

**Complaints Policy**

**Policy statement**

We aim to deliver excellent services, but we recognise that sometimes things go wrong. When this happens, we will try to put things right as quickly as we can and ensure that we learn from what happened. We welcome feedback, as it gives us the opportunity to review our services and improve how we work.

**Definition of a complaint**

You do not need to use the word ‘complaint’ for us to treat your issue as a complaint.

Our definition of a complaint is:

*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 could include where we, or any organisation acting on our behalf:

* provided a poor service or failed to meet our service standards
* failed to follow our own policies and procedure appropriately
* gave someone incorrect or misleading information
* failed to do something we said we would
* communicated with someone in a rude or inappropriate manner

Service requests, such as a repair reported for the first time or negative feedback which does not require a response will be considered outside of the complaints process by the relevant team or department.

**Exclusions**

We may not accept a complaint if it is:

* about a repair being reported to us for the first time
* made six months after the incident occurred, unless there are exceptional reasons why
* about an issue that has already been considered through our complaints process
* covered by an alternative process in one of our policies, such as antisocial behaviour or mutual exchange
* already subject to legal proceedings where a claim has been submitted to court
* about one of our policies, unless it is about how our policies have been applied
* about the actions of one of our residents or service users
* about the action of an individual or organisation that we have no control over
* about services that we are not responsible for
* communicated to us in a manner that we feel is unreasonable, threatening, or abusive

If we are unable to accept your complaint, we will explain why in writing within **five working days** and tell you what your next steps may be if you remain unhappy. You have the right to challenge this decision by taking it to the Housing Ombudsman Service. They will review our decision and where appropriate, may direct us to investigate your complaint.

**Who can make a complaint?**

Anyone can make a complaint if they are in receipt of or are affected by our services. This includes residents who live in our homes, non-West Kent residents who live in our neighbourhoods and people who receive our community and support services.

We accept complaints from individuals or from groups. Where a group wishes to make a collective complaint, this should be done through a single representative. We will require written authorisation from all complainants that they agree to the complaint and to the representative complaining on their behalf.

We recognise that some people need additional support to be able to complain. You can use an advocate or other third party to support you to complain or make a complaint on your behalf. This could be a representative organisation such as Age Concern or the Citizens Advice Bureau or a friend or family member. Where a complaint is made by a third party, we will get your written permission to discuss your complaint and share your personal information.

**How to complain**

You can complain to any member of West Kent staff, or contractor, in any way that suits you:

|  |  |
| --- | --- |
| Email | [help@wkha.org.uk](mailto:help@wkha.org.uk) |
| Online form | [westkent.org.uk](https://www.westkent.org/) |
| Facebook | [@WestKentHA](https://www.facebook.com/WestKentHA/) |
| Telephone | 01732 749400 |
| Post | 101 London Road, Sevenoaks, TN13 1AX |
| In person | By arranging a meeting with us or if you live in a scheme via the staff onsite |

If you contact us on our public social media pages, we’ll ask you to contact us directly to protect your privacy

**Reasonable adjustments**

We believe that no-one should be disadvantaged due to health, disability or background and we are committed to enabling all our customers to make a complaint. Where appropriate, we will discuss with you what reasonable adjustments we need to make to our process, such as using translation and interpreting services, working with any support services you receive or agreeing with you when and how we will contact you and keep you updated on the progress of your complaint.

**Quick Resolution – “*quick fix*”**

When you first tell us that you are unhappy about something, we’ll consider whether it is something we can put right quickly, without needing to go through our formal complaints process. We call this a *quick fix***.**

Examples of what might be considered a *quick fix* resolution include:

* resolving an issue about a repair or an appointment
* clarification of information you have previously been given
* clarification of how our policies or procedures are applied
* apologising for missing a repair appointment
* paying you compensation

If you would prefer us to deal with your issue as a formal complaint straight away, please let us know and we will log it as a stage one complaint.

If we are unable to resolve your issue within **two working days**, or we don’t think it is suitable for a *quick fix*, we will log it as a stage one complaint.

Issues that we might not consider suitable for a *quick fix* include:

* where there are multiple issues to be resolved
* where the resolution requires the input of multiple departments within West Kent and/or external agencies
* where a home visit or inspection is required
* unhappiness about the behaviour or attitude of a member of staff or one of our contractors

**Our process**

All formal complaints will be investigated by our dedicated customer resolution team. When investigating your complaint, we will:

* let you know who will be managing your complaint within two working days
* acknowledge your complaint within five working days
* fully investigate your complaint in a fair and consistent way
* keep you updated on the progress of our investigation
* seek a successful resolution with you at the first opportunity
* keep a record of your complaint and the outcome, ensuring any learning is captured to improve our services

**Stage One**

Your complaint will be allocated to a member of the customer resolution team, who will be your point of contact throughout the process and will investigate your complaint.

We will contact you to discuss your complaint, understand what issues you want to raise and what outcome you are looking for.

We will complete our investigation and provide you with a response within **ten working days** of receiving your complaint. If we require more time to complete our investigation, we will discuss this with you and may extend our response time by a further **ten working days**. In exceptional circumstances we may need to extend your complaints further. We will seek your agreement should this be needed

**Stage Two**

We aim to resolve all complaints at stage one. However, if you are unhappy with your stage one response, you can ask for your complaint to be escalated to stage two. In your request to escalate to stage two you must identify the area of your original complaint that you feel has not been adequately addressed, explain why you remain unhappy and let us know what it is you are seeking to resolve your complaint. You must request the escalation of your complaint within **20 working days** of your stage one complaint being closed. If there are exceptional circumstances that mean you are unable to escalate your complaint within 20 working days, please let us know and we can consider these.

A member of the customer resolution team not previously involved in your complaint will carry out an independent review of your stage one response and investigate any issues that you remain dissatisfied with. New issues raised at this stage may be treated as a new and separate complaint and investigated at stage one.

We will respond to your stage two complaint within **20 working days** of your complaint being escalated. If we require more time to complete our investigation, we will discuss this with you and may extend our response time by a further **ten working days**. In exceptional circumstances we may need to extend your complaints further. We will seek your agreement when this is needed.

**Designated persons and the Housing Ombudsman Service**

You have the right to refer your complaint to a designated person, such as your local MP or local Councillor. You can contact a designated person at any stage of the complaints process. They can contact us to try and get your complaint resolved locally.

You can contact the Housing Ombudsman Service directly about your complaint. They can provide you with advice and guidance at any stage of your complaint. Once you have completed our complaints process you can approach the Housing Ombudsman Service should you remain unhappy with the outcome of your complaint.

The Housing Ombudsman Service can be contacted at:

Housing Ombudsman Service

PO Box 152

Liverpool

L33 7WQ

Telephone: 0300 111 3000

[info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

[www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

**Unreasonable behaviour**

We realise that sometimes people may get upset or frustrated when things go wrong and that a certain level of persistence may be required to pursue legitimate complaints.

There may be times where we feel that the way in which you behave in your contact with us about your complaint is unreasonable. In these circumstances we will try to work with you to agree a communication plan, such as:

* communicating through a third party
* limiting contact to a specific communication form
* limiting contact to a named member of staff or email address
* limiting contact to specific dates and times

Where unreasonable behaviour persists, we may stop all direct communication with you about your complaint whilst we investigate the issues you have raised and reach our final decision. We may also do this where unreasonable behaviour persists after we have made our final decision. If we stop direct communication with you about your complaint, we will explain why in writing within **five working days** and tell you what your next steps may be if you remain unhappy.

Behaviour that we would consider unreasonable includes:

* repeated complaints about issues that have already been considered through our complaints process where no new information is provided
* excessive contact to our customer resolution team (or other members of staff) whilst your complaint is being investigated
* intimidating, threatening, or using offensive or abusive language towards, or about, our staff or contractors
* contacting members of staff outside of work, including through their personal social media accounts

If we are unable to accept a complaint due to unreasonable behaviour, we will explain why in writing within **five working days** and tell you what your next steps may be if you remain unhappy.

**Third party contractors**

We will investigate complaints made about organisations that are providing services on our behalf, such as repair contractors. Where you wish to complain about a third party organisation we do not have a contractual relationship with, we will signpost you to where you can take your complaint instead.

**Complaints relating to KEHFA homes**

If you are an extra care or supported housing resident living in one of our Kent Excellent Homes for All (KEHFA) schemes, your complaint may follow a different process and escalation route, depending on the nature of your complaint. We will discuss this with you when you first make your complaint.

**Member enquiries**

We will respond to enquiries received from an MP or Councillor within **ten working days**. These will be managed outside of our complaints process. Where the enquiry is about an open complaint, any information will be added to the complaint and the MP or Councillor will be kept updated on the progress of the complaint.

**Other enquiries**

If you contact our Chief Executive or any other member of our Executive Team directly to complain, your complaint will be sent to the customer resolution team, who will determine whether it needs to be investigated as a new complaint or included in a complaint already being investigated. The customer resolution team will contact you to let you know your complaint has been received and what is happening with it.

**Confidentiality**

All information related to your complaint will be handled in line with our Data Protection and Retention Policy. We will only share information with West Kent employees and contractors for the purpose of investigating, resolving, and monitoring complaints.

If you contact us on our public social media pages, we’ll ask you to contact us directly to protect your privacy.

**Legislation and regulation**

This policy meets the key requirements of:

* Housing Acts 1985, 1988 and 1996
* Localism Act 2011
* Landlord and Tenant Act 1985 as amended by the Commonhold and Leasehold Reform Act 2002
* Equality Act 2010
* General Data Protection Regulations and the Data Protection Act 2018

This policy complies with the requirements set out in the Regulator of Social Housing’s Tenant Involvement and Empowerment Standard.

This policy meets the requirements of the Housing Ombudsman’s Complaint Handling Code.

**Learning**

We will record all complaints and learning outcomes and use these to improve our services. We will monitor, analyse, and report performance and learning outcomes to senior managers, Executive Team, and Board members. We will publish information about complaint performance and learning outcomes in the Residents’ Annual Report and on our website.

**Policy review**

This policy will be reviewed every two years – unless legislation, business or sector developments require otherwise – to ensure that it continues to meet the stated objectives and takes account of good practice developments.