



Complaints Management

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Contributors: Performance and Standards Officer, Location Managers, Residents Forum

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POLICY

1. Policy Goal

In order to deliver our strategic objective to continuously improve the quality of our care and services for new and existing residents it is important to approach complaints management effectively and robustly. This will ensure that our value to listen to our customers so that we can continuously improve is delivered, in an open and accountable manner.

2. Business Objectives

To listen to residents', other service users' and other customers' views, and to respond appropriately, and in a timely manner, by managing complaints in line with legal and regulatory obligations and best practice

3. Organisational Statement

As a responsible provider of housing with care and support, the ExtraCare Charitable Trust (ECCT) is committed to delivering a high quality service for residents, other service users and other customers, responding to concerns and complaints when this is not achieved, and learning from complaints to improve the service provided. ECCT has statutory responsibilities to manage a system to deal with complaints, including providing residents, other service users and other customers with information about the system, supporting them to make complaints and responding appropriately within a given timeframe.

ECCT will not discriminate against anyone who makes a complaint. If a complainant behaves inappropriately in making a complaint ECCT will seek to manage that behaviour as necessary, while treating the complaint like any other.

4. Outcomes

All staff are aware of the complaints system and know how to support a resident, other service user or other customer to make a complaint. Staff investigate all complaints and inform the complainant of the outcome, with an aim of concluding 70% of complaints within 10 days and 95% within 21 days. ECCT analyses complaints data to identify trends or non-compliance to regulations and acts accordingly.

5. Application

All staff are to be aware of, understand and adhere to this policy. All residents, other service users and other customers are to understand the policy.

6. Reason for the Policy

To ensure that residents and other service users - (or others acting on their behalf) - and other customers understand how to make a complaint, are able to do so without fear of discrimination, and that staff support this. To meet regulatory requirements of the Care Quality Commission and the Homes and Communities Agency.

7. What is new / What is different?

This revision reflects the change in wording of the Complaint Leaflet from Tell Us How We're Doing to Tell Us Your Concern. There have been changes to the Dealing with a Complaint at a Location Work Instruction – all correspondence relating to a complaint is to be included on the COLIN database. This is a requirement of ARCO, our trade body.

8. How to measure success

Staff complete complaints documentation accurately and retain appropriate records to enable complaints to be concluded in line with this policy, with an aim of 70% being concluded within 10 days and 95% within 21 days. The Quality Team monitors trends and identifies key risks for service improvements.

9. Reference to relevant documents

Regulation / Guidance	In House Documents
The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014	Safeguarding of Vulnerable Adults and Children Policy
Care Act 2014	Equality and Diversity Policy
The Regulatory Framework for Social Housing in England, April 2012 (Regulator of Social Housing)	Human Rights Policy
Localism Act 2011	Tell Us Your Concern leaflet
	Financial Regulations
	Data Protection Policy

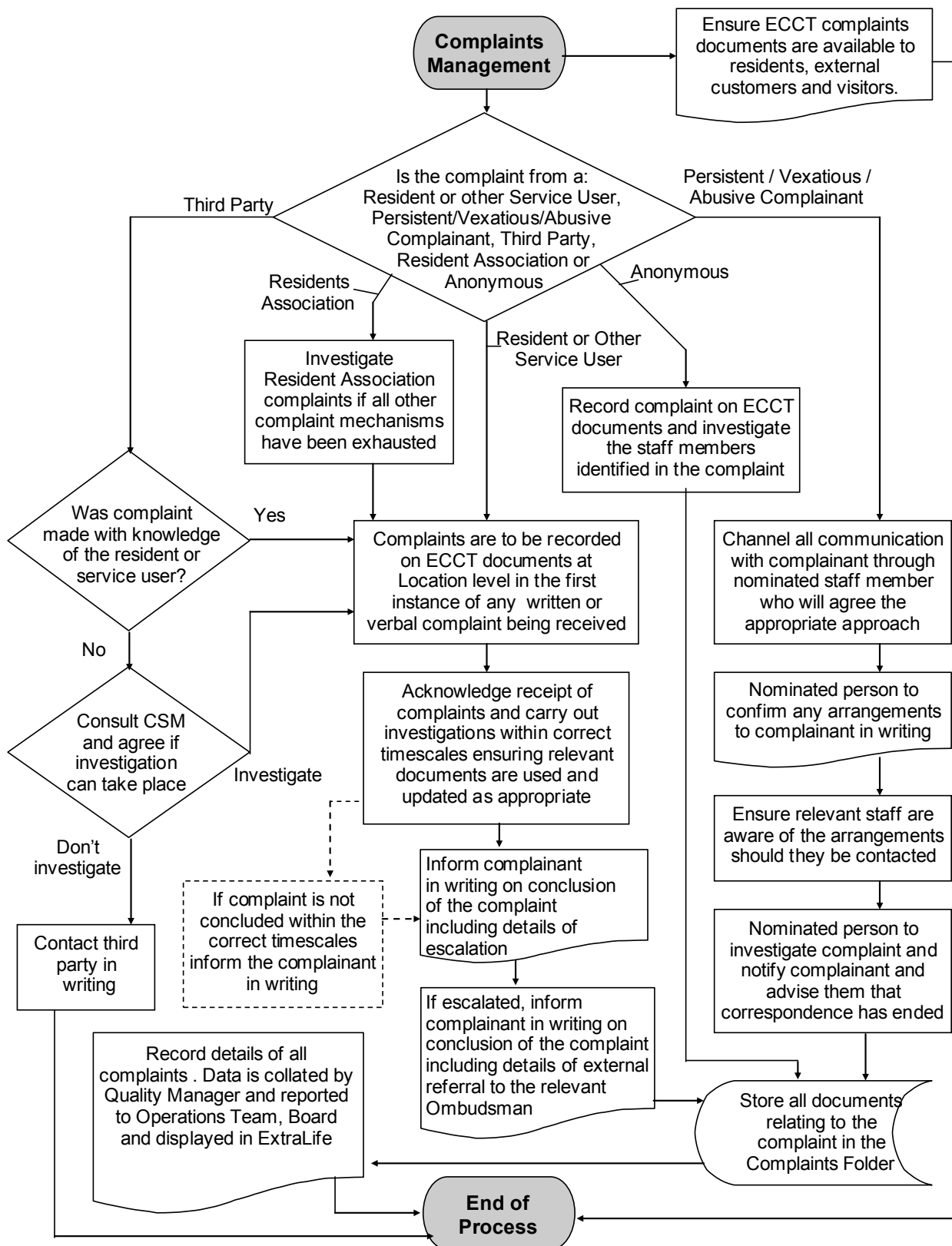
Associated Retirement Community
Operators Consumer Code

Customer Involvement Policy
Dealing with a Complaint Work
Instructions

10. **Approval date** – December 2017

11. **Next review date** – May 2019 (due for presentation to Operational Committee for approval)

Complaints Management Process Map



Complaints Management

Actions Step by Step	Timeframe	Applicable to
1. Communicating Awareness		
<ol style="list-style-type: none"> 1. "Tell Us Your Concern" leaflets are to be included in the Service User Guide. 2. "Tell Us Your Concern" leaflets are to be made available in designated areas of the location, and an abbreviated copy of this policy is to be displayed on a noticeboard. 3. The procedure for making a complaint is to be discussed regularly at street meetings. 4. The ECCT Complaints Poster is to be displayed in the reception area of the location and other prominent positions. 		
2. Dealing with a Complaint from a Resident, Other Service User or Other Customer		
<ol style="list-style-type: none"> 1. A complaint may be made in person, by telephone or in writing by email, letter or on our complaints form. All complaints are to be treated with the same level of importance. Complaints should be made to scheme/village staff in the first instance, to the relevant manager at Head Office if a complaint concerns a service delivered from there. It is only if a complainant is unhappy with the outcome that we will escalate the complaint (in line with the Tell Us Your Concern leaflet). As part of the resolution process on escalation of a complaint, and where appropriate, offer to meet with the complainant. 2. Where an oral complaint is received, location staff are to complete a Tell Us Your Concern leaflet, including a signature where possible. The acknowledgement slip is to be returned to the complainant. 3. In the case of complaints made orally to Head Office, contact details of the complainant are to be taken, including the date and time of contact. A summary of the complaint is to be documented including, where possible, details of what they would like to see done to resolve the issue. 4. Follow the Dealing with a Complaint Work Instructions to record the complaint. 5. Acknowledge receipt of the complaint within 7 days, including details of who is dealing with it. 		

<p>The investigator of the complaint is to be of suitable seniority. Use the standard template Complaints Acknowledgement letter or, if this is not appropriate, ensure that the letter makes reference to our aim to conclude 95% of complaints within 21 days.</p> <ol style="list-style-type: none"> 6. Investigate the complaint and file any correspondence and documentation in the Complaints Folder. 7. If the complaint takes longer than 21 days to conclude, inform the complainant in writing before the time is up, explaining why and giving an estimated completion time. A final decision is to be provided in writing within 56 calendar days of receiving a complaint, unless we have previously agreed a later deadline. 8. Where a complaint is investigated by an Ombudsman ECCT will co-operate with their investigation and comply with their findings. 9. Should a complainant refuse to discuss their complaint on request, keep a written record of all contact offered, including times and dates. After 3 attempts to contact the complainant, each contact being at least a week apart, the complaint is to be closed on the fourth week, by notifying the complainant in writing. 10. Inform the complainant in writing, on conclusion of a complaint, following the guidance in Appendix 2. 		
3. Dealing with a Complaint from a Third Party		
<ol style="list-style-type: none"> 1. A complaint may be made by a family member or third party such as a member of staff or health professional. If the complaint is made with the knowledge of the resident follow procedure 2. We will co-operate in the same way with another person acting on a resident's behalf, with their full agreement, as we would with the resident themselves. 2. Should the complainant request that the resident is not informed of the complaint, advice is to be sought from the Regional Operations Manager to agree if an investigation is to be undertaken. 3. If an investigation is required, agree whether the issue is to be discussed with the resident and how this is to be approached and follow procedure 2. 		

<p>4. If a decision is taken not to investigate the complaint, the third party is to be informed of this in writing.</p> <p>5. If the complaint is of a safeguarding nature, this is to be reported, regardless of the wishes of the third party.</p>		
<p>4. Dealing with Anonymous Complaints</p>		
<p>1. ECCT has a duty to look into anonymous complaints. These are to be treated seriously, whilst recognising the difficulty in establishing facts and that the scope of investigation will be limited.</p> <p>2. Anonymous complaints are to be recorded by following the Dealing with a Complaint Work Instructions.</p> <p>3. Investigation of anonymous complaints is to include a discussion with any staff members who were identified in the complaint, as appropriate.</p> <p>4. A record of the findings of any investigation is to be produced and stored in the Complaints Folder.</p> <p>5. Where an anonymous complaint has been received the location Manager is to remind staff and residents that such complaints are to be discouraged because of the difficulty in fully investigating a complaint without the input of the complainant.</p>		
<p>5. Dealing with Complaints from Residents' Associations</p>		
<p>1. A Residents' Association may raise a complaint on behalf of other residents, but only where the issue impacts on multiple residents in relation to the quality of a service (e.g. maintenance, gardening). Complaints are not to be raised through this route on behalf of an individual (e.g. in relation to a health, wellbeing or care issue).</p> <p>2. A Residents' Association should only raise a complaint if other mechanisms to resolve the issue with the location Manager have been exhausted. Should an issue be deemed a complaint procedure 2 above is to be followed, and the complaint is to be directed through the location Manager.</p> <p>3. When a complaint is made by a Residents' Association one person from the Association is to be nominated as a point of contact.</p>		
<p>6. Confidentiality</p>		
<p>1. Complaints Folders are to be stored in a secure location.</p>		

2. Adequate security is to be in place to protect electronic data, including restricted access to complaints forms.		
7. Compensation Payments		
1. If compensation is to be offered, the payment level is to be agreed with the Regional Operations Manager, complying with authorisation limits and insurance excess levels as set out in the Financial Regulations. 2. Correspondence referring to the payment of compensation is to include the wording "WITHOUT PREJUDICE", using the standard template where possible.		
8. Reporting and Monitoring of Complaints		
1. Follow the Dealing with a Complaint Work Instructions. 2. Data is collated by the Operations Support Manager and reported to the Operations Team. 3. A report on complaints is produced for Operations Committee meetings. 4. Information on complaints is provided annually in ExtraLife. 5. From the complaints forms Location Managers and the Operations Support Team monitor lessons learnt for both individual locations and ECCT as a whole, and implement changes as identified.	Monthly Quarterly Annually As required	Operations Support Manager
9. Escalation of Complaints		
1. For complaints at location level or those which concern a Head Office function, the conclusion letter is to contain details of how a complaint can be escalated if the complainant is unhappy with the outcome, by letting us know so that we can escalate the complaint to the next appropriate level. See Appendix 2 for guidance on wording. 2. Following the exhaustion of ECCT's internal complaints procedures, a complainant is to be advised, as part of the final conclusion letter, of the next steps they may take if they are unhappy with the outcome. This will be either by contacting the Housing Ombudsman or Local Government Ombudsman (dependent on the nature of the complaint). See Appendix 1 for details of the types of complaints which can be referred to each body. See Appendix 2 for guidance on wording.		

Appendix 1

Referral of Complaints to External Bodies – Housing Ombudsman and Local Government Ombudsman

For the types of complaints considered by the Housing Ombudsman and Local Government Ombudsman please refer to the following link:

<http://www.lgo.org.uk/making-a-complaint/what-we-can-look-at/complaints-about-social-housing/>

Housing Ombudsman

The Housing Ombudsman deals with all complaints about social housing, on behalf of both tenants and leaseholders, relating to complaints about housing associations and local authorities who are acting as a landlord (which, prior to April 2013 were considered by the Local Government Ombudsman). Although many residents will not regard themselves as occupying social housing, all residents in ECCT are covered by the Housing Ombudsman service, whether renters or leaseholders.

The Localism Act 2011 sets out that a complainant may directly contact a 'designated person' (a member of the House of Commons or a member of the local housing authority for the district in which the property concerned is located) to pursue a complaint after an organisation's internal procedures have been exhausted. The 'designated person' may try and resolve the complaint themselves or refer the complaint straight to the Ombudsman. If they refuse to do either the complainant can contact the Ombudsman directly. Alternatively the complainant may wait for at least eight weeks after the date of the final complaint conclusion letter before contacting the Housing Ombudsman. Information regarding the Housing Ombudsman Service can be found here: <https://www.housing-ombudsman.org.uk/>

N.B. The Act states that a designated tenant panel may also be contacted by the complainant as a 'designated person', however ECCT does not have a designated tenant panel so this option is not available.

Local Government Ombudsman

The Local Government Ombudsman scheme looks at complaints about all types of adult social care, whether paid for by the individual or funded by a council, and regardless of whether services are received in a care home, their own home or somewhere else, such as a day centre.

Details of the Local Government Ombudsman's role can be found in the How to complain about a care home or care in your home leaflet here: <http://www.lgo.org.uk/adult-social-care/>

Appendix 2

Guidance on Wording for Complaints Letters

Principles

Complaint response letters should reflect our aim to deliver service excellence. They should

- Support our **Vision, Mission and Values**.
- Be written in **ExtraCare's 'Tone of Voice'** - friendly, clear, honest, and positive.

There will be a rational response to the complaint based on your investigation and findings of the facts. There is also an emotional element – yours and the customer's. It's important to think and respond with both your **head and your heart** – to respond to both the rational and emotional sides of the complaint. So before putting pen to paper, consider the following:

- What was and is the customer feeling? Why are they feeling that way?
- What is their goal: How do they want to feel as a result of your letter?
- What's your goal: it should include getting to the optimum place where both parties can move forward: Ideally one which
 - a) Evokes positive emotions in the customer: feeling Valued; Cared for; Safe and Trusting of us – and where possible Happy and Fulfilled;
 - b) Minimises negative emotions of feeling Irritated, Hurried, Disappointed, Neglected, Stressed, Scared, or Frustrated.

Below is an 8 step guide to structuring a letter, including some example phrases shown in italics. In summary the 8 steps are:

1. **Thank**
2. **Appreciate**
3. **Apologise**
4. **Empathise**
5. **Explain**
6. **Reassure**
7. **Remedy**
8. **End**

1. Thank them

Thank them regardless of whether you think they have a legitimate complaint.

The start of your letter should create an immediate rapport with the reader. There is no better way to make a complainant feel welcome than to say 'thank you'

Thank them for their feedback / for letting you know about a situation / for letting you know how they felt about something.

Be specific in your thank you as to what they were complaining about – summarise it using some of their words.

Thank you for taking the time to give me your feedback about...

Thank you so much for letting me know about...

Thank you for sharing with me your disappointment that

2. Explain why you appreciate their feedback

Qualify your thank you so that it doesn't sound empty. We value every complaint – at the very least they let us know that a customer's is unhappy. In most cases they give us a valuable opportunity to continuously improve. Let them know that you appreciate the time they've taken to contact you.

I really appreciated your call / letter / our chat and the opportunity you've given me to look into the issue / investigate your concerns

I'm happy you shared this with me because it gives me the chance to put things right / to try to reassure you / prevent this from happening again / review how we....

3. Apologise

Apologise – sincerely. It's ok to say sorry - even if the customer is wrong, we can be sorry that they've felt cause to be frustrated, disappointed, or let down – because we care. Apologising that someone has had cause to complain, or for the distress they have experienced, is not an admission that ECCT has done something wrong.

Examples of appropriate wording:

I'm really sorry for the distress [use the words they have described how they felt] this has caused to you / your Husband

I am so sorry that you have had cause to raise this issue, and I'd like to offer my sincere apologies for the [use their words] that this has clearly caused you

I was really disappointed to learn that you were unhappy with..... When we spoke I really understood the [use their words] this situation has caused you to feel, for which I offer my sincere apologies

I apologise that it has taken me some time to fully respond to you. This has been as a result of

However if something did go wrong, apologise for the mistake itself. And explain what you or ExtraCare has done or will do to minimise/avoid this happening again.

4. Empathise

Whether you believe that the complaint was justified or not, show that you have listened to and understood their point of view - how they must have felt.

I realise / I recognise / I can see how / I certainly recognised how upset you felt as a result of... / I really sensed how disappointed you were when you explained to me that...

5. Explain what you've done

Evoke trust in you and your actions, so explain the positive steps you have taken to investigate the complaint. Complainants sometimes feel that ECCT have not properly investigated or listened to their concerns.

- It is sometimes good practice to take each issue in turn and respond to it in your letter explaining your findings (be factual and honest, but friendly and positive; and be clear and concise and avoid repetition). This may be beneficial if the findings are positive for the customer or if the complaint is of a very complex nature.
- In other cases you may wish to explain the positive steps that you have taken but not go into detail about all the findings.
- The best approach will depend on each complaint and whether detailed explanations will please the customer or inflame the situation. The choice should be the approach which results in an optimum result for you and the customer – getting the right balance between the rational and emotional sides of the complaint for that customer.

6. Reassure

Provide any helpful reassurances or explanations that you can offer which are constructive and positive.

Be honest about the things you've been unable to conclude or to do.

Reassure them about the steps you will take or have taken to minimise/avoid this happening again / of the things we can do differently in the future / of the value of their feedback in helping you to make continuous improvements.

7. Remedy

If we made a mistake – be clear about the remedy you are offering and/or what has been done to put things right.

If the complaint is not upheld or only upheld in part - what else can you say that is positive? Can you suggest other possible alternative solutions / next steps / remedies or good will gestures?

Confirm any next steps if there are any, and be specific about when they will take place / when there will be a follow up.

8. Ending on a positive

End the letter on a positive note.

a) Thank them again

Thank you once again for the opportunity to hear and respond to your concerns.

b) Be positive

I hope / trust that I've been able to reassure you of our commitment to our residents.

I hope / trust that I've been able to reassure you by the steps we have taken in response to your concern.

Even if the outcome will not be as the customer hoped:

I know that my response won't fully meet your expectations but I do hope that I've been able to reassure you of my genuine concern and attention to the issues you raised.

c) Personal touch

If you have any further questions, please feel free to pop and see me or give me a call on...

Outline the next steps the complainant could follow if they wish to take the complaint further:

If the response is from a location or a service area such as Finance, explain that the next step is to take the complaint further within ECCT.

"If you are unhappy with my response, please feel free to get in touch with me. Or if you'd prefer to escalate the complaint further, you can do so by letting me know so that I can arrange for this to be taken to the next appropriate level for review"

If the response has already been escalated to Head Office explain that the next step is to take the complaint outside ECCT.

"Should you be unhappy with this decision you have the right to take the case to xxx (Local Government or Housing Ombudsman)"

"Should you remain unhappy with our response to your complaint you are now in a position to take this to xxx (Local Government or Housing Ombudsman)"