



Complaints Procedure

Date Approved by CMT:

Date Approved by Customer Committee:

Date Due for Review:

Responsible Officer:

30 April 2024

14 May 2024

14 May 2026

Complaints Manager

Contents

Introduction	1
Who can make a complaint?	1
Receipt of a complaint.....	1
What is a complaint?.....	2
Service request.....	3
Stage 1 complaint	3
Record keeping.....	6
Unacceptable behaviour	7
Putting things right	7
Complaints to the Housing Ombudsman Service (HOS).....	8
Complaints to the Building Safety Regulator (BSR)	9
Scrutiny and oversight	9
Continuous learning and improvement	9

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, the Building Safety Act 2022 and the Financial Conduct Authority (FCA).

The FCA Registration allows WDH to provide financial services in relation to debt adjustment and debt counselling which are provided by our Cashwise service.

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.
- Third Party representatives
- Building users if the complaint relates to a building safety risk in a higher risk building.

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.

Receipt of a complaint

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

- letter or email;
- phone;
- social media;
- through our website; or
- in person with any WDH employee.

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

When customers are surveyed and / or provide feedback indicating they are dissatisfied, this will not be defined as a complaint, however the customer will be advised on how to make a complaint should they wish to do so.

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.

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 and keep a record of these. 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.

A “relevant complaint” under the Building Safety Act 2022 is:

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.

Exclusions

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

- Complaints made 12months 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, Building Safety Regulator (BSR) or other regulatory body. We will comply with any instruction from the HOS or BSR to enter a complaint into our Complaints Procedure.

Service request

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. 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.

WDH recognises the difference between a service request and a complaint. A complaint may be raised while handling of a service request is ongoing. In accordance with the Housing Ombudsman Complaint Handling Code and the Building Safety Act 2022, 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 to the customer's satisfaction and requires further enquiries, we will log a Stage 1 complaint.

Stage 1 complaint

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

If the complaint received relates to building safety in a higher risk building, this will be logged in the same way, but referred to the Building Safety and Compliance Team for investigation.

On receiving a Stage 1 complaint the CRT 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;
- details of who will be investigating the complaint;
- 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;
- if the complaint relates to a building safety risk in a higher risk building, whether or not it has been accepted as a 'relevant complaint' by the Principal Accountable Person (WDH). If it 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 take their issue to the Building Safety Regulator for the final determination; and
- provide details of the Housing Ombudsman Service, or the Building Safety Regulator if related to a building safety risk in a higher risk building, should the customer wish to obtain advice or support.

If the complaint relates to a building safety risk in a higher risk building which poses an imminent risk to life, emergency action will be taken to remove / mitigate the risk as quickly as possible.

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.

On completion of the Stage 1 investigation the customer will receive a Stage 1 decision letter, in clear, plain language detailing;

- the complaint stage;
- the complaint definition;
- the decision on the complaint;
- the reasons for any decisions that have been made;
- the detail of any remedy offered to put things right;
- explanations of technical language used, or with plain language summaries of complex or technical provisions;
- details of any outstanding actions;
- timescales for any outstanding actions to begin and be completed;
- details of how to request a re-consideration of the Stage 1 response if relating to a building safety risk in a higher risk building; and
- details of how to escalate the matter to Stage 2 if the customer is not satisfied with the response.

If the customer is unhappy with the content of the letter or the outcome of their complaint the letter will detail who they can contact to discuss. This will allow us an opportunity to reconsider our position or agree an alternative resolution where appropriate.

Stage 2 Complaints

If all or part of the complaint is not resolved to the customer's satisfaction at Stage 1 customers can escalate their complaint within 20 working days from the date of the Stage 1 decision letter. Requests to escalate outside of this timescale will only be considered if there are exceptional circumstances for the delay in escalating.

Requests for a Stage 2 complaint will be acknowledged, defined and logged at Stage 2 of the complaints procedure within **five working days**. The person considering the complaint at Stage 2 will not be the same person that considered the complaint at Stage 1.

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.
- Details of who will be investigating the complaint;
- 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;
- If the complaint relates to a building safety risk in a higher risk building, whether or not it has been accepted as a 'relevant complaint' by the Principal Accountable Person (WDH). If it 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 take their issue to the Building Safety Regulator for the final determination; and
- Provide details of the Housing Ombudsman Service, or the Building Safety Regulator if related to a building safety risk in a higher risk building, should the customer wish to obtain advice or support.

If the complaint relates to a building safety risk in a higher risk Building which poses an imminent risk to life, emergency action will be taken to remove / mitigate the risk as quickly as possible.

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 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 Housing Ombudsman to allow them to challenge the proposed response date.

The Stage 2 decision letter will be our final response and will include details of how to escalate the complaint to the HOS or the Building Safety Regulator if relating to a building safety risk in a higher risk building if the customer remains unhappy with the decision.

All Stage 1 and Stage 2 responses will be provided when the answer to the complaint is known, not when any outstanding actions required to address the issue are completed.

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:

- all communications with customers regarding their complaint;
- 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 restrictions put in place will be kept under regular review.

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 tell the customer what we have done, or will do to put things right.

We will try to give an explanation, assistance or reasons to remedy 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;
- acknowledging where things have gone wrong;
- take action if there has been a delay;
- reconsider or change a decision;
- amend a record or add a correction or addendum;

- provide a financial remedy; or
- a change to our policies, procedures or working practices;

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 will be offset against any monies owed to us.

Customers will receive an acceptance form to complete, this will confirm the offer of redress. Alternatively, they can refer their complaint to the HOS or other appropriate regulatory body.

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 Customer Committee.

Complaints to the Building Safety Regulator (BSR)

Complainants can approach the Building Safety Regulator if they are dissatisfied with the final response from WDH. We will respond to requests for information and evidence from the Building Safety Regulator within requested timescales.

Referrals of 'relevant complaints' can be made when there is an absence of agreement between the Principal Accountable Persons and any Accountable Persons for the building as to the appropriate response to the complaint, on the basis that the complainant consents to the referral.

Scrutiny and oversight

The Member Responsible for Complaints (MRC) is responsible for ensuring the governing body receives regular information on complaints that provides insight on the landlord's complaint handling performance. The MRC will have access to suitable information and employees to perform the role and report on the findings. The MRC will receive;

- Regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance;
- Regular reviews of issues and trends arising from complaint handling;
- Regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with new orders related to severe maladministration findings; and
- The annual complaints performance and service improvement report.

The annual complaints performance and service improvement report will be published on the complaints section of the WDH website. The report will contain all elements specified by the HOS.

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 MRC, executive directors, and service directors; and
- quarterly to the Customer Committee and Board.

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