

MAGNA HOUSING

FORMAL COMPLAINTS PROCEDURE

1. Introduction

- 1.1 Magna Housing values complaints and believes that they are a positive way in which to learn and to improve customer experience and the way we meet our vision: “creating great homes together”. Our aim is to ensure that we take ownership of complaints at the first point of contact, that we do all we can to resolve the concern straight away with the customer so that it doesn’t escalate to a formal complaint and that we learn from complaints as a way of improving the customer experience.
- 1.2 This procedure should be read in conjunction with the Formal Complaints Policy.

2. Equality and Diversity

- 2.1 Magna adheres to the Equality Act 2010. We commit to fairness and equality for all, operating with professionalism, integrity and openness. Through our policies and practice, we aim to make sure we do not knowingly create an unfair disadvantage for anyone, directly or indirectly.
- 2.2 This procedure should be read in conjunction with the Equality and Diversity Policy and Procedure, which help ensure that Magna does not treat any person or group receiving our services any less favourably than any other person or group of people.
- 2.3 Throughout the formal complaints process, we will ensure that arrangements are appropriate and in accordance with customers’ needs. We will show sensitivity towards customers and their circumstances in all cases.

3. Who can complain?

- 3.1 All users of Magna services, including customers, former customers, applicants for housing, leaseholders, contractors, consultants, suppliers, applicants for employment and members of the public affected by our services.
- 3.2 We accept complaints made by advocates authorised to act on a customer's behalf. We will support customers with a physical or mental impairment or language difficulty to make a complaint.
- 3.3 Not all customers can complain to the Housing Ombudsman Service. More information about the Ombudsman is set out at 6.5 and Appendix 3.

4. What is a formal complaint?

- 4.1 The policy complies with the Housing Ombudsman's Complaint Handling Code published in July 2020. We use the Housing Ombudsman's definition of a complaint: 'An expression of dissatisfaction, however made, about the standard of service, our actions or lack of action, our own staff, or those acting on our behalf, affecting an individual resident or group of residents'.
- 4.2 In the first instance, we encourage anyone dissatisfied with us to make an expression of dissatisfaction, by contacting the relevant person or department at Magna. Many problems can be resolved in this way without using the formal complaint process. We will encourage customers to make a complaint formal where they are not satisfied with any other response to their problem. We also expect our colleagues to make every effort to resolve the complaint with you and to fix the problem at the first point of contact with you so that complaints don't drag on. Personal contact with customers and early ownership of problems is central to our approach.
- 4.3 The safety of our customers is at the heart of what we do. If we receive a complaint concerning the safety of a customer or their home we will ensure that it is investigated and treated seriously and as a priority.
- 4.4 We will not consider a matter as a formal complaint where:
 - 4.4.1 it is an initial request for a service, such as requesting a repair or reporting neighbour nuisance (unless during the course of the initial service request the customer is not satisfied with our response); or
 - 4.4.2 there is already an alternative, appropriate appeal procedure available, such as in the allocation of properties; or
 - 4.4.3 legal proceedings have been started; or

- 4.4.4 it has already been considered under our formal complaints policy (unless the customer felt the complaint hadn't been dealt with properly).
- 4.5 Where a group of customers or service users have an identical or similar complaint, they should be encouraged to select one person to make the formal complaint.
- 4.6 Formal complaints must be logged with Magna within six months (except where complaints concern safeguarding or health and safety issues) of the customer becoming aware of the problem causing the complaint. If 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 for the customer. We will only log a formal complaint when it is clear that, from a customer's perspective, we have not been able to resolve the issue at the first point of contact.
- 4.7 A complaint will not be accepted under this procedure if a previous, similar formal complaint has already been considered.
- 4.8 A formal complaint will be regarded as being at an end when it has been closed in writing by the head of customer experience.

5. Unreasonable or vexatious complaints

- 5.1 An unreasonable or vexatious complaint is where the customer:
 - 5.1.1 makes the same or similar complaint repeatedly;
 - 5.1.2 appears to be raising a complaint with no grounds in order to cause disruption or annoyance;
 - 5.1.3 does not accept factual responses and continues to pursue the complaint after exhausting the formal complaints procedure;
 - 5.1.4 frequently changes the substance of the complaint;
 - 5.1.5 focuses on trivial points in the complaint; or
 - 5.1.6 places unreasonable demands (for example, response times and contact time) on the colleagues dealing with the complaint.
- 5.2 The appropriate director may deal with an unreasonable or vexatious complaint by:
 - 5.2.1 writing to the customer to confirm the reasons the customer is considered vexatious and setting out the terms on which s/he will continue to deal with the complaint;
 - 5.2.2 specifying the forms of contact with the customer (which may include restricting contact); and

- 5.2.3 reserving the right to seek legal advice/suspend contact if the customer continues to breach the agreed terms.
- 5.3 Where contact is restricted this must be appropriate and proportionate to the nature of the customer's contacts with Magna. The following types of restriction may be applied:
 - 5.3.1 placing time limits on telephone conversations and personal contacts
 - 5.3.2 restricting the number of telephone calls that will be taken (eg one call on one specified day of the week)
 - 5.3.3 limiting the customer to one form of contact eg telephone, letter or e mail only
 - 5.3.4 requiring the customer to deal only with a named colleague
 - 5.3.5 requiring the customer to communicate through a named advocate or representative
 - 5.3.6 banning the customer from some or all of Magna's premises
 - 5.3.7 requiring the customer to enter into a written agreement about their future conduct if their complaint is to be progressed
 - 5.3.8 refusing to register and process further complaints, and providing the customer with acknowledgements only of further letters, faxes or emails received after a particular date
 - 5.3.9 closing the investigation into the complaint.

6. Stages of the complaint

6.1 The Formal Complaints Procedure has up to two stages, depending on the nature of the complaint. They are set out below and summarised in the flow chart at Appendix 1.

6.2 Stage 1

- 6.2.1 An acknowledgement that the complaint has been received will be made in writing/email by the complaints team within five working days of its receipt by Magna.
- 6.2.2 The investigation will be carried out by the complaints team in conjunction with relevant colleagues. Any escalated complaints (including, but not limited to, serious injury, data protection/legal matters, health and safety, racism or discrimination and any complaints involving a minor or vulnerable person) will be investigated by the relevant head of service/director. If it is about the the head of service themselves, then the director should appoint an appropriate person to investigate it. If the complaint is about a director, then the complaint must be investigated by another director.

- 6.2.3 The complaints team will be responsible for setting a timescale for the resolution of the complaint and will liaise regularly with the customer throughout the process. See also below, paragraphs 6.2.9 and 6.2.10.
- 6.2.4 Where appropriate, the complaints team will ensure that the customer is offered a confidential discussion (at their home, the office or by video/telephone) about the complaint.
- 6.2.5 The customer may, at their own expense, have a friend or observer present at the interview, to provide support and/or to speak on their behalf. Where the customer normally receives support from a carer, then that carer may be present and may speak for the customer.
- 6.2.6 Where the complaints team finds evidence that a formal complaint may involve misconduct by a colleague then the officer should discuss the situation with a member of the people team. If it is appropriate to do so the disciplinary investigation procedure will be used and the colleague advised accordingly.
- 6.2.7 The response to the complaint must be reviewed by the complaints manager who must ensure that all parties involved (including colleagues) have been informed of the outcome.
- 6.2.8 The reply should reach the customer within 10 working days of its receipt by Magna unless a different timescale is agreed with the customer (this should not exceed a further 10 days without good reason).
- 6.2.9 Where a complicated matter will take more than 10 days to investigate, the complaints team must advise the customer of this and agree a date by which a response can be expected. The complaints team must keep the customer informed and updated throughout the process.
- 6.2.10 Standard paragraphs/phrases which can be used or adapted for acknowledgement and stage 1 response letters are included at Appendix 2.
- 6.2.11 If no response is received from the customer within 30 days, the complaint will be treated as closed.
- 6.2.12 A Stage 1 formal complaint will be regarded as at an end when it has been closed in writing.

6.3 Stage 2

- 6.3.1 If all or part of the complaint is not resolved to the resident's satisfaction at stage one it will be progressed to stage two unless an exclusion ground now applies as set out in 4.4 of this procedure. If we decline to escalate a complaint, we will clearly communicate in writing our reasons for not escalating as well as the resident's right to approach the Ombudsman about our decision. The complaint will be investigated afresh and if a head of service/director has previously investigated the complaint or the complaint is about the head of service/director, it will be investigated independently by another head of service/director or the Chief Executive.
- 6.3.2 An acknowledgement of the Stage 2 complaint will be made in writing/email within five working days of its receipt by Magna by the complaints team.
- 6.3.3 The investigation will be by a director or by the complaints manager.
- 6.3.4 The complaints manager/director will be responsible for setting a timescale for the resolution of the complaint and ensuring that there is a regular liaison with the customer throughout the process. The aim is to complete the investigation and respond with the outcome within twenty working days (this should not exceed a further 10 working days without good reason)
- 6.3.5 Where appropriate, the director/complaints manager will ensure that the customer is offered a confidential discussion (at their home, the office or by video/telephone) about the complaint.
- 6.3.6 The customer may, at their own expense, have a friend or observer present at the interview, to provide support and/or to speak on their behalf. Where the customer normally receives support from a carer, then that carer may be present and may speak for the customer.
- 6.3.7 If investigated by a head of service other than the director the Stage 2 response must be reviewed/"signed off" by the head of customer experience.

- 6.3.8 The reply must reach the customer within 20 working days of the receipt of the customer's request to proceed to Stage 2 unless a different timescale is agreed with the customer.
- 6.3.9 Where a complicated matter will take more than 20 days to investigate and respond, the director/complaints manager must advise the customer of this and agree a date by which a response can be expected. The director/complaints manager must keep the customer informed and updated throughout the process.
- 6.3.10 Standard paragraphs/phrases which can be used or adapted for acknowledgement and stage 2 response letters are included at Appendix 2.
- 6.3.11 If no response is received from the customer within 30 days, the complaint will be treated as closed.
- 6.3.12 A Stage 2 formal complaint will be regarded as at an end when it has been closed in writing.
- 6.3.13 The complaints manager must inform the colleague(s) who dealt with the complaint at stage 1 the outcome of the complaint at stage 2.

6.5 Housing Ombudsman Service

- 6.5.1 We shall provide early advice to customers regarding their right to access the Housing Ombudsman Service, not only at the point they have come to the end of our complaints process. The Housing Ombudsman Service can assist customers throughout the life of a complaint. This affords the customer the opportunity to engage with the Ombudsman's dispute support advisors.
- 6.5.2 If the customer is still not satisfied after their complaint is closed in writing they may refer their complaint to the Housing Ombudsman Service. This must be done within six months of Magna's formal complaint process being at an end.
- 6.5.3 Customers may refer their closed complaint to the Housing Ombudsman Service themselves but only once they have waited eight weeks after coming to the end of Magna's formal complaint procedure. Alternatively, the complaint may be referred via a 'designated person'. More information about 'designated persons' is set out in Appendix 4.

- 6.5.4 The Housing Ombudsman Service will not accept complaints from contractors, consultants or others who are paid by Magna. They will also not accept complaints from people who live near our properties, but do not receive a service from us such as private owners. For these complaints, the process will end at Stage 2 (or earlier if closed in writing).
- 6.5.5 Former customers may complain to the Housing Ombudsman Service if they had a legal relationship with Magna at the time the matter complained about arose. Housing applicants may complain to the Housing Ombudsman Service if they are in the application process and are complaining about that process.
- 6.5.6 More information about the Housing Ombudsman Service is included at Appendix 3.

7. The role of the complaints team

- 7.1 Each formal complaint will be allocated a complaints officer who will investigate the complaint and respond to the customer. They will also guide them through the complaints process and clarify what the customer wants, to make sure that it is understood.
- 7.2 At the end of the complaints process the complaints officer will ensure that the promised action has been delivered and confirm whether the complaint can be closed.
- 7.3 If the promised action has not been delivered the complaints officer will refer this to the relevant head of service/director.

8. Recording formal complaints

- 8.1 Formal complaint letter templates will be set up on AspireCRM.
- 8.2 Customer communication about complaints cases will be conducted via the Customer Complaints inbox. Case handling and customer communication notes will be recorded on Aspire CRM against the complaint case. Letters sent to customers about complaints and any file notes and investigation evidence gathered will be saved in documotive in the 'Complaints' folder against the customer's tenancy records.

9. Complaints monitoring, review and benchmarking

- 9.1 The following information about complaints will be reported:
 - 9.1.1 number of customers who have made a complaint/reported a problem in the previous three months;

- 9.1.2 Satisfaction with the way we handled complaint; and
- 9.1.3 Satisfaction with the final outcome of complaint
- 9.2 This information will be reviewed monthly by the Performance Management meeting.
- 9.3 The Risk and Audit Committee and the Magna Board will review formal complaint summary information each quarter.
- 9.4 In addition, the Magna Board will review all formal complaints in summary format annually. The summary will include the numbers of, and reasons for, complaints in the previous year and any trends; the results of satisfaction monitoring; and any changes in policy or procedure resulting from complaints and subsequent investigation. The Board will also review all complaints regarding Magna that are considered by the Housing Ombudsman Service
- 9.5 The digital architecture, data and innovation department will carry out customer satisfaction surveys of closed formal complaints, to include monitoring of customers' satisfaction with the attitude of colleagues, the complaint process and the outcome. The surveys will be sent quarterly and the results reported to the complaints officer and to the Board as part of the quarterly resident opinion report.
- 9.6 We will contact every customer who makes a formal complaint to ask them how we dealt with it. This helps us improve the way we manage and resolve complaints.
- 9.7 We will record all feedback and learn from our mistakes so that we don't make the same mistakes and we improve our services. We'll review every complaint to see whether there are things we can change immediately. When we carry out this review we will also try to identify if there are any underlying reasons for things going wrong.
- 9.8 We will inform customers and others how we use complaints to improve our services and publish information about complaints each year.

10. Compensation and payments for loss or damage

- 10.1 Compensation may be paid to a customer, in accordance with the compensation policy and the compensation and other payments procedure. Compensation may be paid to recognise the customer's inconvenience, wasted time, loss of trust etc or simply as a 'thank you' for taking the time and trouble to alert us to a problem and

allowing us to resolve it. If the customer owes money to Magna, we will deduct the compensation from the sums owed.

10.2 Alternatively, or in addition, we may pay the customer for 'loss or damage'. Loss or damage payments are made to reimburse the customer for measurable losses or damage eg to replace damaged household effects or to reimburse expenses incurred. We will not deduct loss or damage payments from any debts owed to Magna. We will not request receipts unless the sums claimed appear excessive or unreasonable.

10.3 Correspondence must state clearly whether payments made are compensation or for loss or damage. We will not refer to 'goodwill', 'ex-gratia' or 'consolatory' payments.

11. Apologies

11.1 We should acknowledge and apologise for any failure identified, give an explanation and, where possible, inform the customer of the changes made or actions taken to prevent the issue from happening again.

11.2 However, we must be careful not to do anything that would prejudice our insurer's position, where an insurance claim may be made. This means we must not admit liability, as this could mean the insurers would be unable to defend any claim. If you are in any doubt, speak to the Legal department.

11.3 Complaints can be resolved in a number of ways. Our policy shall require that any remedy offered reflects the extent of any and all service failures, and the level of detriment caused to the customer as a result. These shall include:

- acknowledging where 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 a record
- providing a financial remedy
- changing policies, procedures or practices.

11.4 A positive complaint handling culture is integral to the effectiveness with which we resolve disputes, the quality of the service provided, the ability to learn and improve, and the relationship with our customers.

11.5 We should proactively use learning from complaints to revise policies and procedures, to train colleagues and contractors and to improve communication and record-keeping.

11.6 We shall report back on wider learning and improvements from complaints to their customers, managers and colleagues. Feedback shall be regularly provided to relevant scrutiny panels, committees and boards and be discussed, alongside scrutiny of the Ombudsman's annual landlord performance report.

12. Publishing information about complaints

12.1 In accordance with the regulatory framework we will inform customers how we use complaints to improve our services and we will publish information about complaints each year, including their number and nature and the outcome of complaints. This information will be made available via Opendoor and/or the website.

**FORMAL COMPLAINT
FLOWCHART**

Send acknowledgement letter
to **customer within 5 working
days**

Complaints team

Complaints officer helping
customer

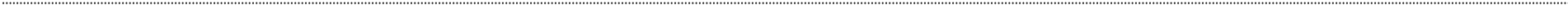
Head of service

**Director or Chief
Executive**

HOUSING OMBUDSMAN
SERVICE

STAGE 1
Response to reach
customer within
10 working days

STAGE 2
Response to reach
customer within
20 working days



SUGGESTED STANDARD PARAGRAPHS AND PHRASES FOR COMPLAINT LETTERS

Acknowledgements:

Thank you for your complaint [letter /email /call] received [date]. Your concerns have been logged with Magna and will follow our complaints procedure. We will look into your complaint and reply to you in the next 10 days.

I'm here to help and support you while your complaint is being looked into, and I will contact you to let you know how your complaint is progressing.

Please contact me on the number below if you need any further assistance/help.

Additional time required:

I'm looking into your formal complaint and need more time to complete my investigations.

I will be in touch with you by the [date].

Please ring me should you have any questions. If you would like to talk about this, the best way to get in touch is using the contact details below

To include in stage 1 response

Thank you for letting us know of your concerns. If you feel you are not satisfied with the outcome of your complaint, please contact [appropriate complaints officer] in writing, by email, [name@magna.org.uk] or by telephone on [telephone number]. Please let us know the reasons why you are not satisfied with our response.

If we don't hear from you by [give specific date, in 30 days' time] we will close your complaint.

To include in stage 2 response

Thank you for letting us know of your concerns. If you feel you are not satisfied with the outcome of your complaint, please contact [appropriate complaints officer name] in writing, by email, [name@magna.org.uk] or by telephone on [telephone number].

Please let us know the reasons why you are not satisfied with our response. If we don't hear from you by [give specific date, in 30 days' time] we will close your complaint.

This is the final stage of Magna's complaints procedure and the decision made by the director is final. If you remain dissatisfied, after a period of 8 weeks have lapsed, you may contact the Housing Ombudsman Service at PO Box 152, Liverpool, L33 7WQ, telephone 0300 111 3000.

General points for letters:

Do not refer to stage 1 and 2 of the complaint process. These stages are for internal purposes only.

Do not refer to customers being 'happy' with an outcome. Our aim is to resolve a problem or dispute. If the customer does not think their problem is solved, we want them to let us know and let us know why it is not solved.

Housing Ombudsman Service

For full details, see the Housing Ombudsman Service scheme guidance at www.housing-ombudsman.org.uk. This includes the new complaint handling code issued in July 2020.

Designated Persons

1. Definitions:

- 1.1 A 'designated person' is defined in the Localism Act 2011 as an MP, a local councillor for the district in which a customer's home is situated, or a designated tenant panel.
- 1.2 A designated tenant panel* is defined in the Localism Act as a group of tenants who have been 'designated' by a social landlord for the purpose of referring complaints to the Housing Ombudsman Service.
- 1.3 County councillors or parish councillors are not defined as designated persons in the Localism Act.

2. Role:

- 2.1 The formal and only legally defined role of a designated person is to refer complaints from social housing tenants to the Ombudsman.
- 2.2 Designated persons may refer complaints to the Ombudsman at any time although the Ombudsman will generally only consider complaints when the landlord's complaint procedure has been exhausted.
- 2.3 The general role of the designated person is to assist in resolving tenant complaints and issues locally. In doing so, they may also participate with the landlord in using the learnings gathered from complaints to help improve services. Their role is to provide fresh and independent insight on complaints, from a tenant, councilor or MP perspective playing a critical friend role suggesting views and approaches that may not have been considered by landlord staff and others in handling the complaint.
- 2.4 Where a designated person considers that they are unable to resolve a complaint locally and if a customer wishes and authorises them to do so, they have the option to refer a complaint to the Ombudsman once the landlord complaints process has been exhausted.
- 2.5 A designated person does not have power over an organisation's policies and procedures although they could suggest ways in which they could be improved.
- 2.6 Customers can approach a designated person at any time- but their formal role is only taken up when the complaints procedures have been exhausted.
- 2.7 The designated person's role is not an additional stage in the complaint process. Their role is to help ensure more complaints are resolved at the local level.

**Landlords are not obliged to set up a designated tenant panel and Magna has taken the decision not to have such a panel.*