

## **Member Responsible for Complaints FAQs**

This document answers frequently asked questions about the role of a Member Responsible for Complaints, referred to in this document as MRC, and how the role is positioned within an organisation.

### **About the role of a Member Responsible for Complaints (MRC)**

#### **What is the Member Responsible for Complaints (MRC)?**

The Housing Ombudsman's Complaint Handling Code set outs that it is a statutory requirement for a scheme member landlord to appoint a member of the governing body that has lead responsibility for complaints.

#### **Why is there a requirement to have a Member Responsible for Complaints?**

The role is responsible for ensuring the governing body receives regular information on complaints that provides insight to the governing body on the landlord's complaint handling performance and to support a positive complaint handling culture.

#### **Do you have to use the role title 'Member Responsible for Complaints' or can it be called something else?**

No. The role can fall under another job description, the requirement is to have an appointed person at governing body level to champion a positive complaint handling culture and to provide assurance to the governing body on the efficacy of its complaints system. Their current job title would not need to change.

### **Assigning the role of a Member Responsible for Complaints**

#### **Who should be the Member Responsible for Complaints?**

The Member Responsible for Complaints should be a member of the governing body. For housing associations, this would be a member of the Board. For a local authority, it means a lead member or a Councillor who has oversight in the cabinet for housing.

### **Can the MRC be a resident?**

We recognise that some Housing Association boards have members that are also residents, and there is no reason why they cannot be the Member Responsible for Complaints in the organisation. It is important to note, that what is critical here is not the stakeholder group, but the skills and experience they bring to the table.

### **Should an MRC work in the complaints team?**

No. An MRC should be on the governing body and have oversight of the complaints service for their organisation. To be able to do this and remain impartial they must not work in the complaints department.

### **Can the MRC be a committee member and not a member of the board of a housing association?**

No. The MRC should be a member of the governing body - for housing associations that means the main board, for councils it means the lead member or a councillor who has oversight in the cabinet for housing.

### **Can a Councillor be an MRC if they are from the opposition governing administration?**

Yes, if they have oversight of complaints handling and performance, and can provide assurance to the governing body.

### **If you are part of an Arm's Length Management Organisation (ALMO), should the MRC be from the Council or within the ALMO?**

In this situation, it might work well to have 2 MRCs – one as part of the operational ALMO and the other as lead member or Councillor for the council. If only one is possible however, this role should be performed by the appropriate person from the council.

**I work for a small landlord and have responsibility for complaints. Would it be a conflict of interest if I also take on the role of MRC?**

Yes, it would be as an MRC should not be involved in the operational day to day complaint handling and reporting. However, we are aware that some of our smaller member landlords may not be able to appoint someone who does not have responsibility for complaints and would understand the need to in this circumstance.

**How many MRCs can you have in an organisation?**

**Can there be more than one Member Responsible for Complaints?**

This is an individual decision for each landlord, as long as there at least one appointed MRC.

**Would it be best practice to have a MRC at executive staff level and a MRC on the Board?**

Landlords may choose to have more than one MRC in their organisation.

There are benefits to having a senior executive or someone at this level to oversee the operational side of complaints, and a role within the Governing Board to hold performance to account – however there is no requirement to do this - if there is at least one appointed MRC.

**Role requirements of an MRC**

**Is there a role specification for the MRC?**

We have produced a role profile: 'Expectations for the Member Responsible for Complaints'. [View the Member Responsible for Complaints role expectations webpage.](#)

**Does the role of an MRC require any professional qualifications?**

No. There are no specific qualifications an MRC is required to have; however, we would expect the MRC to demonstrate their ability to:

- access information and resource needed to draw out learning from complaints
- maintain the right balance of challenge and support to Senior Executives to set the tone of a positive complaint handling culture at Board/ Executive level
- take an inquisitive approach to information they are presented

### **Is there a time limit or term that an MRC should be in the role once appointed?**

No. However, we would recommend that you do not have the same person in a role for too long at risk of overlooking issues, a fresh approach can be a good thing. In most governance roles, you would see most appointments of 2 terms of 3 years at a maximum.

### **Should the MRC be paid?**

Individual landlords should consider this and whether to apply remuneration policies in line with their governance policy.

### **How should the MRC ask the executive team for assurance?**

We would expect questions to be driven by the data and information provided to the MRC, again taking an inquisitive approach to the presenting information. The MRC may wish to find out how the landlord has self-assessed against any new/ existing reports released by the Housing Ombudsman.

The MRC should also ask the team to demonstrate their learning from complaints and how this has affected service delivery and performance.

## **Information and data**

### **What information should the MRC have access to?**

An MRC should be able to access all elements of the complaint functions within the organisation - including performance data, reports, investigations, case files and the team.

## **What data should the MRC expect to see in the complaints report they receive from the complaint operations team?**

We would expect a report prepared for the MRC to contain the following:

- management information and data relating to performance including the Regulator for Social Housing Tenant Satisfaction Measures
- team structure and future change proposals
- complaints and other related policy and procedure
- up to date self-assessments against the Housing Ombudsman's Complaint Handling Code, and any other self-assessments the landlord is required to complete in response to Spotlight report findings or Good Practice
- data on performance in key complaint categories – for example, repairs
- any additional information necessary to undertake their role.

## **What kind of information should be provided to the governing body?**

Paragraph 7.4 of the Code sets out that as a minimum, governing bodies should receive:

- regular updates on the volume, categories, and outcome of complaints, alongside complaint handling performance including compliance with the Ombudsman's orders
- regular reviews of issues and trends arising from complaint handling,
- the annual performance report produced by the Ombudsman, where applicable
- individual complaint outcomes where necessary, including where the Ombudsman made findings of severe maladministration or referrals to regulatory bodies - the implementation of management responses should be tracked to ensure they are delivered to agreed timescales and the annual self-assessment against the Complaint Handling Code for scrutiny and challenge

## **Statutory requirements**

### **Which part of the Code mentions the requirement for a member landlord to appoint an MRC?**

The requirement to appoint an MRC is set out in paragraph 7.3 of the Code:

7.3 A member of the governing body should be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This role will be responsible for ensuring the governing body receives regular information on complaints that provides insight to the governing body on the landlord's complaint handling performance.

### **Do we have to name the Member Responsible for Complaints on our website or in our self-assessment?**

This is not a requirement set out in the Code; however, it is best practice to set out who is performing the role on a landlord's website as it is for equivalent roles in other codes.

A positive complaint handling culture is for a landlord to be open and accessible with its information.

### **Is it a statutory requirement for a member landlord to have a Member Responsible for Complaints?**

On 1 April 2024, the Code becomes a statutory document, which means a member's compliance with the Code will become statutory.

Due to the variety of governance structures amongst scheme members, we have been pragmatic in including a 'comply or explain' approach to not meeting provisions set out in the Code.

## **Engagement with residents**

### **Should the MRC meet with residents to get their feedback on the service?**

It is not a requirement set out in the Code; however, it will help to perform the role effectively to meet residents and hear from them directly. Landlords should involve residents in the annual self-assessment and obtain feedback on their experience of the landlord's complaints process.

### **Should the MRC work with resident scrutiny panels?**

Resident scrutiny panels are key for providing insight into complaints performance and a tool for service improvement. It is beneficial for an MRC to seek feedback from the panel if the landlord has one. There is no requirement for an MRC to attend scrutiny panel meetings, but it should consider the intel it provides.

## **Forums and networking**

### **Will the Housing Ombudsman set up a forum for MRCs to meet and share best practice?**

Yes, we are currently working on building an online forum for MRCs to network and share best practice and learning through our Centre for Learning offer. This should be available to access in early Spring 2024.

### **Will the Housing Ombudsman host any future events for MRCs?**

After the success of our inaugural MRC conference we hosted in Birmingham in November 2023 we will be hosting another conference in late Autumn 2024.

Keep your eyes on our events page for further details. The slides from the previous event are available on our [website](#).

## Further learning for landlords about the MRC role

### How can the MRC access learning from the Housing Ombudsman to assist them in their role?

The Housing Ombudsman provides a vast amount of learning from its investigations and reports through its [Centre for Learning](#). An MRC can also access learning from the following:

- **Individual cases** – Ideally, the member Responsible for Complaints should be sighted on any complaints that reach the Ombudsman, not only when there has been a finding of maladministration or severe maladministration. This will aid learning from complaints and enable the MRC to track progress – we would expect this to be reported in the management information too.
- **The Ombudsman’s Complaint Handling Code (the Code)** which sets out requirements for Scheme member’s complaint handling.
- Where we have issued a **Complaint Handling Failure Order (CHFO)** this is a determination that the landlord has failed to appropriately respond to a complaint or comply with the complaint handling obligations as set out in the Code.
- The **Annual Complaints Review (ACR)** provides sector performance data and comparators to similar landlord types. We also create individual landlord reports if a landlord receives 5 or more maladministration findings.
- **Spotlight reports** which deliver cross-sector recommendations and learning from complaints focusing on a complaint category. We encourage landlords to benchmark their organisation against the recommendations set out in these reports.
- **Special investigation reports** are investigations into specific issues or specific landlords. Whilst we might investigate an individual landlord's performance, other scheme members can take learning from these reports, and benchmark against the findings set out in these reports.
- **Insight Reports** are short thematic and/or geographically based reports providing insight into complaints that we are seeing referred to the service each quarter.