

Complaints policy

Table of Contents

1	Policy Statement	Page 3
2	Aim and objectives	Page 3
3	Statutory / regulatory issue	Page 4
4	Confidentiality	Page 4
5	Our definition of a complaint	Page 4
6	Exceptions to the complaints policy	Page 4
7	How to make a complaint	Page 5
8	Who can make a complaint?	Page 5
9	Representation and support	Page 5
10	Principles of the complaints policy	Page 6
11	Next steps	Page 7
12	Closing complaints	Page 8
13	Unreasonable behaviour	Page 8
14	Compensation payments	Page 9
15	Equality and diversity statement	Page 9

1. Policy statement

- 1.1 We aim to provide high quality services to all our customers. However, we recognise that from time to time customers may not be satisfied with the quality of services provided and may wish to complain. It is important that these instances are brought to our attention for a thorough and prompt investigation to be carried out which may provide us with an the opportunity to put things right and to learn from any mistakes. We view complaints as a valuable source of feedback on our services and a learning opportunity to enable us to continuously improve.

2. Aims and objectives

2.1 Solution focussed

Our objective is to rectify the situation which has resulted in a complaint quickly. Wherever possible we'll provide a solution at the first point of contact.

2.2 A consistent process

We aim to give our customers a fair and consistent process to provide a mutually acceptable resolution of complaints.

2.3 A positive process

We use the outcome of complaints and any remedial action as a way of improving our services to customers.

2.4 A quality process

We want to:

- Continuously improve the quality of the services we provide.
- Improve our relationships with customers.
- Encourage best practice amongst all our employees.
- Operate within the regulatory and statutory framework.

2.5 A process that values diversity

We recognise and value the diversity of our communities. We aim to positively reduce barriers and so ensure that everyone has equal access to the complaints service. We are committed to treating everyone fairly and shall ensure that we comply with all relevant legislation under the Equality Act 2010.

2.6 We shall meet these aims and objectives by:

- Investigating all complaints, keeping and maintaining a record of them and the action taken in compliance with the Data Protection Act detailed in point four.
- Informing the complainant of the procedure, providing the name of the lead officer responsible for their complaint and direct contact details.
- Keeping the complainant informed about the progress of our investigation.

- Considering claims for compensation where complainants have suffered a material loss, including time and trouble, according to the compensation policy.
- Keeping within the target response times for each stage of the procedure.
- Dealing professionally, objectively and impartially with complaints.
- Referring complainants to the appropriate agency if outside our policy or remit.
- Monitoring the complaints we receive and how they are handled to ensure the policy and approach is applied fairly.

3. Statutory / regulatory issues

- 3.1 The Regulator of Social Housing (formerly The Homes and Communities Agency) requires housing associations to have an approach to complaints that is clear, simple and accessible.
- 3.2 This policy incorporates the key requirements of the following legislation, regulations and guidance:
- Localism Act 2011.
 - Schedule 2 of the Housing Act 1996.
 - Tenant Involvement and Empowerment Standards.
 - Data Protection Act 1998.
 - Equality Act 2010.
 - Housing Ombudsman Service scheme.
 - National Tenant Organisation guidance to tenants, designated persons and landlords.

4. Confidentiality

- 4.1 We respect the confidentiality of all complainants. The collection, storage, access to, provision and disclosure of data is done in accordance with the Data Protection Act 1998.
- 4.2 Complaint and personal details will only be disclosed to Moat employees and appropriate representatives of its contractors in order to provide a response.

5. Our definition of a complaint

- 5.1 A complaint is an expression of dissatisfaction about the quality of service, delivery of service, actions or lack of action by us, our employees or associated partners which requires a response. Negative feedback which does not require a response will be considered outside of the complaints process.

6. Exceptions to the complaints policy

- 6.1 The following will be excluded from the complaints policy:
- **Legal and/or insurance proceedings** – where a complainant has started court action or an insurance claim against us in respect of the specific issue(s) covered by their complaint, the complaint will be removed/excluded from our complaints process.

- **Mediation** - if a referral for mediation is in progress or has been made the complaint will be put on hold until the outcome of mediation is known. Subject to the outcome of mediation, the complaint lead officer should assess whether it is appropriate to resume the complaints process.
- **Neighbour nuisance or anti-social behaviour (ASB)** – customers suffering nuisance or antisocial behaviour should follow the ASB procedure. Reports of ASB will not be dealt with under the complaints policy. Complaints about how we have dealt with a report of ASB can be considered under this policy.
- **Housing Benefit** - Housing Benefit is the responsibility of the Claimant and the local authority. Any complaints should be directed appropriately.
- **Policy** – complaints about our policies are excluded but complaints about how a policy has been applied or communicated can be considered.
- **Complaints from people who do not receive our services** – these will be considered on an individual basis and are not covered by this policy.
- **Complaints relating to services we do not provide** – if a complaint is related to an agency providing a service on behalf of Moat, the customer must exhaust the agency's complaints procedure and allow them to provide resolution before making a complaint to Moat.
- **Complaints against an employee** – the complaint will follow the complaints procedure. However, should there be a need to invoke disciplinary or capability procedures, these will be undertaken in accordance with our HR policies and procedures. In these circumstances, details of any action taken against individual employees will not be disclosed to the complainant.
- **Complaints older than three months** – in the interests of resolution, complaints must be made in a timely manner and within three months of the issue occurring.
- **New build defect or latent defect** - where the builders of your home or building warranty provider are investigating the cause, your complaint will not follow our usual two stage complaints procedure. Your complaint will be logged at the initial stage only and you will be provided with a complaint reference number and we will agree timescales for communication with you. Should we fail to communicate as agreed, a complaint can be raised for non-response which will follow Moat's complaints procedure.

7. How to make a complaint

- 7.1 Complaints can be made in a number of ways:
- via our [website](#)
 - by emailing complaints@moat.co.uk
 - calling our Customer Service Centre
 - writing to us or by visiting one of our offices.

8. Who can make a complaint?

- 8.1 A complaint can be made by anyone who receives a service from us. Groups of customers may make a complaint collectively, but this should be through a single named representative.

8.2 Designated persons (see paragraph 11) may also raise complaints on behalf of customers.

9. Representation and support

9.1 Complainants are entitled to utilise the help of a representative at any stage of the complaints procedure. A representative may be a family member, friend or support agency, such as the Citizens Advice Bureau, or a support worker. In these cases, we will require formal authorisation in writing before we discuss details of any complaint with a third party. [You can download a Third Party Authorisation form online at moat.co.uk/feedback.](https://moat.co.uk/feedback)

10. Principles of the complaints policy

10.1 We operate a two stage procedure for formal complaints. All complaints should follow each stage in turn.

10.2 Stage one – Customer Service Centre / Service department reviews

Any complaint that can be dealt with at first point of contact by our Customer Service Centre will be resolved and closed by the Customer Service Centre team. Where a more detailed investigation is required, a lead officer will be assigned from the team responsible for the service area related to the complaint.

10.3 When a complaint involves more than one service area, the complaint will be allocated to a lead officer from the service area that forms the main basis of the complaint. The lead officer will respond to all matters in the complaint, obtaining information from other teams as necessary.

10.4 The lead officer must contact the complainant within three working days of receipt of the complaint to gather any additional detail required and to agree a date for resolution. This date must be within 28 calendar days from receipt of the complaint unless there are exceptional circumstances and/or a later date is agreed with the complainant due to the dependency of third party information.

10.5 In some circumstances when complaint investigations are complex in nature and/or the complaint resolution is unknown, the complaint will be closed with the commitment to achieve an acceptable outcome. In these situations, the lead officer must contact the complainant on a regular agreed basis until full resolution is achieved. The lead officer is responsible for ensuring that the commitments are delivered as promised.

10.6 If we fail to honour a commitment, the complainant can re-open their complaint at the same stage at which it was closed and the complaint will continue to follow each stage of the complaints procedure in turn.

10.7 A complaint which has had a full response at stage one should not remain open beyond 28 calendar days of the date of the response. The complainant may close the complaint if satisfied with the response or

escalate to stage two of the complaints process. We reserve the right to close the complaint if any of the following apply:

- the complainant does not wish to move to stage two
- the full 28 days have expired.
- resolution has been agreed

10.8 **Stage two - Senior Leadership Team (SLT) reviews**

If the complainant is not satisfied with the resolution at stage one, the complaint can be referred to the Senior Leadership Team. In order to escalate the complaint to stage two, the complainant must identify the area of their original complaint that they feel has not been adequately addressed, why they remain dissatisfied and what actions they are seeking to resolve their complaint.

10.9 The review carried out by the Senior Leadership Team will consider if the original complaint has been fairly and thoroughly investigated and the reason the complainant remains dissatisfied.

10.10 The timescale for initial contact from the Senior Leadership Team is three working days from the date of referral. We aim to complete stage two reviews within 21 calendar days unless there are exceptional circumstances, we are reliant on third party information and/or a later date is agreed with the complainant.

11. **Next steps**

11.1 If the complainant remains dissatisfied and wishes to take the complaint further, they can approach a Designated Person such as an MP or local councillor.

11.2 The role of the Designated Person is to assist in the resolution of complaints locally. They can be approached at any point by the complainant to assist in making, or resolving, a complaint.

11.3 If the Designated Person considers they are unable to assist with a complaint, and if authorised by the complainant, they may be able to refer the complaint to the Housing Ombudsman Service to assist in resolution.

11.4 Eligible complainants can escalate their complaint directly to the Housing Ombudsman for investigation, eight weeks after completion of stage two of this policy.

11.5 Contact details for local councillors can be obtained from the local authority, or online at www.gov.uk. Contact details for a Member of Parliament can be found online at www.parliament.uk; or by writing to:
House of Commons
London SW1A 0AA

11.6 **The Housing Ombudsman Service (HOS)**

We subscribe to the HOS. The HOS's role is to independently assess whether we have acted fairly and reasonably in dealing with a complaint.

11.7 The Housing Ombudsman will only consider complaints once both stages of this policy have been completed. The Housing Ombudsman will notify the complainant and us of their determinations in writing.

11.8 We will comply with all determinations made by the HOS and will act in accordance with any recommendations made to resolve complaints.

Housing Ombudsman Service
81 Aldwych
London
WC2B 4HN
Telephone: 0300 111 3000
Fax: 020 7831 1942
Minicom: 0207 404 7092
info@housing-ombudsman.org.uk
www.housing-ombudsman.org.uk

11.9 Any complaints regarding the liability to pay for and the reasonableness of service charges will follow our complaints process. However, if a resolution is not found and the complainant wishes to escalate, complainants will be directed to the First Tier Tribunal (FTT) to apply for a determination. In these instances the HOS has no jurisdiction.

11.10 The Housing Ombudsman Service will not consider complaints from freeholders. If a freeholder remains dissatisfied on reaching the end of our complaints process, we may consider engaging a mediation service in an attempt to reach a satisfactory resolution. If we do not feel this will remedy the situation we will advise the complainant to seek independent advice from the Citizens Advice service

11.11 If your complaint relates to a new build defect or latent defect where the builders of your home or building warranty provider are investigating the cause, your complaint will not follow our usual two stage complaints procedure. Your complaint will be logged at the initial stage only and you will be provided with a complaint reference number and we will agree timescales for communication with you. Should we fail to communicate as agreed, a complaint can be raised for non-response which will follow Moat's complaints procedure.

12. Closing complaints

12.1 A complaint can be closed when:

- The investigation is complete and a response is sent, or
- After sending a response and attempting to make contact to discuss it, there is no further contact from the complainant after 28 calendar days.
- When a resolution is determined and a commitment made as outlined in paragraph 10.5 and 10.7

13. Unreasonable behaviour

- 13.1 We acknowledge that a degree of persistence is reasonable, particularly if a customer is following up legitimate complaints as a result of failure by us or our representatives to resolve problems.
- 13.2 There may be occasions where we consider the level, frequency and type of complaints being made from an individual or household becomes unreasonable and vexatious in nature. In these exceptional circumstances we may determine it necessary to limit contact.
- 13.3 Any such decisions must be taken by a member of the Executive Team at the recommendation of a Senior Leadership Team member and will, where possible, normally follow a prior warning to the customer. We reserve the right to proceed without prior warning if necessary.
- 13.4 Any restrictions imposed will be appropriate and proportionate and carefully considered against the circumstances. The options we are most likely to use are:
- Accepting contact only in a particular form (for example, letters only.)
 - Requiring contact to take place with a named officer or email address.
 - Blocking emails received other than to a specified Moat email address.
 - Restricting telephone calls to specified days and times.
 - Responding to contact via solicitors only (The customer is liable for payment of related legal costs incurred by Moat in these instances.)
 - Only acknowledge receipt of emails or letters where the matter does not relate to items that have previously been addressed or responded to.
- 13.5 Whilst contact may be restricted, we will continue to fulfil all statutory obligations, including contact relating to Section 20 consultations, successions, leasehold issues and collection of monies owed.
- 13.6 In all cases where we decide to treat someone as an unreasonably persistent complainant, we will write to tell the customer:
- Why we believe their behaviour falls into that category.
 - What action we are taking.
 - The period after which a review of such action will take place. Where appropriate we will do this via our solicitor.
- 13.7 If the customer wishes to appeal the decision, they must do so within 30 calendar days in writing. This will be considered by the Executive Team.

14. Compensation payments

- 14.1 Where complainants have suffered a material loss they may be compensated accordingly in line with our compensation policy.

15. Equality and diversity statement

- 15.1 We value diversity and are committed to promoting equality of opportunity and ensuring that customers and employees are treated fairly. It is our policy to ensure fairness, accessibility and transparency in every aspect of our work.
- 15.2 We use 'Language Line', a telephone interpreter service that can assist communicating with customers whose first language is not English.

Record of changes from previous versions of the policy:

Date of change	Details of change
July 2018	<ul style="list-style-type: none"> • Updated Homes and Communities Agency to The Regulator of Social Housing • 6.1 bullet added as clarification for complaints relating to defects and latent defects • 10.7 clarification on when Moat may close a complaint • 11.10 added information for freeholders • 14.1 removed the wording “available on our website”
June 2017	<ul style="list-style-type: none"> • Title page. Removed reference to Moat’s resident forum as no longer functioning. • 6.1 added bullet regarding complaints against services we do not supply • 10.5-10.6 clarification of when a complaint can be moved to the commitment log and return to the complaints process. • 10.8 added to confirm that a complaint can be closed after 28 days if not escalating to stage two. • 10.10 added wording to reflect timescale may be affected by availability of third party information • 11.9 wording corrected to reflect complainants will be directed to FTT rather than complaints • Other minor adjustments
April 2017	<ul style="list-style-type: none"> • Amended wording on 10.4, 10.5, 10.7
August 2016	<ul style="list-style-type: none"> • Amended Unacceptable behaviour to Unreasonable behaviour.
March 2016	<ul style="list-style-type: none"> • Change from three stage to two stage process. • Other minor adjustments.
November 2014	<ul style="list-style-type: none"> • Amended customer to complainant . • Checked policy against new procedure. • Amended date and version and review date.
March 2014	<ul style="list-style-type: none"> • Split policy from procedure document. • Added section on ‘How to make a complaint’. • Amended terms ‘redress’ and ‘advocate’. • Clarified how to escalate a complaint. • Clarified closing a complaint. • Clarified position with regards to complaints about ASB case handling. • Introduced timescales from procedure. • Added clause re: Property Chamber re: Service Charge complaints outside of HOS remit. • Minor adjustments based on customer feedback.
October 2013	<ul style="list-style-type: none"> • Updated to reflect amended resolution focussed complaints process.

	<ul style="list-style-type: none"> • Updated to include details on DP and DTP role.
May 2013	<ul style="list-style-type: none"> • Following Localism Act 2011 Designated Persons have been amended to reflect changes.
February 2013	<ul style="list-style-type: none"> • Following recommendation from scrutiny panel, the informal process has been removed from Policy. (Section three of previous Doc.) • Data Protection act date incorrect. Changed from 1988 to 1998. • Re Instating 6.2 into the 'policy'. • Point nine of policy amended slightly in line with One Contact. • Removal of abbreviations for better reading.
November 2012	<ul style="list-style-type: none"> • Added personal and complaint details will be passed to third parties when resolving complaints (4.2). • Initial stage amended to Informal stage • Added 'groups of customers' complaining will be dealt with via one named representative (10.1). • Added legal representative is not permitted through the whole complaint process (11.2). • Added 'exceptions to complaints policy' in the policy and removed from the procedure (12). • MP correspondences – reviewed. • Added third party representative will conduct satisfaction surveys once cases are closed (15.6). • Added in procedure CSC facilitate Stage one and two, CBAT facilitate Stage three (2.1) . • Added in procedure daily reports to lead officers and quarterly reports to H&CS produced by CSC (2.5). • Initial stage changed to Informal stage in procedure.

END OF DOCUMENT