



First Wave Housing Limited

Complaints Policy

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Document Master Sheet

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1	Toby Hayward-Butcher	May 2017	May 2018	Creation of Policy	FWH Board
2	Charlotte Moore	May 2018	May 2019	Update to policy review procedures and company name	FWH Board
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1 Overview of this Policy

This policy provides a standard procedure that should be followed when dealing with complaints about the services provided by FWH or any of its managing agents.

We recognise the importance of customer complaints and welcome them as a valuable form of feedback and engagement. Our aim is to resolve matters as effectively and quickly as possible. We will use the information gained from complaints to help improve the quality of our services. We will be clear and transparent about how complaints are processed when, sometimes, things go wrong. This policy outlines when complaints are made and how complaints are dealt with by FWH.

- When FWH or any of its managing agents have done something wrong and it has had an adverse impact on a customer, we shall endeavour to put things right.
- We shall act fairly and proportionately.
- We will be open and accountable for any failures.
- We will acknowledge all complaints and respond to all complaints within relevant timescales.
- If customers are dissatisfied about how we have handled their complaint, we will advise customers of their rights to appeal to the relevant body.
- We will ensure that there is a complaint provision for any services provided by a managing agent or partner agency.
- We will learn from complaints and implement service improvements.
- We will process all personal information relating to complaints in line with the General Data Protection Regulations 2018.

2 Complaints Procedure

FWH operates a complaints procedure for dealing with any complaints relating to the service.

FWH provides all of its services through its various managing agents, and so it is expected that the complaints procedure of the relevant managing agent will be the first point of contact in all cases. Despite managing agents preparing responses to complaints, FWH will be expected to sign off on complaint responses.

3 Scope

3.1 What is a complaint?

A complaint is defined 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. This includes services provided by people or organisations acting on FWH's behalf.

The individual does not have to use the word 'complaint' for it to be treated as such.

A complaint could be about:

- Delay in taking action without good reason
- Failure to provide a service
- Mistakes in the way a decision was taken
- Not following the law or FWH's own policy

- Giving incorrect or misleading information
- Bias or discrimination
- Rude, unhelpful or inappropriate behaviour by staff
- Poor communication

Some issues do not fall within the category of a complaint and are more appropriately dealt with as a service request. This can include instances where a customer is 'complaining' about a problem that FWH has not created, such as neighbour noise nuisance. The same can be true for a 'complaint' received to report a repair request. These are requests to FWH for appropriate action to be taken.

3.2 Who can make a complaint?

Anyone who uses and/or is individually affected by our services can make a complaint. We cannot investigate complaints where there has been no personal injustice (in other words, where the complainant has not been directly affected by the matter raised).

If you require help making your complaint, you can ask a friend, family member, carer or someone you trust to talk to us on your behalf. Whoever acts on your behalf, they will need to provide written consent from you before we undertake an investigation or report our findings to them. You may also request help from an advice agency such as Citizens Advice.

Reasonable Adjustments

FWH is committed to ensure that all residents can access its services and are not disadvantaged in any way. Below are some of the adjustments that can be offered:

- Use of email or telephone in preference to hard copy letters
- Communication through a representative or intermediary
- Rest or comfort breaks in meetings.
- Provision of information in appropriate alternative formats (e.g. large print, Braille, coloured paper etc.)
- Provision of auxiliary aids

3.3 How can a complaint be made?

A complaint can be made in writing, via email, by telephone, in person or by using the online form or portal. FWH accepts complaints in all forms including, verbal, written or online.

3.4 When can a complaint be made?

A complaint can be made at any time, however FWH will not normally accept a complaint where the customer has delayed raising the complaint by more than 12 months. FWH recommends that contact is made as soon as possible, to ensure access to data is readily available. Complaints exceeding 12 months will be considered on a case by case basis.

FWH will not investigate matters that have already been considered and addressed through our Complaints procedures. If a complainant is dissatisfied with the outcome,

they have the right to escalate those matters to the relevant Ombudsman. Where legal proceedings have already been initiated, this is usually where a claim form or particulars of a claim has been filed at Court, FWH will also not investigate these matters as they will be addressed through Court proceedings.

We will not take a blanket approach to excluding complaints; we will consider the individual circumstances of each complaint. If FWH decides to not accept a complaint, the complainant will be informed of the reasons as to why FWH will not investigate under the Complaints process and be provided with escalation rights to the relevant Ombudsman.

3.5 How will the complaint be dealt with?

All complaints will be dealt with in accordance with the requirements of the Data Protection Act 2018, Equality Act 2010, subsequent legislation, and any associated FWH or Council policies. Information provided to FWH for the purposes of a complaint investigation will not be used for any other purposes without the complainant's consent unless FWH feels there is a safeguarding concern or where there is a legal duty to do so. Each Contractor and Housing Management agency will deal with the complaint according to their individual complaint policies.

FWH will initially assess the complaint to ensure that it meets the criteria of a complaint as defined in Section 3.1 of this document, and the complainant cannot achieve a resolution through other means. FWH will then try to resolve the complaint at the first point of contact. Where it is not possible to resolve the complaint quickly or it is clear the matter needs to be formally investigated, the complaint will be responded to within the FWH's specified timescales.

Stage 1

FWH aims to acknowledge stage 1 complaints within 5 working days and respond within 10 working days of the complaint being logged. In circumstances where this is not possible, the 20 working days timescale will be applied.

All stage 1 complaints related to activities carried out by managing agents or service areas under the service level agreement will be responded to by the relevant contractor/service area. The managing agent will investigate the complaint, and highlight any actions that need to be taken.

If a complaint relates specifically to an activity carried out by FWH directly or an FWH officer, the managing agent should redirect complaints to FWH. FWH officers will then be responsible for drafting a review, signing the review off and responding to the complaint.

In the majority of cases, matters are resolved at this point. However, the Stage 1 response will inform the complainant of their right to request a final review (Stage 2) of their complaint if they remain unsatisfied. If the complainant does wish to proceed to this stage, they will need to clearly state what parts of their complaint have not been addressed satisfactorily and the reasons why.

Stage 2

FWH aims to respond to stage 2 complaints within 20 working days. In circumstances where this is not possible, the 30 working day timescale will be applied.

Complaint about managing agent

If a complaint is not resolved to the satisfaction of the complainant, they will be eligible to escalate the complaint and submit a stage 2 request. The complaint will then be escalated to FWH to respond. The Council's complaints team will investigate stage 2 complaints, draft a response, and highlight recommended courses of action. Stage 2 complaints will be then signed off by a FWH Director and a response will formally be sent from FWH.

Complaint about FWH

All stage 2 complaints solely relating to FWH will be investigated directly by FWH. These complaints will be signed off and responded to by an FWH director on behalf of the FWH Board. The response will highlight the recommended courses of action.

If the complainant still remains dissatisfied, they have the opportunity to have their complaint considered by Housing Ombudsman, details of which will be included in the response.

3.6 When will I receive a response to my complaint?

Details of all complaint timescales can be found in the previous section 3.5. As explained, there will be circumstances in which this is not possible to respond in the stipulated timeframes, in which case the complaint may be extended by a maximum of 10 working days at stage 1 and 20 working days at stage 2 of the complaints process. If the case is extended, complainants will be advised of the reasons for extension, the likely response date and be provided with contact details of the relevant Ombudsman.

If FWH requires more information to complete its investigation, this will be requested from the complainant and the case paused until the information has been provided. If the information is not received by the specified date, the investigation may be completed based on the information that is available at the time.

Where complaints may also be connected with other procedures, such as legal or disciplinary proceedings, or we need to liaise with other parties to resolve the complaint, often, in the interests of fairness, a response cannot be provided until these processes have been completed. The complainant will be informed if FWH is unable to respond at the time.

There may be occasions where circumstances fall beyond the control of FWH resulting in the complaint response being delayed. Depending on the circumstances, FWH may also need to pause its investigations. Where this is the case, FWH will write to the affected complainant(s) to make them aware of this with an explanation for any delays. There may also be occasions where more time is required due to the complexity of the complaint or where the complaint covers several years of history. In these instances, the complainant will be informed and updates will be agreed at suitable intervals. Once a date is known the complainant will be informed as to when they are likely to receive a response. Complaints may be extended with the approval of both parties if additional actions need to be taken to confirm or clarify a particular issue and consider any findings.

If additional information or complaints are provided during the course of the investigation, FWH may need to extend the response time to consider the new information or register the additional concerns as a new complaint. It is therefore

important that all supporting information is provided at the time the complaint is lodged.

3.7 Complaint Closure

Complaints will be closed once an investigation has been completed and a response has been provided to the complainant. Complaints may also be closed if a resolution has been agreed and FWH, or one of its contractors, is taking steps to deliver the action/s.

In cases where the complainant no longer wants to pursue the complaint, for example if their situation changes or a resolution has been provided before an investigation has been conducted, the complaint will be closed on FWH's system as withdrawn/not pursued.

If a complaint is rejected for any reason, the complaint will be deemed closed as of the date the notification of the rejection is provided to the complainant.

If the complaints procedure has been exhausted and the complainant is still dissatisfied with the response provided by the Council, the next step would be to refer their concerns to the appropriate Ombudsman.

Complaints covered by the Housing Ombudsman can be referred to the Housing Ombudsman by post at Housing Ombudsman Service, PO Box 152, Liverpool L33 7WQ; by using the online complaint form on their website: <http://www.housing-ombudsman.org.uk>; by email to info@housing-ombudsman.org.uk or telephone on 0300 111 3000. Complainants can contact the Housing Ombudsman Service at any point during the complaint process. It cannot investigate your complaint whilst your complaint is going through our internal complaints procedure however the Ombudsman may be able to help you reach a resolution through mediation or assistance. We cannot however prejudge any action the Ombudsman may take.

4 Remedies

4.1 Remedies Guidance

FWH follows the Housing Ombudsman's remedies guidance for complaints. The respective guidance can be found on the links below:

Housing Ombudsman

<https://www.housing-ombudsman.org.uk/about-us/corporateinformation/policies/dispute-resolution/policy-on-remedies>

5 Vexatious Complaints

5.1 How does FWH deal with vexatious complaints and unreasonable complainant behaviour?

Managing a complaint is generally a straightforward process. FWH are committed to dealing with complaints in a professional, sensitive and timely manner. In a small number of cases, complainants pursue their complaints in a way that can either impede the investigation of their complaint or can have significant resource issues for FWH. In those situations, FWH will not consider complaints that are raised in an unreasonable manner and may need to classify the complainant as unreasonable, unreasonably persistent, or their complaint as vexatious.

The Council has a Vexatious Complaints Policy, which defines unreasonable behaviour, and vexatious complaints. It provides guidance so that FWH staff can deal confidently, effectively and fairly with vexatious complaints and unreasonable complainant behaviour.

Dealing with vexatious complaints and unreasonable complainant behaviour diverts time from officer's duties and has an excessive impact on resources. FWH's services need to remain fair, consistent and accessible to everyone who wishes to use them.

If a complainant has exhausted the complaints procedure, they will be referred to the Ombudsman. The Ombudsman's review of the complaint is considered final; therefore, the Council will not revisit any complaints that have already been considered by the Ombudsman.

6 Compliance

6.1 Staff and Managing Agent Responsibilities

FWH will ensure that all its staff, employees and managing agents who deal with complaints are informed of the standards required in this policy and are trained on the good management and resolution of complaints.

6.2 Reporting

Managing agents will be required to report any complaints made to the Strategic Support Officer, as soon as they are made aware of the complaint. FWH introduced regular reporting to the Board on complaints in 2023/24.

6.3 Review

This policy will be reviewed every 3 years by the FWH Board with interim reviews where a significant regulatory or legislative change or other initiatives arise.

7 Additional Information

7.1 Publication Details

FWH publishes the complaints policy on their website. There is a dedicated Complaints section where you can view the policy, the privacy notice, and the most current annual complaints report. Relevant Council services will advertise the Complaints Policy, the Complaint Handling Code, and details of the Housing Ombudsman in regular correspondence (leaflets, posters, newsletter) with service users.