

Complaints and Compensation Policy



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independent
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This policy details Colne's approach to customer complaints and compensation.

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1. Principles

Colne aims to provide a high-quality service which treats all customers with courtesy, fairness and efficiency. Colne is committed to dealing with any concerns or complaints properly, and recognises that customers have a right to complain. Compensation for the loss, inconvenience or distress experienced by customers should be paid in certain circumstances.

Additionally, in certain situations those affected by actions of our customers may seek to use the Complaints and Compensation Policy.

Colne recognises that an effective complaints handling system helps to resolve customers' problems. It also helps Colne learn and improve.

2. This policy aims to help Colne:

- Resolve complaints quickly and effectively, within agreed time targets
- Ensure that customer complaints are handled in a sympathetic and sensitive manner, respecting the confidentiality and privacy of complainants where appropriate
- Ensure that the complaints system:
 - (i) is simple to administer and easy to understand
 - (ii) is conciliatory, fair and impartial
 - (iii) is consistent with the complainant's legal rights
- Apologise to customers with justified complaints, take appropriate remedial action and, where relevant, pay compensation appropriate to the inconvenience or loss suffered
- Have clear criteria as to the circumstances in which compensation is payable
- Monitor and learn from customer complaints and ensure that justified complaints are taken into account when reviewing the service and the performance of staff and/or contractors
- Report details of customer complaints by type and outcome to our Board, customers and contractors
- Provide customers with information about how to complain about Colne's services and how to challenge decisions through our complaints system
- Provide customers with information about independent sources of help in making complaints and obtaining redress

3. Methods

Who can complain?

Everyone who receives or requests a service from Colne and people or organisations acting with the complainant's formal authority.

This includes:

- Residents
- Housing Applicants
- Leaseholders who pay us a service charge
- Freeholders who pay us a service charge
- Other people, such as neighbours affected by Colne's activities
- Organisations such as Citizens Advice and other advice agencies acting on behalf of residents or other people
- Families, advocates or carers of vulnerable residents

Colne cannot deal with individual anonymous complaints. However, a series of anonymous complaints on the same subject will be investigated as they may indicate a service issue.

How are complaints received?

Customers' preferences will be the overriding factor in determining how a complaint is received. They may be received in writing, by telephone, in person, by e-mail, social media or via our website. Complaints may also be raised in open meetings with residents or leaseholders.

Whilst complaints do not have to be made in writing, they will be recorded using Colne's complaints template, with a copy provided to the complainant upon request where the complaint has not been taken in written format (i.e. on the website, by letter or by email). Translation services will be offered where English is not their first language.

What is a complaint?

This policy covers complaints about any aspect of Colne's services. This includes but is not limited to:

- The way requests for information or housing applications have been handled
- The way staff or other representatives have conducted themselves
- Colne's failure to comply with one of its policies or procedures
- The standard and quality of the service provided by Colne or its contractors
- Colne's failure to meet the Regulator of Social Housing's standards for registered providers

The scope of this policy specifically excludes complaints relating to services provided by other agencies, organisations or individuals.

Complaints from one resident about another are excluded as these are dealt with under the Anti-Social Behaviour Policy, although where the complaint relates to Colne's failure to respond to reports of anti social behaviour this will be investigated in accordance with this policy.

Administration of complaints

Colne will ensure that complaint handlers, investigators and panel members are given appropriate training in handling complaints and conflict resolution.

Details of all complaints are recorded on Colne's complaints template and in the complaints log.



3. Methods continues overleaf

3. Methods continued

Complaints process

Complainants are encouraged to resolve their problem directly with the member of staff they would usually deal with. This is not appropriate where the complaint is about the conduct of the member of staff concerned. In all cases where a complaint solely relates to an allegation concerning the conduct or capability of a staff member, the complainant should be referred to the staff member's Line Manager to record and investigate the complaint.

First stage

Colne aims to resolve the majority of complaints at this stage. The complainant will be advised to contact Colne within 28 days if they are dissatisfied with the outcome of their complaint.

Generally it is only when informal action has failed to resolve matters that the matter is registered as a complaint under the first formal stage of the complaints procedure. The Business Assurance Manager must be notified in all instances where a complaint is resolved at the first point of contact, for audit and monitoring purposes.

In order to facilitate a quick and simple resolution to customer concerns, frontline staff have a delegated budget to be used to compensate for agreed service failures or to offer a goodwill gesture to restore our relationship with the customer. It is expected that the majority of expressions of customer dissatisfaction can be resolved at this stage. See section 4.

The complaint receiver will confirm the complainants preferred method of response (email/letter) and

the complaint will be acknowledged within one working day of receipt. The acknowledgement will advise who is dealing with the complaint and the latest date by which the customer will receive Colne's response. Also enclosed is a copy of Colne's publication "Making a Complaint". Formal stage one complaints will be investigated by the line manager who has responsibility for the service against which the complaint has been made.

This is with the exception of asset services complaints that neither require specialist knowledge nor concern incidences of alleged harm to people, which can be dealt with at first point of contact.

The complaint will be fully investigated and Colne aims to respond to customers within five working days. If this standard looks to be exceeded, the complaint handler will contact the customer, advising of the reason for the delay and the anticipated date of response.

Second stage

If not resolved at the first stage, the matter is referred to the relevant Head of Service. The complainant will provide a short statement giving their reasons for escalating the complaint. The Business Assurance Manager (or appointed deputy in case of absence or a conflict of interest) will assess the complainant's reasons for escalation and may refuse the request if it is considered that all of the points raised have been responded to fully, and that no further investigation or action is appropriate.

If the complaint is escalated, the relevant Head of Service will investigate the complaint and reply to the complainant in writing within ten working days. If this timescale looks to be exceeded, the Head of Service

will contact the customer, advising of the reason for the delay and the anticipated date of response. The complainant will be advised to contact Colne within 28 days if they remain dissatisfied with the outcome of their complaint.

This stage provides an opportunity for the Head of Service to review the action taken to date and the decision reached. It also provides an opportunity for complaints of a serious nature to be considered immediately at Management level. These could be incidents of maladministration, impropriety or serious allegations about staff members. These matters may also be dealt with under Colne's Safeguarding Children and Vulnerable Adults Policy.

Third stage

If the complainant is dissatisfied with the Head of Service's response they will be offered the opportunity to either receive a personal visit from the Chief Executive or to have the matter considered by Colne's Complaints Panel. The complainant will provide a short statement giving their reasons for escalating the complaint. The Business Assurance Manager (or appointed deputy in case of absence or a conflict of interest) will assess the complainant's reasons for escalation and may refuse the request if it is considered that all of the points raised have been responded to fully, and that no further investigation or action is appropriate.

The Complaints Panel will comprise two Non-Executive Directors and the Chief Executive or their nominated deputy. Any Non-Executive Director sitting on the Panel must not also act as an MP or a local District Councillor as this could represent a conflict of interest should the complainant remain unsatisfied at the end of Colne's internal complaints procedure.

If, owing for unforeseen or unavoidable circumstances, the membership of the Complaints Panel does not comply with this condition, Colne may enlist an appropriate independent person to sit on the Panel. This person will have experience of the complaint subject matter, such as an Executive or Board Member from another Social Housing provider.

The Chief Executive may also ask the complainant whether they wish to consider arbitration and mediation by an independent organisation.

The panel will normally meet within 20 working days of Colne receiving notice from the complainant that they wish their complaint to be considered by the Complaints Panel. If this timescale looks likely to be exceeded, the complainant will be kept informed. Complaint investigation training will be provided to panel members.

The Business Assurance Manager (or nominated deputy) will present full documentation relating to the complaint to Panel members at least five working days before the hearing. The Director (or authorised deputy) responsible for the service area relating to the complaint will prepare a report for the Complaints Panel summarising Colne's response to the complaint and will attend a pre-meeting of the panel to present this and answer any questions.

The complainant will be invited to attend in person to present their complaint and may be accompanied by a friend or supporter if they so wish. Colne should be made aware of the identity of such an advocate before the hearing. An advocate will not be permitted if they are acting or intending to act in a legal capacity for the complainant.

Minutes of the panel meeting will be taken and made available to the complainant. The decision of the complaints panel will be reported to the complainant within 10 working days of the panel meeting.

The Chief Executive will ensure that any necessary follow up action is taken. The findings of the complaints panel will be reported to the Board.

3. Methods continues overleaf

3. Methods continued

Further options

If the complainant is still not satisfied after following the Complaints Procedure, they may choose to refer the complaint to a designated person or group within eight weeks of the outcome of the third stage hearing. A designated person may be one of the following:

- An MP
- A local Councillor
- A designated tenant panel

Should a complainant choose to seek redress through a designated person, they may choose to try to resolve the complaint locally, refer it directly to the Housing Ombudsman or refuse to take it on board. Their decision is final.

If a complaint has not passed through a designated person, eight weeks after the outcome of the stage three hearing, the complainant may refer the complaint to the Housing Ombudsman Service. Colne will provide information and contact details for the Ombudsman Service and a designated tenant panel, if applicable, to all customers using the complaints procedure.

Further Information

Complainants are also advised that they may wish to contact the following during the complaints process:

- Citizens Advice
- Local Authority housing advice services
- Shelter
- A solicitor
- The Environmental Health Department at the local Council.

Discrimination and harassment

Complainants will be made aware of their right to pursue an action in relation to discrimination under the Equality Act 2010.

Complainants will also be made aware of their right to pursue an action in relation to harassment under the Equality Act 2010, in addition to the remedies available to Colne as landlord specified in the policy on anti social behaviour.

Time limitation

Upon making a complaint, customers will be advised that there is a six month time limit from the date of the event giving rise to the complaint to the date the complaint is registered. This is not intended to affect customers' statutory rights, but recognises that a significant lapse of time makes vigorous and meaningful investigation difficult.

Malicious, vexatious or persistent complaints

Customers may have a number of motivations for behaving in a manner that Colne may consider to be unreasonable:

- **Attitudes** – they are dissatisfied with a person, an organisation or the systems and processes that they are interacting with
- **Emotions/ psychological state** – they are angry, frustrated or disappointed and express those emotions in unacceptable ways; they have an inflated sense of entitlement or are unable to accept any personal blame for their issue
- **Aspirations** – they are seeking 'justice', a 'moral outcome' or are obsessively pursuing their issue on 'a matter of principle'; they want revenge, vindication, or retribution – things the complaints process is not designed to deliver
- **Recreational interests** – they are deriving pleasure from the activities associated with the complaint process or are enjoying the social contact with the case officer or organisation
- **Needs and expectations** – their expectations, physical needs or emotional needs are not/have not been met

Colne considers that the most effective way to manage a malicious, persistent or vexatious complainant is to deal with their observable conduct and the content of their communications – ensuring that all individual complaints are investigated on their own merits and are not influenced by pre-formed opinions.

This ensures that:

- Staff are able to confidently and consistently deal with people who are dissatisfied with a service they have received, a failure to follow a process or procedure or an incorrect decision
- Staff can take a more focused approach to dealing with persistent, malicious or vexatious complaints by responding directly to the actions and behaviours observed, rather than those assumed or suspected
- A complainant's behaviour does not negatively affect their complaint (if valid) or the level of attention that is given to it
- Such complaints and their impacts are managed in ways that are transparent, reasonable and fair

The making of malicious or vexatious complaints can be a form of harassment whereby an innocent member

of staff or a contractor is subject to unfounded, exaggerated or dishonest complaints by someone seeking to cause detriment to that person.

For the purpose of this policy, a vexatious complaint is a complaint without any merit which has been made solely to harass or intimidate another person. A malicious complaint is a complaint that is false and the intention is to cause harm or damage to another person.

Whilst Colne staff will respond to complaints made in line with the policy, part of their investigation may have to include the possibility that the complainant may have certain motives for making the complaint. Customers may make what Colne consider to be unreasonable demands if they impact substantially on its work through the amount of information they seek or provide, the nature and scale of the service they expect, or the regularity or number of approaches they make.

Examples of this behaviour include but are not limited to:

- Asking for responses within an unreasonable timescale
- Insisting on communicating with a particular staff member
- Continual phone calls, emails or letters
- Repeatedly changing the substance of the complaint or raising unrelated concerns

The way in which these customers approach Colne may be reasonable, but it is their persistent behaviour in continuing to do so that is not.

How Colne manages malicious, vexatious or persistent complaints will depend on the nature and extent of the issue. The Business Assurance Manager, together with the appropriate Head of Service, will determine if they believe a complaint to be malicious, vexatious or persistent. Where this is found to be the case, Colne may take the following steps, separately or in combination:

- Restricting contact in person, by telephone, letter, electronically or by any combination of these
- Restricting the frequency or timing of contact
- Assigning a specific staff member to deal with the customer

A customer can appeal a decision to restrict contact.



4. Compensation

Following a complaint being upheld, if Colne's service has not met the specified standard and a customer has been inconvenienced or suffered financial loss as a result, they may be entitled to a compensation payment.

The amount of the payment will depend on:

- The nature of the problem.
- The degree of financial loss or inconvenience caused to the customer.
- The length of time the problem has been going on.
- Previous action taken by Colne, including any recompense previously made.
- Any costs the customer has had to meet as a result of the problem.

Compensation Payments

Service Failure	Set Payment	Service Failure	Set Payment
Full or partial loss of room	% of daily rent (max £500)	Total loss of heating and/or hot water	£5 per day (max £50)
• Kitchen	40%	Failure to deliver a chargeable service	Reimbursement of amount payable for that service
• Bathroom, no other toilet available	40%	Failure to keep appointments	£10 per missed appointment
• Bathroom, separate WC	30%	Delay by staff in delivering a service or following a procedure (excluding repairs)	£30
• Bedrooms (per room)	20%	Total failure to deliver a service or follow a procedure	£50
• Living room	10%		
Full or partial loss of a utility service	One day's rent per 48hrs loss		
Additional electricity consumption	£3 per appliance, per day		

It is considered that these sums incorporate an award for a reasonable level of stress and inconvenience incurred through a failure in service. However, in exceptional circumstances, it may be appropriate for the complaint respondent to award an additional discretionary sum which must be authorised by the appropriate Head of Service.

Receipts, or other documentary evidence, must be obtained by Colne where the customer claims compensation for financial loss.

Customers will be made aware that compensation payments are accepted in full and final settlement of their claim, and that further compensation in relation to the same event will not be paid. Complainants will be required to complete a compensation agreement.

Compensation will not be paid if Colne is unable to achieve its service standards due to circumstances beyond its control. This includes but is not limited to:

- Exceptional weather conditions
- Accidental damage where Colne is not at fault – e.g. burst pipes, blocked drains or other events which could not have been predicted and/or were not reported. Compensation is not intended as a replacement for home contents insurance
- Any alteration to the property or its services carried out by the customer without permission or to an adequate standard
- Loss or damage caused by customers, visitors or adjacent residents
- Where the customer prevents or delays Colne delivering a service, or contributes in some other way to the service failure

Delegated authority to award compensation payments is granted as follows:

In general, payments of compensation will be made in the form of money, vouchers or a goodwill gesture, such as a bouquet of flowers. Where compensation awarded is not in lieu of financial loss, and the complainant's rent account is in arrears without a repayment plan being maintained, Colne reserves the right to reduce the arrears balance by the compensatory sum granted.

A summary of compensation payments will be reported annually to the Board as part of an annual report on complaints. Colne will refer any personal liability claims to its insurers.

5. Statutory and contractual rights to compensation

Colne will meet its obligations to provide compensation under the terms of the Right to Repair and Right to Compensation for Improvements. This right was granted to Local Authority tenants under the Leasehold Reform and Urban Development Act 1993 and extended to Secure and Assured tenants of RSLs through Housing Corporation Circular HC 33/94. The terms of this are found in Colne's responsive repairs policy (HM18) and on its website.

Should a customer make a claim under the Right to Repair scheme, they would forfeit the receipt of a set payment as detailed in section 4 of this policy.

6. Statutory and regulatory requirements

The Regulator of Social Housing's requirements are set out in the Regulatory framework, Tenant Involvement and Empowerment Standard, specifically customer service, choice and complaints.

This policy complies with Colne's obligations under Section 180 of the Localism Act 2011.

7. Performance monitoring

Colne's Board is provided with performance information relating to complaints. This is made available to the public on our website and in newsletters.



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