



# Complaints Policy



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## **1.0 Policy Statement**

**1.1** We strive to provide high quality person-centred services. On occasions, we may not get everything right and this may bring about a complaint.

**1.2** This policy outlines the principles that we will adopt when we receive a complaint, comment or suggestion: We will:

- take complaints seriously, carry out an investigation and provide a written response
- provide the name of the officer responsible for dealing with the complaint
- make our complaints process accessible to all
- deal with complaints quickly, fairly and confidentially
- learn from our mistakes, apologise and seek to minimise such mistakes happening in the future
- use complaints, comments and suggestions to drive service improvements
- monitor and review complaints, comments and suggestions, reporting our performance in dealing with complaints to tenants, staff and other stakeholders
- train our staff to deal with complaints efficiently and effectively
- keep our procedures under regular review

## **2.0 Introduction**

**2.1** Peter Bedford Housing Association is committed to giving the best possible service to people who receive our support or services. The aim of the Complaints Procedure is to ensure that any complaint is fully investigated and appropriate action is taken in terms of the individual complaint and future PBHA policies and actions.

**2.2** The procedure can be used by anyone receiving a service from PBHA. This includes tenants, participants, people using PBHA facilities, and people from other agencies who either provide services to, or receive services from PBHA. It may also be used by anyone who wishes to make a complaint about any aspect of PBHA's work, be they internal or external to the organisation.

**2.3** This is the procedure for dealing with complaints about:

- services offered by Peter Bedford Housing Association (including where delivered by sub contractors)
- decisions made by a worker, team or at a meeting
- behaviour of workers employed by PBHA
- policies made by, or behaviour of, members of the Board

**2.4** Complaints about service users will be dealt with using the Anti-Social Behaviour policy and procedure or the Harassment policy and procedure. The Anti-social Behaviour Policy may also be applied, depending on the circumstances. Staff should raise concerns or problems relating to their work through the Grievance policy and procedure. Unsatisfactory conduct or performance from staff will be dealt with using the Disciplinary policy and procedure. The Confidentiality policy and procedure should be considered when dealing with complaints.

**2.5** We seek to learn from Comments and Suggestions to improve PBHA's practice. We feed back to tenants and participants on how we have developed services following their complaint, comment or suggestion.

### **3.0 Principles Underlying Complaints Procedure**

- All complaints will be considered and investigated fully, carefully, respectfully, fairly, and confidentially.
- Any participant using this complaints procedure can seek support from an advocate (including the PBHA advocate) or friend at any stage in this procedure.
- PBHA will automatically offer complainants the services of an advocate for any complaints elevated to stage 2.
- The person making the complaint will be kept fully informed of the progress of the investigation and the outcome.
- The person making the complaint can request how they are informed of progress and decisions.
- Written records will be kept about the complaint, the investigation, any meetings held and the conclusion.
- Summaries of all complaints, comments and suggestions made, and the conclusions reached following investigation, will be passed to the Chief Executive of Peter Bedford Housing Association.
- The person making the complaint will be asked their desired outcomes (e.g. an apology, a decision reversed, compensation, etc.).

- The person making the complaint will be asked for feedback at the end of the investigation, to see how satisfied they are with the outcome and investigation.
- The person making the complaint will be told what action they can take if they are still unhappy with the result or outcomes of the investigation, or if the problem reoccurs.
- If an outcome of a complaint results in changes/improvements being made to the service, the person making the complaint will be informed of this.
- Using these procedures appropriately will not prejudice service users or anyone else's positions.

#### **4.0 Where this procedure should be used**

**4.1** Wherever possible it is expected that attempts will have been made to resolve problems informally before using this formal procedure. For example by directly raising the issue with the worker or department involved to try and agree a resolution to the problem. If the person making the complaint does not want to go down the formal route, the worker must make a note of their informal complaint on file and inform both their manager and the Housing Officer at [quality@peterbedford.org.uk](mailto:quality@peterbedford.org.uk). This demonstrates a best practice approach because keeping a record will help us to detect any hidden, potentially serious, issues.

**4.2** If during the process of a complaint being submitted or investigated it comes to light that a criminal offence has been committed, the complainant will be immediately advised of their right to go to the police. It may be appropriate in such circumstances to halt the internal process until the police have fully investigated and dealt with the matter.

**4.3** A small number of clients will repeatedly express dissatisfaction and this will not be in order to seek resolution but with the aim of engaging negatively or in a damaging way with Peter Bedford HA. PBHA aims to manage this behaviour so that staff are protected while carrying out their duties and resources are not wasted, hindering the efficient delivery of services for other clients.

If a client has made vexatious [complaints](#) in the past, we will not assume that their next enquiry is also vexatious. Each issue will be considered, and a decision made as to whether it is vexatious or genuine.

Where a customer is deemed to be vexatious, and as a last resort we may place restrictions on when and how that person can communicate with our staff. The form of restriction we apply will be determined by the relevant senior manager and will be time limited, appropriate and proportionate to the client.

## **5.0 Advocacy and Support for Complainant**

- 5.1** At all stages the complainant may seek the support of a friend or advocate. The role of this person is to help the complainant express him/herself effectively and generally to offer support.
- 5.2** PBHA can make available an independent advocacy service for PBHA service users to assist them in using PBHA procedures, including the complaints procedure. Information about this service is available from PBHA's staff and reception.
- 5.3** Tenants and participants can seek the assistance of an advocate even when not making a formal complaint. The advocate can be contacted through PBHA's office.
- 5.4** PBHA workers cannot advocate for a complainant when a formal complaint has been made. They can help in writing down the details of the complaint.

## **6.0 Other Procedures**

- 6.1** The following PBHA procedures deal with different sorts of complaints. If the manager dealing with the complaint thinks one of these procedures is more appropriate then they should transfer over to that policy.
- 6.2** The Disciplinary Procedure – if the complaint is about a worker and is very serious then this procedure should be used and started at the relevant stage.
- 6.3** The Compensation policy – gives more details about how complaints relating to late repairs or damage resulting from repairs are dealt with, giving guidelines about where PBHA will consider offering compensation.

- 6.4** The Anti-Social Behaviour Procedure - where a tenant wants to make a complaint against another PBHA tenant/service user.
- 6.5** The Harassment Procedure - where a service user or worker wishes to complain about offensive or intimidating behaviour that contravenes PBHA's Equality and Diversity Policy.
- 6.6** The Confidentiality policy – all complaints will be investigated with due regard to PBHA's Confidentiality policy. We will ensure we have consent to divulge any information to third parties, unless there is an over-riding safeguarding concern.
- 6.7** Where the complaint relates to a contractor, the process to follow will be detailed in the relevant contract. This may require the contractor's complaints process to be completed before the PBHA process can be followed. PBHA will ensure it is kept informed at all times of such complaints and their progress.

## **7.0 Whistle Blowing**

- 7.1** There may be exceptional circumstances where the person making a complaint does not think the ordinary complaints procedure will work. This may be because of the extremely serious subject matter of a complaint, or because they have reason not to trust that it will be dealt with properly. In these circumstances they may wish to go straight to a senior manager, or even outside the organisation. The Whistle-blowing policy gives more information about where this might be necessary, as well as giving some ideas as to who to contact.

## **8.0 Record Keeping and Monitoring**

- 8.1** A summary record of all complaints and decisions taken will be kept centrally and regularly reviewed and monitored by the Chief Executive. The Housing Officer is informed of all complaints received, is responsible for sending out an acknowledgement letter within seven days of the complaint being received and allocates all complaints to the relevant members of staff for investigation. The Housing Officer will keep details of the complaint, the investigation, and the resulting action on file. The relevant manager will also keep relevant information on service users' files.

**8.2** The PBHA Board annually reviews summary and performance information about complaints received.

## **9.0 Complaints Procedure**

### **9.1 Stage 1**

- The procedure for stage 1 should be concluded within 20 working days of the Housing Officer receiving full details of the complaint.
- The complainant may give details of their complaint to any worker. The worker should establish if the complainant wishes this to be dealt with as a formal complaint and if so complete sections 1 and 2 of the Incident Report Form and submit an electronic copy immediately to the Housing Officer.
- The Incident Recording Form contains guidance on how to complete it and who needs to receive copies/notification of the complaint received.
- The Housing Officer will allocate the complaint to the relevant manager, and within 5 days of receipt of the Incident Report Form send an acknowledgement letter to the complainant. This contains brief, but accurate details around the complaint, who will be responsible for the investigation, how long the process should take, along with the organisation's policy statement on complaints.
- For more guidance on which member of staff or committee member is responsible for hearing and investigating complaints (at both stages) see the table in Appendix 1.
- If it is not clear from the written complaint, the responsible manager will need to ask the complainant how they want to be contacted and how they want to be kept informed of the progress of the investigation (e.g. in writing, by phone, or through the advocate).
- The responsible manager will decide on the most appropriate ways of investigating the complaint. In some cases they may need to have meetings with workers or other parties. In some cases it may be necessary to go through records, files or correspondence.
- The responsible manager will then carry out the investigation, and update section 3 of the Incident Report Form during the course of the investigation. They will update the Housing Officer weekly with a summary of progress.
- When they have come to the end of their investigation the responsible manager will contact the complainant to inform them of their conclusions

and, if necessary, the steps that will be taken to resolve the issue. A copy of this conclusion will be sent to the Housing Officer.

These conclusions will state clearly:

- Which aspects of the complaint were agreed with or disagreed with.
- Why these conclusions were reached.
- What action is to follow as a result.

**9.1.1** The responsible manager will also give the complainant clear information about what they can do if they are not satisfied with these conclusions.

**9.1.2** Before a complaint can be closed, the complainant needs to complete a Complaint Satisfaction Survey (see appendix 2). The member of staff carrying out the investigation will send a copy of the concluding letter/statement, along with a Complaint Satisfaction Form to the complainant's worker to complete with the complainant, to be returned to the Housing Officer. If the form is not returned within 4 weeks of the conclusion of the complaint, a follow up call will be made by the Housing Officer, or relevant member of staff.

**9.1.3** If the complaint contains confidential information about a member of staff, then an appropriate member of staff will be assigned the task of completing the survey form with the complainant.

**9.1.4** The completed Complaint Satisfaction form must then be returned to the member of staff responsible for the investigation. They will check for any further action required before returning this, along with all other investigation documents, to the Housing Officer.

**9.1.5** The complaint in question cannot be fully closed, and recorded as a KPI, until the Complaint Satisfaction form has been completed and fully processed.

**9.1.6** If improvements to services are made as a result of the investigation conclusion and findings then this will be communicated to the complainant.

## **9.2 STAGE 2**

**9.2.1** The procedure for stage 2 should be concluded within 15 working days of the responsible manager receiving full details of the complaint.

**9.2.2** To move to Stage 2 of the complaints procedure the complainant will need to specify on what grounds they are requesting to go to Stage 2. Appropriate grounds are:

- The complainant is not happy with the conclusions following the investigation in Stage 1
- Action agreed following the investigation has not been taken
- The problem raised in Stage 1 has not been adequately resolved, or reoccurs
- There is information relevant to the complaint that was not previously considered
- An occurrence following Stage 1 of the process has rendered the conclusions inappropriate or ineffective.

**9.2.3** The Chief Executive will allocate a member of the Senior Management Team, the Chief Executive or Board member to investigate the second stage complaint. The manager will consider the complaint, and come to a provisional conclusion. However before concluding Stage 2 of the complaints procedure, the investigation and proposed conclusions will be passed on for review to a designated manager outside the team conducting the investigation. Their consideration will be focused on adherence to Peter Bedford Housing Association's policies and procedures, and they will make suggestions and recommendations as appropriate, which the responsible manager should fully consider. (Any irreconcilable differences between the managers at this stage should be referred to the Chief Executive).

**9.2.4** When they have come to the end of their investigation the responsible manager at Stage 2 will contact the person making the complaint, and the Housing Officer, to inform them of their conclusions.

**9.2.5** These conclusions will state clearly:

- Which aspects of the decision at Stage 1 they uphold, or overturn.
- Why these conclusions were reached
- What further action is to follow as a result

**9.2.6** The responsible manager will also give the complainant clear information about what they can do if they are not satisfied with these conclusions.

**9.2.7** The Complainant will be asked to complete a Complaint Outcome Satisfaction Survey. This will be dealt with as per Stage 1 and all final docs will be sent to the Chief Executive and Housing Officer.

### **9.3 Stage 3**

**9.3.1** If the complainant appeals against the decision reached at Stage 2 then they should be referred to the Housing Ombudsman Service or relevant local authority team (see Appendix 4 for information on external agencies).

### **9.4 Complaints about staff**

**9.4.1** A complaint may be made about the conduct or decision of a member of staff. Complaints about staff will be allocated or investigated by the Chief Executive rather than the Housing Officer. If this a serious or a repeated matter, then the investigation may move immediately to investigation under the Disciplinary Policy, see 6.0 above. However, in more general circumstances, the complaint can be investigated under this Complaints Procedure.

**9.4.2** PBHA will give due regard to ensuring the principles of the Grievance policy to provide support to the staff member are adhered to.

**9.4.3** PBHA will strive to communicate effectively with the staff member and the complainant. This may involve:

- ensuring notifying the staff member is supported,
- arranging a three way meeting between the staff member, the investigating member of staff and the complainant to conclude the complaint and to ensure a good working relationship going forward,
- respect will be shown to all parties to fully investigate before any conclusions are drawn.

### **10.0 Comments and Suggestions**

**10.1** PBHA is always keen to understand how it can improve its services and do more of the things we do well. Teams review comments and suggestions on a

regular basis and they consider any learning from them, or whether practice can and should change as a consequence. We monitor through monthly reporting and quarterly review.

- 10.2 We aim to report back to tenants and participants on action we have taken as a consequence of complaints, comments and suggestions through the website and newsletter.
- 10.3 Informal complaints or comments are recorded on file notes. Where relevant, complaints are stored on both tenant or staff files, i.e. the complainant's and the subject of the complaint's files). The issues can be discussed in staff supervision to assist the staff member to resolve the informal complaint. Relevant line managers are informed via email. Staff work with tenants to help them resolve their issues on their own or offer the opportunity to use the formal complaints procedure. House meetings are held (for situations where there is conflict in a shared house). Spot checks can be carried out to investigate any allegations made.

## **11.0 Policy Review**

This policy will be reviewed every three years in conjunction with new legislation and the Business Plan.

Reviewed: November 2017

Due for Review: November 2020

Lead Responsibility: Chief Executive

## Appendix 1: Summary of who is involved in the complaints procedure

<b>Complaint about</b>	<b>Responsible Manager at Stage 1</b>	<b>Responsible Manager at Stage 2</b>
Individual Worker	Worker's Supervisor	Chief Executive or Senior Manager as appropriate
Team Leader	Worker's Supervisor	Chief Executive or Senior Manager as appropriate
Senior Manager or other worker line managed by C.E.	Chief Executive	Chair of Board or other board member selected by the Chair
Service	Team Leader/Manager responsible for that area of work or the manager allocated by the Housing Officer	Senior Manager or Chief Executive
Chief Executive	Chair of Board	Sub Committee of Board
Board Member	Chair of Board	Sub Committee of Board

## Appendix 2: Getting it right first time, check list for successfully addressing a complaint

- 1.** Contact made – get in quick, even if it’s just a letter acknowledging receipt of the complaint. If you are unable to respond within 24hours, the Housing Officer will send an acknowledgement letter within 5 days.
- 2.** All issues identified - get the key events/facts right and research any unclear areas.
- 3.** Structure – answer all the points clearly.
- 4.** Next stage clearly sign-posted – remember to include any requests for information.
- 5.** Any failure(s) identified – if we made a mistake, admit it.
- 6.** Personalised – use ‘we’, ‘our’, ‘you’ and ‘I’, rather than “The Association”, “PBHA”, etc.
- 7.** Spelling and Grammar – does your correspondence read well?
- 8.** Plain English – avoid jargon, acronyms and keep it short and simple.
- 9.** Empathy – acknowledge how the situation may be affecting them.
- 10.** Follow up – ensure any corrective action needed is carried out.
- 11.** Talk within teams- make sure that everyone involved with the tenant knows about the complaint and works together to resolve it.
- 12.** Always try to build trust

### Appendix 3: Examples of Agencies to investigate complaints at stage 3.

Usually outside bodies will expect a complainant to have exhausted the internal complaints procedure before approaching them.

#### A) Independent Housing Ombudsman

Anyone who has had a complaint about a matter to do with their housing, or being turned down for housing, who is not satisfied with the outcome of the investigation at Stage 2 can contact a designated person to consider the complaint, as per the guidance issued by the Housing Ombudsman. The Localism Act 2011 provides that tenants of housing associations, local authorities, and ALMO's will be able to ask for their complaints to be considered by a 'designated person' when their landlord's internal complaints procedure is finished. This provision started on 1 April 2013. If after a specific period the tenant remains unsatisfied, they can then refer the matter to the Independent Housing Ombudsman and ask for their complaint to be investigated.

The Ombudsman is an independent person whose job is to provide a fair and effective way of resolving complaints against a registered housing association.

#### Contact details:

The Independent Housing Ombudsman  
81 Aldwych  
London  
WC2B 4HN

Tel: 0300 111 3000

Fax: 0207 831 1942

E-mail: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

Website: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

#### B) Mental Health Commissioning Teams

##### Islington

Islington Council, 4<sup>th</sup> Floor, 222 Upper Street, London, N1 1XR

email: [Mhcommissioning@islington.gov.uk](mailto:Mhcommissioning@islington.gov.uk)

### **C) Social Services, Health Authority, Other Funders**

Some service users at PBHA are funded by other agencies. These service users also have the right to complain to their funding body if they are unhappy with the service provided by Peter Bedford HA.

If you are not sure who is funding your service the Housing Officer will be able to help you find out.