



Complaints, Compensation and Compliments Policy

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1. Introduction

Concept Housing Association (CHA) are committed to providing high quality modern services to customers whilst making sure the customer is at the heart of everything it does.

It recognises that in some cases, it may not always meet customer expectations and for those occasions, it needs to provide an accessible, easy to follow and robust complaint and compensation policy to resolve matters as effectively as possible.

CHA uses the Housing Ombudsman's definition of a complaint:

A complaint shall be 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.

CHA aim is to resolve complaints at the first attempt. However, CHA recognises that a resident must have the opportunity to challenge any decision by correcting errors or sharing concerns via an appeal process and CHA therefore operate a **two stage** process.

Complaints are extremely important to CHA. They help it to understand its performance and to focus on new ways of improving the services it delivers. It treats each complaint as an opportunity for learning and as such it will also ensure that any learning outcomes are captured and implemented.

The policy recognises CHA's statutory and regulatory responsibilities as a Registered Provider (RP) in providing decent and well managed and maintained homes where people want to live.

2. Aims and Purpose of the Policy

This policy recognises that a successful complaints service considers doing the right thing for CHA's people, customers and the business.

The policy is designed to meet the following aims:

- Provide customers with an easily accessible, clear and efficient complaints process
- Provide clarity and achieve consistency in how CHA deals with complaints
- Capture and implement any learning points identified from complaints
- To comply with current regulatory obligations for complaints
- To provide a framework to offer compensation and say sorry.
- To create a framework for recording compliments on a job well done
- Comply with the requirements of the Housing Ombudsman by the production and publication of an annual report on complaints in the prescribed format



3. Policy

For the purpose of this policy the following definitions apply:

'Customer' – Any applicant, tenant, licensee or service user of a property owned and/or managed by CHA.

This policy relates to all parts of CHA including services which may not actually deal directly with customers or third parties. The policy also applies to other organisations that provide services to customers under contract or in partnership with CHA.

The policy will not apply where; matters that have already been considered under the complaints policy, where there is an appeal or grievance, or where legal proceedings are underway. In such cases the existing and relevant procedure, contract or agreement should be followed. Where CHA decides not to accept a complaint a detailed explanation should be provided to the resident explaining why the matter is not suitable for the complaints process.

Roles and Responsibilities

All employees are responsible for recognising and attempting to resolve an initial complaint and recording it on the complaints database at the first point of contact. CHA will try to resolve customer complaints at the first possible opportunity by empowering staff to "own it and sort it". Everyone is encouraged to be honest and recognise where CHA may have made a mistake and focus on putting things right.

CHA will identify a senior staff member (Complaints Officer) to review and investigate all stage 1 complaints. This person is not likely to have any connection with the front-line service and therefore already have had management of the issue from the customer who wishes to make the complaint. This Complaints Officer will have sufficient standing in the organisation to recognise the need for change, make decisions and instil change needed to ensure lessons can be learnt from complaints. They will not be the most senior person in the organisation as any stage 2 complaint will require investigation by a more senior position. They will produce the annual complaint report for the Board each year in November/December.

The Complaints Officer will manage all complaints at stage one and above ensuring a co-ordinated and consistent approach. The Complaints Officer will work with the service area to understand how something has gone wrong and to find the best method of rectifying it. In addition, learning points captured during the complaints process will be reported on and shared across the business by the Complaints Officer to prevent them recurring in the future.

In cases where a contractor is providing a service on CHA's behalf, the contractor will deal with any complaint directly in the first instance. Where a complaint requires formal investigation, the Complaints Officer will carry out the investigation whilst liaising with the contractor to provide a response and remedy to the customer.



Complaints Process

A complaint is defined by the Housing Ombudsman 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.”**

Customers can raise a complaint by:

- email to info@concepthousing.co.uk
- Contacting any member of staff either in person or by telephone on 0121 455 7333
- The website www.concepthousing.co.uk
- Writing to Concept Housing Association CIC 8 Greenfield Crescent, Edgbaston, Birmingham, B15 3BE



At any point in the complaints process the complainant can have an advocate or friend accompany them or act on their behalf, providing CHA has written consent from the customer for this.

The stages of the complaints process are designed to achieve a resolution for the customer as promptly and efficiently as possible.

CHA will not investigate a complaint which:

- Has not been reported within six months of the issue occurring (this will not be the case if the complaints concerns safeguarding or health and safety issues)
- Legal proceedings have been started
- Has already been considered under the complaints policy



If a complaint is not accepted the Complaints Officer will send a detailed explanation to the customer setting out the reasons why the matter is not suitable for the complaints process. They will also be informed of their right to challenge this decision by taking their complaint to the Ombudsman.

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Customer Information

CHA will provide all complainants at the start of the process and throughout with information on its complaints processes and on their ability to access the Housing Ombudsman Service at any point in the process for support from their dispute support advisors. CHA complaints policy and related customer information will be easily accessible on its website.

All responses to customers at the end of each stage of the process will detail:

- The complaint stage
- The outcome of the complaint
- The reasons for any decisions made, referencing the relevant policy, law and good practice where appropriate
- The details of any remedy offered to put things right
- Details of any outstanding actions
- Details of how to escalate the matter if they remain dissatisfied



'Own it sort it'

These informal complaints can be dealt with through little or no investigation, with the expectation that each service area is responsible to investigate and resolve this form of complaint. Examples of this may include missed appointments or missed call back requests.

Stage One

These complaints require formal investigation. This can be an escalation from the 'own it sort it' stage, for example if a rescheduled repair was missed again.

The Complaints Officer will work with the service area to understand how something has gone wrong and work together to find the best method of rectifying it. CHA will acknowledge all complaints within five working days and the Complaints Officer will respond formally when the investigation is complete and within 10 working days.

If any adverse findings in relation to the customer are found during the investigation the customer will have the opportunity to comment on these before a final decision is made.

CHA wants to make sure that it provides a thorough, quality response which means that on occasions it may need further time to fully investigate a complaint. It will inform the customer where this is the case and keep them regularly updated, this should not exceed 10 working days.

Stage Two

Stage two complaints are an escalation from stage one where a customer has provided further information or is still dissatisfied with the initial response during the stage one investigation.



Stage Two (cont'd)

These Complaints will be managed by the Complaints Officer but investigated by an appropriate senior manager working with the service area. CHA will acknowledge all stage two complaints within five working days and respond formally once the investigation is complete and within 20 working days.

If any adverse findings in relation to the customer are found during the investigation the customer will have the opportunity to comment on these before a final decision is made.

As with stage one, if further time is required to investigate the complaint the customer will be kept informed, this should not exceed 10 working days.

The purpose of stage two is to assess how the complaint has been investigated at stage one. It will also review any new information provided to assess the complaint. The overall aim is to make sure the complaint has been handled correctly, and to confirm whether the original decision is upheld or whether there is potential to achieve a resolution with the customer.

Housing Ombudsman/Designated Person

If at the end of this process the customer is still not satisfied, as with all stages of the complaints process CHA will inform them of the next steps. Stage two is the final stage in the internal complaint handling process.

If the customer remains dissatisfied with the investigation, they can request for the complaint to be escalated to a 'designated person' of their choice, or refer the complaint directly to the Housing Ombudsman at:

Housing Ombudsman Service

PO Box 152

Liverpool

L33 7WQ

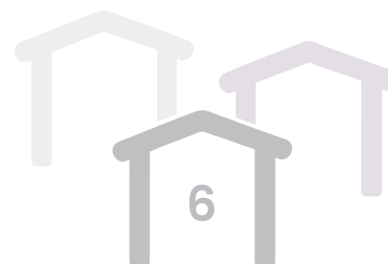
Telephone: 0300 111 3000

Email: info@housingombudsman.org.uk Online: www.housing-ombudsman.org.uk

CHA will fully cooperate with the Housing Ombudsman Service and will comply with requests for information within 15 working days.

A 'designated person' is either an MP or local councillor. The designated person can review the previous decisions made at stages 1 and 2 and act on a customer's behalf in resolving their complaint. If the customer decides to refer their complaint to a designated person, CHA will supply details of how its decisions were made and any other relevant information. This will be supplied within 15 working days of it being requested.

In order to protect the confidentiality of customer information, the customer will be asked to give permission to CHA to release their information to the designated person.



Putting Things Right

When something has gone wrong CHA is committed to putting it right. CHA will acknowledge this and set out the actions it has or intends to take to put things right. Examples of where action to put things right may be required are:

- There was an unreasonable delay
- Inaccurate or inadequate advice, explanation or information was provided to the customer
- Policy or procedure was not followed correctly without good reason
- A factual or legal error that impacted on the outcome for the customer
- Unprofessional behaviour by staff or contractors



Appropriate Remedy

Complaints can be resolved in a number of ways. CHA offers remedies that aim to reflect the extent of the service failure and the level of detriment caused to the customer as a result. Types of remedy include:

- Acknowledging where things have gone wrong and apologising
- Providing an explanation and reasons why something went wrong
- Taking action if there has been a delay
- Reconsidering or changing a decision
- Amending a record
- Compensation (see below)
- Changing policies, procedures or practices



Compensation

CHA recognises that in some situations, an apology and a resolution may not always compensate for a situation or the impact of a lack of service a customer has received.

For this policy, CHA define compensation as:

“To make amends for the loss, injury, service failure, breach of contract, inconvenience or offence. Compensation does not have to be of a financial nature, it can also be made by way of a gesture of goodwill or replacement”.

CHA appreciates that at times things go wrong and it will always look at various remedies to try and resolve a complaint. It is committed to doing the right thing for customers and these remedies may include compensation.

Compensation calculations are based on what CHA considers to be fair in each case. It does not set limits regarding minimum and maximum amounts and judges each case on its own merits. It will, however, take into consideration regulatory guidance and case studies of similar awards.



Compensation (cont'd)

CHA will consider the following factors in assessing appropriate and fair levels of compensation that reflect the inconvenience and loss (if any) the customer has incurred. These include but are not limited to:

- What has gone wrong? How long did it go on? How severe was it?
- Has it been put right – what actions have been taken to remedy the situation?
- What would the customer like to happen?
- How has the customer been adversely affected?
- What are the customer's particular circumstances or vulnerabilities?
- What is the cumulative impact on the customer?
- Is there an actual quantifiable financial loss – for example, has the customer incurred costs as a result of what happened? (although CHA will not offer compensation for loss of earnings)
- What other impact has there been? (for example, distress caused)
- Did the customer's actions or inactions, or those of a third party (for example a complainant's family member or advocate), contribute to what happened in the case?



CHA will work closely with its insurers where in addition to a complaint, there have been any claims for personal injury or damage to belongings. This may include holding the investigation until any liability is assessed.

Any offer of compensation will be live for 28 days from the date of offer. To accept the compensation an acceptance slip is required to be returned from the customer to the Complaints Officer at which point the compensation payment will be processed within seven days.

CHA will pay compensation by two methods, via bacs transfer to an account of the customer's choice or if they hold a rent account an adjustment can be made to their account. If the customer has rent arrears any payment of compensation may be offset against their arrears.

Compliments

Compliments are a positive measure of customer satisfaction with staff and services. CHA welcome feedback and compliments from customers and use this information to help shape the services delivered.

Customers can log a compliment by:

- email to info@concepthousing.co.uk
- Contacting any member of staff either in person or by telephone on 0121 455 7333
- Writing to us at:
Concept Housing Association CIC 8 Greenfield Crescent,
Edgbaston, Birmingham, B15 3BE



Compliments (cont'd)

The Complaints Officer will capture any compliments and report on them and share them across CHA.

Unreasonably Persistent Complainants

Unreasonable and persistent complainants are defined as “those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation’s consideration of their, or other peoples, complaints.”

In a minority of cases some customers may decide to pursue their complaints in a way that is unreasonable. They may behave unacceptably or be unreasonably persistent in their contacts with CHA. This behaviour can impede an investigation and have a significant impact on resources. For those customers who behave in this way or their actions restrict staff from carrying out their work and providing services then CHA may manage this by restricting their access to staff, however it will always maintain at least one point of contact for them.

Reporting and Learning

CHA will look beyond the circumstances of individual complaints and consider whether anything needs to be ‘put right’ in terms of its policy, procedures, or systems. Using the complaint process in this way enables CHA to learn from the issues that arise for customers and to take steps to improve the services it provides as a positive consequence. The Complaints Officer will provide CHA with reports that detail:

- Number and nature of complaints received
- The outcome of complaints
- Complaints handled in line with this policy
- Compensation awarded
- Referrals to the Housing Ombudsman
- Learning outcomes – detailing proposed or actual changes to CHA operations identified as part of the complaints process



Any themes or trends will be reported to senior management to identify any systemic issues, serious risks or areas for improvement for appropriate action.

Wider learning and improvements from complaints will be reported and shared with:

- Board –October/November each year
- Customer Committee Sept/Oct each year
- Managers and staff (at least quarterly)
- Customers in the Annual Report (March/April each year)



Self-Assessment

The Ombudsman expects CHA to carry out a regular self-assessment against the Housing Ombudsman's Complaint Handling Code 2020 and take appropriate action to ensure its complaint handling is in line with the Code. CHA will conduct an initial self-assessment and will report the outcomes to the Board. CHA will conduct further self-assessments in line with its policy review timetable, if the Code is changed or if there is any significant change to its organisational structure.

4. Service Standards & Performance Measures

The following Service Standards (see CHA Customer Service Standards) apply:

We will:

- Ensure that you can easily contact us in a variety of ways and will respond quickly, regardless of how you choose to contact us.
- Respect your individual needs and take them into consideration when responding to your enquiry
- Always respect your confidentiality
- Aim to resolve your enquiries the first time you contact us
- Ensure that information provided is easy to read and understand
- Aim to put things right as soon as possible if things go wrong
- Acknowledge your complaint within five working days
- Investigate your complaints and respond within the timescales detailed in the Complaints Policy



The following Performance Measures (see CHA Performance Management Framework) apply:

- Respond to customer contact within time scales service standard (100%)
- Satisfaction with complaints handling overall services provided (50%)

First point resolution (%)

- Average time taken to handle complaints at each stage within the policy
- Stage 1 (95%)
- Stage 2 (95%)
- Customer satisfaction with how complaints are handled (85%)
- Stage 1 complaints upheld, fully or partially (numerical)
- Stage 2 complaints upheld, fully or partially (numerical)



5. Risks

Risk vary from time to time. If necessary, please refer to the CHA Risk Management Framework and Risk Register.

Risks:

Identified risks of not managing complaints, compensation and compliments effectively are:

- Failure to comply with legal and regulatory and good practice requirements and performance standards
- Failure to act fairly in resolving complaints
- The impact on the reputation of the business of poor performance in handling complaints, compensation and compliments
- Not learning from mistakes or good service
- Impact of poor performance on staff morale



Mitigation:

Identified risks of not managing complaints, compensation and compliments effectively are:

- This comprehensive complaints, compensation and compliments policy, service standards and performance measures support CHA to manage the above identified operational risks and achieve good levels of performance in this area.
- Pre-planned diarised annual Board meeting schedule, ahead of the December deadline for agreement, review and submission of the annual report on Complaints
- Pre-planned Customer Committee to review the above prior to the Board meeting



6. Related Procedures & Documents

This policy directly relates to all customer facing policies which set out the level of service customers can expect. As part of a complaints investigation, CHA will review what information is set out within the relevant policy and assess whether the service provided is in line with this.

CHA Performance Management Framework

CHA Customer Service Standards

Data Protection Policy

Equality and Diversity Policy (reasonable adjustments)



7. Responsibilities

The Quality and Compliance Manager is responsible overall for the implementation and management of this policy.

The Quality and Compliance Manager (repairs) and the Resident Community Engagement Officer (all other matters) are responsible for the procedure and its implementation.

8. Related Legislation and Regulation

CHA is required to comply with the statutory requirements and rules and guidance issued by the government and their departments. The responsible Director will ensure this Policy has regard to all legislation, regulation and best practice.

The Regulator of Social Housing (RSH) has responsibility for the regulation of social housing providers in England. The RSH has set out a regulatory framework which includes regulatory standards providers must meet.

The Localism Act 2011 created a single housing watchdog, The Housing Ombudsman.

Whilst the following is not exhaustive the requirements laid out have been considered when formulating this policy and all staff will refer to the documents listed for further clarification or seek legal advice where necessary:

Landlord and Tenant Act 1985
Housing Act 1985 & 1996
(as amended by the Homelessness Act 2002 and the Localism Act 2011)
Housing Act 2004
Equality Act 2010

General Data Protection Regulation (GDPR) 2018
Data Protection Act 2018
RSH Tenant Involvement and Empowerment Standard
RSH Regulating the Standards, March 2020
The Housing Ombudsman's Complaint Handling Code, July 2020

9. Data Protection

CHA will ensure that any personal monitoring information collected about customers is kept confidential and only shared with relevant employees. It will be explained to any individual providing information exactly who the information will be shared with and for what purpose. Where CHA is required to share personal data beyond employees, for example where required to by law, it will do so in line with the CHA Data Protection Procedures.

10. Policy Review

CHA will undertake a review of this policy every three years or whenever there are any relevant changes to legislation, regulation, case law or good practice that would impact on this Policy, or in response to any required service improvements identified through our approaches to learning from customer feedback.

