

## **Complaints, Compensation and Compliments Policy**

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## 1. Purpose

Sunderland Council are committed to providing good quality, value for money services to our customers in an efficient and courteous way providing an outstanding customer experience. We recognise that in some cases, we may not always meet customers' expectations and need to ensure there is a robust complaint and compensation policy in place to resolve matters in an understanding way, promptly and in confidence.

Where possible, complaints will be resolved at local level aiming to resolve issues quickly and effectively, however we recognise that in some cases we will need to investigate the situation further.

Complaints are extremely important to us. They help us to understand our performance and to focus on new ways of improving the services we deliver. This supports our aim of continually improving the services we provide.

It is essential that we engage effectively with our customers, ensure we listen and act upon their complaints. This policy will make sure that complaints are systematically used to shape service delivery and produce demonstrable outcomes for customers.

The policy is clear, concise and easily accessible which enables customers to understand how we will deal with complaints and requests for compensation.

In addition, we offer a wide range of support to ensure all customers have an equality of access to the policy and its procedures.

## 2. Scope

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

Anyone who receives a service from us or who is affected by its decisions or actions can make a complaint. This includes:

- All tenants and other residents in properties owned or managed by us or other user of our services such as applicants for housing and former tenants
- Registered Residents Associations
- Neighbours of residents who live in properties owned or managed by us – unless this relates to Anti-Social Behaviour of a resident where the initial enquiry will be dealt with under the Anti-Social Behaviour Policy.
- Organisations receiving a service from us
- Any member of the public or organisation who are affected by our decisions or actions
- Complaints made via third parties e.g. Member of Parliament, Councillor, Citizens Advice Bureau, law centres, Solicitor, special interest groups, Members of the organisation's Board, family member or other who have been authorised by the complainant to represent any of the above.

The policy will not apply to any of the above where there is already an appeal, grievance, dispute or legal proceedings that should be followed in accordance with an existing contract, agreement or procedure.

### 3. Policy Statement and Aims

#### 3.1 Statement

Sunderland Council are committed to providing transparent and effective services; and this includes being willing to investigate claims that we have not met expectations of both our customers and ourselves.

#### 3.2 Aims

The overall aim of this Policy is to ensure that services are provided in a customer focused, cost effective manner and meet current and future needs of those using them. Should we fail to do this, we are committed to dealing with expressions of dissatisfaction effectively.

#### The specific aims of the policy are to:

- Provide access to a clear and efficient complaints process
- Put customers first, listen and be responsive and meet a diverse range of demands and needs
- Provide consistency in how we deal with complaints.
- Have clear accountability and minimize the escalation of complaints
- Ensure confidentiality is respected at all times
- Ensure we learn from complaints and that they influence continuous improvement of our processes and services to meet the aspirations of our customers; and
- Achieve high levels of customer satisfaction

### 4. Legislation and guidance

The Regulator of Social Housing has responsibility for the regulation of social housing providers in England.

The Regulator of Social Housing set out a Regulatory Framework which includes the Regulatory Standards that must be met, and providers are monitored and assessed by the Regulator against these Standards.

#### 4.1 The Tenant Involvement and Empowerment Standard

This sets out the required outcomes and specific expectations for complaints. Registered providers are required to have an approach to complaints that is clear, simple and accessible that ensures that complaints are resolved promptly, politely and fairly.

Specific expectations are:

- Providers shall offer a range of ways for tenants to express a complaint and set out clear standards for responding to complaints, including complaints about performance against the standards, and details of what to do if they are unhappy with the outcome of a complaint
- Providers shall inform tenants how they use complaints to improve their services

- Providers shall provide information about complaints each year, including their number and nature, and the outcome of complaint
- Providers shall accept complaints made by advocates authorised to act on a tenant's / tenants' behalf.

#### **4.2** The Localism Act 2011 created a single housing watchdog, the Housing Ombudsman.

The Act provides that where a landlord has 'a proper complaints procedure', Complainants can only complain direct to the Ombudsman 8 weeks after the last stage of the complaint's procedure has been completed.

Before the expiry of 8 weeks complaints can only be referred through a democratic filter by a 'designated person' who could be an MP, local councillor or tenants' panel.

A 'designated tenant panel' means a group of tenants which is recognised by the social landlord for the purpose of referring complaints against the social landlord. Details of a designated tenant panel must be registered with the Housing Ombudsman.

#### **4.3** The Data Protection Act 2018 governs the way information, including customer feedback, is obtained, recorded, stored, used and then eventually destroyed.

We comply with all the requirements of the Act and ensure that personal data is processed fairly and lawfully, that it is used for the purpose it was intended and that only relevant information is used.

We will ensure that customer feedback information held is accurate, and where necessary kept up to-date and that appropriate measures are taken that would prevent the unauthorised or unlawful use of any personal information given.

#### **4.4** We recognise the duties placed upon us by the Equality Act 2010, with its Public Sector Equality Duties, and the Human Rights Act 1998. This Policy has been Equality Impact Assessed to ensure it meets our statutory duties and that it does not have any unforeseen and unwanted effects on customers.

In addition, our other policies, including those addressing communication issues and supporting vulnerable customers, will have a positive impact in ensuring equality of access.

## **5. Confidentiality**

#### **5.1** We will respect the confidentiality of all individuals reporting complaints. Under the Data Protection Act 2018 and the Human Rights Act 1998, all personal and sensitive organisational information, however received, is treated as confidential, including:

- Anything of a personal nature that is not a matter of public record about a tenant, customer, applicant, staff or committee member
- Sensitive organisational information

#### **5.2** Officers will ensure that they only involve other agencies and share information with the consent of the resident concerned, unless

- Sunderland Council is required to by law

- The information is necessary for the safeguarding of children and vulnerable adults

Any information given to us will be treated in confidence. It will not be passed to any individual or external agency without the permission of the person who gave the information.

**5.3** Under Data Protection law, the complainant must be informed that their complaint details will be entered on to the complaint database, and this can be refused by the complainant. However, it must then be explained that it would be very difficult, if not impossible, for us to then deal with or respond to the complaint.

If there is no objection to the registering of the details as a complaint, these details will then only be disclosed to appropriate officers or managers within the organisation acting in accordance with this policy and accompanying procedure.

**5.4** If the complaint involves other third parties, no personal information will be disclosed to those third parties without the express permission of the complainant. We reserve the right to log and deal with details of the complaint where it would be appropriate and necessary to protect the vital interests of another individual or to prevent or detect a criminal offence.

## 6. Receiving Contacts

All contact with customers or clients will be logged and kept in our housing management system that will hold all customer and client details centrally. This will ensure that complaint investigation can be more robust and include relevant contacts previously provided as well as making it easier to track progress with a complaint or compliment.

## 7. Complaints

Customers are encouraged to complain and submit compliments and can do this in a variety of ways:

- In person at a service point or via a visit by a Sunderland Council employee to their home.
- Over the telephone
- By letter or in writing (including our leaflets)
- By petition
- By e-mail
- Through our internet page
- Through our social media platforms e.g. Facebook
- In an MP's letter or telephone call
- In a Councillor's letter or telephone call
- Through another agency's letter or telephone call
- Through a tenant representative
- Through a service satisfaction survey

**7.1 Petitions** - We recognise that petitions are one way in which people can let us know their concerns. Petitions submitted to must include:

- a clear, concise statement covering the subject of the petition. This must relate to something which is the responsibility of the organisation, or over which it has some influence and should state what action the petitioners want it to take

- the name and address and signature of any person supporting the application
- the name and contact details of the "petition-organiser" or someone to whom you would like any correspondence about the petition to be sent. Contact details may be either a postal address or an email address.

**7.2** Complaints and compliments can also be made anonymously and should be treated as seriously and within the same timescales as other complaints.

It does not need to be specifically expressed as a complaint for it to be described as one on our system. A customer need not say 'I want to make a complaint' more than communicating their dissatisfaction with a service that they have received, or not as the case may be.

## **8. Compliments**

Similarly, with compliments regarding staff or a service, the customer can convey their thanks in the same ways and need not be specific in the wording of their contact.

A compliment is defined as an expression of satisfaction by a customer where the level of customer service has exceeded the customer's expectation.

Compliments are a positive measure of customer satisfaction. They can show the services which customers are satisfied with and often identify where services have been tailored to individual need.

Compliments will be shared with the relevant officers or team, and notification of receipt of the compliment sent to the appropriate Head of Service. If we can use a compliment to improve services, it will be shared across the service.

All compliments will be fed back to staff as this can have a positive impact on staff morale and job satisfaction.

## **9. Advocates**

We recognise that some people who wish to complain may need support in doing so. We accept complaints made by advocates on behalf of a complainant and will take steps to make sure that the complainant is in agreement.

We will need to be satisfied that the representatives have permission to act on the behalf of the complainant. In cases where the representative could access sensitive information about the complainant we will seek written confirmation from the complainant that they have agreed to be represented.

A completed and signed advocacy form would normally be required to evidence a complainant's authorisation. Where for reasons of incapacity, it is not possible for the complainant to authorise an advocate in this way, we will assess the legitimacy of the advocate. For example, they may be a long-term carer for the individual or able to provide evidence such as a Mental Capacity Act Assessment or letter from a government agency.

## **10. Definitions**

In order to be able to correctly categorise a contact, it is essential that all staff have a clear understanding on what a complaint is and how it needs to be dealt with in line with this Policy.

- Complaints - A complaint is defined as “an expression of dissatisfaction by a customer about the organisation, its staff or its contractors with an action, lack of action, or about the standard of service they have received.”

## 10.1 Examples of customer complaints include:

- The standard of service received was poor
- We failed to do something we agreed to do
- We gave the customer incorrect or misleading information
- We failed to meet our service standards.
- Failure to follow our own policy and procedures properly
- Allegations of bias or inequality in the way in which services are offered or delivered
- Rudeness, inappropriate behaviour or general lack of customer care by an employee, contractors or partner acting on our behalf
- Issues relating to housing support have not been addressed

## 10.2 When is it not a complaint?

There may be customer contact that could be classified as a request for a service. Examples that are not usually regarded as a customer complaint include:

- An initial request for service, information or an explanation of a policy, including matters which are brought to our attention for the first time which have had no previous opportunity to be resolved.
- A matter for which there is an appropriate right of appeal or reasonable alternative redress such as an insurance claim or referral to the police for investigation
- Dissatisfaction of a Sunderland Council policy or procedure.
- Neighbour complaints which can be dealt with in the terms of the tenancy agreement or Anti-Social Behaviour Policy
- Where proceedings in a court or tribunal have been issued, including where a Notice has been served, or are in contemplation by either the complainant or the organisation
- Persons or bodies over which we have no overall control for example legislation or government policy. In such an event we will refer the issue to the relevant organisation and advise the customer accordingly.
- A matter concerning the terms of employment or other personnel issues of staff.
- A matter which in the opinion of the organisation is being pursued unreasonably
- An issue with an outside agency that we have no contract with, for example, the Police

## 11. Stages

The stages of our complaints process have been developed to ensure that it is focussed on achieving an outcome and resolution as efficiently as possible.

### Stage 0

Previously known as informal, these are complaints that can be dealt with through little or no investigation. For example, missed appointments could be dealt with by our Housing Services Team quickly.



## Stage 1

These are complaints that require some level of investigation and response, or complaints regarding a member of staff. This can also be an escalation from Stage 0, for example if a rescheduled repair was not ordered or missed again. The Housing Services Team will work everything required to fully investigate the complaint and have a timescale of 10 working days.

Complaints of a more serious nature involving risk to business, or complaints regarding senior employees will be dealt with by the Senior Housing Officer or an appropriate officer.

## Stage 2 – review

Stage 2 complaints represent those which have been escalated from Stage 1. These complaints will be dealt with by the Housing Services Manager (where the team leader was involved in Stage 1) or an appropriate officer.

The purpose of this stage is to assess how the complaint has been investigated at Stage 1; assess whether all areas identified in the original complaint have been addressed; and to either confirm that the previous decision should be upheld or whether there is any potential to achieve a resolution with the customer.

At this stage, when the customer receives a letter explaining the outcome of the investigation, it will also outline that this is the last stage in our internal process and detail the options from this point forward.

### **11.1 Designated Person**

Where a customer still feels that the complaint is not resolved, they can request that this is considered by a designated person. Please refer to section 12 of this document for details of the role, requirements and authority.

### **11.2 Ombudsman**

If the complainant does not want to have an internal independent review, they can wait 8 weeks from their Stage 2 letter and ask the Housing Ombudsman for a review, or if the Designated Person they approach declines to act on their behalf then they are able to go straight to the Housing Ombudsman.

### **11.3 Escalation**

In order to escalate an original complaint to the next stage in our process, the complainant would need to provide reasonable explanations as to why they feel it has not been dealt with fully.

They would also need to provide a clear example of what outcome they would like to be achieved for the complaint to be resolved so that we fully understand their expectations. We will not routinely review and reinvestigate complaints where the customer is stating they were expecting a different outcome but without any further information to support or justify this.

When a complainant requests there to be an escalation, the responsible person needs to ensure that they speak to them to better understand their desired outcome and reasons for the escalation request.

## 12. Designated Person

A 'designated person' is defined in the Localism Act 2011. The designated person role is to try and resolve the complaint by:

- Providing advice to the complainant and acting as an advocate by discussing matters with the landlord
- Providing a fresh and independent insight on the complaint
- Facilitating a resolution by making recommendations which may not have been previously considered

The 'designated person' jurisdiction will be to review the previous decisions made at stages 1 and 2 and act for the complainant in resolving their complaint.

**12.1** We will supply information on how these decisions were made and any other relevant information which will allow a review to be undertaken. This will be supplied within 10 working days of it being requested. The complainant will be expected to sign a disclaimer allowing us to release their information to the 'designated person' as part of the review.

The 'designated person' does not have the ability to override policy and procedure and will not be able to make binding judgements on a complaint and how it will be resolved. They will have power to make recommendations to partnering organisations on ways to resolve the complaint and improve services, which will be considered and responded to by the relevant organisation on a case by case basis.

**12.2** Where the complainant remains unhappy with the outcome from the 'designated person' review they can request for the case to be reviewed by the Housing Ombudsman by making a self-referral or by asking a 'designated person' to make a written escalation on their behalf.

## 13. Responsibilities

All employees are responsible for recognising and attempting to resolve an initial complaint and recording it on the Housing management System at the first point of contact. Where it is a stage 0 complaint and it can be completed, they should do so.

At any stage, it is the responsibility of the investigating officer to ensure that the system is updated with progress and additional contact as well as details of the investigation.

The Housing Services Team will deal with all complaints above a stage 0 to ensure consistency of investigations of complaints and the responses of Stage 1 and above. In addition, they provide oversight into trend analysis and performance and will provide reports when considering focus of continuous improvement in preventing similar concerns recurring in the future.

## 14. Contractor Complaints

Where we have a contractor providing a direct service on our behalf, the contractor will deal with any Stage 0 complaints directly and make necessary arrangements to deal with the issue.

Where a complaint requires a formal investigation and outcome to be decided, the Housing Services Team will carry out this investigation, liaising closely with the contractor to provide a response for the customer.

## 15. Compensation

For the purpose of this policy, we define compensation as the means:

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

**15.1** Claims for damage caused to personal belongings or personal injury claims whereby there is a suggestion that liability may sit with Sunderland Council or one of our contractors will be dealt with by the Council’s Insurance Team under the Council’s Insurance Policy.

Staff must be mindful that the authority to award compensation should not be misused. All compensation payments must be recorded and justified. Awarded compensation must be in line with the criteria set out below and will be raised from the designated budget by the Housing Services Team.

**15.2** Where the complaint relates to a contractor working on our behalf we will work with them to ensure that the relevant compensation is awarded to the customer via the contractor.

**15.3** Any compensation identified will be credited to the rent account if the tenant is in rent arrears (excluding replacement of property or the outcome of insurance claims). To avoid the possibility of ‘paying twice’, we will await the outcome of any insurance claim before making a decision whether or not to award compensation.

The following table outlines common complaints and whether compensation should be considered. This is not an exhaustive list, and each case should be given its own merit, however justification will always be required in order for the team to raise the compensation.

**15.4** Any offer of compensation will be live for 28 days, after which if we have not heard from the customer, despite our contacts, we will close the complaint.

## 15.5 Scenario Example

### No Compensation

- *Routine repairs where we have not been negligent - £0*
- *Service failure due to unforeseen circumstances (weather) - £0*
- *Service failure due to third party (Council, services etc); or the action or inaction of the tenant or their visitors - £0*

### Minimal Compensation

- *Length of time taken to deal with an enquiry £10 - £25*

### Considered

- *Disruption to services or provision - Up to £70*
- *Our breach of service level agreements or tenancy agreement - Up to £70*

## 16. Exceptional Circumstances

There may be complaints of a complex or serious nature that require consideration of increased compensation. This should be at the discretion of the investigating officer and with consultation of the Senior Housing Manager

Each decision would be based on the particular situation and consider all factors relevant to the complaint. The investigating officer would also consider previous awards to ensure that there is some consistency to any remedies being awarded. Any amount over £500 would need to have approval from the Senior Housing Manager or Assistant Director of Housing.

## 17. Specific Financial Losses

We promote the importance of tenants' home contents insurance; therefore, compensation must not be paid or promised to anyone suffering loss or damage to personal property or personal injury, unless the incident has first been reported to our Housing Services Team for investigation.

**17.1** Where specific financial losses have occurred, including damage to possessions, evidence of the financial loss should be sought which can include written estimates, copies of bills and receipts.

**17.2** Determination should be made whether the loss constitutes a claim on our insurance or that of an agent acting on our behalf, for example a contractor, by liaising with our Housing Services Team. If this is the case the matter should be referred to the insurer via the Housing Services Officer or appropriate Officer within the Housing Services Team.

**17.3** To facilitate an early closure, the Investigating Officer may wish to seek approval from the Senior Housing Manager or Assistant Director of Housing to make an award of over £500. This may avoid the escalation of complaints on the grounds of the level of compensation offered for financial loss.

## 18. Unreasonably Persistent Complainants

In a minority of cases customers may decide to pursue their complaints in a way that is unreasonable. They may behave unacceptably or be unreasonably persistent in their contacts and submission of information. This can impede investigating their complaint (or complaints by others) and can have significant resource issues for the organisation. These actions can occur either while their complaint is being investigated, or once we have finished the complaint investigation.

**18.1** Unreasonable and unreasonably persistent complainants are "those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints."

Customers are considered unreasonably persistent or displaying unreasonable behaviour by pursuing complaints which appear to have no substance, or which have already been investigated

and determined. Their contacts with organisations may be amicable but still place heavy demands on employee time, or they may be emotionally charged and distressing for all involved.

Some of the actions and behaviours which we may find problematic are if the complainant is:

- Refusing to specify the grounds of a complaint, despite offers of help
- Refusing to cooperate with the complaints investigation process yet still wanting his or her complaint to be resolved
- Making unsubstantiated complaints about employees who are trying to deal with the issues and seeking to have them replaced
- Changing the basis of the complaint as the investigation proceeds
- Introducing trivial or irrelevant new information at a later stage and expecting it to be taken into account and commented on
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses
- Refusing to accept the decision; repeatedly arguing points with no new evidence
- Being abusive or threatening to an employee
- Repeating complaints that have already been dealt with

This list is not exhaustive and any combination of the above may be considered.

**18.2** When a customer has been identified as unreasonably persistent we may take action by designating a single person of contact for all matters relating to complaints or restricting contact to one method. This would be discussed with the customer directly to explain the methods being put in place and the reasons for this. This arrangement may be for imposed for a fixed period of time.

## **19. Performance**

Complaints monitoring will be shared with wider service areas as part of performance management arrangements as review learning outcomes.

All Performance Indicators will be issued within the agreed monitoring and review processes for the Housing Service

### **19.1 Performance - Analysing complaints**

It is important that we use complaints effectively, so we can be clear about what aspect of our service complaints are about. We will use the following areas to analyse complaints across the organisation in more detail:

- Quality of service
- Access to service
- Speed of service
- Employee attitude
- Policy and procedure
- Communication

We will interrogate our data to determine whether a complaint relates specifically to one of the Equality Act 2010 protected characteristics. We will also monitor our data by sex, age, disability,

faith, race and sexual orientation to ensure that there is an equality of access to the complaint's procedure as well as an equality of service provision.

## 19.2 Learning Outcomes and Continuous Improvement

Regular monitoring of the effectiveness and relevance of the Complaints Compensation and Compliments Policy will be carried out by the Housing Manager and reported at least annually to:

- Demonstrate that we are taking complaints seriously
- Measure improvement over time
- Ensure we are complying with the service standards we have agreed with customers
- Analyse any issues or trends
- Engage Service Managers in addressing issues in their service areas
- Ensure that complaints are responded to in a timely manner
- Identify any adverse and positive impacts from an equality and diversity perspective
- Discuss potential solutions and ensure that Service Managers are taking pro-active action not only to address the concerns from individual feedback, but also ensure that the root causes of service failures are identified and addressed to prevent reoccurrence
- Ensure that we are learning from feedback and “close the loop” with customers and show that we take account of their views and inform them how their views are being used to shape service delivery

## 20. Training

Delivery of this policy will be supported by training and development of everyone involved in the process. The Housing Services Manager will ensure that all front-line staff have a robust understanding of what we consider a complaint, and how to deal with them in light of the new process and new SHMS.

In addition, first time resolution and how to complete Stage 0 complaints effectively will also be monitored to highlight any additional training needs.

## 21. Strategic Responsibilities and Review

The overall responsibility for the operation of this Policy is with the Executive Director of Neighbourhoods. The Executive Director of Neighbourhoods and Assistant Director of Housing are responsible for the implementation of this policy ensuring that complaints are dealt with promptly and recorded in accordance with this policy and the complaints procedure.

Individual employees are responsible for ensuring they are aware of policy and procedure and their contents and that practices relating to complaints are followed.

The Senior Housing manager is responsible for collating performance reports for scrutiny and review and for providing summary information for publicity to tenants.

This policy will be reviewed one year after agreement to consider how effective the implemented changes have been. Should they remain; the policy will have a review every 3 years.

