

Policy and Procedure

Complaints

Policy Author	Business Improvement Team
Policy Owner	Director of Client Services
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Policy level	Corporate
Has this policy been signed off by the Client Forum (if applicable)?	No
Affected	All staff

This policy is accompanied by the following supporting documents:

- Appendix 1: Complaint's Procedure Flowchart
- Appendix 2: Acknowledgement Complaint's Letter
- Appendix 3: Stage 1 Complaint's Letter
- Appendix 4: Stage 2 Complaint's Letter
- Appendix 5: Self-Assessment Form

Values

Respect <ul style="list-style-type: none"> ▪ Value diversity and fairness ▪ Act with honesty and integrity ▪ Treat people with care and compassion 	Empowerment <ul style="list-style-type: none"> ▪ Support the needs of each individual ▪ Encourage personal development and independence ▪ Provide safety, stability and security
Responsibility <ul style="list-style-type: none"> ▪ Work together, in partnership ▪ Take responsibility for our actions ▪ Continue learning and improving 	Excellence <ul style="list-style-type: none"> ▪ Provide a first-class service ▪ Deliver excellent value for money ▪ Explore innovative ways of working

Contents

1. Introduction	1
2. Related Policies	2
3. Definitions	2
4. Legislation and Guidance	2
5. Transform's approach to complaints.....	3
6. Exceptions.....	3
7. Roles and Responsibilities	4
8. Overview of the Complaints Procedure – Flowchart	5
9. Empowering people to make a complaint	6
10. Stage one guidance - How to assess a complaint.....	7
11. Stage two guidance - Escalation Procedure.....	7
12. Acknowledging responsibility	8
13. Appropriate remedy	8
14. Financial Compensation	9
15. Potential Legal Liability	9
16. Concluding Complaints	9
17. Monitoring and Review	9
Policy Review Cycle.....	9
Complaint Monitoring	9
18. Approval by:.....	10

POLICY

1. Introduction

- 1.1 Transform Housing & Support aims to provide a high-quality service to all its clients and stakeholders. Should a client or member of the public be dissatisfied with the quality of service provided to the extent that a complaint is raised, then the procedures stated in this policy should be followed. Additionally, as an organisation registered with the Fundraising Regulator, Transform is committed to ensuring we fundraise responsibly and in line with the industry best practice guidance.
- 1.2 Transform treats all complaints seriously. Where we find that our service or practice has fallen short of our high standards, we aim to learn from this and constantly improve the quality of the service we provide. No clients will be treated poorly or receive a different service after making a complaint.
- 1.3 Transform has updated this procedure in line with the Housing Ombudsman's updated code for handling complaints (July 2020) to ensure the procedure is clear simple and accessible and ensures that complaints are resolved promptly, politely and fairly.

- 1.4 The complaints procedure comprises of two stages. This ensures that we have an efficient, accessible and non-bureaucratic process for dealing with complaints. Our clients have the opportunity to challenge any decision by correcting errors or sharing concerns via an appeal process.
- 1.5 This policy and procedure should be easily accessible to all staff and clients.

2. Related Policies

- 2.1 This policy deals specifically with complaints made about the services provided by Transform or Transform as an organisation including contractors and Board Members. It does not deal with complaints made about others, be they clients, neighbours or members of the public. For complaints about others, please refer to the following policies:
 - For complaints about noise or nuisance, please refer to the Anti-Social Behaviour Policy.
 - For complaints about abuse, please refer to the **Safeguarding Children, Young People and Adults at Risk Policy**.
 - For complaints about any form of harassment, please refer to the **Racist and Hate Incidents Policy** and our **Domestic Abuse Policy**.
- 2.2 It should be noted that if, in the process of implementing one of these policies the complainant is dissatisfied with the service provided by Transform, then this may then become a complaint about Transform. If so, then the process as defined in this policy should be followed.

3. Definitions

- 3.1 A Complaint is described as **“an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual client or group of clients.”** The client does not have to use the word complaint for it to be treated as such.
- 3.2 A formal complaint is distinct from a service request (pre-complaint) or survey feedback where staff are attempting to remedy or implement a requested change to a service.

4. Legislation and Guidance

- 4.1 Transform complies with the Equality Act 2010 and may need to adapt normal policies, procedures, or processes to accommodate an individual's needs. Transform has carried out an Equality Impact Assessment to address this.
- 4.2 Care providers are regulated by the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. Regulations 16 and 20 are relevant. Regulation 16 requires providers of care services to make sure that people can make a complaint about the service should they need to. To meet the regulation, providers must have a system in place to receive and respond to complaints, and to learn from any subsequent investigations.
- 4.3 Arrangements for complaints will be reviewed by the Care Quality Commission (CQC) during inspections of the service, and CQC can request a summary of a provider's complaints at any time. Complainants can contact CQC at any time and whilst CQC do not 'investigate' complaints themselves, they will use complaints information to assist them in their regulatory duties. Regulation 20, the Duty of Candour, sets out how providers must be open and transparent when

things go wrong; this may or may not be the subject of a complaint. Please see Transform's '**Duty of Candour**' policy for further details.

- 4.4 The Fundraising Regulator is the independent regulator of charitable fundraising and established to strengthen the system of charity regulation and restore public trust in fundraising. It can investigate complaints about fundraising where these cannot be resolved by the charity itself and does so by considering whether the charity has complied with the Code of Fundraising Practice which outlines the legal requirements and best practice expected. Complainants that are not satisfied with Transform's response can take the complaint to the Fundraising Regulator. Complaints should be made to the Fundraising Regulator within two months of Transform's final response.

5. Transform's approach to complaints

5.1 Transform's view is that:

- everyone has a right to complain about the service that they receive or to challenge what they consider to be inappropriate actions by Transform
- people must not be dissuaded from making a complaint by a negative response by staff
- people must be helped to complain if necessary
- no client or any other complainant should suffer as a result of for making a complaint
- complaints are a positive opportunity to improve our services
- there should not be a blame culture in which staff are criticised for being the subject of complaints although they will be held accountable for their actions if complaints are upheld and their behaviour or actions need to be addressed.

5.2 Transform's aim is that this procedure will:

- be easily accessible and well publicised
- be simple to understand and to use. Transform has an easy to read feedback and complaints leaflet
- ensure a full and fair investigation
- respect people's desire for confidentiality
- allow for an efficient resolution of the complaint.
- provide an effective response and appropriate outcome
- provide information to managers so that lessons can be learnt and that services can be improved.

6. Exceptions

6.1 Staff are advised that there are a limited number of circumstances in which a matter will not be considered a complaint and will not follow this procedure. These circumstances should be fair and reasonable to the clients. These are:

- The issue giving rise to the complaint occurred over six months ago. Where the problem is a recurring issue, Transform should consider any older reports as part of the background to the complaint if this will help to resolve the issue for the client. However, complaints regarding ongoing or unresolved safeguarding or health and safety issues may not be subject to this exception.
- Legal proceedings have been started.
- Liability issue that is subject to an insurance claim (although any other elements of the complaint should still be considered through the complaints procedure). More information can be found on [The Housing Ombudsman's website](#).
- The complaint has been considered already

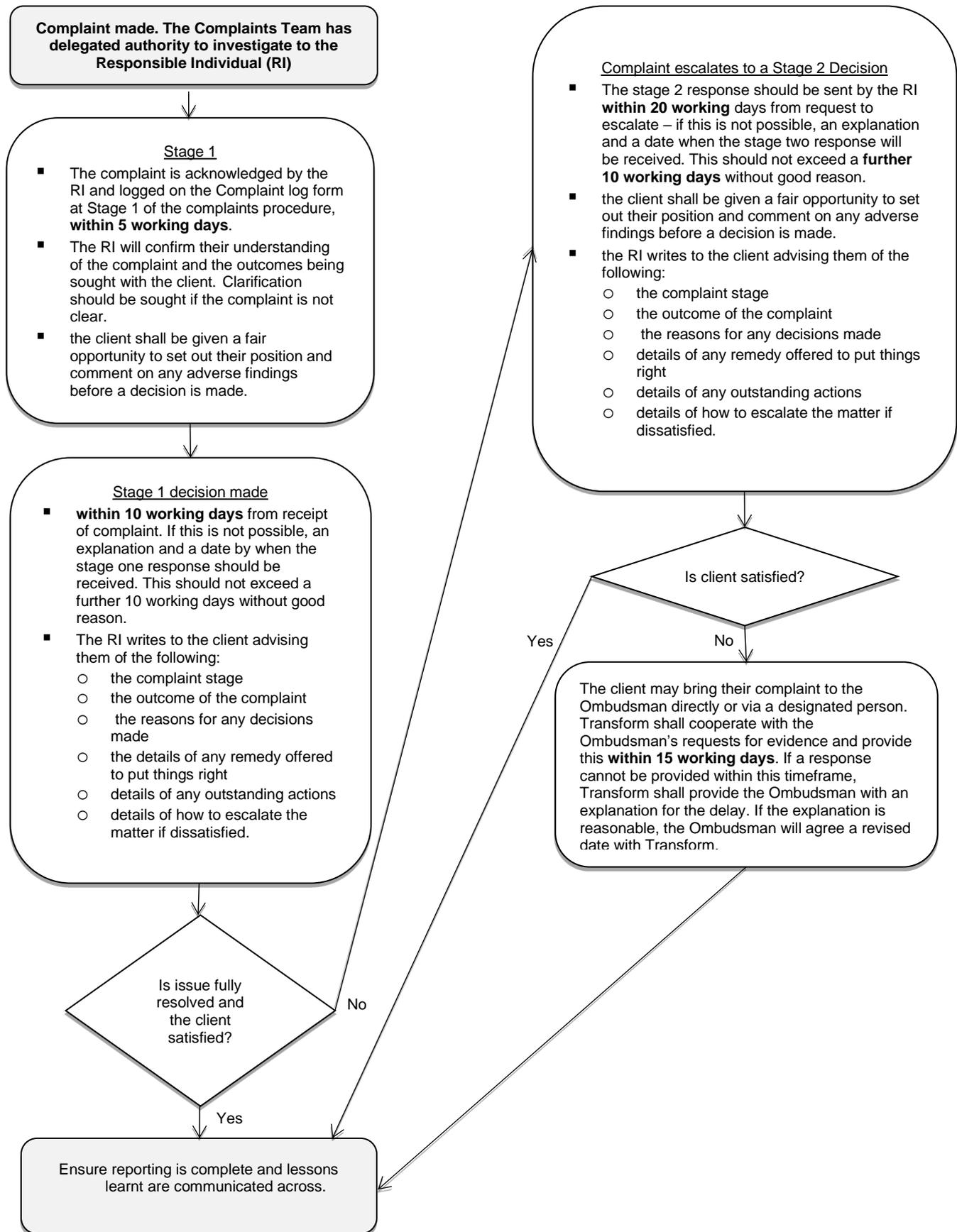
- The complaint is being pursued in an unreasonable manner

7. Roles and Responsibilities

- 7.1 Transform has a Complaints Team made up of the Director of Client Services and Head of Business Improvement.
- 7.2 When a member of staff receives a complaint it should immediately be shared via email and a follow-up phone call with a member of the Complaints Team. The Team will agree on the level of escalation and appoint the following Responsible Individual (RI) to investigate:
- the local manager will be instructed to investigate or
 - the complaint will be handled directly by the Complaints Team.
 - In cases where Transform's reputation could be at risk, the complaint will be escalated to a more senior level and
 - the Board of Trustees may be alerted.
- 7.3 The Complaints Team are responsible for monitoring and escalating complaints. They must:
- be able to act sensitively and fairly
 - be trained to receive complaints and deal with distressed and upset clients
 - have access to staff at all levels to facilitate quick resolution of complaints
 - have the authority and autonomy to act to resolve disputes quickly and fairly. Clients are more likely to be satisfied with complaint handling if the person dealing with their complaint is competent, empathetic and efficient.
 - deal with complaints on their merits
 - act independently and have an open mind
 - take measures to address any actual or perceived conflict of interest
 - consider all information and evidence carefully
 - keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter. (For example, if the police requested information)
- 7.4 During the complaints processes, Transform must communicate with clients in the following way:
- Use plain language that is appropriate to the client in all communication.
 - Ensure that clients' needs are met in the way that they are communicated with (see 12.7 below)
 - Ensure communication with the client does not generally identify individual members of staff or contractors as their actions are undertaken on behalf of Transform.
 - adhere to any arrangements agreed with clients in terms of frequency and method of communication.
 - keep clients regularly updated and informed even where there is no new information to provide.
- 7.5 Staff must ensure the complaints process remains fair, by taking the following steps:
- Staff should manage clients' expectations from the outset, being clear where a desired outcome is unreasonable or unrealistic.
 - Staff should give clients the opportunity to have a representative deal with their complaint on their behalf. They should be represented and/or accompanied at any meeting with Transform where this has been requested or offered and where this is reasonable.
- 7.6 The timescales for dealing with complaints are stated in the procedure on the following page.

PROCEDURE

8. Overview of the Complaints Procedure – Flowchart



9. Empowering people to make a complaint

- 9.1 Everyone in receipt of support from Transform is to be made aware of the existence of the complaints procedure when they sign their licence or tenancy agreement or when their service starts. Their attention should be drawn to the section in the handbook on dealing with complaints and each property should have a feedback and complaints poster on the noticeboard. A complaints leaflet and complaints form will be given to the client at sign up along with the handbook or induction pack dependent on the service. The policy and procedure is also easily accessible from our website.
- 9.2 All clients will be provided with contact information for the Housing Ombudsman Service. Staff must provide early advice to clients regarding their right to access the Housing Ombudsman service, if any complaints are made. The Housing Ombudsman Service can assist clients throughout the life of a complaint. Clients will be made aware that this affords the clients the opportunity to engage with the Ombudsman's dispute support advisors.
- 9.3 In all cases clients have the right to be supported in making their complaint, and to be accompanied by the person providing support in any meetings about the complaint. This could be someone who provides support to them, an advocate or a friend.
- 9.4 It should be clear that if a client wishes to make a complaint about a particular member of staff, then they may make their complaint to and seek assistance from another member of the relevant team. A client's representative may also make a complaint on the client's behalf.
- 9.5 If other stakeholders would like to make a complaint, then the way to do so will be clearly publicised on Transform's website, for example on the fundraising or client area pages.
- 9.6 Transform does not require that complaints are put in writing by the complainant as this can act as a deterrent. In particular it has equal opportunities implications. Clients or others with limited literacy skills, visual impairment or whose first language is not English may be unable to express their complaint in writing or may lack the confidence to try. Complaints can therefore be made by any of the following means:
- in person at the local office or if they do not feel comfortable with this they can contact the Area Manager
 - by telephone
 - by letter
 - by email
 - with the use of a translator provided by Transform throughout the complains process
 - by completion of a 'feedback and complaints' form.
- 9.7 If a client wishes to escalate a complaint further from a Stage 1, if they are unsatisfied with the result, Transform does not enforce fixed timescales for this. Transform recognises that there may be a valid reason why a client may delay in requesting escalation of a complaint, for example a problem may re occur at any time or a client may be unwell. However, there may also be occasions where a client unreasonably delays raising or escalating a complaint. In these cases it is reasonable for Transform to use discretion in declining to escalate the complaint.

10. Stage 1 guidance - How to assess a complaint

- 10.1 A complaint should be resolved at the earliest possible opportunity. The client, and if applicable any staff member who is the subject of the complaint, must also be given a fair chance to:
- set out their position
 - comment on any adverse findings before a final decision is made
- 10.2 Please see **Appendix 1** for the Template Acknowledgement Complaint's Letter, which should be sent to the client before the investigation has commenced.
- 10.3 Transform's assessment of the issue should include:
- what the complaint is about
 - what evidence is needed to fully consider the issues
 - what risks the complaint raises for the Transform
 - what outcome would resolve the matter for the client
 - any urgent action that it needs to take
- 10.4 At the completion of each stage of the complaints process, Transform should communicate with the client advising them of the following:
- the complaint stage
 - the outcome of the complaint
 - the reasons for any decisions made
 - the details of any remedy offered to put things right
 - details of any outstanding actions
 - details of how to escalate the matter if dissatisfied.
- 10.5 This communication will usually be in the form of a letter however alternative arrangements can be made to suit the client's accessibility requirements (for example visual impairment, literacy or translation needs or communication arrangements identified in their support plan), for example a meeting, a phone call or communication with a representative.
- 10.6 Please see **Appendix 3** for a template Stage 1 Complaint's Letter.

11. Stage two guidance - Escalation Procedure

- 11.1 When a client seeks to escalate a complaint Transform should consider:
- what the escalation review will be about i.e. why the client remains dissatisfied, and whether any part of the complaint been resolved
 - who will undertake the review
 - who needs to be kept informed
 - what evidence needs to be gathered i.e. comments from those involved, relevant policies and contemporaneous records, inspections etc
 - how long the review will take and when it will be completed.
- 11.2 Please see **Appendix 4** for a template Stage 2 Complaint's Letter.
- 11.3 Where Transform decides not to escalate a complaint it should provide an explanation to the client. It should make clear that its previous response was its final response to the complaint and provide information on referral to the Housing Ombudsman. Any restrictions placed on a client's contact

due to unacceptable behaviour should be appropriate to their needs and should demonstrate regard for the provisions of the Equality Act 2010.

12. Acknowledging responsibility

12.1 Where something has gone wrong Transform will acknowledge this and set out the actions it has already taken, or intends to take, to put things right. Examples of where action to put things right may be required are:

- there was an unreasonable delay
- inaccurate or inadequate advice, explanation or information was provided to the client
- Transform's policy or procedure was not followed correctly without good reason
- there was a factual or legal error that impacted on the outcome for the client
- there was unprofessional behaviour by staff.

12.2 Transform should acknowledge and apologise for any failure identified, give an explanation and, where possible, inform the client of the changes made or actions taken to prevent the issue from happening again. Transform should recognise that putting things right is the first step to repairing and rebuilding Transform and client relationship.

12.3 When considering what action will put things right Transform should carefully manage the expectations of clients. Transform should not promise anything that cannot be delivered or would cause unfairness to other clients.

13. Appropriate remedy

13.1 Complaints can be resolved in a number of ways. Any remedy offered reflects the extent of any and all service failures, and the level of detriment caused to the client as a result. These shall include:

- acknowledging where things have gone wrong
- providing an explanation, assistance or reasons
- apologising
- taking action if there has been a delay
- reconsidering or changing a decision
- amending a record
- providing a financial remedy
- changing policies, procedures or practices.

13.2 Any remedy offered must reflect the extent of any service failures and the level of detriment caused to the client as a result. Factors to consider in formulating a remedy can include, but are not limited to the:

- length of time that a situation has been ongoing
- frequency with which something has occurred
- severity of any service failure or omission
- number of different failures
- cumulative impact on the client
- client's particular circumstances or vulnerabilities.

13.3 When offering a remedy, Transform should clearly set out what will happen and by when, in agreement with the client where appropriate. Any remedy proposed must be followed through to completion. In awarding compensation, Transform shall consider whether any statutory payments

are due, if any quantifiable losses have been incurred as well as the time and trouble a client has been put to as well as any distress and inconvenience caused.

14. Financial Compensation

- 14.1 Financial compensation must also be considered under the Right to Repair scheme for failure to carry out repairs (see section 7 of the Maintenance Policies and Procedures manual).
- 14.2 Any financial compensation should be approved by the Director of Client Services.

15. Potential Legal Liability

- 15.1 In some cases a client may have a legal entitlement to a remedy which may take the form of compensation. There may be concerns about identifying legal liability in this situation. This cannot be agreed locally and any legal input will require authorisation from the Director of Client Services. Transform should still offer a resolution, where possible, as that may remove the need for the client to pursue legal remedies. Transform have a duty to rectify problems for which they are responsible. However, where necessary a resolution can be offered with an explicit statement that there is no admission of liability. In such a case, legal advice as to how any offer of resolution should be worded should be obtained. For further information on remedies please see <https://www.housingombudsman.org.uk/about-us/corporate-information/policies/dispute-resolution/policyon-remedies/>

16. Concluding Complaints

- 16.1 In all cases, complainants should be given feedback about their complaint, considering issues of confidentiality. If changes are made to policies because of a complaint, the complainant should be informed of this. Where it is clear that Transform has fallen short of its normal high standards, an apology should be given. Please see the template letters in the attached appendixes for further guidance.
- 16.2 All documents relating to the complaint must be stored safely and retained for at least six years. This includes copies of all relevant emails being attached to the complaint log within our IT systems.

17. Monitoring and Review

Policy Review Cycle

- 17.1 This policy is subject to a review every three years. Transform will undertake a formal review of this policy by no later than one year from the date shown, or earlier, if significant changes and arrangements take place, or if legislation, regulatory requirements or best practice guidelines so require.

Complaint Monitoring

- 17.2 All complaints are recorded on Transform's Complaints Form and stored centrally.
- 17.3 Feedback on complaints is sought from clients through the Support Planning system at least every year.
- 17.4 Transform will monitor complaints on an on-going basis. Reports will be produced every three months summarising and analysing complaints made. An annual report of all complaints will be

produced along with a statistical report to monitor number of complaints, action taken and other relevant metrics as well as any learning points for Transform.

17.5 Results from this feedback are provided to the Executive Team, the Client Forum, the Board of Trustees and to all clients on a regular basis. Feedback shall be regularly provided to relevant scrutiny panels, committees and boards and be discussed, alongside scrutiny of the Ombudsman's annual performance report. Learning and improvement from complaints will be included in Transform's Annual Report and our self-assessment will be published on the website.

17.6 Clients will be consulted on this policy through the Client Forum and the feedback received will directly inform the content of this policy.

18. Approval by:

- Board of Trustees