



Complaints, Comments & Compliments Policy

Policy Name:	Complaints, Comments & Compliments Policy
Status:	Approved
Approved by:	Group Board
Drafted by:	Kerry Wood
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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 apologise..

The overarching aim of this policy is to find out when things go wrong, to put things right for those affected and to ensure that all complainants are treated fairly and equitably in the process. We value complaints and feedback as an opportunity to learn and continually improve. Where we get things wrong, we will put things right apologise.

1.2 The Group believes recognises the importance of a culture, supported by appropriate processes, which:

- Welcomes feedback verbally, in writing or by any other source, dependant on the needs of the customers
- Provides for the speedy resolution of problems;
- Encourages customers to provide feedback;
- Makes it easy for customers to provide feedback - particularly for those with different and particular needs e.g. partially sighted, literacy or language difficulties;
- Demonstrates that the customer has been listened to.

1.3 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.

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 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 formally complain. Complaints can be made in any format generally, a standard complaints form is available to help people make a complaint, but they do not need to be received in this format to be accepted. Support will be given to those who need help to complete this form. 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.

5.3 A complaint is defined as:

"An expression of dissatisfaction about the standard of service, actions or lack of actions by the Group or its staff affecting an individual or group of customers".

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 persons or bodies over which the Group has no control;
- Requests for a service e.g. initial report of a repair;
- 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 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 Review / Team Leader
- Stage 2 – Assistant Director Review / Senior Manager
- Stage 3 - Appeal Panel
- END OF INTERNAL COMPLAINTS PROCESS
- Stage 4 – Designated Persons
- Stage 5 – Housing Ombudsman

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 1.3 for compensation that falls outside 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 explanation and 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
- Where necessary review policies and procedures
- If appropriate 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.

'Valid' in this instance means a complaint about the quality of service or decision making, not merely the Group's inability to meet a request due to resource or other factors.

7.0 Complaints Procedure

7.1 Stage 1 – First Line Manager – When a formal complaint is received the customer feedback team will review the complaint submission and forward to the appropriate team to process. 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 will be sent, this date will be within 10 working days. In exceptional circumstances where this is not possible, a full written explanation as to why not, together with a date of when a full response is anticipated can be issued.

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

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

7.4 The full complaint response should provide customers with the details of the options available to them if they are unhappy with the response they have received and also advise that if there is no response after 28 days the complaint will be deemed closed.

7.5 Requests to escalate a complaint between stages - If a complainant is unhappy with a complaint response they can contact the customer feedback team to advise them of the reasons why, any new relevant information and the outcome they are looking for. The customer feedback team will consider the request in conjunction with the relevant senior 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 investigation
- Agree not to escalate due to no new evidence or information that can be reconsidered in the next stage investigation – clear reasons need to be given for this option

The customer feedback team will confirm within 2 days if the complaint is to be escalated to the next stage or if the complaint is not to be escalated explain clear the reasons why.

7.6 Stage 2 – Assistant Director (or nominated Director/Senior Manager) - If a complaint is escalated to stage 2, see section 7.5, it will be acknowledged by the customer feedback team within 2 working days confirming who will be investigating the complaint and the actual date the response is due, within 10 working days of agreement to escalate, for more complex or longer term investigations an interim response can be issued confirming the date the full response will be sent.

At this stage the Assistant Director/designated manager should contact the complainant directly and offer a face to face meeting. Members of the customer feedback team will be available to support and assist in the investigation.

At stage 2 of the complaints process the Senior Manager/Assistant Director responding will share the detail of the complaint and their response with the Director of the service, prior to the response being sent to the complainant. The Customer Feedback Team will ensure when a complaint is processed to a senior manager/Assistant Director that it is copied to the Director.

The full complaint response should provide customers with the details of the options available to them if they are unhappy with the response they have received and also advise that if there is no further response after 28 days the complaint will be deemed closed.

7.7 Lesson learned forms to be completed by the investigating manager after stages 1 and 2 to allow the Group to learn from complaints and make amendments to internal processes where necessary.

7.8 Stage 3 – Review by a panel of with Board Representation

If a complaint is escalated to stage 3, see section 7.5 it will be acknowledged by the customer feedback team within 2 working days confirming the process and the timescales involved.

- i) The appeals panel is to consist of 3 Board Members, minimum of 2 (from either the Group or subsidiary boards) and a member of the senior leadership team not previously involved in the complaint. A chair will be appointed from the Board Members on the panel.
- ii) This appeals panel to be held within 28 days of the agreement to escalate, unless otherwise agreed with the complainant.
- iii) A report will be prepared by the relevant director, this report will be issued within two weeks of the appeal and sent to the complainant for comments, these comments will be included in the report and a final version will be issued to both the complaint and the relevant appeal panel members within one week of the appeal date.
- iv) The complainant will be invited to attend the appeal panel; however the appeal can be heard in their absence.
- v) Relevant officers, if appropriate, can be asked to attend if appropriate to respond to specific points.
- vi) The complainant may bring an advocate with them but this needs to be notified to us in advance.
- vii) The appeal panel will only make decisions on the points raised in the report, new complaints or information provided at the appeal by the complainant will not be responded at that time.

- viii) It is at the discretion of the appeal panel as to whether they advise the complainant of the outcome at that meeting or agree to confirm in writing. A full written response will be issued within 5 working days.

A stage 3 Board appeals panel hearing is the last stage of Wythenshawe Community Housing Groups Complaint Procedure.

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 tenants panel, an MP or a local councillor **OR**
- Wait 8 weeks and refer the matter directly to the Ombudsman.

Where there is no tenant/landlord relationship a complainant is unable to refer their complaint to the Housing Ombudsman Service.

8.2 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.

8.3 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.

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 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.

The Customer Panel also operates independently as a “designated person”, making recommendations on referred stage 3 appeals.

9.2 Complainants can contact this panel direct if they choose once the Group complaints procedure has been exhausted as per 8.1.

10.0 Vexatious or habitual complainants

- 10.1 A vexatious or habitual complainant can be defined as an unreasonable or 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.
- 10.2 Vexatious complaints 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.
- 10.3 Where a customer is deemed to be a vexatious complainant as covered under this policy the Group will take action to limit the contact of these complainants.
- 10.4 A complainant can only be deemed to be a vexatious complainant with the agreement of the Group Leadership Team.
- 10.5 The decision to designate someone as a vexatious 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 vexatious:
- The complaint has been investigated properly
 - 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
- 10.6 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:
- 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

10.7 In all cases where we decide to treat someone as a vexatious 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.

10.8 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.

10.9 Where a vexatious complainant's case has been closed and have they 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.

10.10 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 vexatious complainant advised of the outcome. If the behaviour which led to the original decision starts again then the restrictions can be reintroduced immediately.

11.0 Responsibility

11.1 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.

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

12.0 Consultation, monitoring and review

12.1 The complaints procedure is continually monitored for adherence and a regular report given to the Group board and Tenant Committee and Customer Services Panel.

12.2 Consultation with residents, including the complaints panel will take place before any changes to policy are put in place and board approval sought.