

MAGNA HOUSING

CUSTOMER COMPLAINTS POLICY

Introduction

- 1.1 We aim to give our customers the best possible service, first time, every time. Sometimes, things go wrong, and customers don't get the service they expect, or we fall short of the standards we have promised. When that happens, the way we manage, resolve and learn from complaints is key to helping us improve our services and provide a great customer experience. We aim to do all we can to resolve the issue as quickly as possible and learn from it.
- 1.2 This policy explains how we'll make it easy for our customers to tell us when things have gone wrong, how we will try to find a resolution and our approach to compensation.

Who this policy applies to and what it covers

- 2.1 This policy and process applies to:
 - 2.1.1 All Magna customers, former customers, leaseholders, and members of the public affected by our services. Members of the public do not have access to the Housing Ombudsman Service. Any reference to the Housing Ombudsman Service in this policy is only in relation to complaints which are within the Ombudsman's jurisdiction.
- 2.2 We accept complaints made by advocates authorised to act on a customer's behalf and we will record and respond to these in the same way as a complaint made directly by a customer. We offer many ways to make a complaint. When complaints are made publicly on our social media channels, we respond in a private chat or offline to maintain privacy and confidentiality.

Throughout the process, we will make sure that arrangements are appropriate for the customers' needs. We will show sensitivity towards customers and their circumstances in all cases. We will make reasonable adjustments and provide extra support where needed, to ensure all customers can use the complaints process easily.

- 2.3 We expect all of our colleagues to make every effort to resolve customer issues and to fix problems quickly and efficiently. Personal contact with customers and early ownership of problems is important to us and the way we manage complaints. We will give customers the choice to make a complaint if they are expressing dissatisfaction.

Our dedicated complaints handlers will receive nationally recognised disputes resolution training to support them to:

- 2.3.1 Deal with complaints fairly.
- 2.3.2 Act independently and with an open mind.
- 2.3.3 Deal with conflicts of interest.
- 2.3.4 Give the customer a fair chance to explain their position.
- 2.3.5 Support relevant colleagues to gather information needed to investigate and resolve the complaint.
- 2.3.6 Consider evidence and information carefully.
- 2.3.7 Keep the complaint confidential as far as possible.
- 2.3.8 Put things right for customers and monitor outstanding actions.
- 2.3.9 Ensure there is learning from complaints and service improvements are made.

- 2.4 We accept complaints in a variety of ways, including:

- 2.4.1 On our website: magna.org.uk/contact-us/complaints.
- 2.4.2 By post: Customer complaints team, Magna Housing, Everdene House, Railway Triangle Industrial Estate, Poundbury Road, Dorchester, Dorset DT1 2PJ.
- 2.4.3 By email: customer.complaints@magna.org.uk.
- 2.4.4 By phone: 0800 358 6025.
- 2.4.5 In-person when speaking with any of our colleagues.

Definition of a complaint

- 3.1 This policy complies with the Housing Ombudsman's Complaint Handling Code effective from April 2024. Our latest self-assessment against the Code as part of the annual complaint performance and service improvement report and our Strategic Board's response to the report is published on our website.
- 3.2 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 a resident or group of residents.’

Customers don’t have to use the word ‘complaint’ for it to be treated as such.

- 3.3 A complaint is not the same as a service request. A service request is a request from a customer for the first time, or a customer making us aware of something for the first time. If the customer is dissatisfied with the response to their service request, we will raise it as a complaint and will continue to try to resolve the service request, unless the customer doesn’t want us to, unless the service request relates to any aspect of health and safety. Service requests are recorded, monitored and reviewed regularly through our housing management system and associated reports.
- 3.4 The safety of our customers is important to us. If we receive a complaint concerning the safety of a customer or their home, we will treat it as a priority.
- 3.5 If we decide not to accept a complaint, we will explain our reasons to the complainant and advise them of the right to take the decision to the Ombudsman. We will not consider a matter as a complaint where:
 - 3.5.1 There is already an alternative, appropriate appeal procedure available, such as in the allocation of properties or the first-tier tribunal service. However, we will accept a complaint about our handling of the matter.
 - 3.5.2 Legal proceedings have been started. These are defined as details of the claim such as the Claim Form and Particulars of claim, having been filed at court. Legal proceedings exclude the Pre-action protocol or mediation stage.
 - 3.5.3 It has already been considered under our customer complaints policy.
 - 3.5.4 The issue happened over 12 months ago, or the customer should reasonably have been aware of the issue over 12 months ago (except where complaints concern safeguarding or health and safety issues), unless there are good reasons why the complaint was made outside this time limit.
- 3.6 If the problem is recurring, we will consider any older reports as part of the background to the complaint if this helps to resolve the issue.
- 3.7 There are requirements in the Building Safety Act 2022 which relate to complaints in high-risk residential buildings (HRRBs). This includes buildings which have at least seven storeys or are at least 18 metres in height and has two residential premises. A ‘relevant’ complaint in the Act is defined as one that involves:
 - 3.7.1 Structural failure or the spread of fire or smoke in the building (known as a ‘reportable incident or risk’) or

3.7.2 The performance of an Accountable Person (including communication and management of risks).

3.8 Relevant complaints will be investigated in accordance with the complaints procedure outlined at paragraph 5 of this policy and will be actioned to ensure compliance with the Building Safety Act 2022. Complaints may be raised by any individual and are not limited to our customers. Please note that the reference to the Housing Ombudsman in paragraph 5 does not apply to relevant complaints made under the Building Safety Act 2022.

3.9 If a complainant remains dissatisfied after stage two of the complaints procedure regarding an issue relating to structural failure and spread of fire (building safety risks), or the performance of an Accountable Person (AP) or Principal Accountable Person (PAP), the complainant can refer the matter to the Building Safety Regulator (BSR). For example:

- An agreement cannot be reached between the PAP and the AP
- There is no satisfactory outcome after a final response is given.
- The complainant is not satisfied with the outcome.

3.10 Customers can contact the Building Safety Regulator using the following details:

- 0300 790 6787
- <https://www.hse.gov.uk/building-safety/regulator.htm>

3.11 All relevant building safety complaints will stay on file for seven years. All information relating to relevant complaints will be retained in accordance with our internal complaints and data retention policies and processed in compliance with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. See our [Data Protection Policy.pdf](#) for further details.

Unreasonable or vexatious complaints

4.1 If a customer makes the same, or similar, complaint repeatedly without good reason, or appears to be raising a complaint with no grounds in order to cause disruption, annoyance or harassment, we reserve the right to close the complaint or refuse to investigate it.

4.2 We have an unacceptable customer behaviour policy and procedure in place for managing unacceptable behaviour from customers and/or their representatives. Any restrictions placed on contact due to unacceptable behaviour is proportionate and kept under regular review.

Our customer complaints policy

- 5.1 We have robust procedures and service standards for managing complaints. Our approach to managing complaints is well publicised on our website and through other media.

Our policy has been reviewed and drafted with customer involvement.

All complaints will be formally acknowledged and will then progress through an investigation process involving no more than two stages.

Acknowledgement

- 5.2 Complaints will be logged and acknowledged by email or in writing within five working days of receipt. If any part of the complaint is unclear, we will ask the complainant for clarification. We will set out our understanding of the complaint and the outcomes the customer is seeking in the acknowledgement.
- 5.3 The acknowledgement will give a target date for a response, the name of the complaint's advisor and, if agreed with the customer at this stage, any other methods or frequency of contact.

Stage one

- 5.4 Complaints will be fully investigated with relevant colleagues and, where necessary, the complainant.

If the complaint is about a member of the complaints team it will be investigated independently by the Head of Customer and Community Support or another head of service.

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 the complaint is about the head of service/director, it will be investigated independently by another head of service/director.

- 5.5 The complaint will be responded to by email or in writing, within 10 working days of the acknowledgement, by which time the answer to the complaint should be known. If it is not known, and in exceptional circumstances, we may extend the response time. This will not exceed a further 10 days without good reason. We will deal with any outstanding actions as quickly as possible, keep track of them, and update the complainant. In circumstances where the complaint response cannot be issued in line with the initial or extended timescale, we will agree

suitable intervals with the customer for keeping them informed about their complaint.

- 5.6 If a customer raises additional points that are relevant to the investigation, they may be included in the stage one investigation if the response has not been issued. Where the stage one response has been issued, or it would unreasonably delay the response, the complaint will be logged as a new complaint.

Stage two

- 5.7 If the customer remains dissatisfied following our stage one response and want to appeal, they must contact us within 30 days of receiving the stage one response. The complaint will be escalated to stage two unless an exclusion ground applies. Any decision not to escalate will be made by the Complaints Resolution Lead with support where necessary from the Head of Customer and Community Support, or a director. If we decide not to accept a complaint, we will explain our reasons to the complainant and advise them of their right to take the decision to the Ombudsman.
- 5.8 The escalation request will be logged as a stage two complaint within five working days. We will set out our understanding of the outstanding issues and the outcomes the customer is seeking. If any part of the complaint is unclear, we will ask the complainant for clarification. and the full definition and resolution will be agreed and confirmed in writing. We will set out our understanding of the complaint, and give a target date for a response, the name of the investigating colleague in the acknowledgement. If any other methods or frequency of contact has been agreed with the customer at this stage, it will also be included in the acknowledgement
- 5.9 A stage two complaint will be reviewed by a head of service with relevant colleagues and, where necessary, the complainant. The review will be carried out by a head of service.

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.

The complaint will be responded to within 20 working days of the acknowledgement. If more time is needed, we may extend the response time by no more than 20 working days without good reason. The reasons for this will be explained in writing and a new response deadline will be given. In circumstances where the complaint response cannot be issued in line with the initial or extended timescale, we will agree suitable intervals with the customer for keeping them informed about their complaint.

5.10 All points in the original complaint (and as agreed at the acknowledgement stage), will be answered and responses at stage one and stage two will confirm the following:

- The complaint stage,
- The complaint definition,
- The decision on the complaint,
- The reasons for any decisions made,
- The details of any remedy offered to put things right,
- Details of any outstanding actions and
- If this is at stage one, details of how to escalate to stage two or at stage two, how to escalate to the Housing Ombudsman if the complainant remains dissatisfied.

5.11 If we need more time at either stage, we will provide the customer with the Housing Ombudsman's contact details so that they can challenge our response.

5.12 We will publicise the Housing Ombudsman Service and inform the customer that they have the right to refer the complaint to this service.

Putting things right

6.1 We aim to treat customers fairly in circumstances where compensation may be appropriate. Levels of compensation or other payments may be determined by law, tenancy agreements or by the individual set of circumstances.

6.2 We will consider paying compensation if:

- We have been negligent in our service delivery; or
- We have failed to meet our service targets.
- We have not acted reasonably.
- The complainant has suffered loss or inconvenience.
- No other form of redress is suitable.

We will not consider paying additional compensation if the customer has already received compensation as a result of a complaint or a legal settlement for the subject of the complaint.

6.3 Incidents, damage or losses which have a value exceeding our insurance excess will be dealt with following our Risk Management Policy (insurance section) and associated procedures. In general, it is unlikely we would pay compensation in such cases, although in exceptional circumstances a compensation payment may be considered.

6.4 If a customer owes money to Magna, compensation payments may be used to clear or reduce their debt and any balance remaining will be paid to the customer. However, this does not apply to payments that are intended to reimburse customers for losses, damage or expenses they have incurred; unless the

customer explicitly agrees, we will not use these payments to clear or reduce customers' debts.

Compensation for failure to repair

- 6.5 Customers may be entitled to compensation from us where repairs have not been completed within target times and are qualifying health, safety, or security repairs in accordance with the "right to repair" set out in the tenancy agreement.
- 6.6 In the first instance, we would encourage customers to use the complaints process in relation to repairs and condition claims if it has not already been exhausted as it may result in faster action. We may refer customers to our internal complaints process, if it has not already been exhausted when addressing any claim and/or the level of compensation.

Payments for loss of service or amenity

- 6.7 Where there is a loss of service provided by us, which a customer pays a service charge for, and the loss/breakdown is within our control and not dealt with during our target response times, we will refund the service charge for the duration of the loss/breakdown. We may also pay the customer for any additional costs they incur such as extra energy bills.
- 6.8 We may pay compensation if a customer loses the use of part of their home, which is caused by factors within our control. This compensation will not apply where the loss is caused by:
- Planned improvement works, which are covered by disturbance allowances; or
 - The need for response repairs which are completed during the target response time.

Payments for loss or damage to possessions or decoration

- 6.9 In certain circumstances, we may make a payment for household items that have been damaged or lost because of something we have done or failed to do.
- 6.10 Where there is damage to decorations because of something we, or anyone we instruct to work on our behalf, have done or failed to do, we may fix the damage ourselves or pay the cost of fixing the damage.

Payments in other circumstances

- 6.11 We may make compensation payments in other circumstances, for example as a result of a complaint, where a customer has suffered inconvenience or distress, or we have provided a poor service and failed to put this right within a reasonable period. The value and nature of such payments will be entirely at our discretion.

- 6.12 We may make payments for loss or damage in circumstances other than those detailed in this policy where a customer has incurred costs because of something we have done or failed to do.
- 6.13 We will pay compensation to a customer where an order for compensation is made by a court, the Regulator of Social Housing or the Housing Ombudsman Service.

Learning and improving from complaints

- 7.1 To understand the areas of our services where customers are dissatisfied, learn from complaints and improve our services, we will:
- Contact every customer who makes a complaint to ask them how we dealt with it. This helps us improve the way we manage and resolve complaints.
 - Involve relevant colleagues in a lessons learnt process with changes made where necessary.
 - When we carry out this review we will also try to identify if there are any underlying reasons for things going wrong.
 - Learnings and changes made as a result of complaints will be recorded formally and reviewed for themes which will be discussed at Leadership level. We will ensure the Strategic Board review complaint trends and their outcomes at least once a year. Insight from complaints themes and service failures will be considered when developing the annual internal audit programme. Any structural or process changes (if not urgent) will be considered at budget setting time and when agreeing the future year's projects and plans.

Responsibilities

- 8.1 **The Chief Executive**, as a Board Member and under the scrutiny of the wider of the Board, is the Member Responsible for Complaints (MRC) supporting a positive complaint handling culture. The MRC is responsible for ensuring the Strategic Board receives regular information on complaints that provides insight on Magna's complaint-handling performance including outcomes of complaints investigated by the Housing Ombudsman Service.
- 8.2 The **Director of Customer Operations** is accountable for all aspects of customer complaints and is responsible for the development and review of this policy, making sure that it meets all relevant legal and regulatory requirements and guidance, including the annual self-assessment against the Housing Ombudsman's Complaints Handling Code. The policy will be reviewed and approved by the Strategic Board annually alongside our self-assessment and annual review of complaints.

- 8.3 The **Head of Customer Contact and Community Support** is responsible for ensuring that this policy is adhered to, reviewed and updated in accordance with the policy review timetable.
- 8.4 The **Complaints Resolution Lead** is responsible for the delivery of operating procedures relating to customer complaints, for maintaining accurate data and reporting on complaints in line with governance arrangements.
- 8.5 **Managers** are responsible for ensuring their teams understand the importance and value of customer feedback, for cooperating fully with complaints investigations, learning from complaints and implementing changes identified as a result.
- 8.6 Every year, we agree key performance indicators which will be used to monitor complaints and we will report complaints performance annually to the Regulator of Social Housing as part of the Tenant Satisfaction Measures.
- 8.7 We will publish this policy, our self-assessment against the Housing Ombudsman's Complaint Handling Code and our annual complaints report annually on our website: magna.org.uk/contact-us/complaints.
- 8.8 Customers can discuss their complaints with the Housing Ombudsman Service at any stage and refer their complaint to be investigated by the Housing Ombudsman Service after receiving their stage two complaint response. Their contact details are:
- 0300 111 3000.
 - info@housing-ombudsman.org.uk.
 - housing-ombudsman.org.uk.
 - Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET.