

Complaints and Compliments Policy & Procedure

1. Introduction

1.1. The purpose of this policy is to set out how we, Watermans Housing Co-operative (WHC), will respond to and manage complaints in a fair and consistent way.

1.2. Our aim will always be to resolve complaints as quickly as possible by taking an open, accountable and outcome focussed approach.

1.3. We recognise that all complaints represent an opportunity to rebuild trust with our residents/members as well as providing us with opportunities to learn and make service improvements. WHC will continue to prioritise and review complaints to ensure the aims of this policy is being met.

1.4. We also like to know when we have done something well and exceeded your expectations. Therefore we also monitor and respond to compliments that come into us.

1.5 This complaints policy will comply with the Housing Ombudsman's Complaint Handling Code which can be found at www.housing-ombudsman.org.uk

2. Policy Statement

Definition of a complaint:

2.1. We adopt the Housing Ombudsman's definition of a complaint as follows:

"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".

Exclusion:

2.2. We will accept a complaint unless there is a valid reason not to do so. We shall use our discretion to accept a complaint if an exclusion applies by considering the individual circumstances of the complaint. While we will not take a blanket approach to excluding complaints, the following matters would not normally constitute a complaint under this policy:

- Reports of anti-social behaviour or harassment, which are covered by separate policies;
- A first time request for service e.g. a repair request;

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- Survey feedback e.g. from information you provide from our nominated feedback provider;
- Complaints about services not authorised by us;
- Matters which have already been investigated under this policy;
- Where legal proceedings (by or against us), including personal injury accident claims have been initiated (that is, where a claim form has been submitted to court), the case will be dealt with separately and not progressed under this policy;
- Complaints about any policy, process or rule of law will likely be excluded however we will review the application of these in relation to each complaint and then decide whether it is excluded or not;
- Where a complaint has already been considered or processed under this policy and procedure.

2.3. If we decide not to accept a complaint, a detailed written explanation to the complainant will be provided setting out the reasons why the matter is not suitable to be treated as a complaint and the complainants right to take that decision to the Housing Ombudsman.

2.4 We will only investigate complaints relating to our services that have been provided within the previous 12 months. However, we will review historical concerns if there is evidence of a recurring problem and will also take into consideration any circumstances that may have prevented a complaint from being raised earlier.

2.5. We shall recognise the difference between a service request and a complaint. A service request is when a customer makes a request to the landlord to put something right. When a service request is received by a customer we shall record, monitor and review the matter regularly. If we fail to respond satisfactorily to the service request, we shall treat the service request as a complaint in accordance with this policy and procedure. We shall not stop in our efforts to carry out any actions in relation to the service request or complaint.

2.6 Where we have received an expression of dissatisfaction of our services through a survey, the customer will be advised of their right to make a complaint should they wish to.

Scope of Policy:

2.7. This policy extends to all of our residents/members including individuals (or their advocates), groups of people or organisations who pay for, receive services from or hold reasonable expectations of us as a housing provider.

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2.8. Members of the public may also complain if they are directly affected by something that we have done or are planning to do. We will address and resolve their complaint to the best of our ability as outlined in the policy.

2.9. Former tenants who contact us within six months of their tenancy ending will also be able to raise complaints in line with this policy.

2.10. Complaints received via MPs or local councillors will be assessed in line with our definition of a complaint and dealt with accordingly. Whilst respecting the role played by MPs and local councillors, this will not lead to a complaint being 'fast tracked'.

2.11. A complainant does not need to use the word 'complaint' for it to be treated as a complaint. A complaint which is submitted via a third party or representative will still be handled in accordance with this policy. Residents who express dissatisfaction will be given the choice to make a complaint in accordance with this policy and procedure.

Complaint Process:

2.12. We will deal with each complaint case on its merits and where necessary deal with the complaint under a different but relevant policy or procedure. We will make this clear to you following our initial assessment of the complaint.

2.13. Complaints can be made via email or by post, but complaints made in-person or by phone will also be accepted.

2.14. All complaints however made (and to any member of staff) will be processed in accordance with this policy and procedure.

2.15. We will always aim to resolve any issues without needing to raise a formal complaint. However, you will always have the right to enter your concerns into our formal process if that is your preferred option.

2.16. We will set out clear timeframes for responding to complaints and how a complaint can be escalated.

2.17. If further enquiries are needed by either party, or the other party requests for further enquiries to be made, the issue will still be logged as a complaint.

2.18. In some circumstances, it may be more appropriate for WHC to seek independent legal advice or to obtain the recommendations of an external consultant at any stage of the process.

2.19. The costs associated with seeking external advice or recommendations will not be passed on to the Complainant.

3. Compliments

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- 3.1 We accept the Cambridge Dictionary definition of a compliment: *“a remark that expresses approval, admiration, or respect”*
- 3.2 Compliments can be made via email or by post.
- 3.3 When we receive a compliment, we shall acknowledge the compliment, and these will be shared and recorded with the Management Committee.
- 3.4 We shall monitor the volume of compliments received and report on it quarterly to the Management Committee.

4. Unreasonable or Persistent Complainants

- 4.1 Should the behaviour of a complainant adversely affect our ability to adequately support other complaint investigations then such behaviour may be deemed as “unreasonable or persistent”. Whilst always a last resort, in a small number of cases we may decide to restrict the complainant’s contact with us.
- 4.2 Such restrictions will require the approval of the Management Committee and may include limiting contact to a specific member of staff and/or agreeing that communication is restricted to a single method such as phone, email or letter. (We will aim to agree an appropriate method with the complainant and confirm this formally in writing). Any such decisions will demonstrate regard for the Equality Act 2010.
- 4.3 We will still aim to resolve the original complaint in line with our Complaints Procedure.

5. Housing Ombudsman Service (HOS)

- 5.1 Membership of the Housing Ombudsman Scheme is mandatory.
- 5.2 The purpose of the Scheme is to enable residents/members and other individuals to have complaints about member landlords investigated by a Housing Ombudsman. The role of the Ombudsman is to resolve disputes involving members of the Scheme, including making awards of compensation or other remedies where appropriate, as well as to support effective dispute resolution.
- 5.3 As a condition of membership of the Scheme, we will:
- Agree to be bound by the terms of the Scheme
 - Establish and maintain a complaints procedure in accordance with good practice recommended by the Ombudsman
 - Inform residents of their right to bring complaints to the Ombudsman

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- Publish their complaints procedure, and membership of the Scheme, and make information about these accessible to those entitled to complain
- Manage complaints from residents in accordance with their published procedures or, where this is not possible, within a reasonable timescale
- Respond promptly to information requests made by the Ombudsman.

5.4. At any point during the complaints process, residents/members have the right to refer their complaint to the Housing Ombudsman without the need to exhaust the landlord's complaints process and the complainant will be notified of this right in every written communication following the complaint being received. However, WHC shall remain committed to resolving all complaints on an informal basis where possible.

5.5. The Complaint Handling Code sets out requirements for member landlords that will allow them to respond to complaints effectively and fairly. Some elements of the Code are prescriptive, whilst in some areas, landlords are able to use their discretion. The purpose of the Code is to enable landlords to resolve complaints by residents quickly and to use the learning from complaints to drive service improvements. It also aims to help create a positive complaint handling culture amongst staff and residents/members, while ensuring complaints are handled sensitively and in accordance with strict timescales.

5.6. We are required to self-assess against the Code to ensure our complaints handling practices are in accordance with legal requirements. We may be asked to review our self-assessment by the Ombudsman. We must then publish these results to our residents/members annually. Non-compliance could result in the Ombudsman issuing a complaint handling failure order.

5.7. As a member of the HOS (as required by the Housing Act 1996 (amended by the Housing Regeneration Act 2008)) we will cooperate fully with the Ombudsman making all files and records available on request. Actions required as a result of any determinations will be overseen by the Management Committee. We will ensure full compliance of the Ombudsman's "Final Determination" barring any exceptional circumstances, reporting these to the Ombudsman where required.

6. Roles and Responsibilities

6.1. No Member of the Management Committee shall attend any meeting or be involved in the investigation or handling of any complaint where that Member is related or otherwise associated with the complainant.

6.2. Where a conflict of interest arises in relation to any Member of the Management Committee, that member shall be temporarily removed from that sub-committee on a case-by-case basis.

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6.3. The role of the Housing Manager is to investigate and respond to all Stage 1 complaints. The role of the Secretary is to investigate and respond to all Stage 2 complaints.

6.4 The Secretary is responsible for liaising with the Housing Ombudsman and filing data returns and any other information if requested to do so.

6.5 No Member or employee shall investigate or respond to any complaint which they are the source or have been made subject to such complaint, and in this scenario, the role of complaints officer will be replaced by another officer.

6.6 All complaint handlers shall deal with complaints based on their merits, in a fair and consistent way, by acting fairly, independently and keeping an open mind. The complaint handler will always give complainants a fair chance to explain their concerns and set out their position. The complaint handler will identify any conflicts of interest and consider all relevant information and evidence carefully.

6.7 We will adopt a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to:

- a. have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments;
- b. take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and
- c. act within the professional standards for engaging with complaints as set by any relevant professional body.

7. Monitoring

7.1. This policy will be reviewed every three years subject to any changes in legislation, regulation or governance arrangements that require an immediate review.

7.2. Performance measures and targets have been developed to help determine the efficiency and effectiveness of our complaint service. Internal and external feedback will be used to obtain complaints performance information and identify progress and service improvements. Alongside the self-assessment, these will be reported to the Management Committee within the organisation and details of this will be made available to members annually.

7.3 We shall carefully monitor the number of complaints being received. We shall not treat high levels of complaints as a negative, but an indication that our complaints process is accessible.

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7.4 We shall produce an annual complaints performance and service improvement report for scrutiny and challenge, which will include:

- a. the annual self-assessment against this Code to ensure compliance with the handling policy remains in line with its requirements.
- b. a qualitative and quantitative analysis of our complaint handling performance. This will also include a summary of the types of complaints the landlord has refused to accept;
- c. any findings of non-compliance with this Code by the Ombudsman;
- d. the service improvements made as a result of the learning from complaints;
- e. an annual report about the landlord's performance from the Ombudsman; and
- f. any other relevant reports or publications produced by the Ombudsman in relation to the work of WHC.

8. Impacts

8.1. All staff and members of the Management Committee are responsible for the implementation of this policy

8.2. We will engage with the Housing Ombudsman and maintain relevant compliance under the current legislation

8.3. In line with our Equality and Diversity commitments all complainants will be treated fairly, equally and with respect regardless of their gender, race, age, disability, faith, marital status, sexual orientation or any other distinction. Reasonable adjustments in line with the Equality Act 2010 such as accessibility to discuss complaints with staff and the provision of information in a different format e.g. large print, audio tape, an alternative language or where the services of a translator are required can be provided upon request.

8.4. All Stage 2 complaints will be subject to review by the Sub-Committee who will ensure that potential opportunities for improvement are identified.

8.5. In certain cases there may be times when residents/members or customers may suffer some disadvantage or loss as a result of actions, error or mistakes made by us. In these instances compensation may be considered in accordance with our compensation policy.

8.6. We will regularly review the cost and quality of the complaints handling service and seek efficiencies.

8.7. All due care is taken to protect data held by us and in particular, ensure we keep all Resident Data secure and meet with Data Protection requirements.

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8.8. We look to ensure that our residents are safe in their home by supporting the provision of well-maintained homes which are in line with legislative and regulatory requirements.

8.9. Residents can directly communicate concerns through our formal channels or through a third-party representative. Residents are also entitled to be accompanied or represented when attending any meetings with us.

8.10 Residents who wish to make a complaint about a third-party organisation (i.e., a contractor) will be able to do so through our complaints policy, unless the resident has been advised otherwise. The complainant will never be expected to go through two separate complaint processes. When a third-party accepts a complaint, we shall expect them to comply with the complaint handling code.

For more information about this policy please contact admin@watermanscoop.org.uk

Complaints procedure

1. Purpose

1.1 The aim of this document is to provide a clear explanation of how to access and use our Complaints Procedure and what will happen at each Stage of the process.

2. The Complaints Process

Complaint Acknowledgement

2.1 We will acknowledge the complaint within 5 business days, setting out our understanding of the complaint. We will attempt to discuss the complaint with the complainant and to clarify any aspects of the complaint which are unclear. This is required to ensure the complaint falls within the definition of the complaints policy and to understand what outcomes the complainant is seeking.

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2.2 Where the complaint meets the definition of the complaints policy, the complaint will enter Stage 1.

Stage 1

2.3 This stage is an informal part of the process and shall be investigated by a housing manager for WHC.

2.4 We aim to investigate and respond in writing detailing the answer or outcome of the complaint within 10 working days of the complaint being made, offering an apology, explanation and/or resolution if necessary. The complaint response will clearly state if the complaint has been upheld, partially upheld or not upheld.

2.5 We shall make sure we are clear which aspects of the complaint we are responsible for, and any aspects of the complaint we are not responsible for. We will confirm the following in writing to the resident at the completion of stage 1 in clear, plain language:

- a. the complaint stage;
- b. the complaint definition;
- c. the decision on the complaint;
- d. the reasons for any decisions made;
- e. the details of any remedy offered to put things right;
- f. details of any outstanding actions; and
- g. details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.

2.6 The complainant may then decide whether to accept the response of the complaint or request that the complaint is escalated to Stage 2. If the complainant wishes to escalate the complaint to Stage 2, the complainant must do this within 20 business days of the Stage 1 response being made.

Stage 2

2.7 We will contact the complainant within 5 business days to acknowledge the complaint and where possible to discuss the reasons to escalate the complaint to Stage 2.

2.8 All stage 2 complaints will be investigated and responded to by the Secretary.

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2.9 We aim to investigate and respond in writing within 20 working days of confirming that we have accepted the request to escalate. We shall make sure we are clear which aspects of the complaint we are responsible for, and any aspects of the complaint we are not responsible for. We will confirm the following in writing to the resident at the completion of stage 2 in clear, plain language:

- a. the complaint stage;
- b. the complaint definition;
- c. the decision on the complaint;
- d. the reasons for any decisions made;
- e. the details of any remedy offered to put things right;
- f. details of any outstanding actions; and
- g. details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.

2.10 Where the complaint cannot be resolved at Stage 2, the internal complaints procedure shall end, a final response will be made with the answer or outcome, and the complainants entitlement to contact the Housing Ombudsman shall continue.

2.11 Our two-stage complaint process can be seen below:

Stage	Officer managing complaint	Timeline	Next steps for complainant
Stage 1	Investigation and response to be conducted by the Housing Manager (Complaints Officer)	Acknowledgement of Complaint within 5 days. Decision - 10 working days from receipt of complaint	<ul style="list-style-type: none"> • Satisfied with outcome • Request to escalate • Contact Housing Ombudsman
Stage 2	Independent Review of appeal – Investigation and response to be conducted by the Secretary.	Decision – 20 working days from request to escalate	<ul style="list-style-type: none"> • Satisfied with outcome • Request to escalate • Contact Housing Ombudsman

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2.12 If a complaint response is delayed for any reason, the complaint handler shall communicate this with the complainant and inform the complainant of any extensions to the timescales. An extension to these timescales will not be longer than 10 days without good reason.

2.13 We will not refuse to escalate any complaint through the complaints procedure unless a relevant exclusion is found through our investigations, as defined in our Complaints Policy. If an exclusion is found, this will be clearly communicated with the complainant.

2.14 We will always aim to resolve any aspect of a complaint at the earliest stage of the process, putting in place effective measures and remedies where appropriate.

2.15 Where residents raise additional complaints during the investigation, these must be incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.

2.16 We will always acknowledge when something has gone wrong and set out the actions we have already taken, or we intend to take, to put things right. Any remedy will reflect the impact on the complainant, and clearly set out when this will happen and by when. We will take into consideration the guidance issued by the Housing Ombudsman when deciding on appropriate remedies. These can include:

- Apologising;
- Acknowledging where things have gone wrong;
- Providing an explanation, assistance or reasons;
- Taking action if there has been delay;
- Reconsidering or changing a decision;
- Amending a record or adding a correction or addendum;
- Providing a financial remedy;
- Changing policies, procedures or practices.

2.17 The complaint handler will make sure all records are kept up to date, including details of the complaint, the date it was received, the date of our response and the nature of our response.

3. Appeal to the Housing Ombudsman

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At any point during the complaints process, the complainant can refer their complaint to the Housing Ombudsman. Their contact details are:

Housing Ombudsman Service

PO Box 152

Liverpool

L33 7WQ

Telephone: 0330 111 3000

Email: info@housing-ombudsman.org.uk

Web: www.housing-ombudsman.org.uk

4. Improvement Opportunities

4.1 Improvement opportunities are identified by reviewing complaints on a regular basis to ensure lessons learnt are captured, where applicable changes made to processes and effectiveness of improvements monitored.

5. Monitoring and Review

5.1 As part of our ongoing commitment to continuous improvement our Management Committee will be responsible for reviewing this procedure and updating as required every 12 months, or sooner if there is a need to do so. In addition the process will be formally reviewed every three years in order to reflect good practice and/or changes in legislation.

6. Compensation

6.1 There may be occasions where the complainant is entitled to compensation due to poor service delivery. Please see our Compensation Policy for details.

7. Legislation and related documents

- The Housing Act 1996
- The Housing & Regeneration Act 2008
- The Localism Act 2011
- The Data Protection Act 2018

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- Equality Act 2010
- Membership of the Housing Ombudsman Scheme is mandatory
- Compensation Policy
- All our Policies covering operational process and procedures

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