



Arawak Walton Housing Association
Complaints, Concerns & Compensation Policy

Approved by	Board of Management
Date of Approval	February 2021
Date issued to staff	17/02/2021
E&D impact Assessed	Yes
Date of Next Review	January 2024
Policy Ownership	Housing Services Manager
Strategic Bridges	Open and accountable to stakeholders Value our people and our roots
Legal Review	No
Version	3.0
Revision details	Oct 2022 - Designated person revision Dec 2022 Addition of Unacceptable Behaviour Guidance
Statement of Values	We aim high We value our people

Contents

1. Introduction	3
2. Statutory Basis and Scope of the Policy and Guidance.....	3
3. Definition	3
4. Exclusions.....	4
5. Principles for dealing with complaints.....	4
6. Mediation.....	6
7. Compensation	6
8. Unacceptable Behaviour	6
9. Equality and Diversity	6
10. Linked Policies	7

1. Introduction

- 1.1. The Association recognises that complaints systems and redress* can make an important contribution to the improvement of its services.
- 1.2. The purpose of the Complaints, Concerns & Compensation Policy (hereafter referred to as “the policy”) is to establish:
 - 1.2.1. principles for the effective handling of complaints and concerns**
 - 1.2.2. a model for dealing with complaints and concerns which delivers Value For Money.

*Redress: appropriate redress can take many forms; this includes an explanation and an apology, remedial action, on occasion financial compensation, or a combination of these. Redress should seek to put the complainant back in the position they would have been in if nothing had gone wrong. Where this is not possible - as will often be the case - the remedy should fairly reflect the harm the complainant has suffered.

**Hereafter whenever reference is made to a “concern” or “complaint” it refers to both “concern and complaint”.

2. Statutory Basis and Scope of the Policy and Guidance

- 2.1. The Policy complies with Homes England Tenant Involvement & Empowerment Standard (issued July 2017) which specifically states that registered providers shall:
 - 2.1.1. provide choices, information and communication that is appropriate to the diverse needs of their tenants in the delivery of all standards
 - 2.1.2. have an approach to complaints that is clear, simple and accessible that ensures that complaints are resolved promptly, politely and fairly.

3. Definition

3.1. A complaint is:

- an expression of dissatisfaction or concern
- either written or spoken or made by any other communication method
- made by one or more members of the public*
- about the Association’s action or lack of action
- or about the standard of service provided
- which requires a response

*‘member of the public’ is defined as anyone in receipt of a service by the Association or, indeed, denied a service to which they are entitled - this can be an individual or a group of people. The member of the public may, if they wish, designate a representative to manage the complaint on their behalf.

4. Exclusions

4.1. We will accept a complaint unless there is a valid reason not to do so.

Circumstances in which a matter will not be considered as a Complaint are:

- It is an initial request for a service, such as reporting a faulty door lock
- The issue giving rise to the complaint occurred over six months ago (this exclusion may not apply where there are safeguarding or health and safety issues)
- It is an appeal against a “properly made” decision**
- Matters that have already been considered under the complaints policy
- The matter has clearly not caused the complainant any injustice
- The Association believes the complaint is motivated by discrimination, including race, homophobic and/or other hate crimes
- Legal proceedings regarding the complaint have been started
- The complaint alleges a crime
- The complainant is seeking change to legislation or policy
- The complainant is seeking to lobby groups/organisations to seek to promote a cause

**A ‘properly made’ decision is one where the relevant laws, policies and procedures have been correctly followed in arriving at a decision e.g. setting the rent or being removed from the waiting list as part of a legitimate review process.

4.2. Where we decide not to accept a complaint a detailed explanation will be provided to the complainant setting out the reasons why the matter is not suitable for the complaints process. The complainant has the right to challenge this decision by taking their complaint to the Housing Ombudsman.

5. Principles for dealing with complaints

5.1. When someone complains they inevitably have an issue about a service which has been received or not received. Complaints need to be handled in such a way that the complainant is the focus and not the process itself. It is within this context that the following principles should be applied:

5.1.1. Accessible and Simple

- Well publicised
- Easy to find, understand and use - both for public and staff
- Simple and clear instructions for the public about how to make a complaint
- Has flexibility to meet the different and diverse needs of people, ensuring that the policy and process is fully accessible
- Provides information on advocacy and support services
- Provide information in appropriate formats and languages
- The stages in the complaint handling process are kept to a minimum

5.1.2. Fair and Impartial

- Concerns are dealt with in an open-minded and impartial way
- Complainants are assured that making a complaint will not adversely affect their future dealings and contacts with Arawak Walton
- Ensures that complainants get a full response and that decisions are proportionate, appropriate and are fair
- If staff are complained about, they are treated as fairly as complainants

5.1.3. Timely, Effective and Consistent

- Within the parameters of what is appropriate and possible, frontline staff themselves should seek to record as appropriate and resolve day to day complaints
- “Investigate Once, Investigate Well” - when a complaint requires formal investigation, this should be done thoroughly to establish the facts of the case
- Dealt with as quickly as possible
- Complainants and staff involved should be kept informed of progress throughout
- Complaints must be made within 6 months of the complaint issue arising
- Consistent so that people in similar circumstances are treated in similar ways

***The Policy has two formal stages: the first is when a complaint is received and responded to, and the second is where the complaint is subject to a review.

5.1.4. Accountable

- Provides honest, evidence-based explanations and gives reasons for decisions
- Information is provided in a clear and open way
- When concerns are found to be justified, as appropriate:
 - acknowledge mistakes
 - apologise in a meaningful way
 - put matters right
 - provide prompt, appropriate and proportionate redress
- Follow up to ensure any decisions are properly and promptly implemented.
- Where appropriate, the complainant is told about the lessons learnt and changes made to the service, guidance or policy
- Ensures that complainants are informed of their right to complain the Housing Ombudsman if they are not satisfied with the outcome of stage 2 of the internal process (or of other appropriate routes open to them, for example, The Equality and Human Rights Commission)

5.1.5. Delivers Continuous Improvement

- Lessons learnt from complaints are gathered and feedback is used to improve service design and delivery
- Systems in place to record, analyse, equality impact and report on the learning from concerns
- The leadership of the Association:
 - takes ownership of the complaints process
 - regularly reviews and scrutinises its effectiveness
 - receives regular complaints monitoring reports, and
 - demonstrates what the organisation has done to improve service delivery as a result of complaints

6. Mediation

- 6.1. Sometimes mediation can resolve complaints quickly. We may propose employing a trained mediator at any stage of the process. The mediator must be an impartial third party who does not impose a decision or attempt to judge the merits of the complaint. Mediation focus will be on finding an acceptable resolution for all parties.

7. Compensation

- 7.1. The Association seeks to provide the highest possible standards of customer service to its tenants. However, it may be that occasionally these standards are not met and we acknowledge that should this be the case that it could inconvenience tenants, which in turn may result in financial loss. The Association will consider a discretionary payment of compensation under certain, defined circumstances.

8. Unacceptable Behaviour

- 8.1 We recognise that people may act out of character in times of trouble or distress, and that there may have been upsetting or distressing circumstances leading up to a complaint. We do not view behaviour as unacceptable just because someone is forceful or determined. However, the actions of complainants who are angry, demanding, or persistent may result in unreasonable demands on, or unacceptable behaviour towards staff. In such cases we will take reasonable and fair measures to protect staff and mitigate the impact on our operations.

9. Equality and Diversity

- 9.1. We are committed to treating people fairly, without bias or discrimination, and always within the law. We promote equality and diversity for all our customers and stakeholders, and recognise the nine protected characteristics of the Equality Act

2010 which are: race, sex, gender reassignment, disability, sexual orientation, religion or belief, age, marital or civil status, and pregnancy and maternity explicitly. In addition to any statutory responsibilities under the Equality Act (and any other relevant legislation), the Association will also act in accordance with the provisions it sets out in its own Equality and Diversity Policy.

- 9.2. This Policy has undergone an Equality Impact Assessment and no further adjustments have been identified.
- 9.3. Reporting of statistical data relating to the Policy will be provided as required by the Board.

10. Linked Policies

Customer Charter
Anti-Social Behaviour Policy
Repairs & Maintenance Policy