

Complaints and Compliments Policy		Policy Reference: G7
Lead Department:	CEO	Approval Date: 12 May 2022
Approved by:	Board	Review Date: May 2024
<p>This document applies to the following areas of New Outlooks Business</p> <p>All Areas of the Association</p>		
Appendices/forms:	Appendix 1 - Dealing with Unreasonably Persistent Complainants and Unreasonable Complainant Behaviour	

1. INTRODUCTION

New Outlook is committed to continuous improvement and learning and recognises that feedback in the form of complaints, concerns, comments, and compliments provides an opportunity to do this. The Association would want to encourage feedback, in all forms, from the people we support, their family, friends, representatives, and external sources.

Principles

This policy requires that:

- Anyone who provides feedback is listened to and treated with courtesy and respect.
- Complaints will always be taken seriously, and the person making a complaint will be treated with respect whoever they may be.
- People who complain are not disadvantaged as a result of making a complaint.
- Complaints are investigated promptly, thoroughly, honestly and openly.
- Complainants are kept informed of the progress and outcome of the investigation.
- Apologies are given as appropriate.
- Action to rectify the cause of the complaint is identified, implemented and evaluated.
- Learning from compliments and complaints informs service development and improvement.
- Compliments and complaints handling complies with GDPR policies and is transparent.
- Colleagues are given support if they are the subject of a complaint.
- Information about how to make compliments and complaints is freely available.
- Compliments are well received and acknowledged.

Benefits

Good complaint management brings the following benefits:

- It allows an issue to be resolved before it becomes worse. Issues that are not resolved quickly can take significant resource and time to remedy.
- Involvement in complaint resolution develops staff ownership, decision making and engagement.
- It provides senior staff with essential insight into day-to-day operations allowing them to assess effectiveness and drive a positive complaint handling culture.
- Good complaint handling promotes a positive landlord and resident relationship.

We will use any comments, compliments, concerns and complaints received to:

- Tell us what's working and what's not working.
- Identify potential problems.
- Identify risks and take preventative action.
- Identify areas for colleague development.
- Review our services and policies/procedures.

2. POLICY STATEMENT

New Outlook values feedback from people who use or engage with the Association and is committed to making it as easy as possible for people to give compliments and complaints.

A complaint is defined 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 resident or group of residents.'

People who use our services and, where appropriate, their family, representative or advocate, will be provided with information about this policy, in a format appropriate to their individual needs. They will also be advised of independent advocacy services available to them and of external agencies, e.g. regulatory bodies and the Housing Ombudsman service, where they can refer their complaint if they are not satisfied with the way it has been handled by New Outlook.

Our colleagues will listen to the people they support, their families, friends or stakeholders and, when there is dissatisfaction with the service a person receives, colleagues will support that person to make their complaint.

The individual does not have to use the word 'complaint' for it to be treated as such. A complaint that is submitted via a third party or representative must still be handled in line with this Policy. There is a difference between a service request, where a

resident is not happy with a situation that they want rectifying, and a complaint about the service they have/have not received.

If further enquiries are needed to resolve the matter, or if the resident requests it, the issue must be logged as a complaint.

Complaints may also include requests for information under the Freedom of Information Act (2000), General Data Protection Regulation 2016 (GDPR) or other relevant legislation.

New Outlook will provide various channels through which residents can complain. These include:

- In person to a member of staff
- In writing
- By telephone
- Through New Outlook website
- By email or text message
- Within a residents meeting

To enable full access to the process, the Reasonable Adjustments Policy defines the additional support and tools that New Outlook will provide.

New Outlook will ensure that the Complaints and Compliments Policy and Procedure, the Complaint Handling Code and the Housing Ombusman scheme is included as part of regular correspondence with residents.

3. REFERENCES

This policy has taken into account the requirements and guiding principles of the following legislation and guidance:

- Health and Social Care Act 2015
- Human Rights Act 1998, and Scotland Act 1998
- General Data Protection Regulation 2016 (GDPR)
- Equality Act 2010
- Housing Ombudsman's Complaint Handling Code, March 2022
- Chartered Institute of Housing Professional Standards

4. RESPONSIBILITIES

Board

A member of the Board will be appointed to have lead responsibility for complaints. This role will be responsible for ensuring the Board receives regular information on complaints that provides insight on complaint handling performance.

The Board will be responsible for:

- Approving the Complaints Policy

- Considering reports relating to complaint handling failures, orders and maladministration, and the management action being taken to rectify.
- Reviewing complaints handling performance on a regular basis.

Executive Team

The Executive team are responsible for:

- Implementing and embedding the Complaints Policy
- Considering all reports relating to complaint handling failures, orders and maladministration, and the management action being taken to rectify.
- Considering complaint analysis reports on a regular basis, highlighting performance and identifying areas for Improvement, themes, trends and risks.

Complaints Officer

The Senior Housing Officer has responsibility for oversight of all complaints to New Outlook, ensuring that the Policy and Procedure are being adhered to. They will collate complaints, oversee the monitoring and prepare reports. From this they will give advice and identify issues for the Executive team.

Colleagues

All colleagues must be familiar with the compliments and complaints handling processes.

The expectation of colleagues is that there is a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments. There is a collective responsibility for shortfalls identified through complaints rather than blaming others. That colleagues act within the Professional Standards for engaging with complaints as set by the Chartered Institute of Housing.

5. COMPLAINTS PROCESS

Anyone can submit a compliment or complaint about the Association, this may include tenants, residents, family, commissioners, neighbours and other stakeholders.

Anonymous complaints, will be investigated as far as possible with the information available, provided the exclusion list does not apply (see below).

All complaints will be dealt with fairly and efficiently and in line with the following principles:

- Complaints will be thoroughly investigated.
- Complainants will receive a timely and appropriate response
- The complainant will be regularly updated about progress of the investigation
- Complainants will be informed of the outcome of the complaint and will be made aware of their right to appeal, and how to do this.
- Any required remedial action will be implemented promptly.
- A complaints log will be maintained by the Complaints Officer.

- Residents can request that a representative deals with their complaint on their behalf, and be represented or accompanied at any meeting, where this is reasonable.

Where a key issue of the complaint relates to the parties' legal obligations, New Outlook will clearly set out its understanding of the obligations of both parties.

A complaint should be resolved at the earliest possible opportunity, having assessed what evidence is needed to fully consider the issues, what outcome would resolve the matter for the resident and whether there are any urgent actions required.

New Outlook colleagues will ensure that information about how to make a compliment and complaint is readily available to the people we support, and their representatives in a format that is relevant to them.

All new residents will be given a leaflet outlining the process for making a complaint when they sign up for a property. The service handbook will also hold this information. The complaint leaflet will be clearly displayed in the reception area/foyer of each service with copies of the leaflet, and the complaints form, available for people to take away. Information on how to make a complaint will be available on the New Outlook website. Complaints will be a fixed item on Resident Meeting agendas.

Raising a concern – informal route

A resident may raise a 'concern'. If they prefer to resolve this concern outside of the complaints process, there must be an audit trail of that agreement and the process of resolving that concern. This must not obstruct access to the complaints procedure or cause unreasonable delay.

Raising a complaint - Stage 1

1. Receipt of a complaint:

Within 5 days of the receipt of a complaint, the complainant will receive an acknowledgement letter giving details of the timescales for, and how the complaint will be investigated.

The colleague receiving the complaint will provide the Complaints Officer with a copy of the letter or details of the complaint so that this can be recorded for complaints monitoring purposes. At this point the Complaints Officer will identify which colleague will investigate and be the key contact for the complaint.

If the complaint is not accepted, a detailed explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and their right to refer that decision to the Housing Ombudsman.

2. Outcome of investigation:

Within 10 working days from receipt of the complaint, the complainant will be informed in writing of the outcome of the investigation, whether the complaint has been upheld, fully or partially, or not at all, an apology (if required), and what remedial action is planned. All points within the complaint must have been addressed, with clear reasons for decisions and referencing the relevant policy, law and good practice, where appropriate. Details will also be provided about how to appeal, including the role of the Housing Ombudsman. The progress of any outstanding actions must be reported regularly to the complainant.

On rare occasions it may be necessary to extend the timescale and if so the complainant will be given an explanation and a clear timeframe for when the response will be received. This should not exceed a further 10 days.

Raising a complaint - Stage 2

1. Appeal

The complainant has the right to appeal the outcome. This must normally be submitted within **10 working days**. The Appeal will normally be heard by a member of the Executive Team and the complainant will be informed in writing of the outcome of the appeal, within **20 working days** of the receipt of the appeal.

Once Stage 2 is complete that is the end of the internal complaints process. If the complainant is still dissatisfied, they can refer their complaint to a relevant external body. This could be the Care Quality Commission, the Local Authority Commissioner or the Housing Ombudsman dependent on the nature of the complaint. At all stages of the process details will be provided of external bodies that the complainant can refer.

Exclusions

New Outlook reserves the right not to investigate complaints which fall into the following categories:

- A complaint which has already been investigated and resolved.
- Where legal proceedings have started that relate directly to the complaint.
- A complaint which is made more than 6 months after the event occurred or, the date when the event came to the notice of the complainant. The Complaints Officer can consider mitigating circumstances.
- A complaint made by an employee which relates to their employment. This should be handled under the relevant New Outlook HR policy and procedure.

Persistent Complainants

In a small minority of cases, people pursue their cases in a way that is unreasonable. They may behave in unacceptable ways or be unreasonably persistent in their contacts and submission of information. This can create excessive demands on colleagues and resources and impede any investigation. This can happen while the complaint is being investigated and, or, after the investigation has concluded. Examples of what constitutes unreasonably persistent complainants and unreasonable complainant behaviour are given in Appendix 1.

If a complainant, or the person making a complaint on their behalf, behaves in a way that that may be defined as unreasonable, or unreasonably persistent, colleagues must follow the procedure in Appendix 1 of this policy, to ensure that all complaints are dealt with fairly and comprehensively.

6. PUTTING THINGS RIGHT

Effective dispute resolution requires a process designed to resolve complaints. Where something goes wrong New Outlook should acknowledge this and set out the actions it has already taken or intends to take to put things right. Any remedy offered must reflect the extent of any service failures and the detriment caused to the resident as a result. The expectations of the resident must be managed including not promising anything that cannot be delivered or would cause unfairness to other residents. Any remedy offer must set out clearly what will happen and by when, in agreement with the resident if appropriate.

When reviewing complaints, New Outlook will consider whether anything needs to be amended in terms of process or systems to the benefit of all residents.

7. COMPLIMENTS

New Outlook is always pleased to receive compliments, and also to hear about how success may have assisted someone to make a positive change in their life. Celebrating achievements, both big and small, with the people using our services, is one of the most rewarding and important aspects of our work. Compliments can also aid learning and help staff understand what works well and thereby improve practice across the Association.

Each Location will maintain a compliments file, in which any records of verbal feedback, or letters or emails sent expressing satisfaction are kept. These can then be shared with other residents, stakeholders, colleagues, people interested in receiving a service and other people interested in finding out more about our services.

The Executive team will have oversight of compliments through KPI reporting. The Executive team will give appropriate recognition where a member of staff has given exceptional service.

8. REPORTING OF COMPLIMENTS AND COMPLAINTS

Statistical information on complaints and compliments will be collated and reported to the Executive Team on a monthly basis to enable effective monitoring and reviewing of systems, processes and outcomes.

The number of Compliments and Complaints is also a key performance indicator which is reported to Board and the Scrutiny Committee.

An annual report to Scrutiny Committee will be produced detailing:

- The number of complaints received.
- The number of complaints which have been upheld, partially/fully not at all.
- The number of cases referred on e.g. Ombudsman, regulatory authority.
- A summary of the issues that these complaints raised.
- A summary of the lessons learnt, recommendations made, and actions taken.

New Outlook will seek feedback from complainants which will be collected following completion of each investigation and, more widely, through the Customer Satisfaction Survey.

Details of the wider learning and improvements from complaints will be included in the Annual Report.

An annual self-assessment against the Housing Ombudsmans Code will be carried out to ensure that complaint handling remain in line with those requirements. The outcome of this assessment will be reported to the Board, on the New Outlook website and to residents.

APPENDICES

APPENDIX 1 - Dealing with Unreasonably Persistent Complainants and Unreasonable Complainant Behaviour

A complainant may say that in order to have their complaint addressed, they have to be persistent. They may have a justified complaint and challenge actions or decisions on more than one occasion. This does not necessarily mean that they should be classified as being 'unreasonably persistent'.

It is reasonable for complainants to raise legitimate concerns, or criticisms, of the complaints procedure as it progresses. For example, they may be dissatisfied with a lack of communication, or failure to meet timescales, and this should not result in their being regarded as unreasonably persistent.

The complainant may have particular needs that have not been met, and it could be that more time and effort should be spent to ensure that they are able to understand the processes and outcomes of their complaint. For example, do they have a learning disability or mental health issues? Do they need an independent advocate, or a translator? Do they have visual or hearing impairment? Colleagues should be aware of the Reasonable Adjustments Procedure and apply this where appropriate.

If the presenting behaviour is threatening, abusive or violent, colleagues should refer to the Violence at Work Policy, the Anti-social Behaviour Policy or the Safeguarding Policy. New Outlook does not expect residents or colleagues to tolerate unacceptable behaviour. However, this of itself does not mean that there isn't a complaint to answer. It is important to address the behaviour whilst still considering the evidence presented in the complaint.

Below is a list of possible actions and behaviours that could be considered to be unreasonable which may disrupt the complaints process and therefore need to be managed.

Examples of unreasonable actions and behaviours

- Insisting on the complaint being dealt with in ways which are incompatible with New Outlook's complaints procedure or with good practice.
- Raising excessive, detailed but unimportant questions, insisting they are all answered.
- Covertly recording meetings and conversations.
- Making excessive demands on the time and resources of colleagues, with lengthy phone calls, emails, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions, or variations, that the complainant insists make these 'new' complaints.
- Refusing to accept the decision, repeatedly arguing points without new evidence.
- Pressurising, bullying, intimidating, or harassing other residents or staff
- Combinations of some or all of the above.

If a complainant, or the person making a complaint on their behalf, behaves in a way that that may be defined as unreasonable or unreasonably persistent, colleagues must follow the procedure described below, to ensure that all complaints are dealt with fairly and comprehensively.

Procedure

The first step to be taken is that evidence of the complainant's unreasonable behaviour is recorded and they are advised of the concern and possible action. This initial notification should be put in a letter to the complainant outlining the controls New Outlook proposes to put in place if the behaviour does not alter within 10 working days, together with a copy of this procedure.

Examples of controls are listed below.

1. Restrictions on contact – appropriate and proportionate.
 - a. Having a single point of contact to discuss the complaint with
 - b. Limiting contact concerning the complaint to written correspondence only
 - c. Meeting with no less than 2 staff at a time
2. Clear communication of the complaints process
3. Addressing the concerns raised in the initial complaint whilst subsequent concerns are dealt with separately
4. Addressing the behaviour separate to the complaints process
5. Refer to advocacy services or provide contact through another professional, eg Social Worker or CPN.

The decision to apply any of these options will only be taken in exceptional circumstances, and only with the agreement of the Director of Operations. The control must clearly relate to the behaviour identified.

If the behaviour continues, then appropriate controls can be put in place. The Director of Operations will write to the complainant to explain the decision, the restrictions being made and how long the restrictions will last. A restriction should not last more than 12 months. The letter will also inform the complainant of the options for referring their complaint to an external body (e.g. regulatory bodies or the Housing Ombudsman).

Where the complainant has specific communication needs, it may be necessary to convey the decision in a face to face meeting.

When applying an action, the complainant's circumstances must be considered. For example, considerations of the complainant's age, disability, gender, race, religion, etc. Refer to the Reasonable Adjustments policy.

Any restrictions introduced only relate to contact with New Outlook in relation to specific complaints. It should not impact on any other dealings that the complainant may have with New Outlook.

Clear records must be maintained in respect of contact. In particular, if there is a single point of contact, they will need to consider if new issues are being raised. New issues should be treated on merit and may not be subject to the restrictions.

Reviewing the restrictions

Restrictions will be reviewed by the Director of Operations at least every 6 months. If the complainant disagrees with the review decision they can appeal to the CEO for a final decision.