

## COMPLIMENTS, COMMENTS AND COMPLAINTS PROCEDURE



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### **1.0 Introduction**

1.1 Compliments, comments and complaints can be made by residents, applicants, service users and any member of the public.

### **3.0 Complaint**

Where a complaint is made about the Association on the grounds of:

*'dissatisfaction with the action or lack of action or about the standard of a service whether justified or not'.*

3.1 Complaints must be made within six months of the event giving rise to the complaint, unless there are exceptional circumstances which prevented the complaint previously being made.

3.2 The complaint could be in relation to:

1. Not advising service users of their rights correctly.
2. Poor attitude or behaviour.
3. Not delivering services to agreed standards, quality or timescales.

### **4.0 Complaints not covered in this procedure**

4.1 This procedure will not be used in cases where the complaint is due to:

- A legal matter where the person has already actioned legal representation.
- Cases where an insurance claim has been made against the Association's insurance policy, consultation with the Assistant Group Treasury should be made before pursuing the complaints procedure.

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- Complaints against another service user of the Association where other procedures are in place for example, because of alleged anti-social behaviour (these will be dealt with by the Anti-social Behaviour procedures).
- Where the Association has no responsibility for delivering the service – for example, decisions made by local authorities to nominate to a vacancy, or decisions about Housing Benefit claims. Staff can offer to support the claimant and refer to other advice agencies as appropriate and in line with the relevant procedures (ie allocations, rent arrears).
- Complaints from Association staff (these can be dealt with by Human Resource's procedures or through Service Level Agreements).
- Complaints from contractors (these will need to be addressed through the terms of the contract).

4.2 Any member of staff receiving a complaint that is not dealt with under this procedure should provide advice and guidance on methods of recourse appropriate to the nature of the complaint.

### 5.0 Receiving compliments or comments

Any compliment or comment received, verbally or in writing, should be recorded. Within 10 working days, the Officer dealing with the compliment or comment should thank the person for their feedback and notify them what action has been, or will be, taken.

### 6.0 Complaints

6.1 The Association strives to get things right first time. Therefore, all members of staff and those contracted to provide services on behalf of the Association have a responsibility to ensure they welcome complaints as a chance to reflect on the service provision. This opportunity should be used to make improvements to address any future service failures.

6.2 A complaint can be made:

**Verbally:** the compliment, comment and complaint form will be completed by the Officer who receives the complaint.

**By Telephone** – any member of staff receiving a telephone call about a complaint will complete a compliment, comment and complaint form. The Officer receiving the complaint is responsible for sending it to the appropriate member of staff for recording on to the complaints database.

**In writing:** written complaints will be accepted in whichever format is used.

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**Email** – all emails regarding complaints should be sent to the member of staff responsible for recording and monitoring complaints.

**Third party reporting:** includes anyone who has contacted the Association to make a complaint on behalf of someone else, this includes advice agencies (such as Citizens Advice Bureau, Support Workers), friends or family and estate advocates. The Officer should not discuss or confirm any information relating to the circumstances of the complaint, or personal details until consent has been obtained from the person involved.

- 6.3 On receipt of a complaint the Officer should ask the person what they would like us to do to put things right and aim to resolve the complaint immediately. Where this is not possible they should be asked if they wish to make a formal complaint.
- 6.4 Where immediate resolution is not possible and it is necessary to follow the formal complaints process the Officer will explain the complaints process, take the details of the complaint and ensure it is passed on to the appropriate member of staff for logging onto the complaints database.

### 7.0 Multiple complaints

- 7.1 Where a number of complaints are being made by one person and relating to different services, one Officer will be allocated to co-ordinate each response and maintain contact. This will usually be the Officer dealing with the majority of complaints or the Officer(s) who records and monitors complaints within their Association.
- 7.2 The Officer will agree a minimum level of contact, usually 10 working days and be the contact person throughout the case.

### 8.0 Vexacious complaints

- 8.1 Complaints must be made and conducted in a reasonable manner. In extreme circumstances, we will not accept the complaint where the behaviour of the person making the complaint has become unreasonable, eg:

- threatening behaviour both abusive and violent threats or actions
- persistent and ongoing complaints in relation to matters that have been addressed.

- 8.2 The decision not to deal with the complaint on these grounds will need to be approved by a Director.

### 9.0 Acknowledging the complaint

- 9.1 An acknowledgement letter will be sent within three working days of the receipt of a new complaint or notification of a complaint being escalated to a

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higher stage. All compliment, comment and complaint forms will be copied and sent with the acknowledgement letter for reference.

- 9.2 Where the complaint is addressed to a named Officer, for example the Chief Executive, they will be responsible for acknowledging the complaint, which will include details of who will be investigating and responding to the complaint and when a response can be expected. The Officer responsible for recording and monitoring complaints within the Association should be sent a copy of the letter.
- 9.3 Before sending the letter the Officer will check the person's records to identify if an alternative form of communication is needed, such as through the use of large print, translation, audio tapes etc.

### **10.0 Home visits**

- 10.1 All Officers responsible for investigating and responding to complaints, will aim to have face to face contact with the person to discuss the complaint details and the action they would like to be taken to resolve the complaint.
- 10.2 It is recognised that a number of complaints, for example an ongoing request to complete a repair, may be actioned quickly and may not need a visit before the complaint is resolved. A follow up visit can be offered to discuss what went wrong and to confirm that the action taken was satisfactory.
- 10.3 Where it has not been possible to make contact with the person the Officer will write to or text the person offering a home visit or telephone conversation. However, this should not prevent a response being sent within 10 working days.
- 10.4 Meetings with the tenant will be held in a private room, such as a room away from other members of the household where requested by the person or in an interview room at the office.
- 10.5 If an advocate is involved they will be invited to attend the meeting, where appropriate.

### **11.0 Mediation**

- 11.1 At all stages of dealing with a complaint, the use of mediation needs to be considered to provide an impartial view on the case and facilitate discussions on successful resolution.
- 11.2 Where mediation is not considered useful, the Officer will need to make a note on the person's record, including the reasons why this has not been pursued.

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11.3 Mediation can be provided through some local mediation services or the Housing Ombudsman Service.

### **12.0 Independent advisors**

12.1 At any stage of the complaints procedure an independent advisor may be called upon to advise on the case, particularly in complex matters. This can be particularly useful in panel hearings where the advisors role will be to advise the panel hearing of any technical or legal details to ensure an informed decision can be made.

12.2 The Housing Ombudsman Service can also offer advice at any stage of the investigation, although not at a panel hearing.

### **13.0 Discretion**

13.1 A Service Director can decide to escalate the complaint to a higher stage where appropriate, for example where the complaint is:

- an ongoing informal complaint
- involves a matter of a more serious nature.

### **14.2 Stage 1 complaints**

#### **Complaints against Central Departments/ Contractors or Other Agencies**

14.3 Where complaints are made in relation to services provided by a contractor or another agency providing services on behalf of AmicusHorizon, the complaint will be acknowledged and logged by the Association and referred to the other party to investigate and respond to the complaint in line with this procedure.

14.4 Where the Association has some concerns about the quality of responses, they may request an initial draft to comment on before a full response is sent. All responses sent need to be copied to the Officer responsible for recording all complaints.

### **15.0 Complaints against the Association**

15.1 All stage one complaints will be investigated by the responsible Officer. The line manager will be responsible for ensuring that the response to the complaint is detailed, with reasons for the decision clearly explained.

15.2 If a complaint is made against the conduct or performance of a member of staff (for example continued failure to deliver a service) the complaint will be investigated by the line manager to ensure impartial investigation. This may include a case conference with the Officer involved but should also include other factors, such as file notes and

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checks against procedures. All contact, including the response will be undertaken by the line manager.

15.3 Where a complaint has been received the investigating Officer should telephone the person to offer to meet with them. Where this is not possible, the Officer should offer to discuss the case and any actions they would like to be taken to resolve the issue over the telephone.

15.4 An investigation should include:

- Whether a previous complaint has been made either on the same area of service failure or by the same person.
- If there are different departments involved, full details of the complaint should be sent to the Officer responsible with a clear deadline to respond.
- Establishing whether the person who made the complaint will need any additional support or an advocate.
- The procedures and service standards for the service and if these have been followed.
- Whether there are any service improvements that are being made which will address the complaint.
- The involvement of mediation services.

15.5 Once the investigation has been completed the Officer will complete the Stage 1 response letter, within 10 working days of the date the complaint was made, which should be reviewed by the line manager prior to sending out.

15.6 All complaints should be responded to within 10 working days. On some occasions it may take longer than this and an alternative response date must be agreed with complainant. This agreement must be documented on the complaints system.

### 16.0 Stage 2 complaints

16.1 If the person remains dissatisfied with the response received at Stage 1, the complaint will be reviewed by a manager who has had no responsibility for investigating the case.

16.2 Notification of not being satisfied with the complaint should be made known to the Association within 20 working days of the response letter being sent. On receiving notification of a Stage 2 complaint an acknowledgement letter will be sent within three working days.

16.3 In investigating the Stage 2 complaint the manager will hold a case conference with the initial investigating Officer to discuss and review the records of the initial investigation and findings.

16.4 All responses will be made in writing within 10 working days of the notification of the Stage 2 complaint.

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### 17.0 Stage 3 – Appeals Panel

- 17.1 If the complaint remains unresolved, the person will be advised of their right to have the complaint reviewed by a panel representing the Association. The request for an Appeal Panel should be raised within 20 working days of the Stage 2 response.
- 17.2 A panel hearing will always be held prior to referral to the Housing Ombudsman Service. The purpose of the appeal panel is to have a clear, concise and accountable procedure for dealing with the management of Stage 3 complaints to the Association. The panel will be convened within 25 working days of the request to have the complaint heard by a panel.
- 17.3 The panel will usually consist of three Board members, which may include a Board member who is a resident, unless this person knows the person who made the complaint. One of the panel members will act as Chair of the panel.
- 17.4 On receipt of a Stage 3 complaint the central administration officer will contact the person with the complaint to establish any limitations they have with regard to availability of dates or times and discuss the panel hearing. The person making the complaint will normally be expected to attend the hearing. However, the Chair can agree to go ahead without them being present, or with just their advocate in attendance, if appropriate. For example: due to ill health, disability or vulnerability. Alternatively if the person is vulnerable and reluctant to meet in front of a panel, but would like to be directly involved in the final stage, they can be offered a meeting with at least one Board member to discuss the case.
- 17.6 If someone chooses not to attend the hearing they should be reminded that this is the final stage of the Association's complaints process.
- 17.7 The panel members will need to be confirmed within 15 working days, where possible, to ensure paperwork is circulated to all parties and any third party representative 10 days before the meeting. Any additional evidence provided from any attendees of the panel will need to be submitted within five working days of the hearing date and circulated to all parties. If it is not possible to establish three Board members for the panel, other Board members across the Group can be approached, or other Executive Officers who can give an impartial view.
- 17.8 Where the person who has made a complaint is attending the panel hearing they may be reimbursed travel and child/ carer costs for

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attending the hearing. The Officer organising the hearing will check whether any other services, such as signers or translators are needed and organise these to be paid for directly by the Association.

### **18.0 Panel Hearing**

- 18.1 A member of the panel will be appointed as the Chair person with the responsibility for chairing the meeting and guiding other panel members on the panel process if necessary. The Director or Chief Executive may arrange to meet with the Chair and any independent prior to the panel hearing,
- 18.2 A Director of the service will be present at the panel hearing to advise on policy matters relating to the case, the appeals panel process and present the details of the case to date. Where needed an independent advisor will be appointed to provide additional technical advice to the panel members to enable them to take a decision.
- 18.3 If the person presenting the complaint fails to attend, without notifying the panel or the Association, the hearing will go ahead in their absence unless the Chair decides otherwise. Where possible, a telephone call will be made to understand the reason for non attendance and will be considered in the Chair's decision.
- 18.4 If one of the panel members is unable to attend and it has not been possible to arrange a substitute, the choice will be given to the person raising the complaint of whether to have the hearing adjourned or to proceed.

### **19.0 Structure of the hearing**

- 19.1 The Chair will introduce all attendees at the meeting and outline the structure of the hearing. The Chair will explain that the panel members have not been involved in the management of the complaint to date. He/ she will clarify that the Panel is objective and non judgmental and its purpose is to consider the information presented from the Director and the person with the complaint.
- 19.2 The Director will give an overview of the case to date including:
- Details of each stage's response and any other findings of the investigations.
  - What the person has stated they want as a resolution.
  - Actions the Association has taken to date.
- 19.3 The person with the complaint will be asked to comment and provide a summary of why they remain dissatisfied with the actions and responses to date and other actions they think should be taken.

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- 19.4 The panel will ask if there are any initial questions they would like to ask before the panel members raise questions.
- 19.5 Once panel members have heard all of the information the Chair will sum up the case, including confirming what has been said to make sure information has been understood.
- 19.6 Once a summary has been given the panel will retire to consider the complaint. The decision of the panel will be confirmed in writing within 10 working days of the panel hearing, including minutes of the meeting.
- 19.7 The Chair of the Board will be kept informed of the panel hearing and the decisions made. All Board members will receive notification of the case and the outcome by the Chief Executive in the Board meeting following the case.

### 20.0 Housing Ombudsman Services

20.1 The Housing Ombudsman Service (HOS) can consider complaints from anyone who is in a landlord/ tenant relationship with a registered social landlord or who receives a service from such a landlord or their subsidiaries. Complaints received via the Ombudsman are responded to by a Director.

20.2 The following groups of people are able to take their complaint to the Ombudsman once they have exhausted the Association's complaint policy and procedure.

- Residents
- Leaseholders
- Licensees
- Former residents
- Applicants for housing
- Residents living in properties managed by the Association.

20.3 Complaints about the level of rent, the level of service charges or the cost of works will not normally be considered by the Ombudsman. Contact details for the Rent Officer (rent levels) or the Leasehold Valuation Tribunal (service charges and leasehold matters) should be provided.

20.4 The HOS will not consider complaints from:

- Contractors
- Employees of the Association
- Neighbours who are not residents of the Association.

20.5 The HOS would normally only consider a complaint and get involved

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with its resolution when a complaint has been considered at Stage 3 of the Association's complaints procedure.

20.6 All notifications from the HOS of a complaint being raised with them will be recorded as the date received by the Association. The acknowledgement letter should include the date the complaint was received by the Association and the actions that the Association are taking.

20.7 The Ombudsman also offers:

- Free mediation between landlord and tenant
- Training for managers, staff, Board and Panel members
- Informal advice on individual cases.

### **21.0 Local Government Ombudsman**

21.1 Complaints about a service from a person in receipt of Supporting People funding can be made to the relevant local authority. Where the issue remains unresolved the Local Government Ombudsman can investigate (see Casa Support information on other regulatory and inspection bodies for complaints).

### **22.0 Closing complaint cases**

22.1 Complaints are closed when there is no further correspondence indicating dissatisfaction and all actions have been completed for example - to carry out a repair, or pay compensation.

22.2 The intention to pursue the complaint to a further stage must be given within 20 working days from the date of the response letter.

22.3 Where the actions have been agreed but it is not possible to complete, for example major repairs, all parties will be aware of the target date for the action to be completed. The complaint will continue to be tracked and be included in monitoring reports until it has been confirmed that all actions have been completed.

### **23.0 Monitoring**

23.1 We will use the outcome of complaints and any remedial action as a positive method of monitoring performance, improving our services and to identify any adverse impact of our existing policies or procedures.

23.2 Each senior management team and Board will receive quarterly reports outlining at a minimum:

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- Number and type of complaints, by Ethnicity, Age, Disability, Gender, Sexual Orientation and Religion or Belief
- Percentage escalated to a higher stage.
- Number of complaints outstanding.
- Performance in relation to response times.
- Detailed analysis of Stage 3 or Housing Ombudsman investigations and decisions made.
- Lessons learnt from compliments, comments and complaints.

23.3 Each subsidiary will ensure that learning from compliments, comments and complaints is discussed in one to ones and team meetings.

23.4 On a monthly basis the central administration team will carry out a minimum of a 10% audit on the quality of responses, particularly on cases which have escalated to a higher stage. Findings of the audit will be fed back to the management team for discussion in one to ones and reinforcing standards in team meetings.