

Dealing with complaints – guidance for staff and Board Members

1. ***The definition of a complaint and feedback mechanisms***

- 1.1 A complaint is an expression of dissatisfaction about Hexagon's action or the lack of action, whether or not it is justified. We need to respond seriously in investigating a complaint and **where possible resolve it at the first attempt**. We are committed to continuous improvement, and should try to respond positively to all complaints, comments and compliments. Residents who complain may be telling us something we did not know was happening, which may be affecting a lot of tenants and we need to fix it. Sometimes they are telling us they feel they have been unfairly treated and we need to check whether they have or not **according to our service standards**. We record complaints however received on our Contact Manager system. There is a separate user guide on the Intranet on how to use Contact Manager with short instruction notes for each of the most commonly used activities.
- 1.2 As well as complaints, we should also record comments and compliments. We should use *all* the feedback we receive, whether complaints, comments and compliments, to improve the service by learning what is valued and important to our residents. Comments and compliments should also be recorded on our Contact Manager system.
- 1.3 We also receive feedback in other ways; when we receive the telephone survey feedback from residents who have had responsive repairs done, we need to both act on any adverse comments, responding as needed for each individual case as well as learning generally from the positive and negative feedback received.

2. ***Initial (or "informal") and formal complaints***

- 2.1 Our monitoring system on Contact Manager makes a distinction between formal and informal complaints but as far as the customer is concerned, they should get a consistently good service and **we should try and resolve every complaint at the first attempt**. This is very important as it is much more difficult to solve the complainant's problem if we don't do a thorough job and sort it out the first time they complain.
- 2.2 All complaints are logged on Contact Manager. If it can be resolved straight away by the member of staff receiving the complaint, the way it has been resolved should be shown in the on-screen notes. If it has to be referred to others, in most instances it should initially be treated in Contact Manager as an initial or **informal complaint**.

- **A complaint should normally be treated as initial (informal) as our “default position”** and the resident should be assured there will be an investigation and a record of the complaint logged on our IT system;
- An indicator of an *initial* complaint is that there is no evidence that the resident has raised the issue as a complaint before. There are no previous notes on the tenant’s contact screen, relating to the same complaint, under
 - *documents*
 - *completed processes or*
 - *active processes*
- It is something that can be resolved at Senior Officer level or lower
- It can usually be dealt with over the phone
- The conclusion does not necessarily require a written outcome (although a written initial complaint *must* get a written response)
- If a complainant is not satisfied with the way their complaint has been dealt with informally, they can escalate it to a formal complaint.

A **formal complaint** on the other hand is where:

- A complaint has previously been logged on Contact Manager at the initial level, but the tenant is not satisfied with the outcome
- It is something that needs to be resolved at a Departmental Manager level or above (e.g. complaints about staff).

2.3 Initial and formal complaints have a unique process number in Contact Manager which shows in the standard letter templates and can be used to separate out different complaints from the same resident. This number should be used when contacting residents about their complaint.

3. ***Working out what is a complaint***

Staff need to distinguish at the point of receipt of the communication from the resident between a complaint **about our service** or a request for information or a report of a neighbour dispute/anti-social behaviour. If the communication is actually a complaint in that it meets the definition in section 1.1, it should be logged and treated as such. Negative feedback received via the telephone surveys following responsive repairs do not need to be separately logged as complaints, but we should be able to provide evidence of what we have done to resolve the problem. Occasionally we receive letters of complaint from neighbours and others who are not actually users or potential users of Hexagon’s services. These should be dealt with as correspondence rather than as a complaint.. The escalation procedure and access to the designated person and IHOS is designed for users of our service, not for neighbours.

4. How a complaint can be received

- 4.1 Hexagon will accept complaints made in person, by telephone, by email, by letter, on our Complaints Form or via the website. In the case of most simple informal complaints, we may easily be able to resolve the problem. It is essential that the means of resolution is recorded on our Contact Manager system, and where a repair has been ordered as a result of a complaint, the notes should give the order number of the repair.
- 4.2 For more complicated complaints, residents wanting to make a complaint about the service should be encouraged to use our complaints form on the website or in paper form, rather than just writing in or emailing. Complaints submitted in ways other than on the complaints form **must however be accepted**. If a complicated complaint is received only on the telephone or face to face, the recipient should confirm back to the resident *in writing* our understanding of what the complaint is. This will help avoid any misunderstanding about the scope of the complaint.
- 4.3 Copies of the up to date complaints form should be taken off the Intranet to ensure the current version is being used and large paper stocks should not be kept. Copies of the Stage 3 procedure should not routinely be sent out to residents as this is only for Stage 3 complaints which should be dealt with by Directors and the PA to the Chief Executive.
- 4.4 Customer Services staff and Care and Support staff in the Homes and Supported Housing should offer help to those residents who need it in filling in the form. Any complaint where a member of staff has helped the resident must be signed by the complainant. We will accept complaints on behalf of vulnerable residents from advocates, relatives or friends, but we should ask for the resident's signature as well.

The reason for using the complaints form are:

- The complaint is more likely to be directed to the correct person quickly if the procedure is followed
- The questions the form asks steer the complainant to giving information which is useful in investigating the complaint
- It encourages the complainant to think about what they think we should do to put it right (which is often unclear)
- The procedure attached to the form gives the complainant the information they need about what to expect about how and when their complaint will get a response and gives information about later stages in the complaints process etc.

- 4.5 Contact Manager has the facilities to make notes during the investigation of a complaint and the use of the system to keep all relevant notes is mandatory.

5. *Receipting and acknowledging a complaint*

- 5.1 Our residents have confirmed to us that anyone submitting a complaint expects some sort of response quickly. **It is therefore important that as soon as possible after receipt, the complainant receives an acknowledgement which tells them the name of the person who is dealing with the complaint and when they should expect a full response. This should happen within 3 working days, by telephone or email or letter as appropriate.** The acknowledgement is a key stage in Contact Manager and there is a standard acknowledgement template. All front line staff should log into Contact Manager every day and should be checking for new items in their work trays or in their departmental group trays. Each department should have a procedure for who acknowledges a complaint.
- 5.2 Our published default target for responding to a complaint is 15 working days for all complaints up to, and including, Stage 2; we also say in the procedure that if we cannot do a thorough investigation in that time, usually because of the annual leave of a critical staff member, we will let the complainant know in the letter of acknowledgement when we should be able to respond. It should normally be within 5 days of the anticipated return to work of the staff member.
- 5.3 Sometimes the complaint is of a nature (particularly for repairs) that a home or site visit is required. This needs to be arranged by the investigating member of staff straight away and preferably before the acknowledgement is done so that the appointment can be included in the email or letter.

6. *Investigation and response to a complaint*

- 6.1 Simple complaints at the initial stage should normally be investigated by front line staff unless the complaint is about the behaviour of the officer concerned. Complaints about the behaviour of staff should always be referred to the manager. The investigation of complaints about repairs will often require information to be obtained from the contractor. The contractor must be given a deadline for providing the information which allows the investigating member of staff time to complete the investigation and respond to the complainant within the 15 day time limit.

- 6.2 Complaints which are more complicated should be investigated by a manager under the 3 stage formal procedure. Complaints investigations should be thorough and open-minded. All the complainant's points should be addressed. The history of what has happened as logged on our IT systems and in departmental files should always be checked. This should reveal amongst other things if the complainant has complained about the current issue or a related one before and if so, this would need to be covered in the response. If the investigation has involved a home visit/inspection either by the manager or an officer, the points made at the visit should be confirmed in writing in the response. Responses should be written in a sympathetic way and **if we have done something wrong, we should apologise**. This is very important. An apology is not an admission of liability or negligence and we should not be reluctant to apologise. The best responses say what we are doing to try to prevent the same problem arising in future. If during an investigation, it becomes apparent that we cannot respond fully by the target time, the complainant should be contacted with an interim response – with the reasons for the delay explained and a revised, realistic target date given. It is more likely that a resident will be satisfied with the way we have handled a complaint if we keep them informed. The importance of keeping the complainant informed has been emphasised by residents at meetings when complaints were discussed.
- 6.3 Very occasionally, a manager other than the usual line-manager will be asked to investigate a complaint in order to bring an element of independence into the review.
- 6.4 Contact Manager should be used for logging the response to the complaint so that if there is any escalation, it is clear from the records on Contact Manager how we have tried to resolve the matter. Written responses by email or letter and the notes of the investigation will show in the “history” screen for the process. The Contact Manager user guide should be used to guide those handling complaints through the mechanics of these processes.

7. *Complaints involving residents with support needs*

- 7.1 Draft responses to complaints about repairs which involve supported housing tenants should be checked with the relevant Supported Housing senior or Manager before dispatch, as there may be particular circumstances of the resident or scheme which need to be taken into account in responding. Where a Supported Housing resident has made a complaint about a repair not being done, the Technical Services department must ensure that no repairs at the address are cancelled for reasons of “no access” without trying to get access with the resident with their Supported Housing Officer present or a representative from the support provider where there is one. .

8. *Cross-cutting complaints involving more than one department*

- 8.1 Some complaints cover issues which cut across two or more departments. The recipient of such a complaint should decide whether the complaint really should be split up into separate complaints and raise these on Contact Manager to the responsible departments. Otherwise the lead department should get information required from other departments as required to help them investigate and respond to all the issues raised by the complainant. No issues should be left unaddressed. No responses should “blame” another department for things going wrong, although where a mistake has been made, it is important that the department which made the mistake acknowledges this in their response.

9. *Stage 2 and beyond*

- 9.1 For complaints which go beyond Stage 1, it is particularly important that the investigation is as thorough as possible, that file notes of all conversations with the complainant and actions taken are made. Even if the complaint is about repairs, and the complaint goes to Stage 2, the investigating Director/manager should ensure that the Contact Manager records for this resident and the tenancy file in Housing Services are checked for any material relevant to the complaint. The aim should always be to try to resolve the complaint, and this is particularly important at Stage 2. There may be more than one attempt to resolve a complaint at Stage 2 particularly if the resident produces new evidence or introduces new issues into the complaint, as is quite common. If the new issues are substantial, the investigating manager could decide that the new issues should constitute a separate complaint and be dealt with at Stage 1 first.
- 9.2 For complaints about how we have managed a case of anti-social behaviour, the Stage 2 investigator may decide to bring in an independent expert to review the actions taken and to try and recommend a way forward which helps bring about a resolution. In this case, the complainant must be informed as this will lead to the timescale for a response being longer than the target time.

The expert will have access to the case notes for both sides of the ASB case and will review the actions taken by our staff and compare these with our service standards and where appropriate with best practice. They will be able to telephone the parties to the problem if required but otherwise, the review will be a desk based review. They will be asked to produce some written recommendations and it is envisaged that these will form the basis of the decisions made at Stage 2. If the complainant still wanted to escalate their complaint, the recommendations will be available to a panel at Stage 3 or beyond if required.

9.3 Stage 3 hearings consume considerable staff and panel member time and effort and are potentially very stressful for residents. Complaints which go to a designated person or the Housing Ombudsman take up a great deal of senior management time and are potentially very damaging to the reputation of the Association. However, we cannot always satisfactorily resolve a complaint internally from the resident's view point, so there will occasionally be such referrals and these must be responded to with thoroughness and according to the timescales set at the time.

9.4 ***Designated persons***

Since 1 April 2013 complainants of social landlords may refer their complaint to a "designated person" – a local Councillor or MP. The designated person may contact Hexagon to try to resolve the complaint. Approaches from a designated person should be referred to the Operations Director in the first instance. Although referrals may be made at any time to a designated person, the designated person can only refer a complaint to the Ombudsman once the landlord's internal procedure is exhausted. A complainant who does not want to go to a designated person has to wait for 8 weeks before they can refer their case to the Ombudsman.

10. ***Complex repair cases where litigation or IHOS intervention is threatened***

10.1 In complex repair cases, the manager should consider whether we should obtain expert external advice about the correct technical solution to a problem. Bringing in what may be seen as more independent technical advice can be useful in resolving complaints about a specification although there are obviously cost implications. Commissioning and acting on a report by an expert may be useful if the case should end up with the Ombudsman.

11. ***Dealing with counter-allegations***

11.1 Occasionally a resident has made a complaint about our failure to complete a repair, and the investigation reveals that our contractor says that the resident was rude to the operative who pulled off site. This has then been unresolved. It is not conducive to resolving a complaint to include in a response to a complaint a reprimand of the resident for such behaviour towards operatives. Where there are incidents of this sort, the operative should be encouraged to report it immediately and this should then be followed up by the contractor's supervisor. If the conclusion reached is that the resident does need to be given a warning about their behaviour, this should be sent very quickly by the appropriate manager in Technical Services or Housing Services. This procedure will separate out dealing with the rudeness from responding to the complaint about the repair work not being completed.

12. Frequent complainers

- 12.1 Frequent complainers who do not give staff time to respond to one complaint before sending in either a reminder or a variant on the original complaint are difficult to deal with and take up a lot of time. It is important to read complaints from these residents carefully as there are sometimes new issues raised. It is acceptable to refer to the content of previous responses if there is really nothing new to add.

13. The need for a written response/audit trail

- 13.1 Sometimes staff respond to a complaint in a very immediate way by contacting the resident by telephone and taking appropriate action straight away – this applies particularly to repairs complaints. The evidence of the resolution must be on Contact Manager. **There must always be a written response to a written complaint.**
- 13.2 **All complaint responses should remind complainants of their rights to go to further stages** (whilst not encouraging them to do so!) There is a time limit for such escalations (currently 30 days.) The suggested wording for written responses is included in the standard templates set up in Contact Manager.

14. Following up a complaint

- 14.1 Many complaints need to be followed up to ensure that we have done what we have said we were going to do. The complainant needs to know how we propose to do this. The failure to follow up properly on actions promised is the main reason for complaints arising in the first place. If a resident has complained about the quality of a repair which has been done, this should trigger a post-inspection of that repair by a surveyor. Where it is clear that follow up is required, the letter of response should include the name of the member of staff who will be responsible for that follow up e.g. “the area surveyor, (name) will be visiting the property on (date, time) to inspect the work done”. Line managers should ensure that checks on how complaints are followed up form part of their 1:1 sessions with staff.

15. Compensation and other remedies

- 15.1 Staff should consider whether some form of compensation is appropriate. The separate guidance in relation to compensation should be used. It may be successful for early stage complaints in preventing an escalation, but it should be noted that most complaints are resolved at the initial stage or at Stage 1 without compensation and experience at Hexagon shows that those few which go on to later stages have rarely been satisfied where they have been offered compensation.

15.2 Sometimes staff have tried to resolve complaints, especially those involving repairs where things have gone wrong, by offering to do more work for the resident than we would normally do. This form of redress is covered by the guidance on compensation and can be a sensible and pragmatic approach, as long as authorising staff are clear about the limits of their authority. It should be clear in responses to complaints where we have done this – so that the resident is clear they are getting an enhanced service as a recompense for past service failures and those monitoring the complaint can see that this has been offered as a remedy.

15.3 Compensation in relation to complaints about repairs and defects is sometimes the responsibility of the contractor to pay. The staff member investigating the complaint should ensure that the contractor meets their responsibilities in a reasonable time and that the record of this is made in Contact Manager.

15.4 ***Closing complaints***

Once a complaint has been responded to and the 30 day escalation time limit has elapsed, the complaint should be closed on Contact Manager. This process collects some key information about the outcome of the complaint. This shows whether the complaint has been upheld, not upheld or partly upheld; this information is published in the Annual Report to residents. There is a section also for identifying possible service improvements identified as a result of the complaint and lessons learnt.

The closure screen on Contact Manager also includes a section where any compensation payment should be recorded.

The letters enclosing compensation payments should refer to the relevant complaint process number, and be logged on Contact Manager.

16. *Monitoring complaints*

16.1 All complaints (except those which are identified as being confidential) are monitored using Contact Manager which must be kept up to date in order to provide an accurate view of performance. Managers should use Contact Manager to monitor their complaints on a day to day basis. They should use the overall figures obtained from the standard reports set up for monitoring complaints to review performance in their department overall .

The monitoring information is collated and reported by the Operations Director to Directors' Group, the residents' Performance Review Group and the Board quarterly. A summary of our performance will be included from time to time in Home News and in the Annual Residents' Review.

16.2 There is a log of cases which have gone to the Ombudsman which is kept within the Directorate.

16.3 ***Monitoring resident satisfaction***

The Resident Involvement team seek feedback from complainants who have made a complaint a few weeks after the case is closed. Two attempts are made to contact the complainant by phone before a postal survey is sent. Five questions are asked about the outcome and the process and the results are reported periodically to the Residents' Forum and also in the Annual Report to Tenants.

17. ***Targets***

17.1 We have a Corporate Plan target of resolving 85% of complaints when they are first reported to us. We also aim to resolve 50% of the remaining ones at Stage 2.

18. ***Learning from complaints***

18.1 There is a section on Contact Manager for staff to complete what has been learnt from a complaint. This should be completed where there are learning points.

18.2 As managers and senior officers respond to most complaints, they are in a good position to find out from them what residents think is wrong with the service. It is essential that this feedback is discussed at team meetings and for this reason, this should be a standing item on the agendas of team meetings and discussed at least every 3 months.

18.3 The culture of "learning from complaints" needs to be reflected in our work plans for the future so the records of team meeting discussions and other evidence of how we have learnt from complaints should be kept and reviewed regularly. This will help managers to be more systematic in using the feedback that we get. This in turn will help complete the circle in demonstrating to residents how we are responding to their feedback in the changes we make to the service.

Managers and Directors review lessons including cross-cutting ones from complaints at each of their quarterly meetings.

19. ***MPs enquiries***

19.1 Many complainants also go to their MP who makes enquiries on behalf of their constituents. The procedures are similar to those in place for formal complaints, except that the response letter should be approved and signed by the Chief Executive. MPs enquiries are separately monitored by the PA to the Chief Executive and are reported on annually.

