

# Complaints Policy



### 1. Introduction

Warrington Housing Association (WHA) is a community-based not-for-profit housing association in the Borough of Warrington. Our vision is to make Warrington a great place to live, in which the potential of individuals and communities can be realised. We strive to provide an excellent service to all our customers and put things right when we get things wrong.

We are committed to delivering excellent customer services and to ensure that our services are accessible and meet customer’s needs, we collect customer profile information on a voluntary basis. We will capture information on age, gender, religion, ethnicity, disability, and main language. We will use customer information to tailor our services according to their individual needs.

### 2. Aims of the Policy

WHA is committed to providing excellent customer service that represents value for money to our residents, customers and partners. This Policy is designed to make it easy for customers to provide us with feedback about services that they receive.

Listening to customer feedback and taking appropriate action will help us to continually improve. This Policy sets out our two-stage approach for managing and resolving formal complaints. It also sets out how customer feedback will be used to inform continuous learning and improvement.

### 3. Compliance

WHA is Regulated by the Regulator of Social Housing (RSH) and is a member of the Housing Ombudsman Scheme. We are required to have a Complaints Policy and meet the requirements of the RSH Consumer Standards and the Housing Ombudsman’s Complaint Handling Code. We complete an annual review against the Ombudsman’s Handling Code which can be found on our website [www.wha.org.uk](http://www.wha.org.uk)

The Data Protection Act 2018 sets out legal responsibilities on all organisations processing personal data and provides for rights in the law conveyed on the people whose data are being processed. Our Data Protection Policy is a public statement describing our approach to complying with its legal responsibilities in the Data Protection Act and how it enables individual rights to be upheld and exercised. This policy outlines our approach to the collection, storage, access to, provision and disclosure of data in accordance with the Data Protection Act 2018. When investigating a complaint, we will ensure all customer

Document Ref:	Version:	Approved Date:	Approved by:	Expire Date:	Number of Pages:
WHA 0702	4	19.06.2024	Audit & Risk Committee	18.06.2025	Page 2 of 12

data remains confidential. Where we need to share any information, we will seek permission from the complainant and the reasons why we would need to share information with a 3rd party to investigate thoroughly.

#### 4. Regulatory Framework

This policy is owned by the Chief Executive and is subject to approval by Warrington Housing Association’s Executive Team and the Board. The policy is in line with relevant legislation such as the Localism Act 2011, Housing Act 1996 (schedule 2), General Data Protection Act 2018, Equality Act 2010, Housing Ombudsman Complaint Handling Code 2020, and Tenant Involvement and Empowerment Standards.

The Social Housing Act received royal assent on 20 July 2023. The Act gave the Housing Ombudsman the power to issue its Complaint Handling Code on a statutory footing. A new Complaint Handling Code was introduced by the Housing Ombudsman which came into force on 1 April 2024. This Policy has been updated to reflect the changes in the Code.

#### 5. Definition of a Complaint

We define 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.

We do not expect a customer to always use the word “complaint” before it would be logged as a complaint. Any expression of dissatisfaction will be recorded as a complaint. Where a service request has been made and a customer complains, we will continue to follow through with the service request, whilst we investigate the complaint.

A service request is not a complaint. A service request is when a customer needs a repair or is reporting anti-social behaviour, for example. These are processed as requests in line with the relevant policies and service standards.

#### 6. Who can make a Complaint?

Complaints are welcomed from all of our residents, customers, advocates on behalf of customers and non-customers who may be affected by the organisation’s services or residents, including:

- Customers of WHA (or their advocate)

Document Ref:	Version:	Approved Date:	Approved by:	Expire Date:	Number of Pages:
WHA 0702	4	19.06.2024	Audit & Risk Committee	18.06.2025	Page 3 of 12

- Residents and non-residents
- Tenants and Residents Groups
- Leaseholders
- Waiting List Applicants (unless subject to separate appeals processes)
- Neighbours of our properties
- Visitors to our properties and offices
- Board Members
- Members of Parliament
- Solicitors
- Citizens Advice Bureau and other similar advocacy agencies
- Those who are buying a home from us

Should a complaint be made about a contractor or 3rd party acting on our behalf, WHA will retain responsibility for investigating the complaint and follow the same complaints process to minimize confusion for our customers.

## 7. Exclusions

Some requests will not be treated as a complaint. This includes:

- A service request.
- Reports of anti-social behaviour, hate crime or domestic abuse.
- Requests for information or an explanation of WHA policy or practice petitions
- Complaints regarding issues that occurred over 12 months ago In line with the Housing Ombudsman Complaint Handling Code. We will, however, consider anything which could be a health and safety or safeguarding issue. Individual circumstances will be considered when making our decision.
- Matters that have previously been considered under the complaints policy.
- Complaints relating to services we do not provide or are not provided on our behalf by a third party.

Document Ref:	Version:	Approved Date:	Approved by:	Expire Date:	Number of Pages:
WHA 0702	4	19.06.2024	Audit & Risk Committee	18.06.2025	Page 4 of 12

- Complaints about damage to personal property unless it has been caused by something we have done or a 3rd party acting on our behalf has done.
- Where a customer has started court action or an insurance claim against us in respect of the specific issue(s) covered by their complaint, the complaint may be excluded from our complaints process. This does not affect your right to raise a complaint about any unrelated matters, and we will continue to provide all other services in line with our policies and procedures.
- Where a customer exhibits unreasonable behaviour or persistently complains we may apply our policy around unreasonable behaviour. We will consider all cases individually to ensure we do not take this decision lightly.
- Where we have refused to accept a complaint, we will advise the customer our reasons for this and what process they need to follow. We will also advise them that they contact the Housing Ombudsman for advice. The Housing Ombudsman will tell us if we have not applied our criteria correctly and if we need to accept the complaint.

## 8. Implementation

We welcome complaints and provide a range of options for customers to use, including in person, in writing, by email, 'online', or by phone. We will also deal with complaints received through our social media channels. Customers can share or hand in their complaints in person at our offices or to any member of staff or representative of WHA. Where a vulnerable customer has made a complaint, or indeed if an advocate makes a complaint on behalf of a customer, we will adapt our policy to meet their needs. For example, if they need a copy of the policy in large print, if they have difficulty reading, we will provide a verbal response alongside a formal letter.

Our colleagues have received training on complaint handling and will receive regular updates and refresher training as part of their induction and ongoing training and development. We believe all our colleagues are empowered to deal with complaints as and when they arise. Where WHA has got things wrong, colleagues will apologise and explain what went wrong and what action will be taken to put things right. Where possible we will aim to resolve complaints immediately. When we have resolved an issue straight away we will check with the customer to make sure they are happy with the outcome. The customer still can make a formal complaint even where we have resolved the issue. Where we have been unable to resolve a complaint through the first point of contact, we will deal with the complaint formally through our complaints process.

Document Ref:	Version:	Approved Date:	Approved by:	Expire Date:	Number of Pages:
WHA 0702	4	19.06.2024	Audit & Risk Committee	18.06.2025	Page 5 of 12

Tenants can seek early resolution, advice and support from the Housing Ombudsman at any time to help resolve an issue or complaint about us as their landlord.

## 9. Complaints Process

On receipt of a complaint, an acknowledgement will be sent to the customer within 5 working days. This will make it clear what stage in the process the response relates to and give clear guidance on how to escalate a complaint if the complainant does not feel their complaint has been resolved.

Stage 1 - This is the first opportunity for a Head of Service to investigate and respond to the complaint. As part of our investigation, we will:

- Log and acknowledge receipt of a complaint within five working days.
- Provide the name of the person investigating the complaint.
- Contact the customer, where needed, to discuss the nature of the complaint. We will also need to understand what outcome the customer is looking for.
- Aim to respond to your complaint in full, within 10 working days from the date we acknowledged the complaint. However, if this is not possible, we will let inform the complainant and confirm when we will be able to respond. We should not extend a complaint for longer than a further 10 working days.
- Let you know if this is not something we are responsible for
- Provide a final response, detailing the outcome of the investigation, reasons for any decisions made and any actions taken to resolve the complaint, any remedy offered to put things right and if there are any outstanding actions.
- Close the complaint at this point and provide details of how to request a review if you are not satisfied that your complaint has been resolved.

Stage Two – Should the customer remain dissatisfied following our investigation and response at Stage one, they can request that a review of the complaint and the decision made is undertaken.

We will need to receive your request within a reasonable timeframe from the date of our response to the Stage one complaint. We may need to contact the complainant should we need to clarify why they remain dissatisfied. The complaint review will only focus on

Document Ref:	Version:	Approved Date:	Approved by:	Expire Date:	Number of Pages:
WHA 0702	4	19.06.2024	Audit & Risk Committee	18.06.2025	Page 6 of 12

the issues raised in the initial complaint and cannot address any new issues. As part of our review:

- We will acknowledge the request to review within five working days.
- The relevant Director reviewing the complaint may need to seek clarification or further information to assist with their investigation.
- We will respond to stage 2 complaints in full within 20 working days.
  - However, if this is not possible, we will keep the customer informed and confirm when a response can be expected. This should not exceed a further 10 working days without a good reason.
- If an extension beyond 20 working days is required to respond to the complaint fully, we will discuss and agree this with you.
- We will provide you with a final written response detailing the outcome of the investigation, reasons for any decisions made and any actions taken to resolve the complaint.
- Close the complaint.
- We will also provide details of how to escalate the matter to the Housing Ombudsman should the complainant wish to escalate.

In the unlikely event we refuse to escalate a complaint through all stages of the complaint process, we would provide a reason why and comply with the Housing Ombudsman complaint handling code guidance.

#### 10. Extending response times

On occasion we may need to extend our response times to enable us to respond fully and will always confirm why we need to extend. We will need to have a good reason to extend our response times by up to 10 working days and this could include:

Waiting for information from a third party, e.g., a contractor acting on our behalf, to enable us to fully investigate and respond.

Needing more time to undertake interviews, e.g., staff interviews.

Needing longer to gather all the information we need from multiple sources to enable us to properly investigate, particularly if it is a long-standing, complex case. If a further extension beyond 20 working days is needed, we will discuss and agree this with the complainant.

Document Ref:	Version:	Approved Date:	Approved by:	Expire Date:	Number of Pages:
WHA 0702	4	19.06.2024	Audit & Risk Committee	18.06.2025	Page 7 of 12

## 11. Putting Things Right

When WHA is at fault, we will put things right by acknowledging our mistakes and apologising for them, explaining why things went wrong and what we will do to prevent the same mistake happening again.

- We will ensure that there is a mechanism in place to monitor incidents of the same type and take appropriate action to remedy this.
- Where possible, we aim to put the customer back in the position they would have been had the fault not occurred. In such cases, the remedy could include:
- Taking specific action – such as reviewing a process or policy.
- Consider any financial impact upon the customer because of the upheld service failure. We follow the guidelines issued by the Housing Ombudsman to decide the appropriate remedy.

## 12. Escalation to the Ombudsman

Following our decision at Stage two, if a customer remains dissatisfied, they can ask the Housing Ombudsman to review how we have handled the complaint.

The Housing Ombudsman Service investigates complaints about housing organisations, the service is free, independent, and impartial.

A customer can access the Housing Ombudsman Service throughout the complaint process for impartial advice and support.

Contact information:

Their details in full can be found here: [Contact us | Housing Ombudsman Service \(housing-ombudsman.org.uk\)](https://www.housing-ombudsman.org.uk)

Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

Phone: 0300 111 3000

Write to:

Housing Ombudsman Service

PO Box 1484

Unit D

Preston

PR2 0ET

Document Ref:	Version:	Approved Date:	Approved by:	Expire Date:	Number of Pages:
WHA 0702	4	19.06.2024	Audit & Risk Committee	18.06.2025	Page 8 of 12



### 13. Dealing with unreasonable behaviour or persistent complaints

WHA are committed to dealing with all complaints fairly. We treat all complaints seriously and our officers will respond professionally and work positively with all customers to find a mutually acceptable resolution.

However, there are occasions when a customer's actions and behaviour, or the nature and frequency of their contacts with us adversely affects our ability to do our job and we consider such behaviour unreasonable.

The Housing Ombudsman defines unreasonable behaviour as 'Complainants who, because of the nature or frequency of their contact with an organisation, hinder the organisation's consideration of their or other people's complaints'. Examples of unreasonable behaviour include:

- Refusing to co-operate with the complaint's policy.
- Refusing to specify the grounds of the complaint.
- Refusing to accept certain issues are not in scope of the complaints policy.
- Insisting on the complaint being dealt with in a way which is incompatible with our complaints policy.
- Making groundless complaints about staff dealing with the complaint and seeking to have them replaced.
- Submitting falsified documentation/evidence
- Aggressive, abusive, offensive, or threatening language in any format, this is not just limited to actual physical or verbal abuse, but can include derogatory remarks, rudeness, inflammatory allegations, and threats of violence.
- Submitting repeat complaints with minor additions/variations and insisting that this is a 'new' complaint.
- Changing the basis of the complaint as the investigation proceeds.
- Attempting to pursue parallel complaints on the same issue with various departments.
- Making excessive demands on the time and resources of officers with lengthy phone calls, emails to numerous officers or detailed letters every few days and expecting immediate responses.

Document Ref:	Version:	Approved Date:	Approved by:	Expire Date:	Number of Pages:
WHA 0702	4	19.06.2024	Audit & Risk Committee	18.06.2025	Page 9 of 12

- Introducing trivial or irrelevant new information and requesting these to be considered and commented on or raising large numbers of detailed but unimportant questions and insisting they are fully answered.
- Sending large volumes of correspondence or an excessive number of Contacts.
- Refusing to accept the answer that has been provided, continuing to raise the same subject matter without providing any new evidence, continuously adding to, or changing the subject matter of the complaint.
- Covertly recording meetings and conversations without prior consent of the other party
- Social media ‘trolling’. Posting inflammatory, offensive, abusive, or confidential comments or information online We always aim to work with our customers to deliver the best possible customer service and ensure our customers are safe, secure and satisfied with the service we provide. However, where a customer is unreasonable, we have developed a separate policy which outlines how we handle unreasonable service users.

#### 14. Reasonable Adjustments

We will consider our duties under the Equality Act 2010, and we will anticipate needs and reasonable adjustments for customers accessing the complaints process. We will record any reasonable adjustments agreed as well as recording any disabilities a customer has disclosed. We will keep any reasonable adjustments agreed under active review.

#### 15. Reporting Performance & Lessons Learnt

All complaints are logged onto our Housing Management system which shows the stages and responses for each complaint. We report performance and lessons learnt to our Board every quarter and as part of our annual report to customers. We learn from complaints and implement changes to the way we deliver services to ensure complaints do not reoccur. We will ensure the Board have oversight of complaints and those that have been escalated. We have an appointed Board Member responsible for complaints (MRC) who oversees and scrutinises complaints and our performance. This member is responsible for ensuring the governing body receives regular information on complaints that provides:

- Regular updates on volume, categories and outcomes of complaints, alongside complaint handling performance

Document Ref:	Version:	Approved Date:	Approved by:	Expire Date:	Number of Pages:
WHA 0702	4	19.06.2024	Audit & Risk Committee	18.06.2025	Page 10 of 12

- Regular reviews of issues and trends arising from complaint handling
- Regular updates on outcomes of the Housing Ombudsman Services investigations and progress made with complying with orders related to severe maladministration findings
- Annual complaints performance and service improvement reporting
- We complete an annual self-assessment against the Housing Ombudsman Complaint Handling Code which is reported to Board and posted on our website. [www.wha.org.uk](http://www.wha.org.uk)

#### 16. Satisfaction with Complaint Handling

As part of our annual tenant satisfaction measures, we ask all customers who have made a complaint to tell us if they were satisfied with how the complaint was handled. This is reported to our Board, shared on the website and reported in our annual report to tenants.

#### 17. Publication of the Policy

This Policy is available on WHA website. Hard copies can be obtained on request. We also post information on complaints reporting in all independent living schemes. Information on how to contact the Housing Ombudsman is on our website and within the policy.

#### 18. Equality Impact Assessment

In implementing this policy, we aim to treat all customers fairly. An equality impact assessment has been carried out. Where customers require additional support, we will endeavour to provide a service that seeks to meet the needs of a particular individual or household.

We have produced an easy-to-use, customer-tested diagram of how to make a complaint which is in all our independent living schemes, on our website and shared through social media channels and in newsletters. We will provide the policy in alternative formats on request.

Document Ref:	Version:	Approved Date:	Approved by:	Expire Date:	Number of Pages:
WHA 0702	4	19.06.2024	Audit & Risk Committee	18.06.2025	Page 11 of 12

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Document Ref:	Version:	Approved Date:
WHA 0702	4	19.06.2024