



WILLOW TREE

HOUSING PARTNERSHIP

Complaints Procedure

Version	v5
Responsibility for Procedure	Head of Corporate Services
Date reviewed & approved by Executive	May 2023
Date due for review	May 2026

Procedure

Willow Tree Housing Partnership's (WTHP) Corporate Services Manager, as the Complaints Officer, is the person assigned within the organisation to take responsibility for complaint handling to ensure complaints receive the necessary attention, and that they are reported to the governing body as part of WTHP's regulatory returns. The Complaints Officer is responsible for ensuring that appropriate arrangements are in place for liaison with the Housing Ombudsman and appropriate cover for the role exists to ensure consistency of service.

WTHP as a Landlord is required to carry out an annual assessment against the Ombudsman's Code to ensure WTHP's complaints handling remains in line with the Code's requirements and publish the results to our Board and tenants. Although the Ombudsman do not require submission of this document, WTHP will carry out a review against the Code on an annual basis. This information will be provided to the Regulator in accordance with the Tenant Satisfaction Measure standards.

The Complaints Officer may allocate complaints handling to another person. Where this is the case, the complaint handler appointed must have appropriate complaint handling skills and no conflicts of interest.

1 Definition of a complaint

1.1 WTHP defines a complaint as an expression of dissatisfaction 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 complainant or group of complainants.

1.2 Examples of a complaint include when WTHP:

- Does something wrong or badly, fails to do something we should do or does not provide a service in time expected or specified.
- Fails to treat someone with fairness and respect (this includes staff and contractors).
- Fails to meet its legal duties.

1.3 What is not a complaint?

- The first request for a service or where the first request has not had sufficient time to be delivered, ie reporting a repair or initial action on anti-social behaviour.
- A request for information or an explanation of a policy or procedure. Some of policies and procedures have a separate right of appeal contained within the policy.
- A complaint about anything that is the responsibility of the complainant or leaseholder or where WTHP is not responsible for the decision or service.

- An attempt to open a complaint where the action complained of is more than six months old or where WTHP has already given the final decision.
- Where legal action by the complainant or someone closely connected to the complainant has commenced.

1.4 WTHP will

- Make it as easy as possible to make a complaint, by phone, email, in writing, verbally on WTHP's website or any other reasonable method. Complaints should be registered as a complaint, even if the communication does not use the word complaint.
- Understand the different needs of complainants, especially in relation to equality, diversity and inclusion, providing additional support where appropriate.
- Allow any complainant to nominate a representative to deal with their complaint at any stage of the process, provided this is given in writing and signed by the complainant.
- Try to resolve complaints at the earliest stage possible.
- Keep complainants informed of progress, even if there is none, and the outcome of any investigation.
- Treat all complaints confidentially and in accordance with GDPR and the relevant Data Protection legislation.
- Where appropriate offer mediation between WTHP and the complainant, although the complainant is not obliged to take up the offer.
- Accept any request to escalate a complaint once a stage is completed.
- Where a complainant is exhibiting unacceptable behaviour or the complaint amounts to abuse, refer to the appropriate policy. No complainant can be barred from making a complaint.
- Log and track all enquiries received from MP's as per a stage 1 complaint if appropriate.
- Review compensation claims to determine whether the claim should also be logged as a complaint.

1.5 WTHP will manage complainants' expectations from the outset, being clear where a desired outcome is unreasonable or unrealistic.

2 On receipt of a complaint

On receipt of a complaint, WTHP will determine whether the matter falls within the scope of WTHP's complaints policy.

If WTHP decides not to accept the complaint, a detailed explanation will be provided to the complainant. The explanation given will set out the reasons why the matter is not suitable for the complaints process and the right for the complainant to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may instruct WTHP to take on the complaint.

If the issue is deemed as a complaint WTHP's stage 1 of the complaints procedure will commence.

Complaint Stages

3 Stage 1

This stage will be led by WTHP's relevant Manager for the area of service

- 3.1 WTHP will log compliant as a stage 1 complaint and send an acknowledgment to the complainant within **5 working days** of receipt. Within the complaint acknowledgement, WTHP will set out our understanding of the complaint and the outcomes the complainant is seeking. If any aspect of the complaint is unclear, WTHP will contact the complainant directly, preferably by phone and asked for clarification. All definitions agreed will be included within an acknowledgement letter.
- 3.2 WTHP will respond to the complainant within **10 working days** of the complaint being logged. In exceptional circumstances if WTHP is unable to provide a full response within **10 working days**, WTHP will provide an explanation to the complainant containing a clear timeframe for when the response will be received. This should not exceed a further **10 working days** without good reason. If an extension beyond **20 working days** is required to enable WTHP to respond to the complaint fully, this will be agreed by both parties.
- 3.3 Where agreement over any extension period cannot be reached, WTHP will provide the complainant with the Housing Ombudsman's contact details so the complainant can challenge WTHP's plan for responding and/or the proposed timeliness of our response.
- 3.4 If the problem is a recurring issue, WTHP will consider any older reports as part of the background to the complaint if this will help to resolve the issue for the complainant.
- 3.5 A complaint response will be sent to the complainant when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions will still be tracked and actioned swiftly with regular updates provided to the complainant. WTHP will address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.
- 3.6 Where complainants raise additional complaints during the investigation, these will be incorporated into the stage 1 response if they are relevant and the stage 1 response has not been issued. Where the stage 1 response has been issued, or it would unreasonably delay the response, the complaint will be logged as a new complaint.
- 3.7 WTHP will confirm the following in writing to the complainant at the completion of stage 1 in clear, plain language:

- the complaint stage
- the complaint definition
- the decision on the complaint
- the reasons for any decisions made
- the details of any remedy offered to put things right
- details of any outstanding actions
- the Housing Ombudsman contact details
- details of how to escalate the matter to stage 2, within 14 days, if the complainant is not satisfied with the outcome.

4 Stage 2

This stage will be led by WTHP Executive team member

- 4.1 If all or part of the complaint is not resolved to the complainant's satisfaction at stage 1, it can be progressed to stage, unless an exclusion ground applies. A complaint will only escalate to stage two once it has completed stage 1 and at the request of the complainant within the 14 day timescale.

In circumstances where WTHP declines to escalate a complaint, WTHP will clearly communicate in writing the reasons for not escalating as well as the complainant's right to approach the Ombudsman about the decision.

- 4.2 On receipt of the escalation request to progress the complaint to stage two, WTHP will within **5 working days** set out their understanding, in writing, of issues outstanding and the outcomes the complainant is seeking. If any aspect of the complaint is unclear, the complainant will be asked for clarification and the full definition agreed between both parties.
- 4.3 The person considering the complaint at stage two, will not be the same person that considered the complaint at stage 1.
- 4.4 WTHP will respond to the stage two complaint **within 20 working days** of the complaint being escalated. In exceptional circumstances, if WTHP is unable to provide a full response within **20 working days** WTHP will provide an explanation to the complainant containing a clear timeframe for when the response will be received. This should not exceed a further **10 working days** without good reason.
- 4.5 If an extension beyond **10 working days** is required to enable WTHP to respond to the complaint fully, this will be agreed by both parties.
- 4.6 Where agreement over an extension period cannot be reached, WTHP will provide the Housing Ombudsman's contact details so the complainant can challenge WTHP's plan for responding and/or the proposed timeliness of WTHP's response.

4.7 WTHP will confirm the following in writing to the complainant at the completion of stage two in clear, plain language:

- the complaint stage
- the complaint definition
- the decision on the complaint
- the reasons for any decisions made
- the details of any remedy offered to put things right
- details of any outstanding actions
- the Housing Ombudsman contact details
- details of how to escalate the matter to stage 3 within 14 days, if the complainant is not satisfied with the outcome.

5 Stage 3

This stage will be co-ordinated by the Complaints Officer and led by the Review Panel.

5.1 In the event of a complaint not being resolved at stage two, the final stage of WTHP's complaints process is stage three, where the complaint will be considered by a Review Panel.

5.2 Complaints will only go to stage 3 if the complainant has requested a third stage review of their complaint within 14 days of the stage 2 complaint not being resolved, and no exclusion ground apply and is within 14 days' timeframe. Where a third stage has been requested, WTHP will write to the complainant within **7 working days** of the request asking the complainant to set out their position, comment on any adverse findings in stages 1 and 2, state why they disagree with the decision at stage two and state what they would like the outcome to be. WTHP will advise complainant that on receipt of this information a Review Panel will be convened as is reasonably possible within **20 working days**. Additional time will only be justified if related to convening the panel. An explanation and a date for when the stage three response will be received should be provided to the complainant.

5.3 Where agreement over an extension period to convene a Review Panel cannot be reached, WTHP will provide the Housing Ombudsman's contact details so the complainant can challenge WTHP's plan for responding and/or the proposed timeliness of a landlord's response.

5.4 The Review Panel will consist of the CEO or another member of the Executive team who has not previously been involved in the complaint, one Board Member and one tenant (if available and with the consent of the complainant) if a tenant is to be involved a confidentiality agreement will be signed by the tenant on the Panel prior to the Panel hearing. If a tenant is not to be part of the Panel, an additional Board member will attend.

The Review Panel may also ask the complainant and relevant staff member who will have been involved with the complaint to attend the Panel hearing (in person or online), if it so chooses (In which case the complainant may be accompanied).

Where legal advice is sought, this information is to be provided to the complainant.

5.5 The Panel will decide the outcome of any complaint on a simple majority. WTHP will confirm with the complainant within **7 working days** of the review taking place in clear, plain language:

- the complaint stage
- the complaint definition
- the decision on the complaint
- the reasons for any decisions made
- the details of any remedy offered to put things right
- details of any outstanding actions
- details of how to escalate the matter to the Housing Ombudsman Service if the complainant remains dissatisfied.

Risks and Mitigation

Risk	Control
That complaints are not resolved	The Complaints Officer will be responsible for ensuring that complaints are responded to within the appropriate timescales.
That complainants fail to get a resolution to their complaint in a reasonable time	The procedure includes timescales for complaint resolution. However, it is understood that some complaints may be complex and where the timescales are not kept it is important for the complainant to be kept informed.
The complainant is unsure how to escalate complaints	The Housing Ombudsman's contact details will be published on the website and on standard template responses at all stages of the complaints process.

Reference Documents

- The Housing Ombudsman's Complaint Handling Code
- All legislation and guidance relating to rights of complaint
- WTHP Complaints Policy
- WTHP Compensation Policy
- WTHP Unacceptable Behaviour Policy
- WTHP Internal Complaints Process
- WTHP Conducting a Final Stage 3 Complaint – Review Panel
- WTHP ASB Policy