



## Complaints, Comments & Compliments Policy

<b>Date of approval</b>	<b>23 November 2020</b>
<b>Responsible director</b>	<b>Paul Seymour</b>
<b>Policy monitoring body</b>	<b>Group Leadership Team and Service Review Group</b>
<b>Resident input into policy date</b>	<b>Customer Panel &amp; Tenant Committee October 2020</b>
<b>Date for policy review</b>	<b>November 2023</b>
<b>Linked strategies/policies</b>	<b>Customer Access Strategy Equality and Diversity</b>
<b>Version/date</b>	<b>V1.0 23.11.2020</b>

## 1.0 Statement and Background

- 1.1 Wythenshawe Community Housing Group (The Group) recognises that customer feedback is an essential element for the development and delivery of services. The Group recognises the importance of building and restoring the trust of customers where problems have occurred or mistakes have been made and to apologise. Our objective is to resolve complaints as quickly as possible by being open, accountable and outcome focussed.
- 1.2 The overarching aim of this policy is to provide good quality services to all of our customers, to recognise when things go wrong; to put things right for those affected and to ensure that complainants are treated fairly in the process. We value complaints and feedback as an opportunity to learn and continually improve our services. We are committed to the Housing Ombudsman Service's three Dispute Resolution principles which are to be fair, to put things right and to learn from outcomes.
- 1.3 The Group recognises the importance of a culture, supported by appropriate processes, which:
- Welcomes feedback verbally, in writing or by any other source, depending on the needs of our customers
  - Provides for the earliest resolution of complaints;
  - Encourages customers to provide feedback;
  - Makes it easy for customers to provide feedback - particularly for those with different or particular needs e.g. partially sighted, literacy or language difficulties;
  - Demonstrates that the customer has been listened to.
  - Encourages continuous service improvement
- 1.4 We will, where appropriate, compensate for losses, damage or inconvenience as part of a complaint resolution. Claims that could be deemed as legal disrepair, personal injury, or that could be subject to court proceedings or are in the hands of our insurers are not covered by this policy but are covered by our Compensation Guidance. The Group does expect that customers will insure the contents of their home and their property and will not compensate tenants for items that could reasonably have been covered under such a policy.

## **2.0 The Law**

- 2.1 All providers, registered with the Regulator of Social Housing (RSH) have a duty to become members of an Ombudsman's Scheme approved by the Secretary of State as defined by the 1996 Housing Act and 2011 Localism Act. There is currently only one approved scheme, The Housing Ombudsman Service (HOS).
- 2.2 This policy relates to all residents, applicants, tenants and customers of the services of the Group in line with the Equality Act 2010.
- 2.3 All information collated in relation to complaints through this policy will ensure compliance with the General Data Protection Act 2018 for the collection, storage, provision and disclosure of data.

## **3.0 Comments**

- 3.1 Appropriate comments regarding services delivery or changes to services will be recorded, acknowledged and used to inform the development and delivery of services by the Group.
- 3.2 Changes to services arising from feedback will be published using the Group's website, newsletters, and social media and used in publicity material and receptions.

## **4.0 Compliments**

- 4.1 Compliments are to be encouraged as they contribute towards the continuous improvement of services. They provide positive feedback to employees and increase levels of morale and motivation. Compliments will be recorded centrally, acknowledged and referred to the manager of the individual concerned.
- 4.2 Compliments will also be published using the Group's website, newsletters, social media and used in publicity materials and reception areas.

## 5.0 Complaints

5.1 The Group offers customers a range of methods by which they can contact us to complain. Complaints can be made in any format, in writing, in person, by telephone, by email or via social media. A standard complaints form, 'Your Feedback' is available to help people make a complaint and support will be given to those who may need assistance to complete this form. Complaints will be accepted from any person who receives a service from the Group, including tenants, applicants and leaseholders. Complaints can be accepted by complainant's advocates, as long as we have their written permission to do so.

5.2 The complaints system will:

- a) Have a staged procedure whereby unresolved complaints can be referred to a higher level of authority;
- b) Monitor customer complaints and ensure that justified complaints are taken into account when reviewing the service and performance of staff and contractors;
- c) Report detail of customer complaints by type, outcome and numbers upheld
- d) Monitor the satisfaction levels of complainants and report on this by type and diversity.
- e) Report annually on learning outcomes from customer complaints.

5.3 A complaint is defined as:

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

5.4 A complaint would cover but is not limited to:

- Failure to act within policy or practice;
- Employee behaviours;
- Failure to provide a service

- Failure to achieve service standards;

5.5 For the purposes of this policy the Group does **not** define any of the following as complaints:

- Complaints about services, persons or bodies over which the Group has no control
- Initial requests for service eg. Reporting a repair or where you are telling us about a problem for the first time (unless this relates to staff behaviour)

A claim for damages or personal injury which will be dealt with by our Insurers as an insurance claim

Attempts to reopen or reconsider a complaint where we have already provided a final decision

- Matters which are, or could reasonably be expected to be the subject of court or tribunal proceedings or which are in the hands of our Insurers
- Complaints arising from the ending of a tenancy as part of the starter tenancy procedures
- Complaints of neighbour nuisance or disputes between neighbours that are dealt through our Anti-Social Behaviour (ASB) Policies, unless these complaints relate to how we have dealt with the matter
- Complaints relating to ASB cases that are investigated under this complaints policy do not form part of the community trigger complaints initiative
- Complaints that have not been brought to our attention within six months after the incident, complaints outside of this time can be considered at the discretion of the Customer Services Manager if there is evidence to suggest it would be unreasonable not to.

5.6 Where a complainant and/or the Group opts to pursue the substance of the complaint through a legal route or where a legal route is the most appropriate course of action, the complaint ceases to be part of the complaints process and will be dealt with by our legal representatives only. In such cases the Group will advise the complainant of this in writing and confirm that no further action will be taken under the Complaints Policy, and any additional information or requests in relation to the complaint will be acknowledged only and referred to the relevant legal representative.

5.7 Anonymous complaints will be recorded as a complaint, and will be passed to the relevant manager to investigate and act on if necessary. An internal response is to be prepared to be kept with the original anonymous complaint for future reference.

## **6.0 Complaints General Principles**

6.1 Summary of Stages for handling a complaint:

- Stage 1 – Manager / Team Leader
- Stage 2 – Assistant Director Review or appropriate Senior Manager

6.2 The Group aims to provide services to customers in accordance with agreed standards. Where there is a failure to meet a standard the Group will consider the payment of compensation, but these payments are without prejudice and awarded on a discretionary (ex-gratia) payment basis for complaints that the Group is not necessarily liable for but where we wish to resolve a problem to the satisfaction of the customer. Refer to 1.4 for compensation that falls outside of this policy.

6.3 The Group will reserve the right to deduct any outstanding rent arrears or any other debts due to the Group from compensation payments made, payments made for actual losses incurred can be paid direct to the complainant at the discretion of the relevant manager.

6.4 When investigating a complaint, consideration will be given to a range of remedies that may be appropriate; the following list is not exhaustive but could include:

- An apology
- An explanation giving a full answer to all points raised in the complaint
- An assurance that every effort will be made to ensure that the same thing does not happen again. This will be matched by action and monitoring of the complaint
- Action taken to put things right – be able to demonstrate action to show that the complaint was taken seriously
- Providing details of what lessons have been learned as a result of the complaint

- Where necessary review policies and procedures
- If appropriate provide staff guidance and training
- Financial compensation

6.5 This policy does not affect a tenant's statutory right to compensation under Right to Repair; Home Loss and Disturbance payments; and compensation payable at the end of a tenancy for carrying out improvements. For more information on these please see our Compensation Guidance.

6.6 A compensation payment of £10 will be paid to any complainant where the Group fails to give a written final or interim response to a Stage 1 complaint within the target timescale of 10 working days.


## 7.0 Complaints Procedure

7.1 When a customer complaint is received by the Group the Customer Feedback Team will in the first instance assess whether or not the complaint can be resolved informally with the agreement of the complainant. This will apply to 'quick fix' complaints where it is deemed that the complaint does not require a detailed investigation, for example if a verbal apology suffices or the action to put things right is straight forward and can be resolved quickly.

7.2 Informal complaints will be logged in the appropriate complaint monitoring systems and the customer must be fully informed and agree that the complaint can be resolved informally. An informal complaint will aim to be responded to within 2 working days, unless further work is required and the customer is kept informed.

7.3 Where members of staff receive informal complaints from tenants, they should make the Customer Feedback Team aware and continue to process accordingly. This helps to ensure that the customers concerns are logged and tracked for future reference.

7.4 **Stage 1 – Investigation - First Line Manager** – When a complaint cannot be resolved at stage 0 or it is not appropriate to proceed in this way the Customer Feedback Team will review the complaint details and forward to the appropriate manager to investigate as a stage 1 formal complaint. A formal acknowledgment, detailing the actual scope of the complaint to be investigated, will be sent within 2 working days confirming who will be responding to the complaint and the actual



date a full response can be expected by, this date will be within 10 working days. In exceptional circumstances where this is not possible, a full written explanation or interim response as to why not, together with a date of when a full response is anticipated can be issued by the Customer Feedback Team.

7.5 At the first stage managers must make contact with complainants prior to their response being issued to ensure that they have fully investigated the complaint and where appropriate visit the complainant and/or property in order to resolve the complaint.

7.6 At stage 1 of the complaints process the manager responding to the complaint will share their response with the senior manager responsible for the service, prior to the response being sent to the complainant. The Customer Feedback Team will ensure that when a complaint is processed to the first line manager that it is copied at all times to the next level of management.


7.7 The full complaint response will clearly identify what stage the complaint is at and will provide customers with the details of the options available to them if they remain dissatisfied with the response that they have received. It will also advise that if they do not respond, after 28 days the complaint will be considered resolved and closed.

7.8 **Requests to escalate a complaint for Review** - The Group will where possible try to ensure early resolution to formal complaints at stage 1. If a complainant is unhappy with a complaint response they can contact the Customer Feedback Team to advise them of the reasons why, provide any new relevant information and specify the outcome that they are looking for.

7.9 The Customer Feedback Team will consider the request in conjunction with the relevant manager to agree the next steps, which could be one of the following options:

- Agree a resolution with the complainant without further escalation
- Agree to escalate the complaint to the next stage for a full review
- Refuse to escalate due to no new evidence or information that can be reconsidered in the next review stage – clear reasons need to be given to the complainant where this option is applied

7.10 The Customer Feedback Team will confirm within 2 working days if the complaint will be escalated to the next stage or if the complaint is not to be escalated, explaining clear reasons why.





- 7.11 **Stage 2 – Review - Assistant Director (or nominated Director/Senior Manager)** – If a complaint is escalated for Review to stage 2, see section 7.6, it will be acknowledged by the Customer Feedback Team within 2 working days confirming who will be reviewing the complaint and the actual date the response is due, within 10 working days of agreement to escalate. For more complex or longer term reviews an interim response can be issued confirming the date that the full response will be provided.
- 7.12 At this stage the Assistant Director/Senior manager should contact the complainant directly and offer a face to face meeting, video or telephone call. Members of the Customer Feedback Team will be available to support at these meetings and will assist in the review where appropriate.
- 7.13 The Customer Feedback Team will ensure that when a complaint is processed to a Senior manager/Assistant Director for review that it is copied to the relevant Director of the service every time. As this is the final stage of the Groups internal process at stage 2 the Senior Manager/Assistant Director responding will share the detail of the complaint and their response with the appropriate Director, prior to the response being issued to the complainant. This is to ensure that the final position of the Group in relation to the complaint has been considered at the highest level of authority.
- 7.14 The stage 2 complaint response will clearly identify what stage the complaint is at, provide a full review of the stage 1 complaint investigation, present the findings of the review and include clear outcomes to try and resolve the complaint. The response will inform customers that this is the final stage of the Group’s internal complaints process and provide customers with the details of the options available to them if they remain dissatisfied, see section 8.
- 7.15 **Lesson learned forms** will be completed by the investigating/reviewing manager after stages 1 and 2 to allow the Group to learn from complaints and make amendments to internal processes or make service improvements where necessary.

### **Closing complaints**

- 7.16 The Group has the discretion to close complaints earlier when –

- Investigation has been complete and a full response has been issued
- Resolution has been agreed and we have provided a commitment to deliver the appropriate action
- We have been unable to contact the complainant to complete our investigations in which case we will write to the customer to advise that as we are unable to progress the complaint it will be closed

## **8.0 Designated Person and Housing Ombudsman Service**

- 8.1 The Localism Act 2011 introduced the “designated person role” in practice this means that if a complaint is not resolved at the end of the landlord’s complaints procedure, then a complainant can:
- refer the matter to a designated person, which can be a recognised tenant’s panel (Service Review Group) an MP or a local councillor **OR**
  - Wait 8 weeks and refer the matter directly to the Housing Ombudsman. Service Review Group will help and support you to work with WCHG to resolve your complaint, decide not to support your complaint or refer your complaint straight to the Housing Ombudsman.
- 8.2 Where there is no tenant/landlord relationship a complainant is unable to refer their complaint to the Housing Ombudsman Service.
- 8.3 A designated person has no legal authority over a landlord’s policy or procedure; however, the Group will ensure that all files and records are made available as required by either the “designated person”, with the agreement of the complainant or the Housing Ombudsman Service
- 8.4 If the complaint relates to the service provided by the Debt Advice Service we will send a final response to a complainant within eight weeks of receiving the complaint. A final response is a written response that:
- states whether the complaint has been upheld;
  - where appropriate offers redress or remedial action;
  - encloses a copy of the Financial Ombudsman Services’(FOS) standard explanatory leaflet; and
  - informs the complainant that if they remain dissatisfied they may now refer their complaint to the FOS and must do so within six months.
- 8.5 If we are not able to provide a final response at this stage, we will write to the complainant explaining why and indicate when we expect to be able to provide a response. We will also inform the complainant of their right to refer the complaint to the FOS and enclose a copy of the standard explanatory leaflet.

## 9.0 Customer Panel

- 9.1 A Customer Panel (Customer Access) meets regularly to review complaints performance and developments within the Customer Access Team and this may involve making recommendations for future handling and management of complaints.
- 9.2 A Customer Panel (Service Review Group) will meet twice a year to review Stage 2 Review complaints to ensure compliance with this policy and to make recommendations for future handling and management of complaints. A Customer Panel (Service Review Group) also operates independently as a “designated person”, making recommendations on referred stage 2 appeals.
- 9.3 Complainants can contact this panel direct if they choose once the Group complaints procedure has been exhausted as per 8.1.

## 10.0 Reasonable Adjustment

- 10.1 The Group is committed to providing excellent services to all our customers and enabling fair and equal access to all of our services. We encourage residents to contact us if they believe that we can make reasonable adjustments to enable them to fully access our services, including the complaints process. There is no prescribed list of reasonable adjustments. We will seek to establish an agreement with the resident on what may be reasonable in the circumstances based on their individual need and requirements. The Group’s Reasonable Adjustment Statement provides more information.

## 11.0 Managing Unacceptable Behaviour

- 11.1 The Group recognises that there may be situations in a minority of cases where a resident’s actions or behaviour in pursuing a complaint are unacceptable unreasonable. Whilst all customers have the right to be heard, understood and respected, where unacceptable behaviour occurs our employees need to know what constitutes this type of behaviour and how they will be supported by the Group to deal with this. The Group has an obligation to protect employees whilst also ensuring that customers continue to be treated fairly, consistently and appropriately. **Appendix A** sets out how the Group will manage unacceptable behaviour.

## **12.0 Responsibility**

12.1 It is the responsibility of all staff and members of the Group to ensure that our complaints procedure is carried out appropriately and that all our customers are dealt with in the respectful and responsive way they have a right to expect.

12.2 Overall responsibility for this policy and for its review lies with the Customer Service Manager.

12.3 The Executive Director of Housing & Community Investment is responsible for ensuring the Policy is effectively managed by the Group.

## **13.0 Equality**


13.1 The Group will ensure that this policy will be applied fairly to all of our customers. We will not directly or indirectly discriminate against any person or group of people because of their race, religion, gender, marital status, sexual orientation, disability or other grounds set out in our Equality and Diversity Policy. We offer opportunities for complaints to be made in different ways that are accessible to complainants and we will offer support in accessing this process if it is required. All decisions will be based on evidence and facts so that they are free from bias and impartial. All of our complaint responses will be clearly set out with reasons for decisions made and any further actions to be taken.

## **14.0 Consultation, monitoring and review**

14.1 The complaints procedure is continually monitored for adherence and a regular report given to the Group Board and Tenant Committee.

14.2 Consultation with residents, including the Tenant Committee, will take place before any changes to policy are put in place and Board approval sought.

## **15.0 Contact Us**



Complaints and compliments can be logged with any member of staff, however the following provide a summary of key contacts:

**Phone**

0300 111 0000 (LOCAL RATE FROM A MOBILE)

0800 633 5500 (FREE FROM A LANDLINE)

**Email**

customerenquiries@wchg.org.uk

**Write**

Customer Access Manager

Wythenshawe Community Housing Group

8 Poundswick Lane


Wythenshawe



Manchester

M22 9TA

Appendix A

**Unacceptable Behaviour or Unreasonable complainants**

- 1.0 An unreasonable complainant can be defined as a persistent complainant who, because of the frequency or nature of their contact with the Group, hinders the Group's ability to consider their complaint or that of other people's, due to their unreasonable expectations or the significant resource issues that it places on staff.
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- 1.1 Unreasonable complainants may have a justified complaint but be pursuing it in an inappropriate way or they may be intent on pursuing a complaint which appears to have no substance or which has already been investigated and responded to. Examples of unreasonable behaviour may also include –
- Unreasonable demands for large volumes of information or demanding responses in a short period of time. Refusing to speak to an individual or insisting on speaking with another
  - Unreasonable persistence, not accepting the response provided and repeatedly raising the same issue with no new evidence to consider or trying to change the subject of the original complaint
  - Violence, threats of violence verbal abuse or aggression and includes derogatory remarks, inflammatory allegations without foundation or unnecessary rudeness.
  - Excessive contact in writing, by email, by telephone or via social media and includes both frequency and volume of contact for example excessively long telephone calls.
- 1.2 Where a customer is deemed to be an unreasonable complainant as covered under this policy the Group will take action to limit the contact of these complainants.
- 1.3 A complainant can only be deemed to be an unreasonable complainant with the agreement of the Group Leadership Team.
- 1.4 The decision to designate someone as an unreasonable complainant is onerous and could have consequences for the customer; consideration needs to be given to the range of remedies covered in section 6.4 as well as ensuring the additional points below have been satisfied before deeming a complainant as unreasonable:
- The complaint has been investigated properly
  - We have followed all policies and procedures
  - Any decision reached is the right one
  - Communications with the complainant have been adequate and reasonable
  - The complainant is not providing any significant new information that might affect the Group's view on the complaint
  - We have clear robust records to show excessive contact or unreasonable behaviour
  - We have made referrals to external agencies where appropriate
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- We have issued at least one warning to the complainant regarding the unacceptable behaviour


1.5 If the Group is happy that these points have been met then further action will need to be agreed that is appropriate to the individual's circumstances, examples could be:

- Issuing a warning regarding unacceptable behaviour outlining the consequence of this continuing
- Requesting contact in a particular form e.g. letter or e-mail
- Advise that contact to take place only through one specifically named manager
- Restricting telephone calls to specified days and times and/or
- Asking the complainant to enter into an agreement about future contacts with us
- Where there have been threats or use of violence or harassment towards an employee the Group may involve the police and instigate legal action against the complainant which may result in ending all contact for a period of time

1.6 Where the Group is considering applying this part of the policy due regard should be given to an individual's vulnerability or medical needs in relation to mental health or learning difficulties. This is to ensure that any restrictions proposed are appropriate and recognise an individual's needs. It is also important to adopt a multi-agency approach and consider whether or not prior to restricting contact there is a representative, relative, friend or support worker who is able to assist in the communication regarding the complaint.

1.7 In all cases where we decide to treat someone as an unreasonable complainant we will write to them and advise them why and, what actions we are taking, how long any restrictions will last and how they can have the decision reviewed.

1.8 Requests to overturn the decision must be made in writing to the Customer Service Manager stating the reasons why. These requests to overturn will be passed to a Director to assess. The review will be made based around whether the decision is reasonable based on the points raised above. There is no further appeal after this review.

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- 1.9 Where an unreasonable complainant's case has been closed and they have been advised of this but persist in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, the Group will read all correspondence but unless there is fresh evidence which may affect the decision the Group will simply acknowledge the correspondence and place it on file.
- 1.10 The position will be reviewed every 6 months and a decision taken on whether the restrictions should be removed or not. The outcome of this review should be placed on file and the unreasonable complainant advised of the outcome. If the behaviour which led to the original decision starts again then the restrictions can be reintroduced immediately.
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