

# PROCEDURES FOR COMPLAINTS & COMPLIMENTS

Revised March 2021



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## 1.0 Introduction

- 1.1 Pendleton Together operates a complaints Policy.
  - 1.1.1 The Policy aims to support high levels of customer service and provides an opportunity for customers to have issues reviewed. It also gives opportunities to gain feedback from customers and provide access to a clear and efficient complaints process and procedure which is also set out below.
- 1.2 It is there to ensure we are listening and actively responding to customer needs and demands. We shall use the feedback to provide vital learning opportunities in our drive for continuous improvement and service excellence.
- 1.3 In conjunction with Customer Care and Equality & Diversity policies, the outcomes will be to deliver sustainable improvements to the quality of our processes and the services that we provide.

### Pendleton Together will:

- Be fair - treating people fairly and follow fair processes
- Put things right – where we have got things wrong
- Learn from the outcome of complaints

## 2.0 Definition of a Complaint.

- 2.1 Pendleton Together's definition of a **complaint** is *“any expression of dissatisfaction, that requires a response, about the organisation's action or lack of action or about the standard of a service, whether the service provided by the organisation itself or a person or body acting on its behalf”*.
- 2.2 We also recognise that '**expressions of dissatisfaction**' can be resolved at the first point of contact and therefore may not go through the complaints process. These are known as 'Stage 0' enquiries and should be recorded for information and monitoring purposes. All Stage 0 enquiries should be responded to within 3 working days from the date of receipt.

## 3.0 Complaint Procedure

- 3.1 In summary, there are three stages to the procedure.
  - **Stage 1** – Complaints shall be dealt with by staff appropriate to the area of concern.
  - **Stage 2** – Should the complainant not be satisfied with this response, a senior manager shall consider the complaint.

- **Stage 3** – Should the complainant not be satisfied at this stage, they can have their complaint heard by the Housing Ombudsman Service.
- 3.1 Complaints can be received by any member of staff verbally, letter/post, telephone call, in person or by e-mail.
  - 3.3 ALL new complaints shall be logged.
  - 3.4 At ALL stages of the complaints process the system should be updated to ensure records are accurate. .
  - 3.5 Whilst some complaints may be resolved at the point of contact, (Stage 0) these should also be logged for trend analysis purposes. It should be clearly identified by ticking the appropriate box that 'no further action' is needed.
  - 3.6 Upon entering an new complaint a unique reference number will automatically be assigned by the system. Where possible this should be quoted in all conversations or correspondence with the customer.
  - 3.7 If the complaint requires further action to resolve the issue, then it should be escalated to an appropriate officer (usually a Team Leader, Senior, or Team Manager) and ensure the system is updated to include;
    - A stage 1 escalation date
    - attach any letters/documentation or notes
    - ensure the matter is escalated to the appropriate person.

#### Stage 1

- 3.8 The complaint should be acknowledged using the standard acknowledgement letter template\* within **3 business days**.

\*Please note. An acknowledgement can take the form of a letter, e-mail or telephone call, but staff should try were possible to follow the format of the original complaint.

- 3.9 The officer receiving the escalated complaint shall make all reasonable efforts to fully investigate the complaint and provide the customer with a response.
- 3.10 A full response shall be sent to the customer within **10 business days** of the complaint being made. However, if the complaint will take longer to resolve, the customer shall be informed of how long it will take. Customers will be kept informed throughout the process.
- 3.11 The full response should be done using the appropriate Stage 1 Letter template to ensure that it informs the complainant that if they are not satisfied with the response, they should reply within **10 business days**. If we do not hear from them during this time, we will assume the case is closed.

### Stage 2

- 3.12 Should the complainant contact again following the initial Stage 1 response, the person receiving the complaint shall update the Pendleton Complaints System to include;
- a stage 2 escalation date
  - attach any further letters/documentation or notes
  - ensure the matter is escalated to the appropriate senior manager.
- 3.13 The senior manager shall respond within **10 business days** stating that this is a Stage 2 response and that if they are still not satisfied, they can appeal to the Housing Ombudsman service.

### Stage 3

- 3.14 The complainant may proceed directly to the Housing Ombudsman Service.

## **4.0 Housing Ombudsman Service**

- 4.1 Pendleton Together will co-operate fully in any investigation by the Ombudsman. The Ombudsman will usually only deal with complaints about from someone who:
- is (or was at the time of the matter complained about) a tenant or a representative of a tenant;
  - has completed Pendleton Together internal complaint procedures.
- 4.2 To contact the Housing Ombudsman Service:
- Write to Housing Ombudsman Service, PO Box 4771  
Coventry CV4 0EH.
  - Telephone 0300 061 0614.

## **5.0 Remedies**

- 5.1 At any stage of the complaint procedure, staff may make use of one or more of the following remedies:
- Offer an apology.
  - Explain what has been changed as a result of the complaint.
  - Arrange independent mediation.
  - Compensate the customer

## 6.0 Habitual, Vexatious and Abusive Complaints

- 6.1 The term **habitual** means *'done constantly or as a habit'*. The term **vexatious** is recognised in law and means *'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the person or organisation the complaint is made to'*.
- 6.2 It is recognised that some customers will not or cannot accept that we are unable to assist them further. Ongoing demands may impact substantially on the association's workload by taking up excessive staff time to the disadvantage of other users or functions.
- 6.3 We do not view behaviour as unacceptable just because someone is forceful or determined. However, the actions of complainants who are angry, demanding or persistent may put unreasonable demands on the organisation or result in unacceptable behaviour towards staff. We consider these actions unacceptable and aim to manage them appropriately.

We have grouped these types of behaviour **under three broad headings**.

### 6.4 Aggressive or Abusive Behaviour

Violence is not restricted to acts of aggression that may result in physical harm. Violence also includes behaviour or language (whether written or oral) that may cause staff to feel afraid, threatened, intimidated, and/or offended.

Examples include:

- Threats
- Physical violence
- Personal verbal abuse
- Personal written or texted abuse
- Derogatory remarks
- Rudeness
- Shouting and/or swearing
- Inflammatory statements / Unsubstantiated allegations

### 6.5 Unreasonable Demands

Complainants may make what we consider unreasonable demands, for example, through the amount of information they require, the nature and scale of service expected or the number of approaches made to the association. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainant.

Examples of unreasonable demands include:

- Demanding a response within an unreasonable timescale.
- Insisting on seeing or speaking to a particular member of staff.
- Continual phone calls or letters.
- Repeatedly changing the substance of the complaint.
- Repeatedly raising unrelated concerns.
- Not clearly identifying the precise issues that they wish to be investigated, despite reasonable efforts to help them specify their concerns.
- Denying receipt of an adequate response in spite of correspondence specifically answering their questions.
- Continuing to seek to pursue a complaint where the concerns identified are not within the remit of the Association to investigate.
- Focusing on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what a 'trivial' matter is can be subjective and careful judgements must be used in applying this criteria.

6.6 We consider these demands as unacceptable and unreasonable if they start to substantially impact on our work, such as taking up an excessive amount of staff time to the disadvantage of our service and/or other customers.

### 6.7 Unreasonable Persistence

We recognise that some complainants will not or cannot accept that we are unable to assist them or provide a level of service other than that already provided. Complainants may persist in disagreeing with the action or decision taken regarding their complaint or persist in contacting us about the same issue.

Examples of unreasonable persistence include:

- Persistent refusal to accept a decision regarding a complaint.
- Persistent refusal to accept explanations about what we can or cannot do.
- Continuing to pursue a complaint without presenting any new information.
- Persistence in pursuing a matter when they have already exhausted other statutory routes of appeal.
- Have in the course of addressing a complaint, had an excessive number of contacts with staff placing unreasonable demands on staff time. Contact may be in person or by telephone, letter, e-mail, fax and/or text.

6.8 Discretion must be used in determining the precise number of "excessive contacts" applicable under this section, using judgement based on the specific circumstances of each individual case.

6.9 The way in which these complainants approach us may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not. We consider

the actions of persistent complainants to be unacceptable when they take up what we regard as being a disproportionate amount of time and resources and therefore ultimately having a negative impact on the service and/or other customers.

#### 6.10 Managing Unacceptable Actions by Complainants

- 6.11 We find very few complainants actions unacceptable. How we aim to manage these actions depends on their nature and extent. If the action adversely affects our ability to do our work and provide a service to others, we may need to manage the unacceptable action by restricting complainant contact with us. We aim to do this in a way, wherever possible, that allows a complaint to progress to completion through the complaints procedure.
- 6.12 We may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these. We should try to maintain at least one form of contact. (In extreme situations, we may tell the complainant in writing that their name is on a 'no personal contact' list. This means that they must restrict contact with us to either written communication or through a third party.)
- 6.13 The threat or use of physical violence, verbal abuse or harassment towards staff is likely to result in the ending of all direct contact with the complainant. We may report incidents to the police and this will always happen if physical violence is used or threatened.
- 6.14 We do not deal with correspondence (letter, fax or electronic) that is abusive to staff, contains allegations that lack substantive evidence or uses offensive terms/language. When this happens we will tell the complainant that we consider their language offensive, unnecessary and unhelpful. We will ask them to stop using such language and state that we will not respond to their correspondence if they do not stop. We may require future contact to be through a third party e.g. a family member, an MP or a representative from another agency.
- 6.15 Our staff will end phone calls if the caller is considered aggressive, abusive or offensive. The staff member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and to end the call if the behaviour does not stop.
- 6.16 Where a complainant repeatedly phones, visits the office, sends irrelevant documents or raises the same issues, we may decide to:
- Only take phone calls from the complainant at set times on set days or arrange for only one member of staff to deal with calls or correspondence from the complainant in the future.
  - Require the complainant to make an appointment to see a named member of staff before visiting or that the complainant contacts us in writing only.

- Return the documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed.
  - Take other action that we consider appropriate. We will, however, always tell the complainant what action we are taking and why.
- 6.17 Complainant action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the complainant continues to dispute our decision regarding their complaint. The complainant will be informed that no future phone calls will be accepted or interviews given concerning this complaint. Any future contact by the complainant on this issue must be in writing. Future correspondence will be read and filed, but only acknowledged or responded to if the complainant provides significant new information relating to the complaint.

#### Deciding to Restrict Complainant Contact

- 6.18 Staff who directly experience aggressive or abusive behaviour from a complainant have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation. However, they must inform their line manager or head of service immediately.
- 6.19 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the Association are only taken after careful consideration of the situation by a more senior member of staff. Wherever possible, we will give a complainant the opportunity to modify their behaviour or action before a decision is taken. Complainants are told in writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place.

#### Appealing a Decision to Restrict Contact

- 6.20 A complainant can appeal a decision to restrict contact. A senior manager who has not been involved in the original decision will consider the appeal. They will advise the complainant in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

#### Recording and Reviewing a Decision to Restrict Contact

- 6.21 If we decide to restrict complainant contact, we will make a note in the relevant file and on appropriate computer records.  
A decision to restrict complainant contact may be reconsidered if the complainant demonstrates a more acceptable approach.

## **7.0 Learning from Complaints**

- 7.1 Complaint analysis shall be presented twice yearly to the Senior Management Team for review and to Board for information. Written responses shall also be reviewed by the Head of Customer Excellence and the Complaints Review Panel as a quality check.
- 7.2 Any learning (such as changes to working practices) shall be clearly identified and shared at managers meetings and team briefings.
- 7.3 Surveys shall be carried out to ensure that satisfaction with the process is maintained

## **8.0 Reference to other policies**

- 8.1 It may be that a complaint, by its nature, is better addressed through other procedures. For example, where discrimination, harassment or staff misconduct is alleged the companies Disciplinary Procedures may need to be followed. In these circumstances, the customer will be advised of the appropriate procedure.

## **9.0 Compliments**

- 9.1 ALL compliments shall be logged on the Pendleton Together Compliments system.
- 9.2 The details of the compliment should be logged and an e-mail sent to the appropriate Senior/ Team Leader/ Manager of the service to notify them.
- 9.3 The Senior/ Team Leader/ Manager should take steps to pass the praise onto the member of staff or team who received the compliment.

## **10.0 Consultation & Review**

- 10.1 Pendleton Together will from time to time consult with its customers on the effectiveness of this policy and take account of feedback in any future updates.
- 10.2 These procedures will be reviewed in line with the Complaints Policy at least every 3 years.

Current review date: March 2024