

Complaints Policy and Procedure

Policy Statement

CHADD welcomes complaints and look upon them as an opportunity to learn, adapt, improve and provide better services. Complaints help us to know if our services are getting something wrong and we can put it right, learn from mistakes and ensure it does not happen again.

We record all dissatisfied feedback about service standards, lack of action by CHADD or those acting on our behalf, regardless of how the feedback is brought to our attention. Complaints are used to inform training, policies and procedures.

CHADD complies with the Equality Act 2010 and understands some customers may have difficulty communicating their complaint to us or participating in the complaints process. In such circumstances we will always make reasonable adjustments to enable and empower the customer.

Definitions

Customer – for the purpose of this process a customer refers to tenants, residents and service users.

Complaint –

- The process should be customer friendly that allows them to be heard and understood
 - A complaint is an expression of dissatisfaction about the standard of services, actions or lack of actions by CHADD or those acting on their behalf – affecting an individual or group of customers
 - The Customer (or the person complaining on their behalf) does not have to use the word complaint in order for it to be treated as such
 - The complaint does not have to be received in writing
 - If a complaint is made against a company or individual working on behalf of CHADD (consultant or contract) this policy still applies and will be followed. The complainant has every right to complain to that company directly and should expect for them to follow their policy
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Purpose of this policy and procedure

The aim is to provide clear and concise guidance to colleagues, customers and any other stakeholder on complaints handling. It aims to resolve complaints at service request locally, or in 2 formal stages each escalating to a more senior level if needed.

CHADD works on the principle that if a customer or anyone who acts in their best interests (this named person can change depending on the nature and stage of complaint) wishes to make a complaint or register a concern they should find it easy to do so. This process intends to ensure that complaints are dealt with thoroughly, solutions are put in place efficiently and issues resolved quickly before given timescales or escalation.

CHADD recognises the difference between a service request and a formal complaint. Colleagues should initially deal with the issue early, openly and honestly, and aim to resolve at a local level, i.e. between the complainant and the front-line team delivering the service. If this fails due to the complainant being dissatisfied with the result, CHADD respects the right of the complainant to take the complaint to the next stage.

The aim is always to make sure that the complaints procedure is properly and effectively implemented and that customers feel confident that their complaints and worries are listened to and acted upon promptly and fairly.

Complaints are not covered by this process where:

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- The issue occurred over twelve months ago, unless there are exceptional circumstances (Safeguarding or H&S as an example).
 - Issues that have previously been considered under the complaints policy. If it is a recurring issue, we will consider any older reports as part of the background to the complaint if this will help to resolve the issue
 - There are legal proceedings already in place
 - The issue is already being dealt with through another process (i.e. appeals or Anti-Social Behaviour) – there will be an exception if we fail to resolve through the alternative process

Reference Documents

- Equality and Diversity Policy
- Safeguarding Policy and Procedure
- Duty of Candour Policy and Procedure
- Data Protection
- Care Quality Commission
- Housing Ombudsman – complaint handling code 2020
- Anti-Social Behaviour Procedure
- Positive Behaviour Plan
- Alcohol & Substance P&P

Procedure contents

1. How we manage complaints
2. Complaints via social media
3. Local resolution (informal)
4. Stage one and two
5. Referral to Independent Bodies
6. Investigating a complaint through meetings
7. Complaints involving a third party
8. Complaints about a member of the team
9. Compensation
10. Continuous learning and training
11. Appendices (separate documents)

1. How we manage complaints

- Customers and their representatives are always made aware of how to complain and that CHADD provides easy-to-use opportunities for them to speak to us
 - Accept complaints in any way the customer prefers (unless there is a valid reason not to)
 - We will accept complaints about issues that occurred within the last 12 months
 - Consider complaints on an individual case by case basis
 - We will ask the complainant (or their representative) what they want the outcome to be
 - We will be clear if the desired outcome is unrealistic and why, we will explore whether an alternative compromise to suit all is an option
 - Accept complaints from a third party acting on behalf of the customer, we will need to ensure we follow data protection guidelines in these circumstances
 - A named person (complaints handler) is always responsible for the administration of the procedure and will deal with the complaint on their own merits
 - Complaints are dealt with promptly, fairly and sensitively with due regard to the upset and worry that they can cause to those involved
 - Complaints should be investigated impartially, that might mean a colleague from a different service managing the complaint so that they can be more independent, open minded and able to recognise any conflict of interest
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- All evidence will be thoroughly explored and considered
- We will not promise anything that cannot be delivered or would cause unfairness to others
- We should always keep the complainant informed with regular updates and next steps, it is best practice at each contact to agree actions and timescales for communicating.
Communicate any missed timescales, reasons and next steps
- At the first contact stage ask the complainant their preferred form of communication
- The complainant has the right at any stage to request that their complaint is escalated, CHADD will not unreasonably deny this request
- Final outcomes of any formal complaints are responded to in writing by CHADD
- All information and data will be treated with confidentiality
- Colleagues, contractors and those working on behalf of CHADD will not be identified when communicating updates to customers or those dealing with their complaint. If this is required as they have been directly involved we will do this with sensitivity and as and when needed
- If a staff member or volunteer wishes to raise concerns about management of service delivery, they can contact the Complaints Lead Trustee or follow Chadds Confidential Reporting Policy.

CHADD recognises national guidance on complaints handling, which uses a three-stage model of:

1. Service request (local resolution)
2. Complaints review – Internal formal stages one and two
3. Independent external adjudication by:
 - Ombudsman
 - Health Service Ombudsman or through the Independent Healthcare Advisory Services (IHAS)
 - The Housing Ombudsman
 - The Care Quality Commission
 - Local Authority (commissioners)

All contact with the complainant will be polite, courteous and empathetic, we will not adopt a defensive attitude. We will remain calm, respectful and accept when we have got things wrong.

If a complaint is not accepted – we do not apply blanket reasons to exclude any complaints, all complaints are assessed on a case by case basis. If on assessment we do not accept a complaint we will provide a written response explaining in detail the reasons why complaint has not been accepted and include contact details for the Ombudsman, as customers have a right to question the decision.

2. Complaints via social media

We accept complaints in any way that suits the customer, and this includes our social media, CHADD are active on Facebook @CHADDHousing and Twitter @CHADD1979 .

Individual colleagues may also have individual social media accounts connected to work, some services may have local facebook groups to connect with their service users and local community.

When responding to complaints received on social media, be mindful of data protection, thank the customer for their comments and ask them to contact you via direct message so that we can deal with their situation privately and in confidence. Colleagues who are less experienced on social media should seek advice if they notice anything that needs responding to, a public post can easily happen in mistake if someone is not used to a particular social media platform.

3. Service request (local resolution)

CHADD recognises a service request is when a customer is unhappy with a situation that they want to have resolved.

CHADD works on the basis that wherever possible, complaints are best dealt with directly with the customer and by those providing the service at a local level. However, at this stage a complaint should still be raised so that we can evidence continuous improvement and learning.

Local teams and Managers should work with customer to understand their complaint and aim to resolve it within the parameters of their service contract and any flexibility we have.

Colleagues should work with their Manager and customer to resolve and record any issues and actions, putting things right is the first step to repairing and rebuilding our customer relationship.

Even at this early stage, regardless of whether the complaint escalates provide the service user with information on the Housing Ombudsman Service, as they have a right to access the service for any information or advice at any time about any aspect of the process, not just if they re not happy with the final outcome.

[Home - Housing Ombudsman \(housing-ombudsman.org.uk\)](http://housing-ombudsman.org.uk) 0300 111 3000.

[The Housing Ombudsman's Complaint Handling Code \(housing-ombudsman.org.uk\)](http://housing-ombudsman.org.uk)

4. Stage one (formal)

If a customer has spoken to their Support/Care Worker or Housing Officer and their Manager informally about issues and feel these have not been resolved locally, they can escalate their complaint to the Head of their service using any method they are most comfortable using.

Head of Supported Housing and Operations- Jean Reid

Head of Care – Jodi Klaus

The Head of service will:

- acknowledge their complaint within 5 working days
- Identify areas CHADD is responsible for
- Identify any areas that CHADD are not responsible for and why, explain how these areas will be addressed (i.e. sent on to the relevant company, person etc)
- arrange for the appropriate enquiries to be made in line with the nature of the complaint and their leadership team with an aim to respond in 10 working days, if this is not possible, an explanation and a date by when the stage one response should be received. This should not exceed a further 10 days without good reason
- keep in touch with the customer/third party via their preferred method of communication
- give the complainant an opportunity to feedback on findings before decding final outcome
- consider any relevant history, particularly if this is a recurring issue

The aim is to respond in 10 working days, if this is not possible, an explanation and a date by when the stage one response should be received. This should not exceed a further 10 days without good reason – total 20 days. The complainant must be informed and an explanation provided.

When responding with the outcome within 10 days:

- in the outcome the HoS will respond to all points in the complaint and give comprehensive reasons for any decisions made, referencing the relevant policy, law and good practice where relevant
 - the written correspondence will also include:
 - the complaint stage
 - summary of complaint
 - the decision and the reasons for each individual point raised in complaint
 - details of what has been offered to put things right
 - any outstanding actions and by who
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- information on how to escalate the matter to stage two if complainant dissatisfied
 - Housing Ombudsman details

Further complaints received during investigation:

Where further complaints are raised during the investigation, the HoS will include these into the first stage outcome if an outcome and final decision hasn't been given and if the new complaints are relevant. If the stage one outcome has already been delivered or investigating the new reports will unreasonably delay the process, then the new issues should be treated and logged as a new complaint case.

Escalation of a complaint

A customer can agree an escalation of the complaint if we have failed to respond within stated timescales or have not passed expectations.

- **Stage two (formal)**

If the customer is not satisfied with the response received in Stage 1, or feels the matter cannot be raised with the relevant Head of, they do not need to provide an explanation or reasons as to why they are not satisfied. They can raise a stage 2 complaint with the Chief Executive of the Association at:

Churches Housing Association of Dudley and District - 01384 456465
Brindley House
48-50 Hall Street
Dudley
DY2 7DT

Colleagues can assist customers to do this in their preferred method of communication.

The Chief Executive will:

- Acknowledge receipt of complaint within 5 working days
- Identify the areas CHADD are responsible for
- Identify any areas that CHADD are not responsible for and why, explain how these areas will be addressed (i.e. sent on to the relevant company, person etc)
- Review the case and decide on further action, which could include appointing a senior member of the team to investigate the complaint
- Will respond within 20 working days from acknowledgement – if this is not possible an explanation and a date when the stage two response will be received and this will not exceed a further 10 working days without good reason and agreed by both parties
- Clarify understanding of the complaint and required outcome if required
- give the complainant an opportunity to feedback on findings before deciding final outcome

When responding with the outcome:

In the final outcome the CEO will respond to all points in the complaint and give comprehensive reasons for any decisions made, referencing the relevant policy, law and good practice where relevant, the written correspondence will also include:

- the complaint stage
- summary of complaint
- the decision and the reasons for each individual point raised in complaint
- details of what has been offered to put things right
- any outstanding actions and by who
- information on how to escalate the matter to external independent bodies if complainant dissatisfied, including Housing Ombudsman

Stage 2 is the final stage in CHADD's complaints process.

5. Referral to Independent Bodies

If a customer is not satisfied with the response or timings throughout the above internal CHADD process, they can access independent advice and support from:

- Care - Care Quality Commission- 0300 616 161 <https://www.cqc.org.uk/contact-us/how-complain/complain-about-service-or-provider>
- Housing - Housing Ombudsman; 0300 111 3000 <https://www.housing-ombudsman.org.uk/contact-us/>
- Regulator for Social Housing; [Regulator of Social Housing - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- Dudley Council Safeguarding contact detail: Access to Adult Social Care Team 0300 555 0055
- Independent Complaints panel: The Central Residents Complaints Panel, St Peter's College, Bridge Street, Saltley, Birmingham, B8 3TE
- The National Housing Federation, 175, Grays Inn Road, London, WC1X 8UP

6. Investigating a complaint through meetings

- If a meeting is arranged the complainant is advised that they may, if they wish, bring a friend, relative, representative, power of attorney, advocate – someone they trust who can support them or help to communicate if needed
- Where a customer does not have capacity, we will meet with their representative
- The aim of the meeting will be to clarify the complaint, ask any questions, give apologies' (apologising for what has happened need not be an admission of liability)
- To provide a detailed explanation of the results of any investigation complete so far
- Such a meeting gives the organisation the opportunity to show the complainant that the matter has been taken seriously and has been thoroughly investigated
- Agree any follow-up action
- After the meeting, or if the complainant does not want a meeting, a written account of the investigation should be sent to the complainant – including details of how to take the complaint to the next stage
- If we experience any behaviour that is deemed unacceptable or unreasonable we will refer to relevant policies to manage this. In the first instance it is best practice to arrange to meet with those involved face to face, we believe this is the most constructive way to have meaningful communication and reach a conclusion that suits all. If any restrictions are to be put in place (re frequency of contact or who they can and not contact), we will assess and take into consideration equality and diversity, individual needs and circumstances before applying restrictions

7. Complaints involving a third party

In the event that a third party is involved in a complaint or is resolving it on our behalf, the following must be considered:

- Data protection and confidentiality
 - Using one process as customers should not be expected to work with numerous processes
 - When gathering information avoid the customer having to repeat their story
 - Joint meetings
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8. Complaint about a member of the team

In the event a complaint is raised about a member of the team, it should be considered whether other procedures need to be implemented alongside the complaints procedure.

Are there any safeguarding concerns?

Has there been a breach of code of conduct or professional boundaries policies?

Disciplinary – suspending if complaint serious. This is keeping both parties safe and we can investigate with fairness and impartiality when hearing the complaint.

Consider another colleague from another team to hear the complaint to ensure impartiality.

9. Compensation

Claims for compensation due to service failure can be made via a complaint or by completing a Compensation Claim Form (Appendix 3). The Head of Service will decide with the CEO on a case by case basis the most appropriate way to pay the compensation. If the tenants owe money to CHADD the compensation will be credited directly to their rent account.

CHADD may not use compensation to pay a debt if the compensation is meant to be used for a specific purpose, e.g. to replace a damaged item. However, if part of the compensation awarded is for distress or inconvenience Swan may use this part to offset any debt.

When awarding compensation we will look at any any due statutory payments are, if any significant losses were incurred, the time, inconvenience and distress caused to a customer will also be taken into account.

10. Continuous learning and training

- CHADD reviews and self-assesses complaints to determine what can be learned from them (activity and trends). It regularly reviews the complaints procedure to make sure it is working properly and is legally compliant
- The self-assessment is available on our website and submitted to the Ombudsman
- Colleagues are trained to respond correctly to complaints, the process training is included in the induction for new starters and updated as indicated by any changes in the policy and procedures and in the light of experience of addressing complaints
- We also recognise the impact that complaints can have on staff directly involved and the impact on service delivery. Staff will be offered support through the process, and will be actively engaged with the learning outcomes from complaints.
- We will report on complaints to our board and relevant committees
- We will seek feedback from complainants once the complaint is resolved on anything we could have done better
- CHADD completes an annual self-assessment that is approved by the Board, submitted to the Housing Ombudsman and published on the website

11. Appendices

Appendix 1 – complaints record; a separate form that colleagues can use to log the complaint, investigation and outcomes in one place, this tool also supports us to record a true reflection of the complaint and desired outcome, which is then signed in agreement by the complainant.

Appendix 2 – log of complaints, a place to log all cases on a service and their status for each financial year.

Appendix 3 – compensation form for authorisation.

Document details:

Owner: Jean Reid

Approved by: Anna Walsh (CEO) and P&S committee

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