

# Complaints Policy



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1. **Introduction**

Warrington Housing Association (WHA) is a community- based not-for-profit housing association located 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.

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 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 3<sup>rd</sup> party to investigate thoroughly.

4. **Scope of the Policy**

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

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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.

Whilst regulatory requirements are aimed at the provision of services to tenants, the standards that have been adopted in the policy apply to all WHA customers or non-service users making a complaint.

Though the Regulator of Social Housing will not become directly involved in the resolution of individual complaints, it does not exclude the possibility that assessments of serious detriment might result from an individual complaint.

The Social Housing Act received royal assent on 20 July 2023. The Act gives the Housing Ombudsman the power to issue its Complaint Handling Code on a statutory footing. We will ensure we meet any regulatory and statutory changes which will come into effect in 2024.

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:

- Tenants (or their advocate)
- 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

Whilst a complaint may be made about a contractor or 3<sup>rd</sup> party acting on our behalf, WHA will retain responsibility for investigating the complaint.

## 5. 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

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- Complaints regarding issues that occurred over 6 months ago In line with the Local Government & Social Care Ombudsman, we will only consider complaints that are received within 6 months of the issue occurring. After this time, we will not consider your complaint. We will however, consider anything which could be a health and safety or safeguarding issue.
- Matters that have previously been considered under the complaints policy.
- Complaints relating to services we do not provide.
- We cannot accept complaints about damage to personal property unless it has been caused by something we have done or a 3<sup>rd</sup> party acting on our behalf has done.
- Legal and/or insurance proceedings. Where a complainant 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.
- Unacceptable behaviour. Whilst we accept that complaints may be a cause of frustration, we reserve the right to stop engagement with anyone who exhibits behaviour which is abusive or threatening.

## 6. Implementation

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 welcome complaints and provide a range of options for customers to use, including in person, in writing, by e mail, 'on line', or by phone. We will also deal with complaints received through our social media channels. Customers can relay or hand in their complaint in person at our Head Office or to any customer facing staff. 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.

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.

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Colleagues will be trained in handling and responding to complaints and will be 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 informally within 24 hours. 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.

## 7. Complaints Process

Where a complaint has not been resolved informally within 24 hours, it will be logged as a formal complaint. An acknowledgement will be sent to the complainant 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. When submitting your complaint, please provide as much information as possible about your concerns and the outcome that you would like to achieve. As part of our investigation, we will:

- Log and acknowledge receipt of your complaint within five working days.
- Provide you with the name of the person investigating the complaint.
- Where required, discuss with you the nature of the complaint or where we need additional information to assist with our investigation. We will also need to understand the desired outcome to assist with the investigation.

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- Aim to respond to your complaint in full, within 10 working days from the date we receive your complaint. However, if this is not possible, we will let you know why and confirm when you will receive a response.
- Speak to you If an extension beyond 20 working days is required to respond to the complaint fully, and agree this with you.
- Provide you with 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 your 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** – If you remain dissatisfied following our investigation and response at Stage one, you can request that a review of your complaint and the decision made is undertaken. For us to consider your request for a review, you will need to contact us to set out why you believe your complaint remains unresolved and the outcome that you wish to achieve.

We will need to receive your request within 28 days from the date of our response to your Stage one complaint. As part of your request, you will need to be clear on the points that you disagree with and why our response has not resolved your complaint. Please be aware that the review will only focus on the initial complaint, we will not consider new issues. As part of our review:

- We will acknowledge your request within five working days
- The Director reviewing your complaint may need to ask you for further information to assist with their investigation
- We will strive to respond to your complaint in full within 20 working days. However, if this is not possible, we will let you know why and confirm when you will receive a response. This should not exceed a further 10 working days without a good reason
- If an extension beyond 10 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 (which will usually be via email), detailing the outcome of the investigation, reasons for any decisions made and any actions taken to resolve the complaint.
- Close your complaint at this point
- We will also provide details of how to escalate the matter to the relevant Ombudsman if you remain dissatisfied.

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## 8. Extending response times

On the rare occasions that we need to use our discretion to extend our response times to enable us to respond to you fully, we will always tell you why. 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 to you
- 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 10 working days is needed, we will discuss and agree this with you.

## 9. 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 you back in the position you would have been had the fault not occurred. In such cases, the remedy could include:

- Talking specific action – such as reviewing a process or policy.
- Consider any financial impact upon you because of the upheld service failure. We follow the guidelines issued by the Housing Ombudsman in deciding the appropriate remedy.

## 10. Escalation to the Ombudsman

Following our decision at Stage two, if you remain dissatisfied, you can ask the relevant Ombudsman to review how we have handled your complaint.

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

You can access the Housing Ombudsman Service throughout your complaint for impartial advice and support.

At the end of our complaints process, if you remain dissatisfied with our final response to your complaint, you can contact the Ombudsman directly for an

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assessment. Please note they will only investigate the complaint once we have completed our complaints process.

Contact information: PO Box 152 Liverpool L33 7WQ Telephone: 0300 111 3000

Website: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

## 11. Dealing with unreasonably persistent complaints and unreasonable complainant behaviour or demands

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

However, there are occasions when a customer's actions and behaviour, or 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
- 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.

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- 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

Where we deem a complainant to be acting unreasonably

12. **Reporting Performance & Lessons Learnt**

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.

13. **Satisfaction with Complaint Handling**

Following each complaint being closed down, we will send a satisfaction survey to the complainant to measure satisfaction with how we handled the complaint.

14. **Quality 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 endeavor to provide a service that seeks to meet the needs of a particular individual or household.

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