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1. POLICY STATEMENT

- 1.1 CHG is committed to providing a high quality service and all staff work towards this aim. CHG recognises however that sometimes its service users may be dissatisfied with the standard of service they receive. CHG also recognises that staff sometimes make mistakes.
- 1.2 CHG welcomes suggestions and complaints from people who use its services. We will encourage residents to use the complaints service and aim to receive at least 100 complaints for every 1000 properties we manage. This will ensure we have a well-founded resource upon which to base service improvement projects. CHG believes that complaints can provide important lessons, and lead to service improvement for everyone.
- 1.3 Where complaints are made CHG’s aim is to resolve problems as quickly and as thoroughly as possible. Front line staff aim to resolve problems with early action. If it is not possible to satisfy the complainant at this stage, they will be advised on the use of the formal complaints procedure. CHG aims to resolve 90% of complaints at organisational level and achieve 95% satisfaction with the process and 90% satisfaction with the action taken or proposed.
- 1.4 CHG will treat all complaints in confidence and will deal with them in a fair, consistent and impartial manner.

1.5 CHG will always listen to the complainant's views, investigate the complaint, explain CHG's actions and put things right if necessary.

- 1.6 The complaints covered by this policy relate to:
- a failure to comply with a policy or procedure
 - a decision which the complainant believes is not fair or clear to them
 - the behaviour of CHG staff or contractors
 - the level or standard of promised service delivery

It does not cover:

- complaints about services for which CHG is not responsible
- complaints where the tenant is taking legal action against CHG on the same issue
- a new repair request
- complaints of anti social behaviour against anyone other than CHG staff or contractors

- 1.7 The complaints covered by this policy may be made by:
- individual tenants, licensees, clients and leaseholders
 - CHG tenants living in properties managed by another agency
 - non-CHG tenants living in properties managed by CHG
 - clients of HCS support services, whether or not they are CHG tenants
 - tenant groups which have not signed a recognition agreement with CHG
 - MPs and councillors
 - any other representative acting on behalf of the complainant
 - members of the public directly affected by the services we provide

Recognised tenants' associations will follow the complaints procedure specified in their recognition agreement.

1.8 CHG will deal with all complaints in an open and accountable way and as far as possible according to agreed timescales. If CHG cannot meet a target date it will inform the complainant.

1.9 No one who makes a complaint about CHG will receive a lesser service as a result. This policy will follow the service quality standards set by CHG's Service Charter and any other commitments made by CHG to improve its services.

1.10. Mediation

CHG may at any stage propose the use of mediation if it appears that this is an appropriate means of achieving resolution of the issue.

1.11. Flexible Management

CHG will operate the complaint handling procedure fairly. However managers are entitled to deal with complaints in a different way from that outlined in the procedure on their Directors discretion if circumstances merit it. Deviation from the procedure should only take place in exceptional circumstances.

1.12 Deviation from the procedure must be recorded, taking into account all relevant matters. The conditions must be explained to the complainant and the manager must act consistently within the altered procedure.

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1.13 Stages may be omitted from the process where a complaint is seen to be frivolous, pursued unreasonably, about a factual matter over which there is no discretion or for practical management reasons such as staff absence.

1.14. Persistent or unreasonable complaints

CHG may refuse to deal with a complaint completely. This decision must only be made by a Director and should be made after obtaining legal advice, if necessary, and consulting with the Chair of the Board Complaints Panel.

1.15 Clear distinctions must be made between people who make a number of complaints because they really think things have gone wrong and people whose complaints are unreasonable. The merits of each case must be considered rather than the attitude of the complainant. If a complainant has made unreasonable complaints in the past, it cannot be assumed that the next complaint is unreasonable.

1.16 All relevant correspondence must first be read and evaluated to consider all the circumstances of the complaint, including:

- the history of complaints submitted by an applicant. Whether an applicant is persistently submitting complaints where there appears to be no reasonable grounds for them to do so.
- whether there is a strong likelihood that such complaints are being made to intentionally cause harassment, divert resources and to disrupt the proper workings of the Housing Association.
- whether the complainant or their representative has been rude or aggressive to staff or has produced excessive correspondence.

1.17

Historical Complaints

Complaints must be made within twelve months of the complainant becoming aware of the problem. If a complaint is made outside of this timescale then the matter should be referred to the relevant Director to determine whether to reject the complaint or if any exceptional circumstances warrant its consideration.

No new information

If a complaint is about the same matter that has already been considered with only very minor difference, and has exhausted the complaints process, the complainant should be referred to the Ombudsman service. If they have been to the Ombudsman and do not agree with their decision they should be referred back to the Ombudsman. If this advice is not taken the complainant should be advised that CHG will not enter into any further correspondence about the matter.

Trivial Complaints

If the complaints are about matters that have clearly not caused the complainant any injustice it may be appropriate to end the case at stage 1 of the process. It is not necessary to meet the complainant's unreasonable demands or to answer every point in an unreasonable letter. There is no need to provide any right of appeal other than the Ombudsman.

1.18 The applicant must be provided with a written notice stating that a request is deemed to be unreasonable.

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2. PROCEDURE

2.1 All comments about service failures will be treated seriously. Concerns about service failures will normally be reported to and dealt with by the officer responsible for providing the service. However, if the complainant is not satisfied, the officer must inform them of the formal complaints procedure and give them the explanatory leaflet and complaints form.

2.2 Mediation

CHG will consider whether mediation would provide an appropriate resolution to the complaint. Mediation can be provided free of charge by the Housing Ombudsman Service (HOS), at any stage in the complaints process. Cases can be referred by email: ombudsman@ihos.org.uk. HOS will only take on cases where they think that mediation would be successful.

2.3. Stage 1 – formal complaints

Formal complaints may be made:

- using the *formal complaints form*
- by letter, fax, email or via CHG's website
- by telephone or in person

If the complaint is made verbally, the officer receiving it must record it on the *formal complaints form* and send a copy to the complainant by way of confirmation.

Written complaints will be accepted from someone else on behalf of the complainant. The complainant must sign the form or letter to confirm that the representative is acting for them.

2.4 If the officer receiving the complaint considers that the complainant needs assistance in recording the complaint, they must offer:

- translation service
- home visit
- meeting at the office
- supply of documents in large or small print, brail or translation

2.5 The complainant must be advised that they can seek assistance from a member of CHG staff, a friend, a CHG resident, Citizens Advice Bureau or other agency.

2.6 However they are received, complaints must be handed, faxed or emailed immediately to the Customer Service Officers managing the complaints database. The complaint must then be recorded on the database and handed, fax or emailed to the line manager responsible for the service it is regarding. The Customer Service Officer is responsible for ensuring the line manager receives the complaint on the same day that it is made verbally or received in writing. Complaints that are faxed or emailed to a line manager must be backed up with a telephone call.

2.7 If a group of tenants makes a complaint, they must all sign the complaint. CHG will direct its response to their representative. Any decision on the complaint will be binding on each of the group.

2.8 The Line Managers responsible at stage 1:

- Property Services Reactive & Planned – Technical support manager
- Housing – Neighbourhood Manager, Income Manager or Senior Allocations Officer
- Customer Service Centre – Customer Service Manager
- Community Investment – Community Investment Manager or Youth Services Manager
- Central Team - Policy & Research Manager
- Development – Development Manager or Acquisitions Manager
- Finance – Finance Manager
- Human Resources – Human Resources Manager
- Housing Care and Support – Service Manager for scheme / borough

- 2.9 The complainant should be asked to make it clear why they are dissatisfied and what action they want to see taken to resolve the complaint.
- 2.10 Copies of *all* correspondence from the complainant, plus notes of telephone conversations and meetings, must be filed as a new complaint in the complaints filing system in the Customer Service Centre (CSC). Key points from all correspondence should be added to the notes section of the complaints database so each case can be looked at in detail without having to access the paper file. Housing Care & Support (HCS) cases may be filed in the local HCS office according to the office's own filing system.
- 2.11 The complaints database will assign a number to each complaint. The case number must be clearly displayed at the front of the complaints section in the tenant's main file.

2.12. Timetable for Stage 1 complaints

Note: working day 1 is the day the complaints form is received at CHG's offices.

<i>by working day</i>	action	officer responsible
1	<ul style="list-style-type: none"> log case on complaints database send standard acknowledgment letter generated by Orchard Add key points of complaint to notes section of database If complaint was verbal write details on complaints form Photocopy complaint letter/form and file original in complaints file in CSC, or fax to HCS local office Fill out Complaint File Sheet and file as a top sheet for the case pass photocopy to line Manager responsible for the service in dispute Where the complaint has to be faxed or emailed to a line manager outside of the chalk Farm office the CSO must notify them by telephone. 	Customer Service Officer
10	<ul style="list-style-type: none"> inform any member of staff whose actions or decisions are being complained about delegate officer to investigate (discretionary) if information is needed, discuss the case with relevant officers collate response send response outlining position and actions taken or to be arranged. Use standard stage 1 decision letter in S drive hand, fax or email a copy of letter to CSO If further time is needed advise CSO to revise response timetable on database, & inform complainant using the standard extended investigation letter in S drive. The extended response date must either be a further 5, 10, 15 or 20 days 	Line Manager

10	<ul style="list-style-type: none"> Update database notes with key points of decision letter File copy of decision letter Move database onto next stage in the process 	Customer Service Officer
30	<ul style="list-style-type: none"> If no disagreement with the decision has been received send standard closure letter and satisfaction survey generated by Orchard, with a stamped addressed envelope If an agreement has been made between the manager and the complainant to close the case before this time, you must obtain and file evidence of this before closing the case on the system. The standard closure letter may then be discarded when generate from Orchard. File a copy of letter in tenant's main file or fax a copy to line Manager to file if outside of Chalk Farm Office Fill out and file the Outcome Sheet on the S drive if case has been closed Escalate complaint to stage 2 if complainant has advised they disagree with the outcome. inform all staff involved of outcome 	Customer Service Officer

All HCS staff must file copies of all complaints correspondence locally according to their own filing system

2.13. Mediation

During the course of the investigation it may be felt that mediation would be a more appropriate form of conflict resolution. The complainant may also suggest this course of action. The HOS should be contacted (see para 2.2) with details of the case. If HOS considers that mediation could be successful, the complainant must be contacted to suggest this course of action. If the complainant agrees, the staff member managing the investigation must contact HOS to arrange it.

2.14. Stage 2 - The Assistant Director

If the complainant is not satisfied they can take their complaint to the Assistant Director of the department involved.

The complainant must:

- make their complaint under Stage 2 within 20 working days of the date of the decision letter clearly explain why they are dissatisfied with the outcome of Stage 1 and what they would consider to be a satisfactory resolution
- only use the complaint grounds set out in Stage 1

If the complainant expresses dissatisfaction after 20 working days from the date of the decision letter the complaint should not be escalated. However late escalation is discretionary. If circumstances have changed the complaint should be treated as a new complaint.

If the complaint is received verbally, the officer receiving it must complete a complaints form with the details and send a copy to the complainant by way of confirmation. Once a stage 2 complaint is received it must be immediately handed, faxed or emailed to the CSO responsible for the complaints database.

2.15. Timetable for Stage Two complaints

Note: working day 1 is the day the complaint is received at CHG's offices

<i>by working day</i>	<i>action</i>	<i>officer responsible</i>
1	<ul style="list-style-type: none"> log complaint on database send standard stage 2 acknowledgment letter generated by Orchard Add key points of complaint to notes section of database Photocopy complaint letter/form and file original in complaints file in the CSC or fax to HCS Pass complaint to Line Manger responsible at stage 1 Where the complaint has to be faxed or emailed to a line manager outside of the chalk Farm office the CSO must notify them by telephone. 	Customer Services Officer
4	<ul style="list-style-type: none"> prepare and hand full case report to Assistant Director Pass copy of the report to CSO. HCS staff must also file copy of report locally 	Line Manager
4	<ul style="list-style-type: none"> update database with key points of report and move database to next stage in process file the copy of report 	Customer Service Officer
10	<ul style="list-style-type: none"> respond outlining position and actions taken by CHG to resolve complaint. Use standard stage 2 decision letter in S drive if the timescale cannot be met, write to the complainant to explain why and when they can expect a response hand, email or fax a copy of decision letter to CSO 	Assistant Director
10	<ul style="list-style-type: none"> update database with key points of the decision letter and move database to next stage in process file copy of the letter 	Customer Service Centre Officer
30	<ul style="list-style-type: none"> If no disagreement with the decision has been received send standard closure letter and satisfaction survey generated by Orchard with a stamped addressed envelope. If an agreement has been made between the AD and the complainant to close the case before this time, you must obtain and file evidence of this before closing the case on the system. The standard closure letter may then be discarded when generate from Orchard File a copy of letter or fax/email a copy to Assistant Director to file locally if outside of Chalk Farm Office Fill out and file Outcome Sheet if case has been closed Escalate complaint to stage 3 if complainant has advised they disagree with the outcome. inform all staff involved of outcome 	Customer Service Centre Officer

All HCS staff must file copies of all complaints correspondence locally

2.16. Stage 3 - The Director

If the complainant is not satisfied with the outcome of stage 2 they can take their complaint to the Director of the department involved.

The complainant must:

- make their complaint under Stage 2 within 20 working days of the date of the decision letter
- clearly explain why they are dissatisfied with the outcome of Stage 2 and what they would consider to be a satisfactory resolution
- only use the complaint grounds set out in Stage 2

If the complainant expresses dissatisfaction after 20 working days from the date of the decision letter the complaint should not be escalated. However late escalation is discretionary. If circumstances have changed the complaint should be treated as a new complaint.

If the complaint is received verbally, the officer receiving it must complete a complaints form with the details and send a copy to the complainant by way of confirmation. Once a stage 3 complaint is received it must be immediately handed, faxed or emailed to the CSO responsible for the complaints database.

1	<ul style="list-style-type: none"> • log complaint on database send standard stage 3 acknowledgment letter generated by Orchard • Add key points of complaint to notes section of database • Photocopy complaint letter/form and file original in complaints file in CSC or fax to HCS • Pass complaint to Assistant Director responsible at stage 2 • Where the complaint has to be faxed or emailed to a Assistant Director outside of the chalk Farm office the CSO must notify them by telephone. 	Customer Services Officer
4	<ul style="list-style-type: none"> • prepare and hand full case report to the Director • pass a copy of report to CSO. • HCS staff must also file copy of report locally 	Assistant Director
4	<ul style="list-style-type: none"> • update database with key points of report and move database to next stage in process • file the copy of report 	Customer Service Officer
10	<ul style="list-style-type: none"> • respond outlining position and actions taken by CHG to resolve complaint. Use standard stage 3 decision letter in the S drive • hand, email or fax copy of decision letter to CSO 	Director
10	<ul style="list-style-type: none"> • update database with key points of decision letter and move database to next stage in process • file copy of decision letter 	Customer Service Centre Officer
30	<ul style="list-style-type: none"> • If no disagreement with the decision has been received send standard closure letter and satisfaction survey generated by Orchard, with a stamped addressed envelope. • If an agreement has been made between the Director and the complainant to close the case before this time, you must obtain and file evidence of this before closing the case on the system. The standard closure 	Customer Service Centre Officer

	<p>letter may then be discarded when generate from Orchard.</p> <ul style="list-style-type: none"> • File a copy of letter or fax/email a copy to Director to file locally if outside of Chalk Farm Office • Fill out and file Outcome Sheet if case is closed • Escalate complaint to stage 4 if complainant has advised they disagree with the outcome. • inform all staff involved of outcome 	
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All HCS staff must file copies of all complaints correspondence locally in resident's support files

2.17. Stage 4 - appeal to the Board Complaints Panel

The complainant has the right to appeal to the Board Complaints Panel. This has three members, who are appointed by the Board, one of whom should be a resident Board member (this member must not be directly affected by, or involved in the complaint). Six panel meetings a year will be pre-arranged ahead of complaints.

2.18 The complainant must:

- make their complaint in writing under Stage 4 within 20 working days of the date of the stage 3 decision letter
- request assistance to have their complaint placed in writing if they are unable to do so
- clearly set out why they are dissatisfied with the outcome of Stage 3 and what they would consider to be a satisfactory resolution
- only use the complaint grounds set out in Stage 3

If the complainant expresses dissatisfaction after 20 working days from the date of the decision letter the complaint should not be escalated. However late escalation is discretionary. If circumstances have changed the complaint should be treated as a new complaint.

2.19 The appeal letter must be immediately passed to the Customer Service Officer managing the complaints database on the day that it is received. The CSO must update the database and send the acknowledgment letter generated by Orchard. They must add the next hearing date to the letter manually in the space provided. The hearing will normally be held at CHG's office, however if access is difficult for the complainant because of a disability, an alternative venue will be arranged.

2.20 The complainant must be given assistance with information and advice. Any advisor for the complainant must be from outside CHG.

2.21 The complainant is expected to attend the hearing and present their own case. They may be accompanied by an advisor from outside CHG. Any person attending with the complainant can act in the role of friend or advisor but not in a legal capacity (such as a Solicitor) as the purpose of the hearing should be dispute resolution rather than an adversarial approach. This should be made clear to the complainant in advance. If they are unable to attend, in exceptional circumstances, they may send a representative or make a written representation. In this case they must contact the Director to confirm the arrangement, giving the name of the representative. They must also agree to abide by any decision made by the representative on their behalf. If the contact is made verbally, the Director must confirm the arrangement in writing.

2.22 Vulnerable complainants, for example those with mental health difficulties or elderly residents, may have someone present to speak on their behalf. They can also be offered a smaller less formal panel hearing with only one or two panel members present.

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- 2.23 The relevant Assistant Director presents the officer case.
- 2.24 If new evidence is presented at the panel hearing by the complainant, the hearing may be adjourned to a later date to allow the panel members to examine the new evidence. The panel hearing event can be removed from the database and selected again with the new hearing date.
- 2.25 The Complaints Panel must send their decision letter to the complainant within 10 working days of the hearing.
- 2.26 The personal assistant to the director, or the director themselves, must pass a copy of the panel's decision letter to the CSO so that they can close the case and send out a satisfaction survey and final closure letter. All other information must also be passed to the CSO to file. The CSO must update the notes section of the database with key points from all correspondence. All photocopies of correspondence must be filed in the CSC and in the HCS local office where applicable.

2.27. The Housing Ombudsman Service

If a complainant wishes to take matters further, they must contact the Housing Ombudsman Service. The Ombudsman will normally only deal with complaints after they have followed CHG's complaints procedure. Only CHG residents or people applying to CHG for housing can complain to the Ombudsman. Although the actioning of complaints with the Ombudsman is out of the association's control, CHG will actively monitor and pursue a resolution. The Customer Service Centre complaints monitors must contact the CHG Director managing the case weekly for updates.

Correspondence should be addressed to:

The Housing Ombudsman Service,
81 Aldwych,
London, WC2B 4HN

Tel: 020 74213800

Fax: 020 7831 1942

Email: info@housing-ombudsman.org.uk

Website: www.ihos.org.uk

3. 3. TERMS OF REFERENCE FOR BOARD COMPLAINTS PANEL

- 3.1 The Board recognises the right of tenants to raise formal complaints should these complaints not be resolved in earlier stages of the published complaints procedure. To this end, the Board has established a complaints panel with the following objectives and delegated powers.

3.2. Objectives

1. To determine whether the tenant's complaint should be upheld, partially upheld or dismissed.
2. To decide the appropriate form of redress if the complaint is upheld or partially upheld.
3. To recommend to the Board and/or the relevant Director a review of relevant policies/procedures where gaps or weaknesses have been identified as a result of hearing the complaint.

3.3. Duties and delegated powers

1. To determine the facts of each complaint.
2. To be conversant with agreed policy, procedure, Housing Corporation regulation and legislation relevant to each complaint.
3. To uphold or partially uphold complaints only where one or more of the following applies:
 - CHG's policy or procedure was not followed.
 - legislation or Housing Corporation regulations were not followed.
 - there is no existing policy and in the opinion of the panel CHG has acted inconsistently.

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- the complainant was not treated in a consistent manner, that is, the same as another tenant would be treated in the same circumstances.
 - the officer, contractor or agent behaved negligently.
4. To keep a full written record of the hearing.
 5. To maintain confidentiality at all times.
 6. To ensure that the hearing is conducted fairly and that both the complainant and officers have an opportunity to state their case.
 7. To recommend redress having taken advice from the relevant Director if the complaint is fully or partially upheld. The following courses of action should be considered:
 - issue an apology
 - recommend action to put the matter right
 - recommend changes to policy or procedure
 - determine compensation strictly in accordance with CHG's compensation policy
 9. To provide the complainant with the outcome of the appeal within 10 working days of the hearing and to inform the complainant of their right to take their complaint to the Housing Ombudsman Service if they are not satisfied with the outcome.

4. GIVING REDRESS

CHG aims to make sure that all its services are provided to the promised standards. However, if a complaint is upheld CHG will put things right. Depending on the circumstances, CHG can:

- make a formal apology
- review a decision or a policy
- pay compensation following the guidelines below
- pay discretionary compensation in exceptional circumstances

CHG will only pay compensation where it can be clearly demonstrated that:

- CHG has been negligent in its service delivery
- CHG has failed to meet its service targets and has not acted reasonably
- the complainant has suffered loss or inconvenience
- no other form of redress is suitable

4.1. Authorisation levels

Neighbourhood officers , allocations officers ,rehousing officers , technical officers, the aftercare team and surveyors with delegated authority can award compensation up to £100. The relevant manager with delegated authority can award compensation up to a maximum of £250. Any higher amount must be referred to the relevant Assistant Director who can authorise offers up to £1,000.00. Any offers in excess of this must be referred to the relevant Director.

Specifically, CHG will pay compensation in the following circumstances:

4.2. Rent based refunds

This applies only when there is major disruption or loss of use of accommodation for a minimum of one week and only to habitable rooms, that is, a bedroom or living room. Compensation for the loss of a habitable room will be calculated as pro rata refund of rent. For example, the loss of a bedroom in a two bedroom flat would require a refund of one third of the basic rent.

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Where the condition of the property renders it uninhabitable on the grounds of health and safety/ security CHG will cover the reasonable costs for a resident to stay in appropriate alternative accommodation (this must be agreed in advance with the resident) until such time that the home is habitable.

4.3. Service charge based refunds

Refunds of service charge for loss of manual services and amenities such as cleaning of common parts are calculated from the amount charged for the service where the service has not been provided for a period exceeding 4 weeks. Compensation for loss of laundry services will be payable where the loss of amenities exceeds 7 days.

Where the complaint or service failure is related to a loss of landlord supplied heating or hot water the following formulae apply:

Assumptions:

- heating accounts for $\frac{2}{3}$ of the total fuel cost and hot water $\frac{1}{3}$
- heating is only provided for half the year
- hot water is provided all year round

Compensation will be paid where the tenant is without facilities for more than seven days i.e. from day eight onwards

4.4. Heating and hot water

Where a tenant is claiming there has been an increase in bills as a result of using temporary facilities, CHG will request proof of bills and comparison bills to substantiate the additional cost.

If the resident is without facilities for more than seven days, compensation will be paid, from day eight at a rate of:

No heating and no hot water - £6 per day
 No hot water - £3 per day
 No heating (31st October – 1st May) - £3 per day

Refunds are paid for the number of full days of loss of the service

4.5. Missed appointments

Missed appointments by the contractor will be paid at a rate of £25 for each missed appointment. An appointment will be deemed to be missed if the contractor fails to arrive within the agreed appointment slot. The operative should contact the administrators to advise that they will be late. The administrator should contact the tenant to establish whether they are prepared to wait, and update the Orchard notes field. Where a new appointment has been arranged the administrator should advise the CHG Customer Service Centre.

Compensation for missed appointments will usually be paid directly by the contractor to the tenant.

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4.6. No Access

Where the tenant has failed to provide access, the contractor should inform the CSC operative via the CHG hotline. The operative will record the information on Orchard . Where such records exist any claim for a missed appointment shall be rejected...

4.7. Damage to resident's belongings by contractor

Contractors working in a resident's home are responsible for any damage they cause to resident's belongings. The resident should, in the first instance, address all claims for damage to CHG. CHG will then contact the contractor and advise them of the resident's claim. The resident must provide evidence of the damage and the loss that has arisen. This evidence should include the date the damage occurred, details of the contractor and operative involved, photographs of the damage and evidence and the cost that the tenant will incur in correcting the damage. The contractor must pay the resident directly and provide CHG with full details of the settlement.

Leaseholders are required to claim through their own contents insurance. Any damage to the building should be claimed through CHG's building insurance.

4.8. Discretionary Compensation

Discretionary compensation may be paid to the tenant where there has been particular distress, inconvenience or disruption and which does not fall within the categories outlines above.

Compensation for loss of earnings where there are exceptional circumstances may be paid at CHG's discretion where the tenant has provided proof of income.

4.9. Rent Arrears

Where there are arrears on the rent account compensation should be offset against the arrears, unless;

- the compensation is deemed necessary for subsistence e.g. to cover the cost of temporary accommodation
- or for loss to goods or belongings
- or other exceptional circumstance that would cause material hardship to the claimant if they were not reimbursed directly

Staff must ensure the Income Officer is consulted prior to arranging a cheque to be issued.

4.10. Payment

Any offer of compensation must expressly state that it is in full and final settlement of the claim and any future claim in respect of the same. The offer should also set out whether any of the payment is to be offset against arrears. A partially completed standard acceptance slip must be included with all offers.

The tenant must sign and return the slip, accepting the terms of the offer before any monies are paid.

4.11. Monitoring

The relevant service manager should keep a record of all compensation payments that are made in respect of their service area.

This procedure does not affect tenants' statutory rights

Examples of compensation items

Loss	Trigger Point	Amount Payable
<u>Rent refunds</u>		
Habitable room is unfit. i.e. bedroom or living room	1 week	proportion of rent
<u>Service charge refunds</u>		
Landlord's heating/hot water	Day 8	See formulae (1.2)
Manual services: Cleaning of common parts Window cleaning Amenity: Laundry	4 weeks 4 weeks 1 week	Proportion of service not deemed to have been delivered
<u>Heating/hot water</u>	Day 8	See formulae (1.3)
<u>Missed appointment by contractor</u>	1 st appt missed	£25.00

The examples given above are not exhaustive. The trigger point is measured from the time the loss of service was first reported to CHG.

5.0 The Right To Repair and The Right to Compensation for Improvements**HOUSING CORPORATION REGULATORY CIRCULAR 94-33-Regulation****5.1 The Right to Repair**

When a tenant reports an emergency or urgent qualifying repair, Community Housing will state who will do the repair and when it should be completed.

If Community Housing fails to complete the repair within the set time, the tenant may inform the association that the repair has not been done.

The association should give the tenant a further deadline for completing the work.

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If the association fails to complete the work within the second time period, the tenant should be paid compensation as follows:

- £10 – one off payment
- £2 for each day the repair continues to be outstanding after the second time period (up to a maximum of £50)

The Right to Repair compensation is not payable if the tenant has failed to give access to the association for the work to be inspected or carried out.

5.2 The Right to Compensation for Improvements

Community Housing will publish a list of improvements that tenants can make to their home at their own cost. Tenants must submit 3 estimates from bona fide contractors and tell the association which estimate they wish to choose and why. The association will not unreasonably withhold permission. When permission is given to the tenant, it must be in writing. The tenant should not start work until the estimate is agreed and written permission is given. The association should tell the tenant:

- That any compensation given at the end of the tenancy will allow for depreciation – i.e. it will be less than the tenant paid for the work.
- Any compensation due to the tenant at the end of their tenancy will be deducted from any money they owe to the housing association.
- If the tenancy is terminated through legal action by Community, the tenant will not normally be entitled to compensation.

Community will use the formula for calculating compensation and the list of qualifying improvements with indicated notional life, that is set out in Statutory Instrument 613/94.

6. OTHER RIGHTS

- 6.1 This procedure does not affect tenants' statutory rights to compensation under Right to Repair, Right to Improve and Home Loss payments.

7. FEEDBACK

- 7.1 In order to assess the effectiveness of the complaints procedure and make improvements to the process, a random survey of tenants and of complainants will be carried out each year, with the results reported to Directors with recommendations for changes to processes.

8. SERVICE IMPROVEMENT

- 8.1 Following resolution of the complaint, the Assistant Director must consider the issues raised and ensure that procedures are amended where necessary.