

Policy Name:	Comments, Complaints and Compliments Policy and Procedure
File No:	P27
Version:	4.0 (Final)

Policy Custodian:	Director of Operational Support
Policy Champion: (if applicable)	Complaints Officer

This document also relates to the following St Basils policies, procedures and guidelines:

- Dignity and Respect
- Data Protection
- Security of Information
- Confidentiality
- Disciplinary
- Grievance
- Safeguarding
- Code of Conduct
- Equality, Diversity & Inclusion
- Engagement
- Anti-Social Behaviour
- Recording Standards
- Staff Handbook
- St Basils Local Offer – Tenant Involvement and Empowerment Standard

Consultation Framework:

Consultation of this policy has taken place with the following parties during the following periods of time:

Custodian	03.05.2022 – 21.07.2022
Champion	03.05.2022 – 21.07.2022
Managers	13.07.2022 (presentation)
Senior Leadership Team	21.07.2022 Deferred 18.08.2022 Approved
Sub Committee (SDDC)	30.08.2022 Approved
Board of Directors	26.10.2022 Approved

Approved by:	The Board	Approved date:	26.09.2022
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Policy Statement

St Basils aims to provide a high-quality, responsive, young person led service. We want to know when we get things wrong or when service users are unhappy with the service, they have received from us. To ensure this, we need to take account of the views and wishes of those we are here to support. We welcome every opportunity to monitor and improve our service and having a Comments, Complaints and Compliments policy and a clear procedure for dealing with them is one way of doing this.

The aim of this statement is to set out how we will listen, respond and learn, especially from problems and mistakes so that we can improve services and service delivery across the organisation so that everyone can benefit.

St Basils is committed to ensuring feedback of any nature is dealt with promptly in the most appropriate way. The policy and procedures are an essential part of putting this commitment into practice, and St Basil's staff will promote these feedback mechanisms to everyone. All feedback will be dealt with efficiently, fairly, sensitively and effectively.

The basis of this Policy is St Basil's commitment to equality, fair access and diversity.

Scope of Policy

This policy applies to all employees in all departments and services as well as young people whether they are St Basils residents and/or support service users or not. The scope of this policy also includes the wider community.

For the purposes of this policy the term 'employee' will include all employees (whether full time or part time), volunteers, casual workers, contracted workers and consultants.

Definitions

A comment is defined as a verbal or written remark expressing an opinion or reaction

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.'

The Housing Ombudsman Complaint Handling Code

A compliment is defined as a polite expression of praise or admiration

Legislation

- The Equality Act 2010
- The Data Protection Act 2018
- Housing Act 1996 s.51 and Schedule 2
- Housing and Regeneration Act 1996, 2008
- Localism Act 2011
- Children Act 2000
- Offences Against the Person Act 1861

Regulatory Requirements;

The Regulator of Social Housing - Tenant Involvement & Empowerment Standard

"Registered providers shall:

- Have an approach to complaints that is clear, simple and accessible that ensures that complaints are resolved promptly, politely and fairly.
- Providers shall accept complaints made by advocates authorised to act on a tenant's behalf."

The Housing Ombudsman Complaint Handling Code

- "The purpose of the Code is to enable landlords to resolve complaints raised by their residents quickly and to use the learning from complaints to drive service improvements. It will also help to create a positive complaint handling culture amongst staff and residents."

St Basils Local Offer:

“We will display and provide feedback leaflets and posters in all our schemes and publish this data in our Annual Review and Annual Report. Complaint handling training will be provided to all staff where appropriate as part of their induction and training. We have an effective policy in place to hear your complaints.”

For more information regarding legislation that relates directly to complaint management see appendix 1

General Principles

Comments, Complaints and Compliments can be raised via our website by completing the online form at stbasils.org.uk/contact-us/; by email to feedback@stbasils.org.uk; verbally or in writing via any member of staff; completing the feedback form available at our services or in a downloadable version from the website and forward by post or email

Comments

We are always looking for ways to improve our services, and it is important that we respond to comments and let people know that we are listening. Where possible, if we change the way we deliver our services as a result of a comment, we should let people know.

A comment is a suggestion, idea or observation about our services. Anyone can make a comment about our services, how they access our services, about staff who deliver them, and so on.

When we receive a comment, we will acknowledge it and thank the individual for their feedback. We will then consider how we can use it to improve our services. Comments will be shared and discussed with the relevant team members. This may for example, include sharing it anonymously at the next available team meeting for discussion, at a manager's meeting or making an organisation wide recommendation to SLT.

Compliments

We appreciate compliments, they tell us that something we are doing is right. We will encourage people to tell us when things work well for them. This will help us to learn best practice and encourage others to introduce similar good practice measures wherever possible. When people take the time to compliment us we need to let them know that we value their positive feedback.

A compliment is positive feedback from a complainant regarding an area of our service or service delivery. A compliment may also be about the person who provided the service or, more generally, about the service we have provided.

When we receive a compliment, we will acknowledge it and consider how we can use it to improve the way we deliver our services by sharing it as an example of best practice.

Compliments will be shared (with the individual's permission) with the relevant team members. This may include sharing the compliment at the next available team meeting. If a compliment refers to an individual employee or team, a copy will be sent to the relevant individual(s).

Learning from a compliment can be applied across the organisation, the Manager receiving the compliment may share it (with the individual's permission) at the next available Youth Service Managers meeting or make an organisation-wide recommendation to SLT.

Complaints

We will promote our procedures to make them accessible and see this as a positive way of addressing poor experience and getting feedback to help change or review aspects of our services, or service delivery. Sometimes we may not be able to make changes, for example, St Basils must operate within the law. Where possible if we change the way we deliver our services as a result of a complaint, we will let the individual know.

A complaint is an expression of dissatisfaction. It can be about our services, the standard of one of our services or about how we deliver our services, or a lack of action and how this is affecting someone. It can be made verbally to any staff member, or in writing and must be documented. Feedback leaflets are

displayed and available at each of our sites and are also be downloaded from the website or send an email to feedback@stbasils.org.uk and it will be emailed to you.

We take all complaints seriously, so all employees must be familiar with the Comments, Complaints and Compliments Policy and Procedures.

Complaints can be received from anyone, a resident young person, service user, or any member of the public.

Young people may decide to ask someone to help them make their complaint. This person is known as their 'advocate'. The advocate must have written permission to make the complaint on their behalf and we must receive a copy of this before we can discuss the complaint with the advocate. The advocate may be a friend, partner, relative, other support service or a member of St Basil's staff. St Basil's staff can signpost young people to other local advocacy services.

If there is a conflict of interest between the advocate's role and the staff members job role, they should discuss this with their line manager before agreeing to act as an advocate. The line manager should be confident that the staff advocate can manage any conflict of interest before agreeing. The decision rests with the line manager, who must - in all cases, ensure that the staff advocate is being supported throughout the process.

If we receive an anonymous complaint we will still record and investigate it as far as possible.

A complaint may be considered offensive if it includes inappropriate language or views which discriminate against anyone. If an offensive complaint is received, it will be logged and forwarded to an appropriate member of SLT who will decide (regardless of the offensive way in which the complaint has been raised), whether the complaint contains a substantial matter of concern, particularly where there is detriment to the rights and well-being of any person affected and should be investigated. In the absence of concern the complainant will receive an appropriate response and the case will be closed. In such cases, a complaint which may be 'closed' for purposes of offensiveness/ discrimination – should be done so by signing off by two SLT Members of St Basils.

We will not normally accept complaints or offer escalation to the next stage of our internal complaints procedure, where:

- The complaint is more than 6 months old (except in exceptional circumstances such as health and safety or if there have been previous similar complaints.)
- The problem is a recurring issue and we consider we have previously resolved the matter;
- A complainant is not engaging with us and failing to provide relevant information relating to their complaint
- The matter is subject to legal proceedings;
- The complainant is behaving unreasonably.

If we decide not to accept a complaint, for any of the above or any other reasons, we will explain why and the complainant will have the right to challenge this decision by taking the matter to the relevant regulator or authority.

What we will do

We will signpost individuals to make a complaint if they are dissatisfied with an area of our service, how our services have been delivered to them or where there has been a lack of action.

If a complainant raises additional complaints during the investigation, these will be incorporated into the stage one response if they are relevant, and the stage one response has not yet been issued. Where the stage one response has been issued, or it would unreasonably delay the response, the complaint will be logged as a new complaint.

We will treat all complainants respectfully during and after an investigation into their complaint.

We can arrange to help people who may find it difficult to make a complaint, for example, if English is not their first language. We will respect the complainant and apply the principles of the Equalities Act 2010 to protect against direct and indirect discrimination, harassment or victimisation in services and public functions, for people who are perceived to have, or are associated with someone who has a protected characteristic.

We will keep details of the complaint confidential, and only share them when necessary, in line with the Data protection Act 2018 and St Basils Confidentiality Policy.

Where a key issue of a complaint relates to the parties' legal obligations, St Basils will clearly set out their understanding of the obligations of both parties.

We will acknowledge complaints within the timescales as published in the procedure and provide different communication channels through which individuals can make a complaint.

Taking action through the complaint's procedure may lead to St Basils taking disciplinary action against an employee, or starting action under other procedures, for example, legal procedures or child protection.

No member of St Basil's staff should investigate a complaint which has been made against them. This would constitute a 'conflict of interest'. If you receive a complaint and you find that you are referred to in the complaint, you must immediately forward it to feedback@stbasils.org.uk and must not participate in an investigatory role. Failure to do this may be considered gross misconduct. (Investigation is defined as holding meetings or discussions regarding the matter with anyone involved in the complaint, questioning the person who made the complaint, or making enquiries about someone who made the complaint).

Where a complaint covers a number of services, staff should forward the complaint to feedback@stbasils.org.uk it will then be referred to a member of SLT to decide who the most suitable person to investigate it is.

Our employees will have a number of possible roles under the complaint's procedure. They may:

- Be the subject of a complaint
- receive a complaint
- act as an advocate to help a someone make a complaint
- be involved in an interview where another colleague is investigating a complaint
- Act as an investigating officer on behalf of the organisation, to investigate a complaint

Where possible, St Basils staff and Managers should avoid having more than one of the above roles at any one time when dealing with any one single complaint. This is for purposes of clarity of roles, responsibility and accountability.

Roles and Responsibilities

The Board of Directors have responsibility for overseeing the complaint process providing leadership and strategic guidance. In relation to complaints, its role is threefold:

- to approve the adoption of the Complaints Handling Process (CHP)
- to ensure that staff keep to the CHP and associated internal processes (through involvement with senior management or directly)
- to ensure that information and learning from complaints are used to improve our understanding of, and to steer, our policies and practices.

Particularly important is The Board's role in developing and fostering a culture that St Basils values complaints.

The members of the Senior Leadership Team (SLT) must ensure that recording and reporting of complaints is thorough and effective, so that reports to the Board reflect a true picture of all complaints.

The SLT values complaints and will:

- support all staff in resolving complaints locally, quickly and effectively, to reduce the potential for a complaint to escalate
- encourage frontline staff to be 'active listeners' and to understand and act on the information they receive
- set out how complaints data will be reported and used to promote continual improvement
- ensure that tenants and service users are kept informed about how we have used feedback to improve services.

Members of both Operations and Governance Teams will ensure adherence to the agreed procedures and provide support and guidance to managers and affected staff throughout the process.

All Managers/Team Leaders and Deputies will be responsible for:

- investigating complaints
- managing complaints and the way we learn from them
- ensuring that recording and reporting on complaints is thorough and effective
- overseeing the implementation of actions required as a result of a complaint

Individual Managers are responsible for ensuring that this policy is applied within their own area. If in doubt, advice and guidance on the application or interpretation of this policy must be sought prior to any action being taken via feedback@stbasils.org.uk. Managers are responsible for providing information in a timely, open, honest and understandable way.

A complaint can be made to any member of our staff. So, all staff must be aware of the CHP and how to handle and record complaints at the frontline stage. They should also be aware of who to refer a complaint to in case they are unable to personally handle the matter. We encourage all staff to try to resolve complaints early, as close to the point of service delivery as possible, and quickly to prevent escalation.

Training Requirements

Managers will be given complaint handling and investigation training. Where appropriate, employees will complete complaint handling training as part of their induction training.

Communication

This policy will be communicated effectively to all employees via a range of different media avenues and can be produced in other formats where needed.

Responsibility

The Director of Operational Support is responsible for ensuring this policy is implemented and monitored.

Continuous Renewal Clause

This procedure will be reviewed every 3 years by the organisation to ensure it is in accordance with good practice guidance, prevailing legislation and statutory frameworks. However, this policy may be assessed before that time as necessary – such as:

- if it becomes ineffective
- to reflect substantial changes in practice
- following inspection, as recommended by auditors
- or changes required by law

Disclaimer

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COMPLAINTS PROCEDURE

1. Service Requests and Informal Resolution

- 1.1 At St Basils, we recognise that someone may want to raise a matter with a member of staff without having to make a formal complaint. Anyone can request to speak to a member of staff to raise a matter and have this resolved - prior to making a formal complaint. At any time, if the individual is still not satisfied with the response or outcome, they reserve the right to make the matter formal – by letting us know they wish to make a formal complaint. At this point, the matter would be recognised as a Stage 1 formal complaint.
- 1.2 A service request is a request from a resident requiring action to be taken to put something right. Service requests should be recorded, monitored and reviewed regularly. A complaint should be raised when the resident raises dissatisfaction with the response to their service request.
- 1.3 All responses to service requests and informal resolutions will be logged on the QL system

2. Formal Complaints

2.1 Introduction:

- 2.1.1 Our formal complaints procedure is based on a two-stage process. Our aim is to resolve the complaint satisfactorily, at the earliest stage. However, we know that this will not always be possible, in which case the complaint may continue to stage 2.
- 2.1.2 We will acknowledge all complaints within 5 working days of receipt, using the complainants preferred method of contact. They will be provided with a record of the date their complaint has been received and the allocated reference number for tracking purposes.
- 2.1.3 The Investigating Officer will normally be a member of the service management team unless there are concerns about impartiality in which case the complaint will be managed by an officer independent of the service/s involved. If a complaint involves more than one service, it will be brought to the attention of a member of the Senior Leadership Team (SLT) who will decide who would be the most appropriate person to co-ordinate any investigation, action and responses.
- 2.1.4 If not comfortable or confident in making a complaint, we will signpost residents to other organisations, such as Citizens Advice and any other appropriate agencies who may be able to advise and provide support with making a complaint on their behalf, and to be represented and/or accompanied at any meeting where this is reasonable.
- 2.1.5 Any resident of St Basils can at any time during the process contact the Housing Ombudsman. The Housing Ombudsman Service can assist residents throughout the life of a complaint. This affords the resident the opportunity to engage with the Ombudsman's dispute support advisors. Click on the link below.

Make a complaint - Housing Ombudsman (housing-ombudsman.org.uk)

2.2 Important:

- 2.2.1 No complaint can 'skip' a stage regardless of the nature of the complaint. i.e., 'all Formal complaints must be initially handled at stage 1. Therefore, complaint stages do not reflect the severity of the nature of the complaint.

In the event that a complaint (at any stage) is regarding any form of abuse (as defined by St Basils Safeguarding Policy and Procedures), or regarding a risk to a person's health and safety, the person receiving the complaint must immediately notify St Basils Safeguarding Officer or if unavailable, any member of St Basils SLT.

2.3 Stage 1 – We aim to resolve the complaint as quickly as possible

2.3.1 Stage 1 complaints can be made by individuals using a variety of different channels:

- Website using the online form www.stbasils.org.uk/contactus
- Email at feedback@stbasils.org.uk
- Social media channels provided by St Basils (i.e. young persons app)
- Using the leaflet which can be found in the service
- Supported by a member of staff at service
- Telephone 0121 772 2483

Where they will be dealt with by a Complaints Officer.

2.3.2 The Complaints Officer will:

- Log the complaint and provide a unique reference number for tracking purposes
- Send an acknowledgement within 5 working days of receipt, (see Appendix 3) advising the complainant of the complaints policy and what they can expect from St Basils.
- Immediately bring any safeguarding complaint to the attention of the Safeguarding Officer or in their absence, any other member of St Basils SLT.
- Immediately bring any offensive/ discriminatory complaint, or a complaint regarding multiple services, to the attention of a member of SLT.
- Allocate an appropriate Stage 1 Investigating Officer to look into the complaint
- Complaints Officers have sufficient seniority to provide assurance that the complaint will be dealt with professionally.

2.3.3 If any member of St Basil's staff receives a formal complaint, this must be forwarded immediately to feedback@stbasils.org.uk, access to this mailbox is strictly limited and all complaints are managed as discreetly as possible. If the complainant wishes for the complaint to be kept confidential, they can ask for this to be delivered in a sealed envelope marked 'confidential', but this may limit the scope of the investigation.

2.4 The Stage 1 Investigating Officer will:

2.4.1 Make initial contact with the complainant to let them know you are handling their complaint, at Stage 1 of St Basils Complaints Policy and Procedures, provide your contact information and (if necessary and it is deemed safe to do so) make arrangements to meet with the complainant and discuss their concerns.

2.4.2 To ensure a full audit trail, use the 'Complaint Investigation Report' template to record their meetings, discussions, materials and documentation reviewed and to record their findings and recommendations.

2.4.3 Share their findings and recommendations (where relevant) with the manager of the service/ department being complained about.

2.4.4 Make a sound, fair and honest judgement and decision. A copy of the completed report should be forwarded to feedback@stbasils.org.uk, quoting the unique reference number in the subject line within 7 working days of receiving the complaint.

2.4.5 If during the course of the investigation, the investigating officer identifies that an employee's conduct is an ongoing issue, they must take action immediately and not wait for the complaint process to be completed.

2.5 The Investigating Officer will:

2.5.1 Draft a response to the complainant and state:

- Who has been interviewed (job titles only) and what documentation has been reviewed as part of the investigation

- Clearly what the outcome/ decision is
- Who has made the decision (job title only) and what changes have been made/action has been taken (if any) as a result of the complaint
- An apology if relevant and what to do if further dissatisfied

To protect employees from any possible repercussions, the response will be sent direct to the complainant from Head Office, investigating officer names will not be quoted.

2.5.2 St Basils aim to conclude the investigation outcome and respond to the complainant within 10 working days of receiving the complaint. Complex cases may take more time to investigate and conclude and it is important to ensure each case is given the necessary attention (this should not exceed a further 10 days without good reason).

2.5.3 In complex cases the Investigating Officer will keep the complainant informed of progress on a regular and consistent basis.

2.5.4 At any stage of the process, if all attempts fail within a reasonable timescale to elicit a response from the complainant this will result in the complaint still being investigated internally but may limit the scope of the investigation. In the event of the complainant re-establishing communication the option to reopen and restart the timescale from day 1 will be observed.

2.6 If the complainant feels their complaint has not been resolved satisfactorily at stage one, they should write to St Basils or email feedback@stbasils.org.uk within 5 working days of receiving our response. The complainant must state their grounds for requesting an escalation. A request for a review may include but is not confined to:

- a review of the procedures followed at the formal stage
- a consideration of whether the outcome was reasonable
- new material evidence which the resident was unable, for valid reasons, to provide earlier in the process.

2.7 Stage 2 – Senior Investigating Officer Review

2.7.1 A further acknowledgement will be sent to the complainant within 5 working days of their notice to escalate to the next stage and the timescales advised. The Complaints Officer will appoint a Senior Investigating Officer to review the complaint and its outcome.

2.7.2 The Senior Investigating Officer will aim to resolve the complaint within a further 20 working days from request to escalate. The investigation may involve reviewing interviews, written documentation and processes followed. There may be a need for the Senior Investigating Officer to have discussions with persons involved in the complaint

2.7.3 The Senior Investigating Officer will use the 'Complaint Investigation Officer Report' template to record their investigatory activities and forward to feedback@stbasils.org.uk.

2.7.4 The Senior Investigating Officer will draft an outcome letter which will include:

- What the decision is
- How we have made our decision
- Who has made the decision (job title only)
- What changes have been made/action has been taken/outstanding actions
- An apology if relevant
- What to do if further dissatisfied (Refer to Housing Ombudsman)

- 2.7.6 To protect employees from any possible repercussions, the response will be sent direct to the complainant from Head Office, investigating officer names will not be quoted.
- 2.7.7 The Complaints Officer, will retain a log of all complaints, investigations and outcomes. These will be held securely and confidentially in line with data protection requirements.

2.8 Signposting to External Bodies/ a Designated Person

- 2.8.1 If the complainant is not satisfied with the outcome of the process, they may wish to take their complaint further. St Basil's staff should be open, transparent and supportive in advising:
- A resident of their right to refer the matter to the Housing Ombudsman.
<https://www.housing-ombudsman.org.uk/residents/make-a-complaint/>
 - A service user of their right to refer the matter to their local authority commissioner
 - A learner of their right to refer the matter to the Open College Network West Midlands. All review requests and appeals must be made to Open College Network West Midlands within 20 working days from the date of the initial outcome or decision. See link below
Contact us - Open College Network West Midlands (opencollnet.org.uk)
 - A neighbour of their right to refer the matter to a local councillor
 - An external professional of their right to refer the matter to their local authority commissioner

Note – all individuals should go through St Basils complaints process prior to escalating the complaint.

- 2.8.2 If the young person is unhappy with the outcome, they have the right to ask for their complaint to be considered by a recognised 'Designated Person' or refer it to the Housing Ombudsman if they are a St Basils tenant. St Basils staff will provide support to identify an appropriate designated person as stated in these procedures.
- 2.8.3 Staff should assist young people to identify their chosen course of complaint by providing helpful information such as identifying a suitable 'Designated Person', advocate or providing young people with access to the internet to identify their local MP or counsellor.
- 2.8.4 For the purpose of this Policy, a 'Designated Person' is specifically defined in the Localism Act 2011 as; '... an MP, Local Councillor, or a Tenant Panel'.
- 2.8.5 A 'Tenant Panel' is specifically defined as a 'Tenant Panel who is registered and recognised by the Housing Ombudsman'.
- 2.8.6 When signposting a 'Stage 2' complaint to a Designated Person, St Basil's staff should inform the young person of the following websites and if requested provide a list of recognised 'Tenant Panels'.
- Local Member of Parliament – <http://findyourmp.parliament.uk/>
 - <https://www.housing-ombudsman.org.uk>
 - <https://www.opencollnet.org.uk>
 - Local Councillor – <http://www.writetothem.com/>
 - Tenant Panels – <https://www.housing-ombudsman.org.uk/useful-tools/fact-sheets/designated-tenant-panels/>

- 2.8.7 Complainants also reserve the right to complain via their solicitor, Citizens Advice Bureau, via the Local Authority funded programme, or via Homes England.

For an overview of St Basils Complaints Policy stages, please refer to Appendix 2 in this document.

3. Closed Complaints

- 3.1 All complaints will be investigated and will be deemed closed and satisfied when a complainant:
- has not requested an escalation to the next stage anywhere within the process within 5 days of receiving an outcome letter, or
 - has exhausted the internal 2 stage complaints procedure and the Investigating Officer at Stage 2 has notified the complainant in writing of the outcome (if the complainant is a young person they may wish to pursue their complaint externally via a 'Designated Person' although the complaint is closed from St Basils perspective), or
 - has received a legal judgment from a legal hearing, or
 - has not responded within the time frames at any stage of the process (rights are reserved to re-open if communication resumes at a later date).

4. Performance Review

- 4.1. Complaints will be reviewed on a monthly basis by the Director of Housing and Director of Progression.
- 4.2 As part of our continuous improvement plan, St Basils will complete a statistical analysis of all complaints on an annual basis. This will include a desk top review of the following;
- Number of complaints made/complaint stages and the nature of complaints
 - Staff training needs in relation to complaint handling
 - Feedback to managers
 - An impact assessment of how complaints have influenced service changes
- 4.3 An annual report containing the above details will be produced and presented to the Board. Along with the annual HOS self-assessment and any other relevant reports.
- 4.4 St Basils will complete and publish a self-assessment as per the Housing Ombudsman Complaint Handling Code

5. Exceptions

- 5.1 This complaint procedure may **not** be used in the following circumstances;
- Organisations that we are working with through a partnership or written agreement cannot use these procedures to complain. They must use the procedures as laid out in the Management Agreement or Service Level Agreement or Contract.
 - Employees, students, trainees and volunteers of St Basils, cannot use these procedures to complain. They should use St Basils Grievance Procedures.
 - Where the complaint relates directly or indirectly to legal proceedings being taken by the complainant against St Basils, in which case the complaint will be referred to St Basils Company Secretary and solicitors and addressed as part of the legal proceedings.
 - In all instances where actual or inferred personal injury is an issue, St Basil's staff will not comment or discuss the case with the claimant, except where the incident is occurring, or has

just occurred, and the situation needs to be managed effectively to protect both people and assets.

- If a complaint relates to a historical abuse allegation/safeguarding matter it will be transferred to the relevant policy
- If the complaint has already been considered under St Basils Complaints Policy

If St Basils decides not to accept a complaint a detailed explanation will be provided to the complainant setting out the reasons why the matter is not suitable for the complaints process.

6. Record Retention

6.1 All records of complaint investigations and any appeals will be retained for 3 years.

Legislation which relates directly to complaint management

Housing Act 1996 s.51 and Schedule 2

All Registered Providers must be members of the Housing Ombudsman Scheme (which is the only scheme currently approved by the Secretary of State) in respect of all their housing activities. If a Registered Provider fails to join the scheme, it will be considered to be in breach of the law. St Basils is a Member of the Housing Ombudsman Service, which with effect from 1st April 2013, has jurisdiction covering all Registered Providers and Local Authorities.

Localism Act 2011

From the 1st April 2013 tenants of Registered Providers will be able to request that their complaints be considered by a 'Designated Person' once they complete the internal procedures of their landlord. Such a person can be an MP, a local Councillor, or a recognised Tenant Panel. The Designated Person may help resolve the complaint directly, may refer the complaint to the Housing Ombudsman, or may decline doing either. In the latter case the complainant may approach the Housing Ombudsman for their consideration of the complaint. The complainant may also approach the Housing Ombudsman directly if more than eight weeks have elapsed since the completion of the internal procedures of the landlord, without the need to involve a Designated Person first.

Housing Ombudsman:

If a resident is not satisfied with the outcome of their complaint after it has been considered at stage 2, they can refer their complaint to the Independent Housing Ombudsman Service. Please note they will only usually look at a complaint once it has been through all stages of our internal complaint's procedure, however they can offer support and advice throughout the complaint stages.

If you remain dissatisfied with a response you can go direct to the Housing Ombudsman Service and they may be able to investigate how we dealt with the matter. The contact details for the Housing Ombudsman Service are:

- Online complaint form: www.housing-ombudsman.org.uk/residents/make-a-complaint/
- Phone: 0300 111 3000
- Email: info@housing-ombudsman.org.uk
- Postal address: Housing Ombudsman Service, PO Box 152, Liverpool L33 7WQ

In addition to this complainants also have the right to ask a 'designated person' to assist them in facilitating local resolution of their complaint instead of referring to the Ombudsman. A designated person does not have any legal powers or capabilities, but they can refer a complaint to the Ombudsman at the complainant's request at any time, should they feel that it is appropriate to do so.

For more information about designated persons please visit the Ombudsman's website <http://www.housing-ombudsman.org.uk> or telephone them on 0300 111 3000.

Other bodies that a complaint can be escalated to

If the complainant is not a resident not satisfied with the outcome of their complaint after it has been considered at stage 2 they can refer the complaint to an independent body such as:

The Local Authority Commissioning body

A Local Councillor

Open College Network West Midlands

Citizens Advice

Overview of St Basils Formal Complaints Procedure Stages and Timescales

NOTE: Timescales will begin on the date complaint is received:

Once complaint is received it is acknowledged within 5 working days



Stage 1 – Investigating Officer

Outcome to be achieved within the target of 10 **working days** of receiving the complaint where possible, if not complainant to be kept informed by the Complaints Officer

If the complaint is not satisfied at this stage the complainant may request their complaint be escalated.



Note:

If the complaint is relating to staff conduct the Investigating Officer to liaise with HR.
If relating to Safeguarding then liaise with St Basils DSL.
If it relates to H&S liaise with Health & Safety Manager



Stage 2 – Senior Reviewing Officer

At this stage, the Complaints Officer will appoint a **Senior Reviewing Officer**

Outcome to be achieved within the target of **20 working days from point of escalation**

This now concludes the St Basils internal complaints procedure.



Escalation

If the complainant is still not satisfied with the outcome or decision, they will be informed of their right to refer their complaint to the relevant regulator/authority/agency/professional for a review.

Note In the event that a complaint (at any stage) is regarding any form of abuse (as defined by St Basils Safeguarding Policy and Procedures), or regarding a risk to a person's health and safety, the person receiving the complaint must immediately notify St Basils Safeguarding Officer or if unavailable, any member of St Basils SLT.

A good complaint handling process can offer many benefits to your organisation. These include:

- Helping you to understand and manage customer expectations
- Increased customer trust, confidence and satisfaction
- Increased customer loyalty
- Reduced disruption to your service provision
- Early warning of possible problems
- Prevention of repeat complaints
- Increased satisfaction and engagement among your staff
- Saving time and money by resolving problems early and efficiently
- An enhanced reputation

If these benefits are to be achieved, an organisation needs to get its complaints management culture right. It should demonstrate a strong commitment to effective and efficient complaints handling, focused on the needs of its customers. Complaints should be valued as providing important customer feedback, helping the organisation to improve its services. This should come from the top down - senior management should show this commitment, and promote this throughout the organisation, setting a good example for all staff.

A complaint is 'any expression of dissatisfaction'. This definition demonstrates that the organisation is focused on the needs of its customers, placing responsibility for resolving their dissatisfaction on the organisation, rather than requiring the customer to initiate a complex and formal process which may not be necessary. It also recognises that:

- complaints may be made orally or in writing
- the complainant does not need to use the word 'complaint'.

A complaint could include one or more of the following problems:

- a delay in responding to an enquiry or request
- a failure or refusal to do something
- poor quality of something that has been done
- a mistake that has been made
- provision of an inappropriate service or product
- removal or withdrawal of a service or product
- safety concerns about a service or product
- a staff member's behaviour or conduct
- a policy that is wrong, has been unfairly implemented, or has been incorrectly applied.

It is important to consider and understand what consumers want and expect when they make a complaint. Each individual consumer will have their own views and expectations about how their particular complaint should be dealt with, making it difficult to take a 'one-size-fits-all' approach. However, research shows that consumers would like to see the following from a complaints process:

- To be treated with respect, courtesy and fairness, and as a 'valued customer'
- To be listened to and feel understood
- A recognition that their complaint is individual and unique
- Clear information about how to complain from the start of the process
- A process that is simple, quick and easy to navigate
- To be given clear timescales which are met where possible, and to be kept up to date with progress of the complaint
- A named point of contact to ensure continuity
- Trained staff with the appropriate expertise, who are empowered (within agreed parameters) to offer a solution, without having to defer to anyone else
- Reassurance that action will be taken to ensure that the situation will not happen again

- A meaningful apology from the organisation if it is at fault

Receiving a Complaint

When receiving a verbal complaint from a complainant, the recipient of the complaint should:

- Be respectful and helpful towards the complainant
- Give the complainant your individual attention
- Not attempt to lay blame, be defensive or argue
- Remain positive
- Not take anger as a personal attack

Listen:

- Listen carefully to the issues being raised by the complainant

Identify:

- Identify if there are multiple issues relevant to the complaint and separate each issue. Attempt to identify any hidden or underlying issues that may exist.
- Summarise the issues to clarify and check that you understand what the person is telling you.
- Ask the complainant to confirm that they agree with your interpretation of their complaint.
- Find out from the complainant what they want to happen as a result of their complaint.

Sympathise:

- Empathise and acknowledge the feelings of the complainant.

Expression of regret or apology:

- Research indicates that an early expression of regret or apology can minimise the possibility of a verbal complaint becoming a formal written complaint

Thank the client

- Thank the client for taking the time to make the complaint

Explain

- Explain to the complainant that there will be no negative repercussions

Now Act

- Assess the verbal complaint:

Once a verbal complaint is received, the Manager receiving the complaint must ensure that they get as much information as possible about the complaint to assist them in assessing the seriousness and/or the complexity of the complaint.