



NLM Housing Association

Complaints Policy

March 2022

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1 Statement of Intent

- 1.1 NLM Housing Association aims to provide excellent services, however it is recognised that there will be times when customers express dissatisfaction. On these occasions, the Association will seek to resolve complaints promptly and effectively and wherever possible, to the satisfaction of both the customer and the organisation.
- 1.2 The objective of this policy is to set the boundaries for dealing with a complaint within which the complaints procedure will operate.
- 1.3 All staff within the Association are expected to follow the complaints policy and procedure and use the complaints process to learn, improve and develop customer services. Adherence and compliance with the policy and procedure is managed by the Association.

2 Regulatory Standards

- 2.1 Under the Tenant Involvement and Empowerment Standard, the Association is required by the Regulator of Social Housing to have an approach to complaints that is clear, simple and accessible and which ensures that complaints are resolved promptly, politely and fairly.
- 2.2 This Policy and Procedure seeks to achieve that required outcome.

3 Outline of Service

- 3.1 The Association defines a complaint as a clear expression of dissatisfaction, requiring a response, relating to a service provided or not provided.
- 3.2 Such expressions of dissatisfaction will relate to:
 - The standard or failure of a service
 - Action or lack of action in response to a request for service
 - Poor attitude or performance of Association staff or people working on behalf of the Association.
 - Failure to follow an approved Policy or Procedure.
- 3.3 The following issues are not classed as complaints under this policy:
 - A complaint about a neighbour dispute, a report of Anti Social Behaviour or harassment
 - A request for service e.g. informing the Association about a responsive repair requirement for the first time
 - Complaints about any party providing services which have not been commissioned by Association
 - Complaints about a particular policy, process or rule of law, which has been followed correctly but which the customer feels has disadvantaged them in some way e.g. rent arrears or service charge collection

- 3.4 If a complainant wishes to pursue or is taking legal action against the Association or a member of its staff, the case will be dealt with separately and not progressed under this policy.
- 3.5 Generally, only complaints where the problem or cause occurred or came to the complainant's attention in the six months prior to the date the complaint is made will be investigated. This is to ensure that a meaningful and accurate investigation can be carried out.
- 3.6 The Association reserves the right to deal with each case on its merits and where necessary deal with the complaint under a different but relevant policy or procedure (for example, where there is a separate appeal mechanism). Appropriate service standards and target times will apply in such instances in accordance with the relevant policy or procedure.
- 3.7 The Association reserves the right not to progress a complaint within its internal complaints process where it is determined that the complainant has not provided sufficient information to support the complaint, or the Association considers that it has resolved the complaint to the best of its ability and nothing further can be done. Such determinations will only be reached following the approval of the Chief Executive.
- 3.8 The Association has a three stage formal complaints process supported by an operating procedure. Wherever possible and practical, the Association will try to resolve any issues that are causing dissatisfaction informally at the first point of contact. If we are unable to resolve the issue satisfactorily at this point the complainant can request that their complaint is entered into the Association's formal internal complaints process.
- 3.9 The following people, or groups of people, are entitled to complain if they are not happy with the standard of service they have received from the Association:
- Tenants, licensees and leaseholders
 - Ex-residents so long as the complaint relates to when they were in occupation
 - Applicants for a property owned or managed by the Association
 - People acting on behalf of any of these groups and authorised by them. This may be because the complainant needs help understanding the process or voicing their concerns. These people are known as 'representatives' and they can include such people as relatives, care providers and voluntary workers. Complainants might also wish to seek assistance from organisations such as Citizens Advice. If the complainant chooses to use an advocate, they will need to confirm in writing that they are willing for their chosen advocate to act on their behalf. If the complainant does not have capacity to authorise their advocate, we must be satisfied that the advocate has legitimate authority to act on behalf of the complainant (e.g. under a lasting power of attorney)
 - A person with legal capacity to make a complaint on behalf of any of the people above who is deceased.

- 3.10 Complaints received via MPs or local Councillors will be treated equally but may not always be dealt with under this policy and associated procedure if they are considered general queries or service enquires, rather than relating to an individual. In such cases a separate process will be followed depending on the type and nature of the complaint raised. Whilst the Association acknowledges and respects the right of the individual to complain to their MP or Local Councillor, this will not lead to a complaint being 'fast-tracked'.
- 3.11 Complaints or expressions of dissatisfaction can be made in different ways:
- by phone, calling 0208 815 4200
 - by e-mailing customer.services@nlmha.com
 - by writing to the Association at the office address
15B – 15C Urban Hive, Theydon Road, Upper Clapton, London E5 9BQ
 - in person by visiting NLM office
- 3.12 If a complaint enters the complaints process, the complaints must be set out in writing to collect all necessary details.

4 Equality and Diversity

- 4.1 In line with the Association's Equality and Diversity commitments all complainants will be treated fairly, equally and with respect regardless of the complainant's gender, race, age, disability, faith, marital status, sexual orientation or any other protected characteristic.
- 4.2 When dealing with any complaint, the Association will comply with the public sector equality duty by having due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out the Association's activities.

5 Unreasonable or Persistent Complainants

- 5.1 The Association is committed to dealing with all complaints fairly and impartially and to providing a high quality service which does not normally limit a complainant's contact. However, on very limited occasions a complainant's behaviour, or unreasonably frequent contact with the Association, may hinder the Association's consideration of their or other people's complaints. Such people may be deemed as 'unreasonable, persistent or vexatious complainants'.
- 5.2 The management of such complaints will depend on the nature and extent of their actions. Should this adversely affect our operational ability to effectively provide an efficient service to others, we reserve the right to restrict the complainant's contact with the Association.
- 5.3 Wherever possible we will aim to do this in a way which still allows a complaint/ issue to progress through our processes. We may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these, although we will try to maintain at least one form of contact. In extreme situations, we will tell the complainant in writing that they must

restrict contact with our office to either written communication or through a third party.

- 5.4 Any such decisions to restrict contact will be taken by the Chief Executive. The complainant will be informed of the reasons for the restriction being imposed and how it will operate and how and when it will be reviewed.

6 Housing Ombudsman Service

- 6.1 As required by the Housing Act 1996 (amended by the Housing & Regeneration Act 2008) the Association is a member of the Housing Ombudsman Service (HOS). The Localism Act 2011 introduced changes to how and when complainants can contact the HOS to ask them to investigate their complaint.
- 6.2 If, having first exhausted the Association's complaint process, a complainant remains dissatisfied with the outcome of their complaint he/she can request that their complaint be referred to a 'Designated Person' for review. A Designated Person is defined as either a 'Designated Tenant Panel' of the Association; an MP or a Local District Councillor. The Designated Person may try to help resolve the complaint directly and/or may refer the complaint to the Ombudsman.
- 6.3 The complainant will be required to authorise his/her appointed 'Designated Person' to act on their behalf and agree disclosure of all relevant complaint correspondence, data and information to them.
- 6.4 Should the 'Designated Person' be unable to resolve the complaint to the complainant's satisfaction they may arrange for it to be forwarded to Housing Ombudsman Service for their consideration.
- 6.5 The Association recognises the right of the complainant to approach the Ombudsman directly, without the need to involve a Designated Person, but only after a period of eight weeks following completion of the Association's formal complaint process. Any referral within the 8 week period must be via Designated Person.
- 6.6 Should the Association be approached by a complainant wishing to take their complaint to the Housing Ombudsman Service having exhausted the Association's complaints process, the Association will, if requested, arrange a meeting to undertake a review of the case to ensure that the Association's internal complaints process has been correctly followed and if possible, to seek an amicable resolution of the complaint before the Ombudsman is formally involved.

7 Referral to Ombudsman Service

- 7.1 All employees will co-operate fully with the Ombudsman and make all records available on request. The Chief Executive or an appropriate Director will act as a designated point of contact with all correspondence issued through him/her. The Association will ensure full compliance on

receipt of the Ombudsman's 'Final Determination' unless the Association applies back to the Ombudsman for a review of the determination.

8 Legislation, Regulation and other Documents

8.1 Legislation, Regulation and other documents relevant to this policy and supporting procedure:

- The Housing Act 1996
- The Housing & Regeneration Act 2008
- The Localism Act 2011
- The Data Protection Act 2018 and the General Data Protection Regulation 2016
- Equality Act 2010
- Tenant Involvement and Empowerment Standard (Regulator of Social Housing) July 2017
- Housing Ombudsman Service Scheme April 2018

9 Monitoring

9.1 All complaints in relation to housing and maintenance service delivery will be monitored by the Operations Director and records will be kept.

9.2 A summary report of the complaints received and action taken will be presented to the Board of Management on a quarterly basis as part of the Performance Indicators.

NLM Housing Association Ltd.

Complaint Report Form

Please be assured that we treat all complaints in confidence. We cannot however deal with anonymous complaints.

Your Name _____

Your Address _____

Telephone _____

Mobile _____

E-mail _____

What do you think NLM did wrong or failed to do?

If you have suffered harm, loss, damage or inconvenience, please give details.

What do you think NLM should do now?

Have you taken any action so far or complained to anybody else?
If so please give details of who you spoke to and what happened.

Signed _____

Date _____

Please send this form to:

NLM Housing Association Ltd,
15B – 15C Urban Hive
Theydon Road
Upper Clapton
LONDON
E5 9BQ

You may continue on a separate sheet if necessary. If you have any documents to support your complaint, please send copies with this form.