



Complaints Policy

Overall purpose of policy

To ensure a positive complaints culture and process that supports a strong relationship between WDH and its customers and enables things to be put right for customers when they have gone wrong. The policy also identifies areas of learning for the business so it can develop and improve services, while meeting the requirements of the Housing Ombudsman's Complaint Handling Code, the Building Safety Act 2022 and the Financial Conduct Authority.

How the policy will be implemented

We will:

- deliver a process that is simple, transparent, fair and accessible;
- aim to resolve complaints at the earliest opportunity;
- consider factors such as whether a customer is vulnerable or at risk;
- have a two stage complaints process;
- actively communicate to customers how a complaint can be made;
- monitor and record complaints through our Customer Relations team; and
- collect data about our complaints to make key business decisions to drive improvement.

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.
- If issued a Complaint Handling Failure Order (CHFO).
- Number of 'relevant complaints' referred to the Building Safety Regulator.

Performance measures, targets and triggers

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 CMT:

Approved by the Customer Committee:

Due for Review:

Responsible Officer:

30 April 2024

14 May 2024

14 May 2026

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 at the earliest opportunity.

1.2 The Complaints Policy includes our approach to both the Housing Ombudsman Complaint Handling Code, the requirements of the Building Safety Act 2022 (BSA) and the Financial Conduct Authority (FCA).

1.3 WDH recognises the difference between a service request and a complaint. A complaint may be raised while handling of a service request is ongoing. 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.

A 'relevant complaint' relating to Building Safety is defined as:

- A building safety risk relating to a higher risk building which concerns:
 - spread of fire or smoke;
 - structural safety risk; and
 - failure of the Principal Accountable Person (WDH) to carry out their duties to manage Building Safety Risks.

A service request is defined as:

A request from a customer requiring action to be taken to provide a service or fix a problem. Service requests are not complaints but will be recorded, monitored and reviewed regularly.

1.4 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.

1.5 We will publicise this policy along with our **'Guide to Complaints' on our website and other channels, when asking for customer feedback and to all WDH employees**. The Complaints Policy will be displayed prominently in higher risk buildings to inform customers, residents and building users. The Complaints Policy will also be publicised from time to time in communication with our customers and will include contact details for the HOS, the Building Safety Regulator (BSR) and FCA.

1.6 The Complaints Policy will be made available in alternative formats as requested.

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 If the complaint relates to building safety in a higher risk building, the Building Safety and Compliance Team will determine whether an emergency response is required. The timescales and process for responding to a complaint will remain the same.

2.3 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**.

2.4 We will offer the facility for photos to be provided as part of the complaint being made.

2.5 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.

2.6 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.

2.7 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.

If the complaint relates to building safety in a higher risk building, we will accept complaints from any party who resides in, or is a user of a higher risk building.

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

- Complaints made 12 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 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.
- 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.

2.9 Where a complaint cannot be considered an explanation will be provided as to why the matter is not suitable for the complaints process and the contact 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.

2.10 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**.

2.11 The Chair of our Customer Committee is appointed to have lead responsibility for complaints to support a positive complaints handling culture. This person is referred to as the member responsible for complaints.

Service Request

- 2.12 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, if an explanation and resolution cannot be given on first contact with the service provider (relevant department or contractor) we will log a Stage 1 complaint.

Complaints

- 2.13 We will have a two stage Complaints Procedure managed and in line with the HOS complaint handling code this will be monitored by our Customer Relations team. All complaints will be logged and acknowledged within **five working days** of being received.
- 2.14 Employees handling a complaint will:
- have the authority and autonomy to act to resolve disputes promptly and fairly;
 - have access to employees at all levels to facilitate the prompt response to complaints;
 - act sensitively and fairly towards the customer; and
 - be trained in the importance of complaint handling and to receive complaints and support distressed and upset customers.
- 2.15 At each stage of the complaints handling process, complaint handlers will;
- deal with complaints in their own merits, act independently, and have an open mind;
 - give the customer a fair chance to set out their position;
 - take measures to address any actual or perceived conflict of interest; and
 - consider all relevant information and evidence carefully.
- 2.16 For complaints relating to Building Safety in a higher risk building, all responses will be issued in writing, and will include:
- writing in a form which allows the recipient to understand the content of the information given, including explanations of technical language used, or with plain English summaries of complex or technical provisions;
 - response to all material points relating to the 'relevant complaint';
 - reasons for decisions;
 - details of any action undertaken; and
 - details of any action planned, including a timeframe for that action to begin and be completed.

- 2.17 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.
- 2.18 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 Service (HOS) to allow them to challenge the proposed response date.
- 2.19 If the complaint relates to building safety in a higher risk building, the complainant will be informed whether or not the complaint has been accepted as a 'relevant complaint' under the Building Safety Act 2022. If the complaint has not been accepted as a 'relevant complaint', reasons will be given for the decision and the complainant will be informed of their right to contact the Building Safety Regulator for the final determination. The complaint will still be investigated by WDH following the Complaints Policy and Procedure.
- 2.20 Where a complaint is not resolved to a customer's satisfaction at Stage 1 it will be escalated to a Stage 2 complaint. Where they remain dissatisfied, they can request to escalate to Stage 2 of our Complaints Procedure, within 20 working days from the date of the Stage 1 decision letter.
- 2.21 If the complaint relates to building safety in a higher risk building and has been accepted as a 'relevant complaint', the complainant will be informed of their right to request a reconsideration of the Stage 1 response.
- 2.22 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.
- 2.23 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.
- 2.24 We will comply with any instruction from the HOS, BSR or the FCA to enter a complaint into our Complaints Procedure.
- 2.25 Stage 2 complaints will be investigated by a suitable employee, and responded to 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 20 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 HOS to allow them to challenge the proposed response date.

2.26 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.
- The Building Safety Regulator if the complaint relates to a building safety risk in a higher risk building.

2.27 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 English ensuring decisions are clear and easy to understand.

Putting things right

2.28 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.

2.29 We will acknowledge where something has gone wrong, apologise and provide an explanation 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.

2.30 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.

2.31 A range of remedies will be available and any offers of redress will be fair, appropriate and proportionate to the complaint.

2.32 An apology or an offer of redress will not amount to an admission of negligence or statutory duty.

2.33 Where compensation is offered, we reserve the right to offset this against any monies owed to us by the customer.

2.34 We will refer to the HOS guidance when considering what is an appropriate remedy.

2.35 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.

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

- 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 Team 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 2024.
- Financial Ombudsman Scheme.
- Financial Conduct Authority.
- Consumer Credit Act 1974.
- Consumer Standards.
- Tenancy Satisfaction Measures (TSM's).
- General Data Protection Regulations 2016.
- Data Protection Act 2018.
- Housing Act 1996.
- Equality Act 2010.
- Building Safety Act 2022.
- The Higher-Risk Buildings (Management of Safety Risks and so on) (England) Regulations 2023.

9.2 The following associate documents are linked to this policy.

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