



French Weir Affordable Homes

Complaints Handling Policy

1. Aims of this Policy

1.1 French Weir Affordable Homes LLP (FWAH) aims to provide the highest possible standard of service for our residents. We are committed to treating all our residents fairly and to fostering good relationships with our residents and the wider community. However, we recognise that sometimes things can go wrong; when this happens, it is vital that residents are heard, understood and respected and that we act to put things right as quickly as possible, learn from our mistakes and seek to improve our practice and services for the future. We regard handling and resolving complaints well as a core part of our service.

1.2 This policy and procedure outlines how we will respond to and resolve complaints in line with these commitments and our statutory/regulatory obligations including, especially, the Housing Ombudsman Service's Complaint Handling Code and the Regulator of Social Housing's Consumer Standards Code of Practice.

1.3 It should be read with our Equality Policy which covers making reasonable adjustments for disabled residents and how we fulfil our duties under the Equality Act, among other things.

2. Scope of the policy

2.1 Any resident/tenant or person who applies to FWAH for housing can make a complaint. External individuals and organisations (e.g. an advocate) can make a complaint on behalf of a resident, with their consent and such complaints will be handled in line with this policy and procedures. This policy also applies to members of the public if they have been affected by a decision that we have made or something that we have done or not done.

3. What is a complaint?

3.1 A complaint is 'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by FWAH LLP or those acting on our behalf (for example our contractors), affecting a resident or group of residents. A resident does not have to use the word 'complaint' for it to be treated as such. Complaints may come direct from residents but are also accepted where made by someone acting on their half.

3.2 Whenever a resident expresses dissatisfaction, we will remind them that they can make a complaint and that this will be HELPFUL to us.

3.3 An expression of dissatisfaction with services made through a survey is not defined as a complaint, though when we survey residents we will provide details of how to complain.

3.4 We will accept all complaints referred to us within 12 months of the issue occurring or the resident first becoming aware of the issue, unless they are excluded on other grounds.

3.5 We are committed to responding to complaints as early/quickly as possible especially where the matter is straightforward and does not require further investigation. We will be particularly mindful of the needs of tenants in vulnerable circumstances or who may be at risk and ensure they receive priority.

4. What is not a complaint?

4.1 The following will not be treated as complaints:-

- A service request. This is defined as a request from a resident that requires action to be taken to put something right. It will usually be the first time we have been contacted about an issue and have not previously had the opportunity to investigate the concerns and agree what action we will take to resolve it. We record service requests and if a tenant who makes a service request also lets us know that they are dissatisfied at any time with our response or actions being taken, we will raise the concerns as a complaint and continue to work to resolve the issue being reported.
- Complaints where we have no responsibility and/or are not the statutory body for decision making (we will refer the complainant to the correct body in this scenario or offer to follow up for them with the relevant body, if appropriate).
- Complaints in which legal/court proceedings have formally started (a Claim Form and Particulars of Claim having been filed at court) or have been issued.
- Complaints about any issue/event/failure that occurred more than 12 months ago (however we WILL accept complaints made outside this time limit where there are good reasons to do so).
- Matters that have previously been considered under the complaints policy.

4.2 We will consider the individual circumstances of each complaint. If we decide not to accept a complaint, we will provide the resident with an explanation setting out the reasons and evidence of why the matter is not suitable for the complaints process and inform them of the right to take that decision to the Housing Ombudsman Service.

5. Accessibility and Awareness

5.1 FWAH will accept a complaint in any format/medium which is accessible to residents. Residents can make a complaint in person to either Caroline Ellis or Gideon Amos (the partners – we don't have any 'staff'), over the telephone, by letter, on a Tenant Feedback

Form (copy in your handbook – also available in large print), by email, Teams/Zoom call or via text or WhatsApp.

French Weir Affordable Homes LLP, Weir Lodge, 83 Staplegrove Road, Taunton
Somerset TA1 1DN

Tel: 01823 618904

Mobile: 07473 119425 (for text/ WhatsApp)

Email: cjellis1968@googlemail.com

5.2 Communication with residents at all stages of the process outlined in this policy will be in line with their agreed preferences and any reasonable adjustments required by them. In case needs have changed we will check with disabled residents whether previously agreed adjustments remain appropriate or whether they now need something different.

5.3 We will make it clear to residents that:-

- ✓ we can support them to make a complaint;
- ✓ we can refer them to sources of external advice and advocacy if they would prefer;
- ✓ they have the right to have a representative deal with their complaint on their behalf and to be represented or accompanied at any meeting with us;
- ✓ FWAH takes all complaints seriously and as an opportunity to learn and improve;
- ✓ we will NEVER penalise anyone for making a complaint;
- ✓ all complaint information will be handled sensitively and in compliance with data protection requirements.

5.4 The policy alongside information about the Housing Ombudsman Service is made available to all tenants in their preferred format and will be posted on our forthcoming website.

6. Two Stage Process for Complaint Handling

6.1 At each stage of this process FWAH will deal with complaints on their merits and have an open mind, give the resident a fair chance to set out their position, take measures to address any actual or perceived conflicts of interest and consider all relevant information and evidence carefully. In handling complaints we will act within the professional standards for engaging with complaints set out by the Chartered Institute of Housing.

6.2 If a complaint relates to the service or actions of one of our contractors, we will share details of the complaint with them to support our investigation and for the purpose of seeking a resolution.

Stage One

6.3 Once we have received a complaint we will:

- Within **5 working days** of the complaint being received:
 - Check it relates to something we are responsible for.
 - Clarify our understanding of the complaint and the outcomes the complainant is seeking.
 - Log it.
 - Send the complainant an acknowledgment referencing what we understand to be the complaint and outcomes being sought. In the acknowledgment we will be clear which aspects of the complaint we are, and are not, responsible for and clarify any areas where this is not clear.
(NB If a complaint is received on a Monday that is Day 0 – the acknowledgment must be sent at the latest on Day 5 i.e. the following Monday)
- We will then carefully consider and investigate the complaint – using all the information and evidence available. We will put ourselves in the complainant’s shoes and consider the impact on them.
- In most cases it should be possible to resolve matters very quickly – by way of an explanation/apology or action to put something right and try to put the resident back in the position they were before but in any case **we will respond fully to each complaint within 10 working days.**

6.4 Our response will cover in clear, plain English:-

- The complaint stage.
- All points raised in the complaint.
- The decision on the complaint with clear reasons for any decisions we have come to referencing the relevant policy, law, and good practice where appropriate.
- The detail of proposed remedies and actions to put things right.
- Details of any outstanding actions.
- Details of how to escalate the matter to Stage 2 if the complainant is not satisfied with the response.

6.5 In exceptional cases we may need longer to resolve a complaint (this should be no more than 10 working days without good reason), but if that is the case we will inform the complainant, clearly explain and give reasons for why we need a bit longer and let them know how much longer we think it will take and agree suitable intervals for keeping them informed of progress as well as reminding them of their right to contact the Housing Ombudsman Service.

6.6 When we respond to a complaint it may be that there will be outstanding actions needed to address the issue. We will track these and provide residents with timely updates.

6.7 Where the complainant raises additional complaints during the investigation, these will 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 will be logged as a new complaint.

Stage Two

6.8 If a resident is unhappy with the response to their stage 1 complaint, they can escalate it to Stage 2 without giving a reason (although see first bullet point below).

6.9 When we receive a request for a complaint to progress to stage 2:

- Within **5 working days** of receiving a request for a complaint to progress to Stage 2 we will :
 - Make efforts to understand and clarify why a resident remains unhappy.
 - Log it. *
 - Send the complainant an acknowledgment setting out our understanding of the complaint and the outcomes the resident is seeking. In the acknowledgment we will be clear which aspects of the complaint we are, and are not, responsible for and clarify any areas where this is not clear.*
(NB If a complaint is received on a Monday that is Day 0 – the acknowledgment must be sent at the latest on Day 5 i.e. the following Monday)

** In cases where the resident's preferred outcome is not possible due to regulatory, statutory, or legal reasons, and there are no concerns about our actual handling of the complaint at Stage 1, we may advise the resident that their complaint will not progress but that they can complain directly to the Housing Ombudsman Service. Otherwise the procedure is that Stage 1 complaints not satisfactorily resolved MUST be escalated to Stage 2.*

- **Reviewing:** In the interests of fairness and given there are only two partners/people involved in running FWAH who are married to each other, when a complaint reaches Stage 2 we will seek external advice (using anonymised details) from one or more independent people with suitable experience of housing issues, complaint handling and investigation and a commitment to tenants' rights (FWAH Independent Service Adviser). We will ask them to check whether we have acted fairly, offered an appropriate remedy and what their view and recommendations are on what we should do differently/additionally to put things right.
- Issue **a Final response** to the Stage 2 within **20 working days** of the complaint being acknowledged.

6.10 In exceptional cases we may need longer to resolve a complaint (this should be no more than 20 working days without good reason), but if that is the case we will inform the complainant, clearly explain and give reasons for why we need a bit longer and let them know how much longer we think it will take and agree suitable intervals for keeping them

informed of progress as well as reminding them of their right to contact the Housing Ombudsman Service.

6.11 Our final response will cover, in clear, plain English:-

- The complaint stage.
- All points raised in the complaint.
- The decision on the complaint with clear reasons for any decisions we have come to referencing the relevant policy, law, and good practice where appropriate.
- The detail of proposed remedies and actions 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.

6.12 When we respond to a complaint and there are outstanding actions needed to address the issue, we will track these and provide residents with timely updates.

7. Putting things right

7.1 Remedies offered will reflect the impact on the resident as a result of any fault identified and clearly set out what will happen by when in agreement with the resident.

Remedies/Actions we may take to put things right will take account of guidance issued by the Ombudsman and can include:

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

8. Record-keeping and confidentiality

8.1 A full record will be kept of each complaint, and the outcomes at each stage. This will include the original complaint and the date received, all correspondence with the resident, correspondence with other parties, and any relevant supporting documentation such as reports or surveys. We also keep records of any reasonable adjustments agreed with residents and any disclosed disabilities.

8.2 All personal information will be treated as confidential under the terms of the General Data Protection Regulation (GDPR) 2018, noting that this also provides provision for information to be shared with other agencies within agreed protocols.

9. Third parties and complaints handling

9.1 FWAH contractors are expected to cooperate with us to help us resolve complaints and act within their relevant professional standards. We only work with trusted contractors who share our values and commitment to our tenants.

9.2 We will ensure that any Independent Service Advisor contracted by us to support the Stage 2 process acts within professional standards for engaging with complaints.

10. How we will deal with unreasonable behaviour

10.1 Where a resident's behaviour in accessing or using the complaints process becomes unreasonable (e.g. repeated use of the process to make excessively unreasonable demands) to the extent that it compromises our ability to deliver services for other residents or involves violence or threats thereof, our policy for managing unacceptable behaviour will apply. Any action taken in conjunction with the Unacceptable Behaviour Policy will consider: the customer's behaviour; support they may require; impact on our operations; likely impact on other residents; and action needing to be taken (potentially restricting contact in some way). We will have due regard to the provisions of the Equality Act 2010 in managing such a scenario including relation to reviewing any restrictions.

11. Self-assessment, reporting and compliance

11.1 FWAH will produce an Annual Complaints Performance and Service Improvement Report for scrutiny and challenge, which must include:

- a) The annual self-assessment against the Housing Ombudsman Service's Complaint Handling Code to ensure our complaint handling policy remains in line with its requirements;
- b) A qualitative and quantitative analysis of our complaint handling performance including a summary of types of complaints we have refused to accept
- c) Any findings of non compliance with the Code by the Ombudsman;
- d) Service improvements made as a result of the learning from complaints;
- e) Any annual report about our performance from the Ombudsman; and
- f) Any other relevant reports or publications produced by the Ombudsman in relation to our work.

11.2 The Partners will agree this report and publish on the section of our (forthcoming) website relating to complaints. We will carry out a self-assessment in the event of a significant restructure/merger/change in procedures. We note that we may be asked to review and update the self-assessment following an Ombudsman investigation. Should we be unable to comply with the Code due to exceptional circumstances, such as a cyber incident, we will inform the Ombudsman, provide information to residents who may be

affected m and publish this on our website. We will provide a timescale for returning to compliance with the Code.

12. Scrutiny and oversight

12.1 Unlike most registered providers of social housing, FWAH is a limited liability partnership with just 5 homes/units of social housing, with no employees and just two partners who both run/manage the organisation day to day and live on site as well as having strategic oversight and responsibility for forward planning. The advantages of this include being able to be more flexible than many other organisations and both being abreast of current issues and challenges as we are both 'hands on', however it does mean there is no way of structuring the organisation to provide the kind of oversight functions larger organisations have.

12.2 The Housing Ombudsman Code requires us to have a **Complaints Officer** who takes responsibility for complaints handling and has power to facilitate prompt resolution. In FWAH that person is **Caroline Ellis** as the person most frequently onsite and with most day to day contact with residents. Caroline is charged with assessing any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision. It also requires us to have a suitably senior lead person as accountable for ensuring a positive complaint handling culture – a **Member Responsible for Complaints (MRC)**. In FWAH that person is **Gideon Amos**.

12.3 Together we review operations including all feedback from residents and areas where we need to improve services on an ongoing basis and will ensure we comply with any directives/orders from the Housing Ombudsman Service and agree/sign off the Annual Complaints Performance and Service Improvement report. We will report back on wider learning and improvements from complaints to stakeholders.

12.4 We will complete and stay up to date with training relating to complaints handling including through the Housing Ombudsman Learning Hub.

13 The Housing Ombudsman Service

13.1 The Housing Ombudsman Service exists to consider complaints about registered providers of social housing. It is a service provided free of charge to residents of social housing. For more information about their role and their service for residents check out their website here: www.housing-ombudsman.org.uk.

13.2 Residents can complain to the Housing Ombudsman in the following circumstances:-

- FWAH has decided not to accept a complaint and they want to challenge that.
- FWAH is not responding to a complaint they have made.

- They have completed our complaint process and the issues have not been resolved to their satisfaction. A complaint must be referred to the service within 12 months from the date of FWAH's final response.

13.3 The Ombudsman can be contacted in the following ways:

Use their online complaints form:

<https://www.housing-ombudsman.org.uk/residents/make-a-complaint/>

Write to them: Housing Ombudsman Service, PO Box 1484, Unit D, Preston
PR2 0ET

Ring them on: 0300 111 3000 (phone lines open Monday, Tuesday, Wednesday, Friday 9am - 5pm. Thursday 9am - 3.30pm)

Email: info@housing-ombudsman.org.uk