

Habitare Homes Limited: Complaints Policy

Version:	4.0
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Policy Owner:	Board
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Approved by:	Board

1 | Introduction

- 1.1. Habitare Homes Limited (“Habitare”) is committed to high standards of customer service. Unfortunately, there may be occasions when we do not meet the high standards we set for ourselves. We prioritise the resolution of complaints and have a culture of learning from complaints and the issues raised. We will try wherever possible to resolve a complaint to the customer’s satisfaction and to ensure that complaints are handled effectively.

2 | Scope

- 2.1. This policy applies to all residents of Habitare who have a legal relationship with us i.e. are an applicant, tenant, leaseholder, or licensee.
- 2.2. Where a Managing Agent is engaged to manage properties on behalf of Habitare;
 - The Managing Agent will apply all aspects of the Complaints Policy on our behalf, and ensure their staff are trained on the policy;
 - The Managing Agent must handle complaints in line with the Housing Ombudsman's Complaint Handling Code;
 - The Managing Agents will consult Habitare on all significant activities undertaken in fulfilment of the policy where required; and
 - The words “staff”, “we” and “us” in this policy refers to the staff of the Managing Agent with regard to all operational matters.

3 | Purpose

- 3.1. This policy sets out our approach to complaints and resolving any issues raised. We have a collaborative and co-operative approach towards resolving complaints and take collective responsibility for any shortfalls identified. We will always act within the professional standards for engaging with complaints as set by any relevant professional body.

- 3.2. You can complain about any services we have provided within 12 months of you becoming aware of the issue. We may accept older complaints at our discretion in extenuating circumstances for example if a complaint is delayed due to ill health.
- 3.3. We aim to resolve your complaint as quickly as possible. If you make a complaint and we follow our process, we are unable to accept another complaint about the same issue. Making a complaint will not result in any adverse changes to the services that we provide you. This policy will be jointly implemented with our Managing Agents.

4 | Definitions

- 4.1. Board: The Board of Directors of Habitare.
- 4.2. Board Member responsible for complaints (Member Responsible for Complaints or MRC): As per the Housing Ombudsman Code, Habitare have a designated Board lead on complaints (The Member Responsible for Complaints). Their details are published on the complaints page of our website. The MRC is responsible for ensuring the governing body receives regular information on complaints that provides insight on complaint handling performance.
- 4.3. Complainant: Anybody with a legal relationship to us (i.e. applicant, tenant, leaseholder or licensee), or a person acting on their behalf, can make a complaint about the service we or anyone working for us (including e.g. Managing Agents or contractors) provide. We will require your written permission before corresponding with any third party.
- 4.4. Complaint: We use the Housing Ombudsman definition and define a complaint as “an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents”. An expression of dissatisfaction does not need to include the word complaint to be handled in line with this policy. We treat multiple complaints from the same complainant as a single complaint.
- 4.5. Complaint Handling Code: We are committed to meeting the requirements of the Housing Ombudsman’s Complaint Handling Code and undertake an annual self-assessment of compliance. This is reviewed by the Board and is published on our website.
- 4.6. Complaints Officer: As per the Housing Ombudsman Code, Habitare’s Operations Director will act as the Complaints Officer, and they will:
- Act sensitively and fairly;
 - Be trained to receive complaints and deal with distressed and upset residents;
 - Have access to staff at all levels to facilitate quick resolution of complaints; and
 - Have the authority and autonomy to act to resolve disputes quickly and fairly.
- 4.7. Housing Ombudsman: a service provided to all residents of registered providers of Social Housing which can assist residents throughout the life of a complaint and also be used if complaints should be escalated.

- 4.8. Service request: A service request is a request from a resident requiring action to be taken to put something right. Service requests will be recorded, monitored and reviewed regularly. A complaint will be raised when a resident raises dissatisfaction with the response to their service request.

5 | Relevant Legislation

- 5.1. This policy should be read in conjunction with the legal and regulatory documents listed below:
- Housing Act 1996 (schedule 2)
 - Data Protection Act 2018
 - Localism Act 2011
 - Equality Act 2010
 - Social Housing Regulation Act 2023
 - Housing Ombudsman Scheme and 2024 Code
 - Transparency, Influence and Accountability Standard
 - We adhere to the provisions of the Equality Act 2010 and have processes in place to accommodate an individual's needs regarding access to an appropriate channel for raising a complaint.
- 5.2. We adhere to the provisions of the Equality Act 2010 and have processes in place to accommodate an individual's needs regarding access to an appropriate channel for raising a complaint. We will keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed and keep these under active review.

6 | Our responsibility

- 6.1. We have a 2 stage complaints resolution process. Where something has gone wrong we will acknowledge this and set out the actions we have already taken, or intend to take, to put things right.
- 6.2. Stage 1:
- 6.2.1. If you are unhappy with a service we have provided you can raise a formal complaint. You can do this in a number of ways including online, by email, by phone or by post. We will acknowledge, define and log your complaint within 5 working days. If any aspect of your complaint is unclear, we will contact you to seek clarification.
- 6.2.2. We will keep a record of all correspondence with you, including the original complaint and date received, correspondence with other parties, and any relevant supporting documentation such as reports or surveys
- 6.2.3. Hopefully we can resolve everything by email or phone, if not we are happy to meet with you face to face to seek to find a solution.

- 6.2.4. If you refuse to engage with us to resolve the complaint in line with this complaints process, then we will have to close your complaint.
- 6.2.5. We will consider the individual circumstances of each complaint and will investigate your complaint and aim to give you a full written response within 10 working days of the complaint being acknowledged. Our response will explain the outcome of our investigation together with any actions that we agree with you to resolve the complaint. If our investigation will take longer, we will let you know, explain the reasons for the delay. We may extend the response time by up to 10 working days, if so we will agree update intervals to ensure you are regularly informed of progress.
- 6.2.6. We close complaints once we have sent you our written response and agreed actions with you (if appropriate) to resolve your issue. If you request a review, your complaint will stay open. When informing you of an extension, we will provide contact details for the Housing Ombudsman.
- 6.2.7. Where you raise additional complaints during the investigation, these will be incorporated into the Stage 1 response if they are related and the response has not been issued. Where the response has been issued, the new issues are unrelated, or incorporating them would unreasonably delay the response, the new issues will be logged as a new complaint. A complaint response will be provided when the answer to your complaint is known, not when outstanding actions are completed. Outstanding actions will still be tracked and actioned promptly with appropriate updates provided to you.
- 6.2.8. Our Stage 1 response will confirm the following in writing, the complaint stage, the complaint definition, the decision on the complaint, the reasons for any decisions made, the details of any remedy offered to put things right, details of any outstanding actions, and details of how to escalate the matter to Stage 2 if you are not satisfied with the response.

6.3. Stage 2

- 6.3.1. If you are unhappy with the decision in relation to your complaint you can ask for your complaint to be escalated to Stage 2. You do not need to explain your reasons for requesting a Stage 2 review. A request for a review should be made within a reasonable timeframe.

- 6.3.2. We will acknowledge, define and log your complaint within 5 working days. If any aspect of your complaint is unclear, we will contact you to seek clarification.
 - 6.3.3. If your case is escalated to a Stage 2 review, the complaint will be handled by an independent reviewer who was not involved in the original decision. If necessary, we may request legal advice when reviewing your complaint. We will send you a formal written response within 20 working days. This response will reconsider the individual circumstances of each complaint and explain the outcome of our investigation together with any actions that we agree with you to resolve the complaint.
 - 6.3.4. In exceptional circumstances, the timescales for responding may need to be changed. Any extension must be no more than 20 working days without good reason, and the reason(s) will be clearly explained to you. When informing you of an extension, we will provide contact details for the Housing Ombudsman. If our investigation will take longer, we will let you know and agree update intervals to ensure you are regularly informed of progress.
 - 6.3.5. A complaint response will be provided when the answer to the complaint is known, not when outstanding actions are completed. Outstanding actions will still be tracked and actioned promptly with appropriate updates provided to you.
 - 6.3.6. Our Stage 2 response will confirm the following in writing, the complaint stage, the complaint definition, the decision on the complaint, the reasons for any decisions made, the details of any remedy offered to put things right, details of any outstanding actions, and details of how to escalate the matter to the Housing Ombudsman if you remain dissatisfied.
 - 6.3.7. Stage 2 is Habitare's final response and will involve all suitable staff members needed to issue such a response.
- 6.4. The following are generally not considered as complaints and will be dealt with via alternative mechanisms. If we decide not to accept a complaint, we will provide you with an explanation setting out the reasons why the matter is not suitable for the complaints process and your right to take that decision to the Housing Ombudsman
- a. Repairs which are a resident's responsibility – we can refer you to local trades bodies or e.g. Checkatrade to source a tradesperson;

- b. Legal action – if we are involved in legal action with you then we are unable to handle complaints which your or our solicitors are dealing with at the same time; This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court;
- c. Insurance claims – these are dealt with through our insurers. Complaints about our handling of insurance claims will be accepted as a complaint under this policy;
- d. Services which are not our responsibility – e.g. local authority decisions about nominations or housing benefit;
- e. Service charge complaints – we manage these through our Rent and Service Charge Policy. Complaints about our handling of service charge matters will be accepted as a complaint under this policy;
- f. Anti-social behaviour (ASB) – complaints regarding the behaviour of our residents should be reported direct to the housing manager for investigation under our ASB policy. Complaints about our handling of ASB matters will be accepted as a complaint under this policy;
- g. Feedback about our policies and procedures or responses to surveys – we will record this and use it for the purposes of continuous improvement when the policy or procedure is next reviewed. Where we ask for feedback through surveys, we will provide details of how you can make a complaint if you wish to;
- h. unreasonable demands (e.g. requesting large volumes of information, asking for responses within a short space of time, refusing to speak to an individual or insisting on speaking with another) or unreasonable persistence (refusing to accept the answer that has been provided, continuing to raise the same subject matter without providing any new evidence). Any restrictions placed on our responses will be fair, proportionate and comply with the Equality Act 2010. We will evidence reasons for any restrictions and keep them under regular review.

6.5. Unacceptable Behaviour

6.5.1 We appreciate that there may be frustrating or distressing circumstances that may have caused your complaint. Verbal abuse, aggression, violence (this is not just limited to actual physical or verbal abuse but can include derogatory

remarks, rudeness, inflammatory allegations and threats of violence) will not be tolerated under any circumstances.

6.6. Learning from complaints

- 6.6.1. We aim to learn from complaints and use this information to improve how we work. We will look beyond the circumstances of individual complaints and consider whether service improvements can be made as a result of any learning
- 6.6.2. When something changes as a result of a complaint, we will inform our residents of what has been changed and also publish information on our website about how we are using complaints to improve services.
- 6.6.3. We will publish our self- assessment against the Housing Ombudsman's Code annually on our website alongside an annual complaints performance and service improvement report, and the Board's response to the self-assessment.
- 6.6.4. The Board will receive quarterly reports about the volumes of complaints received, at which stage they were resolved, and any trends or themes within the complaints, alongside complaint handling performance

6.7. Exceptional Circumstances

- 6.7.1. If we are unable to comply with the Code due to exceptional circumstances, such as a cyber incident, we will; inform the Housing Ombudsman; provide information to residents who may be affected; publish this on our website; and provide a timescale for returning to compliance with the Code.

7 | Housing Ombudsman

- 7.1. At any stage during your complaint, you can approach the Housing Ombudsman for independent advice around your complaint. Once we have exhausted our internal complaints process, you can contact the Housing Ombudsman for further investigation should you remain unhappy.
- 7.2. In most cases the Housing Ombudsman will only accept your complaint if:
 - a. You hold a legal relationship with Habitare (i.e. applicant, tenant, leaseholder or licensee);
 - b. Are an advocate for an applicant, tenant, leaseholder or licensee;
 - c. Live in one of our homes (and you give your consent);

AND

- d. You have followed both stages of Habitare's complaints process i.e. you made a complaint and then asked us to review it.

7.3. Details of the Housing Ombudsman Service is available on their website:

<http://www.housing-ombudsman.org.uk>

8 | Compensation

8.1. Where we uphold a complaint, we may in some circumstances and where we consider it to be appropriate, offer a discretionary compensation payment.

8.2. The payment offered will be proportionate to the circumstances of the failure that led to the complaint and to any shortfalls in service the impact this has had. We specifically consider:

- a. actual, proven financial loss sustained as a direct result of the maladministration or service failure, and/or
- b. avoidable inconvenience, distress, detriment or other unfair impact of the maladministration or service failure.

8.3. We may also consider the following factors when deciding the overall amount:

- a. the duration of any avoidable distress or inconvenience
- b. the seriousness of any other unfair impact
- c. actions by the complainant which either mitigated or contributed to actual financial loss, distress, inconvenience or unfair impact
- d. the levels of compensation we may have paid for similar cases and the guidance issued by the Housing Ombudsman on appropriate remedies.

8.4. Any remedy offered will clearly set out what will happen and by when, in agreement with you where appropriate. Any remedy proposed will be followed through to completion.

9 | Policy Monitoring and Performance

9.1. The Board is responsible for ensuring this policy is kept up to date, implemented within the organisation and monitored and evaluated. Performance on complaints will be reported to the Board quarterly, with an annual complaints' report at year end. This will be published on our website along with a copy of our self-assessment against the Housing Ombudsman's code.

9.2. This policy will be reviewed every two years or when there is a change in circumstances, in work practices or the introduction of new legislation.

Version Control

Date	Amendment	Version
Oct 2021	New Policy	v1.0
Sept 2022	Full review in line with Housing Ombudsman code of practice	v2.0
June 2024	Full review in line with Housing Ombudsman code of practice	v3.0
March 2026	Full review in line with Housing Ombudsman code of practice	v4.0
