Complaints Procedure

Version: 4.9

Document Owner: Head of Service Improvement

See also: Complaints Policy

Date last reviewed: March 2024

Date due for next review: March 2027

This Policy will be applied in a way that will not discriminate on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Version number	Amendment	Amended by	Date
1.1	Added point that staff should escalate all Stage zeros where resolution not reached within the target date.	Annette M	1st June 2015
1.2	Following Audit report recommendations implemented around closing complaints.	Annette M	27th April 2016
1.3	Added Ombudsman details as change of address.	Annette M	23rd Aug 2016
1.4	Added how complaints from residents' groups can be part of complaints process & explicitly stated that Staff complaints are not Stage zero.	Annette M	20th Sept 2017
1.5.	Added serious detriment line to policy.	Annette M	6th March 2018
2.0	Reviewed policy with Service Resolution Team at 3 yearly review.	Annette M	10th May 2018
2.1	Added about how complaints re: GDPR should be managed.	Annette M	16th May 2019
2.2	Added further clarity about handling of staff complaints and complaints made by 3rd parties.	Annette M	12th July 2019
2.3	Amended handling of complaints about transfers.	Annette M	2ndn Jan 2020
3.0	Reviewed considering The Housing Ombudsman's code and checked by Devonshires. Separated from combined version with Complaints Policy to create standalone procedure. Key change is discontinuation of residents' panel to review Stage 2 complaints.	Annette M	25th Feb 2021
3.1	Tweak relating to complaints around policy and around change to how Stage 2s are managed.	Annette M	6th October 2021
3.2	Compliance with Code changes – removal of Stage zeroes.	Annette M	7th September 2021

3.3.	Removal of democratic filter (8 weeks delay for referring matter to Ombudsman).	Annette M	11th October 2022
3.4	Minor tweaks in wording following further self-assessment against the Ombudsman code.	Annette M	28th June 2023
3.5.	Minor tweaks – additional guidance section, expanded guidance around staff complaint, changed timescales around Stage 1, in line with the Code.	Annette M	15th September 2023
4.0	Updated to reflect changes in line with Ombudsman Code.	Annette M	14th March 2024
4.1	Updated to reflect change in approach to managing staff complaints following advice from Ombudsman.	Annette M	18th July 2024
4.2	Updated to reflect change in approach for managing complaints involving Managing agents schemes and references Building safety complaints process.	Annette M	20th August 2024
4.3	Updated section on staff complaints to reflect claims of discrimination .	Annette M	10th January 2025
4.4.	Updated section on staff complaints to reflect how complaints around operatives should be managed. Updated Ombudsman's contact details.	Annette M	12th February 2025
4.5	Amended how complaints about operatives should be managed.	Annette M	21st November 2025
4.6	Added line to show complaints procedure covers Access Homes & Newlon.	Annette M	11th December 25
4.7	Removed reference to Ombudsman email address	Annette M	13th Feb 2026

4.8	Removed reference to resident's panel in learning from complaints section which had been left in error & added guidance for staff around what checks are expected to be done prior to logging complaint	Annette Morrison	June 26
4.9	Updated Managing agents section	Annette Morrison	23rd July 2026

This procedure covers complaints from Access Homes and Newlon Housing Trust residents.

1. When to log a complaint and when to log a service request

1.1 Staff should be clear about the difference between when a resident is making a service request, where a resident may be unhappy about the situation that they want rectified and when they are making a complaint.

1.2 Service request - a service request is a first request requiring action to be taken to put something right. This could relate to a repair, provision of service or action, where the timeframe for delivering that repair or action has not yet passed or where it can be easily resolved to the customer's satisfaction at the first point of contact.

1.3 Where there is a clear breach of service standards, or it is not possible to provide an explanation and a resolution to the resident's dissatisfaction at the first point of contact and the resident is dissatisfied with the handling of repairs/repetitiveness of the issue then this should be logged as a formal Stage 1 complaint. An example of this is a complex repair matter where there have been several failed appointments and there are several different activities still outstanding.

1.4 A complaint must be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. At this time efforts to address the service request should not be stopped if the resident complains.

1.5 A resident does not have to use the term 'complaint' for a complaint to be logged and any staff member is responsible for recognising when a complaint should be logged.

1.6 The SRT is responsible for checking that the Complaint falls within the scope of the complaints procedure by checking the Exceptions Appendix. In addition, the SRT officer is responsible for checking the residents Dynamics case history to ensure that this complaint (within the same time period) has not been the subject of a previous complaints. Where the Complaint should not be accepted, the Complaint should be refused, this should be logged on Dynamics and communicated to the resident.

2. Responding to complaints

When responding to complaints the following approaches should be considered:

- Deal with complaints on their merits.
- Act impartially and have an open mind.
- Consider all information and evidence carefully.
- Apologise to the resident, acknowledging where things have gone wrong.
- Take measures to address any actual or perceived conflict of interest.
- Provide the service that we should have provided.
- Take action if there has been a delay.
- Where we need to put matters right, we can provide the service giving timescales for when this will be; or provide it in a different manner; or provide an additional service.

- Provide an explanation or information to clarify a decision we have made.
- Review a policy, practice or literature if this has been the cause of the complaint.
- Reconsider or change a decision.
- Amend a record.
- Pay compensation, provide a refund, or offer a gift voucher as a goodwill gesture where we have failed to deliver the appropriate service.
- Keep the complainant updated or regularly informed even if there is no specific update, we should make telephone contact, so the resident is aware the issue is still being managed.
- Keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.
- It is important to manage residents' expectations from the outset, being clear where a desired outcome is unreasonable or unrealistic.

It is important to give residents the opportunity to have a representative deal with their complaint on their behalf, and to be represented and/or accompanied at any meeting with the landlord where this has been requested or offered and where this is reasonable.

Where a key issue of a complaint relates to the parties' legal obligations the landlord should clearly set out its understanding of the obligations of both parties and seek clarification before doing so where this is not initially clear.

Complaints which involve legal issues can be resolved via the complaints process if appropriate and all parties agree, and legal proceedings are stopped. If so, it is important that settlement terms are properly documented and agreed including any terms as to confidentiality or non-admission of liability.

3. Managing staff and operatives complaints

3.1 Following the receipt of guidance from the Ombudsman, the way staff complaints are managed has changed. These now need to be incorporated into the formal complaints process, following the same overall guidance, saving responses on Dynamics, using similar templates etc.

- Where the complaint is solely about the staff behaviour, this should be logged as a Stage 1 Complaint – Cat 1 – Staff Complaint and should be investigated, and response provided by manager to resident directly as their Stage 1 response.
- Where the staff complaint is one element and there are other service failures then the SRT will be responsible for sending the response, and the manager will provide the relevant paragraph relating to their investigation of the staff complaint. The Cat 1 and 2 used for these will depend on what the main issue being complained about is.
- Where the complaint is solely about a contractor's operative, this should be logged as a Stage 1 Complaint – Cat 1 – Repairs Cat 2 – Operative Conduct. A task should be assigned to the manager of that contract and the response provided to SRT to respond to the resident.
- Where the operative complaint is one element and there are other service failures then the SRT will be responsible for sending the

response, and the manager of the contract will provide the relevant paragraph relating to their investigation of the operative complaint. The Cat 1 and 2 used for these will depend on what the main issue being complained about is.

3.2 Where resident is unhappy then this can be escalated to Stage 2. If they are unhappy about the staff/operative element, then this should be reviewed by either the manager of the first manager who reviewed this or a peer manager. Again, this element if part of an overall complaint should be added to the main Stage 2 response or as a stand-alone Stage 2 response if the complaint only relates to the staff's/operative's behaviour.

3.3 The same principles of responding to a complaint apply, whether it is a staff complaint alone or a staff complaint and a service failure complaint, including advising residents about the Ombudsman services at each stage.

3.4 As part of the investigation, it is expected that the manager will where appropriate listen to calls, check emails/correspondence, and the response should provide transparency to the complaints process, residents can expect to see that a complaint has been fully investigated and, where necessary, action has been taken to resolve any areas of service failure, including where this involves conduct of a staff member.

3.5 Where it relates to an operative's conduct the manager should ask the contractor to provide details of their investigation regarding the complaint.

3.6 Where there have been allegations of discrimination, the investigating officer should look at what the basis of the discrimination was - ethnicity, disability etc. and revisit the service request and relevant policy to see if the policy has been followed or whether there is any reason to suggest the policy is discriminatory etc. It would also be expected that the use of language would form part of investigation. This needs to be documented and evidenced to show that there has been an investigation and that the claim has not just been dismissed.

3.7 It is important that the privacy of the staff member is not compromised, and it is not appropriate to reference disciplinary proceedings, as this is a breach of confidentiality.

4. Formulating a remedy

Factors to consider in formulating a remedy can include, but are not limited to:

- 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 resident.
- A resident's particular circumstances or vulnerabilities.

Whilst the Service Resolution Team will largely be responsible for responding to the complainant, the Service Manager will need to take responsibility for ensuring that actions are delivered, and solutions identified. This can involve identifying a series of actions within agreed timescales to resolve the complaint and identifying alternative solutions in a timely manner should the original actions not resolve the issues.

A full record of the complaint must be recorded on Dynamics with clear outcomes at each stage, this includes all correspondence with the resident and relevant parties as well as any relevant documentation such as reports or surveys.

5. Stage 1 complaints

The Service Resolution Managers are responsible for responding to Stage 1 complaints. The details of their response should always be recorded on Dynamics. This can be a telephone call (if the resident is happy with this means of communication but followed up in writing) but in most circumstances will be in a PDF format and emailed to the resident.

If an agreement is made with the resident over the phone, the notes section in Dynamics must be used to record specific details of our response.

5.1 Timescales

- Logging and acknowledgement of complaint – five working days within receipt of complaint, this should make it clear who will be responding and within what timescale, as well as outlining what our understanding of the complaint is, and the outcomes sought. If this is unclear this should be clarified with the resident.
- It must be made clear which aspects of the complaint Newlon are, and are not, responsible for and clarify any areas where this is not clear.
- Stage one response outlining the decision – 10 working days from the date the complaint was logged and acknowledged.
- Extensions - Where the timescale is not possible to be met due to the complexity, an explanation to the resident containing a clear timeframe for when the response will be received should be sent. This should not exceed a further 10 days without good reason. This is to be done by the Service Resolution Team. If an extension beyond 20 working days is required to enable the landlord to respond to the complaint fully, this should be agreed by both parties and the resident should be supplied with the Ombudsman details.

5.2 The response should include:

- Confirmation of stage in complaints process.
- Details of complaint definition.
- An apology for any service failure.
- A response on all the issues that have been complained about.
- An explanation where appropriate for the service failure.
- The outcome/decision of the complaint.
- The reasons for any decisions made referencing the relevant policy, law and good practice where appropriate.
- The details of any remedy offered to put things right, including an assessment of compensation where appropriate. Any remedy should reflect the level of impact that the service failure it has had on the resident.

- The details of any outstanding actions (and timescales to remedy), including who will be responsible for monitoring this and details of how to escalate the matter if dissatisfied.
- A clear explanation of the different complaint stages, including their right to appeal to Stage 2 or to take the matter to the Ombudsman, detailing what will happen at each stage and timeframes for responding.

When formulating responses the service resolution team should:

- Deal with complaints on their merits.
- Act independently and have an open mind.
- Take measures to address any actual or perceived conflict of interest.
- Consider all information and evidence carefully.
- Keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.

5.3 Joint working for resolutions

The Service Resolution Managers will consult with the relevant teams but will have the authority to decide on the best resolution for the complaint. In the case of complaints about the repairs service, they will need to consider budgetary constraints, but may choose to:

- Instruct a contractor to expedite repairs.
- Instruct a contractor to provide a written plan to fully remedy an issue including consideration of a ‘plan B’ in case original assumptions are incorrect or timescales are not met.
- Obtain a second opinion on a complex repair issue.
- Use an alternative contractor.
- Undertake a remote video inspection of issues with the agreement of the resident.
- Schedule an inspection by a surveyor.
- In some exceptional cases they may even consider something outside of normal arrangements if it is in the interests of resolving the complaint.
- Where appropriate the cost will be met by the incumbent contractor.

The service manager will be responsible for ensuring the Service Resolution Managers’ instructions are executed. The Service Resolution Managers will be responsible for the case management of all Stage 1 complaints, providing regular feedback to the complainant, ensuring actions agreed as the resolution for the Stage 1 complaints are carried out, and keeping the customer informed about any delays and progress.

Response times for Stage 1s will be monitored by the Service Resolution Team Leader and Head of Customer Services. Stage 1 complaints will be kept open for the appeal period during which time the Service Resolution Team is responsible for chasing up the outstanding actions. Only complaints where all actions have been completed during this period can be closed and only where the complainant does not wish to escalate the complaint.

Where a resident has raised new issues, these should be included in the investigation and the Stage 1 response, where they are related. Where the Stage 1 response has been issued, or it would cause a delay in the response being sent or the issues are not related, then a separate and new complaint should be logged regarding these. Where the resident then wishes to escalate both Stage 1 complaints these would be managed better if they were merged to ensure that there is clear communication on all outstanding matters.

6. Stage 2 complaints

If the complainant wishes to escalate their complaint as they are unhappy with the outcome of the Stage 1 process, we will usually escalate this matter to the next stage (Stage 2), although there are some exceptions to this – see Appendix 2 on exceptions to procedure below.

An appeal should be made within 30 working days of receipt of the Stage 1 response.

To ensure it is clear what aspects of the complaint that the complainant is unhappy with, they should state the reasons they remain unhappy with the handling of their complaint and what they would like in order to put the matter right. This is so that when reviewing the complaint, it will be clear about what issues have not been addressed to their satisfaction and what their preferred outcome is. However, the lack of this is not a sufficient reason for not escalating the complaint. Where there is a lack of clarity where possible contact should be made with the resident to understand their appeal reasons more clearly.

The member of staff logging the Stage 2 complaint should update the Stage from 1 to 2 and transfer it to Stage 2 within Dynamics. The Stage 2 will be managed within the Service Resolution team by a member of staff who has not previously been involved with the complaint.

Where it is felt, following an initial review that the Stage 1 response is the final position, and the matter should not be escalated to Stage 2, then the matter should be raised with two of the following senior managers to review: Head of Customer Services, Housing Services Director, Assistant Director of Housing or Head of Service Improvement.

If this is agreed, then an explanation of the decision not to escalate must be given to the resident. It should make clear that the previous response was Newlon's final response to the complaint and provide information on how the complainant can make a referral to the Housing Ombudsman.

6.1 Timescales and response

Stage 2 response

- This should be acknowledged within five working days of the request to escalate.

- This should include a definition of the Stage 2 complaint and a full response sent 20 working days from date the complaint was acknowledged.
- If this is not possible due to the complexity an explanation and a date when the Stage 2 response will be received should be provided to the complainant. This should not exceed a further 20 working days without good reason and the reason(s) must be clearly explained to the resident. Details of the Ombudsman must be provided at this time.
- Where timescales cannot be met and an extension cannot be agreed with the resident, the resident should be supplied with the Ombudsman details.

On receipt of an escalation request, the Service Resolution Team's response should set out the issues that they understand remain outstanding as well as the outcomes the resident is seeking. If any aspect of the complaint is unclear clarity needs to be sought on this and an agreement reached. In accordance with the Code, residents are not required to explain their reasons for requesting an escalation and instead reasonable efforts must be made to understand the reasons why a resident remains unhappy.

The Service Resolution Team will be responsible for responding to Stage 2 complaints and involving the directors responsible for the service being complained about in the case of complex complaints.

Stage 2 responses should include the following (as with Stage 1):

- The complaint stage.
- What the issues are that the resident remains unhappy about.
- A review of the Stage 1 decision and decide whether the complaint was handled:
  - In accordance with Newlon's policies and procedures.
  - Thoroughly having considered all the available relevant facts.
  - Fairly and reasonably.
- An apology for any service failure.
- A response on all the issues that have been complained about.
- An explanation where appropriate for the service failure.
- The outcome of the complaint.
- The reasons for any decisions made referencing the relevant policy, law and good practice where appropriate.
- The details of any remedy offered to put things right, including an assessment of compensation where appropriate.
- The details of any outstanding actions (and timescales to remedy), including who will be responsible for monitoring this and details of how to escalate the matter if dissatisfied.
- A clear explanation of the different complaint stages, including their right to take the matter to the Ombudsman, detailing what will happen at each stage and timeframes for responding.

The Service Resolution Team will be responsible for the case management of all Stage 2 complaints, providing regular feedback to residents and ensuring actions

agreed as the resolution for the Stage 2 complaints are carried out. They are responsible for keeping the customer informed about any delays and progress of responding or dealing with the complaint.

7. Closing complaints

The Service Resolution Managers are responsible for following up on all agreed actions for Stage 1 and Stage 2 complaints respectively to ensure that these are carried out. Complaint should only be closed when all actions have been completed and this has been clearly communicated to the resident.

At the end of each Stage 1 response, it will be made clear to the complainant what the escalation process is, and what time limit there is for this. The Service Resolution Managers will be responsible for reviewing either manually or setting up a system check at the end of this appeal period to ensure that it is appropriate to close the complaint. At this stage the complainant should be advised via text/e-mail/letter and advised that they may be asked to take part in a survey about their complaint by Newlon or someone working on our behalf.

For Stage 2 complaints once all remedies outlined in the Stage 2 letter have been actioned and completed, the resident will be advised that their complaint is being closed but they have the right to refer the matter to the Ombudsman giving details of how to do so.

8. Complaints involving managing agents services/schemes

Following guidance from the Ombudsman we have clarified our approach to managing complaints where there are managing agents providing services. The guidance below covers the different types of managing agents we have in place.

8.1 Management agreements that have been put in place by Newlon for another organisation to manage properties on Newlon's behalf (where the residents are Newlon tenants such as Bangla, Outward or Hestia).

Where the complaint relates to the services they directly provide, the managing agent will be expected to manage these through their own complaints process. Where the complaint is about Newlon's services provided to these residents then this should be managed through Newlon's complaints process.

We will require quarterly reports on the complaints received relating to our tenants, outlining remedies and levels of escalations and any Ombudsman determinations on these.

8.2 Management agents where they are 3rd party managing agents appointed by the head leaseholder

Newlon will manage any service failures in line with the Managing Agents policy & procedure. The Managing agents policy outlines role and responsibilities across all service areas to ensure it is clear what is required of the Service Lead and the Managing agent's team, including escalation of issues.

Depending on what action or what stage we are at in terms of managing the service failure will depend on whether it is the Service Lead or Managing Agents team taking the lead on the Complaint. During the complaint the 2 teams must liaise to agree on a resolution and agree who is responsible for what action. In addition, they will be responsible for deciding whether any interception such as Newlon providing a service should be done, this will need to include full consideration of financial costs/service charge implications.

All actions and decision making should be documented and recorded on the Dynamics; this includes any escalation to the Managing agent, on Dynamics separate to the complaint case, so it is clear how the matter has been escalated on a timely basis. This includes escalation within Newlon also.

Newlon are responsible for managing Complaints at Stage 1 and Stage 2. Where we can and if it's appropriate, we will signpost the resident to also complain to the managing agent and head leaseholder, potentially providing templates to assist. This should only be done in addition to Newlon progressing the service failure through the Newlon complaints process.

9. Group of residents' complaints

Where there is a group of residents complaining, then one point of contact will be agreed, who will be communicated with whilst the complaint is open. Where there is a group email then this can be used where requested and it is clear that the complaint is from all residents. Complaints will not be accepted from Residents Groups.

10. Housing Ombudsman

Once a complaint has exhausted Newlon's complaints process the resident can appeal to the Ombudsman. The Ombudsman will not accept complaints that:

- Have not been brought to the Ombudsman's attention within 12 months after they exhausted the member's complaints procedure.
- Have not been brought to the attention of Newlon as a formal complaint within a reasonable period, which would normally be within 12 months of the matters which gave rise to the complaint.

The Service Improvement Team will be responsible for managing any correspondence from the Ombudsman regarding requests for documentation when a complainant has appealed to the Ombudsman. This should be done within the timescale set by the Ombudsman, but if a response cannot reasonably be provided within this timeframe, an explanation for the delay must be provided and if the explanation is reasonable, the Ombudsman will agree a revised date with Newlon.

Failure to provide evidence to the Ombudsman in a timely manner may result in the Ombudsman issuing a Complaint Handling Failure Order.

10.1 Ombudsman findings

Key aspects of the Ombudsman determination need to be recorded in the appropriate fields on Dynamics and the determination and report circulated to the

relevant managers. If the Ombudsman finds maladministration, Newlon are expected to comply with their orders or recommendations within the timescales set. The Service Improvement team will be responsible for ensuring all timescales are complied with. Ombudsman queries relating to any complaints that have not reached Stage 2 in the process will be handled by the Service Resolution Managers. Queries relating to complaints that have been escalated to Stage 2 will be handled by the Service Resolution Team.

The Housing Ombudsman Service address is:
Housing Ombudsman Service
PO Box 1484
Unit D
Preston
PR2 0ET

Telephone: **0300 111 3000**
Monday, Tuesday, Wednesday, Friday 9am - 5pm
Thursday 9am - 3.30pm
Lines are closed for staff training every Thursday from 3.30pm to 5pm

Online complaint form: **www.housing-ombudsman.org.uk/online-complaint-form/**

11. How do we learn from feedback?

11.1 For the directors and senior managers, learning from complaints promotes the open and transparent use of information to assess performance and risks and to inform strategic decisions relating to service delivery.

11.2 Complaints provide senior staff and service managers and team leaders with an insight into day-to-day operations allowing them to assess effectiveness and drive service improvement by learning from:

- Feedback from the service resolution team.
- Stage 2 complaints review meetings.
- Ombudsman cases discussed with senior managers and directors responsible.
- Contract management meetings with contractors.
- Learning from complaints meetings.

Feedback will focus on the service provided/complained about and be specific, measurable, achievable, realistic and timely (SMART). Learning may be about improving the complaints process but should also be about how we can reduce complaints and improve services.

12. Reporting

12.1 Annual reports to Board and/or quarterly reports to Resident Services Committee will include the following:

- Issues and trends arising from complaint handling.

- A qualitative and quantitative analysis of complaint handling.
- Discussion of the Ombudsman's yearly landlord performance report.
- Any other reports produced by the Ombudsman in relation to the work of the landlord.
- Any service improvement report.
- What has been improved as a result of learning from complaints.

12.2 A review of findings of maladministration by the Ombudsman, as well as confirmation that the complaint handling code is being applied. The report should also include a summary of complaints that have not been accepted as complaints.

The annual report to Board is then published on the website with the Board's response.

12.3 Annual self-assessment against the Ombudsman's code:

An annual self-assessment is completed against the code, identifying any gaps and remedial action to ensure their complaint handling is in line with the code. This is reported to the Board.

12.4 A member of the governing body has been appointed to have lead responsibility for complaints, this person is referred to as the member responsible for complaints ('the MRC').

13. Availability of this Complaints Procedure

This Complaints Procedure is made available online to all residents and hard copies can be provided on request.

14. Additional guidance

14.1 **Withdrawal of a complaint –** if a customer wishes to withdraw their complaint, we will ask them to confirm this in writing (email is acceptable).

14.2 **Anonymous complaints** – Where a complaint is raised without clearly stating who is making the complaint and/or who is impacted by the issue, we will not normally investigate such a complaint, as we may have no one to respond to. The Head of Customer Service, if appropriate, will determine whether the complaint warrants an investigation. If we do investigate an anonymous complaint, we will keep a record of our actions and any outcomes.

14.3 **MP/Councillor enquiries** – Such enquiries from a local MP or Councillor regarding an issue or concern raised by their constituent will be logged as MP enquiries and assigned to the manager responsible for the service that is being complained about. Where the MP enquiry relates to services provided by a third party, the MP enquiry will be passed to them to respond. The person responsible for responding should respond to any enquiry within the same timescales as for a Stage 1 complaint which must be communicated to the MP/Councillor in the first response (five working days to acknowledge receipt, 10 working days for a

full response, unless there are reasons to extend which must also be provided to the MP/Councillor).

These will only be logged as a complaint where the matter being raised on the resident's behalf meets the complaints definition and there is no current complaint logged regarding this matter.

15. Policies

Complaints about written policies, where decisions have been properly made by the relevant manager in accordance with relevant and appropriate best practice, will not be considered. Where the policy has been reviewed to ensure it is not directly discriminating or having a disproportionate impact on particular groups of residents.

Appendix 1 – managing unacceptable behaviour from complainants.

It is important to recognise the difference between a resident's frustration with a poor service, where they are asking Newlon to remedy the matter, and when a resident's

behaviour may be unacceptable. The full Dealing with Aggressive and Unacceptable Behaviour policy and procedure should be referred to.

Where the behaviour of a complainant is unacceptable or aggressive as detailed in the full policy, it is important that the officer managing the complaint ensures that the complainant's issues are addressed, and this must be at the forefront of the officer's mind when handling these complaints. However, where the behaviour is unacceptable then these guidelines should be followed.

Examples of unacceptable behaviour are:

- Continual/excessive telephone calls/e-mails/letters which are disproportionate to the issue being raised.
- Persistent refusal to accept a decision made by Newlon and continually returning to Newlon, without presenting any new information.
- Persistent refusal to accept which services Newlon can and cannot provide.
- Repeatedly changing the substance of the complaint or raising unrelated concerns.
- Asking for responses within an unrealistic timescale, which are disproportionate to the issue being raised.
- Insisting on communicating with a particular staff member (who are not responsible for areas of queries).
- Use of derogatory remarks and rudeness (in email, writing or verbally).

All of these may be considered unacceptable and unreasonable if they start to impact substantially on Newlon employees' work and wellbeing, and therefore other residents will be disadvantaged, as the employee has less time to deal with their enquiries.
Where a complainant's behaviour is unacceptable, the employee dealing with the complaint should discuss with their manager and consider whether the Dealing with Aggressive and Unacceptable Behaviour policy and procedure applies and follow the guidance outlined within it. This can involve restricting the person's contact with our office, whilst still allowing a specified means to communicate with Newlon and a means of ensuring that the issues raised in the complaint can be addressed.

Appendix 2 – Exceptions to the procedure

Newlon will not accept any formal complaint at Stage 1 or Stage 2 which would not be within the remit of the Housing Ombudsman Service. Set out below are a number of the exceptions which would not fall within the Ombudsman's jurisdiction, and which will therefore not be dealt with by Newlon as formal complaints.

For details of the types of complaints that fall within the remit of the Housing Ombudsman, please refer to www.housing-ombudsman.org.uk.

1. Service charges

All queries regarding service charges should initially be internally reviewed, aiming to respond within 28 days as often third parties are involved and where appropriate any adjustments on accounts should be carried out. This should be done by the officer responsible for the scheme.
If this has been done and the resident remains dissatisfied, only the following issues will be handled as complaints at Stage 1 initially and can then be escalated to Stage 2 where appropriate:

- Complaints about whether the resident is obliged to pay for the service under their tenancy/lease; complaints about the communications in respect of service charges.
- Complaints that the resident has not received the service/benefit they are paying for, or the service provided has been of a poor standard.
- Complaints that the landlord has not followed the correct process in respect of service charges.
- Does the landlord have in place a reasonable method of assessing the level and standard of service provided?
- How the landlord provides the service?
- Whether the landlord can demonstrate the service has been provided.

Complaints about the level of service charges charged by Newlon or any increase in service charges will not be accepted as a formal complaint.

If service charge statements/accounts have already been audited, (Finance can confirm whether this has happened) the Service Charge Team will review the matter, this is not treated as a formal complaint. If the resident remains dissatisfied with the outcome of this review, they must proceed to the First Tier Tribunal Property Chamber, unless their complaint relates to one of the matters listed above.

The table below shows the jurisdiction of the Ombudsman and First Tier Tribunal:

Housing Ombudsman	First Tier Tribunal
Whether the information about service charges was clear and transparent at the start of the tenancy or lease and throughout. Whether the resident received the service being paid for at all (this also falls within Tribunal jurisdiction as to whether the costs is reasonably incurred). Whether the standard and level of service provided was appropriate. Whether the landlord provided key information to the resident on request about the service charges. Whether the landlord followed its policies and procedures as well as the terms of the tenancy/lease in deciding a change in the amount payable.	Conditions and price of buying the freehold or extending a lease. Who is responsible for paying a charge, and whether the charge is reasonable. The cost of building insurance. Whether it would be appropriate to appoint a new manager. Whether a residential long lease should be varied. Right to manage. Where the landlord believes there has been a breach of a term of the lease. Whether to grant a 'dispensation' of consultation for a specific service charge.

2. Transfer cases

Where an applicant is unhappy about the handling of their transfer application, complaints may only be made either that the policy has not been applied correctly or there have been delays or poor customer care in the handling of it. A resident will not be able to make a complaint about the fact they have not been moved.

3. Complaints about the level of rent and rent increases

These should be reviewed initially by the Income and Investigations Team who will check that the correct process has been followed and then the resident should be advised to proceed to the First Tier Tribunal Property Chamber (Residential Property).

4. Complaints about services provided by a managing agent (these are employed by Newlon via a management agreement and include Outward, Bangla and Hestia). This does not include managing agents appointed by a 3rd party, where Newlon are not the Head leaseholder.

Where a complaint is made about a managing agent's services, it is for the managing agent to investigate that complaint under their own Complaints Policy and Procedure. The managing agent must advise Newlon of the complaint and the outcome and the Housing Projects Manager will advise on whether any further action is required.

5. A claim for damages that should be handled via insurers or issues that are now subject to active legal proceedings.

Any matter that is the subject of an insurance claim or subject to legal proceedings, where legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court, will be outside the remit of the complaints process, as the resident has elected to have recourse to other formal processes.

6. Issue is over twelve months old

Complaints will not generally be accepted if the issue giving rise to the complaint occurred over twelve months ago, unless there are good reasons to apply any discretion.

7. Previously complained about issues

If a matter has already been through the complaints process, this would not normally be accepted as a new complaint. A detailed explanation should be provided to the resident setting out the reasons why the matter is not suitable for the complaints process. A resident has the right to challenge this decision by bringing their complaint to the Ombudsman. Where appropriate the Ombudsman will instruct the landlord to take on the complaint.

Where the service complained about has not yet been rectified, e.g. a repair then it would be appropriate to log a new complaint, closing the old one if it had exhausted the complaints process, making it clear the dates each complaint covers.

8. General Data Protection Regulation (UKGDPR)

If a resident is unhappy with the handling of their personal data, initially this should be passed to the governance manager who will investigate this and respond to the resident. If the resident is unhappy with this response, the next stage would be for the resident to approach the information commissioner to make a complaint.

9. Complaints that fall under Building Safety Complaints criteria. (See Building Safety Complaints procedure for more details).

The Building Safety Act 2022 (the Act) confirms that a building safety complaint is a complaint about:

- A building safety risk (as defined in the Act as a risk to the safety of people in or about a building arising from the spread of fire or structural failure); (Buildings in scope: all occupied residential buildings 18 metres or above, or that have 7 storeys or more and which contain at least two residential units). or
- The performance of an accountable person.