



EDEN HOUSING ASSOCIATION

COMPLIMENTS, COMPLAINTS AND FEEDBACK PROCEDURE AND GUIDANCE FOR STAFF

Document owner: Customer Services Manager

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Review cycle: 3yrs

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Review/Amendments Record

Date	Change by	Summary of Change
March 2021		Changes in line with Housing Ombudsman's Complaints Handling Code
June 2022	Heidi Ware	Changes in line with the Housing Ombudsman's Complaint Handling Code
Sept 2022	Heidi Ware	Hsg Ombudsman Opening times
Nov 2022	Heidi Ware	Removal of reference to the Designated Person
Nov 2022	Heidi Ware	Guidance note added from Hsg Ombudsman relating to claims pursuant to the pre-action protocol for Housing Condition Claims
April 2023	Heid Ware	Updated Exclusion section to make reference to Letter Before Claim/Action

1. Introduction

This procedure is intended as a working guide for all staff and is in place to assist logging and dealing with:

- Compliments
- Comments
- Follow Up Requests
- Formal Complaints.

Staff are always encouraged to use a 'common sense' approach to resolve issues at the first point of contact. This procedure should be read alongside the Compliments, Complaints and Feedback Policy and the Feedback Manager User guide (both documents can be found on ERNIE).

2. Who can make a Compliment, Complaint or provide Feedback?

Anyone receiving or requesting a service from EHA can make a Compliment, Complaint or provide Feedback for example:

- EHA Tenants and Leaseholders
- Residents (owner occupiers and private tenants)

In addition, we will accept Compliments, Complaints and Feedback from family members, local councillors or any other advocate acting in the best interests of our customers (providing they are authorised to do so). Complainants can ask another person to accompany them during meetings, home visits, video or telephone calls if they so wish.

We define a complaint as:

'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting a individual resident or group of residents'

If the customer wanting to make a Compliment, Complaint or provide Feedback is not an EHA tenant or wishes to remain anonymous they may do so.

3. How can the customer make a Compliment, Complaint or provide Feedback?

In order to encourage feedback from our customers we recognise that we mustn't put barriers in their way. Customers are able to make Compliments, Complaints and provide Feedback in a number of ways:

- Telephone
- Letter
- E-mail
- Website

- Social Media
- Online self-service portal
- In person

Any complaints received via our social media platforms will be dealt with appropriately to ensure confidentiality and privacy is maintained at all times. If the complaint is raised via a public page we will contact the customer using an alternative secure medium to engage in a one to one dialogue about their areas of concern.

If the customer requires assistance to use our service, we will do everything we reasonably can to assist by agreeing adjustments to how we deliver our service, this could include (but is not limited to):

- Providing advice and assistance about the process
- Providing information in appropriate alternative formats such as large print, braille and other languages
- Providing an interpreter
- Providing a same sex interview
- Extension of time limits (where it is lawful to do so)
- Use of email or telephone in preference to hard copy letters
- Rest or comfort breaks in any meeting

We will not make assumptions about whether a customer requires a reasonable adjustment or about what those adjustments might be. We will discuss the requirements of a reasonable adjustment with the individual customer and seek to reach agreement on what will be reasonable in the circumstances to best suit the customer's needs.

Many adjustments will be straightforward to make, and will be delivered with a minimum of delay. In some instances, we may need to seek advice from expert disability organisations. When considering if we view a requested adjustment as 'reasonable', we will take account of:

- How *effective* the adjustment will be – will the adjustment fully address the disadvantage it is meant to overcome?
- How *practical* the adjustment will be – eg we may not be able to extend timeframes if there is a legal deadline to meet
- The availability of *resources* to make the adjustment - an adjustment that is effective may not be considered reasonable. How reasonable an adjustment is will be considered in light of the resources required to make it. If an adjustment costs a significant amount of money, it may not be reasonable.
- How much *disruption* the adjustment will make to the delivery of our services. Eg it will not usually be reasonable for a member of staff to only deal with one person and their complaint – other customers and services will inevitably suffer.

4. Internal Recording Tool

We will use the Feedback Manager module of our Housing Management system Orchard to log, manage and provide statistical reports in relation to:

- Comments
- Compliments
- Follow Up Requests
- Formal Complaints

In addition, the Feedback Manager module allows us to log Contract Disputes (for reporting purposes only). Service level agreements are in place to address contract disputes.

5. Definitions

The definitions detailed below will ensure that the policy and associated procedures are implemented consistently across the organisation:

- **Service Request** – a request for service, such as a repair or the logging of an ASB incident, which has not previously been brought to our attention
- **Follow Up Request** - these generally arise when the customer continues to have an outstanding query in relation to an earlier service request
- **Compliment** - an expression of gratitude or praise for a member of staff or service area
- **Comment** – an area of strength or weakness, which can be used to continuously improve our services
- **Formal Complaint** – an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.

Our aim is to resolve disputes at the earliest possible opportunity, the customer does not have to use the word complaint or formal complaint for it to be treated as such. All staff will be trained to recognise the difference between a Service Request, Follow Up Request and Formal Complaint and at all times provide customers with the range of options available to deal with their enquiry. We will take appropriate steps to resolve their issues at the earliest possible opportunity, whichever avenue is chosen.

Appendix 1 details responsibility and timescales set to deal with Compliments, Complaints and Feedback.

6. Exclusions and requests to escalate a complaint

We will accept all complaints and requests to escalate a complaint from Stage 1 to Stage 2 unless there is a valid reason not to do so for example:

- A disagreement with, or refusal to accept a rule of law, which the Association is applying (unless the complaint relates specifically to the way the matter has been dealt with)
- Liability issue that is subject to an insurance claim (although any other elements of the complaint will be considered)
- Legal proceedings have been issued (filed in court). **PLEASE NOTE** a Letter Before Claim or Letter Before Action is not classed as legal proceedings, if received the member of staff should firstly check to see if the Letter Before Claim/Letter Before Action has been logged as a formal complaint, if this is not the case it should be formally logged.
- The complaint has not been raised within a reasonable timeframe (around 6 months). Where the problem is a reoccurring issue we will consider any older reports as part of the background to the complaint if this will help resolve issues for the complainant (it may not be appropriate to use this exclusion where complaints concern safeguarding or health and safety issues)
- The complaint is being pursued in an unreasonable manner
- Criticism of individual employees which arise directly from the customers dissatisfaction with an Association Policy or decision, and where no other basis for the complaint exists

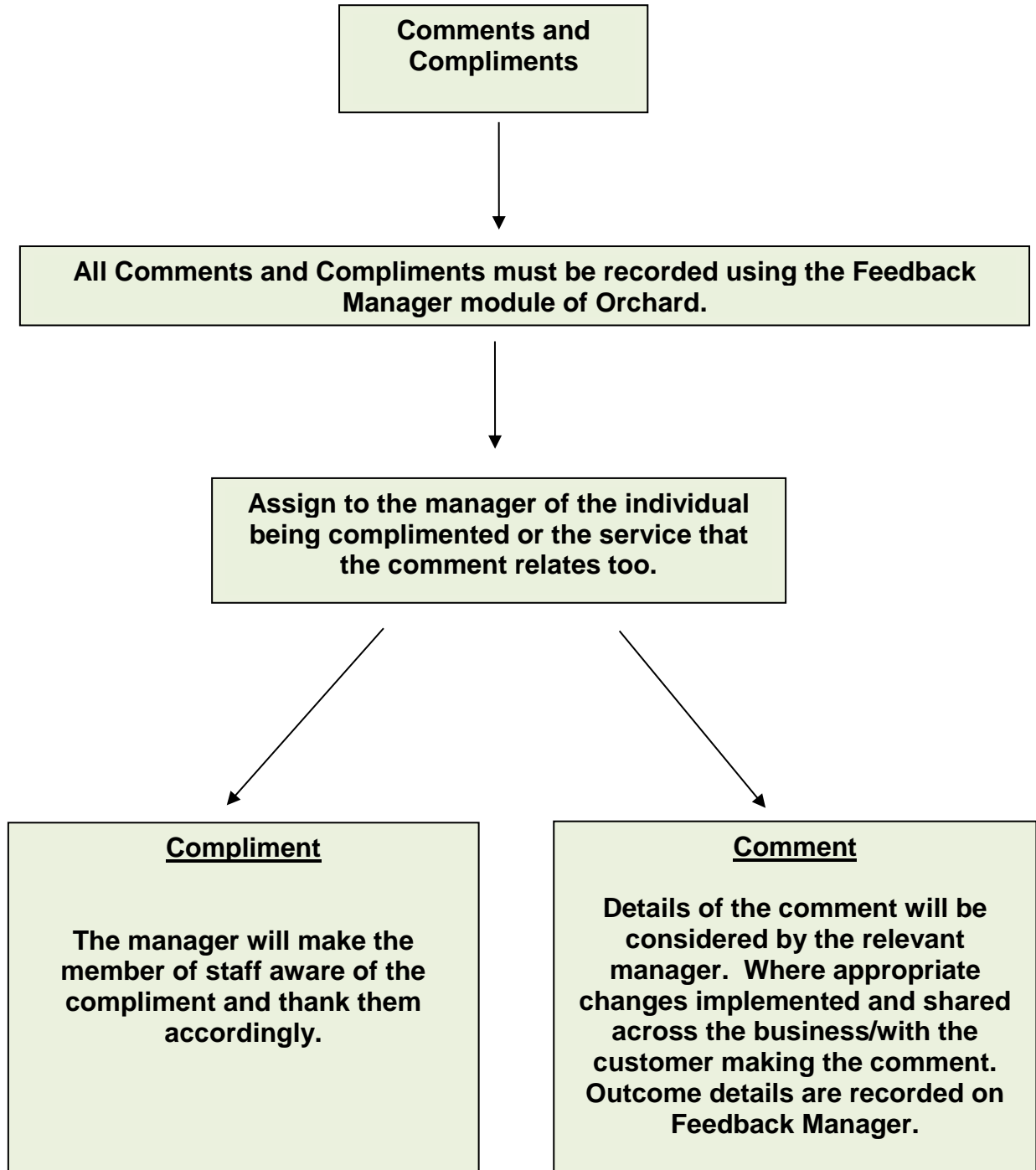
**The Ombudsman's view is that a matter does not become 'legal' until proceedings have been 'issued'. The issuing of proceedings involves filing details of the claim, such as the Claim Form and Particulars of Claim, at court. The court will then serve this on the respondent for them to answer to. See Appendix 5.

In relation to claims pursuant to the Pre-Action Protocol for Housing conditions claims we will remain committed to inspecting properties as soon as a claim is raised and to completing the repairs needed as soon as is practicable. Where a resident has been advised by a solicitor to deny access to complete the repairs, we may consider alternative methods of gaining access, such as seeking an injunction. **

The decision to exclude or not to allow a complaint will be made by senior officers within the organisation (generally a manager and director). The senior officers will use their discretion when reaching this decision and have considered the full details presented by the complainant. We will not apply a 'one size fits all approach'. If the conclusion is to exclude or not to allow the escalation of a complaint a detailed explanation setting out how the decision has been reached will be provided. The complainant has the right to challenge this decision by referring to the Housing Ombudsman.

7. Comments and Compliments

Full details of how to register Comments and Compliments are provided within the Feedback Manager User Guide.



Compliments

- All compliments should be recorded using the Feedback Manager module of Orchard.
- Where individual members of staff/teams are named, details should be assigned to the manager. The manager should then thank accordingly.
- Where the Association as a whole is being complimented, details should be assigned to the Executive Team.
- A quarterly summary of compliments is shared with members of the Executive Team.

Comments

- All comments should be recorded using the Feedback Manager module of Orchard.
- Comments received may be used to improve and/or introduce new services.
- The comment should be passed to the relevant manager for consideration.
- The manager will consider the comment and deal with it appropriately. Once the comment has been considered the manager must update Feedback Manager to detail what action has or hasn't been taken and fed back to the customer, for example

Comment: **Mrs Smith, 55 No Street, No Town**
“ I think that Eden Housing Association should consider providing a gardening service”

Manager: Comment considered, appropriate notes added to Feedback Manager detailing actions taken or plans in place to implement or disregard.

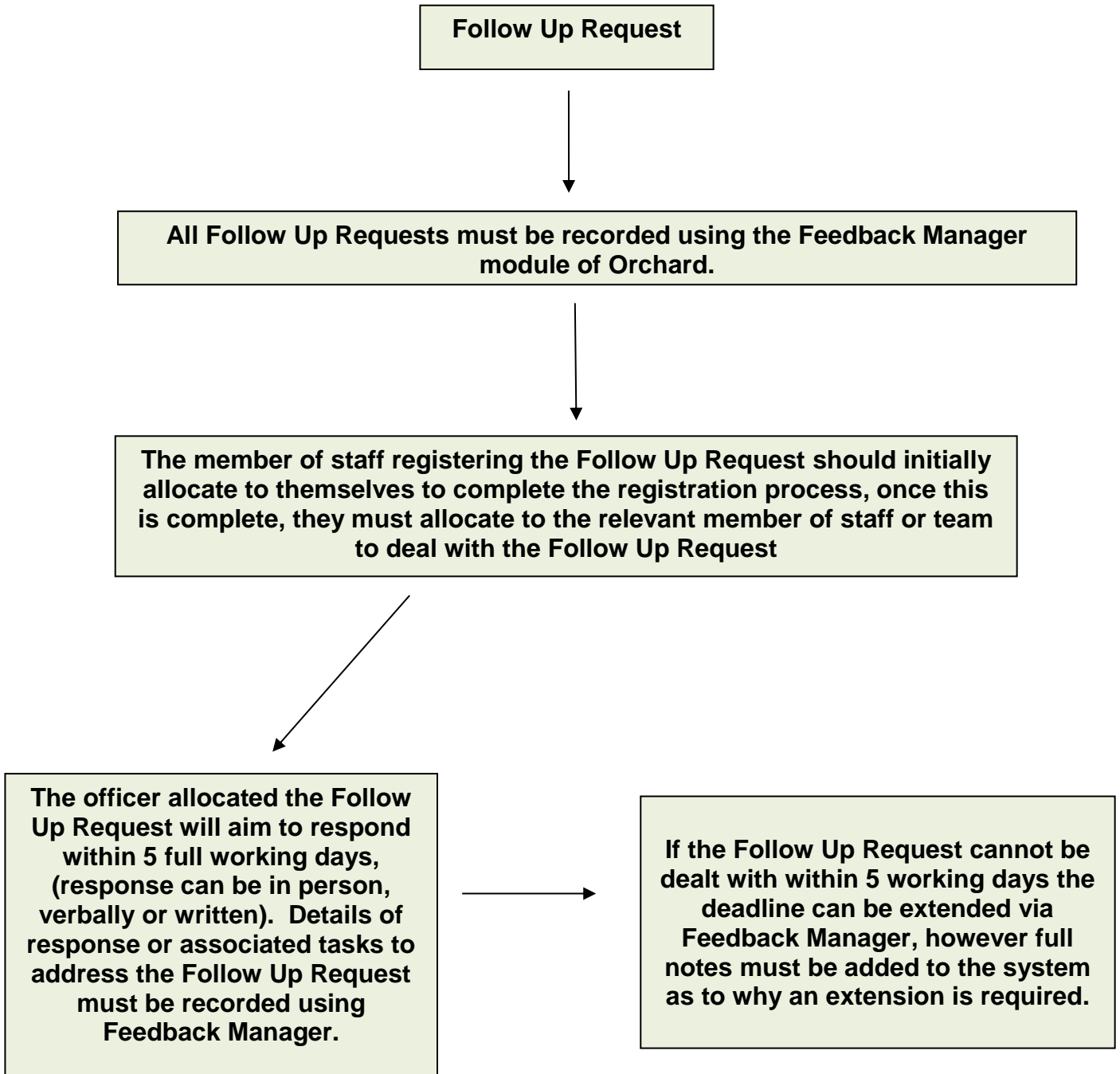
10/03/2021 Discussed at Management Team and agreed to form a working group of staff and customers to investigate positives and negatives of providing a gardening service. Mrs Smith made aware via phone call 11/03/2021 and invited to be part of working group. Heidi Ware, Customer Service Manager 11/03/2021

or

01/03/2021 Discussed at Management Team and agreed that this is not a project we feel would benefit the business at present. Mrs Smith contacted to thank for her comment and an explanation provided as to why we will not be taking forward. Heidi Ware Customer Service Manager 11/03/2021

8. Follow Up Requests

Full details of how to register Follow Up Requests are provided within the Feedback Manager User Guide.



Follow Up Requests – General Guidance

PLEASE NOTE

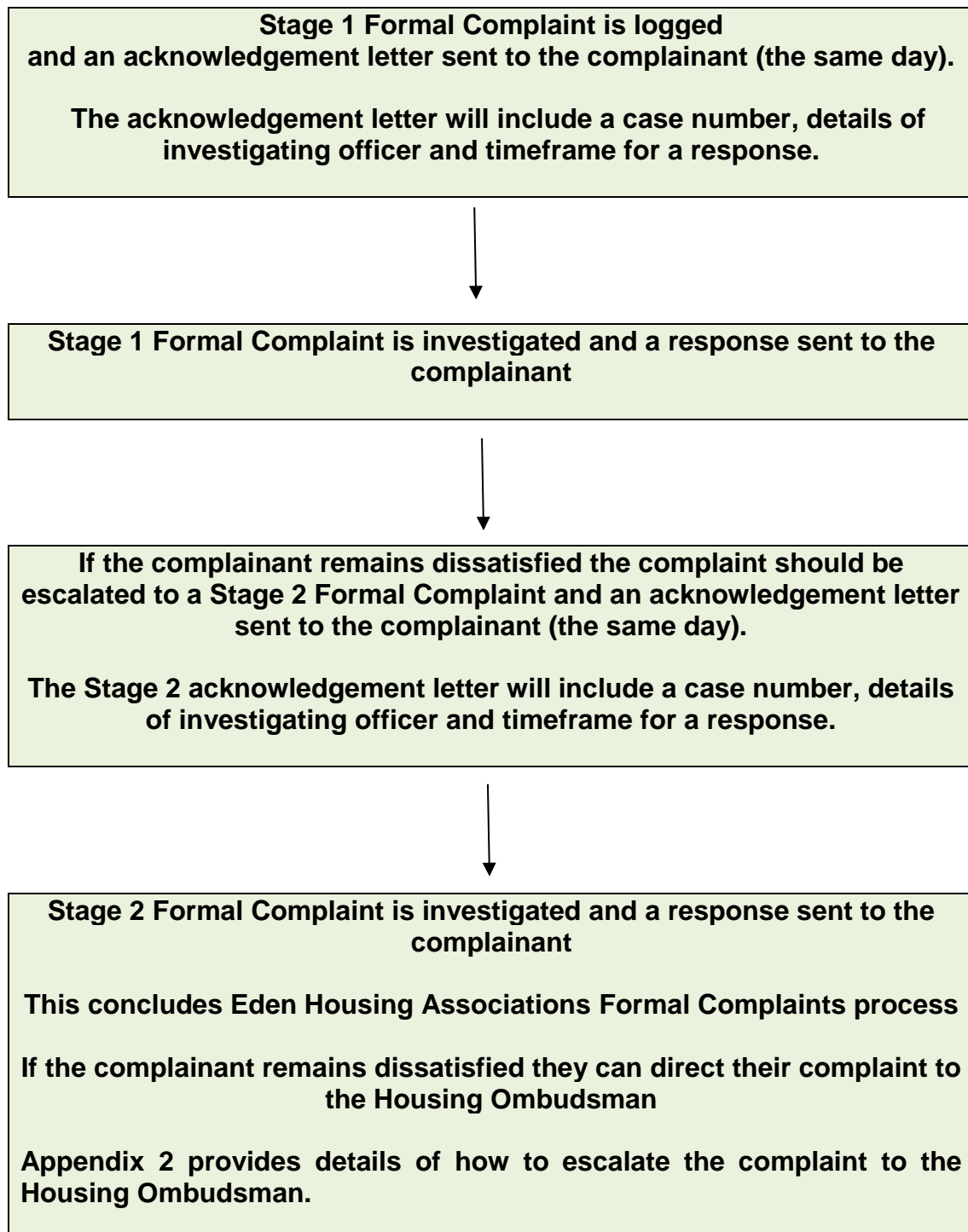
It is imperative that extensive notes are added to Feedback Manager by both the officer registering and dealing with the Follow Up Request.

This will not only improve the customer experience but will also allow any member of staff to view the case and clearly see what actions have been taken.

- Follow Up Request – these generally arise when the customer continues to have an outstanding query in relation to an earlier service request.
- All Follow Up Requests should be recorded using the Feedback Manager module of Orchard.
- If the Follow Up Request is received via letter or email this must be scanned to wisdom (using the correct Follow Up Request reference number).
- Follow Up Requests can be assigned either to an individual or a team. Before assigning a Follow Up Request to an individual officer you must check that the officer is available to deal within the timescale required (not on annual leave or sickness), if they are unavailable it should be assigned to the whole team.
- If the Follow Up Request is assigned to a team it will appear in everyone's worklist until actioned by one member of the team. Once picked up it will disappear from everyone else's worklists.
- When logging a Follow Up Request, the customer will be advised that we will aim to deal with it within 5 working days. If this is not possible to meet this timescale the date must be extended on the system. In these instances, it is the responsibility of the officer dealing with the Follow Up Request to extend the deadline on the system, make the customer aware and add full notes to Feedback Manager.
- Responses to Follow Up Requests can either be via phone, email, verbally or in writing dependant on what has been agreed with the customer. Regardless of how the Follow Up Request is responded to full notes must be added to Feedback Manager.
- All correspondence relating to the Follow Up Request must be scanned to the document tab of Feedback Manager.
- All staff can view and add information to the Follow Up Request after it has been logged, for example telephone calls, visits to the office, emails and written correspondence using the events option on Feedback Manager, (emails and written correspondence should be scanned to the individual case). It is good practice to make the officer dealing with the complaint aware of any additional contact either verbally or via email.
- Chasers on a service/follow up request such as missed appointments can often be resolved 'there and then' with an apology however, if further enquiries are needed to resolve the matter or if the resident requests you must escalate to a Formal Complaint.

9. Formal Complaints

Full details of how to register Formal Complaints are provided within the Feedback Manager User Guide.



Formal Complaints – General Guidance

Formal Complaints can relate to one or more of the following areas (this list is not exhaustive):

- Failure to provide a service
- Failure to provide a service to a standard that could reasonably be expected
- Failure to follow EHA policy or procedure
- Unhelpful attitude of a member of staff
- Failure to provide information or the right information in a timely manner
- We gave poor or unsuitable advice
- We failed to respond to enquiries
- We missed agreed appointments
- Delay or neglect to administrative or other processes
- Failure to consider all relevant information before reaching a decision
- Failure to fulfil any contractual decisions
- Any examples of malice, bias, inequity or discrimination

We operate a 2 Stage customer focussed Formal Complaints process which ensures that the complainant is given the opportunity to explain their point of view and the outcome they are seeking before a final decision is reached.

We aim to manage the expectations of the complainant from the outset, being clear where a desired outcome is unreasonable or unrealistic.

- Complaints involving matters of a very personal or confidential nature, e.g. complaints about the behaviour of members of staff should be assigned to the relevant manager using the “Sensitive” area of the complaints recording process. The manager may consult HR for additional advice on how to proceed if required.

Important Please Note – [as at April 2022 we have asked Orchard to investigate issues with this area as it is not functioning correctly. In these instances and sensitive reports should be discussed with the Customer Service Manager/IT until the system enhancements have taken place.](#)

- Complaints about a Director should be referred to the Chief Executive using the “Sensitive” section of the complaints recording page in Feedback Manager.
- Complaints about the Chief Executive or a Member of the Board should be referred to the Chair/Vice Chair of the Board or the Chair or Vice Chair of Audit and Risk using the “Sensitive” section of the complaints recording page in Feedback Manager. If further guidance is required please speak directly to the Customer Service Manager.
- The Chief Executive/Director of Finance and Corporate Resources must be informed of any complaint relating to or containing allegations of financial impropriety (e.g. theft) or fraud. The complaint should be processed as normal.

- Where the nature of the complaint being processed involves some actual or potential contravention of any rule of law or code of practice, or maladministration or an alleged injustice, then the appropriate Director will inform the Chief Executive of progress and action proposed to seek appropriate advice, should the complainant remain dissatisfied.
- If a complainant has suffered injury or damage to property and indicates their intention to make a claim against the Association, the Financial Accountant and Customer Service Manager should be made aware in the first instance, they will ensure that all details are recorded appropriately and reported to the executive team.
- The Executive team must be kept informed of the progress of complaints which could reasonably be expected to be the subject of court or tribunal proceedings, or which are in the hands of the Association's insurers.
- Preliminary investigations of the complaint may reveal circumstances that require disciplinary action to be considered. In such cases the Executive Team must be informed as soon as this possibility becomes apparent. The complaint will be investigated (though not necessarily to its conclusion) before disciplinary action is considered. Disciplinary action will be separate from the investigation of the complaint.

Dealing with a Formal Complaint

Officers investigating a Formal Complaint must:

- be able to act sensitively and fairly
- be able to receive complaints and deal with distressed and upset complainants
- recognise that putting things right is the first step to repairing and rebuilding the relationship
- have access to staff at all levels to facilitate quick resolutions of complaints
- have the authority and autonomy to act to resolve disputes quickly and fairly
- deal with the complaint in an impartial manner, seeking sufficient reliable information from both parties so that fair and appropriate findings and recommendations can be made
- deal with complaints on their own merits
- act independently and have an open mind
- take measures to address any actual or perceived conflict of interest
- keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter
- make sure that they don't promise anything that cannot be delivered or would cause unfairness to other residents

The following should be considered when investigating a Formal Complaint:

- what the complaint is about?
- what evidence is needed to fully consider the issues?
- Is this a recurring issue, if so consideration of previous reports should be taken into account
- what risks the complaint raises for the organisation?
- what outcome would resolve the matter for the complainant?
- any urgent action required?

When communicating with complainant the investigating officer must:

- use plain language that is appropriate to the complainant
- address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate
- where a key issue of the complaint relates to the parties legal obligations the investigating officer should clearly set out its understanding of the obligations of both parties and seek clarification before doing so where this is not initially clear
- ensure that where possible communications with the complainant do not generally identify individual members of staff or contractors as their actions are undertaken on behalf of the landlord
- adhere to any arrangements agreed with residents in terms of frequency and method of communication

The complainant should be kept updated and informed throughout the complaint even if there is no new information to provide, notes of these conversations should be added to Feedback Manager. This gives the complainant the opportunity to comment on any adverse findings before a final decision is made.

The complainant, and if applicable any staff member who is the subject of the complaint must also be given a fair chance to:

- set out their position
- comment on any adverse findings before a final decision is made

Putting things right

Where something has gone wrong its important that we acknowledge this and set out the actions we have already taken or intend to take. Examples of where action to put things right may be taken:

- there was an unreasonable delay
- inaccurate or inadequate advice, explanation or information was provided
- our policy/procedure was not followed correctly without good reason
- there was a factual or legal error that impacted on the outcome for the complainant
- there was unprofessional behaviour by staff

We can resolve complaints in a number of ways, it's important that the solution or remedy we reach reflects the extent of any service failures encountered, these could include:

- acknowledging when 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 records
- providing a financial remedy
- changing policies, procedures and practices

In reaching a conclusion factors could include:

- length of time that a situation has been ongoing
- frequency with which something has occurred
- severity of any service failure or omission
- number of different failures
- cumulative impact on the complainant
- complainants' individual circumstances or vulnerabilities

When offering a remedy, we will clearly set out what will happen and by when, in agreement with the complainant where appropriate. Any remedy proposed MUST be followed through to completion.

Service Failure Payments

Where it is clearly demonstrated that we have failed to deliver some aspect of our service, a customer has suffered as a result and the reasons for this were within the control of the association, we will consider paying compensation. In awarding compensation, we will consider whether any statutory payments are due, if any quantifiable losses have been incurred as well as the time and trouble a complainant has been put to as well as any distress and inconvenience caused.

Compensation payment considered appropriate by the Association where the service failure was caused by the under-performance of a contractor, will be notified in advance to the contractor and subsequently reclaimed from the contractor's invoice.

Who else can help whilst the complaint is ongoing?

Not only do the Housing Ombudsman investigate complaints if the complainant has exhausted our internal complaints process, but they can also actively support both customers and landlords to find a resolution whilst the complaint is ongoing.

The Housing Ombudsman's Dispute Resolution service can assist by preventing problems escalating and improving the landlord/customer relationship. (*Please Note: The Housing Ombudsman cannot make a formal decision on a case at this stage*). The Housing Ombudsman's contact details can be found in **Appendix 2**.

Stage 1 Formal Complaint Process

- All Stage 1 Formal Complaints will be logged via Feedback Manager. Any member of staff can log a Formal Complaint.
- The officer logging the complaint is responsible for sending out the initial acknowledgement letter.
- Within the initial acknowledgement letter complainants are made aware of the case reference number, the officer investigating their complaint and a timeframe for response (10 full working days). Our formal complaint acknowledgement letters will set out our understanding of the complaint and the outcomes the resident is seeking. When logging the formal complaint, we will ask the complainant for clarification until a shared definition is agreed between both parties.
- The complaint is then assigned to an officer for investigation.
- Feedback Manager allows the investigating officer to determine if there are any current outstanding complaints. This information together with any previous history that may be relevant should be considered by the investigating officer.
- If the complainant raises additional complaints during the investigation these should be incorporated into the stage one response if they are relevant
- Whilst investigating the complaint the customer will be given the opportunity to explain their point of view and the outcome they are seeking before a final decision is reached.
- A response must be sent to the complainant when the answer to the complaint is known, not when the outstanding actions required to address the issue, are completed. Outstanding actions must still be tracked and actioned expeditiously with regular updates provided to the resident.
- The investigating officer must respond to the complaint within 10 working days of the complaint being logged. Exceptionally, it may be necessary to provide an explanation to the resident containing a clear timeframe for when the response will be received. If the investigating officer is unable to resolve the complaint within 10 full working days we will provide an explanation for the delay and agree a revised date for the response (this should not exceed a further 10 days without good reason). Full details/notes must be added to Feedback Manager. *If an agreement cannot be reached we will provide the complainant with contact details for the Housing Ombudsman.*
- After the complaint has been investigated a formal response will be sent to the complainant.
- If the complainant remains dissatisfied with the response and would like to escalate to Stage 2 of the Formal Complaints process they will be asked to confirm:

What they remain dissatisfied with
What action they feel would resolve the complaint

We will generally allow the resident a period of 12 weeks (from the date the complaint was closed) to request escalation of a complaint however, we will not apply a 'one size fits all' approach when making these decisions with each request being considered separately.

The complaint will then be escalated to a Stage 2 Formal Complaint, a letter acknowledging this will be sent to the complainant and will include the case reference number, name of the investigating officer and a timeframe for response.

When we receive a request to escalate a Formal Complaint we will consider:

- what the escalation review will be about ie why the complainant remains dissatisfied, and whether any part of the complaint has already been resolved.
- who needs to be kept informed
- what evidence needs to be gathered - comments from those involved, relevant policies and contemporaneous records, inspections etc

Appendix 3 and 4 are the Stage 1 Acknowledgement and Response templates. These are generated from Feedback Manager and should be completed to meet the needs of the individual case/complainant. They can either be sent via the post or email dependant on what has been agreed with the complainant. A copy of the service standard will also be sent with each of these letters.

Appendix 7 is the template holding letter to be used if the investigating officer is unable to respond within the timeframe originally agreed.

Stage 2 Formal Complaint Process

- The officer logging the Stage 2 complaint will escalate from Stage 1 via Feedback Manger, this can be done by any member of staff.
- The officer logging the complaint is responsible for sending out the acknowledgement letter.
- Within the acknowledgement letter complainants are made aware of the case reference number, the officer investigating their complaint and a timeframe for response (20 full working days).
- The complaint is then assigned to an officer for investigation.
- Feedback Manager allows the investigating officer to view full details of the Stage 1 complaint and response. This information together with any previous history that may be relevant should be considered by the investigating officer.
- Whilst investigating the complaint the customer will be given the opportunity to explain their point of view and the outcome they are seeking before a final decision is reached.

- If the investigating officer is unable to resolve the complaint within 20 full working days we will provide an explanation for the delay and agree a revised date for the response with the complainant. Full details must be added to Feedback Manager. *If an agreement cannot be reached we will provide the complainant with contact details for the Housing Ombudsman.*
- The investigating officer must respond to the complaint within 20 working days of the complaint being logged. Exceptionally, it may be necessary to provide an explanation to the resident containing a clear timeframe for when the response will be received. If the investigating officer is unable to resolve the complaint within 20 full working days we will provide an explanation for the delay and agree a revised date for the response (this should not exceed a further 10 days without good reason). Full details/notes must be added to Feedback Manager. *If an agreement cannot be reached we will provide the complainant with contact details for the Housing Ombudsman.*
- After the complaint has been investigated a formal response will be sent to the complainant.

The response provided by the investigating officer dealing with the Stage 2 Formal Complaint marks the end of the Eden Housing Association's complaints process. A letter confirming the decision of the investigating officer will include details on how the complainant can take their complaint forward should they remain dissatisfied with the response provided.

Appendix 5 and 6 are the Stage 2 Acknowledgement and Response templates. These are generated from Feedback Manager and should be completed to meet the needs of the individual case/complainant. They can either be sent via the post or email dependant on what has been agreed with the complainant. A copy of the service standard will also be sent with each of these letters.

Appendix 7 is the template holding letter to be used if the investigating officer is unable to respond within the timeframe originally agreed.

10. Referring the Housing Ombudsman

Housing Ombudsman

If the complainant decides not to contact a designated person, they can refer directly to the Housing Ombudsman eight weeks after we have provided our final response to the complaint. The Housing Ombudsman will deal with each complaint to find the best outcome for the complainant's individual circumstances. We will co-operate with the Ombudsman's request for evidence and provide this within 15 working days. Failure to provide evidence to the Ombudsman in a timely manner may result in the Ombudsman issuing a complaint handling failure order.

Appendix 2 provides additional information and contact details of how to refer to the Housing Ombudsman.

Appendix 8 provides additional information on the Housing Ombudsman Scheme, the Complaint Handling Code and Complaint Handling Orders.

11. Learning from Complaints

We will always look beyond the circumstances of individual complaints and consider if anything needs to be put right in terms of processes or systems that would benefit **all** of our customers. We aim to proactively use learning from complaints to revise policies and procedures, train staff and to improve communication and record keeping.

Details of any learning points and/or actions which can be taken from complaints are recorded upon closing down the complaint.

The officer dealing with the complaint will:

- Ensure that the complainant is made aware of any learning points/actions following the complaint
- Discuss learning points/actions with staff/management team

We will closely monitor all complaints and the data collected will be discussed and presented in the following areas:

- Within individual teams/service areas
- Management team meetings
- Scrutiny Panel/Complaints Panel
- Board meetings
- Viewpoint Newsletter
- From 2021 inclusion within the Annual Report

We have a Complaints Panel made up of two Board Members, two Scrutiny Panel Members and two fellow elected tenants. The panel supported by our Insight and Engagement Officer and Customer Service Manager will meet at least twice a year.

The role of the panel will be to:

- Understand the impact of complaint handling on our customers
- Review issues and trends arising from complaint handling
- Ensure that learning is being used to drive service improvements including reviewing whether any reasonable adjustments requested can help us take wider steps to improve our services
- Support effective handling, prevention, learning and development
- Use the data to assess performance and risks
- Analyse the volume, category and outcome of complaints alongside timely compliance with published timeframes and any Ombudsman orders

12. Staff Training

- All staff within the organisation will receive initial and refresher training in the handling of complaints in addition staff will have access to the Policy, Procedure, User Guide and training video which are all stored on ERNIE.
- All staff involved with a particular complaint should be informed of the final outcome of that complaint. Feedback sessions will be organised where appropriate.

Appendix 1 - Staff Responsibility and Timescales for Completion

Feedback Method	Responsible for registering on Feedback Manager	Officer Assigned to for investigation and closure	Timescale for completion
Compliment	Any member of EHA staff	Manager of individual/service area	No completion timescale set. Compliment is assigned to the relevant manager as soon as it has been logged. Manager then responsible to raise with individual or team. Good practice to do this within 14 working days.
Comment	Any member of EHA staff	Relevant member of staff/manager	No completion timescale set. Comment is assigned to the relevant member of staff/manager as soon as it has been logged. Good practice to investigate within 14 working days and update the customer/Feedback Manager.
Follow Up Request	Any member of EHA staff	Relevant member of staff/team	Completion timescale set at 5 full working days.
Stage 1 Formal Complaint	Any member of EHA staff	Relevant Manager	Completion timescale set at 10 full working days.
Stage 2 Formal Complaint	Any member of EHA staff	Relevant Director, Chief Executive or nominated Board Member	Completion timescale set at 20 full working days.
Contract Disputes	Any member of EHA staff	Relevant member of Management or Executive Team	Dependant on details within the individual Contract or Service Level Agreement

Appendix 2 – Compliments, Complaints and Feedback Service Standard



Compliments, Complaints and Feedback Service Standard

Providing excellent Customer Service is one of our main objectives. We aim to put the needs and aspirations of you, our customers, at the heart of everything we do. We view Compliments, Complaints and Feedback as a means of monitoring, maintaining and improving the level and quality of service we provide.

You can make a Compliment, Complaint or provide Feedback in a number of ways:

- Visit our offices in person
- Ring us on 01768 861400
- Send us an email to enquiry@edenha.org.uk
- Write to us at Blain House, Bridge Lane, Penrith CA11 8QU
- Fill in our online form at www.edenha.org.uk
- Logging into 'My Account' of our Tenants Portal

In addition, we will accept Compliments, Complaints and Feedback from family members, local councilors or any other advocate acting in your best interests (providing you have authorised them to do so).

If you require assistance to use our service, we will do everything we reasonably can to assist by agreeing adjustments to how we deliver our service, this could include (but is not limited to):

- Providing advice and assistance about the process
- Providing information in appropriate alternative formats such as large print, braille and other languages
- Providing an interpreter
- Providing a same sex interview
- Extension of time limits (where it is lawful to do so)
- Use of email or telephone in preference to hard copy letters
- Rest or comfort breaks in any meeting

We will not make assumptions about whether you require any reasonable adjustment or about what those adjustments might be. We will discuss your requirements to reach an agreement that best suits your individual needs.

Definitions:

We define a complaint as:

'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting a individual resident or group of residents'. We will use the following definitions to ensure that we provide a fair and consistent service to all of our customers:

- **Service Request** – a request for service, such as a repair or the logging of an ASB incident, which has not previously been brought to our attention
- **Follow Up Request (FUR)** – these generally arise when the customer continues to have an outstanding query in relation to an earlier service request.
- **Compliment** - an expression of gratitude or praise for a member of staff or service area
- **Comment** – an area of strength or weakness, which can be used to continuously improve our services
- **Formal Complaint** – an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.

We operate a 2 Stage customer focussed Formal Complaints process which ensures that you are given the opportunity to explain your point of view and the outcome you're seeking before a final decision is reached.

Our aim is to manage expectations from the outset, being clear where a desired outcome is unreasonable or unrealistic, in addition we will not make promises that cannot be delivered or would cause unfairness to other customers.

We will provide all complainants with a written acknowledgement of their complaint including:

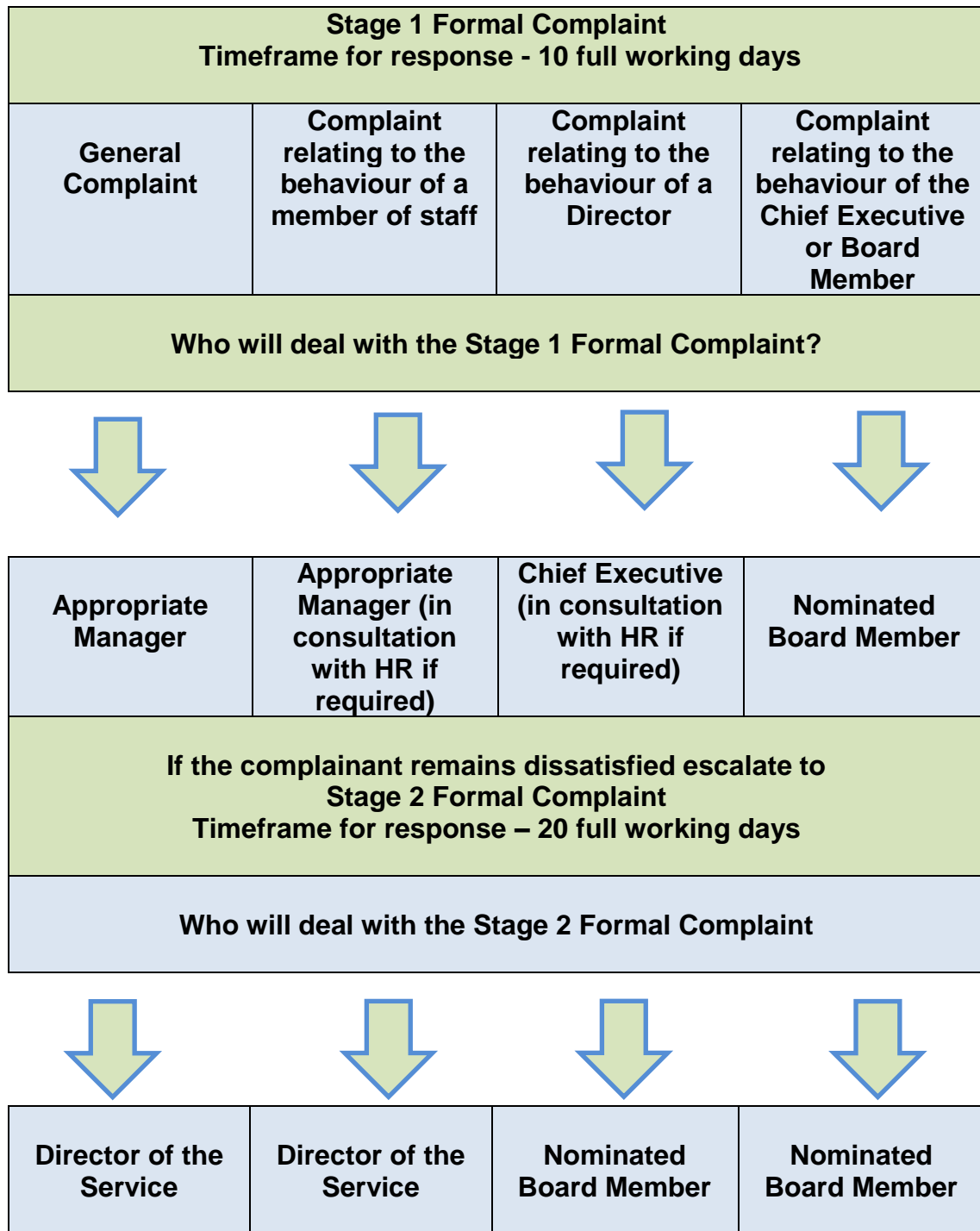
- the complaint stage and reference number
- our understanding of the complaint
- name of the investigating officer
- timescale for the response
- details of how to access the Housing Ombudsman's dispute support advisors throughout the life of the complaint
- a copy of our Service Standard

When responding to formal complaints we will:

- address all points raised and provide clear reasons for any decisions,
- acknowledge and apologise for any failures identified, inform of any changes made or actions taken to prevent the issues from happening again

- contact you if the given timescales cannot be met, we will let you know when you can expect a response and provide an explanation for the delay
- provide details of how to escalate the complaint if you remain dissatisfied

The response provided to the Stage 2 Formal Complaint marks the end of the Eden Housing Association complaints process. Should you remain dissatisfied with our response you can refer to the Housing Ombudsman. The table below demonstrates who will deal with Formal Complaints, the timeframe for response and how to escalate your complaint to the Housing Ombudsman if you remain dissatisfied.



This concludes Eden Housing Association's Formal Complaints Process

If the complainant remains dissatisfied they can direct their complaint to the Housing Ombudsman

Housing Ombudsman – If the complainant remains dissatisfied, they can refer to the Housing Ombudsman. Their aim is to deal with each complaint to find the best outcome for the individual circumstances.

Once the complaint has been received the Housing Ombudsman may:

- Work with the complainant and the landlord to resolve the dispute under their early resolution procedure. For example, using their experience of resolving complaints to make suggestions to the landlord and/or the customer
- Carry out an investigation - this generally takes place when the Housing Ombudsman decide an investigation is proportionate to the circumstances and evidence presented
- Refer the case to a different organisation if it is an issue that does not fall within the Housing Ombudsman's jurisdiction

Further information relating to the Housing Ombudsman can be found obtained by contacting the Housing Ombudsman:

- Tel: 0300 111 3000
- Email: info@housing-ombudsman.org.uk
- Post: Housing Ombudsman Service, PO Box 152, Liverpool L33 7WQ
- Online www.housing-ombudsman.org.uk

Phones lines are open 9.15 am – 5.15pm Monday to Friday (except public holidays).

Calls to and from 0300 111 3000 and direct dial lines of the Dispute Resolution Team are recorded for training and monitoring purposes.

Appendix 3 – Stage 1 Formal Complaint Acknowledgement Letter

Reference: <COMPLAINT REF>
<DATE>

Dear

RE:COMPLAINT REFERENCE < >

We acknowledge receipt of your complaint regarding **<PLEASE SET OUT YOUR UNDERSTANDING OF THE COMPLAINT AND THE OUTCOMES THE COMPLAINANT IS SEEKING>**. We are dealing with this as a Stage 1 Formal Complaint in accordance with the Associations Compliments, Complaints and Feedback Policy.

Your complaint is being dealt with by **<MANAGER'S NAME AND JOB TITLE>** and you should receive a written response within 10 full working days. If it is not possible to provide a response within this time, you will be provided with a reason for the delay and a revised completion date.

For information we have also included a copy of our Compliments, Complaints and Feedback Service Standard. If you have any queries regarding the above, please do not hesitate to contact a member of the Customer Service Team.

Yours sincerely

Customer Service Team

Direct Line: 01768861400
Email: enquiry@edenha.org.uk

Stage 1 Formal Complaint Acknowledgement

We want to provide high quality services that our customers are happy with. However, we know that sometimes things do go wrong. When a problem arises, we will do everything we can to put it right.

We record and monitor all complaints to make sure that we sort problems as quickly as possible to prevent them happening again.

When we receive a Formal Complaint, we will:

- Record the complaint details and provide you with a complaint reference number, which we will refer to whenever we write, email or contact you (see over page).
- Investigate your complaint. If your complaint involves a third party e.g. a repairs contractor, we may share your details with them to see what we can do to put things right. We will only share information with carefully selected partners.
- We will contact you within 10 full working days to advise you of the outcome of our investigations, including any actions the Association will or has taken. If it looks as though we cannot investigate or resolve the complaint within 10 full working days we will contact you providing an update and a revised completion date.

Who else can help whilst your complaint is ongoing?

Not only do the Housing Ombudsman investigate complaints if you remain dissatisfied once you've exhausted our Formal Complaints Process, but they can also actively support both customers and landlords to find a resolution whilst the complaint is ongoing.

The Housing Ombudsman's Dispute Resolution service can assist by preventing problems escalating and improving the landlord/customer relationship. *(Please Note: The Housing Ombudsman cannot make a formal decision on a case at this stage).*

The Housing Ombudsman's Dispute Support Advisors can be contacted on:

- Tel: 0300 111 3000
- Email: info@housing-ombudsman.org.uk
- Post: Housing Ombudsman Service, PO Box 152, Liverpool L33 7WQ
- Online www.housing-ombudsman.org.uk

Appendix 4 – Stage 1 Formal Complaint Response Letter

Reference: <COMPLAINT REF>
<DATE>

Dear

RE:COMPLAINT REFERENCE < >

I have now considered your Stage 1 Formal Complaint received on <DATE>, which relates to <ADD IN BRIEF DESCRIPTION OF THE COMPLAINT>.

PLEASE NOTE AND DELETE:- before finalising the response the officer dealing with the complaint MUST ensure that they have allowed the complainant to (and recorded on Feedback Manager):

- ***Comment on any adverse findings before a final decision is made***

When writing the response, the officer dealing with the complaint must set out clearly all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate. You must acknowledge where something has gone wrong and set out the actions already taken or intend to take to resolve the issues.

When writing the response, the officer dealing with the complaint must set out clearly:

- ***The outcome of the complaint***
- ***The reasons for any decisions made***
- ***The details of any remedy offered to put things right***
- ***Details of any outstanding actions and a clear timeframe for their completion***
- ***A commitment to providing the complainant with regular updates until all actions are closed.***

I believe that we have now done all we can to resolve your complaint. If you have any further concerns, please do not hesitate to contact me.

Yours sincerely
Name of Investigating Officer

The information below will print off on the back of the response letter

Stage 1 - Formal Complaint Response

If, after receiving our response to your Stage 1 Formal Complaint you remain dissatisfied and would like to escalate the complaint to Stage 2 of our Formal Complaints process we will ask you to confirm the following either over the phone, in writing, email or in person:

- What you remain dissatisfied with
- What action you feel we could take to resolve the complaint to your satisfaction

Who else can help whilst your complaint is ongoing?

Not only do the Housing Ombudsman investigate complaints if you remain dissatisfied once you've exhausted our Formal Complaints Process, but they can also actively support both customers and landlords to find a resolution whilst the complaint is ongoing.

The Housing Ombudsman's Dispute Resolution service can assist by preventing problems escalating and improving the landlord/customer relationship. *(Please Note: The Housing Ombudsman cannot make a formal decision on a case at this stage).*

The Housing Ombudsman's Dispute Support Advisors can be contacted on:

- Tel: 0300 111 3000
- Email: info@housing-ombudsman.org.uk
- Post: Housing Ombudsman Service, PO Box 152, Liverpool L33 7WQ
- Online www.housing-ombudsman.org.uk

Appendix 5 –Stage 2 Formal Complaint Acknowledgement Letter

Reference: <COMPLAINT REF>
<DATE>

Dear

RE:COMPLAINT REFERENCE < >

We acknowledge that you have expressed dissatisfaction with the response received to your recent complaint regarding **<PLEASE SET OUT YOUR UNDERSTANDING OF THE COMPLAINT AND THE OUTCOMES THE COMPLAINANT IS SEEKING>**.

We can confirm that your appeal against this decision is being treated as a Stage 2 Formal Complaint in accordance with the Association's Complaints Policy.

Your complaint is being dealt with by **<ADD IN DETAILS OF OFFICER/BOARD MEMBER AND JOB TITLE>** and you should receive a written response within 20 full working days. If it is not possible to provide a full response within this time, you will be provided with a reason for the delay and a revised completion date.

For information we have also included a copy of our Compliments, Complaints and Feedback Service Standard. If you have any queries regarding the above, please do not hesitate to contact a member of the Customer Service Team.

Yours sincerely

Customer Service Team

Direct Line: 01768861400

Email: enquiry@edenha.org.uk

Stage 2 Formal Complaint Acknowledgement

We record and monitor all complaints to make sure that we sort problems as quickly as possible to prevent them happening again.

When we receive your request to escalate the Stage 1 Formal Complaint, we will:

- Acknowledge that you have expressed dissatisfaction with the response received to your Stage 1 Formal Complaint (see over page).
- Confirm that we have escalated to a Stage 2 Formal Complaint, advise which officer will be dealing with your complaint and provide a timescale for the response.
- Investigate your complaint. If your complaint involves a third party e.g. a repairs contractor, we may share your details with them to see what we can do to put things right. We will only share information with carefully selected partners.
- We will contact you within 20 full working days to advise you of the outcome of our investigations, including any actions the Association will or has taken. If it looks as though we cannot investigate or resolve the complaint within 20 full working days we will contact you providing an update and a revised completion date.

Who else can help whilst your complaint is ongoing?

Not only do the Housing Ombudsman investigate complaints if you remain dissatisfied once you've exhausted our Formal Complaints Process, but they can also actively support both customers and landlords to find a resolution whilst the complaint is ongoing.

The Housing Ombudsman's Dispute Resolution service can assist by preventing problems escalating and improving the landlord/customer relationship. *(Please Note: The Housing Ombudsman cannot make a formal decision on a case at this stage).*

The Housing Ombudsman's Dispute Support Advisors can be contacted on:

- Tel: 0300 111 3000
- Email: info@housing-ombudsman.org.uk
- Post: Housing Ombudsman Service, PO Box 152, Liverpool L33 7WQ
- Online www.housing-ombudsman.org.uk

Appendix 6 – Stage 2 Formal Complaint Response Letter

Reference: <COMPLAINT REF>
<DATE>

Dear

RE:COMPLAINT REFERENCE < >

I have now considered your Stage 2 Formal Complaint received on <DATE>, which relates to <ADD IN BRIEF DESCRIPTION OF THE COMPLAINT>.

PLEASE NOTE AND DELETE:- before finalising the response the officer dealing with the complaint MUST ensure that they have allowed the complainant to (and recorded on Feedback Manager):

- ***Comment on any adverse findings before a final decision is made***

When writing the response, the officer dealing with the complaint must set out clearly all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.

You must acknowledge where something has gone wrong and set out the actions already taken or intend to take to resolve the issues.

When writing the response, the officer dealing with the complaint must set out clearly:

- ***The outcome of the complaint***
- ***The reasons for any decisions made***
- ***The details of any remedy offered to put things right***
- ***Details of any outstanding actions and a clear timeframe for their completion***
- ***A commitment to providing the complainant with regular updates until all actions are closed.***

The response provided to your Stage 2 Formal Complaint marks the end of the Eden Housing Association complaints process.

Should you remain dissatisfied with my response and would like to discuss this further please do not hesitate to contact me, alternatively you can refer your complaint to the Housing Ombudsman. Our Customer Service Team can assist in this process or their contact details are provided within the attached Service Standard.

Yours sincerely

Name of Investigating Officer

Direct Line: 01768861400

Email: enquiry@edenha.org.uk

Appendix 7 – Holding Letter

Reference: <COMPLAINT REF>
<DATE>

Dear

RE:COMPLAINT REFERENCE < >

We acknowledge that you currently have a Formal Complaint logged with Eden Housing Association relating to **<BRIEF DESCRIPTION OF THE COMPLAINT>**.

Within our previous correspondence we advised that you would receive a full written response within **<ADD IN THE NUMBER OF DAYS DEPENDANT ON THE COMPLAINT - STAGE 1 10 FULL WORKING DAYS/STAGE 2 20 FULL WORKING DAYS>**. Unfortunately due to **<ADD IN THE REASON FOR THE DELAY>** we are unable to meet this deadline, we will however endeavour to provide you with a full written response by **<DATE>** .

Please accept our sincere apologies for this delay. If you have any queries regarding the above, please do not hesitate to contact a member of the Customer Service Team.

Yours sincerely

Name of Investigating Officer

Direct Line: 01768861400

Email: enquiry@edenha.org.uk

Appendix 8 – Housing Ombudsman Scheme

Housing Ombudsman Scheme

The Housing Act 1996 requires all social landlords to be members of an approved scheme. The Housing Ombudsman Scheme enables tenants and other individuals to raise complaints about members and have them independently investigated.

The role of the Housing Ombudsman is to resolve disputes, this may include making awards of compensation or other remedies when appropriate, in addition they aim to support and encourage effective landlord-tenant dispute resolution.

Complaint Handling Code

During 2020 the Housing Ombudsman published a new Complaint Handling Code in response to concerns about the consistency and accessibility of complaint procedures. The code also takes account of findings from the 2018 Social Housing Green Paper and issues previously experienced by the Ombudsman when dealing with complaints, these included:

- Difficulties raising a complaint (access)
- Lack of available information on the process
- Processes that were difficult to navigate
- Lack of consistency between landlords
- Lengthy processes (often more than two stages)
- Little opportunity to hold the landlord to account
- Delays in landlords engaging with residents
- Landlords not accepting or refusing to escalate complaints
- Delays in landlords engaging with the Housing Ombudsman

Determination of Complaint Handling Failure Orders

The revised Housing Ombudsman scheme allows the Ombudsman to issue a determination of complaint handling failure (a complaint handling failure order) where a landlord is failing to comply with its membership obligations. Examples of where this may happen includes, but is not restricted to:

- Non-compliance with the code
- Failure to accept a Formal Complaint in a timely manner or to exclude a complaint from the process without good reason
- Inaccessible complaints process and procedures or unreasonable restrictions as to how a complaint can be made
- Not managing complaints in accordance with our policy
- Failure to progress a complaint through the procedure
- Failure to keep the resident updated
- Failure to notify the resident of the right to refer the complaint to the Ombudsman
- Failure to provide evidence to support investigation by the Ombudsman

In all cases the Ombudsman will provide the landlord with details of the presenting issue and provide an opportunity for the landlord to rectify this before a complaint handling failure order is made.

Performance Reports

The Housing Ombudsman are committed to openness and transparency, they plan to publish quarterly reports detailing the total number of complaint handling orders issued, names of the landlord and reason for the orders, this information will be shared with the Regulator for Social Housing.

Complaint Handling Code Self-Assessment

As part of the Complaint Handling Code, the Ombudsman expects landlords to carry out regular self-assessments against the code, take appropriate action to ensure compliance and to publish findings on their website. Eden Housing Associations first self-assessment was published on the 31st December 2020 with all associated actions to be complete by the 31st March 2021. Thereafter the self-assessment will be reviewed annually.

This guidance note is particularly concerned with claims pursuant to the Pre-Action Protocol for Housing Conditions Claims (the protocol) but can be applied to any relevant legal action

Issue

There will always be some matters of disrepair that will be more complex and difficult to resolve than others. Residents may consider resorting to legal claims to get these issues resolved, and landlords are concerned about the increase in the number of legal firms seeking out disrepair claims. This guidance note is particularly concerned with claims made pursuant to the Pre-Action Protocol for Housing Conditions Claims (the protocol) but can be applied to **any relevant legal action**.

Legal action can be stressful, costly and time-consuming for residents and, for landlords, it can divert much needed funds away from investment programmes. It is, therefore, particularly important that these cases are handled with care to maintain the relationship between the resident and the landlord and to minimise the risk of them becoming protracted and contentious.

Background

In order to effectively manage these cases, landlords should ensure that they are equipped to identify cases at risk of becoming legal issues at an early stage and have appropriate strategies in place to progress them accordingly. These processes should have continuing emphasis on ensuring that the resident: is kept informed; feels that the landlord is taking the issue seriously; and is assured that the matter is progressing.

The Ombudsman's approach

Under the Housing Act 1996, where we investigate a complaint, we must determine it by reference to what is, in the Ombudsman's opinion, fair in all the circumstances. When assessing cases involving potential legal claims, we will often consider how the landlord handled both the substantive repairs complained of and the associated formal complaint.

Managing legal cases

Whilst it is a resident's prerogative to follow the protocol and make a claim, they should first consider whether following alternative dispute resolution (ADR) avenues, such as the landlord's internal complaints process (ICP) and our investigation process, might be more beneficial. Both the Ombudsman and the courts will look to see that ADR has been attempted in the first instance. Making use of ADR will usually mean:

- More timely resolution of the issues
- A more simple and flexible approach to redress

- No legal costs incurred by the resident
- Reduced costs for the landlord allowing greater expenditure on investment programmes
- The investigation and resolution will not be limited in scope in the way that a disrepair claim would be
- The potential to benefit other residents in similar circumstances through resolution and proactive learning
- There is an impartial and independent assessment of the landlord's actions by the Ombudsman.

Even when a landlord receives correspondence initiating the protocol, it is important that they do not disengage from either the ICP **or the repair issue itself**. Commencing the protocol does not constitute legal proceedings and ADR can be pursued at any stage of the protocol.

The Ombudsman's view is that a matter does not become 'legal' until proceedings have been 'issued'. The issuing of proceedings involves filing details of the claim, such as the Claim Form and Particulars of Claim, at court. The court will then serve this on the respondent for them to answer to.

The Ombudsman also stresses the importance of landlords remaining committed to inspecting properties as soon as a claim is raised and to completing the repairs needed as soon as is practicable. Where a resident has been advised by a solicitor to deny access to complete the repairs, the landlord should consider alternative methods of gaining access, such as seeking an injunction.

In the interests of effectively managing legal claims and promoting ADR, landlords should consider taking the following steps:

- Being clear with the resident on how it is handling correspondence – whether under the ICP or the protocol or both.
- Clearly communicating to the resident when a complaint has exhausted the ICP, and which correspondence constitutes the final complaint response (this can be from the landlord's complaints team or legal team/representative and can include a landlord's response to a letter of claim under the protocol).
- Directing residents who have completed the ICP to the Ombudsman, for a free, independent and impartial assessment of the case. Whilst landlords may manage residents' expectations around our jurisdiction, it is ultimately for us to decide whether we will investigate a complaint.
- Even when proceedings have been issued, ensuring that all matters raised in subsequent correspondence form part of those proceedings and do not need addressing via another route, such as the ICP. Landlords should make use of the full effect of their ICP wherever possible and not prematurely close complaints because of existing unrelated proceedings.
- Using intelligence from these cases to identify potentially systemic issues (which might be replicated across a building or estate) and feed into their long-term asset management strategy and/or proactive actions to prevent similar cases.

Spotlight on Damp and Mould

Whilst claims under the protocol or complaints about repairs may concern issues other than damp and mould, this section of the guidance focuses on complaints relating to this issue.

The Ombudsman has published a thematic report into complaints involving damp, mould and condensation. This report sets out best practice drawn from our casework and call for evidence.

The Ombudsman encourages landlords to consider the report's recommendations, including their response to complex cases or where extended works may be required. When investigating an unresolved complaint, the Ombudsman's assessment will include:

- Whether the landlord has fully and fairly investigated the issues, including engaging independent expertise where appropriate, and communicated this effectively with the resident?
- Where the issues are structural, has the landlord taken appropriate and reasonable steps to undertake repairs and address them?
- Where the issues are non-structural, has the landlord done all it can to mitigate the impact and provide appropriate support to the resident?
- Throughout its response, has the landlord considered the individual circumstances of the resident, including any vulnerabilities or health issues?
- Where significant works are required, has the landlord appropriately managed the resident's expectations regarding timescales, considered whether a decant might be necessary, and/or completed smaller remedial works to improve the resident's living environment pending completion of the works?
- Has the landlord taken appropriate steps to ensure the effective operation of communication channels between its own teams and the resident throughout the repairs and complaints processes?

Each case will be considered on its own individual facts and circumstances. This guidance note is not intended to restrict our investigations or fetter our discretion.