

**New Longsight Housing Co-operative (NLHC)**

**Registered number: [*Number*]**

**Complaints Policy**

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| Approved by | Management Committee |
| Date of Approval |  |
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| Mission, Values Principles | Voluntary and Open MembershipDemocratic Member ControlMember Economic Participation |

1. **Introduction**
	1. This policy applies to NLHC and seeks to ensure that NLHC complaints process is flexible and responsive to the needs of individual members to enable them to be heard and understood. This process applies to:
		1. Management or Service complaints: complaints where a service has not been provided or has been poorly provided. They should be dealt with through the co-ops Management and Service Complaints policy.
		2. Governance complaints: complaints about how a member has behaved in governance roles in the co-op. They should be dealt with through the co-ops Code of Conduct and Governance Complaints Policy. In cases where a complaint identifies a *policy or procedural problem* (i.e. not management or service delivery), the co-op will consider the issue and where appropriate, make every attempt to amend practice accordingly.
		3. Anti-social behaviour, harassment, or neighbour issues: issues raised by a member or someone else that a member or their visitors are behaving in an anti- social fashion. See details in section 12.

NLHC complies with the Complaint Handling Code (the **Code**) issued by the Housing Ombudsman Service. All complaints dealt with under this policy will be dealt with in a manner consistent with the Code and the cooperative will maintain all records as required by the Code.

* 1. A **complaint** is defined as: “an expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by NLHC, its own staff, or those acting on its behalf, affecting an individual member or group of members.
	2. The word “complaint” does not need to be used expressly for the matter to be considered a complaint. Whenever a member expresses dissatisfaction NLHC will give them the option to make a complaint. Complaints made by members may be made by the member’s carer, family members or a representative of a member and these must be handled in line with NLHC complaints policy.
	3. Complaints can be made via our **Service Provider Shared Habitat** or the **Complaints Officer of NLHC,** both parties abide by the two stage process of the Code and this NLHC Complaints Policy. This can be done in a number of ways which include:
* Telephone
* Face to face
* Email
* Letter
	1. A **service request** is a request from a member requiring action to be taken to put something right. (e.g., to carry out routine maintenance etc.) **service requests** are not a **complaint**. Service requests should be dealt with in accordance with the relevant policies (Repairs, Empty Property, Governance etc.). Failure to deal appropriately with a service request may lead to the matter being dealt with as a complaint.
	2. Service requests will be recorded, tracked, and monitored to completion.
	3. A **complaint** must be raised when the member expresses dissatisfaction with the response to their **service request**, even if the handling of the service request remains ongoing. NLHC will not stop our efforts to address the service request if the member raises a complaint.
	4. An expression of dissatisfaction with services made through a member’s survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to.
	5. In dealing with complaints NLHC will ensure that:
		1. individuals who raise a complaint are listened to and treated with courtesy and empathy;
		2. members will never be disadvantaged as a result of raising a complaint;
		3. complaints will be investigated promptly, thoroughly, honestly, and openly; and
		4. in dealing with complaints NLHC will comply with confidentiality and data protection policies. Whilst a complaint is being investigated, the Complainant's name and circumstances will not be divulged any more than is necessary. However where complaints involve another individual it may be difficult to investigate without talking to that member and letting them know the details of your complaint letter so that they have a chance to respond. If the complainant asks the Co-operative not to do so that will be respected as far as possible but it is likely that no action can be taken to tackle the issue.
1. **Exclusions**
	1. NLHC must accept a complaint unless there is a valid reason not to do and will ensure we consider the individual circumstances of each complaint.
	2. The following matters will not be considered as complaints:
		1. the issue giving rise to the complaint occurred over twelve months ago.
		2. legal proceedings have begun as defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at Court.
		3. matters that have previously been considered under the complaints policy.
		4. the complainant is anonymous, unless there is sufficient documentary evidence to substantiate the complaint.
		5. persons or bodies over which the co-op has no control
		6. the co-ops overall policies which are agreed by the members e.g. rent levels
		7. requests for a particular service (e.g. a repair or something else that has not yet been requested).
		8. new issues that arise during an investigation unless they are relevant to the complaint.
		9. matters that relate to legal or tribunal proceedings.
		10. criminal offences already reported to police
		11. any complaints already reported to appropriate agencies i.e Manchester City Council
		12. the Co-op may also decide to direct complainant to a more appropriate agency to effectively note and deal with complaint.
	3. Unless excluded on other grounds, NLHC will accept complaints referred to them within 12 months of issue occurring or the member becoming aware of the issue. Where there are good reasons to do so, NLHC will also consider whether to apply discretion to accept complaints made outside the time limit.
	4. If a complaint is not accepted a detailed explanation will be provided to the member setting out the reasons why the matter is not suitable for the complaints process and their right to take that decision to the Ombudsman (see details below). The Ombudsman may direct the LHC to take on the complaint.
2. **Unreasonable behaviour**

We understand that members can get upset and frustrated when things have gone wrong.

3.1 If NLHC feels a complaint is pursued unreasonably, including any actions or behaviours of the member/representative, these complaints will be reviewed in line with NLHC unreasonable behaviour defined in section 14.

3.2 All complaints will be reviewed on an individual basis

3.3 If any restrictions are put in place, these will proportionate and demonstrate regard for the provisions of the Equality Act 2010.

3.4 NLHC will ensure any restrictions will be recorded, monitored and reviewed regularly and the complainant updated following the review.

3.5 Any restrictions in place will not prevent NLHC from ensuring the complaint can be taken be through the full complaints process.

1. **Accessibility and awareness**
	1. Complaints will be dealt with in a manner that is consistent with NLHC Equality & Diversity Policy and the Charity’s duties under the Equality Act 2010.
	2. If any individual making a complaint wishes NLHC to make reasonable adjustments to accommodate an individual’s particular needs, they, or their representative, can contact NLHC by phone, email or in person to discuss what adjustments may be possible.
	3. NLHC acknowledges that a high volume of complaints must not be seen as negative, as this can be indicative of a well-publicised and accessible complaints procedure. Low complaint volumes are potentially a sign that members are unable to complain.
	4. The complaints handling policy will be listed in the Members Handbook, published on NLHC website. It will also be hand posted and emailed to members.
	5. Members will have the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting. We will always follow data protection measures when disclosing any information to a third party.
2. **Complaint handling staff**
	1. Complaints will be investigated by the Complaints Officer at Stage One.
	2. Complaints will be investigated by the Appeals Officer at Stage Two.
	3. If the Complaints Officer and/or the Appeals Officer are conflicted, or the complaint relates to the Complaints Officer and/or the Appeals Officer, the complaint should be directed to the Committee.
	4. Staff will be suitably trained in the importance of complaint handling.
3. **Complaints process**

6.1 At each stage of the complaints process, NLHC will:

1. deal with complaints on their merits;
2. act independently and have an open mind but may consider reports of previous complaints that relate to the same issue being complained about;
3. give the member a fair chance to set out their position;
4. take measures to address any actual or perceived conflict of interest; (which may include asking another trustee to investigate the complaint);
5. consider all relevant information and evidence carefully.
6. keep the details of the complaint confidential as far as possible, with information only being disclosed if necessary to properly investigate the matter.
7. **Stage One** **of the Complaints Process**
	1. NLHC will acknowledge the complaint and make a record, within 5 working days. The acknowledgement will:
		1. summarise NLHC understanding of the complaint (The complaint **definition**);
		2. make clear which aspects of the complaint NLHC is, and is not, responsible for and clarify any areas where this is not clear;
		3. summarise NLHC understanding of what the Complainant is seeking as an outcome;
		4. raise any questions that require clarification from the Complainant; and
		5. set out the next course of action and anticipated timescale.
	2. NLHC will issue a full response within 10 working days from the complaint being acknowledged. In exceptional cases, if we anticipate that the complaint will take longer to resolve, this will be explained to the member with a clear timeframe set out for the resolution of the complaint which will not exceed a further 10 working days, without good reason. If any further extensions are required, this will be in agreement with member who will be updated at regular intervals. Such explanation should also include the contact details of the Housing Ombudsman.
	3. A complaint response will be provided to the member when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions will be tracked and actioned promptly with appropriate updates provided to the member.
	4. We will investigate the complaint in an impartial manner permitting all relevant parties to provide information. The member and any third parties involved in the complaint should be given the opportunity to set out their position before any final decision is made. We may delegate the management and investigation of the complaint to another individual.
	5. If the staff member dealing with the complaint is conflicted, or the complaint relates to that staff member, the complaint should be directed to the manager details are in the Members’ Handbook.
	6. If the complaint involves questions relating to the NLHC or the member's legal obligations, NLHC will set out clearly our understanding of the respective legal obligations and may seek legal advice before doing so.
	7. If new issues are raised by the member during the stage one process, these should be dealt with as part of the process if they are relevant. However, if the issues relate to a different issue and/or are raised after the response has already been issued, the issues will be dealt with as a separate complaint.
	8. In responding to the complaint, we will confirm in writing:
		1. the complaint stage
		2. the complaint definition
		3. the decision on the complaint
		4. the reasons for any decisions made
		5. the details of any remedy offered to put things right
		6. details of any outstanding actions; and
		7. details of how to escalate the matter to stage two if the individual is not satisfied with the result.
8. **Stage Two of the Complaints Process**
	1. If the member is not satisfied with the response at stage 1, they can escalate their complaint to stage 2. This can be done in writing by email, via telephone call or in person. The person dealing with the complaint at stage 2 will not be the same person that responded at stage 1.
	2. The member does not need to provide reasons for requesting the complaint to be escalated
	3. NLHC will acknowledge the complaint at stage 2 within 5 working days of receipt and will
		1. summarise NLHC understanding of the complaint (the complaint definition);
		2. summarise NLHC understanding of what the member is seeking as an outcome;
		3. raise any questions that require clarification from the member; but acknowledge that reasons do not need to be given for the complaint to be escalated to stage 2;
		4. set out the next course of action and anticipated timescale.

8.4 NLHC will respond in writing to the member within 20 working days of the stage 2 complaint being acknowledged, informing them of the outcome of the investigation.

8.5 If NLHC believes that the appeal will take longer than 20 working days, this will be explained to the member with a clear timeframe set out for the resolution of the complaint which will not exceed a further 20 working days. If any further extensions are required, this will be in agreement with member who will be updated at regular intervals. Such explanation should also include the contact details of the Housing Ombudsman.

8.6 A complaint response will be provided to the member when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions will be tracked and actioned promptly with appropriate updates provided to the member.

8.7 In responding to the stage 2 complaint, we will confirm in writing:

* + 1. the complaint stage
		2. the complaint definition
		3. the decision on the complaint
		4. the reasons for any decisions made
		5. the details of any remedy offered to put things right
		6. details of any outstanding actions; and
		7. details of how to escalate the matter to the Housing Ombudsman will be provided if the member is not satisfied with the response.
1. **Putting things right where something has gone wrong**
	1. Where something has gone wrong NLHC will acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include:

• apologising;

• acknowledging where things have gone wrong;

• providing an explanation, assistance or reasons;

• taking action if there has been delay;

• reconsidering or changing a decision;

• amending a record or adding a correction or addendum;

• providing a financial remedy;

• changing policies, procedures, or practices.

* 1. Any remedy offered must reflect the impact on the member as a result of any fault identified.
	2. The remedy offer must clearly set out what will happen and by when, in agreement with the member where appropriate. Any remedy proposed must be followed through to completion.
	3. NLHC will take account of the guidance issued by the Housing Ombudsman when deciding on appropriate remedies.

**10 Scrutiny & oversight**

10.1 NLHC has a senior lead person who is accountable for our complaint handling. This person will assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.

10.2 A member of the NLHC Committee has been appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is known as the Member Responsible for Complaints (MRC)

**11 Annual Review**

* 1. This policy will be reviewed on an annual basis
	2. NLHC will carry out an annual self-assessment in accordance with the Code.
	3. The NLHC Committee at the AGM will consider any findings or recommendations of the annual self-assessment and the annual complaints performance and service improvement report.

**12. Definition of Anti-Social Behaviour.** The Antisocial Behaviour, Crime and Policing Act 2014 defines ASB as:
a) conduct that has caused, or is likely to cause, harassment, alarm, or distress to any person
b) conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises, or
c) conduct capable of causing housing-related nuisance or annoyance to any person

It can include:

* Abusing staff or contractors
* Theft
* Threats of violence and actual violence
* Graffiti, vandalism and other wanton damage to property, the environment and community.
* Rubbish thrown into gardens and pushed through letterboxes
* Harassment, intimidation, or threatening behaviour
* Using Co-op property for supplying drugs or other illegal purposes
* Nuisance from vehicles (abandoned vehicles, joy riding, nuisance repairs or vehicles regularly blocking access)
* Continual shouting and screaming
* Incessant loud music

12.1 Not all complaints received constitute anti-social behaviour. Less serious acts of ASB are commonly known as nuisance. It may not always be appropriate or feasible for us to take legal action over nuisance, particularly if it is short lived. In these cases we may suggest other remedies such as mediation. Examples of behaviour that would not normally be considered to be anti-social include:

* Children’s play
* Occasional parties/noise at reasonable hours
* Normal domestic activities such as washing machines, vacuum cleaners, banging doors, DIY.
* Parking issues
* Strong cooking smells unless such behaviour is shown to be persistent *and deliberate*.

12.2 Neighbour disputes.
If there are allegations and counter allegations of nuisance from two members, we may consider that a *Neighbour Dispute* exists. Neighbour disputes are often more effectively resolved through mediation rather than enforcement action.

12.3 Mediation
Where mediation between two parties is required the Management Committee will appoint one or more persons to mediate. Depending on the nature and circumstances of the dispute this may be:

* The Complaints Officer or
* Members of the Committee or
* An external agency such as the council Anti-Social Behaviour Action Team

12.4 Who can complain

The NLHC learns from complaints and encourages anyone directly affected by its te nants to make complaints when necessary. The NLHC also accepts complaints from agencies and other organisations or advocates representing complainants (although this will require written evidence that anyone representing a complainant is authorised to act on their behalf). Any representatives can attend meetings with the complainant if the client wishes them to.

12.5 Exclusions

The NLHC will accept and act on complaints unless there is a valid reason not to. The following would not normally be considered through the NLHC Anti-Social Behaviour Complaint Policy:

* persons or bodies over which NLHC has no control
* anonymous complaints.
* complaints about something more than twelve months old

If the NLHC chooses not to accept a complaint for one of the above reasons, it will formally write to the complainant setting out its reasons why. We will be clear and realistic with complainants on the range of actions we will/might be able to take.

12.6 The NLHC will initially try to work with individual tenants whose behaviour is the cause of complaints, to support and assist them in modifying their behaviour or the behaviour of their visitors or family members. This may involve use of an Acceptable Behaviour Contract (ABC) or obtaining support and assistance from outside agencies where perpetrators are experiencing difficulties in a particular area of their life. However NLHC will take action against those families or individuals who continue to cause nuisance despite attempts to work with them.

12.7 The NLHC will work closely with other agencies such as the Neighbour Nuisance or Anti-Social Behaviour Action Team in Manchester City Council, Social Services, Environmental Health Department (Noise, rubbish dumping etc) and the Police as appropriate.

In some instances it may be necessary to take serious action that could result in:

* Injunctions
* Possession proceedings (a tenant losing their home)
* Criminal Behaviour Order
* Dispersal Powers
* Community Protection Notice
	+ - Noise Abatement Notice (which could result in audio or other equipment being seized).

NLHC is prepared to use all the legal sanctions available under current legislation as appropriate.

12.8 Support for Complainants: NLHC will deal with complaints promptly and confidentially. Information will not be passed to the person who is causing the nuisance without the permission of the person making the complaint.

(a) We may ask the complainant to keep a diary of anti-social behaviour to help us build up a case for taking further action. This will enable us to see how often the problem is happening and what effect it has.

(b) We will need to know the date and time of any issues, how long they last and how they affected the complainant. We will also need any crime reference numbers if reported to the police.

(c) If the problem is serious and we decide to take legal action, it is important that the complainant continues to keep a record of anti-social behaviour until such a time as the case is heard in court. This is because the Court will need evidence that the problem is a serious one and the perpetrator has failed to improve their behaviour in response to other action taken and the anti-social behaviour is still occurring.

(d) Where legal action is required, the complainant must be prepared to attend a court case. Record keeping may have to be carried out over a number of months. We will attempt to use professional witnesses where possible.

**13. Safeguarding**

13.1 We will follow our safeguarding procedure if there are concerns regarding an adult at risk or where children are involved. We may also arrange support from other agencies that can help, including the police, social services, and local authorities.

13.2 ASB can be caused by tenant members or their family members who have support needs and can be problematic to deal with. It is important that people have their support needs assessed as problems often cannot be resolved without the intervention of appropriate qualified support from social services.

13.3 Some people may cause disturbance without realising the consequences for people living around them. Conversely, they can be ill-equipped to deal with neighbours who cause them nuisance or distress. It is important that tenant members are properly assessed and assisted by professionals.

13.4 We will consider the Equalities Act 2010 before deciding what action to take against a person with mental health problems, or any other disability, which appears to be causing ASB.

13.5 We recognise that some reports of noise nuisance, disturbance and or ASB could be an indicator of potential domestic abuse or safeguarding issues (e.g. complaints about noisy arguments could suggest that domestic abuse is taking place).

**14. Examples of unreasonable behaviour by a complainant**

* + Refusing to specify the grounds of a complaint, despite offers of help.
	+ Refusing to cooperate with the complaints investigation process.
	+ Refusing to accept that certain issues are not within the scope of a complaints procedure.
	+ Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
	+ Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced.
	+ Changing the basis of the complaint as the investigation proceeds.
	+ Denying or changing statements made at an earlier stage.
	+ Introducing trivial or irrelevant new information at a later stage.
	+ Raising many detailed but unimportant questions, and insisting they are all answered.
	+ Submitting falsified documents from themselves or others.
	+ Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations.
	+ Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous NLHC staff or committee members, or detailed letters every few days, and expecting immediate responses.
	+ Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints.
	+ Refusing to accept the decision; repeatedly arguing points with no new evidence.
1. **For the purposes of this policy:**

**Contact for Stage 1:**

Name: Shared Habitat

Telephone number: 0161 791 2000

Email address: enquiry@sharedhabitat.co.uk

**Contact for Stage 2**

Name: Kelly Jones - Complaints Officer

Telephone number: 0161 256 4226

Address: Studio 7, Longsight Business Park

Hamilton Road, Longsight

 Manchester, M13 0PD

### Email address: complaints.nlhc@gmail.com

1. **Housing Ombudsman Service**

The contact details for the Housing Ombudsman Service are:

Telephone: 0300 111 3000

Email: info@housing-ombudsman.org.uk

Website: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

Address: Housing Ombudsman Service,

 PO Box 1484, Unit D, Preston, PR2 0ET