



Housing Services

Goodwill Gesture & Discretionary Payment policy (2021)

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1. Introduction

1.1 - Purpose of this policy

London Borough of Havering is committed to providing a high standard of customer service. Housing Services fosters a culture of listening to our customers' concerns and taking action.

The scrutiny and oversight of complaints is of paramount importance to us and provides the transparency and accountability that underpins continued public trust and engagement.

However, we recognise there are occasions when services do not meet our standards or customer expectation. If this is the case, and we are at fault, we will be honest and acknowledge this. The way we put things right is important to demonstrate respect for our customers.

The purpose of this policy is to state the principles, through which Havering Council Housing Services (the "Council") will manage, respond and assess customer complaints and claims for financial loss resulting from a service failure and determine whether a goodwill gesture or discretionary payment will be an appropriate solution to redress the situation.

1.2 - Aims and objectives of this policy

Havering Council take customer complaints very seriously and we aim to be consistently accountable with customers, responding positively and promptly in dealing with our customers' feedback.

This approach is supported by the implementation of a fair, consistent and effective corporate policy and procedure for handling complaints.

This goodwill gesture and discretionary payments policy sets out other remedies available to put a situation right, but recognises that in some instances, when other remedies have not been deemed suitable, some kind of financial reimbursement of costs, or an equivalent goodwill gesture, could be offered as an appropriate form of redress, where appropriate.

A redress is offered for any reasonable inconvenience had the service failure not occurred. Therefore, goodwill gestures or discretionary payments will be fair and proportionate.

Each case will be considered on its individual merits and discretion and common sense will be applied on the part of the Officer assessing the case. However, we will follow a set of strict criteria when assessing all cases to ensure consistency.

1.3 - Scope of this policy

The Council's Complaint Policy and Procedure defines what constitutes a complaint; who can make a complaint and how to go about it, the stages of the Council's Policy and Procedure.

The corporate Complaints Policy can be found at: www.havering.gov.uk/complaints

Under Section 5 of the Policy: 'What is a complaint', the Council defines a complaint as being any expression of dissatisfaction about the Council's provision of, or failure to provide, a service for which it has responsibility for and when it has not put right any service failure in a reasonable timescale.'

The Council Complaints Policy applies to all complaints received by the Council regardless of which service area/s the complaint relates to. This includes all Housing related complaints.

The Council encourages any customer who has a problem with services that needs a quick resolution (e.g. missed bin collection, streetlight out, pothole to report or repair needed to Council housing etc.) to report it online.

These issues are failures in service provision, and can be put right reasonably quickly and are picked up through the Council's web pages on the internet.

However, contact about how the service was provided i.e. the customer may be unhappy with the way the housing repair has been undertaken, would be deemed as a complaint and dealt with as such or if service requests through the REPORT IT route have failed, e.g. the bin still hasn't been collected.

For further information, please go to: <https://www.havering.gov.uk/>

This policy only applies to Housing-related complaints, which could include:

- Housing management – tenancy and leasehold management
- Property Services – responsive and planned repairs
- Housing Demand – housing register and housing solutions
- All other Housing Services departments including customer services, policy and strategy and ICT.
- Supported Housing – sheltered for elderly people and those with complex needs

This policy also applies to any third parties/contractors working on behalf of Havering Housing Services. Responsibility will be taken for any service failure proven to have been caused to an individual by a third party contractor working on behalf of Housing Services.

The Council reserves the right to re-claim payments from third parties. However, this policy does **not** apply to Housing-related:

- disrepair claims;
- insurance claims
- personal injury claims;
- tenant improvement claims;
- Home loss and disturbance payments.

Additionally, exclusions to our corporate Complaints Policy include:

- matters of law or central government procedure;
- complaints about the merits of an insurance claim, or matters that would be more appropriately considered by an insurer;
- complaints under statutory obligations (e.g. children and adults social care);
- requests for Council services;
- complaints that have already been decided by a court, independent tribunal, Local Government and Social Care Ombudsman or Housing Ombudsman ruling;
- complaints that are simply criticisms or disagreement with the Council's Policy and Procedure or decisions;
- Services for which there are alternative appeal or tribunal processes, including: appeals against housing allocation decisions and Housing Benefit appeals.

Complaints relating to other Council services can be escalated to the Local Government and Social Care Ombudsman.

These bodies will investigate individual complaints about councils, all Adult Social Care providers, (including care homes and home care agencies), and some other organisations providing local public services.

1.4 - Delegated authority to make minor changes to this policy

To ensure that this policy is operated fairly and legally throughout, the Head of Housing Strategy and Service Development, in consultation with the Director of Housing, will be able to approve minor amendments; i.e. amendments that do not significantly change this policy or associated procedures.

1.5 – Timescales for this policy

This policy will commence in May, 2021 and will be subject to review annually.

However, it may be revised beforehand to accommodate legislative and/or regulatory changes that may occur during the interim.

1.6 -Legal context of this policy

This policy takes into account the following legal and regulatory requirements:

- Housing Act 1996
- Equality Act 2010
- Data Protection Act 2018

2. General provisions

2.1 - Categories (i.e. claims, goodwill, statutory and regulatory payments)

There are two types of goodwill gesture payments that Council housing landlords make:

1. Payments that we are obliged to make (statutory, regulatory or contractual)
2. Payments that we choose to make (discretionary).

These payments apply to tenants, leaseholders, owner-occupiers, or other persons who come into contact with the work of Havering Housing Services.

All claims and service failures will be investigated objectively and on their merits in line with Havering's values.

2.2 - Circumstances in which payments will be considered

There are three separate circumstances under which such payments are considered in line with the Local Government and Social Care Ombudsman guidelines:

2.2.1 - Goodwill or discretionary payments

These are made for time and trouble/distress and inconvenience. Goodwill and discretionary payments may be applicable in circumstances which could include:

- evidence of poor complaint handling, (only after following relevant escalation in complaints policy and procedures)
- unreasonable delays in providing a direct service e.g. in undertaking a repair
- failure to provide a service that has been charged for
- temporary loss of amenity may be considered, if this is not related to utility failure and as a result of a failing by the Council
- evidence of failure to meet published response times
- loss of use of part or the whole of the property (under certain circumstances such as a decant agreed by the Council)
- failure to follow policy and procedure
- unreasonable time taken to resolve situation
- decant from your home.

2.2.2 - Discretionary quantifiable loss payments

These are made where people can demonstrate actual financial loss.

Examples of quantifiable loss, for which a discretionary payment may be considered could include:

- increased heating bills or electrical due to repairs / failure to resolve heating within reasonable timescales
- Costs for alternative accommodation – If a decant is deemed by Housing Services, residents will be offered temporary accommodation and will only be required to pay rent on one property, whichever is the lower amount. Any alternative accommodation paid for at the tenants own choice, will not be considered for reimbursed unless there is evidence that they were not offered temporary accommodation by the Council
- Costs incurred for food, subject to a failure by Housing Services
- Carrying out repairs where Havering Housing Services has failed to meet our obligations to tenants and / or leaseholder
- Additional costs incurred, as a result of a failing by Havering Council, such as but not limited to telephone calls, purchase of own heaters etc.

Any such costs must have been reasonably incurred and require evidence to be provided of such loss.

2.2.3 - Mandatory payments

These are statutory home loss payments and not covered by this policy.

Examples of mandatory payments could include home loss, disturbance, improvements and payments under the Right to Repair scheme and the disrepair protocol.

2.2.4 - Housing Ombudsman

The Housing Ombudsman (www.housing-ombudsman.org.uk) only covers matters relating to our role as a landlord of Council managed homes. Other complaints, such as those relating to homelessness, are dealt with by the Local Government and Social Care Ombudsman (www.lgo.org.uk).

Havering Housing Services takes a flexible approach to considering different remedy solutions to resolve complaints raised by customers.

There may be circumstances however, where the relationship between the Council Housing Services and complainant has broken down to such an extent that resolution is not possible. In these circumstances, it may be helpful to bring closure by referring the matter to the Housing Ombudsman.

It would be entirely at the discretion of the Housing Ombudsman whether or not to accept any referral and we will cooperate with the Housing Ombudsman in all respects. It is also at the discretion of the Housing Ombudsman whether to recommend a payment be made should the complaint be upheld or mal administration found.

A customer can contact the Housing Ombudsman directly, however the Housing Ombudsman will usually recommend that the matters raised are addressed through the Council's Corporate Complaints process before they investigate. Details of the Housing Ombudsman can be found at <https://www.housing-ombudsman.org.uk/>

If the Housing Ombudsman has given a ruling that includes recommendation of a discretionary or goodwill payment, for a particular amount, then this may be offered to the complainant in full and final settlement of the complaint case.

Under these circumstances, we will not be able to consider a further application for a goodwill or discretionary payment.

3. Procedure for application of a discretionary or goodwill gesture payment

It is important to note that other actions may be taken to remedy a complaint or service failure either separately from or in conjunction with an offer of goodwill payment or recompense.

These can include practical actions: such as offering to undertake repairs or redecoration equal to the goodwill payment, which would otherwise be a customer's responsibility, and other gestures of goodwill (e.g. vouchers and/or verbal apology if appropriate).

Any goodwill gesture offered to a customer should be accompanied by an apology.

In the event of service failures, Officers responding to a complaint raised by a customer will give an explanation as to how the goodwill gesture relates to the failure in service occurred and a commitment to learning and making service improvements.

Customers wishing to apply for a discretionary payment should raise the matter as a formal complaint via the online complaints form, or raised through their local Member or Ward Councillor.

Discretionary payments are in line with the Local Government and Social Care Ombudsman guidelines and this policy.

3.1 - Goodwill payments

Please note, a goodwill gesture payment will be offered in the event that the customer has been inconvenienced by avoidable circumstances, e.g. an unnecessary delay in responding to a repair or other housing related service, a complaint about service failure upheld at Stage One, or proven failings on the part of individual staff or team.

Goodwill payments will be made as one-off payments to a Council tenant or leaseholder only. It should be noted that under this Policy, it is normal practice for any such offer to be offset against any existing rent or other arrears owed to the Council.

By accepting a goodwill payment as an apology for an upheld complaint service failure at Stage One, customers should not immediately escalate the same complaint to Stage Two.

The complaint should only be escalated to Stage Two if there is a follow-on service failure or new complaint submitted unconnected to the previous complaint.

Havering Housing Services Customer Feedback and Complaints Officers are empowered to use their discretion and autonomy, enabling them to make decisions conducive to the early and effective resolution of disputes and complaint resolution.

Whilst front-line staff, such as Housing Officers, can recommend a goodwill payment, this is limited to minor inconvenience matters, such as missed appointment or reimbursement of minor costs.

This will be limited to **£30**, except in exceptional circumstances or under the investigation of a Stage One complaint, at the Head of Housing Strategy and Service Development, Assistant Directors, Director of Housing or Senior Customer Feedback and Complaints Officers' discretion.

Any quantifiable payments, or payments over £30, need to be fully assessed as a discretionary payment and authorised by the above officers of the Council. However, this does not include payments under the contractor's own missed appointments scheme which will be paid or reclaimed directly from a contractor.

3.2 - Discretionary payments

The circumstance in which a set amount of recompense will be made to a complainant, in line with the Local Government and Social Care Ombudsman guidelines.

Loss of a room and complete / partial loss of an amenity such as heating, hot water, power and lighting.

Under such circumstances a discretionary payment may be offered based on the Local Government and Social Care Ombudsman guidelines.

Parameters for discretionary payments dependent upon the severity of any service failure and associated impact.

Assessment will be carried out based on whether the service failure and impact is 'minor,' 'moderate' or 'severe'. The factors to consider in deciding upon the appropriate discretionary award could include the duration of the problem and extent or severity of the service failure and time and trouble incurred by the complainant.

Any discretionary payments will consider customer vulnerabilities and whether impact is worsened through disability, age, and the presence of young children or any other vulnerability.

4. Situations where recompense will not be considered

Payments will not be considered for:

- Claims for personal injury.
- Claims for damage caused by circumstances beyond the council landlord's control – examples - Storm, flooding or damp / condensation / mould damage
- Issues covered under contents insurance, or that are covered under third party liabilities insurance.
- Loss of earnings and rent refunds.
- Home Loss or Right to Repair payments.

Where damage has been caused directly as a result of the actions or omissions of Havering Housing Services or a contractor working on its behalf, consideration will be given to reimbursement without the need for the customer to make a claim, and in particular, where the facts are not in dispute.

4.1 - Accepting a discretionary payment offer - timescales

Any resident may be offered a goodwill gesture payment, however where goodwill or discretionary payments is made to a Council tenant or leaseholder these will be as one-off payments.

It should be noted that under this Policy, it is normal practice for any such offer to be offset against any existing rent or other arrears owed to the Council.”

If an offer is accepted by the complainant any payment will be credited to arrears owed to the Council or by bank transfer or rent credit within 21 days.

Any customer that wishes to accept a discretionary payment offer of recompense must do so in writing within 21 days following the service failure or original complaint and must provide confirmation of the bank details of the account the payment should be made to. Once offered, if payment is not accepted within 21 days the offer is withdrawn.

Acceptance of an offer should be sent in writing to:

Housing_complaints@haverling.gov.uk or by post to Housing Customer Feedback and Complaints team, Housing Services, Town Hall, Romford, RM1 3BB.

4.2 - Appealing a decision

If you are dissatisfied with the goodwill payment offered by the service, this can be raised to Stage One of the Corporate Complaints Policy.

If you are still dissatisfied with the response to the Stage One complaint, or you are dissatisfied with the discretionary payment offer and don't accept it, you can request for the matter to be investigated at Stage Two of the Council's Corporate Complaints process.

Details of Stage Two can be found:

www.havering.gov.uk/complaints

5. Equal Opportunities Statement

The Council will seek to ensure that this policy is applied fairly at all times, to all sections of the community.

All residents will be invited to indicate if they wish to make use of the Council's translation and interpretation services, or if they require additional services to enable them to access or understand the policy, to ensure that they are not disadvantaged in any way.

Residents will also be invited to provide details of their ethnic origin, sexuality, disability and other equalities information. Provision of this information is not obligatory.

Such information however, will help the Council to monitor the number and types of protected characteristics in those residents that use this policy, and will help ensure that service improvements evolve in line with any changing local needs.

Equalities records will be kept and monitored to ensure this policy is applied fairly.

This policy will be reviewed annually to ensure it is not operated in any way that could discriminate or disadvantage against any particular group of people.

All information provided will be kept confidential and treated with respect at all times.

6. Data Protection Statement

Havering Council takes personal privacy very seriously and will never share residents' personal data without their prior knowledge, unless required to do so by law.

For full details about how the Council protects personal data, please visit [Havering Council Data Protection policy](#).

7. Dissemination and communication of this policy

Housing Services consult with all affected stakeholders, directly or indirectly, to ensure this policy fulfils its purpose to be clear and transparent.

This policy is an internal Housing Services policy and will be made available internally and externally in hard copy and electronic versions, as well as various formats – such as easy read, multi-lingual, braille and audio - upon request.

8. Implementation of this policy

This policy will take effect from 1st December 2021.

Responsibility for the successful implementation of this policy will be with Havering Council's Head of Housing Strategy and Service Development, who is responsible for the Housing Complaints and Customer Feedback team.

This policy will form part of induction procedures for new housing staff. All staff will receive appropriate training. Awareness updates will be available to ensure this policy is embedded within the organisation.

9. Monitoring and review of this policy

In the interests of continuous improvement, this policy will be monitored and reviewed annually to ensure it remains relevant, up-to-date and fit-for-purpose for the Council and the customers of Havering.

This will be reviewed annually to ensure it is current and in line with the Local Government and Social Care Ombudsman guidelines.

We will report on an annual basis to the internal Housing Services Senior Management Team (SMT). The information reported will include:

- The number of customers offered a goodwill or discretionary payment;
- The total amount of recompense made to customers under this policy.