



**Customer Complaints, Feedback and Compensation Policy**

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<b>Supporting Procedures and Policies</b>	Disciplinary Procedure Grievance Procedure Unacceptable Complainant Behaviour Procedure Equality and Diversity Policy Whistleblowing Policy Lone Worker Policy Anti-social behaviour Policy
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# Living

## Customer Complaints, Feedback and Compensation Policy

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### 1 Introduction

Living is committed to ensuring that it deals with, complaints in a timely and effective way and uses customer feedback as an opportunity to improve services to customers. The policy is to ensure that customer feedback and claims for compensation are dealt with in an equitable and consistent manner.

1.1 This policy is split into two parts:

1. Customer complaints and feedback
2. Compensation

1.2 Living will ensure that this overall policy:

- Is easily accessible
- Is well publicised
- Is simple to understand and written in plain English
- Responds to all customer complaints within stated timescales and keeps the complainant informed of progress throughout
- Ensures fair and equitable investigation
- Respects the customers' right to confidentiality
- Reflects best practice
- Meets guidance from the Homes and Communities Agency (HCA), and Housing Ombudsman Service, which includes consideration of a complaint be a designated person before escalating to the Housing Ombudsman, as specified in The Localism Act 2011.

### 2 Scope

2.1 The scope of this policy covers any customer who has accessed, or wishes to access, one of Living's services and where they may subsequently have a complaint or wish to give feedback about the service received and/or actions or lack of action from Living staff including those working on behalf of Living. The policy is not specific to any one of Living's service areas and applies across the organisation.

2.2 A customer is any member of the public, including tenants, potential tenants, residents and/or leaseholders who access any of Living's services across the whole organisation.

### 3 Customer Complaints and Feedback

3.1 Livin will collect feedback from customers in relation to:

- Complaints
- Compliments
- General suggestions for service improvement

3.2 Feedback can be given in several ways including:

- In person
- Via telephone
- In writing
- Completing a customer satisfaction survey
- Completing a customer feedback form
- Email
- Website
- My Livin Space
- Social media

Arrangements for customers requiring support in giving feedback are set out in the Livin home guide.

3.3 Livin defines a complaint as:

**“Any expression of dissatisfaction, whether justified or not, about the standard of service provided by Livin or the actions or lack of actions of Livin staff, including anyone acting on behalf of Livin .”**

3.4 Livin will ensure that in dealing with complaints all relevant information is collected and recorded accurately to enable a full investigation to be carried out. All personal information collected will be subject to the Data Protection Act 1998.

3.5 All Livin staff are expected to follow the complaints policy and procedure and performance management framework when handling a complaint.

#### *The Complaints Procedure*

3.6 Livin will operate an escalated complaints procedure which consists of:

- Informal stage – an opportunity to resolve the issue at the first point of contact
- Stage 1 - must be addressed by the most appropriate manager (Case Officer). This stage investigates the handling of the complaint at the informal stage
- Stage 2 - Must be addressed by a senior manager who is independent of the service area which has received the complaint. This stage investigates the handling of the complaint at Stage 1

- 3.7 Escalation of a complaint to Stage 2 is not automatic. The complainant must request escalation giving the reasons to the Customer Feedback Team within the stated timescales. The decision regarding escalation will be made taking into consideration the nature of the complaint and the complainant's reasons for requesting further investigation. Escalation to Stage 2 will be made when the complainant feels that the Stage 1 procedure has not been followed correctly or where new evidence has been provided.
- 3.8 Following completion of a complaints investigation at Stages 1 and 2, Livin's internal complaints handling process is complete. If a complainant feels that their complaint has not been handled in accordance with this policy they have the option of asking a 'designated person' to review the way the complaint has been handled on their behalf as introduced in The Localism Act 2011. For the purpose of this policy the designated person(s) may be a Member of Parliament<sup>1</sup> (MP) or local County Councillor.
- 3.9 The designated person will help to resolve the issue in one of two ways; they can try and resolve the complaint themselves or they can refer the complaint straight to the Ombudsman. If they refuse to do either the customer can contact the Ombudsman directly. Ombudsman guidance specifies that there must be at least eight weeks between contacting the Ombudsman and the closure of Livin's complaints process.
- 3.10 If the complaint is about Livin's management of the tenant's home or quality of service, the complainant may contact the Housing Ombudsman Service directly without approaching a designated person.
- 3.11 The complainant should only contact the HCA where the complainant believes staff at Livin is acting illegally or improperly.

#### *Anonymous Complaints*

- 3.12 The best way to raise a complaint is to do so openly, however all complaints raised, including anonymous one, will be considered. Complaints expressed anonymously are more difficult to investigate and will be considered at the discretion of the Executive Director Housing and Business Development and will only progress to the investigation stage where evidence is provided and the complaint is substantiated. In exercising this discretion the factors to be taken into account would include:
- The seriousness of the issues raised
  - The credibility of the complaint; and
  - The likelihood of confirming the complaint through attributable sources
- 3.13 An initial investigation may be conducted to determine the above factors.

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<sup>1</sup> An MP cannot be a 'designated person' if they raised the complaint earlier in the process

### *Complaints about a Livin partner*

- 3.14 Complaints received about a partner contractor will be recorded and referred to the partner's complaints team for action. Partners are expected to follow Livin's complaints policy and related procedures and performance management framework in relation to handling complaints. This will be monitored by the Customer Feedback Team and acted upon where necessary.

### *Unacceptable complainant behaviour*

- 3.15 Livin recognises that, in rare cases complainants may act out of character in times of trouble or distress and does not automatically view forceful or determined behaviour as unacceptable. However, the actions of users who are angry, demanding or persistent and place unreasonable demands on, or display other forms of unacceptable behaviour towards Livin staff will not be tolerated. Certain behaviour from complainants, who are also Livin tenants, including violence or threatening behaviour towards staff will be treated as anti-social behaviour and dealt with in accordance with Livin's Anti-Social Behaviour Policy. Following guidance from the Housing Ombudsman Service, Livin has adopted an 'Unacceptable complainant behaviour' procedure.
- 3.16 A service request is an enquiry requesting an explanation of a repair process, rent process, housing application process etc. or an explanation of Livin's policies and procedures. Service requests are dealt with by the Customer Feedback Team within 10 working days.

## **4 Compensation<sup>2</sup>**

- 4.1 Livin aims to provide high quality services and to resolve any issues before the need for a compensation payment arises.
- 4.2 The aims of the compensation policy are to ensure that:
- Problems are resolved quickly and efficiently
  - Practical solutions are explored completely to remedy the situation
  - Where financial payments are appropriate they are proportionate to the loss or inconvenience caused
  - Financial payment is considered against clear agreed guidelines and
  - All residents and service users are treated in a fair and equitable way
- 4.3 The HCA has the power to award compensation to a victim of a failure on the part of a Registered Provider. This is an enforcement power and is set out in Chapter 7 and Sections 236 to 245 of the Housing and Regeneration Act 2008 (the Act) in conjunction with the Regulatory Framework for Social Housing in

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<sup>2</sup> Does not include statutory homelessness and disturbance payments made under the provisions of the Land and Acquisition and Compensation Order 1973

England from April 2012. Direct reference to the HCA can only be made in circumstances where it is believed Livin has acted illegally.

- 4.4 The HCA is most likely to exercise the power in circumstances where a breach of the standards has resulted in serious detriment to a tenant, or tenants, as a result of failure against a standard, or if the provider has failed to pay compensation that has been awarded by an ombudsman.
- 4.5 Types of compensation claim:
- Right to compensation for improvements
  - Failure to repair under Right to Repair legislation
  - Home loss payments/Decanting payments
  - Loss of use of part of the property
  - Loss of service
- 4.6 This list is an example of the types of claim that may be made, but it is not exhaustive.
- 4.7 Compensation payments are not automatic, even where it is clear mistakes have been made. Where a practical solution would provide all or part of the remedy, this will be discussed with the claimant.
- 4.8 In some cases a compensation payment may be appropriate if there is no practical action that would provide an appropriate remedy. When making this decision Livin will consider the following:
- The problems caused by Livin getting it wrong
  - The length of time it took Livin to resolve the problem
  - Whether those affected have particular needs that were made worse by the situation
  - Difficulties the resident or service user experienced when making their complaint
  - How quickly and easily the problem was sorted out
  - Case precedents<sup>3</sup>
- 4.9 Compensation payments may be payable where a complainant has suffered injury or loss as a result of service failure on the part of Livin. Where the claim is upheld Livin will consider making a payment in the following circumstances:
- Failure of staff to follow Livin's published policies and procedures
  - Failure of staff to act in a reasonable way
- 4.10 Livin may not make compensation payments in certain circumstances. The following list is an example and is not exhaustive:

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<sup>3</sup> These will be the basis for learning and improvement

- Where the mistake or failure has caused little or no problem to the people affected
- Where the fault is caused by a third party or is something Livin has no control over
- Where the resident or service user could make a claim on their home content insurance (Livin will publicise its Tenants' Low Cost Home Contents Insurance Scheme)
- Where the incident was caused as a result of negligence by the resident or service user or their failure to comply with the terms of their tenancy

*Full and final settlement*

- 4.11 Any payments Livin makes under the Compensation Policy will be in full and final settlement of the issue. This means that the resident or service user is accepting that the matter is resolved by taking the compensation payment and will take no further action.

*Ex gratia*

- 4.12 All payments made under the Compensation Policy will be referred to as an ex gratia payment.

## **5 Communication and monitoring**

- 5.1 Livin will publicise 'A Guide to Giving Feedback' and make it available to all customers. Information is also published on Livin's website under 'Customer Feedback' including the policy and complaints handling performance.
- 5.2 All customer feedback received by Livin will be monitored by the Customer Feedback Team and reported quarterly to the Internal Performance Clinic chaired by the Chief Executive. In addition, monthly performance is reported to HouseMark and reflected in Livin's internal performance measures which are monitored by the Executive Director of Housing and Business Development. The Community Development Manager will also chair a quarterly monitoring meeting to identify problems areas and the need for service improvements.

## **6 Review**

Livin will review this policy at a minimum of every three years to ensure it remains relevant and effective.

## **7 Legislation**

Data Protection Act 1998

Housing and Regeneration Act 2008

Localism Act 2011

HCA – The Regulatory Framework for Social Housing in England from April 2015

