



Complaints Procedure

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This procedure should be read in conjunction with our Complaints Policy.

Introduction

We aim to provide an excellent service to our customers however, we know things can sometimes go wrong. Every complaint offers us an opportunity to learn, develop and improve.

This procedure aims to ensure that complaints are dealt with promptly, consistently and fairly, in line our Complaints Policy, the Housing Ombudsman's Complaint Handling Code and their dispute resolution principles.

Receipt of a complaint

Customer can report a complaint to us in the following ways:

- letter or email;
- phone;
- social media;
- through our website; or
- in person.

Enquiries / complaints directed through local councillor's or MP's will be responded to outside of this procedure.

Customers who are subject to restrictions under our Unacceptable Behaviour Protocol, will be advised on how they can raise service issues or complaints with us.

Who can make a complaint?

- 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.

We may accept complaints from individuals who do not fall into the above categories. However, if they remain dissatisfied with the outcome of their complaint, they will be advised to seek independent advice, as their complaints fall outside of the remit of the Housing Ombudsman Service Scheme.

We will accept complaints made by groups, third parties or as a result of a petition, where we have consent of the customer/s, in line with data protection legislation. Where a petition or group complaint is received, we will ask for a nominated representative who we can liaise with.

Anonymous complaints will be passed to the relevant area of the business for their information and any action they deem appropriate.

Customer information and complaints will be handled in line with data protection legislation. Details of our Privacy Statement can be found on our website wdh.co.uk.

In line with the Equality Act 2010, we will make reasonable adjustments, wherever possible to do so. Further details can be found in our Equality, Diversity and Inclusion Policy.

What is a complaint?

A complaint is:

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 customer or group of customers.

Service Recovery

We know things can occasionally go wrong and where this happens we aim to resolve service issues quickly and effectively, to get the best outcome for our customers.

Once we have established what the issue is and what the customer would like us to do to resolve it, we will agree a course of action with the customer, with the aim being to resolve the issue to their satisfaction, at the first point of contact or earliest opportunity.

Service Recovery requests will be logged on our tenancy management system to ensure any relevant learning outcomes are captured. These will be allocated to a relevant team, who will contact the customer within three working days, to try to resolve the issue to their satisfaction.

Where a customer is happy to allow us additional time to reach a resolution, any agreement must be recorded on the service recovery communication.

A Stage 1 complaint will be logged if:

- the customer is unhappy with the outcome of the service recovery;
- further enquiries or a more detailed investigation is required to enable us to respond or resolve the issue; or
- at any time, the customer requests to make a **formal** complaint.

The Stage 1 complaint form can be found on the home page of the Employee Hub.

Exclusions

The following fall outside the remit of our Complaints Policy and Procedure.

- 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 Homesearch 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 a 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 and we have provided a final response to.
- 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.

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 Complaints Procedure.

Stage 1 complaint

The **Stage 1 Complaint Form** is located on the home page of the Employee Hub.

The form must be completed in full, detailing the basis of the complaint, and resolution the customer wants.

Customer Relations team

The Customer Relations team will be responsible for the management and monitoring of complaints, in line with the Housing Ombudsman's Complaint Handling Code.

On receiving a Stage 1 complaint form, they will log and acknowledge the complaint and allocate it to an appropriate officer, within **five working days**.

The acknowledgement letter will advise the customer of:

- the need to check the basis of the complaint and resolution and notify us if any changes are necessary;
- a timescale for the investigating officer to contact them;
- a timescale for a response or if an extension is needed and the reason for this;
- whether we feel the resolution requested is unreasonable, disproportionate or cannot be provided, to ensure their expectations are managed; and
- provide details of the Housing Ombudsman Service should the customer wish to obtain advice or support.

Investigating officers will contact the customer within **three working days** of them receiving the complaint, to introduce themselves and confirm their understanding of the complaint and resolution requested. They will also gather any other relevant information to assist their investigation.

When a customer requests contact using a specific method of communication, this will be facilitated wherever possible to do so.

Details of all contact with the customer and any information provided to or by them, **must be recorded** on the Stage 1 communication.

Investigating officers' will:

- investigate complaints based on the merit of the complaint;
- give the customer opportunity to set out their position;
- act independently and keep an open mind;
- inform the Customer Relations team of any potential conflicts of interest;
- consider the evidence of all parties before making a final decision; and
- ensure data disclosure is in line with relevant data protection legislation.

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.

The customer will receive a Stage 1 decision letter, which will advise them who to contact if they are unhappy with the content of the letter or the outcome of their complaint. This will allow us an opportunity to reconsider our position or agree an alternative resolution where appropriate.

The investigating officer will ensure relevant records in relation to the complaint and their investigation are filed to the Stage 1 communication.

Requests to escalate to Stage 2

Customers can request to escalate their complaint within 10 working days from the date of the Stage 1 decision letter. Requests to escalate outside of this timescale will only be considered if there is exceptional circumstances for the delay in escalating.

Requests to escalate to Stage 2, will be allocated to a manager within the Customer Relations team, who will, where appropriate, contact or visit the customer to discuss their reasons for escalating their complaint.

The investigating manager may choose to offer an alternative resolution or they may refer the complaint back to Stage 1, for a review of the decision. The customer will be notified of this and a response timescale will be agreed with them.

A written acknowledgement of their request to escalate to Stage 2 will be sent to the customer **within five working days from receipt** of their request. This will explain how their complaint will proceed.

We may decline a request to escalate in line with Section 2.15 of our Complaints Policy:

- the complaint now falls into one of the exclusions set out in section 2.6 of our Complaints 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 vexatious.

We will notify the customer of our decision and explain the reason(s) why and provide details of the Housing Ombudsman Service, or other relevant regulatory body, where appropriate.

We will, where appropriate to do so, update the customer part way through our investigation of their complaint. An open channel of communication will be available for the customer to contact the investigating manager at any time during the course of an investigation.

If new issues are raised during an investigation, these will only be considered if they are relevant to the original complaint and may impact the outcome of the investigation. Any other new issues not relating to the original complaint, will be dealt with separately.

Stage 2 complaints 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.

Stage 1 and Stage 2 decision letters

Decision letters will be written in plain English and where necessary translated, and will detail the following information:

- complaint stage;
- name and contact details of the investigating manager;
- findings of the investigation;
- outcome of the complaint;
- reasons for any decisions made;
- details of any remedies offered;
- details of any completed or outstanding actions;
- who to contact to discuss the findings or outcome; and
- details of how the HOS or any other relevant regulatory body should the customer remain unhappy with the final outcome.

Record keeping

Accurate and timely record keeping is essential, and all employees are required to keep accurate and timely records of their contact and communications with customers.

Records should be clear, concise and factual and details should be recorded of:

- phone calls;
- letters;
- emails or texts;
- interactive messages;
- visits / inspections and
- evidence gathered as part of a complaint investigation.

Failure to keep accurate and timely records may result in evidence not being available to support decision-making, and this could result in a finding of service failure or maladministration by the HOS for inadequate record keeping.

Unacceptable behaviour

We may choose to deal with complaints differently, or restrict access to the Complaints Procedure, where a customer is pursuing a complaint in an unacceptable manner, their behaviour is unacceptable; or their complaint(s) are vexatious in nature. Further information is available in our **Unacceptable Behaviour Protocol**.

Where we choose to restrict access or deal with a complaint differently due to a customer's unacceptable behaviour, we will write to them and advise them of our decision and explain our reasons for this. The customer will be provided with details of the HOS, or other regulatory body where appropriate to do so.

We treat all customers with courtesy and respect and expect the same in return. While we appreciate customers may be upset by an issue, we will not tolerate abuse, threats or aggressive behaviour towards our employees. Customers behaving in this manner during the investigation of their complaint, will receive a warning, to allow them an opportunity to modify their behaviour. If they fail to do so, we reserve the right to close their complaint and / or place restrictions on their communications with us.

Any decision to give a warning or deal with a complaint differently, must be discussed with the Customer Relations team, who will provide advice and support to the investigating officer.

Putting things right

Putting things right is the first step to rebuilding our relationship with the customer and where something has gone wrong, we will acknowledge this and apologise and tell the customer what we have done, or will do, to put things right.

We will try to give an explanation where possible and tell the customer what action we will take to prevent the issue happening again. We will offer an appropriate remedy, this could be:

- an apology;
- a review of our policies, procedures or working practices;
- a practical solution or specific action;
- compensation where there has been an actual evidenced loss;
- compensation for inconvenience, distress and detriment caused; or
- an alternative award or resolution relevant to the circumstances of the complaint.

Any remedy offered will reflect the individual circumstances of the complaint and the impact it has had on the customer. We will take into consideration:

- What went wrong?
- Can we put it right?
- How has the issue affected the customer? (Time, trouble, or inconvenience.)
- Has there been any losses that can be evidenced?
- What emotional impact has there been on the customer?
- Did the customer's actions or inaction contribute to the issue?

- Has the customer failed to mitigate their losses?
- How long did it take us to resolve the issue?
- Are there any mitigating circumstances or vulnerabilities that need to be considered?

If a financial remedy is offered, any payment made to the customer may be offset against any monies owed to us. However, this will not apply where the customer has suffered a direct loss due to our actions or lack of action.

Customers will receive an Acceptance Form to complete that will confirm the offer of redress. The customer will have four weeks to return the form and confirm their acceptance of the offer. Alternatively, they can refer their complaint to the HOS or other appropriate regulatory body.

If the customer has not returned the Acceptance Form to us with the time frame given, we will go ahead and pay the compensation offered either by cheque or the amount will be offset against any monies owed to us.

Based on the nature or circumstances of the complaint we may choose to make a direct payment of compensation to a customer's rent account where we consider this to be appropriate.

Claims for compensation for damage to personal items or property above the limit of our insurance cover, and personal injury claims, fall outside the remit of our Complaints Policy and will be referred directly to our insurers.

Claims for compensation for damage to personal property only, that are below the insurers limit, will be managed directly outside of this procedure.

Where a customer is alleging they have suffered a financial loss, they will be asked to provide evidence to support their claim for compensation. If this cannot be provided, we may choose not to consider a payment of compensation.

Complaints to the Housing Ombudsman Service (HOS)

We will respond to requests for information and evidence from the HOS in line with data protection and the timescales set by their Complaint Handling Code. If we are unable to meet the timescale, we will contact the Housing Ombudsman and explain why and request an extension.

Any remedial action recommended or ordered by the Housing Ombudsman following a determination will be discussed with the relevant directors and managers to agree learning points and actions and these will be placed onto the complaints action plan overseen and monitored by our Operational Committee.

Continuous learning and improvement

We value complaints as they offer us an opportunity to learn and improve. To enable us to do this, all complaints must be logged using the relevant system.

It is the responsibility of employees and managers to ensure actions taken on complaints are recorded, correspondence is filed appropriately and response timescales are met.

Managers are responsible for the quality assurance of complaints within their respective service areas. They will also be responsible for any follow up action and arrangement of any redress offered, including the payment of compensation.

The Customer Relations team will monitor and audit the outcome of formal complaints, to highlight any:

- emerging trends;
- training requirements;
- required amendments to policies and procedures; and
- appropriate service improvements.

Complaints performance will be reported:

- weekly to the Corporate Management Team;
- monthly to Executive Directors and Service Directors; and
- quarterly to the Operational Committee and Board.

Any learning outcomes, actions for improvement or changes to our policies, procedures or services will be reported to the Operational Committee, in line with our Standing Orders.