

Complaints and Compliments Policy

Who does this policy apply to:	This Policy applies to all tenants, service users, staff, visitors and board members
Review Date (minimum every three years)	This policy will be subject to a review in February 2024
Policy Author/Reviewer and Job Title	Cheryl Whittle – Director of Operations

POLICY

Purpose and Scope of the Policy:

The Association recognises that some of the decisions we make have a real impact on the lives of our tenants, members of the household, and other people we meet. Therefore, we want to ensure that decisions are fair and reasonable. Anyone can complain about any act or omission by WFHA that has disadvantaged an individual.

We are also aware that, even in the best run organisations, mistakes can happen.

We are also aware that the services we deliver are of good quality and so from time to time we are complimented for these services which we equally value.

This policy does not cover complaints that become involved in a legal process, for example, a legal disrepair case reported through a solicitor or legal action taken by the association against a tenant to enforce the terms of a tenancy agreement.

The association has a positive approach to receiving complaints and sees them as an important way of receiving direct feedback from complainers. Using the information to assess performance and inform the review of policies, procedures and services.

The aims of the policy is to:

- To deliver a complaints service in line with the associations service standards
- Facilitate organisational learning from complaints
- To ensure a “first time right” approach
- Information on complaints and how to progress this is easy to understand and use
- To work with partners and other agencies to coordinate comprehensive outcomes
- Facilitate early resolution to complaints
- Manage all complaints in an open and accountable way

Policy Details:

A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the association, its own staff, or those acting on its behalf, affecting an individual tenant or group of tenants.

Legislation and regulation has an impact on how the association implements its complaints policy and will continue to review the policy in line with any changes in these regulatory and statutory acts.

We can learn from both complaints and compliments to improve and enhance our services that we deliver. We are committed to making it easier to complain and aim to respond and resolve complaints quickly.

We monitor all our complaints to ensure that they are being resolved efficiently, effectively and fairly. As part of the Complaints and Compliments Policy we recognise the importance of feedback to the Board and compliance with the Ombudsman code of conduct.

The association will deal with complaints impartially, objectively and professionally

A complaint or a compliment can be raised in all areas of the services we deliver, such as repairs, re-housing, etc.

This may include:

- A failure by the Association to meet its legal duty as a landlord.
- A feeling of being treated unfairly or affected negatively by the Association's policies and procedures.
- That the Association has not interpreted its rules properly or has failed to act efficiently
- A member of staff or a representative of the Association has behaved improperly or has been discourteous.

We would also like to hear if the services we deliver are of good quality. Any compliment received will be forwarded to the relevant staff member/team. We will celebrate and learn from these to keep improving our services.

Reasonable adjustments

The association will consider requests for reasonable adjustments providing they meet the criteria set out in the Equality Act 2010 as follows:

- Where there is a provision, criterion or practice which puts disabled people at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled
- Where a physical feature puts a disabled person at a substantial disadvantage in comparison with persons that are not disabled
- Examples of reasonable adjustment would be ensuring that the provision of information is available in alternative formats, for example large print, braille or coloured paper, extension of time limits, agreed to a preferred method of communication.

The Equality Act 2010 does not define what is reasonable, guidance from the Human Rights Commission advised that key factors are considered:

- The effectiveness of the reasonable adjustment
- The practicality of the association making those adjustments
- The availability of resources including external assistance and finance
- Any disruption to the service making the adjustment may cause

Monitoring and learning

Satisfaction is a key measure of the association performance and throughout a positive approach is taken, to learning. We use feedback to shape training and staff training, forming policy and procedure reviews , driving the tenant experience.

The Board receive a report quarterly detailing the number of complaints that have gone through the Complaints Procedure. We also deliver annual statistics to our tenants in the form of an annual report.

We also collect equality statistics to ensure that no one is treated unfairly. (Appendix three)

Related Policies:

Vexatious Complaints

Equality

Safeguarding

Health and Safety

Home loss and compensation

Anti-social behaviour

Domestic Violence

Data Protection

Tenancy Guidance

Aids and Adaptations

Equality Impact Statement:

We will ensure that this policy is applied fairly and consistently. We will not discriminate against any person on any grounds set out in our Equality and Diversity policy.

Document History:

Date of Last Review: *February 2021*

Date Approved by the Board: *August 2018*

Date of Review: February 2024

Procedures:

Appendix One – Internal procedures

This procedure provides staff with a process for dealing with complaints and compliments.

When should we not consider a complaint?

- If the issue giving rise to the complaint occurred over six months ago. Where the problem is a recurring issue, we should consider any older report as part of the background to the complaint if this will help to resolve the issue for the tenant.
- If legal proceedings have commenced
- Matters that have already been dealt with under the complaints policy.
- A first request for a service (e.g. repair) It will only become a complaint if the service requested has not been performed
- Neighbour disputes or anti-social behaviour unless the complaint refers to the failure to deal with the disagreement
- Dispute against the amount of service charges or rents being accurately charged in line with policy
- An appeal against policy decisions

If it is decided to not proceed with the complaint due to any of the above reasons, then a detailed letter is to be sent to the tenant advising them of why it is not suitable as a complaint.

If the tenant is not satisfied with this decision, they have the right to take this to the ombudsman who may in turn instruct us to proceed with the complaint.

Compliments

1. Initial compliment received either via email, verbally, in person or in writing an acknowledgement is sent out within one working day. Acknowledgement is sent to the complainant, thanking them for the compliment.
2. Verbal compliments are also accepted and point 3. to be followed
3. Compliment is logged onto the compliment spreadsheet – by the Housing Operations Coordinator
4. Compliment is given to the relevant manager to share with the staff or department.

Complaints

1. When the initial complaint received either via email, verbally, in person or in writing, an acknowledgement is sent out within one working day. Acknowledgement is completed by the staff member receiving the complaint.
2. Complaint is logged onto the complaint spreadsheet – by the Housing Operations Coordinator
3. Complaint is given to the relevant Head of Department to respond following Stage one process (below)
4. Spreadsheet is updated with stage one response and date of appeal timescale deadlines – Housing Operations Coordinator
5. If at this stage the complaint response is accepted, then the complaint is closed.

6. If the person has appealed, then the above steps are followed through to stage three.
7. If at this stage the person appeal stage two the Board are notified by an ELT member of the appeal stage
8. If at stage three the response is appealed, then the complaint is formally closed. The complainant will be advised the next route of escalation is the Housing Ombudsman.
9. Key performance Indicators are to be completed each month with the relevant statistical information relating to all complaints, this is the responsibility of the Housing Services Team.

Informal complaint

This is the stage when we hope to resolve most complaints. Anyone making a complaint can speak to any staff member and raise an informal concern, staff will either deal with this themselves or pass to the most appropriate staff member to investigate. At each stage staff will keep the complainant updated with the progress of the investigations and findings.

Anyone has the right to complain. The formal complaint procedure will then apply.

Please note we do not operate any timescales for responses in the informal stage, however we aim to respond to informal complaints within 5 working days.

Stage 1. Departmental Heads

If anyone is dissatisfied with how we have dealt with their informal complaints and wish to escalate this to a formal complaint, the formal complaint will need to be either in writing, verbally, via email or on our on-line form. This will be passed to the Head of the relevant department. Within the complaint the complainant would need to set out all the relevant points and provide documentation, photos etc. where appropriate.

On receipt an acknowledgment will be sent advising the complainant who this has been passed to and predicted timescales of completion.

At this stage we may request a meeting with the tenant or their representative (if they chose to unless this is a legal representative) to look at the issues and agree desired outcomes.

The Department Head or relevant manager will send a written response normally within 10 working days. If it seems likely that it will take more than 10 working days to reply, the Head of should inform the complainant the reasons for the delay and when a full reply will be sent. The complainant will be informed of their right to, and the process for, appeal.

If the complainant is satisfied with the response, then we will record this complaint as closed. However if they are dissatisfied they have the right of appeal, this will need to be done in writing within 10 working days of receipt of the original stage one response letter.

We cannot unreasonably refuse to escalate a complaint through all stages of the complaints procedure and must have clear and valid reasons for taking this course of action. A clear explanation would be sent to the tenant regarding the decision not to escalate to the 2nd stage.

Stage: 2

Appeal to the Director of relevant departments

Anyone who is dissatisfied with how their stage one complaint has been dealt with and wish to appeal against this, will need to do so either in writing or via email.

The appeal needs to outline what parts of the formal stage one response they are appealing against, why and what outcomes are desired that differ from the stage 1 response, providing documentation, photos etc. where appropriate.

On receipt of the appeal, an acknowledgment will be sent advising the complainant of who the appeal has been passed to and predicted timescales of completion.

This appeal will be investigated by a Director of the relevant Department.

At this stage we may request a meeting with the tenant or their representative (if they chose to unless this is a legal representative) to look at the issues and agree desired outcomes.

The Director will respond normally within 20 working days. If it seems likely that the appeal will take more than 20 working days, the Director will inform the complainant giving the reasons for the delay and when a full reply will be sent. This should not exceed 10 further working days. The complainant will be informed of their right to, and the process for, appeal.

If the complainant is satisfied with the appeal response, then we will record this complaint and appeal as closed. However, if the complainant is still dissatisfied with the stage 2 response to the appeal and complaint then they have a further right of appeal. This will need to be done in writing within 20 working days of receipt of the formal response letter. After 15 working days the complaint will be recorded as closed.

Stage 3

Appeal to the Board of Management

If the complainant remains dissatisfied with the Directors decision an appeal can be made to the Board of Management within 15 working days of receiving the Director's decision.

The complainant needs to

- detail the complaint in writing along with
- copies of relevant documentation, photos etc.
- Mark the envelope for the attention of The Chair, (Complaint), WFHA Board of Management and
- send it to the Head Office address.

The Board Members will form an Appeals Panel of three members. Each is given copies of all the relevant paperwork prior to the appeal hearing. The complainant will also receive a copy.

The complainant will be contacted for a convenient hearing date. The complainant does not have to attend if they do not wish to and a decision will be made in their absence. Also, arrangements can be made for the complainant to speak to the panel's representative prior to the appeal hearing. The appeal hearing will comprise of the Appeals Panel, a representative of the Association and the complainant and or their representative.

The panel will conduct the appeal meeting and use pro-forma to capture some of the key issues within the complaint. The complainant will be asked how they would like the appeal to be responded to and what the preferred outcome would be. Although this may not be possible, we expect our Board to know what improvements/outcomes are sought. This data will also be reviewed if the complainant decided to take their appeal to the Ombudsman.

After the hearing, a letter will be sent to the complainant within 20 working days with the panel's decision. Where the reply is likely to take longer than 20 working days a letter will be sending explaining the delays and expected timescales for reply.

If the complainant is satisfied with the Board of management's response, then we will record this complaint and appeal as closed. However, if the complainant is still dissatisfied with the stage 3 response to the appeal

and complaint then they can escalate the appeal to the Independent Housing Ombudsman.

Contact the Independent Housing Ombudsman Service

If the complainant is still dissatisfied with the Appeals Panel decision the complainant can contact the Independent Housing Ombudsman Service within 12 months of the Appeals Panel decision.

We have the duty to respond to any requests for evidence from the ombudsmen within 15 days of request.

Housing Ombudsman Service

PO Box 152

Liverpool

L33 7WQ

Telephone 0300 111 3000

E-mail info@housing-ombudsman.org.uk

On-line www.housing-ombudsman.org.uk

Appendix Two– Tenant easy to read guidelines.

See separate leaflet.

Appendix three -Equality Monitoring Form

See separate form.