



# Westfield Housing Association

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## Complaints Policy

### 1.0 Policy Statement

Westfield Housing Association are committed to providing our customers with high quality services and we want to know if we have got something wrong so that we can put things right. If customers are not happy with the quality of the service they receive, or the way they are treated by us or our contractors, they have the right to complain.

In dealing with complaints we seek to be open, accountable and outcome focused. We work to the Housing Ombudsman principles of:

- Being Fair
- Putting Things Right
- Learning from outcomes

### 2.0 Purpose

We aim to build on our reputation as a community organisation, being a provider of good quality homes, ensuring we use complaints as the drivers to deliver improvements that our customers want. We will inform our customers when they have influenced changes to policy and improvements to services and publish our findings. Providing strong, effective tenant engagement is one of our main objectives and we aim to put the needs and aspirations of our customers at the heart of everything we do. This complaints policy compliments our values:

- **Customer Driven:** Making a real difference to customers is at the heart of what we do.
- **Honest, open and accountable:** We work with integrity and build trust.
- **Empowered:** We take responsibility and we empower others.
- **Collaborative:** We work effectively with each other and with stakeholders.
- **Challenge:** We question and test and we are open with our views and open to challenge.

The application of this Policy ensures compliance with the outcomes of the Regulatory Framework for Social Housing in England adopted by the Regulator of Social Housing (RSH) as outlined below.

- The Tenancy Standard states that in relation to Allocations and Mutual Exchanges, registered providers shall:
  - Have a clear application, decision making and appeals process
- Transparency, Influence and Accountability Standard states that registered providers shall:
  - ensure complaints are addressed fairly, effectively, and promptly.
  - ensure their approach to handling complaints is simple, accessible and published.
  - provide accessible information to tenants about:
    - a) how tenants can make a complaint about their RP
    - b) the RP's complaints policy and complaints handling process
    - c) what tenants can do if they are dissatisfied with the outcome of a complaint or how a complaint was handled
    - d) the type of complaints received and how they have learnt from complaints to continuously improve services

### **Policy Aims**

- To increase customer satisfaction by resolving complaints promptly, politely, fairly and in a consistent manner.
- To achieve continuous improvement by recording and reviewing areas of the service which cause dissatisfaction amongst customers and learning from the trends that are identified.
- To have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments.
- To take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and
- act within the professional standards for engaging with complaints as set by any relevant professional body.

## Policy Objectives

- To set out a consistent framework for dealing with complaints.
- To make the process customer focused and customer friendly.
- To give staff and residents alike a clear set of expectations as to how complaints will be dealt with.
- To clarify who can make a complaint and who will deal with complaints at the various stages.
- To set out the procedures to be followed in resolving complaints.

## 3.0 Definitions

The definition of a complaint from the Housing Ombudsman is: *'A complaint shall be defined as an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents'*. For example, if a customer is upset about the attitude of a member of Westfield staff, or if they feel a service standard, policy or procedure has not been met, or our contractor fails to attend an appointment, they can make a complaint.

### What is not a Complaint

Westfield Housing does not class any of the following as a complaint or service failure:

- Routine first-time service request, for example reporting a problem that needs to be repaired or initial action on anti-social behaviour or requests for compensation.
- Policies and procedures have a separate right of appeal, for example, insurance claims to a certain value.
- Issues in court or have already been heard by a court or a tribunal.
- An attempt to re-open a previously concluded complaint or to have a complaint reconsidered where we have given a final decision. If you are still not satisfied, you can ask the Ombudsman for an independent review of the complaint.
- The issue giving rise to the complaint occurred over twelve months ago.
- Complaints about the actions of an organisation that is not working for, or supported by, Westfield Housing.

Where we do not accept a complaint, a detailed explanation will be provided to the resident setting out the reasons why the matter is not suitable for the complaints process. Each case for exclusion from the complaints procedure will be considered on its own merits.

Although we do not treat these issues as a complaint under this procedure, we will deal with them in an appropriate manner.

#### **4.0 How can customers make a complaint**

A customer does not have to use the word “complaint” in order for it to be treated as such.

Complaints may be made by a person who receives or has received services from the Association, including from advocates authorised to act on a tenant’s behalf, or any person affected by our actions, omissions or decisions. An advocate/ representative must be acting on behalf of a person who had a right to complain where this person:

- Is unable to complain themselves because of a physical incapacity or a lack of capacity within the meaning of the Mental Capacity Act 2005; or
- Has requested the representative to act on their behalf (proof must be provided in this instance); or
- Has died.

Customers/advocates can make a complaint in any of the following ways to any member of staff:

- Telephone (call or text)
- Email
- Website
- Social Media
- Letter
- In person

To ensure confidentiality and adhering to GDPR complaints received via social media will be investigated and responded to by phone, email, or letter.

To ensure a consistent approach, complaints and concerns about building safety should be raised through our usual complaints process as set out in this document. Building safety related complaints will be directed to our Property Services Officer for action. This is in line with the Building Safety Act 2022.

#### **5.0 The Complaint Process**

Westfield Housing acknowledges that sometimes we get things wrong or do not meet the high levels of service our customers expect. We want to ensure that we resolve any customer dissatisfaction or complaint as quickly as possible and have therefore developed a simple two stage process for resolving complaints:

##### **Stage 1**

If a customer is unhappy with the service they have received from Westfield or one of our contractors they should contact us within 12 months of the issue occurring to express their initial dissatisfaction. An officer from the relevant service will acknowledge the complaint within 5 working days then investigate

the complaint and try to resolve the issue to the customers satisfaction within 10 working days of the complaint being acknowledged. The investigating officer will initially discuss the complaint directly with the customer (preferably face-to-face) to gain a better understanding of the issues and resolution that is being requested. The investigating officer will then carry out a thorough, timely and appropriate investigation. If any extension to this timescale is required this must be agreed in discussion with the customer and agree points at which to keep them informed of progress.

All issues raised will be investigated and responded to separately within the investigation and in the final response letter. This will include:

- The complaint stage
- The complaint definition
- Outcome of our investigation
- Reasons for any decision including any relevant policy, law, and good practice.
- Details of any remedy/compensation to put things right.
- Details of any outstanding outcomes
- Details of how to escalate to the Housing Ombudsman if customer remains dissatisfied.

We will include information on future actions/remedies/appointments that are agreed with the customer within the final complaint response letter prior to closing the complaint. Any outstanding actions should not delay the complaint being closed and the customer being informed of the outcome of their complaint.

Before we make decisions to not uphold a complaint, we will contact the customer and give them the opportunity to comment before a final decision is made.

We will consider if any redress or compensation should be awarded in recognition of our service failure and the impact on the customer. This will be considered and awarded in accordance with our Compensation Policy.

Where multiple complaints are brought to us by a customer, we will record these under one complaint, but we will investigate and respond to all issues separately within our communication. Where customers raise additional complaints during the investigation, these must be incorporated into the stage one response if they are related, and the stage one response has not been issued. Where the stage one response has been issued, the new issues are unrelated to those already being investigated or it would unreasonably delay the response, the new issues must be recorded as a new complaint.

If the customer is unhappy with the resolution offered at this stage they have the option for this to be moved to Stage 2. If wishing to escalate a complaint to the next stage the customer should request escalation within 28 days of the Stage 1 decision being communicated.

On rare occasions a complaint may be deemed to be very sensitive or more complex and requires the immediate involvement of the Operations Director and will therefore be dealt with immediately at Stage 2.

## Stage 2

Once a complaint has been made Stage 2 it will be dealt with by the Operations Director who will acknowledge the complaint within 5 working days and try to resolve the complaint within 20 working days from receipt of the initial complaint. The Operations Director will initially discuss the complaint directly with the customer (preferably face-to-face) to gain a better understanding of the issues and resolution that is being requested. The Operations Director will then carry out a thorough, timely and appropriate investigation. Throughout the investigation the Operations Director will keep the customer regularly updated on progress before discussing their findings and resolution with the customer directly.

If the Operation Manager cannot complete their investigation within 20 working days, it will be agreed between both parties as detailed in stage 1 and confirmed in a letter to the complainant explaining the reasons for delay and how long they expect the investigation to take. This should not exceed a further 10 working days without good reason.

All issues raised will be investigated and responded to separately within the investigation and in the final response letter. This will include:

- The complaint stage
- The complaint definition
- Outcome of our investigation
- Reasons for any decision including any relevant policy, law, and good practice.
- Details of any remedy/compensation to put things right.
- Details of any outstanding outcomes
- Details of how to escalate to the Housing Ombudsman if customer remains dissatisfied.

## Designated Person

You can seek advice from a “designated person”, such as your local councillor, MP or Tenant Panel. They can help to solve the problem between you and us or might refer it to the Housing Ombudsman.

You can also contact the Housing Ombudsman directly, but you must first wait eight weeks after hearing our final response.

You can contact the Ombudsman directly by:

- *Online complaint form:* [www.housing-ombudsman.org.uk/residents/make-a-complaint/](http://www.housing-ombudsman.org.uk/residents/make-a-complaint/)
- *Phone:* 0300 111 3000
- *Email:* [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)
- *Postal address:* Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET

If you have taken advice from a designated person but remain unhappy with the outcome you can refer the matter to the Housing Ombudsman.

## **Complaints Closure**

Complaints will be treated as closed when:

- An investigation is complete, and a response sent.
- After seeking a response and attempting to make contact to discuss it there is no further contact from the complainant after 28 days.
- When a resolution is agreed and the landlord's commitment to deliver the action. Any actions will be followed up and monitored until complete with regular updates being provided to the customer.

## **Complaints Recording**

All complaints are recorded and managed using the computerised (SDM) Complaints Module. Using the module the following details are recorded:

- Name, address and contact details of the complainant, including any person/organisation advocating on behalf of the complainant.
- The date the complaint was received.
- Details of the complaint including dates, relevant names and initial actions/ response agreed.
- Date of formal acknowledgement of the complaint.
- Details of the subsequent investigation including conversations with all relevant parties.
- All conversations with the complainant, including regular feedback on progress.
- Date and details of the outcome of the investigation as communicated to the complainant.
- Whether the complaint was upheld or not.
- Whether the issue was resolved to the satisfaction of the complainant.
- Whether the complainant wishes to escalate the complaint.
- Any learning from the complaint.

The above data is recorded for Stage 1 and 2 complaints. Where the complaint is not resolved at Stage 2 of the process details are held of the next steps taken by the complainant e.g. referral to an independent person, referral to the Ombudsman, Regular and comprehensive notes are made using the module of progression of any complaint beyond Stage 2, including details of all communications with other parties, including all dates.

## **6.0 Reporting & Risk**

Information on complaints including any learning is reported quarterly at an operational level and to the Executive Management Team. A report on complaints is also presented to Board every 3 months.

Westfield Housing will produce monthly reports which track complaints and highlights areas for improvement. These reports are disseminated to the Operation Manager and CEO who use this information to drive change and help improve services where appropriate. From this, we develop learning and make changes to the way we operate and implement this learning across the organisation, sharing good practice and new ways of working.

Details of our complaints policy is published on our website and regularly promoted in our newsletters. Complaints performance and how they have been used to improve services will be reported to tenants annually in the Annual Report to Tenants, and quarterly to the Associations Board.

## **7.0 Policy Exceptions**

There are occasions when it is not appropriate to use this procedure. Below are some examples:

- When matters are raised that are already being considered by the Courts.
- If a criminal police investigation is invoked.
- If a complaint has arisen out of the alleged failure to comply with a request for information under the Freedom of Information Act 2000.
- If a complaint has arisen out of the alleged failure to comply with a request for information under the Data Protection Act 1998.
- If a complaint is received that relates to the Operations Director, the Chief Executive will investigate the complaint and if appropriate appoint an independent investigator.
- If a complaint is received that relates to a member of the Board, the Chair shall determine whether to instigate a disciplinary hearing, with advice from the Chief Executive.

Where the above applies, a detailed explanation will be provided to the resident setting out reasons why the matter is not suitable for the complaints process and the right to take that decision to the Housing Ombudsman.

### **Unacceptable Behaviour**

Unfortunately there are rare occasions where Westfield Housing considers the actions or behaviour of a customer unacceptable. The following section explains how we will deal with the very few occasions when this issue arises.

We do not view behaviour as unacceptable just because someone is assertive or determined. There may have been upsetting or distressing circumstances leading up to a customer approaching us and people



may act out of character. However, the actions of some customers who are angry or persistent may result in unreasonable demands on, or behaviour towards our staff and we will take appropriate action to manage such behaviour. We have grouped the behaviour under two broad headings:

### **Aggressive or abusive behaviour**

Our staff understand the difference between anger and aggression. For example, many complainants feel angry about the events that resulted in them contacting us. However, it is not acceptable when anger escalates into aggression towards our staff. Aggression is not restricted to acts that may result in physical harm but also includes behaviour or language that may cause staff to feel afraid, threatened, or abused.

Examples of aggressive behaviour include:

- threats
- physical violence
- personal abuse
- derogatory or discriminatory remarks
- rudeness
- inflammatory statements and unsubstantiated allegations

Reports of this type of behaviour will be investigated by the Operations Director.

### **Unreasonable demands**

Customers may make what we consider unreasonable demands if they impact substantially on our work through the amount of information they seek or provide, the nature and scale of service they expect, or the regularity or number of approaches they make.

Examples of this behaviour include:

- asking for responses within an unreasonable timescale.
- insisting on communicating with a particular member of staff.
- continual phone calls, emails, or letters.
- repeatedly changing the substance of the complaint or raising unrelated concerns.
- refusal to co-operate with the complaint investigation process while still requesting their complaint be resolved.
- persistent refusal to accept a decision.
- persistent refusal to accept explanations relating to what Westfield Housing can or cannot do.

- continuing to pursue a complaint case without presenting any new information.

The way in which these customers approach us may be reasonable, but it is their persistent behaviour in continuing to do so that is not.

How we manage unreasonable demands will depend on the nature and extent of it. Steps we may take include, separately or in combination:

- restricting contact in person, by telephone, letter or electronically or by any combination of these.
- restricting the frequency of contact.
- restricting access to the complaints process in future

Customers will be informed in writing of any decision to invoke these steps and the customer can appeal the decision to by writing to the Operations Director.

## **8.0 Access and communication**

We are committed to ensuring that our services are accessible to everyone. We will seek alternative methods of access and service delivery where barriers perceived or may exist that may make it difficult for people to use our services. Where necessary, we will make reasonable adjustments if it is required for our residents to access services. These include but are not limited to interpreter, large print, extra time to respond and additional support as required.

## **9.0 Equality, diversity, and human rights**

We are committed to ensuring that no person or group of persons will be treated less favourably than another person or group of persons and will carry out our duties with positive regard for the following protected characteristics: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion, sex, sexual orientation. We also recognise that some people experience disadvantage due to their socioeconomic circumstances, employment status, class, appearance, responsibility for dependants, or any other matter which causes a person to be treated with injustice. We will also ensure that all services and actions are delivered within the context of current Human Rights legislation.

## **10.0 Legal Framework and References**

Social Housing Regulatory Framework  
Localism Act 2011  
Housing Act 1996 (schedule 2)  
General Data Protection Act 2018 UK  
Equality Act 2010  
Housing Ombudsman Service

## 11.0 Linked Documents

Complaints procedure  
Equality and Diversity Policy  
Anti-Social Behaviour Policy

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**To be completed by Corporate Services Officer**

### Document Control

<b>Business Owner (name &amp; job title)</b>	Debbie Fox, Operations Director
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