ensure that the details of the complaint have been fully understood and answered and to ensure consistency with how complaints are handled.
- 4.10. Throughout the process, a resident's advocate can assist the resident.
- 4.11. If, after exhausting our internal process, housing complainants are not satisfied, they have the right of appeal to the Ombudsman.
- 4.12. People who are refused access to our waiting list/home ownership options should use the appeals procedure as detailed in the Allocations/Lettings Policy, Choice Based Lettings schemes and Hello Homes schemes. Once the procedure under the relevant scheme has been exhausted, the complaint can enter this procedure at Formal Stage 2.
- 4.13. Complaints about neighbour nuisance should be dealt with in accordance with the relevant Anti-Social Behaviour Policy. If, however, the complaint relates to the process or our failure to deal with the concerns raised it should be dealt with under this policy.
- 4.14. Complaints relating to the recruitment and selection of employees and external applicants should be dealt with in accordance with the Recruitment and Selection Policy.
- 4.15. As part of our service delivery standards, we have developed 'local offers' across some of our homes. It is our intention that where we fail to meet our agreed local offers, then customers have the right to complain about our service failure and this Policy will apply.
- 4.16. For more serious complaints, residents may choose to involve regulators, such as the Housing Ombudsman, for housing related complaints, or the Care Quality Commission (CQC), for care and support related complaints. Whilst regulators will not act as mediators, they are likely to require further information and/or actions from us. All complaints involving regulators should comply with any actions, requests or information required, in the timescales they set, along with the timescales highlighted in the Complaints Procedure(s) for responding to the complainant(s) as part of the formal complaint process.
- 4.17. Directors may choose not to escalate a Stage 1 complaint to Stage 2 complaint if they feel that the outcome of the decision is unrealistic or is not within our capabilities and/or policy(ies).
- 4.18. Timeliness: Response timescales will be detailed in our procedure, published to residents and will adhere to the timescales recommended in the Housing Ombudsman Complaint Handling Code.

## **5. Complaints by corporate partners**

- 5.1. Complaints from business or corporate partners are dealt with outside of this customer complaints policy – a separate corporate complaint policy is available for this purpose.

## **6. Internal complaints**

- 6.1. Internal complaints by emh group staff should be dealt with under the Grievance Procedures or Whistleblowing Policy as appropriate.

## **7. Remedies**

- 7.1. We have a wide range of remedies to deal with complaints. These include, but are not limited to:

- Written and verbal apologies
- Putting things right
- Compensation, and
- Mediation.

## **8. Customer Care**

- 8.1. A robust complaints policy is essential to put right any failures in service. However, it is not a substitute for getting things right first time. Therefore, training of all staff is important, and any complaint made should be assessed by the relevant manager to see if a training issue has arisen.
- 8.2. We will follow up complaints resolution with satisfaction questionnaires to ensure that the customer's experience has been as positive as possible and will ensure we learn from this.

## **9. Publicity**

- 9.1. The policy is publicised in the following ways:
- in the Resident and Shared Owners handbooks
  - in leaflets available in the reception areas of customer facing offices
  - in the resident's newsletters
  - on the websites, and
  - in schemes.
- 9.2. All publicity should make it clear that the policy is available in translation and other accessible formats on request.
- 9.3. We will publicise our performance information relating to complaints. This will include:
- an annual summary of complaints by type
  - our performance in meeting our timescales for dealing with complaints
  - customer satisfaction with complaints outcomes and processes, and
  - information on complaints that have led to improved services.

## **10. Equal opportunities and equality of access**

- 10.1. Some individuals may be discouraged from complaining because:
- they have poor communication skills
  - they have poor literacy skills
  - they have a disability which makes it harder for them to communicate, or
  - English is not their first language.

- 10.2. Where an individual has communication difficulties, we will ensure that they have equal access to the complaints process. For instance, it may be appropriate to take details by personal interview or by a home visit. If necessary, other forms of communication may also be considered:
- Audio recording (tape or CD)
  - Obtaining written or verbal translations, and/or
  - Braille
- 10.3. Where another form of communication is required, there may be an unavoidable delay in responding. For example, it can take up to ten working days to obtain a translation for a letter.
- 10.4. Some individuals may prefer the support of a third party – this may be a friend or relative or a professional advocacy service such as the Citizens Advice Bureau. For residents of sheltered housing schemes, the use of AIMS (Advice, Information and Mediation Service) should be considered.

## **11. Review and Monitoring**

- 11.1. The Policy will be reviewed by emh group board every three years or sooner if regulatory/legislative changes are required. We will also review the Policy if customer/user feedback requires this.
- 11.2. Complaints will be monitored by emh group board at least twice annually. Housing Ombudsman determinations will be reported at least quarterly. Customers will monitor complaints through the relevant Co-regulation group. In addition, the Quality and Standards team will monitor the complaints procedures to ensure correct application and will prepare and deliver relevant training.
- 11.3. emh group is committed to maximising opportunities for residents to provide feedback on their experiences of our service via the complaints process and to use this intelligence to support service improvement.

## **12. Fairness in complaint handling**

- 12.1. We will always operate a resident-focused complaints process and ensure that our residents are given the opportunity to explain their point of view and preferred outcomes.
- 12.2. Residents can have a representative deal with their complaint on their behalf and/or attend any subsequent meetings, providing we have the relevant authority to do so.
- 12.3. Complaint investigations shall be conducted in an impartial manner and investigating officers or panels will seek reliable information from both parties to ensure a fair and appropriate investigation.
- 12.4. To ensure fairness, any investigating officer or panel will:
- Deal with complaints on their merits
  - Act independently and have an open mind
  - Take measures to address any actual or perceived conflict of interest
  - Consider all information and evidence carefully
  - Keep the complaint confidential as far as possible with information only disclosed if necessary, to properly investigate the matter.

- 12.5. Investigations will always consist of aiming to understand the complaint; what evidence is required upon, assessing any risks to both landlord and resident, what outcome would resolve the matter and any urgent action required.
- 12.6. Residents, and if applicable any staff member who is subject of the complaint, will always be given a fair chance to set out their position and to comment on any adverse findings at any stage before a final decision is made.
- 12.7. We will always communicate with residents to ensure that complaints are escalated as requested, providing it is in line with our complaint's procedure. Should we refuse to escalate a complaint, we will provide an explanation to the resident and make clear in any correspondence of the final response and provide information on how to refer the complaint to the Housing Ombudsman. This action will always be approved by the appropriate Director.
- 12.8. Resident's expectations will be managed from the outset

### **13. Putting things right**

- 13.1. Our process aims to effectively resolve complaints and putting things right is one of the first steps to rebuilding relationships with our residents.
- 13.2. We will acknowledge and apologise for any failure identified, give an explanation and, where possible, inform the resident of the changes made or actions taken to prevent the issue from happening again, which may include changing policies, procedures or practices.
- 13.3. Any agreed remedies following a complaint being received will be clearly set out and followed through to completion in a timely manner.
- 13.4. Where the award of compensation is considered, we will consider if any quantifiable losses have been incurred due residents time, distress and inconvenience. More information on compensation can be found in our compensation for service failure policy.

### **14. Continuous learning and improvement**

- 14.1.1. We value complaints and pride ourselves on having a positive complaint handling culture whereby we aim to provide a quality service whilst also having the ability to learn and improve from feedback from our residents.
- 14.1.2. Accountability and openness are integral parts of our organisational values. We value complaints, always provide feedback on failures and take actions to improve as a result of this.
- 14.2.1. Various resident involvement groups and panels help us to shape our services and are consulted on the formulation of various policies and procedures.
- 14.2.2. Involved residents form part of the panel at Stage 2 within our complaints process, to ensure that there is another residents voice who is impartial.
- 14.3.1. We use findings and data from all feedback and contact to proactively make positive changes that will benefit all residents.

- 14.3.2. Themes and trends are identified and are assessed by senior management of the relevant business area.
- 14.4. Staff and contractors are given the relevant training and are involved throughout changes to complaints to promote learning. Training concerns and recommendations are fed back to individuals to identify any additional requirements as a result of any feedback to ensure consistent improvement.
- 14.5. Information and reports are made available and communicated to wider residents through the relevant groups, panels, committees and boards. Complaints feedback will be provided to emh group and/or emh homes board quarterly and will be included in both quarterly and annual communications to residents such as ezines, magazines, annual reports, social media and on our website.

