

# Policy: Complaints

Updated June 2014

## Contents

1. Introduction
  2. Definition of a complaint
  3. Transform's approach to complaints
  4. Empowering clients to make a complaint
  5. Legislation
  6. Transform's complaints process
  7. Complaints not resolved by Transform's complaints process
  8. Concluding complaints
  9. Monitoring and reporting
  10. Client consultation
- Appendix A. Summary of complaints process
- Appendix B. Panel hearing process

## 1. Introduction

1.1 Transform Housing & Support aims to provide a high quality service to all its clients. Should a client or member of the public be dissatisfied with the quality of service provided to the extent that a complaint is registered, then the procedures stated in this policy should be followed. Transform treats all complaints seriously. Where we find that our service has fallen short of our high standards, we aim to learn from this and constantly improve the quality of the service we provide.

## 2. Definition of 'complaint'

2.1 Transform defines a complaint as 'an expression of dissatisfaction with the standard of service we have provided where an initial response to the problem has not proved satisfactory to the complainant'. Transform will consider complaints from anyone be they a client, applicant, other stakeholder or member of the public.

2.2 This policy deals specifically with complaints made about the service provided by Transform. 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 Adults and Children Policy
- For complaints about racial harassment, please refer to the Racist Incident Policy

2.3 It should be noted that if, in the process of implementing one of the policies mentioned in Section 2.2. above, 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 Section 6 of this policy should be followed.

### **3. Transform's approach to complaints**

3.1 Transform's view is that:

- everyone has a right to complain about the service that they receive
- people should not be dissuaded from making a complaint by a negative response by staff
- people should be helped to complain if necessary
- no client should suffer a penalty 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.

3.2 Transform's aim is that this procedure should:

- be easily accessible and well publicised
- be simple to understand and to use
- 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 redress
- provide information to managers so that services can be improved.

### **4. Empowering clients to make a complaint:**

4.1 Clients are to be made aware of the existence of the complaints procedure when they sign their licence or tenancy agreement or 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 placed in the file with the handbook).

4.2 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 a social worker, an advocate or a friend.

4.3 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.

4.3 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 poor 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
- By telephone
- By letter

- By email
- By completion of a 'feedback and complaints' form

## **5. Legislation:**

5.1 The legislation which relates to complaints is the Localism Act 2011 which introduced new procedures from 1<sup>st</sup> April 2013. This legislation states that, once the internal complaints process of an organisation has been completed, the complainant can refer their complaint to a 'designated person'. A 'designated person' is defined by the Act as an MP, local councillor of the district in which the complainants' home is located, or a designated tenant panel recognised by Transform. The purpose of the designated person is to assist in resolving the complaint locally and, if this is not possible, they can refer the complaint to the Housing Ombudsman Service.

## **6. Transform's complaints process:**

For a summary of this process, please refer to Appendix A

### **Complaints in person or by telephone:**

6.1. If a client or someone else raises a complaint about Transform either in person or by telephone and staff are able to resolve the matter immediately to the full satisfaction of the complainant, then no further action is required. In this instance staff should inform their line manager of the complaint and record details of the complaint made and action taken in the Pyramid system.

6.2. If staff are unable to resolve the matter immediately then the complainant should be asked if they wish to take further action. If they do, then they should be asked if they wish to put the complaint in writing themselves, or if they would prefer Transform staff to support them to write down their complaint. It is useful to have the complaint recorded in writing and confirmed with the complainant to prevent future disagreements about what was said.

6.3 If the complainant would prefer support to write their complaint, staff should take down the details of the complaint and read it back to them to confirm it is accurate. For clients making the complaint in person, they should be asked to sign the written complaint and then be provided with a copy. The complainant should also be provided with a copy of the complaints process (included under Appendix A of this policy). In all instances, staff should explain that they will receive a written response to their complaint within 7 working days. The Project Manager or Supported Housing Manager should be informed of the complaint immediately and the procedure as defined from 6.6 below should be followed.

6.4 If the complainant would prefer to write down the complaint themselves, then staff should provide them with a copy of the 'Feedback and complaints' form as well as a copy of the complaints process (included under Appendix A of this policy). Once the completed 'Feedback and complaints' form has been received back, staff should follow the procedure as defined in 6.5 below.

## **Complaints in writing:**

### **Stage 1: Project level**

6.5 On receipt of a written complaint (whether this be by letter, email or on a 'Feedback and complaints' form) the appropriate Project Manager or Supported Housing Manager should be informed immediately. The complainant should be contacted within 2 working days to acknowledge receipt of their complaint and should be informed that they will have a written response within 7 working days.

6.6. The manager will agree who will investigate the complaint. No-one should investigate a complaint about themselves but will be asked to comment on the complaint.

6.7 The person investigating the complaint will normally speak to the person who has made the complaint, either on the phone or in person, to confirm the substance of the complaint, explain the process for investigating the complaint and to tell them when they can expect a full response.

6.8 A written response must be sent to the complainant within seven working days of receipt of the written complaint. If it is not possible to respond within that timescale, a letter should be sent explaining what the delay is and when the complainant can expect the response.

6.9 The complaint should be logged in the team log or the CO complaints log depending on where it was received. The complaints log should note the date that the complaint was made, the name and address of the complainant, the nature of the complaint, the outcome of the complaint, the ethnic origin of the complainant and the ethnic origin of the member of staff complained about (if applicable). A record of the complaint should also be recorded on the Pyramid system.

### **Stage 2: Chief Executive or Director of Client Strategy & Delivery**

6.10 If the complainant is not happy with the response and writes or phones again, the complaint should be passed to the Chief Executive (CE) or Director of Client Strategy & Delivery (DCSD) immediately. The CE or DCSD will contact the complainant within 2 working days to acknowledge the complaint and will respond to it in writing within 10 working days. The CE or DCSD may ask another senior member of staff to investigate on their behalf. All documents relating to the complaint should be retained and the complaint log updated.

### **Stage 3: Panel hearing**

6.11 If the complainant is still not satisfied with the response, the complaint should be referred, within a month, to a panel made up of the Chair of the Board and two other members of the Board. For details on the panel hearing please refer to Appendix B

## **7. Concluding complaints:**

7.1 In all cases, complainants should be given feedback about their complaint, taking into account issues of confidentiality.

7.2 If changes are made to policies because of a complaint, the complainant should be informed of this.

7.3 Where it is clear that Transform has fallen short of its normal high standards, an unequivocal apology should be given.

7.4 All documents relating to the complaint must be stored safely and retained for at least six years. This includes copies of all emails.

7.5 In some cases financial compensation may be appropriate for example where specific financial losses have been incurred; where a client has to live in poor conditions for longer than reasonable; where the complainant has spent an unreasonable and significant amount of time pursuing the matter; or where exceptional worry, distress or inconvenience has been caused by events.

7.6 Financial compensation must also be considered under the Right to Repair scheme for failure to carry out repairs (see section 7 of the Policies and Procedures manual).

7.7 Any financial compensation should be approved by the Director of Client Strategy & Delivery.

## **8. Complaints not resolved by Transform's complaints process:**

8.1 If someone has gone through Transform's whole complaints process and remains dissatisfied with the response, they can take one of the following steps:

- Refer their complaint to a 'designated person' as defined in section 5 of this policy.
- Write to the Housing Ombudsman Service and request that they consider their complaint. This can only be done 8 weeks after Transform's internal complaints process has been completed.
- If the complainant is a floating support client, they can write to the local Housing Related Support team.

Transform will formally set out the appropriate advice within the Chairman of the Board's written response to the complaint.

8.2 For more information please refer to:

- <http://www.cih.org/complaints>
- <http://www.housing-ombudsman.org.uk/>

## **9. Monitoring and reporting:**

9.1 All complaints are recorded either on the Pyramid system or through the complaint log books. Feedback on complaints is sought from all clients through the Support Planning system at least every year.

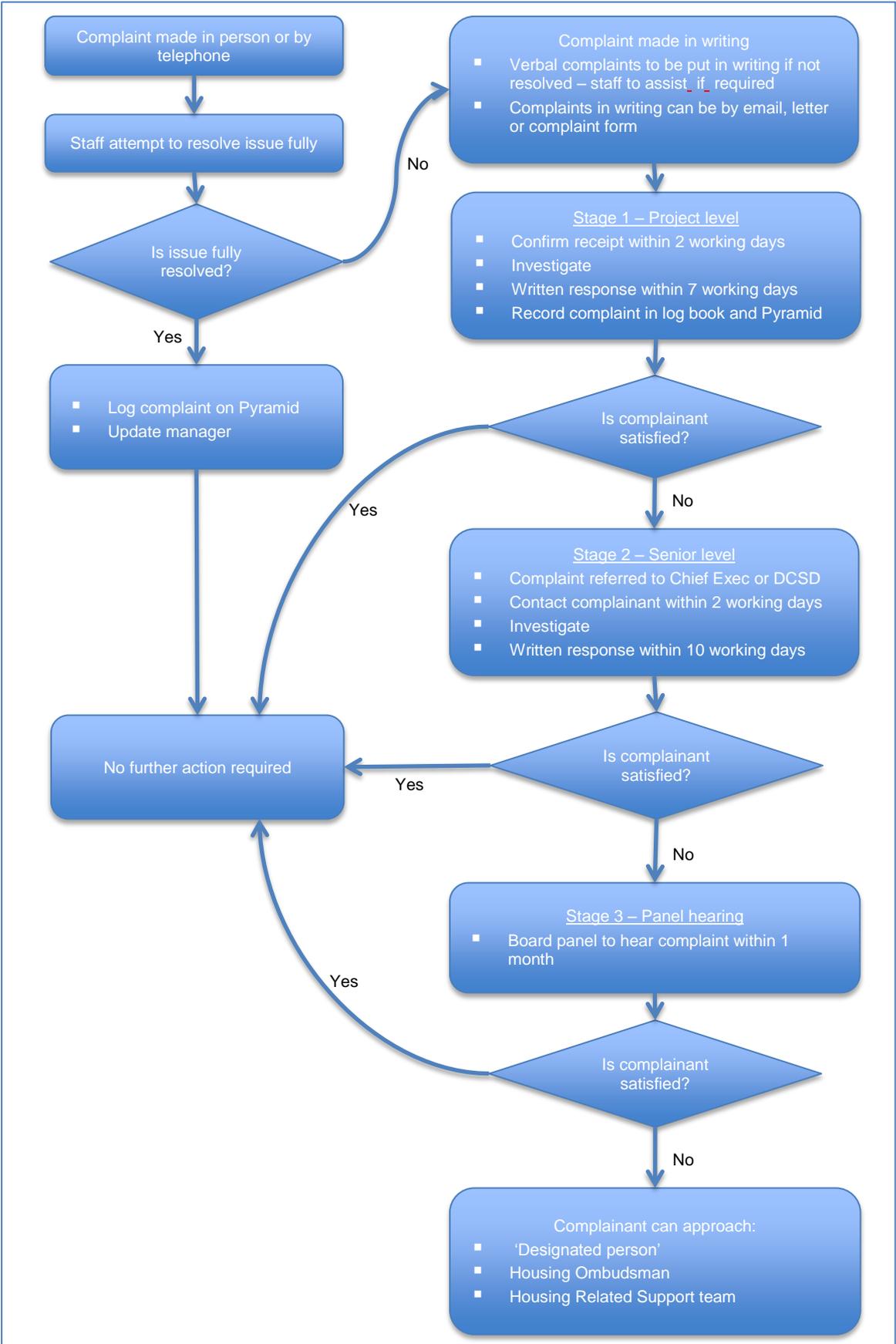
9.2 All clients are invited to give feedback on the implementation of our complaints procedure through the annual Client Satisfaction Survey. Results from this feedback is provided to the Senior Management Team, the Client Consultation and Involvement Group, the Board of Trustees and to all clients through the Expressions Newsletter.

9.3 Transform will carry out an annual review of complaints made and produce a statistical report to monitor number of complaints and action taken.

## **10. Client consultation:**

10.1 Residents were consulted on this policy through the Client Consultation and Involvement Group and the feedback received directly informed the content of this policy.

# Appendix A: Summary of complaints process



# Appendix B: Panel hearing

When a complainant is dissatisfied with the response of the Chief Executive or Director of Client Strategy and Delivery, a Complaints Panel will be convened comprising of the Chairman (or Vice Chairman) and two other members of the Board.

A date will be mutually agreed with the complainant and the person (people) who are supporting them through the process. The intention is that it will be a fairly formal meeting but not in any way intimidating and that the complainant will have every opportunity to explain their complaint, why they feel it has not been dealt with satisfactorily and what remedy they are seeking. A written record will be made of the meeting.

An outline agenda will be set out as follows:

1. Introductions
2. Explain the Panel's role, the plan for the meeting and what will happen afterwards
3. The Panel will give the complainant the opportunity to elaborate on their complaint. It will be a listening exercise. No conclusions will be drawn until the Panel has completed its review
4. The complainant will be encouraged to explain why they feel the response to date has been unsatisfactory and what action they think is necessary to put things right.
5. Explanation of next steps which will include:
  - a. The Panel will speak to key members of staff and make other follow-up enquiries as they deem necessary.
  - b. The Panel will respond to the complainant within one week giving the outcome of the complaint and detailing the next steps if they are not satisfied.

After the meeting, the Panel will speak to the staff involved, including those who investigated the complaint at an earlier stage and then reach their conclusions accordingly, which will be fair and objective in the light of the information they have received.

The Chairman or Vice Chairman will write to the complainant explaining the outcome of the Panel's review and any remedies that have been agreed. The letter will explain that if the complainant is still not satisfied, there are other steps they can take (referral to a 'designated person and then Housing Ombudsman in the case of accommodation based services or the local Housing Related support team, in the case of floating support services).