



## Complaints Policy

### Overall purpose of policy

To have a complaints process that is simple, accessible and enables complaints to be resolved quickly, consistently and fairly and that identifies areas of learning for the business, while meeting relevant codes of practice, regulations or statutory requirements.

### How the policy will be implemented

We will:

- aim to resolve issues at the first point of contact wherever possible;
- have a two stage complaints process;
- monitor and record complaints through our Customer Relations team; and
- use complaints to learn, improve and develop our services.

### Performance measures, targets and triggers

- 100% of complaints will be acknowledged within five working days.
- 100% of complaints will be answered in the set target dates, or within the extended target timescales.
- No determination of maladministration for any complaints.
- No determination of service failure for any complaints.
- No determination of complaint handling failure for any complaints.

#### **A review of the policy will be triggered if:**

- Only 90% of complaints are acknowledged in the set target dates.
- Only 90% of complaints are answered in the set target dates.
- If any determination of maladministration, service failure or complaint handling failure occurs.

Performance measures, targets and triggers will be monitored by the Complaints Manager.

**Date Approved by CMB:**

6 September 2022

**Date Approved by the WDH Board:**

22 September 2022

**Date Due for Review:**

6 September 2024

**Responsible Officer:**

Complaints Manager

# Complaints Policy

## 1 Statement of intent

- 1.1 Every complaint offers us an opportunity to learn and improve our services to customers. While we aim to provide excellent customer service, we know sometimes things may go wrong and when this happens our aim is to resolve the matter as quickly as possible.
- 1.2 A complaint is defined as:
  - an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by us, our employees, or those acting on our behalf, affecting an individual resident or group of residents.
- 1.3 Complaints will be managed in line with data protection legislation and our **Equality, Diversity and Inclusion Policy**. We will consider reasonable adjustments under the Equality Act 2010, to accommodate our customers' needs, where requested to do so.
- 1.4 We will publicise this policy along with our '**Guide to Complaints**' on our website and in our offices. The Complaints Policy will also be publicised from time to time in communication with our customers and will include contact details for the Housing Ombudsman Service (HOS).

## 2 Outline of service

### Complaints

- 2.1 Where something has gone wrong, we will aim to resolve matters to the customer's satisfaction, at the earliest opportunity, through local resolution in the first instance.
- 2.2 A range of channels are available to make a complaint and customers can use the method they prefer, unless they are subject to restrictions under our **Unacceptable Behaviour Protocol**.
- 2.3 Customers who make a complaint using social media will be privately messaged to ensure we protect their privacy and confidentiality in line with data protection.
- 2.4 When customers are surveyed and / or provide feedback indicating they are dissatisfied, they will be advised on how to make a complaint should they wish to do so.

2.5 We accept complaints made by:

- tenants (a person who is or who was in a landlord / tenant relationship with us at the time the problem occurred);
- leaseholders (domestic premises only);
- Homeseach applicants;
- customers with a licence to occupy;
- customers who have a service agreement with us;
- petition or groups; or
- third party advocates acting on behalf of any of the above.

At our discretion we may choose to accept complaints from individuals who do not fall into the above categories.

2.6 The following complaints fall outside the scope of this policy, these are:

- Complaints made six months after a problem occurred or the customer became aware of it.
- Complaints where legal proceedings have been started or issued or concern matters that must be decided by a court.
- Complaints of nuisance or antisocial behaviour (ASB), are dealt with by our **Antisocial Behaviour Policy** and **Antisocial Behaviour Procedure**. However, we will consider complaints about how nuisance or ASB reports were managed.
- Compensation claims for damage to personal property or personal injury, as these will be dealt with directly or through our insurers.
- Where an alternative review / appeal process or other regulatory body exists, for example the Information Commissioners Office, or Homeseach review.
- Complaints that are vexatious in nature or the customer refuses to engage with us or behaves in an unacceptable manner.
- Complaints about repairs in new build properties, within the developers 12 month defect period, will be managed by our New Build Customer Care team. They will liaise with the customer and developer through to completion of the repairs. However, we will consider complaints about how we have managed this process on completion of the repairs.
- Complaints about action for breach of the terms and conditions of a tenancy or lease agreement. However, we will consider complaints about how any enforcement action in relation to the breach has been managed.
- Matters that have previously been considered under our Complaints Policy and Procedure where a final response has been given within the last 12 months, unless there are exceptional circumstances.
- Complaints about the conduct of employees will be investigated internally and in line with data protection legislation, the outcome must remain confidential and will not be disclosed to the customer.

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- 2.7 Where a complaint cannot be considered or is to be dealt with in an alternative way, we will advise the customer of our decision and the reasons for this. Where appropriate they will be given details of the HOS or other regulatory body. We will comply with any instruction from the HOS to enter a complaint into our complaint procedure.
- 2.8 We will not tolerate verbal or physical abuse of our employees and this may result in tenancy enforcement action and / or closure of the complaint and action being considered under our **Unacceptable Behaviour Protocol**.

### **Service Recovery**

- 2.9 In accordance with the Housing Ombudsman Complaint Handling Code, we will aim to resolve issues locally at the earliest opportunity. Where a customer notifies us that they are unhappy with our service, we will:
- ask what is wrong and what we can do to resolve it;
  - be clear about what we can and cannot do, to manage expectations;
  - aim to resolve the issue at the first point of contact or, where a resolution requires input from other teams, agree an acceptable course of action with the customer, within three working days; or
  - where we are unable to resolve an issue to their satisfaction or they request to make a formal complaint, we will log a Stage 1 complaint.

### **Complaints**

- 2.10 We will have a two stage Complaints Procedure managed and monitored by our Customer Relations team. All complaints will be logged and acknowledged within **five working days** of them being received.
- 2.11 Employees handling a complaint will:
- act sensitively and fairly towards the customer;
  - be trained to receive complaints and deal with distressed and upset customers;
  - have access to employees at all levels to facilitate a quick resolution; and
  - have the authority and autonomy to act to resolve disputes quickly and fairly.
- 2.12 Stage 1 complaints will be responded to within 10 working days from the complaint being logged. Where a complaint is complex or further information is required, we may extend by up to a further 10 working days.

Further extensions will only be made in exceptional circumstances and in agreement with the customer. If the customer is not in agreement, they will be provided with the contact information for the Housing Ombudsman to allow them to challenge the proposed response date.

- 2.13 Where a customer feels we have not adequately addressed their complaint at Stage 1, they can discuss this directly with the investigating manager. Where they remain dissatisfied, they can request to escalate to Stage 2 of our Complaints Procedure, within 10 working days from the date of the Stage 1 decision letter.
- 2.14 We will decide the most appropriate option for escalating a complaint with the focus being on achieving a prompt resolution, customer satisfaction and best use of resources.
- 2.15 We may choose **not to escalate** a complaint to Stage 2 if:
- the complaint now falls into one of the exclusions set out in Section 2.6 of this policy;
  - the complaint was upheld at Stage 1 and an appropriate and proportionate resolution was offered to the customer;
  - the resolution requested cannot be provided, as it is disproportionate, or outside of our control to influence or change;
  - a customer's behaviour is deemed to be unacceptable and they have refused to engage with us in an acceptable manner during the investigation of their Stage 1 complaint, or their request to escalate is considered to be a vexatious.
- 2.16 A request to escalate to Stage 2 will be acknowledged **within five working days** from receipt. Where a complaint cannot be escalated the customer will be notified of our decision and the reasons for this and given detail of the HOS or other regulatory body.

We will comply with any instruction from the HOS to enter a complaint into our Complaints Procedure.

- 2.17 Stage 2 complaints will be investigated by a manager in the Customer Relations team, on behalf of the relevant Executive Director or their nominated deputy and will be responded to within **20 working days** from the complaint being logged. Where a complaint is complex or further information is required, we may extend by up to a further 10 working days.

Further extensions will only be made in exceptional circumstances and in agreement with the customer. If the customer is not in agreement, they will be provided with the contact information for the Housing Ombudsman to allow them to challenge the proposed response date.

- 2.18 If a customer remains dissatisfied with our final response, they have the right to directly contact the following services.
- The HOS or other relevant regulatory body. Information will be provided of their contact details.
  - The Regulator of Social Housing, where it is believed our actions may cause serious detriment.
  - The Residential Property Tribunal Service, if the complaint relates to the level and amount of rent or service charge increases.

- 2.19 We will maintain an open channel of communication with the customer during the investigation of a complaint and all communication with the customer will be in plain language, ensuring decisions are clear and easy to understand.

### **Remedies**

- 2.20 On receipt of a complaint, we will aim to manage the customer's expectations so we do not promise anything that cannot be delivered or cause unfairness to other customers.
- 2.21 We will acknowledge where something has gone wrong and apologise for any failure. We will consider a range of remedies to resolve complaints and each complaint will be considered on an individual basis however, we will aim to ensure consistency in our approach.
- 2.22 When determining an appropriate and proportionate remedy we will take several factors into consideration, to ensure any redress offered adequately reflects the individual circumstances of the complaint.
- 2.23 A range of remedies will be available and any offers of redress will be fair, appropriate and proportionate to the complaint.
- 2.24 An apology or an offer of redress will not amount to an admission of negligence or statutory duty.
- 2.25 Where compensation is offered, we reserve the right to offset this against any monies owed to us by the customer.
- 2.26 We will refer to the Housing Ombudsman guidance when considering what is an appropriate remedy.
- 2.27 Claims for compensation for damage to personal items or property, above the limit of our insurance cover fall outside the remit of this policy. These, along with any personal injury claims will be referred directly to our insurers.
- 2.28 Customers will be required to provide evidence of any financial loss they claim to have incurred. If this cannot be provided compensation may not be considered further.

## **3 Equality and diversity and data protection**

- 3.1 We will promote equality and inclusiveness, in accordance with our Diversity and Inclusion Policy, based on the nine protected characteristics. During the review and development of this policy an equality assessment has been completed to consider those with protected characteristic and reduce any impact on them from delivery of this policy.

3.2

3.3 We will manage customers information in line with current data protection legislation and our Data Protection Policy.

## 4 Consultation

### Internal

4.1 Consultation before and during development of this policy was carried out with all relevant WDH3 Managers and Business Leaders.

### External

4.2 Customer consultation was carried out and views and opinions obtained were taken into consideration during the development of this policy.

## 5 Responsibility for implementation

5.1 Our Board and Chief Executive are responsible for ensuring this policy is implemented.

5.2 Under the delegated authority contained within our [Standing Orders](#) it is the responsibility of all employees and those working on our behalf to ensure their work is carried out in line with this policy and any related procedures.

## 6 Monitoring

6.1 Our Operational Committee will receive regular monitoring reports to evaluate the effectiveness of this policy in meeting our customers' expectations.

6.2 We will undertake surveys to monitor the satisfaction of our customers with the service provided and where appropriate we will publish the results.

6.3 Where relevant information is available, we will benchmark our performance against other organisations to ensure the highest standards of service delivery.

6.4 We will involve customers in the scrutiny of our learning from complaints to ensure actions have been taken to prevent future complaints.

6.5 Our Board will have oversight of this policy and the Housing Ombudsman Complaint Handling Code Self-Assessment will be presented to them annually.

## 7 Review

7.1 We will undertake a review of this policy whenever there are any relevant changes to legislation, regulatory requirements, case law or good practice that would impact on this policy or in light of any required service improvements identified through internal audits, service reviews, learning from complaints or regulatory judgements.

Considerations will also be made where performance against the policy's

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measures and targets meet or are forecasted to hit the triggers identified.

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7.2 We will regularly review service provision and will undertake reviews, when appropriate, to ensure continuous improvements and value for money in the delivery of our services.

7.3 Our Board and / or the Corporate Management Board will be responsible for ensuring that reviews of this policy are carried out and that the policy contributes to, and complements, our strategic objectives.

## **8 Risk**

8.1 Any potential risks relating to this policy will be identified and managed in accordance with our Risk Management Policy.

## **9 Legislation and other documents**

9.1 We will ensure this policy complies with all relevant legislation and takes account of current best practice.

- HOS Scheme.
- HOS Complaint Handling Code.
- Tenant Involvement and Empowerment Standards.
- General Data Protection Regulations 2016.
- Data Protection Act 2018.
- Housing Act 1996.
- Equality Act 2010.

9.2 The following associate documents are linked to this policy.

- Complaints Procedure.
- Unacceptable Behaviour Protocol.
- Guide to Complaints.