

LEARNING FROM YOU

COMPLIMENTS AND COMPLAINTS PROCEDURE

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Introduction

1. Our Complaints and Compliments policy and procedure has two main purposes:
 - a) to give individual service users an avenue to pursue individual complaints and wherever possible for these to be resolved to their satisfaction;
 - b) to give WH valuable feedback on the services provide to service users in order to enable us to learn from both our successes and shortcomings, and use this information to improve those services.
2. All services users should be encouraged to give feedback, which will be recorded on a dedicated compliments and complaints spreadsheet.

Staff training in handling compliments and complaints

3. All staff should be familiar with and able to operate this policy and procedure. They will also understand how it fits into the Association's overall approach to planning and delivering service improvements. Training for all staff will therefore be mandatory, either as part of induction for new staff, or as part of the ongoing training and development for existing staff.

Publicity

4. Leaflets on complaints and compliments, and compensation, and forms for registering complaints and compliments must be kept on prominent display at all supported and sheltered housing schemes and at all public offices. We shall also publicise via Coast to Coast, and our website, and resident involvement groups.

Compliments procedure

5. A compliment can be defined as any appreciative feedback from a customer over and above the normal thanks, especially where praise is given in respect of a particular service or an action by a member of staff.
6. Any written compliments received should also be acknowledged in writing. Use letter 'Compliment 1'. All compliments, however received, should be recorded on the compliments and complaints spreadsheet by whoever receives the compliment.
7. Paper copies of compliments and related correspondence should be kept in a 'compliments' file located at the relevant service.

Complaints

Who can complain?

8. Complaints can be accepted from the following:
 - a) Any Westcountry resident, be they a tenant, shared owner, leaseholder or living in one of our supported housing schemes, or anyone else for whom we provide a service;

- b) Friends, carers, advisers or a member of staff can, with their permission, make a complaint on their behalf. WH will always check that the complainant has given their authority before dealing with any third party.
- c) External organisations or individuals working with, or providing services on behalf of, Westcountry Housing Association, or those providing housing-related services to Westcountry residents or service users. Authorised representatives of any of these groups can complain. Such complaints must be referred to It will be at the discretion of the Complaints Officer, who, if necessary in consultation with the Complaints Review Group, will decide on how such complaints should be handled. In some cases there may be an alternative and more appropriate way of processing the complaint, such as a contractual framework, service level agreement or arbitration process. WH staff who receive such a complaint will always need to consult the Complaints Officer.

How does someone complain?

- 9. Although we can provide a complainant with a form on which to complain, its use is not compulsory. A complainant may, if they choose, complain by telephone, letter, fax or email, or any other reasonable means which enables the Association to respond. The complaint can come directly from the complainant or through their authorised representative.

Complaint recording: when should a complaint be recorded?

- 10. **All identified complaints must be recorded however they have been reported, and whether or not they are valid or taken beyond stage 1 of the procedure.**
- 11. Recording is important because any complaint that draws attention to a lapse in the quality of service is an excellent opportunity for us to learn from its mistakes and to improve. Lessons will not be learned unless we are receptive to the complaints in the first place.

Complaint recording: where should a complaint be recorded?

- 12. All identified complaints must immediately be recorded within the Open Housing, Contact Management system and must be promptly updated at all stages in the handling of complaints by the person dealing with the case. All managers will keep an overview of all complaints for their service and ensure both the quality and timeliness of our response.
- 13. All paper records relating to individual complaints will be held as follows:

Electronically

All documents up to Stage 4 will be stored through the Organisations QDM document storage system. Incoming documents will be scanned and outgoing documents will be produced using the QDM and Saved against that complaint and complainants details.

Manual File

Each complaint will have an individual file with record sheet that will when each stage is completed be stored in the central complaints cabinet. This is controlled by the PA to the Service Director.

For supported housing schemes including sheltered schemes: file papers in the indexed complaints folder, held at the scheme or within the floating support service team.

Diversity Monitoring

14. It is important that we monitor the profile of those who complain to us so we can compare this against the profile of our service users as a whole, and also check for any inconsistencies in how we handle complaints from different sectors of the community. Diversity will be reported as part of the customer access board report submitted to board twice yearly in November and June.
15. WH has 4 stages to its complaints procedure these comprise:
 - STAGE 1 Informal resolution**
 - STAGE 2 Referral to Manager or Head of Service**
 - STAGE 3 Review by the Managing Director**
 - STAGE 4 Appeal to Complaints Panel (democratic filter)**
- 16.

The complaints Procedure

1. Introduction

1.1 The complaints procedure has 4 stages, preceded by an initial assessment, as follows:

Initial assessment: identification of complaints

STAGE 1 Informal resolution

STAGE 2 Referral to Manager or Head of Service

STAGE 3 Review by the Managing Director

STAGE 4 Appeal to Complaints Panel (Democratic Filter)

1.2 The possibility of resolving complaints by mediation may be considered at any stage. Mediation may be arranged with independent consultants, or if residents of sheltered housing are involved, with the Advice, Information and Mediation Service (AIMS).

1.3 At each stage a fresh look should be taken at the complaint, to avoid any tendency to reinforce decisions made in earlier stages.

2 Initial Assessment

2.2 It is normally the responsibility of the member of staff receiving the complaint to carry out the initial assessment, as set out below. If you are unsure, ask your manager.

2.3. All complaints identified as such within the meaning of this procedure will proceed to Stage 1 of the complaints procedure. Where a complaint appears to be serious, the receiving member of staff will refer it to their manager who will decide if it should be immediately dealt with at stage 2 or higher. Complaints received via an M.P., Councillor, WH Board member, or another agency, must also be dealt with at stage 2.

Initial Assessment (1): identification of a complaint

2.4. **What is a 'complaint'?** A complaint is an expression of dissatisfaction from a complainant, relating to a service received from WH.

2.5. **What is not a 'complaint'?** A request for service from WH, such as a report of a repair, **is not** a complaint within the meaning of this policy. Do not record as a complaint. On the other hand, a complaint about WH's failure to carry out a repair on time **is** a complaint, must be recorded, and following initial assessment, will proceed to stage one of this procedure.

2.6. **Complaints against other agencies and partners.** These are not complaints within the meaning of the Association's complaints policy. Do not record as complaints. They should be dealt with as follows:

2.7. **Complaints about a service provided by a third party.** Provide the customer with the contact details for the relevant agency.

2.8. **Complaints about a service provided by a partner agency:** as an example, the Homefinder choice-based lettings scheme. Pass details of the complaint to the relevant agency to respond. Copy to the member of staff who is our lead with the agency, who will decide whether to take the matter up separately through partnership working arrangements.

2.9. Reviews and Appeals

Where a service has its own appeal or review procedure, a customer should use this before entering the complaint procedure. Examples are appeals on a decision on the allocation of a home, and review of a decision on the provision of a support worker.

2.10 **Recording**

At this point in the procedure, you must record the complaint within the groups Open Housing Contact Management system, regardless of whether or not it is valid: see below.

Initial assessment (2) deciding whether a complaint is valid

2.11 **A complaint is valid where:**

- a) WH has failed to respond to a service request;
- b) A service has been provided, but it does not accord with our published service standard;
- c) WH has been perceived as unhelpful or discourteous;
- d) There has been muddle or inaccuracy in information given;
- e) WH are considered to have acted unfairly;
- f) WH has acted contrary to its own policies and procedures, the law, or regulatory framework.

3. **Stage 1 actions for valid complaints.**

- 3.1 Identify and agree with the complainant what the problem is, and what needs to be done to resolve it: then do it!
- 3.2 Always draw the complaint to the attention of your manager, and consult with them in the case of difficulty in resolving the complaint at informal resolution stage.
- 3.3 Acknowledge the complaint in writing within 5 working days of receipt, using letter 'complaint 1', unless a full reply, as set out below, can be sent within this five day period. Update the complaints spreadsheet.
- 3.4 Check the complaint against our compensation policy. If compensation is payable for service failure or loss of amenity, obtain your manager's agreement to payment, confirm the amount to be paid to the customer, and arrange payment. This will be way of a credit to the rent / charges account, unless the customer has a nil balance and nil to pay, or has no account with us; in which case a cheque must be issued. If the complainant has no bank account, a postal order may be issued. Record the payment on the appropriate worksheet in the complaints spreadsheet.
- 3.5 Within 10 working days of receipt, send standard letter 'Complaint 1'. This letter must always include:
 - a) a summary of the complaint,
 - b) the proposed remedial action with timescales,
 - c) the action the complainant can take if not satisfied,
 - d) details of the case closure timescale. Include details of any compensation to be paid, and the means of payment, as explained above.
 - e) Enclosures: prepaid envelope and diversity monitoring form.
- 3.6 In composing the letter, make sure you respond specifically and explicitly to each and every aspect of the complaint. Avoid generalisations and leaving loose ends. A thorough response which shows we are taking the complaint seriously is most likely to result in the complaint being resolved at this stage. Stick to plain English, rather than being drawn into bureaucratic terminology.

- 3.7 Continue to update the complaints spreadsheet, including the 'upheld' and 'action / outcomes' columns, until either case closure or the complaint passes to stage 2. If there is no further contact within 28 days of sending 'Complaint 1', the case should be closed by completing the 'date case closed' column on the spreadsheet. (scroll across to the relevant column).
- 3.8 If a complainant tells you they are not satisfied with our stage 1 response, they should be advised that they can take their complaint to the Complaints Officer (stage 2 – see below). Explain how stage 2 operates, as below. Help should be offered to any complainant who has difficulty with this.
- 3.9 If the complainant chooses to submit their stage 2 complaint to you, pass it immediately to the Complaints Officer.
4. **Invalid complaints: actions.**
- 4.1 A complaint should be classed as invalid where it does not meet one or more of the criteria above for valid complaints. Think carefully – are you certain it does not meet any of these criteria? Send 'Complaint letter 3' explaining that the complaint has been found not valid. Update the spreadsheet.
- 4.2 Where a customer's complaint is found to be invalid, but they have expressed dissatisfaction with existing services, send details to the Chair of the service standard review group, or the appropriate manager if the substance of the complaint is about an issue other than a service standard.
5. **Referral to the Complaints Co-ordinator (Stage 2)**
- 5.1 A complaint must be referred to the Complaints Co-ordinator where:
- a) The member of staff receiving the complaint considers it to be sufficiently serious to be dealt with initially at Stage 2, or
 - b) The complaint is received via an MP, Councillor, the Homes and Communities Agency, WH board member, or other agency.
 - c) The complainant is not satisfied with attempts at informal resolution, or wishes to initiate their complaint at Stage 2 because they feel it is inappropriate to use Stage 1.
- 5.2 At this stage, the complainant should be encouraged to fill in a complaint form if they have not previously done so, or at least to make their complaint in writing. It should always be remembered that complaints can be made by a third party acting on the complainant's behalf. Help to complete the form and / or referring the Complaints Officer should be offered if necessary. The complainant should send their complaint to the Complaints Officer marked 'private and confidential'. The complaints form includes a section for monitoring equality and diversity issues. The complainant should always be encouraged to complete this.
- 5.3 The Complaints Officer will log all stage 2 complaints on the compliments and complaints spreadsheet if this has not already been done. The role of the Complaints Officer is administrative, not investigative.
- 5.4 The Complaints Officer will usually ask the appropriate senior manager to investigate and reply to the complainant within ten working days of the Association receiving the complaint.

- 5.5 At stage 2 and each subsequent stage in the procedure, the complaint should be checked by the appropriate manager to ascertain that it should be classified as valid: it is of course increasingly likely that it will be valid, as a complaint escalates.
- 5.6 The senior manager will send an acknowledgement in 5 working days, unless s/he can send a full reply within this period. The full reply will invite the complainant to tell us within 21 working days if they wish to have their complaint referred to the Managing Director (Stage 3) because they are dissatisfied with our response, or alternatively, that the case will be closed if there is no further contact.
- 5.7 If no further response is received from the complainant within 28 days, the Complaints Officer will close the case and send the 'complaints closure' letter to confirm this.
- 5.8 The senior manager dealing with the complaint will advise the Complaints Officer of all actions taken, with dates. The Complaints Officer will record each stage of investigation and response in the compliments and complaints spreadsheet.
- 5.9 In order to be able to take an independent approach should the complaint proceed to Stage 3, the Managing Director shall not participate in discussion on any complaint at Stage 1 or 2, unless there is a specific need to input on policy matters.
- 5.10 Some complaints are complex and multi-faceted, and there is a risk that the complainant may be frustrated by having to deal with several staff. A senior manager dealing with a complaint at stage 2 will therefore identify a key contact for the complainant. The role of the key contact shall be to act as a conduit for incoming and outgoing communication with the complainant, in order to minimise the number of personnel they have to deal with. This is to provide simple and unambiguous communications. Depending on the circumstances of a complaint, the key contact may be the Complaints Officer or the senior manager him/herself, or another officer acceptable to the complainant.
6. **Review by the Managing Director (Stage 3)**
- 6.1 If a complainant notifies WH, verbally or in writing, that he or she is dissatisfied with the Association's response at Stage 2, the Managing Director will carry out a review. Such notification will be acknowledged in writing to the complainant within five working days of its receipt.
- 6.2 Following investigation, the Managing Director will respond in writing to the complainant within ten working days of the notification. This letter will explain to the complainant their right to appeal, ask them to indicate within 21 days whether they wish to exercise this right, and explain that if there is no reply within 21 days, the file will be closed.
- 6.3 After 28 days, if there has been no further contact, the Complaints Officer will close the case and confirm this in writing to the complainant.
7. **Appeal to a Complaints Panel (Stage 4)**
- 7.1 If the complainant does not believe that this has resolved their complaint, they may appeal to a Complaints Panel.
- 7.2 The complaints panel will provide the democratic filter and be one of the designated persons who can refer a complaint to the Ombudsman should they feel the nature of the complaint requires it.

- 7.3 Complaints reaching stage 4 will be head by the Chair of the Scrutiny Panel, one Tarka Scrutineer and one Westcountry Scrutineer.
- 7.4 The panel will have access to independent specialist advice and administrative support will be provided by the organisation.
- 7.5 All members of the panel must have had no prior involvement in, or as far as possible knowledge of, with the complainant's case.
- 7.6 The complainant will be given at least two weeks' notice of the hearing, which will be held within 20 working days of the complainant's request.
- 7.7 The complainant has the right to attend the Panel hearing and the right to be accompanied or represented. Any representative can act in the absence of the complainant if he or she does not wish or is unable to attend. The relevant manager and any other staff key to the complaint will attend the Panel to report and answer questions. The Complaints co-ordinator will write a report on the complaint to present to the Panel. This will include copies of all related documents, and should be given at least seven days in advance to the complainant in order for them to comment. The decision of the Panel will be reported to the Board for information. The decision of the Complaints Panel will be final, although the Panel shall have the option to refer its decision to the Board. The Chairman of the Panel will write to the complainant within five days, informing them as follows:
- a) summarising the matters considered;
 - b) the decision reached by the Panel;
 - c) the reasons for that decision;
 - d) the complainant's right of appeal to the Ombudsman.
- 7.8 In the case of a complaint against a member of staff, the role of the Panel is to deal only with the complaint, and not with any disciplinary procedures. Similarly, should staff disagree with the findings of any complaint against them, this will be a matter for the Association's staff grievance procedure.
8. **Application to the Housing Ombudsman Service**
- 8.1 The Ombudsman scheme permits referrals from designated persons. These can be Complaints Panel, MP, member of the local authority within which the complaint refers or the Scrutiny Panel.
- 8.2 8 weeks after a complainant has exhausted WH's own procedure they can apply to the Housing Ombudsman Service for the complaint to be independently examined:
- 8.3 Contact details are as follows.

Telephone 0300 111 3000

Fax 020 7831 1942

Email info@housing-ombudsman.org.uk

Website: www.housing-ombudsman.org.uk

9. **Service standards: response times and information**

- 9.1 A full written response must be provided to the complainant within 10 working days of its receipt, at all stages in the procedure. If this is not possible, an acknowledgement must be sent within 5

working days, telling the complainant when they can expect a full reply. Other timescales are as set out in this procedure.

9.2 The response from WH back to the complainant must be in writing (unless the complainant has communication needs which require a different medium) and must explain to the complainant what they need to do and within what timescale if they remain dissatisfied and wish to move to the next stage of this procedure. The letter must also tell the complainant that the complaint will be closed if no further response is received within the timescale referred to.

10. Advice and confidentiality

10.1 Complainants should be reminded that independent advice and assistance is available from:

- a) Citizens Advice Bureaux or other advice centres;
- b) Specialist agencies such as Shelter and Age Concern;
- c) Law Centres or solicitors;
- d) The Equal Opportunities Commission;
- e) A Leasehold Valuation Tribunal (leaseholders only).

10.2 No details of a complaint should be released to any third party external to WH without the express written authority of the complainant.

11. Persistent, serial or vexatious complainants

What is a persistent, serial or vexatious complainant?

- 11.1 Most complainants behave in legitimate ways. A very small minority persist unreasonably with their complaints, or pursue them in order to make life difficult for WH rather than genuinely to resolve a grievance.
- 11.2 Before the Managing Director decides to deal with a complaint in this way, s/he must be satisfied that:
- a) The rest of the Compliments and Complaints Procedure has been correctly implemented as far as possible; and
 - b) No material element of a complaint has been overlooked or inadequately addressed.
- 11.3 The persistent, serial or vexatious complainant could be categorised as such if, during previous or current contact with WH, they meet 2 or more of the following criteria:
- a) They persist in making a complaint where the complaints procedure has been fully and properly implemented and exhausted;
 - b) They change the substance of their complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions (care must be taken not to disregard new issues which are significantly different from the original complaint. These may need to be addressed as separate complaints);
 - c) They are unwilling to accept factual documented evidence or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed;
 - d) They persist in making a complaint about something that is not within our remit;
 - e) They focus on the trivial, which is out of proportion to its significance, and continue to focus on this point;
 - f) They fail to set out any remedies which could be reasonably applied to resolve their complaint;
 - g) They have made an excessive number of contacts (in person, by phone, in writing or by email) with us, placing unreasonable demands on staff. We will use discretion in determining what is an excessive number of contacts based on the circumstances of each individual case;
 - h) They display unreasonable demands or expectations and fail to accept that these may be unreasonable (for example, insisting on responses to complaints or enquiries being provided more urgently than is reasonable);
 - i) They take up WH resources disproportionate to the seriousness or possible outcomes of the complaint;
 - j) They make unauthorised recording(s) of meeting(s) or face to face/telephone conversation(s) without the prior knowledge or consent of the parties involved;
 - k) They threaten or use physical violence towards staff, or harasses or are persistently abusive or aggressive towards staff. And have failed to stop despite warnings about the consequences of such behaviour AND:

In addition to a – k above, they do not have a learning difficulty or unmet support need that would make following our procedures too difficult without advocacy.

What are our options when dealing with a persistent, serial or vexatious complainant?

- 11.4 We want staff to respond with patience and sympathy to the needs of all our service users, including when they complain. We need to distinguish between people who make a number of complaints with good cause because they really think things have gone wrong, and people who are simply being difficult without sufficient cause.

- 11.5 Even though someone has made persistent, serial or vexatious complaints in the past, it cannot and must not be assumed that a subsequent complaint from them also falls into this category. We must consider each complaint on its own terms, and decide whether it is vexatious or genuine. We must evaluate each written or oral submission.
- 11.6 The decision to categorise a complainant as persistent, serial or vexatious and any action to be taken will be determined by the Managing Director, who may decide to handle such a complainant in the following ways:
- a) try to resolve matters before invoking this section of the policy by securing a signed 'agreement' with the complainant. This should set out a code of behaviour for the parties involved if WH is to continue to process the complaint. If the agreed terms are contravened, consideration would be given to implementing other actions as described below;
 - b) decline contact with the complainant either in person, by telephone, by fax, by letter or any combination of these, provided that one form of contact is maintained;
 - c) notify the complainant in writing that the Managing Director has responded fully to the points raised and has tried to resolve the complaint; and that there is nothing to add and continuing contact on the matter would serve no real purpose. The complainant should also be notified that the correspondence is at the end and that further letters will be acknowledged but not answered; they should also be advised how to take their complaint to the Independent Housing Ombudsman;
 - d) temporarily suspend all contact with the complainant or investigation of their complaint whilst seeking legal advice or guidance.
- 11.7 The Managing Director will implement the agreed action and will notify the complainant in writing of the reasons why they have been classified as persistent, serial or vexatious, and of the action to be taken.

Withdrawing 'vexatious complainant' status

- 11.8 Having deemed a complainant to be persistent, serious or vexatious, this status may be withdrawn by the Managing Director. This should be exercised with discretion where, for example, the complainant demonstrates a more reasonable approach or if they later submit a further, new complaint for which the normal complaints procedure would appear to be appropriate. The Managing Director will advise the complainant of the withdrawal of this categorisation.

12. Reporting and learning from compliments and complaints

- 12.1 The Complaints Co-ordinator will provide six monthly reports to the board. This report will:
- a) Give a summary of compliments and complaints received, valid and invalid, over this period, based upon the information recorded on the spreadsheet;
 - b) Provide an aggregated summary of all complaints resolved at Stage 1;
 - c) Provide case by case summary information on all cases that have reached Stage 2 and beyond, indicating the nature of the complaint and the outcome;
 - d) Report on compliance with the compliments and complaints policy and procedure and any difficulties which need addressing;
 - e) Give details of lessons learned and improvements made and action taken as a consequence of complaints received;
 - f) Provide details of any compensation payments made, and lessons learned from the need to make such payments;

g) Give an analysis of compliments received, and how these have been used to shape and improve WH services.

12.2 In addition, 'compliments and complaints' will be a standing item on all 'one to one' and team meeting agendas, where any cases directly affecting the individual or team, will be reported and discussed.

13. Review of this policy and procedure

13.1 The operation of this policy will be overseen and kept under review by the Group Scrutiny panel.

13.2 This policy and procedure will be reviewed in its entirety at a maximum of three yearly intervals, working with service users. The review will specifically consider levels of awareness of the policy amongst service users, and the extent to which this may inhibit complaints.

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