



Complaints, Compliments and Compensation Policy

POLICY NUMBER

POL 06

Purpose of Policy

Derwentside Homes will ensure that an effective system is in place for dealing with and reacting to complaints made against the organisation and that improvements to areas of dissatisfaction are made. To ensure that issues of compensation are dealt with fairly and consistently.

Policy Statement

Derwentside Homes' Complaints Policy will be implemented in line with Derwentside Homes' Charitable Objects and the Housing Corporation's Regulatory Code and Guidance.

Derwentside Homes will have a defined formal 3-Stage complaints system that is easily accessible and ensures a thorough and fair investigation.

Derwentside Homes will collect information on complaints so that it knows which areas of service customers are most unhappy with.

Derwentside Homes will ensure that its entire staff fully understand the complaints system.

Derwentside Homes will consider a range of remedies for justified complaints.

Performance Measures

- Number of complaints received about the service by area;
- Percentage of complaints received dealt with within 15 working days at stage 1;
- Number of complaints against Derwentside Homes referred to stage 2;
- Number of complaints against Derwentside Homes referred to stage 3;
- Number of complaints against Derwentside Homes made to the Independent Housing (RSL) Ombudsman;
- Number of Independent Housing (RSL) Ombudsman findings of maladministration issued against Derwentside Homes;
- HS14 (1) Satisfaction with handling complaints - % final response in target;
- HS14 (2) % of complaints handled satisfactorily – survey responses.

Responsible Officer:
Policy Author:
Date Approved by the Shadow Board:
Frequency of Review: Three Years or as dictated by legislation/guidance
Review Date:
File Reference:
Consultees: LSVT Working Group – Policies and Procedures;
Tenants Forum;
Staff;
Management Team;
Derwentside Homes Shadow Board;

Complaints, Compliments and Compensation Policy

1 Statement of Intent

- 1.1 Derwentside Homes is committed to improving customer satisfaction in the way it responds to complaints from any of its service users.
- 1.2 Derwentside Homes regards compliments and complaints as a positive source of feedback and as learning opportunities that will enable it to be more responsive to the people it serves.
- 1.3 Derwentside Homes will attempt to resolve any issues or queries immediately, without the need for recourse to the complaints procedure.
- 1.4 Derwentside Homes will ensure that its compliments and complaints system:
 - is easily accessible and well publicised;
 - acknowledges compliments and publishes them as a model for developing good practice;
 - is simple to understand and use;
 - allows speedy handling, with established time limits for action, and keeps people informed of progress;
 - ensures a full and fair investigation;
 - respects people's desire for confidentiality;
 - addresses all the points at issue, and provides an effective response and appropriate redress;
 - provides information to managers and the Board so that services can be improved.
- 1.5 Derwentside Homes will ensure that it delivers a better service to its customers by monitoring and measuring complaints and survey results. It will follow a standard procedure to achieve consistency in how it deals with complaints.
- 1.6 Derwentside Homes will collect information on complaints so that it knows which areas of service customers are most unhappy with. This enables a closer look at whether to change aspects of the service and / or offer training and support to staff about particular issues.
- 1.7 Under Best Value, Derwentside Homes will show that it listens to its customers' views and feeds them into service development. Gathering information on complaints and checking responses to them is one way it does this.

2 Outline of Service

2.1 Complaints

2.1.1 Derwentside Homes defines a complaint as:

'An expression of dissatisfaction, however made (either verbally or in writing), about the standards of service, action or lack of action by Derwentside Homes or its staff affecting an individual customer or group of customers where such complaints cannot be resolved at the point of service delivery'

2.1.2 The following list is a guide to the range of complaints considered in this policy:

- Failure to provide a service or to achieve the required standards/quality;
- Employee attitudes and their actions or lack of actions;
- Dissatisfaction with the manner in which Derwentside Homes's standards and procedures have been carried out as laid down within policy;
- Criticism of Derwentside Homes' policies;
- Discrimination.

2.1.3 The following are excluded from the complaints procedure:

- A standard request for a service;
- A request for information or an explanation;
- A first time request for some type of repair or ground maintenance work to be carried out;
- An insurance claim;
- Information or an explanation of Derwentside Homes' policy or practice;
- Dissatisfaction with a decision where a complainant has not used the relevant review procedure in the first instance where applicable;
- Complaints against individual employees, which arise from a customer's dissatisfaction with a Derwentside Homes' policy or decisions when no other basis for a complaint exists.

2.1.4 Derwentside Homes will aim to resolve complaints straight away without going through the formal system. This is because research has shown that this is the most effective and satisfactory way of dealing with complaints.

2.1.5 Derwentside Homes will ensure that when a customer is making a complaint that all the necessary information is gathered from the complainant to enable a full and proper investigation to be carried out.

2.1.6 Derwentside Homes will ensure that complaints are accurately recorded on a computerised system, that there are adequate resources to deal with the complaints and that people's desire for confidentiality is respected.

2.1.7 Derwentside Homes will treat anonymous complaints seriously and investigate them through the same process as complaints from specific sources up to Stage 1 of the complaints procedure. Anonymous complaints will be dealt with the same degree of importance and within the relevant timescales.

2.1.8 Derwentside Homes will treat all complainants with respect and provide them with the best service possible. Equally, staff will expect to be treated with respect at all times. Derwentside Homes will not tolerate any verbal or physical abuse of its staff and any such incidents will be reported to the police and could lead to court action being taken.

2.1.9 Derwentside Homes reserves the right not to investigate a complaint where the subject of the complaint occurred more than 12 months ago or where in the view of the appropriate Service Director, the complaint is unclear, mischievous, vexatious or frivolous. In these cases the complainant will be notified within 15 working days.

2.1.10 Derwentside Homes will operate a formal 3-stage complaints system. These are the stages:

- Stage 1** is resolution by the office or Section Manager.
- Stage 2** is investigation by the appropriate Service Director.
- Stage 3** is reviewed by the Chief Executive or another member of the Management Team and a Sub Committee of the Board of Derwentside Homes.

2.1.11 If complainants believe that their complaint has not been dealt with adequately, they have the right to directly contact:

- The Independent (RSL) Housing Ombudsman, if the complaint is about the management of their home or access to Derwentside Homes' accommodation (a booklet will be provided); or
- The Housing Corporation, in exceptional cases where the complainant believes that staff at Derwentside Homes are acting illegally or improperly, for example, awarding contracts through fraud or favouritism.

However, under normal circumstances, the Housing Ombudsman Service will only investigate a complaint after an association internal complaints procedure is exhausted.

2.1.12 The Housing Ombudsman can consider different ways to deal with complaints and disputes, and make orders or recommendations when he/she finds shortcomings by housing associations. The Housing Ombudsman also has discretion to intervene where, in his/her view, a housing association is taking an unreasonable length of time with a complaint.

Details about these organisations and how to access them will be available from all service access points.

2.1.13 Derwentside Homes will consider a range of remedies for justified complaints. In the interests of fairness and consistency, while recognising that each case has to be considered on its own merits in the light of the particular circumstances, it will aim to achieve similar remedies for comparable justified complaints.

2.1.14 Derwentside Homes will apply the general principle that the remedy needs to be appropriate and proportionate to the injustice. The remedies could include:

- in some circumstances an apology;
- in other cases a review of the organisation's practices, policies or procedures;

in yet other cases a practical action (where the injustice stems from a failure to take a specific action).

2.2 Compensation

2.2.1 Derwentside Homes will accept claims for compensation under the:

Right to Repair Scheme - where the second contractor fails to do the work on time.

Right to Compensation for Improvements - at the end of tenancies for certain qualifying improvements made with the consent and to the satisfaction of Derwentside Homes.

Compensation for Missed Appointments - where a repair or inspection is not kept or if it necessary to reschedule an appointment, the tenant is not contacted on the same day of the original appointment and given a new one.

2.2.2 Derwentside Homes will, on completion of a combined rewire and heating scheme, make an allowance to carry out redecoration within prescribed cost limits. In other cases Derwentside Homes may pay a compensatory amount towards the cost of new decoration and disturbance where it has:

- 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 tenants home;
- Let a house to a new tenant and the property is in poor decorative condition.

3. Appeals

2.3.1 Appeals are generally those decisions directly involving a specific legal requirement or directive.

2.3.2 Derwentside Homes will ensure that customers can appeal against any decision in accordance with existing procedures and statutory framework as required through appropriate legislation. This can include, but is not limited to decisions made in relation to:

- Applications for accommodation;
- Right to Buy;
- Right to Acquire;
- Reasonableness of Service Charges.

3. Implementation

3.1 Complainants will normally be expected to advise a member of staff delivering the service of a particular problem, usually at their local housing office and allow them to resolve the matter first hand. There will be separate performance standards governing the timescales for response to residents' letters. This is not part of the formal complaints procedure.

3.2 The leaflet '*How to make a complaint*' will be publicised and available for use by anyone wishing to complain about any aspect of Derwentside Homes's service and will be available in translation.

3.3 Complaints will be accepted in a number of ways, including:

- by telephone;
- by personal caller;
- by letter;
- via a Derwentside Homes' Board Member, or Council Member;
- by petition;
- by email;
- by completing a Derwentside Homes' form.

3.4 Timescales stated below are all from the date of receipt by Derwentside Homes.

3.5 **Stage 1**

3.5.1 Any person wishing to make a complaint to Derwentside Homes will be able to ask for a complaint to be considered as a formal Stage 1 complaint.

3.5.2 The complaint will be dealt with by the most appropriate office or section manager within Derwentside Homes.

3.5.3 A written acknowledgement will be sent to the complainant within a maximum of five working days.

3.5.4 The office or section manager will contact the complainant to:

- clarify the complaint;
- clarify the outcome sought;
- check whether he or she needs support of any kind (e.g. for poor sight or hearing or a language need);
- check what he or she needs to understand the discussion properly;
- explain the investigation procedure;
- discuss what the complainant wants.

3.5.5 The individual(s) against whom the complaint is made will never investigate the complaint; another member of staff who was not involved in the issue will deal with the complaint. Staff will be told immediately about a complaint against them, given the opportunity to tell their side of things and be kept informed of progress and the result.

3.5.6 A full written response will be sent within a maximum of fifteen working days.

3.5.7 If further investigation is required which means it will exceed fifteen working days the complainant will be notified in writing. This is Stage 1 of the Complaints Procedure.

3.6 **Stage 2**

3.6.1 If the complainant remains dissatisfied, she or he will be able to ask for the complaint to be considered as a formal Stage 2 complaint within one calendar month from the date of Derwentside Homes' decision on Stage 1 giving the reasons why the decision is unacceptable.

- 3.6.2 The appropriate Service Director may refuse to accept the escalation of a complaint to stage 2 if he thinks the reasons are unjustified, inadequate, unclear, mischievous, vexatious or frivolous.
- 3.6.3 A stage 2 complaint will be dealt with by the appropriate Service Director or his appointed deputy.
- 3.6.4 A written acknowledgement will be sent to the complainant within five working days.
- 3.6.5 A full written response will be sent within a maximum of fifteen working days.

3.7 Stage 3

- 3.7.1 If the complainant remains dissatisfied, she or he will be able to ask for the complaint to be considered as a formal Stage 3 complaint within one calendar month from the date of Derwentside Homes' decision on Stage 2.
- 3.7.2 It will be dealt with by the Chief Executive and a Sub-Committee of the Derwentside Homes Board.
- 3.7.3 The Sub Committee will be convened once a month to ensure that all complaints are heard in a timely manner.
- 3.7.4 The complainant will have a right to present their case to the Sub Committee and bring a representative provided she or he informs Derwentside Homes in advance.
- 3.7.5 The Committee will be minuted and the decision of this Sub Committee will be notified to the complainant within five working days of the meeting. If the Sub Committee is unable to make a decision and require additional information, the complainant will be advised of this.

3.8 If the complainant remains dissatisfied at Stage 3

- 3.8.1 The complainant may complain to the Independent Housing Ombudsman.

3.9 Monitoring Complaints

- 3.9.1 All complaints received will be monitored. The Board of Derwentside Homes will regularly review the number and nature of complaints received, and consider appropriate action to tackle problems persistently raised.
- 3.9.2 Derwentside Homes will provide a designated complaints officer who will be responsible for monitoring and reporting complaints.

4 Consultation

- 4.1 Derwentside Homes will consult tenants about Housing Management and changes in the company's practice and policy and to this we will consult in line with the arrangements established by Derwentside Homes' Tenant Consultation Policy.

- 4.2 Derwentside Homes will consult leaseholders in accordance with its policy and law on leaseholder consultation.

5 Review

- 5.1 Derwentside Homes will review this policy, as a minimum every three years or whenever there are any changes to legislation or case law, taking into consideration good practice and any research that would impact on this policy and/or service delivery, including trends in complaints received by Derwentside Homes. This policy will be reviewed and implemented in line with the Housing Corporation's Regulatory Code and Guidance.

6 Legislation and Guidance

- 6.1 Derwentside Homes will ensure that its approach to Complaints is in line with the Housing Corporation's Regulatory Code and Guidance, Guidance for Charitable Registered Social Landlords – the Joint Guidance – the Charity Commission and the Housing Corporation. Derwentside Homes will have regard to Derwentside District Council's Homelessness and Housing Strategy in the formulation and implementation of its policies. It will ensure that this policy is compatible with obligations of existing legislation including but not limited to:

- Disability Discrimination Act 1995;
- Race Relations Act 1976(As amended 2000);
- Sex Discrimination Act 1975(As amended 1986);
- Crime and Disorder Act 1998;
- Anti Social Behaviour Act 2003;
- Housing Act 1996;
- Housing Act 2004;
- Data Protection Act 1998;
- Charities Act 1993.