



Complaints and Compensation

Overall purpose of policy

To have a system in place that is clear, simple and accessible so complaints and claims for compensation are resolved promptly, consistently and fairly, in compliance with all regulatory and statutory requirements. We will learn from each complaint to help us improve services to customers.

How the policy will be implemented

We will:

- have a defined four stage complaints procedure to ensure a thorough, objective and fair investigation;
- collect information on complaints and use this for learning and development;
- ensure employees understand the complaints system, by providing support and guidance;
- aim to resolve complaints at the earliest opportunity; and
- consider a range of remedies for justified complaints.

Performance measures

- WDH-10: Percentage of complaints answered within target.
- WDH-13: Percentage of Stage 1 complaints proceeding to Stage 2.
- WDH-15: Percentage of Stage 2 complaints proceeding to Stage 3.
- WDH-17: Percentage of Ombudsman complaints where maladministration was ruled to have occurred.

Date Approved By CMB:

Date Due For Review:

Responsible Officer:

January 2018

January 2021

Complaints Manager

Complaints and Compensation Policy

1 Statement of Intent

- 1.1 We are committed to improving customer satisfaction by the way we deal with complaints.
- 1.2 Each complaint provides an opportunity for us to learn and develop our services to customers.
- 1.3 The complaints system will take account of individual needs to ensure a thorough and fair investigation in reasonable timescales.
- 1.4 A complaint is defined as when:
 - we have failed to meet a published service standard or have not acted in reasonable or agreed timescales;
 - our approved policies or procedures have not been followed or correctly applied;
 - we have failed to provide the quality of service expected;
 - we have provided inaccurate or misleading information which has affected a customer; or
 - we have unfairly discriminated against a customer.
- 1.5 Complaints will be audited and reports produced to allow us to:
 - assess if service standards in this policy have been met;
 - assess the quality of complaint responses;
 - identify learning and areas for service improvement;
 - decide on training, guidance or support to improve complaints handling; and
 - identify required amendments to policy, procedure or practice.
- 1.6 We will ensure customer confidentiality at all times and personal information of customers or third parties will be handled in line with the General Data Protection Regulations 2016 and the Data Protection Act 2018.

2 Outline of Service

Complaints

- 2.1 Every effort will be made to resolve customer enquiries at the first point of contact, however we recognise some customers may remain dissatisfied with the service provided.
- 2.2 Customer dissatisfaction, falling within the definition outlined in paragraph 1.4, will be treated as a complaint.
- 2.3 We will work with customers in a way that promotes mutual respect; we will not tolerate verbal or physical abuse of our employees, agents and / or contractors and such incidents may be reported to the police and could lead to legal action being taken.
- 2.4 The complaints process will consider the different needs of our customers in a way that promotes diversity, equality and inclusiveness.

Further information is available in our **Diversity and Inclusion Policy**.

- 2.5 Complaints from groups and third parties will be considered where written disclosure is provided.
- 2.6 Help and assistance is available to customers who wish to make a complaint, information can be found in the '**Customers Guide to Complaints and Compliments**', available through OneCALL, on our website or at a service access point.
- 2.7 We reserve the right to deal with complaints differently, or restrict access to the complaints process, when a complaint is being pursued unreasonably or the complainant's behaviour is deemed unreasonable or unacceptable.

Further information is available in the **Protocol for Complaints or Contact Pursued Unreasonably or in an Unacceptable Manner**.

- 2.8 We also reserve the right to deal with complaints in a different way to that outlined in this policy, when:
 - they concern the outcome of a request made under the Freedom of Information Act 2000 or the General Data Protection Regulations 2016 or the Data Protection Act 2018;
 - matters are considered to be of a legal nature;
 - legal proceedings have been issued or have already been to a court or tribunal;
 - a customer confirms their intention to take legal action;
 - a more appropriate remedy could be pursued through the courts, criminal justice system, tribunal, appeals process or other regulatory body;
 - matters concern the terms and operations of commercial or contractual transactions, not connected to the application for, or occupation of, a property for residential purposes; and

- they concern the terms of employment or other personnel issues.
We will notify customers of our decision and the reason for this.

- 2.9 We will consider complaints about rent and service charges if they relate to the legality and administration of the collection, calculation, application of, accounting for, and communication of any such rents, charges or increases. In the case of service charges, we may deal with complaints that relate to the handling of disputes, subject to the provisions of paragraph 2.8.
- 2.10 We have a four stage complaints procedure. Complaints will be handled informally on first contact, unless circumstances require a formal complaint to be entered.
- 2.11 Timescales are set for the three formal stages of the complaints process. Complex complaint investigations may impact on response times and customers will be notified of any potential delays.
- 2.12 Customers who believe their complaints have not been adequately addressed must provide valid reasons for escalating their complaint. Assistance will be provided on request to those customers with individual circumstances or vulnerabilities.
- 2.13 We will decide the most appropriate option for escalating a complaint with the focus being on achieving a prompt resolution and best use of resources.
- 2.14 Requests to escalate between the formal stages may not be considered if:
- a customer is unable to give a valid reason(s) why they believe their complaint has not been adequately addressed;
 - the complaint has been upheld but the customer is dissatisfied with the resolution or compensation offered;
 - the resolution requested cannot be provided, as it is disproportionate, or outside of our control to influence or change;
 - a customer's behaviour is unreasonable or they have refused to engage with us in a reasonable manner during investigation of their complaint; or
 - it has been shown that we have complied with, or followed our approved policies or procedures.

We will notify customers of our decision and the reason for this.

- 2.15 If customers remain dissatisfied with our final response, they have the right to directly contact the following services.
- The Housing Ombudsman Service (HOS). Information will be provided giving further details of the HOS and designated persons.
 - The Housing Regulator where the customer believes that our employees are acting illegally or improperly or where their actions may cause serious detriment.
 - The Residential Property Tribunal Service if the complaint relates to the level and amount of rent or service charge increases.

- 2.16 We will consider a range of remedies when dealing with complaints. Each case will be considered on an individual basis and we will aim to achieve similar remedies to ensure consistency in service delivery.
- 2.17 We will apply the general principle that the remedy needs to be appropriate and proportionate to the injustice; giving consideration to what is fair in all circumstances. In line with the requirements of the Housing Ombudsman's published scheme, the remedies could include:

- an apology;
- a review of policies, procedures and working practices;
- a practical solution, where the injustice stems from a failure to take a specific action; and
- financial compensation or other award.

An apology, or an offer of redress shall not itself amount to an admission of negligence or statutory duty.

- 2.18 We will only deal with complaints that are raised within four months of an event occurring or the customer becoming aware of it.

Compensation

- 2.19 We will consider the payment of financial compensation to customers in the following circumstances:

- Where maladministration is judged to have occurred, as set out in the HOS published scheme.
- Specific proven financial losses have been incurred.
We will decide if it was reasonable for the customer to incur costs based on the circumstances of the case, such as:
 - the complexity;
 - the circumstances of the customer; and
 - whether they are vulnerable.
- Assessment of a 'time and trouble' payment will consider all relevant factors, for example:
 - the passage of time, including response times;
 - the time and effort the customer had to give; and
 - the difficulty experienced by the customer in their dealings with us.
- The level of inadequacy in the response provided by us, to letters, phone calls and visits, and whether this was a result of intentional action, or poor administration.

- The customer has suffered exceptional distress as a result of the events, including anxiety, frustration, uncertainty, worry, or inconvenience, taking consideration of all the circumstances, including:
 - the severity of the distress caused;
 - the length of time involved;
 - the number of people affected, such as members of the customer's family as well as the customer; and
 - whether those affected are vulnerable and were affected by the events.
- A tenant has to live in poor conditions for longer than is reasonable. This could include:
 - a failure to carry out necessary work or repairs;
 - disruption occurring from work carried out by us, our contractors or other agencies acting on our behalf; and
 - where major works or improvements have been carried out and the tenant has been in temporary accommodation for a significantly longer period than necessary, due to failure or inaction by us or our contractors or other agencies acting on our behalf.
- There is no practical action which would provide a full and appropriate remedy.

2.20 We will consider compensation claims for damage to decorations or property if:

- it was caused by our negligence, or that of contractors or other agencies acting on our behalf; or
- it relates to a reported repair, which has not been dealt with as quickly as it should have been and damage has been caused.

We reserve the right to refer a claim for compensation to a contractor or other agency, including Insurers where appropriate.

2.21 We may decide to deal with claims for compensation in a different way, when:

- matters are considered to be of a legal nature;
- legal proceedings have been issued or have already been to a court or tribunal;
- a customer has confirmed their intention to take legal action;
- a more appropriate remedy could be pursued through the courts, criminal justice system, tribunal, appeals process or other regulatory body;
- matters concern the terms and operations of commercial or contractual transactions, not connected to the application for, or occupation of, a property for residential purposes; and
- they concern the terms of employment or other personnel issues.

We will notify customers of our decision and the reason for this.

- 2.22 Payments, gestures or awards to resolve customer complaints will be considered when the complaint has been deemed to be valid. Consideration will be given to the severity and / or regularity of any acts or omissions. This will help to:
- prevent lengthy and delayed disputes; and
 - resolve the complaint.
- 2.23 We may decide to pay compensation towards the cost of new decorations and disturbance if we have:
- modernised a tenants home;
 - carried out repairs that have excessively damaged a tenant's decorations;
 - replaced windows as part of a window change programme;
 - undertaken damp-proofing work;
 - completely rewired a tenant's home; and
 - let a house to a new tenant and the property is in poor decorative condition.
- 2.24 Each case will be considered based on its individual circumstances. This policy complements our insurance claims process, and provides a framework for managers to consider compensation when:
- it falls below the limits of our insurance cover;
 - we consider that an award in excess of indemnification offered by insurers is appropriate; or
 - insurers reject a claim outright and we consider an award to be appropriate.
- 2.25 When assessing the amount of compensation payable, we will consider the effects of the customer's own action. This could include:
- where the delay was partly the fault of the customer and partly our fault;
 - where the customer failed to act in a reasonable manner, causing a resolution to be delayed by their inappropriate actions or unreasonable behaviour; and
 - where the customer has not taken action to lessen the effect of maladministration and could reasonably have been expected to do so.
- 2.26 In circumstances where the customer owes money to us, for example, rent arrears, sundry debts, any compensation awarded will usually be offset against the debt.

3 Specific Needs

- 3.1 We will take into account the specific needs, which may arise, of older and vulnerable people, people with disabilities, and black, Asian and minority ethnic groups, in a manner that promotes equality and inclusiveness.

4 Consultation

4.1 We will continually look to improve and learn from complaints. Review of this policy will take into consideration the feedback and views of tenants and employees.

4.2 Future reviews will continue to seek the views of tenants and employees.

5 Implementation

5.1 Our Board and Chief Executive are responsible for ensuring that this policy is implemented.

5.2 Under the delegated authority contained within our Standing Orders it is the responsibility of all employees and those working on our behalf to ensure that their work is carried out in line with this policy and any related procedures.

5.3 We are committed to the highest standards of customer care and will apply this policy in accordance with the standards published in our Customer Charter Standards. If customers are dissatisfied with the service that they have received or with the application of this policy then they should refer to our Complaints and Compensation Policy.

6 Monitoring

6.1 Our Board will receive regular monitoring reports to evaluate the effectiveness of this policy in meeting customer expectations.

The collection of relevant information and statistics will be used when we undertake reviews of this policy and service delivery.

6.2 We will undertake surveys to monitor the satisfaction of our tenants and customers with the service provided and will publish the results.

6.3 Where relevant information is available we will benchmark our performance against other organisations to ensure the highest standards of service delivery.

We will hold information on the number of complaints received, how quickly they were dealt with and whether they were resolved to the satisfaction of the customer, on a central database.

We will use the information to:

- identify areas of dissatisfaction and any lessons learnt;
- highlight areas for service improvement;
- monitor the success of service improvements based on the number of complaints subsequently received; and
- produce regular performance reports.

This information will be reported to the Board on a regular basis.

7 Review

- 7.1 We will undertake a review of the policy whenever there are any relevant changes to legislation, case law or good practice that would impact on this policy or in the light any required service improvements identified through our Complaints and Compensation Policy.
- 7.2 We will review service provision in line with best value principles, and will undertake regular reviews to ensure continuous improvements and value for money in the delivery of our services.
- 7.3 Our Board will be responsible for ensuring that reviews of this policy are carried out and that the policy contributes to, and complements, our strategic objectives.
- 7.4 In carrying out any such review, account will be taken of our commitment to diversity and inclusion. For further information please refer to our Diversity and Inclusion Policy.

8 Risk

- 8.1 All risks that fall within the scope of this policy and its service areas have been identified and contained within our Risk Map and Management Plan with controls in place to ensure that the risks are managed effectively.
- 8.2 When reviews of this policy are undertaken, checks will be made against our Risk Map and Management Plan to ensure that the policy takes account of and addresses any relevant risks.

Where the policy review identifies a material risk that is not contained within the Risk Map and Management Plan the risk will be notified to the Business Excellence and Risk Manager and appropriate controls put in place.

For further information please refer to our Risk Map and Management Plan.

9 Legislation and Other Documents

- 9.1 Our Board will ensure that this policy complies with all relevant legislation and takes account of current best practice.
 - Housing Act 1996.
 - Customer Charter Standards.
 - Complaints Procedures Good Practice – HOS.
 - The Regulatory Framework for Social Housing in England from April 2012, Homes and Communities Agency.
 - Housing Ombudsman Scheme.
 - Equality Act 2010.
 - Compensation Act 2006.
 - General Data Protection Regulations 2016
 - Data Protection Act 2018