



NLM Housing Association

Complaints Policy

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1 Our Approach

- 1.1 At NLM we recognise the importance of using the information we gather from our customers, and we are constantly striving to improve our services and we welcome complaints, comments and compliments.
- 1.2 Handling complaints effectively is not just about processes and time limits. It is also about the culture within our organisation and the behaviour and attitudes we display.
- 1.3 We will ensure complaints are handled quickly and efficiently and making any improvement and changes where required.
- 1.4 We empower our staff to look at complaints positively, viewing them as an opportunity to put things right quickly, promote positive relationships with customers and provide a learning opportunity.
- 1.5 This document is designed to understand what a service complaint is and dealing with it as easily and effectively as possible and to identify service improvements for our customers. It also enables staff to deal with issues at first point of contact.
- 1.6 In April 2022, the Housing Ombudsman published a Revised Complaint Handling Code, and this policy has been reviewed to comply with the code.
- 1.7 There is also a requirement for landlords to complete an annual self-assessment against the code, and our latest self-assessment can be viewed on the NLM website at www.nlmha.com
- 1.8 There may be instances where the Compensation Policy or the Unreasonable Customer Behaviour and Persistent Complainants Policy may need to be referred to and these policies are published on the NLM website.

2 Our Guiding Principles

2.1 Principles Explanation

- 2.1.1 We will identify when a service failure has taken place. This means that we do not expect people to specifically say “I wish to complain” and will never ask people to put things in writing to us.
- 2.1.2 It also means that the distinction between informal complaints, formal complaints and comments is immaterial. The customer doesn’t care how we categorise things: they want their problem sorting out. People tell the truth. From analysing many complaints, it is clear that people tell the truth.
- 2.1.3 We will take swift action to resolve the complaint. In order to speed things up we may ring or visit people to obtain any additional information needed in order to investigate.

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- 2.1.4 People are individuals. We will never rely on standard letters. All contact will be individual and will meet the requirements of the customer i.e. if they want contact in email – no problem, over the phone – that’s fine, in writing - we’ll do that. The important thing is to sort it out.
- 2.1.5 If a customer has support needs, then refer to the “What If?” guide. If it wouldn’t be good enough for me or my family, it’s not good enough for our customers. Be reasonable and sensible. If you were making the complaint, how would you want to be treated? How would you want things resolving? Process is important BUT ensuring that we understand the issue and sort it out is more important.
- 2.1.6 We will strive to resolve every complaint as soon as we are able to. The important thing is that we keep people updated on progress and be honest with them.
- 2.1.7 In every case we will aim to finalise all actions within 10 working days. We will be honest. If we identify something has gone wrong, we will admit this. We will apologise for this and explain why it happened. We will not “fudge” the issue. We will use clear language in all of our contacts. We will apologise and offer compensation when appropriate.
- 2.1.8 We will learn. We will review the complaints we have dealt with and learn from them. We will report to Senior Management Team and Board. We will monitor.
- 2.1.9 Of course we need systems. However, we don’t need them to shape what we do. The system is there to record what we do and when we do it and what the outcome was Find out “How was it for you”. We will ask for feedback on how we dealt with people’s complaints and use this information to shape our learning.

3 How we can receive Complaints, Comments and Compliments

- 3.1 A complaint is 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 an individual resident or group of residents”.
- 3.2 Who can complain?

The following people can log a complaint in accordance with this policy and where appropriate escalate it through both stages of our complaints procedure:

- Any NLM resident
- Anyone who is in receipt of a service or is affected by a service that is provided by NLM.
- Anyone who may potentially receive a service from Origin, for example someone who is applying for a service.
- Customers are welcome to make a complaint via an advocate. Where a complaint is made via an advocate, we will need the customer’s written consent.
- An advocate or representative, on behalf of the customer, can also deal with their complaint.

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- They can also represent or be present or accompany the customer at any meeting with us, where this is reasonable.

3.3 How can a complaint be made?

3.3.1 The customer does not have to use the word complaint in order for it to be treated as such. We want to make it as easy as possible for customers to comment or make a complaint about our services, and we accept them in any of the following ways:

- In person
- In writing
- By telephone on 020 8815 4200
- By email on complaints@nlmha.com
- Via our website, <https://www.nlmha.com/complaints/>
- Through another person, perhaps an advocate, social worker, solicitor, etc.
- Through comments on social media

3.3.2 Complaints that are submitted via a third party or representative, such as a Member of Parliament (MP), should be handled in line with our complaints policy and passed to the Director of the department which the complaint is in relation to, to enter on the complaints record.

3.3.3 We will deal with anonymous comments and complaints in the same way, where we can. The fact that someone doesn't want to leave their name should not influence the action we take. We record the issue, sort it out and record what we've done.

3.4 Social Media

3.4.1 Any comments regarding a complaint received through a social media platform must be contacted privately to gather further details and try to resolve the issue at first contact if possible.

3.4.2 The response to the post should thank them for their feedback and offer the opportunity to provide further details privately so we can investigate their issue. An example of a reply is: "NLM appreciates your valuable feedback and would like to investigate this further. Please can we contact you directly for further details? Alternatively, you can contact us using the contact us options at the top of this page. Thank you". Once further details are received it can be processed through the comments or formal complaints procedure as appropriate.

4 Exclusions

4.1 A complaint must be accepted unless there is a valid reason not to do so. There may be circumstances where we do not accept a complaint or decide to deal with it in a different way to the normal process. Examples include:

- When the service failure or incident occurred over twelve months from the complaint being made unless it is a safeguarding or health and safety issue.

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- When repeated complaints are made about the same or related matters that we have already addressed.
- Where legal action is being taken against NLM related to the complaint.

This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.

- 4.2 If we decide not to accept the complaint, we will write and explain why we are not accepting the complaint and, in our response, inform the complainant they have the right to challenge this decision via the Housing Ombudsman.
- 4.3 A complaint regarding a breach of tenancy such as anti-social behaviour will not be regarded as a complaint unless the complaint is about the handling of the situation.

5 Reasonable Adjustments

NLM is committed to improving accessibility to all our customers. This policy has been developed in accordance with NLM's Equality, Diversity and Inclusion Policy to ensure equality of treatment for all our customers. NLM is committed to providing any reasonable adjustments to our service to ensure that no one is disadvantaged in using this policy. We will discuss with individuals their specific needs, but some examples could be:

- Providing information and responses in large print on request.
- Allowing extra time to respond in timescales.
- Providing a language interpreter.
- Providing additional support for customers with communication or learning disabilities.
- Providing additional support for customers with physical/mental health conditions.

6 Service requests and Compliments

6.1 Comments and remarks that identify a service failure must be responded to, resolved and recorded so that we can use this feedback to improve our services. This is our opportunity to resolve an issue at first point of contact to the customer's satisfaction and prevent the need to escalate to a formal complaint. We aim to investigate service requests within **5** working days.

6.2 Examples of such comments are:

- 'That contractor fixed the boiler, but he made a right mess when he was doing it'.
- 'I wanted that leaflet in large print, but the woman I spoke to said it wasn't available. Can anyone else help?'

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- ‘The gardener only stayed for five minutes when he came, is that what I’m paying all that money for?’
- ‘I wanted to email you, but your email address wasn’t included in your letter’.
- ‘Our windows haven’t seen a lick of paint for a while’.

These comments should be captured and recorded to improve our services. When dealing with a customer who makes a comment about a service failure, firstly apologise, and then see if it is something that can be dealt with straight away. If it can be sorted, sort it out and at the end ask if the customer is satisfied with the outcome or would they like to progress the issue further. If the customer would like their comment to be investigated under stage one of our Complaints Policy, enquire on how it can be resolved to their satisfaction.

- 6.3 If they are satisfied, treat the service request as completed and record on the “Comments and Compliments” on Housing management software.
- 6.4 If the customer would like the matter to be taken further, then progress to **stage one** of the formal complaints procedure by recording the details of the complaint and the outcome that the customer is seeking. Email these details to complaints@nlmha.com
- 6.5 The person who accepted the complaint has responsibility for ensuring it is passed onto the appropriate person. If a comment is going to be investigated under our complaint procedure it does not need to be recorded with the comments and compliments.
- 6.6 Compliments are also important to us as they show where we are getting things right and recognise the hard work of people working to provide excellent services. It can make all the difference to know that we are doing well. These should be recorded on the housing management software.
- 6.7 Compliments will be analysed and fed back to managers to update their teams and identify any learning from best practice.

7 Formal Complaints

There will be occasions when customers want to make a formal complaint. As Section 3 states, this does not have to be in writing. Details can be taken over the phone, in person, etc. The customer can have a representative deal with their complaint on their behalf at any stage of the complaints process, and to be represented or accompanied at any meeting with NLM

The officer who accepted the complaint has responsibility for ensuring it is emailed to complaints@nlmha.com. The complaints mailbox is monitored regularly, and the complaint will be assigned to the relevant department manager to investigate. i.e. if the complaint is regarding maintenance, then the maintenance manager will be carrying out the investigation.

7.1 Complaint acknowledgement

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- 7.1.1 The department manager will acknowledge receipt in writing (letter or email) within 5 working days enclosing the complaints leaflet.
- 7.1.2 We will record this and at this stage the complaint will be investigated by the department manager. The acknowledgment letter will be specific to their circumstances, include our understanding of the complaint, the outcomes the customer is seeking and provides details of the manager handling the complaint.
- 7.1.3 The acknowledgment will also make the customer aware of the Housing Ombudsman service and that they can contact them for advice throughout the complaint process if required.

7.2 Stage One – Investigation

- 7.2.1 We will aim to provide a full written response within 10 working days.
- 7.2.2 If the complaint is complex and this timescale is not achievable, we will contact the customer and agree a revised timescale. The time can be extended for a further 10 working days. The customer should be sent a holding letter with the agreed revised timescale. The extended deadline should be clearly stated on the letter. The Director of the department should be informed of any revised timescales with a copy of the holding letter to the customer. Any extension beyond this requires approval by Director and a suitable revised date should be agreed with the customer. If a revised extension date cannot be agreed with the customer, we should provide the Housing Ombudsman's contact details so the customer can challenge the plan for responding and/or the proposed timeliness of our response.
- 7.2.3 A file note should be made of any conversations with the customer and dates to ensure a complete record of the complaint is kept. The customer should be regularly updated about the progress of their complaint.
- 7.2.4 If a customer raises additional complaints during the investigation, these should be incorporated into the stage one response if they are relevant, and the stage one response has not been issued. Where the stage one response has been issued, or it would unreasonably delay the response, the complaint should be logged as a new complaint.
- 7.2.5 If any discretionary or quantifiable compensation offer is made this should be in line with the NLM's Compensation Policy.
- 7.2.6 Any payment should be withheld until either an Offer Acceptance form is returned or 10 working days from the final response letter when the customer is out of time for escalating to a stage two complaint therefore presumed satisfied with the stage 1 response.
- 7.2.7 Prior to the written response, the outcome should be discussed with the customer, and they should be given the opportunity to comment on any adverse findings before the final decision is made. It is important that the customer receives a written response to their complaint, and this should be completed when the answer to the complaint is known, not when the outstanding actions required to address the issue, are completed.

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7.2.8 Outstanding actions must still be tracked and actioned promptly with regular updates provided to the customer. The department manager will record any outstanding actions on the Complaints Record and checks will be made to ensure these actions are completed.

7.2.9 The written response should include:

- An apology or, if an apology is not appropriate, an expression of regret that a complaint was necessary to raise an issue, whether the complaint was justified or not.
- The complaint stage.
- The outcome of our investigation of the complaint.
- The reasons for any decisions made including any relevant policy, law, and good practice.
- The details of any remedy offered to put things right.
- The details of any outstanding actions and timescales they will be completed by.
- If any monetary compensation is made to settle the complaint, enclose an offer acceptance form requesting the preferred method of payment and request that the form be returned within 10 working days or reply via email stating that they accept the offer and provide payment details.
- I hope that you are satisfied with my response and the way I have investigated your complaint. If, however, you remain dissatisfied you can request that your complaint be investigated under Stage 2 of our Complaints Procedure, where your complaint will be considered by the department director. You can email complaints@nlmha.com and request the to be escalated
- advising why you consider my response to be unacceptable within the next 10 working days.
- The Housing Ombudsman can be contacted for advice and information at any point during the complaints process. Details for the Housing Ombudsman can be found on NLM's website www.nlmha.com or by contacting them at www.housing-ombudsman.org.uk

It should clearly give the contact details of the senior officer who should be the first point of contact should they not be satisfied with the outcome and wish to escalate to Stage Two.

7.3 Stage Two – Review

7.3.1 There may be times when customers are still dissatisfied with how we have handled their complaint. The customer can request a review of the complaint via any communication within 10 working days of receipt of the Stage One response.

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- 7.3.2 We must set out our understanding of issues outstanding and the outcomes the customer is seeking. If any aspect of the complaint is unclear, the customer must be asked for clarification and the full definition agreed between both parties.
- 7.3.3 We must not unreasonably refuse to escalate a complaint through all stages of the complaints procedure and must have clear and valid reasons for taking that course of action. Reasons for declining to escalate a complaint must be the same as the reasons for not accepting a complaint as stated in Section 4 of this policy.
- 7.3.4 The Stage Two review will be completed by either the Director of Housing or Assets. It must not be the same officer that completed the stage one complaint. This request should be acknowledged by the Director within **5 working days** stating the name and contact details of the Director who is completing the review. The acknowledgement must also include our understanding of the issues outstanding and the outcomes the customer is seeking.
- 7.3.5 At this stage the Director will fully review the actions so far. They may decide that more information is needed and should contact the customer as part of the review. We will aim to provide a full response within 20 working days.
- 7.3.6 If this timescale is not achievable, we will contact the customer and agree a revised timescale for the review to be concluded but it should not exceed a further 10 working days. If a revised extension date cannot be agreed with the customer, we should provide the Housing Ombudsman's contact details so the customer can challenge the plan for responding and/or the proposed timeliness of our response.
- 7.3.7 If any discretionary or quantifiable compensation offer is made this should be in line with the NLM's Compensation Policy. Any payment should be withheld until either an Offer Acceptance form is returned or 10 working days from the final response letter when the customer is out of time for escalating it further.
- 7.3.8 Again, the outcome of the stage two investigation should be discussed with the customer, and they should be given the opportunity to comment on any adverse findings before the final decision is made.
- 7.3.9 We will provide the customer with a full written response which will include:
- The complaint stage.
 - The outcome of our investigation of the complaint.
 - The reasons for any decisions made, including any relevant policy, law and good practice.
 - The details of any remedy offered to put things right.
 - The details of any outstanding actions and timescales they will be completed by.
 - If any monetary compensation is made to settle the complaint, enclose an offer acceptance form requesting the preferred method of payment and request that the form be returned within 10 working days or reply via email stating that they accept the offer and provide payment details.

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- You have now completed NLM's complaints process and if you are still dissatisfied, you are entitled to refer your complaint to the Housing Ombudsman Service. The Housing Ombudsman Service contact details are:

Housing Ombudsman Service,
PO Box 152,
Liverpool,
L33 7WQ.
Tel 0300 111 3000

Email: info@housing-ombudsman.org.uk

Website: www.housing-ombudsman.org.uk

7.3.10 Consideration to mediation should be made if appropriate to assist in resolving the complaint. If we do not think mediation is appropriate, we need to demonstrate why this view was taken. The customer can refuse to participate in mediation and want to progress with the formal process.

8 The Housing Ombudsman

After receiving the final stage two response, the customer has completed the landlord's complaints process. If the customer is still dissatisfied with how the complaint has been handled, they have the right to take their complaint to the Housing Ombudsman.

The complaint must be received by the Housing Ombudsman within 12 months of receiving the stage two complaint response letter.

9 Building Safety complaints

9.1 Purpose and Definition

9.1.1 This section has been specifically developed to help us meet new obligations under the Building Safety Act 2022 (Section 93) which requires the Principle Accountable Person (PAP) to establish and publish a complaints system.

9.1.2 This section is limited in scope to buildings that are owned and managed by NLM and to which building safety cases currently apply – that is High Rise Buildings over 18 meters, in occupation. The scope is also limited to the matters defined below.

9.1.3 Definition: For the purpose of this section only, a relevant complaint is defined in the Building Safety Act as a complaint relating to:

- a 'building safety risk' - a risk to the safety of people in or about the building arising from either the spread of fire or structural failure; and
- the performance by an accountable person with regard to their duties.

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9.1.4 Where a complaint regarding building safety does not meet the above definition, it may still be able to be reviewed under the wider housing complaints policy. We will advise if this will be used instead.

9.2 Relationship and compatibility with our Complaints policy

9.2.1 In developing this section, we reviewed each element of the requirements for Building Safety complaints and checked these against our wider Complaints policy. We concluded that, for the most part, complaints regarding Building Safety would and should be handled in line with our Complaints policy and processes. This has been developed in line with the Housing Ombudsman's code of practice, and as such it represents a high-quality approach to managing and resolving complaints. This includes for example:

- Methods that can be used to register a complaint.
- Confirmation that complaints will be handled in line with data protection legislation.
- Confirmation that we comply with the Equality Act 2010 including adjustments.
- That complaints are handled fairly and consistently – which makes up part of our guiding principles.

9.3 Exceptions and adjustments for Building Safety Act complaints

The following areas are specific to Building Safety Act complaints when compared to other types of complaints. In all other ways the Complaints policy and processes meet the requirements and should be followed. The clarifications are as follows:

9.3.1 Any person

Our Complaints policy was written in line with the Housing Ombudsman's guidance and include limited jurisdiction. As such our complaints process generally requires a landlord/ tenant (or leaseholder) relationship.

While our current policy allows for exceptions, the Building Safety Legislation is wider and makes it clear that 'any person' is able to make a relevant complaint where it relates to matters covered under Building Safety, as defined above. Therefore the 'relationship requirement' will not be applied to this type of complaint.

9.3.2 Prioritisation

The Building Safety legislation states that: "there is an effective process for the prioritisation of relevant complaints taking account of the level of risk involved".

While we are confident that applying and meeting our existing timescales for complaints will usually be appropriate, we acknowledge that some matters need to be dealt with more quickly than the complaint timescale. This is already the case for example for urgent matters of health and safety, where a repair may need to be urgently undertaken before the complaint response. This information has been added for the avoidance of doubt, and to clarify that we may respond/partially respond to a related complaint/ element of a complaint more quickly, based on assessed risk.

9.3.3 Additional representations and comments

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The Building Safety legislation requires us to state '*how a complainant can make representations and comments on any findings during an investigation*'. However, it also requires responses to be dealt with in a timely way.

Our complaints policy states that we may contact a complainant to confirm that we understand the issues being raised. The policy also allows for additional complaints or information to be raised before a response has been issued, but where this would unreasonably delay the response that we may open an additional complaint.

We confirm that we will take a similar approach with Building Safety complaints, and while we will be able to receive other information or comments during an investigation, we will explain whether this will be added to the existing complaint, responded to separately, or agree a time extension with you. The ability to challenge our response is already part of the main policy.

9.3.4 Escalation to the Regulator

The legislation requires that we confirm how a Building Safety complaint can be escalated to the Regulator. The Building Safety Regulator can be contacted by phone on 0300 790 6787 or through their website. [Contact the Building Safety Regulator - GOV.UK \(www.gov.uk\)](https://www.gov.uk/contact-the-building-safety-regulator).

10 Monitoring and Learning

Complaints for each department are monitored by the department director regularly and reported to the board of management on a quarterly basis. The report outlines the number, type of complaint, outcome of complaints, whether timescales have been met and learning outcomes from the complaint. Learning outcomes should include potential service and/or procedural improvements.

All employees should be familiar with the complaints policy and follow the procedures outlined to improve the service to our residents.