

COMPLAINTS and COMPLIMENTS POLICY

1. POLICY STATEMENT

The Society of St James (SSJ) seeks to continually improve its performance and service delivery in order to achieve positive outcomes for service users and staff. Feedback received through our Complaints and Compliments policy will be used to try to resolve individual complaints and improve our overall service delivery and responsiveness.

Service user consultation has repeatedly highlighted the need for SSJ to provide an environment in which service users feel able to make complaints and receive the appropriate response without the fear that their complaint will be taken out of their hands and will lead to unforeseen and uncontrollable outcomes including reprisals against the complainant.

The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 16 is intended to ensure that people can make a complaint about the service they receive and subsequently receive a proper and detailed response, and be reassured that any necessary action will be taken where failures have been identified.

The Tenant Involvement and Empowerment Standard states that Registered Providers shall have an approach to complaints that is clear, simple and accessible that ensure that complaints are resolved promptly, politely and fairly.

As a Registered Provider of social housing, SSJ is a member of the Housing Ombudsman Scheme and follows their Complaint Handling Code. Details of their code can be found at housing-ombudsman.org.uk

At any stage of the complaints process, if housing related, complainants may contact the Housing Ombudsman (housing-ombudsman.org.uk)

In order to meet these intentions, we will do the following:

- Ensure that the Complaints Policy and procedure are properly publicised in services and made available on our website.
- Provide QR codes linking to the complaints policy and complaint forms on our website
- Provide easy to use forms and ensure they are accessible.
- Give complainants the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting.

- Make reasonable adjustments where appropriate under the Equality Act 2010
- Ensure a fast response to complaints with set time limits for action.
- Keep people informed throughout the process.
- Ensure a full and fair investigation is undertaken.
- Respect people's desire for confidentiality.
- Address all aspects of the complaint and providing appropriate redress.
- Provide information to management so that services can be improved.

Following feedback from service users we will also adapt the process to enable people to compliment good practice and service when they wish to.

Customers of Jamie's Computers, The Café in the Park or any other Social Enterprises will be dealt with under a different process.

2. DEFINITIONS

For the purposes of this policy the following definitions are used:

- Complaint - 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 service user, group of service users or member(s) of the public.
- Complainant – the person making the complaint
- Investigator – the person investigating the complaint
- Service Request – this is not complaint but a request from a service user requiring action to be taken. These must be recorded, monitored and reviewed regularly. A complaint must be raised if the resident expresses dissatisfaction with the response to their service request.
- Service User – this includes all residents of The Society of St James.

3. RESPONSIBILITIES

- 3.1 **The Board** is responsible for ensuring there is a policy in place.
- 3.2 **The Operations Committee** is responsible for ensuring the policy is fit for purpose. Additionally, they receive and review the annual complaints report and are responsible for ensuring there is a Member Responsible for Complaints (MRC).
- 3.3 The **Member Responsible for Complaints (MRC)** is responsible for ensuring the Operations Committee receives regular information on complaints, and that they have insight into SSJ's complaint handling performance.

- 3.4 **The Senior Management Team** is responsible for ensuring there is a Complaints Officer. They are also responsible for ensuring all staff have received appropriate training on handling complaints.
- 3.5 **The Complaints Officer** is responsible for liaison with the Ombudsman and ensuring complaints are reported to the governing body. They are also responsible for writing the annual complaints report and for ensuring that prompt progress is made when they have been informed that the Investigator has not met the timetable for responding, which may include taking over the investigation.
- 3.6 **Managers** are responsible for carrying out prompt investigations within the timetable when they have been nominated as the Investigator.
- 3.7 **Managers** are also responsible for ensuring that all staff are aware of this policy and the requirement to raise a complaint.
- 3.8 The **Service User Participation Lead** is responsible for making service users aware that they can pursue a complaint if they wish, should they express dissatisfaction in surveys or focus groups.
- 3.9 **All Staff** are responsible for checking whether any dissatisfaction or perceived complaint needs to be logged as a complaint and, if so, logging the complaint with Admin with all the relevant details.
- 3.10 **Admin** are responsible for the logging of complaints, the initial correspondence informing the complainant that their complaint has been logged who the investigator will be and providing them with detail of the complaints Policy and Procedure.

4. ACCEPTING COMPLAINTS

- 4.1 SSJ takes complaints seriously and we will always endeavour to achieve a satisfactory outcome. However, we reserve the right not to respond to complaints in the following circumstances:
- A complaint that we believe is inappropriate, abusive, vexatious or unreasonable
 - The issue giving rise to the complaint occurred over twelve months ago
 - Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court
 - Matters that have previously been considered under the complaints policy
- 4.2 We do not take a blanket approach to excluding or escalating complaints – each complaint will be considered on its individual circumstances. In the event that we do not accept a complaint (or the escalation of a complaint from stage 1 to stage 2), an explanation will be provided to the service user setting out the reasons why the

matter is not suitable for the complaints process. Housing residents have the right to take this decision to the Housing Ombudsman.

We will accept complaints through a number of channels including:

- Telephone
- Email
- Post
- Support worker
- Our websites. In addition, the service user and resident forum site has accessibility tools to assist residents.

5. RESPONDING TO COMPLAINTS

- 5.1 Once we accept a complaint a Complaints Record must be started for each complaint received. The member of staff receiving the complaint must contact the Admin Team at Head Office who will allocate the number and acknowledge the complaint in writing (this may include via email) to the complainant within five working days of the complaint being received, regardless of whether it is made verbally or in writing. The acknowledgement will include details of the investigating manager.
- 5.2 All complaints will be investigated initially by a manager for the service that the complaint relates to. The way in which a complaint is investigated will be determined by the severity of the allegation and who is implicated in the complaint. If the complaint relates to service delivery, is a housing management issue or should be easy to resolve, then the Manager of the service may delegate the task of resolving the issue to a Front-Line Worker.
- 5.3 SSJ operates a two stage complaints process. Stage 1 comprises the acknowledgement, definition and logging of the complaint followed by the provision of a full response. The complaint procedure escalates to Stage 2 if all or part of the complaint is not resolved to the complainant's satisfaction. Stage 2 comprises the acknowledgement, definition and logging of the escalation request by the complainant and SSJ's response. Details of the process, what will happen at each stage, and timeframes for responding will be included in the acknowledgement letter sent to the complainant.
- 5.4 If the complaint relates to a specific member of staff it must be investigated by a more senior member of staff. If any allegation against a member of staff includes any safeguarding concerns it must also be reported to the Safeguarding Officer who will advise on any specific action that needs to be taken.

- 5.5 If the complaint is from a service user about the behaviour of another service user, the Manager has discretion to decide the best way to respond but is advised to seek guidance from their Line Manager before taking any action.
- 5.6 If the complaint is from an SSJ service user about a service problem or housing management problem that is the responsibility of another organisation, the service user must be supported to make their complaint to the proper authority.
- 5.7 If the complaint is about a member of staff who works for a different organisation the service user must be supported to make their complaint to the proper authority.
- 5.8 If the complaint is made by a member of the public, a neighbour or anyone who does not have a formal relationship with SSJ, the complainant should be offered the complaints procedure in the first instance.
- 5.9 If a complaint is received by a member of staff outside of normal working hours it is likely to relate to a current issue, such as a noise problem in one of our properties. In these cases, staff should contact the Operational Security Team (OST) and ask if they can investigate and report back to them their findings. The member of staff who received the complaint is responsible for getting back to the complainant and updating them on how their complaint is being dealt with. If the out of hours complaint is about anything else, the staff member receiving the complaint must inform the complainant that a representative from SSJ will contact them as soon as possible on the next working day.
- 5.10 At each stage of the complaints process, complaint handlers must:
- deal with complaints on their merits, act independently, and have an open mind;
 - give the resident a fair chance to set out their position;
 - take measures to address any actual or perceived conflict of interest; and
 - consider all relevant information and evidence carefully.
- 5.11 Once the complaint investigation is completed the investigator will write to the complainant clearly stating in clear, plain language:
- The complaint stage
 - The complaint definition
 - The decision on 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 to stage two if the resident is not satisfied with the answer

- 5.12 Where additional complaints are raised during an investigation these should be incorporated into the original complaint unless the complaint outcome letter has already been sent or it would unduly delay the response; in which case a new complaint should be raised.
- 5.13 Requests for Stage 2 must be acknowledged within 5 working days. There is no requirement for the complainant to explain their reason for going to Stage 2.
- 5.14 The person hearing the stage 2 complaint must not be the same as the person who heard the stage 1 complaint. Wherever possible, this will be someone from a different service.
- 5.15 Stage 2 is the final stage of SSJ's Complaints Process. If the complainant is unhappy with the stage 2 response, then they should contact the Housing Ombudsman (housing-ombudsman.org.uk)

6. PUTTING THINGS RIGHT

- 6.1 Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include:
- Apologising;
 - Acknowledging where things have gone wrong;
 - Providing an explanation, assistance or reasons;
 - Taking action if there has been delay;
 - Reconsidering or changing a decision;
 - Amending a record or adding a correction or addendum;
 - Providing a financial remedy;
 - Changing policies, procedures or practices.
- 6.2 Any remedy offered must reflect the impact on the complainant as a result of any fault identified. The remedy offer must clearly set out what will happen and by when, in agreement with the complainant where appropriate. Any remedy proposed must be followed through to completion. If housing related, response must take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.

7. TIMEFRAMES

- 7.1 The timeframe for responding to the complainant at stage 1 is 10 working days from the complaint being acknowledged by SSJ (20 working days from acknowledgement for stage 2). However, there may be circumstances when it is not possible to meet these timeframes. If the Investigator is not able to reply within the relevant timeframe, they must keep the complainant informed as to why there is a delay, any progress to date and an expected completion date. A suitable interval for keeping the

complainant updated must also be agreed. Any extension should not be more than 10 working days (or 20 working days for stage 2) without good reason which should be clearly explained. For housing related complaints, the Ombudsman's details should be provided when any extension is agreed.

- 7.2 The Admin Team is responsible for monitoring the process from start to finish and for sending reminders to the Investigator if deadlines have not been met, copying in a member of the SMT.
- 7.3 Once the Investigator has completed the investigation the outcome must be communicated to the complainant in writing (this may be via email). They must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate. If there are still outstanding issues this should not delay the sending of a complaint response. However, they should be noted and the complainant kept updated on progress..
- 7.4 The investigator should keep the admin team updated of any extensions agreed with the complainant and provide copies of this where appropriate. When the Investigator has concluded their investigation, they must send to the admin team:
- A copy of the complaint outcome
 - All correspondence/file notes
 - Any relevant supporting documentation
 - A completed "Complaint Closure Form"
- 7.5 If there is no further contact from the complainant within two weeks of the final letter from the Investigator being sent, the complaint will be deemed as closed. At this point the Admin Team will send out the Complaints Feedback Form.

8. SUPPORT FOR STAFF

- 8.1 Dealing with complaints can be stressful and difficult and it can sometimes be hard to maintain an objective point of view and avoid taking things personally. Staff who are tasked with responding to and investigating complaints need to remain aware of their own support needs and those of any member of staff who may be subject to investigation as a result of a complaint.
- 8.2 Line Managers are required to ensure that any member of staff who has been delegated with the responsibility to respond to or investigate a complaint is afforded appropriate levels of support.
- 8.3 Any member of staff who is subject to investigation as a result of a complaint is entitled to request support from a named Manager or from someone within their normal network of support, such as a workplace colleague, if appropriate, or their

Union representative (see Staff Representation Policy for further guidance). SSJ also provides a free, confidential Employee Assistance Programme, available to all staff.

9. SUPPORT FOR SERVICE USERS WHO COMPLAIN

9.1 Service users may be reluctant to make a complaint for fear of the following:

- That they may experience repercussions from staff or other service users
- That they won't be taken seriously
- That they will have to complete lots of paperwork
- That they may be starting something that could lead to an outcome that is worse than the current situation

9.2 In order to reassure service users, SSJ is committed to ensuring that the Complaints Policy is properly publicised and that all staff are aware that they have a responsibility to support complainants to make complaints when they wish to do so.

9.3 Investigators must make sure that the service user understands the Complaints Policy, Complaint Procedure and has a copy of the leaflet 'Helping You to Make a Complaint'.

9.4 In some cases, it will not be possible to stop an investigation, even if the service user requests this, for example if other people may be placed at significant risk if the investigation stops. Investigators should ensure that service users understand this.

9.5 Staff should provide additional support to service users to help them find an appropriate, independent advocate to act on their behalf. This may be another service user or a professional from another organisation (staff can access information about local advocacy services as part of their role). It may be that the service user requests support from another member of staff, in which case the member of staff must seek advice from their Line Manager or the HR Department before agreeing to act in this capacity, as there may be potential for conflict within a staff team.

10. RESPONDING TO COMPLIMENTS

10.1 Everybody likes to receive a compliment and that includes SSJ. We will feed compliments about staff and teams into our internal reward and recognition program and use them as examples of positive service delivery.

10.2 Compliments will be recorded by the admin team and forwarded to the appropriate manager.

10.3 The manager who is in receipt of the compliment will reply to the originator within two weeks.

11. ANNUAL REPORTING

11.1 An annual complaints performance and service improvement report will be compiled for scrutiny and challenge. It will include:

- The annual self-assessment against the Housing Ombudsman's Code to ensure our complaint handling policy remains in line with its requirements
- A qualitative and quantitative analysis of the landlord's complaint handling performance (to also include a summary of the types of complaints SSJ has refused to accept)
- Any findings of non-compliance with the Code by the Ombudsman
- The service improvements made as a result of the learning from complaints
- Any annual report about the landlord's performance from the Ombudsman
- Any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord

This report will be reported to SSJ's Operations Committee and the Service User and Resident's Association. In addition, it will be published on SSJ's website along with a response from the Board.

11.2 An annual review of compliments will be conducted.

11.3 The complaints and compliments data will help SSJ improve the quality of service delivery by learning from both mistakes and best practice. These learnings will be shared across the organisation.