



Policy Name	No 13 - Complaints Policy	
Author	Chief Executive	
Tozers Reviewed? – HR Policies only		
Board Approval	Revised and Approved May 2024	

1 Aim of the Policy

- 1.1 This policy sets out WHHA’s approach to complaints. The policy defines what a complaint is; how complaints are managed and how we will learn from complaints to improve our services.
- 1.2 The aim of this policy is to ensure a consistent response to complaints to ensure fairness and openness when trying to resolve complaints and recognise service failure. It is based on the criteria set out in the Housing Ombudsman’s Complaints Handling Code 2024.

2 Complaints

- 2.1 WHHA recognises that complaints are a way of obtaining feedback on the services we provide. They can:
 - help assess when policies and procedures are not working or may need changing;
 - identify service areas for review;
 - act as an early warning indicator when things are not working as they should be.
- 2.3 We will identify learning outcomes through complaints and where necessary share them across the staff team. Complaints are reviewed annually by both the Board and the Resident’s Scrutiny Panel to identify any trends which may indicate a need to take further action.
- 2.4 We recognise that making a complaint must be easy and the processes to follow clear. We understand that our resident’s value personal contact and therefore we will ensure staff call or visit as part of all complaint investigations. It is important that all tenants, customers and our wider stakeholders are confident that any complaint about services, staff or contractors will be fairly and properly dealt with and will lead to service improvements and change where needed.
- 2.5 WHHA will publicise this complaints policy using different formats and ways of communicating, e.g. through the reception area, website, tenants portal and newsletters.
- 2.6 Details of the number of complaints received and resolved will be reported to the Board as part of the quarterly Performance Report. The Board will also receive an annual report on all complaints received the previous year each May. This monitoring will help to identify any

major issues or trends which may, in turn, lead to changes to policies and procedures, shape reviews and deal with poor performance.

2.7 We understand that poor complaints handling can impact on the Association's reputation because dissatisfied tenants could spread "bad news" amongst other residents, partners and other agencies with whom we work locally. We will ensure all complaints are dealt with promptly and that complainants fully understand any outcome we determine. We will also ensure any changes to current procedures are made quickly where there is a danger of similar mistakes being made.

2.8 In summary:

"WHHA chooses to value complaints, to learn from them, and improve future services."

3 What is a complaint?

3.1 WHHA defines a complaint as:

"An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents".

3.2 This may include, but is not limited to:-

- Failure to provide a service or to achieve the standards of service we have promised
- Failure to fulfil our legal or contractual obligations
- Failure to follow a published policy
- Unfair treatment by staff
- Unacceptable delay or failure to respond to an enquiry or request
- Dissatisfaction with the attitude of staff, contractors or agents

3.3 A complaint is not:-

- A complaint against another customer of WHHA, or a third party
- A complaint about an issue that occurred more than 12 months ago
- A report of anti-social behaviour
- An initial request for a service
- An issue that forms part of legal action being taken by or against WHHA.
- An issue that forms part of an existing insurance claim made against WHHA.
- An issue regarding an external policy or legal matter which is outside of WHHA's control

3.4 This is not an exhaustive list and is provided as a guide to what may not be considered a complaint. In many cases when a complaint is first reported it may not be clear whether it is a complaint or not. In any case where a customer asks for an issue to be logged as a complaint it must be recorded, acknowledged and replied to. If it is found that it is not a complaint this will be explained in the reply.

3.5 WHHA accepts that a complaints system that requires written contact only will marginalise those who do not write, do not feel confident or may have a visual impairment (or another disability) as well as customers whose first language is not English. Complaints can be reported verbally to any member of staff and do not have to be in writing. Complaints can also be made by third parties acting on behalf of the tenant.

4 **Complaints escalation process**

4.1 Initially all complaints (or 'service failures') will be dealt with by the relevant member of staff. They will listen to the complaint and seek to try and resolve it at the first point of contact. For example, a complaint regarding a contractor's performance or quality of work will be dealt with in conjunction with the contractor in question. We believe this will provide the quickest and most efficient way of responding to complaints and result in higher levels of satisfaction. However, if the initial complaint is not dealt with satisfactorily at this level then the complaint will follow the escalation process outlined below:

Note:

- ✓ All complaints will be logged and tracked on the Association's IT system, together with the final outcome and any learning points that have been noted.
- ✓ The Association's named 'complaints officer' is the **Operations Director**.
- ✓ The Association's Board Member Responsible for Complaints is **David Trethewey**.

4.2 **Stage 1**

- Customers who are not happy with the response to their complaint/report of service failure at the first point of contact should provide details of their complaint, either verbally or in writing, to the Operations Director. The complaint will be logged and acknowledged within **5 working days** of receipt of the complaint.
- A full written reply to the complaint will be sent within **10 working days** after the date the acknowledgment has been sent unless this is not reasonably practicable. This letter will include how the complainant may take their complaint to the next stage if they are not happy with the outcome.

4.3 **Stage 2**

- If the complainant feels the stage 1 reply does not resolve the complaint then they can request it be escalated to stage 2 by writing to the Association's Chief Executive within **10 working days** from the date stated in the letter from stage 1, asking for further consideration to be given to their complaint.
- The Chief Executive will ensure the complaint is logged and acknowledged within **5 working days** of receipt of the complaint. The Chief Executive will ensure a full reply is sent to the complainant within **20 working days** of the complaint being acknowledged, unless this is not reasonably practicable. This letter will include how the complainant may take their complaint to the next stage if they are not happy with the outcome.

4.4 When a complaint is acknowledged at either stage, we will be clear which aspects of the complaint we are, and are not, responsible for and clarify any areas where this is not clear.

4.5 Where a response to a complaint will fall outside the timescales set out in this policy, the Association will agree with the tenant a suitable timescale for keeping them informed and sending a formal response. The tenants will also be provided with the contact details of the Ombudsman at the same time.

- 4.6 When the Associations replies to the complaint the letter will address the following:
- a. the complaint stage;
 - b. the complaint definition (i.e. what the actual complaint is understood to be);
 - c. the decision on the complaint;
 - d. the reasons for any decisions made;
 - e. the details of any remedy offered to put things right;
 - f. details of any outstanding actions; and
 - g. details of how to escalate the matter to the next stage if the tenant is not satisfied with the response.

4.7 Beyond stage 2 – The Housing Ombudsman

- If the complainant remains dissatisfied following the stage 2 reply they are able to ask the Housing Ombudsman to review their complaint.
- When a case is accepted by the Ombudsman the complainant and WHHA will be informed by the Complaints Team. Acceptance of a case through the Ombudsman will not prevent case managers continuing to seek to resolve the complaint wherever possible.

5 Who can complain?

- 5.1 Anyone who has any reason to come into contact with the business or services of WHHA, whether they are a tenant, leaseholder, managing agent, statutory organisation, contractor, private individual or a representative of any of these parties may log a formal complaint.
- 5.2 WHHA will provide assistance where necessary to those with particular needs or vulnerabilities that might affect their ability to access the complaints process. This will include providing face to face meetings, access to support services and working with advocates or designated persons to receive the complaint.

6 Group complaints

- 6.1 WHHA will accept complaints brought to us by a group of residents from the same residential area. The term 'residential area' refers to properties within the same development or street who are all receiving the same service from us that is being raised within the complaint. The same complaints procedure will be applied to a group complaint as an individual complaint. The only difference shall be that the group shall be asked to nominate a lead complainant that we can liaise directly with, and who will be asked to co-ordinate any questions from the group. We, in turn, will send all correspondence to the lead complainant providing copies for the remaining group members.

7 Petitions

- 7.1 Petitions will be accepted by WHHA and evaluated as a complaint or a service review. The criteria laid out at 3.2 and 3.3 of this policy will define how the petition is logged. If the petition is logged as a complaint it will be processed as a group complaint. If the petition is logged as a service review WHHA will carry out a full consultation.

8 Exceptions to the policy

8.1 Frequent or unreasonable complainants

- WHHA acknowledges that some people may contact us frequently regarding new and ongoing complaints. We will ensure we treat all complaints seriously and respond to all complaints. However, we may decide to collapse multiple complaints by one

complainant into a single complaint. We will always advise the complainant when and why we will be taking this action.

- There may be some occasions when WHHA has to refuse to deal with a complainant or has to deal with them differently from this policy or other operating procedures. For example, a tenant who becomes a vexatious complainer. This will be as a last resort and after all reasonable measures have been taken to find a way of working with the complainant to resolve their complaint(s). It will only apply when the actions of a complainant are unacceptable; the case has been reviewed, and a way of managing the complainant's current and future complaints has been agreed and approved by the Chair and Vice-Chair of the Board. One of the Board members must not have been involved in the case previously. This will always be communicated to the complainant and may be reviewed where appropriate within 6 months. Any appeal by the complainant will be heard by the Chief Executive.

8.2 A case will be closed if it becomes part of legal action or insurance claim being taken against WHHA. In cases where only part of the complaint is contained in any legal action only that part of the complaint will be closed. Contact will be made with the complainant and closure will be confirmed in writing.

9. Confidentiality

9.1 All information relating to a complaint will be handled sensitively, only those who need to know will be informed and following any relevant data protection requirements.

10 Compensation Payments

10.1 The Association will, in certain circumstances offer a compensation payment to a complainant, or group of complainants, where the Association believes the tenant(s) have suffered unnecessary stress, inconvenience and disruption as a result of the complaint. Such payments are expected to be the exception, not the rule, but do, in certain circumstances, help to resolve a complaint quickly and to everyone's satisfaction.

10.2 Where the investigating officer believes a compensation payment is justified they will write a brief outline of the complaint and the reasons why compensation should be considered. This briefing note will include a recommendation to either the Operations Director or Chief Executive who will decide if the payment is reasonable and set at a rational level.

10.3 Once the compensation payment has been approved, a letter closing the complaint will be sent to the complainant including a 'without prejudice' offer of compensation to the amount agreed. It is intended that such an offer will be a 'one-off' payment.

10.4 Where a tenant has suffered financial loss as a result of the complaint, or an unexpected repair issue, – for example, a complete loss of heating that has resulted in more expensive electric fan heaters being temporarily installed – a payment will be made to sufficiently compensate the tenant for the additional cost of the heaters. This payment will be reviewed each year based on the average cost of electricity at the time.

10.5 All recommendations and the subsequent approval of any compensation payment must be made in writing and a record of the decision attached to the complaint log held on Home Master.

11 Summary

11.1 Complaints should be welcomed, to help us identify where we are failing or where services need to be adjusted or improved, to ensure they are delivered well and meet the needs of our residents. The Complaints Policy may also highlight areas where individuals may need

extra training or coaching in dealing with customers or in providing services. The Complaints Policy is not about blaming or criticising staff – it is about learning to improve services.

12 Policy Review

- 12.1 This policy will be reviewed every three years or earlier if a significant change in legislation or external regulation has occurred.

Appendix A – Service request or complaint?





