



SOLIHULL COMMUNITY HOUSING

POLICY FOR CUSTOMER COMPLIMENTS, COMMENTS AND COMPLAINTS

Policy Statement

We are committed to providing the best service we can to our customers. We want to be told if there has been a problem with a service we have provided or when a customer is very happy with something we have done. Complaints, compliments and comments are valuable feedback. It gives us a chance to learn and most importantly a chance to improve services.

To ensure we listen and improve we have a two stage Corporate Complaints and Customer Feedback process.

We want to empower our staff to resolve customer dissatisfaction as early in the process as possible and wherever possible without the need for a formal investigation.

Scope of Policy

This policy applies to all our employees including those on temporary or fixed contracts and is intended for publication.

It does not apply to

- Internal complaints about services or other employees.

Definition of a Complaint

The area of difficulty in dealing with complaints is actually defining a complaint. If we do not have a shared understanding across the organisation of what a complaint is, we run the risk of treating customers in an inconsistent way. For clarity our definition of a complaint is:

It is an expression of dissatisfaction, however made, about the standards of service, action or lack of action, or decisions taken by Solihull Community Housing, or the way in which our employees/ contractors do their job.

In everyday terms this means that a complaint can be made where it refers to:

- Dissatisfaction in the way we have delivered or have failed to deliver a service
- Delay or not acting on a request for a service
- Dissatisfaction with the way we apply policies, decisions or procedures
- Refusal to answer reasonable questions or giving misleading or unsuitable advice
- Failure to follow our policies /procedures or legislation
- Impoliteness, rudeness, unfairness, bias or prejudice or poor staff attitude
- An inappropriate use of personal information.

The following are examples that do not fall within the scope of the complaints policy:

- Reporting issues around Anti-social Behaviour
- First time request for service
- Issue being dealt with by Insurance claim/ legal action
- Complaint that has already been through SCH complaints process
- Dispute regarding lease or tenancy agreement content
- An appeal against a decision where there is an appeals process - e.g. homelessness decision
- Over 6 months old and not reported before

Types of Feedback

- A compliment is where a service user makes contact to express satisfaction with the way in which we have delivered a service or dealt with a customer. It is important to capture this information so that we can recognise good service.
- **An expression of dissatisfaction** is a comment or feedback from a service user about the way we deliver services but does not require a full investigation / written response (can be dealt with at the first point of contact). An example of an expression of dissatisfaction could be failure to arrive on time for an appointment where the person taking the information (Contact Centre Advisor or front line member of staff) could look at why the appointment was not kept and arrange a new appointment.
- **A complaint** is an expression of dissatisfaction with an action or standard of service whether provided directly by SCH or by a person or contractor working on our behalf and requires a formal response. Some examples of complaints are delay in providing a service requested, poor attitude of staff or contractor, not following policy or failure of service. Customers can and may complain about a policy if they do not agree with them and although such complaints are unlikely to be upheld it is useful to know that customers are not satisfied with a policy as this may help us to shape future policies.

Giving us feedback

Customers can contact us in a variety of ways:

- Online (webpage)
- Letter
- Telephone our Contact Centre (0121 717 1515)
- Personal contact with staff

STAGE 0 - Informal Expressions of Dissatisfaction /Early Resolution

As far as possible we should be aiming to find a resolution to dissatisfaction at the **first point of contact** but there will be some circumstances such as complaints about a member of staff or contractor, very complex complaints or allegations of fraud where the complaint should start with stage 1 of the formal process.

If the person receiving the complaint (**first point of contact**) is unable to resolve the issue then the customer should be signposted to the team they need to express dissatisfaction with to give the opportunity for early resolution and identify service improvements. An example of dissatisfaction that may be dealt with effectively through early resolution would be missed appointments where an apology can be offered and the appointment rearranged. This will give us the opportunity to put things right before getting to the stage of a formal complaint. SCH will try to resolve the dissatisfaction at the first point of contact through an informal route, but if this is not possible and mutual resolution cannot be reached then the formal complaint stages will be used.

A record on the CRM system should be kept of action taken at this stage to resolve issues as this information may be requested if the complaint progresses to the formal stages and /or the Housing Ombudsman makes enquiries on behalf of the customer.

Formal Complaints

If we have been unable to resolve a customer's dissatisfaction at the informal stage 0.

When a customer contacts us with a concern or queries that are considered to be a complaint they should be passed to the Governance Team who has responsibility for administering the complaints system. The Governance Team will acknowledge the complaint within 3 **days** to give adequate time to check that it is a complaint falls within our definition of complaints and that all options to resolve the complaint at stage 0 have been exhausted. This may mean contacting the customer for further information. If it is possible to resolve an issue to the mutual satisfaction of both parties this will be attempted by the Governance Team, otherwise, they will assign to the relevant Team Leader. The acknowledgement letter will include the name of the investigating officer, the target date for resolution and the complaint reference number.

Stage 1 – Investigating the Complaint (target 10 working days)

The relevant Team Leader will investigate the complaint within a target of **10 days** (to investigate and reach a resolution with the customer). The 10 working days will commence from the day the complaint is assigned to the Team Leader. Wherever possible personal contact (e.g. visit, telephone call or interview) will be made with the complainant in order to get full details of the service failure and reach a resolution that all parties are happy with.

Within the 10 working days the investigating officer should provide a full response to the complainant or give an update on progress and a revised date for resolution of the complaint (e.g. if it is particularly complex or delays due to needing to speak to third parties).

When a complaint investigation has been completed the full findings should be confirmed in writing to the complainant.

The investigating officer must also promptly upload all details of the investigation, copies of all correspondence and the investigation template (check list, learning points / actions required to prevent future service failures) onto the CRM system and this will allow the Governance Team to check that all points of the complaint have been answered and make sure that the complaint can be viewed by frontline services in the event that the customer contacts to discuss further. Uploading the documents to the CRM system will also allow reports to be run to show outcomes / learning from complaints and will also assist in cases where tenants escalate their complaint to stage 2 or to the Ombudsman.

If a customer is not satisfied with the response at stage 1 then they should contact the Governance Team to discuss why they remain dissatisfied within 10 working days of receiving the final notification of findings at stage 1.

The customer will be expected to explain why they require an independent review of their complaint, for example:

- i. where not all elements of the complaint were answered
- ii. the complaint was not upheld and the customer can provide clear reasons why they consider the response at stage 1 was unsatisfactory and thereby meriting an independent review
- iii. provide additional evidence to support the claim that the complaint should be upheld.

If the customer wants further clarification of the stage 1 complaint then the Governance Team will refer back to the investigating officer rather than initiating an independent review at stage 2.

The complainant will have to explain why they are requesting an independent review of their complaint and what outcome they are hoping to achieve from the review.

If a policy issue was complained about at stage 1 which was not upheld and no problems are identified with following the policy then there is no just cause for any appeal to stage 2. However, we will include complaints about policies in reports to the Board in order that we can take account of customer views when reviewing policies.

Stage 2 – Independent Review of the Complaint (Target 15 working days)

A complainant can request an independent review of the stage 1 decision where either:

1. Not all aspects of the complaint were addressed at stage 1 and in these circumstances the original investigating officer may be asked to look at the complaint again or refer to a senior officer in the team.
2. If the complainant feels the response to their original complaint was not fully justified and any wrong has not been adequately addressed or rectified.
3. If a customer provides evidence that warrants an independent review of a stage 1 complaint then a Senior Officer outside the service area from the original complaint involved will be appointed to investigate.

In most cases the Senior Officer will be from the Governance Team but it can be any Head of Service/ Senior Manager from a different team to the team originally involved in the stage 1 investigation.

The Governance Team will review the grounds for requesting an independent investigation and will send an acknowledgement. The acknowledgement letter or letter declining an independent review will normally be sent within **3 working days** of receiving the request to move to stage 2. If an independent review is to

take place then the letter sent to the customer will advise the name of the officer carrying out the investigation and target date for resolution. An independent review will only be declined in circumstances where either SCH has already accepted responsibility at stage 1 and taken appropriate steps to address the issues raised so that an independent review is not going to achieve any further action or change the outcome of the stage 1 investigation. However, where a complainant can either show that all aspects of the complaint were not addressed at stage 1 or believes there are grounds to change the decision at stage 1 then an independent review will take place.

The 15 days for the independent investigation will commence from the day the complaint is assigned to the manager and will normally be the day the stage 2 is accepted and acknowledged.

The investigating officer will contact and meet with the complainant (wherever possible) and relevant staff to gather details regarding the complaint and confirm the understanding of any unresolved issues. The investigating manager will write a detailed report of their findings including recommendations to avoid similar situations arising in the future.

The investigating manager will share the findings with the relevant Service Head to agree any remedial actions /changes in working practices or learning from the complaint before writing to the customer to advise of the outcome of the independent review.

Two Board Members will also sign off the stage 2 response before it is sent to the customer.

The investigating manager will aim to conclude the investigation and advise the complainant of the findings and recommendations within **15 working days via letter**. If the complaint cannot be dealt with within the time limit, the customer should be contacted to explain the reason for the delay and agree a revised target date for resolution.

This would end our complaints procedure.

Repeat Complaints

Please refer to Appendix A for guidance on dealing with customers who repeatedly make complaints about the same issue or act in an unreasonable manner.

Housing Ombudsman

At the end of the stage 2 investigation the customer must be advised that they have reached the end of Solihull Community Housing's complaints policy and customers have the right if they remain dissatisfied with the outcome to refer the matter to the Housing Ombudsman Service at the following address:

Exchange Tower
Harbour Exchange Square
London

The Housing Ombudsman Service can only consider complaints that have been referred by a 'designated person' (Member of Parliament; Local Councillor or a recognised tenant panel). There is no recognised tenant panel in this area and therefore complaints that cannot be resolved with the landlord need to be referred via either the Member of Parliament or Local Councillor. The 'Designated Person' can either try to resolve the complaint locally or refer the complaint to the Housing Ombudsman Service. Alternatively, the customer may also refer the complaint directly to the Housing Ombudsman Service but must wait for 8 weeks from the date of the final letter from the landlord closing the complaint.

Dealing with Persistent or Unreasonable Customers when dealing with Complaints

This guidance primarily has been produced to give guidance on how to deal with persistent or unreasonable customers when dealing with complaints. However, this can be used as a guidance document when dealing with persistent or unreasonable customers in other situations.

Why do we need guidance for dealing with Persistent or Unreasonable Customers?

There are times when the behaviour of customers may be considered as persistent or unreasonable.

By adopting the following guidance we can ensure that those people viewed as persistent or unreasonable customers are responded to fairly and consistently.

The decision to apply this guidance should only be taken as a last resort when all other avenues of resolution have failed.

What do we mean by 'Persistent' or 'Unreasonable' behaviour?

Because a customer is constantly chasing up the progress of their complaint or scrutinising responses in detail and perhaps asking for clarification, this does not make them a persistent or an unreasonable complainant. There are however times when the behaviour of a customer may be classed as persistent or unreasonable such as;

- Refusing to specify the grounds of a complaint, despite offers of assistance.
- Refusing to co-operate with the complaint investigation process.
- Refusing to accept that certain issues are not within the scope of a complaint procedure.
- Being abusive, threatening or bullying towards staff.
- Insisting on the complaint being dealt with in ways which are incompatible with our complaint procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements made at an earlier stage.
- Introducing trivial or irrelevant new information at a late stage.
- Raising numerous, detailed but unimportant questions; insisting that they are answered.
- Covertly recording meetings and conversations.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with a variety of other staff or organisations.
- Making excessive demands on the time and resources of staff with lengthy telephone calls, emails to numerous council staff, or detailed

- letters every few days, and expecting immediate responses. Such criteria are subjective and it is important to consider each situation separately. Advice should always be sought from the Governance Team /Head of Service when considering these criteria.
- Submitting repeat complaints with minor additions/variations that the customer insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points without producing any new evidence.
- Unreasonable requests to speak to Senior Managers on numerous occasions.

Considerations Prior to taking action

Prior to action being taken the following should be considered:

If we think the complaint has been concluded and are considering ending all communication with the customer, firstly consider the option of referring the customer to the Housing Ombudsman.

If the customer's complaint is still under consideration steps must be taken to try and manage the customer's behaviour. We must deal with the complaint until its conclusion.

If a decision is made to restrict a person's access to an employee or to Solihull Community Housing the following must be satisfied;

- The complaint is being or has been investigated properly.
- That decisions that have been reached about a complaint are correct.
- Communication with the customer has been adequate.
- The customer is not providing any new information that might affect the view or outcome of the complaint.
- That there is a full record of the history of complaint and how it has been handled.

You should also consider the customer's personal circumstances;

- Are you aware of any care packages in place which would indicate the person is vulnerable or give an explanation for the unreasonable behaviour?
- Are there equality issues to consider?
- Consider any other family or personal circumstances which would contribute to the behaviour.

When making the decision that a person is being persistent or behaving unreasonably, consider taking the following steps.

- Offering the customer a meeting to explore how the complaint can be resolved.
- Share the persistent policy with the customer and give a warning that if a person's behaviour continues that restrictions may be applied.
- Nominate one officer to deal with the customer.

- Suggest to the customer that an advocate assists with the complaint.

Consideration of other corporate policies

When making a decision to implement the guidance this must be done in conjunction with other corporate policies such as;

- Equality and Diversity.
- Health and Safety.
- Risk Management.
- Guidance to Council staff on the Data Protection Act.
- Corporate Warning Marker Policy - consideration of whether there is a need to share information about potential abusive customers across the organisation.

Risk Assessments

If a customer is to be classified as persistent a risk assessment must be conducted by the appropriate manager on how to deliver services to the customer. You can seek advice about this from the Council's Health and Safety Team.

Safety of Staff

When dealing with persistent or unreasonable customers consider how staff can be supported. When delivering a service consider:

- Not meeting the customer alone.
- Arrange meetings to take place in a safe/official place.
- Consider additional training for staff such as dealing with abusive phone calls, stress policy etc.

Who can decide to take Action?

Any action that is taken should be proportionate and must be with the agreement of the Head of Service.

Options for taking Action

The main focus should be how a customer's complaint can be concluded as quickly as possible without further distractions.

Any action should not prevent the customer access to any other services. A person's circumstances should also be considered when deciding how to proceed.

Options to consider are;

- Place a limit on the amount of contact that is made by the customer.
- Give a specific time frame when calls can be made.
- Limit the complainant's contact to one medium such as letter, email or telephone.
- Nominate a designated member of staff as the contact.
- Refuse to register and process further complaints about the same matter and advise the customer of the reason why.
- If further correspondence is received the customer can be advised that the comments will be placed on file but will not be acted upon.

How to deal with complaints that contain offensive or unacceptable language

We do not expect staff to tolerate behaviour from customers which is unacceptable, for example the use of abusive or offensive language. Before responding to the customer seek advice regarding how to deal with the complaint in terms of the unacceptable content and to establish if the complaint should be responded to. For guidance contact the Governance Team for initial advice and if appropriate a referral will be made to the Neighbourhood Services team to consider action on the basis of anti-social behaviour.

How to inform the complainant of the decision

If the decision is made that a complainant is acting unreasonably you must write to the customer explaining why the decision has been made and enclose a copy of the policy. A copy of the letter should be attached to CRM to record the action taken and rationale. The letter must include the following;

- Why the decision has been taken.
- What this means to the customer when contacting the organisation.
- How long any restrictions will last.
- What the customer can do to challenge the decision.
- Explain how a customer can request assistance on other matters.
- The final letter should be attached to CRM.

You must keep adequate records to show:

- The history of the complaint so far. Any contact made and any correspondence that has been sent to the customer advising of the decision to apply the guidance. Or,
- When a decision is made not to apply the guidance when requested by a member of staff and the reasons why. Or,
- When a decision is made not to put further complaints made by the customer through the corporate complaints and customer feedback policy. Or,

- When the decision is taken not to respond to further correspondence that it is checked to ensure no new information has been included within it.

Future contact

When new complaints are received from the customer about new issues raised, these should be treated on their merits. You should consider whether any restrictions previously applied are still appropriate and necessary.

Customer Challenges

It may be difficult for a customer to accept the decision that has been made. If the customer is dissatisfied with the outcome, the customer should be directed to the Housing Ombudsman.