

New

Revision



Customer Directorate

Complaints and Compensation Policy Statement

Version 2.0

Policy Statement Owner:	Chief Customer Officer
Operational Policy Statement Owner:	Director of Customer Experience
Date Published:	January 2021
Next Review Date:	January 2024
Policy signed off by:	Customer Leadership Team (COLT) and Property Leadership Team (POLT)
Policy and Compliance Business Partner:	Strategic Policy Development Manager
Policy Risk Rating:	A
Regulatory Code/Legislation and National Standards:	See Section 4
Publicising the Policy Statement:	<p>This policy and its associated procedure are published to customers on our website and provided to individual customers in digital or printed versions on request. We will promote our complaints handling approach using opportunities within our regular communications.</p> <p>For employees, the policy and all associated documents and guidance are available on our intranet in the Complaints and Compensation toolkit. The toolkit is promoted in various ways including:</p> <ul style="list-style-type: none">• Manager and team briefings; and• Specialist training for relevant staff (e.g. Housing Ombudsman Service 'Principles of dispute resolution' online learning)

Complaints and Compensation Policy Statement

1 Policy Scope and Aims

- 1.1 Hyde provides products and services to thousands of customers each year. There are times when we get things wrong for customers and do not meet the standards we aim to achieve.
- 1.2 This policy statement is an important declaration to our customers that we are open to receive complaints about our service. It sets out how we will investigate complaints and our aim to resolve things promptly, fairly and politely, saying sorry when we've got things wrong.
- 1.3 We recognise complaints can tell us a lot about how our service can be improved and we commit to understand and act on both the overall headlines about complaints and the learning from individual cases, sharing with our customers how well we are doing in relation to these commitments.
- 1.4 This Policy Statement sets out The Hyde Group's approach to managing complaints and in what circumstances compensation will be paid.
- 1.5 This policy applies to registered providers of Hyde and:
 - Brent Council tenants, up to stage 1 only
 - Commercial leaseholders and sub-leaseholders, up to stage 1 only
- 1.6 This policy does not apply to customers of the following subsidiaries of Hyde:
 - Islington PFI. These properties are managed in accordance with Islington LBC policies
 - Brent Co-Efficient. These properties are managed in accordance with the terms of the PFI contract

2 Policy Statement

- 2.1 The Hyde Group (or 'Hyde') is committed to providing a good service to all our customers. We recognise sometimes customers will have be dissatisfied with our service and will want to make a complaint. See definition of a complaint in section 5.
- 2.2 We will investigate complaints in a confidential and respectful manner, agreeing with the customer how they will be kept informed throughout the process.
- 2.3 Wherever possible we will seek to resolve complaints informally to achieve a swift and satisfactory outcome for the customer without the need for a formal complaint. See 'Making a complaint' in section 8.
- 2.4 We will always offer the customer a choice over whether they want an informal response to put things right quickly, or they choose to request a formal complaint investigation through our internal process.
- 2.5 We take learning from complaints seriously and will ensure that lessons learnt from complaint investigations are used to inform service improvements.

- 2.6 In some circumstances, it will be appropriate to offer compensation as part of a complaint response. Compensation offers will be considered on a case by case basis using the principles described in this policy and our compensation procedure.

3 Policy Objectives

- 3.1 By publishing this policy statement, we aim to ensure we deliver against the policy objectives.
- 3.2 All staff and managers are responsible for ensuring they work to the policy objectives:

No.	Policy Key Objectives
1.	Deal with customer complaints promptly, politely and fairly
2.	Provide a complaints handling approach focused on putting things right for customers
3.	Raise complaints handling satisfaction levels and overall levels of customer satisfaction
4.	Drive service improvements by recognising complaints as vital customer feedback

4 Regulatory Code and Legal Framework

- 4.1 This section highlights the regulatory codes and legislation applicable to this policy.
- 4.2 As a subscribing landlord member of the Housing Ombudsman Scheme, we are required to comply with the Housing Ombudsman's Complaint Handling Code (July 2020). This policy and its associated procedure are written to support our compliance with the Code. We publish our self-assessment against the Code to our customers and stakeholders on our website.
- 4.3 The Localism Act 2011 created a mechanism for 'designated persons' to consider complaints that have proceeded through social landlords' complaints procedure without resolution rather than being escalated directly to the Housing Ombudsman.
- 4.4 The Tenant Involvement and Empowerment Standard of the Regulatory framework for social housing in England requires that landlords have a clear, simple and accessible approach which ensures complaints are resolved promptly, politely and fairly.
- 4.5 The Secure Tenants of Housing Authorities (Right to Repair) Regulations 1994 entitles secure tenants of local housing authorities to have qualifying repairs carried out at their landlord's expense and receive compensation from their landlord if qualifying repairs are not carried out within a prescribed period.

5 Definitions

- 5.1 We define a complaint as:
- 'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by Hyde, our staff, or those acting on our behalf, affecting an individual resident or group of residents.'*
- 5.2 We will distinguish between a service request (pre-complaint), survey feedback and a formal complaint and take appropriate steps to resolve issues for residents as early as possible.
- 5.3 We define compensation as a payment, either obligatory or discretionary, in recognition of loss suffered by a customer. There is no automatic trigger for a compensation payment and each case will be considered on its merits.

6 Exclusions from this Policy

6.1 There are examples of exclusions from this policy where we may not consider a complaint. These examples are set out in the table below, together with the evidence we would use to make sure our decision is reasonable:

No.	Exclusion example	Evidence considered
1	We may decline to investigate a complaint about a specific incident or service failure that occurred over 6 months prior to the complaint being made. Discretion will be used, particularly if there is evidence of a long-standing or continuing problem.	We would rely on evidence of an unreasonable delay before the complaint was lodged. Where a complaint relates to a safeguarding or health and safety issue, we may not apply this exclusion.
2	The first request for a service or for information, for example a first report of anti-social behaviour or a request for explanation of a service charge.	We would rely on evidence of no prior contact and no service failure at this first point of contact.
3	Where matters have already been considered under the complaints policy.	We would satisfy ourselves a complete and fair response had already been provided.
4	A complaint about the conduct and behaviour of another resident, such as a neighbour dispute. This would be dealt with under our Housing Management policies.	We would rely on the evidence of report made to demonstrate this is best dealt with under our separate policy and procedure for the management of Anti-Social Behaviour. If a customer is unhappy with our service, this would be accepted as a complaint.
5	Where legal action is in progress, as the legal action supersedes the complaint.	We would rely on evidence to show where matters are or have been subject to legal proceedings, the customer has or had the opportunity to raise the subject matter of the complaint as part of those proceedings.
6	Insurance claims, as these will be dealt with separately under our Insurance policy.	We will ensure a complaint receives a response and decision, but where there is a personal injury or a legal claim, we will advise the customer of their rights to make a claim and how to progress this.

7 Who can Complain?

7.1 The following people can log a complaint under this policy and where appropriate escalate it through both stages of our complaints procedure:

- Any Hyde resident
- Anyone who is in receipt of a service or is affected by a service that is provided by Hyde
- Anyone who may potentially receive a service from Hyde, for example someone who is applying for a service

- 7.2 Complaints from those who do not meet the criteria above are only considered at Stage 1 of our procedure.
- 7.3 Complaints made by Brent Council tenants whose tenancy is managed by Hyde are managed in accordance with Hyde's Complaints process up to Stage 1. If the customer wishes to escalate their complaint to Stage 2 the complaint shall be referred to Brent Council and from this point shall be managed in accordance with Brent Council's Complaints Policy.
- 7.4 Customers are welcome to make a complaint via an advocate. An advocate could be a friend, relative, or an advocacy service such as the Citizens Advice Bureau. Where a complaint is made via an advocate we will obtain the customer's written consent. Where correspondence is received on behalf of a customer from a Councillor, MP, or Advocacy Service, consent will be assumed.

8 Making a Complaint

- 8.1 We will make sure our customers can easily make a complaint without restriction.
- 8.2 Complaints can be made by telephone, letter, e-mail or face to face, using a complaint form via our website and on social media. If a complaint is raised via social media, residents should do this in line with the principles contained in the resident's social media charter.
- 8.3 Complaints received via social media, e.g. Facebook or Twitter, will be forwarded to our Complaints team to respond. Customers posting general comments about service failure will be contacted and offered our complaints process. Any interaction with the customer on social media about their complaint will be via direct messages to protect their confidentiality and privacy. We will seek to establish the preferred contact method for the duration of the complaint.
- 8.4 As part of our approach we will always attempt to speak to the customer in person, unless they have requested an alternative method of communication.
- 8.5 Making a complaint will not have an adverse effect on any other services that a customer receives from us.
- 8.6 It is our policy to let customers know about their right to access the Housing Ombudsman Service, including for advice and guidance, at the outset and throughout the handling of their complaint. We will routinely signpost the Housing Ombudsman Service when we provide our complaint response to our customer.
- 8.7 We seek to prevent customers from being discouraged from complaining because English is not their first language; have poor literacy or communication skills; or they have a disability that makes communication difficult. Provision is made for these customers in accordance with our Communicating in Accessible Formats Policy, Procedure and Guide.

9 Complaint Stages, Timescales and Communication

- 9.1 There are two stages to our complaint process. In addition, there is an opportunity for the customer to choose the option of an informal complaint response rather than a formal complaint investigation.
- 9.2 **Informal complaint:** If a customer simply wants us to put things right with a minimum of fuss when it is clear what has gone wrong, they may choose the informal complaint route. The cases that can be considered under this option should be quick to resolve and require no investigation. For example:

- Re-booking a missed appointment
- Completing an outstanding repair
- Undertaking an inspection
- Offering a delayed service update
- Reviewing the management of a service request

- 9.3 Informal complaints are managed by the department responsible for the service in question. **Contact will be made with the customer within one working day and we expect to give an answer within five working days.** Where an appointment or further work is required, this may happen after this time, but the customer will know this has been booked in. If an informal complaint is unsuccessful, either because deadlines are missed or the customer is dissatisfied, the informal complaint will be escalated to a formal stage 1 complaint for investigation.
- 9.4 **Stage 1 formal complaint investigation:** Where a case is not suitable for a quick informal resolution, or where the customer chooses to have their complaint handled within the formal process, the case is handled as a Stage 1 formal complaint investigation.
- 9.5 Stage 1 complaint cases are managed by a Complaints Officer who will work with an investigating manager from the team providing the service to which the complaint relates. Our Complaints Officer acts as the advocate for the customer: they will listen to the customer to understand the complaint and how the customer wishes us to put things right; they will provide any updates and the decision letter will come from them.
- 9.6 The Complaint Officer will provide a formal acknowledgement to the customer within two working days. We aim to respond to stage 1 formal complaint investigation cases within ten working days (two weeks) of receipt of the complaint. In some cases, it may not be possible to provide a response in this timescale. If we need extra time to complete the investigation, we will explain this to the customer and give a date for our response. This will be no later than a further ten working days.
- 9.7 Our complaint response can include follow-on actions we commit to take in a reasonable period beyond the ten days we set out to provide our decision. These commitments will be scheduled in the most helpful way which gives a reasonable amount of time for successful completion. Proposed actions, timescales and responsible people will be set out in our complaint response.
- 9.8 **Stage 2 formal complaint (Senior Manager Review):** If the customer is not satisfied with our response at stage 1, they can ask for their complaint to be reviewed by a senior manager at stage 2 of our process. In most cases, we will agree to look again at our decision and to consider any additional information provided.
- 9.9 There are circumstances when we won't be able to do this, for example where our decision is based on published service standards and policy. If we have agreed to carry out a non-urgent repair within our published timescale of twenty working days, we will not accept a complaint about the time taken to schedule such a repair. We will not agree to escalate a complaint to stage 2 where we have agreed the complaint has been upheld but the customer has requested an increase in compensation offered. This will be dealt with within the stage 1 resolution discussion.
- 9.10 Stage 2 formal complaint is the final stage of our complaints process. We will give customers our decision on the review of their complaint within twenty working days (four weeks). In exceptional circumstances, we may take up to a further ten working days to

conclude the review. If this is likely, we will tell the customer as soon as possible and give a date for the decision.

- 9.11 When we give our decision about a complaint, we will offer an opportunity for the customer to comment on the findings and set out their position. In most cases, this will be in a dialogue with the Complaints Officer prior to the decision letter being issued.
- 9.12 A formal complaint response will include our review of what has happened, our decision about the complaint and details of next steps. In many cases, the next steps will include commitments to actions which will happen in the period ahead. This may include follow-on repairs, separate investigations or customer meetings, which may require a reasonable amount of time to be completed. These commitments which fall outside our formal complaints response times will be managed separately to the complaint process by the investigating manager(s). If we fail to deliver against these commitments, the complaint will be reopened and escalated.

10 Taking a Complaint to the Housing Ombudsman

- 10.1 If the customer has exhausted our complaints process, they can approach the Housing Ombudsman for consideration of their complaint. Prior to approaching the Housing Ombudsman, the customer will need to approach a designated person. A designated person is a person who can refer a complaint to the Housing Ombudsman on behalf of a complainant, in accordance with the Localism Act 2011. A designated person can be an MP, a local Councillor or a designated tenant panel.
- 10.2 A designated person can review a complaint themselves or refer the complaint directly to the Housing Ombudsman Service. Alternatively, once eight weeks has passed from the complaint closure date a complainant may approach the Housing Ombudsman directly.
- 10.3 We have a duty to cooperate with the Housing Ombudsman, which includes providing requested evidence within a fifteen-day timescale.

11 Compensation Payments

- 11.1 Compensation payments may be paid at the discretion of the investigating manager, in line with this policy and to reflect the circumstances of each case. The Complaints Officer will support the investigating manager with policy guidance.
- 11.2 Compensation payments may be offered where:
- We have failed to deliver a service to the advertised standard
 - In recognition of the time and trouble taken by the customer to make their complaint
 - In recognition of distress and inconvenience experienced by the customer
 - To reflect where a customer has suffered a loss because of a service failure by us
- 11.3 We do not pay compensation for loss of earnings.
- 11.4 Compensation payments to our customers are used to offset rent or other arrears in the first instance. Reimbursements, such as for a replacement product, or where a customer has incurred additional expense, are paid regardless of arrears on a rent account.

12 Involvement of customers within our complaint handling approach

- 12.1 We welcome the involvement of customers in our complaint handling approach and recognise this is an important way to help us improve our complaints handling and our wider services. We will:
- Report regularly to our formal customer involvement groups on our complaint performance
 - Publish meaningful information to all customers about our complaint's performance on a quarterly basis
 - Facilitate periodic inspections of our complaints service by the Resident Inspection Team
 - Maintain regular opportunities for residents to participate in reviewing themes, trends and lessons learnt
 - Host regular opportunities for larger groups of customers to hear about and shape service improvement plans

13 Monitoring, Review and Evaluation

- 13.1 All complaints are recorded. We monitor the number of complaints and the service areas to which they relate. Customer satisfaction with complaint handling and outcome are monitored using satisfaction surveys run by a professional, independent third-party supplier.
- 13.2 Lessons learnt from complaint investigations and service improvements are recorded, monitored and reported to senior management by the Customer Experience team.
- 13.3 We work closely with our customer volunteers to monitor the quality, outcomes and learning opportunities from our complaints process.
- 13.4 The Complaints and Compensation Policy and connected procedures will be reviewed as a minimum every three years or in response to future regulatory changes.

14 Diversity and Inclusion

- 14.1 Hyde will treat all customers with fairness and respect. We recognise that we have an ethical and a legal duty (through the Equalities Act 2010) to advance equality of opportunity and prevent discrimination on the grounds of age, sex and sexual orientation, disability, race, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnership.
- 14.2 We recognise we may need to adapt our policies, procedures or processes to accommodate the different needs of our customers. We will readily make reasonable adjustments to our ways of working to achieve equal and fair treatment of all customers. All customers will have access to this Complaints and Compensation Policy Statement document and an explanation of our process, either through the customer website www.hyde-housing.co.uk or on request.
- 14.3 This document and any related leaflet may be translated or interpreted or provided in accessible formats such as large print or Braille according to customers' needs. Further information can be found in our Accessible Communications Policy, Procedure and Guide which is available on www.hyde-housing.co.uk or on request to their local provider.
- 14.4 Diversity and inclusion training is mandatory for all staff.

15 Publicising the Policy

15.1 We publicise our policy on complaints and compensation to customers, staff and other stakeholders in several ways, including:

- Resident Handbook
- Resident website
- Policy briefings and training
- Within routine communications

16 Associated Policies, Policy Guidance Documents and Procedures

Policy Guidance Documents
<ul style="list-style-type: none">• Complaints procedure• Compensation procedure• Tenancy Sustainment Policy• Insurance Policy• Communicating in Accessible Formats Policy• Service Charge Policy• Decant and Home Loss & Disturbance Payment Policy• Anti-social Behaviour Policy

Version History

Version no.	2.0	Effective date:	January 2021
Full/partial review/new policy:	New policy		
Summary of changes:	Commitment to publish procedure alongside policy Adoption of Housing Ombudsman complaint definition Clarification of exclusions from policy Customer choice to use informal complaint route Change to timescales to respond to stage 1 formal complaints from twenty days to ten days Follow on actions may follow complaint decision and be managed separately Further detail on customer involvement Reference to the Equalities Act 2010 and our approach to providing reasonable adjustments to customers		
Staff consultation:	Policy and compliance Customer, Property, Finance, Development and Legal teams		