

Complaints Policy

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Date Revision Complete	February 2016
Policy Owner	Business Improvement Manager
Author	Emma Earle, Business Services Officer
Reason for Revision	Change to policy to bring it in line with the SPSO's model complaints handling procedure.
Proof Read	Lesley Carnegie
Date Approved	22 nd March 2016
Approved by	Housing & Care Committee
Next Review Due	March 2019

Audience – Training and Awareness Method	<ul style="list-style-type: none"> ◆ Communication to all staff with quick step guide. ◆ Ongoing training. ◆ "How To" guide. ◆ Specific SPSO training for named investigators.
Effective Date	1 st April 2016 <i>(with full roll out of training during April and May)</i>

Internal References	Unacceptable Actions Policy Anti Social Behaviour Policy Tenants Handbook
External References	Scottish Public Services Ombudsman Act 2002

Appendices	Complaints Handling Procedure How To Guide Complaints Proforma (for those without PC access) SPSO Complaints Leaflet Care Inspectorate Complaints Leaflet Care Inspectorate Complaints Procedure
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Complaints Policy

1.0 Policy Statement

- 1.1 Blackwood aims to provide high quality, responsive services in both Care and Housing, but there may be times when we do not provide the level or quality of service that we have promised or that customers can reasonably expect.
- 1.2 We aim to deal fairly and effectively with anyone wanting to complain about any of our decisions or activities, in line with the Scottish Public Service Ombudsman's (SPSO) and Care Inspectorate guidance.
- 1.3 Our complaints handling approach is strongly linked to our Blackwood Values. When dealing with and responding to complaints we will:
- Have respect and understanding
 - Be open and honest
 - Take responsibility
 - Keep our promises
- 1.4 Our Complaints Handling Procedure gives clear details of who can raise a complaint, what steps will be taken to resolve issues and what we will do to ensure we use complaints information to improve services for the longer term.

2.0 Scope of the Policy

- 2.1 We have defined a complaint, in line with the SPSO guidance, as:
- 'An expression of dissatisfaction by one or more members of the public about Blackwood's action or lack of action, or about the standard of service provided by or on behalf of Blackwood.'**
- 2.2 Our Complaints Handling Procedure provides a range of examples of complaints we may receive, and how these will be handled. This is based on the SPSO's model complaints handling procedure.
- 2.3 Complaints about neighbours are dealt with under our separate Anti Social Behaviour Policy. However, if the complaint is about the way in which the dispute or neighbour complaint has been handled, then it is appropriate to complain under this Complaints Policy. Please note that target timescales and template letters for anti social behaviour complaints will differ from those outlined in this policy.

3.0 Principles

- 3.1 Blackwood aims to provide high quality, responsive services. Complaints are only one way of receiving feedback on our services. We conduct regular customer satisfaction surveys, encourage customer participation in improving our services, and actively seek customer feedback on our performance in key areas such as maintenance.
- 3.2 Team Blackwood, our regional scrutiny panels, examine our performance and our success in meeting customer expectations. They also play a role in analysing our performance in responding to customer feedback.
- 3.3 However there will be occasions when a user of our services is not happy with the level or quality of service. We recognise that complaints are key opportunities for us to improve our services and actively promote this to staff and customers.
- 3.4 All staff must be aware that customers have a right to complain. Any staff member who receives and deals with a complaint should do so in a positive manner, whatever their initial view about the validity of the complaint.
- 3.5 Complaints can be made by any Blackwood customer, or prospective customer. Complaints can also be made by any person with reason to, even if they are not a Blackwood customer, for example, they may be a friend or family member of one of our customers or they may be acting as an advocate.
- 3.6 We recognise that some of our customers may need help or support to make a complaint and will offer guidance and assistance where required.
- 3.7 All complaints should be treated sympathetically and in confidence.
- 3.8 Staff involved in investigating and reviewing complaints will be trained and supported to ensure complaints are dealt with consistently and effectively.

4.0 Who can use the Complaints Policy?

- 4.1 Anyone who receives or requests a service from Blackwood can use the Complaints Policy. This includes:
- Tenants, sharing owners, and people who receive support or care services from Blackwood (or someone acting on their behalf, such as a relative or support worker).
 - People applying to Blackwood for a house or for a care and support service.
 - People acting on behalf of the person, such as a solicitor, advice agency, local councillor, MSP (Member of the Scottish Parliament) or MP (Member of Parliament) – although we do encourage that people try and resolve their complaint with us directly first.

4.2 If someone is acting on behalf of the person who has a complaint, depending on the issue and the complexity of the complaint, we may need to seek permission from the complainant to discuss the issue with his or her nominated representative.

4.3 For the purposes of this document when referring to any person making a complaint we will use the term 'Complainant'.

5.0 What is the model for the policy and procedure?

5.1 This policy and procedure is built on the Complaint Handling Principles developed by the Scottish Public Services Ombudsman (SPSO). These principles were approved by Scottish Parliament and published in January 2011 and revised in 2013.

5.2 Our Complaints Handling Procedure outlines the framework that ensures Blackwood investigates and responds appropriately to each complaint. The procedure also provides guidelines on how we regularly monitor and review of complaints, the lessons learned from complaints and how we use those lessons to improve service delivery.

6.0 What is the system used to log and monitor complaints?

6.1 A simple database is used to record, assign and monitor complaints. A link to the system is provided on every employee's desktop.

6.2 For staff who do not regularly have access to a PC, a simple pro-forma is available to record details of any complaints. These forms are completed and passed to a member of staff who has access to a PC to log in the system as soon as possible.

7.0 Complaints Handling Procedure

7.1 Our Complaints Handling Procedure is a three step process, and is taken from the SPSO guidance.

7.2 STAGE 1: Frontline Resolution

7.2.1 This step is for issues that are straightforward and are easily resolved, requiring little or no investigation. Examples of this could be "the contractor didn't turn up at the agreed time this morning" or "I asked for an application form a few weeks but have still not received it".

7.2.2 Complainants can contact us by phone, post, email or in person. The complaint should be logged by the person receiving it – in this policy every employee must take responsibility for dealing with a complaint if approached or contacted by a complainant.

7.2.3 For Stage 1 Frontline Resolution Complaints, the target timescale for resolving is **5 working days**.

7.2.4 In a few cases where appropriate, we may grant an extension within five working days from when the complaint was received. In these cases we must conclude the frontline resolution stage within 10 working days from the date of receipt, either by resolving the complaint or by escalating it to the investigation stage. A member of Senior Management Team must approve all such extensions.

7.2.5 If the complaint can be resolved at this stage staff will document on the system the action taken to address the complaint, any learning points and/or further action to resolve the complaint. They will also contact the complainant to outline the action taken at this stage. There is no requirement to contact the complainant in writing when dealing with Frontline Resolution complaints.

7.3 STAGE 2: Investigation Complaints

7.3.1 An investigation complaint can only be raised in two ways:

- It can follow on from a Frontline Resolution complaint where the complainant has indicated they are not happy with the resolution; or
- An investigation complaint can be raised as an investigation from the start where the issues raised are more complex, serious or high risk. This will need to be approved by a member of Senior Management Team or Business Improvement.

7.3.2 Examples of such complaints could be:

- Involving serious damage to property.
- Major delays in service provision.
- Incidents involving vulnerable persons.
- Press related incidents.
- Complaints regarding the conduct of a member of staff.

7.3.3 Where the complaint has been escalated from a Frontline Resolution, the complainant should be informed of the change of target timescales for completion, and an explanation should be given as to why the status has changed. The procedure should then be followed in accordance to the Complaints Handling Procedure.

7.3.4 All investigation complaints must be assigned to a named investigator. These employees have received additional training from the SPSO.

7.3.5 For Investigation Complaints, the target timescale for resolving is **20 working days**. If the complaint has been changed from a Frontline Resolution to an Investigation complaint, the target timescale is **20 working days** from the date the complaint was escalated.

- 7.3.6 The 20 working day limit allows time for a thorough, proportionate and consistent investigation to arrive at a decision that is objective, evidence-based and fair. This means you have 20 working days to investigate the complaint, regardless of any time taken to consider it at the frontline resolution stage.
- 7.3.7 Once a resolution has been sought, a letter should be drafted to inform the complainant of the outcome. Response letters for investigations must be signed by a member of Senior Management Team.
- 7.3.8 If the person reviewing the letter does not feel that Blackwood has done everything it can to resolve the situation they should ensure further action is taken before sending the final resolution letter to the complainant.
- 7.3.9 Complaint handlers are recommended to phone the complainant to discuss the outcome of the complaint to ensure the customer is happy and that Blackwood has done everything it can to address the customers concern. This is because once a letter has been posted the complaint is officially closed and Blackwood can take no further action.
- 7.3.10 Blackwood has a requirement to inform complainants of their right to appeal to SPSO (or the Care Inspectorate if it is a complaint relating to care) and will include contact details in the resolution letter.

7.4 Recording Complaints

- 7.4.1 We must record all aspects of complaints in a systematic way so that we can use the data for analysis and management reporting. By recording and using complaints information in this way, we can identify and address the causes of complaints and, where appropriate, identify training opportunities and introduce service improvements.
- 7.4.2 Full details of what we must record are available in the Complaints Handling Procedure.
- 7.4.3 Staff will also record in the system whether or not the complaint has been upheld, so we can measure this for our own purposes.
- 7.4.4 "Resolved" means that Blackwood has done everything it can to fix the problem for the complainant, it does not necessarily mean that the complainant is satisfied - this is measured at another point (see satisfaction monitoring below).
- 7.4.5 If there is further action required, for example a new appointment has been made for a contractor, the complaint can still be resolved as long as the complainant is aware of the further action put in place.
- 7.4.6 Complaint handlers should ensure that further action is completed within the timescale outlined to the complainant within the resolution.

7.5 STAGE 3: Independent External Review (SPSO or the Care Inspectorate)

- 7.5.1 This is the stage where if Blackwood has not resolved an investigation stage complaint to the complainant's satisfaction, it can then be taken to an Independent External Review by either SPSO or the Care Inspectorate.
- 7.5.2 This can only happen either after a frontline resolution complaint has been escalated into an investigation complaint, or where a complaint is raised as an investigation complaint from the outset, and the customer is dissatisfied with the outcome.
- 7.5.3 Where the complaint is of a "care" nature, the SPSO will not review it unless it has gone for external review to the Care Inspectorate first.
- 7.5.4 Blackwood staff have a duty to ensure that dissatisfied customers are made aware of the options open to them for Independent External Review.

8.0 Complaints about staff

- 8.1 All complaints about staff are processed through the Complaints Policy in the first instance. Where necessary, each party involved may be contacted to find out more information about the issue and to agree a resolution. Where the outcome of this investigation requires the involvement of HR, we will ensure that the relevant HR procedure is followed.
- 8.2 The nature of the investigation or review of a complaint will depend on the nature of the complaint. If this involves a staff member's performance or conduct then it is particularly important to ensure complaints are dealt with consistently and appropriately, and in a way that is fair to both staff member and complainant.
- 8.3 The following points outline the principles that underpin investigating staff complaints:
- No staff member should investigate a complaint against him or herself; nor be involved in investigating a complaint which might imply that his or her own performance or conduct has been at fault.
 - Where the conduct or performance of a member of staff appears to be the subject of a complaint, the member of staff receiving the complaint should refer the matter to the person's line manager (Manager, Senior Manager or Director).
 - The line manager should advise the appropriate Senior Manager or Director as soon as a complaint is received about a member of staff.
 - The line manager should consult with the HR Manager on the appropriate form of investigation. Before informing the staff member who is the subject of the complaint of its existence, the line manager or HR Manager will clarify with the complainant the precise nature of the complaint. This will normally be done by telephone or in person.

- The relevant line manager will advise the complainant and the staff member who is the subject of the complaint of the outcome of the investigation in writing and will do so in line with the target timescales for a Stage 2 Investigation complaint – 20 working days.

8.4 Our Complaints Handling Procedure outlines the full procedure for investigating and responding to staff complaints.

9.0 Unacceptable Behaviour by Complainants

9.1 People may act out of character in times of trouble or distress. If there have been upsetting or distressing circumstances leading up to a complaint, in a small number of cases this can lead to a customer acting in an unacceptable way. Blackwood has a separate policy to deal with instances such as this. This is called the Unacceptable Actions Policy.

10.0 Independent advice

10.1 Blackwood will always try to resolve problems directly with those who are dissatisfied. However complainants may feel it is important to get independent advice before deciding to make a complaint. This advice is available from Citizens Advice Bureaux, Law Centres, Solicitors and Tenants' organisations.

11.0 Confidentiality

11.1 As far as possible all complaints will be treated in confidence. The name of the complainant will not be made known any more than is necessary within Blackwood.

11.2 However complainants must appreciate that if their complaint involves another tenant, service user or a member of staff, it may be very difficult to look into this without talking to those people. If the person asks Blackwood staff not to do so, then that will be respected, but it may mean it will not be possible to take any action to tackle the problem.

11.3 It will not normally be possible to deal with anonymous complaints as it is obviously difficult to check things with the person making the complaint. However such complaints will be raised in the normal way to monitor whether, for example, more than one complaint is made from different sources about the same allegations. It may then be appropriate to investigate the allegations or complaints.

12.0 Redress

12.1 Blackwood aims to address and resolve complaints quickly and positively. In the event of a minor inconvenience or distress to a customer, Managers may feel that a gesture of regret (such as a bouquet of flowers or voucher) is appropriate and, subject to the approval of the Senior Manager, have discretion to offer a token of our regret up to a maximum value of £25.

12.2 In the event of prolonged periods of inconvenience or distress to a tenant in resolving a problem it may be appropriate to consider financial compensation in some form. This is considered by and at the discretion of the Senior Management Team up to a maximum of £300. If it is felt that more significant compensation should be considered this will be considered by and at the discretion of the Housing & Care Committee on receiving a full report and recommendation by a member of EMT.

13.0 Monitoring, reporting and learning

13.1 The Senior Management Team is responsible for ensuring that all complaints are logged and reported as they relate to their service areas. They will encourage staff to use the complaints system, and use the opportunities presented to them to improve their service.

13.2 All staff who use the complaints system have a responsibility for ensuring it is managed and kept up to date. It is essential that enough detail is documented to ensure complaints can be processed accurately and in a timely manner.

13.3 The complaints system will be maintained and monitored within the Business Services Team at Blackwood's head office.

13.4 It will be the responsibility of the Senior Managers of Blackwood to review the information provided by the complaints system. They should, within their own departments, carry out the following:

- Monitoring of response times in relation to agreed target timescales.
- Identify common themes of issues and take action to improve.
- Identify learning points for either the department or the organisation as a whole, and ensure that good practice is shared.
- Monitor customer satisfaction with the complaints process.

13.5 A number of performance reports are produced on a monthly and quarterly basis. The reports cover outcomes, trends, and actions taken, as well as examples and case studies to demonstrate how complaints have improved services. These reports are co-ordinated and provided by the Business Services Team, either as part of the Performance Framework or independently to the following meetings:

- Monthly complaints reports will be provided to Senior Management Team for discussion and review.
- Quarterly performance reports, including customer feedback, will be provided to the Audit Committee.
- An annual report will be provided to the Audit Committee, including total compensation paid to complainants.

13.6 The annual complaints report is also made available on Blackwood's website.

14.0 Satisfaction Monitoring

- 14.1 Blackwood has a requirement to monitor our customers' satisfaction with complaints handling.
- 14.2 This is done in a variety of ways:
- Satisfaction phone-calls are made by the Business Services Team, or a member of Senior Management Team should the complaint meet certain criteria.
 - Emails are sent to customers with a link to a satisfaction questionnaire.
 - A link to the satisfaction questionnaire is available through our website.
- 14.3 Staff members responsible for collecting satisfaction data are to ensure that all processes are followed and that paperwork is up to date at all times.
- 14.4 A satisfaction phone-call will be made, or an email will be sent by the Business Services Team, if the complaint was upheld and does not contain sensitive personal information.
- 14.5 A satisfaction phone-call will be made by a member of Senior Management Team if the complaint relates to the conduct of a member of staff.
- 14.6 Satisfaction phone-calls will not be made if the complaint is not upheld, or relates to an anti Social behaviour issue.
- 14.7 There may on occasion be other complaints that are deemed inappropriate for a satisfaction phone call. In this instance a reason for this will be documented on the system.

15.0 Equal Opportunities and Access to Information

- 15.1 A summary of this Complaints Policy and Procedure is provided to all customers in the form of a leaflet. It is also included in the Tenant Handbook.
- 15.2 Information is made available on Blackwood's website and is available at the reception area of all offices.
- 15.3 Information on the Complaints Policy and Procedure will be highlighted to all new tenants and service users when they join Blackwood. Information on the Complaints Policy is included in the guidance for applicants that accompanies each application form.
- 15.4 All Blackwood staff should receive a copy of the policy and be aware of and receive training in their responsibilities in its implementation. This is included in the induction process for new staff.

15.5 A copy of the policy and procedure and summary information leaflet sheets will be made available on request on tape, in large print, or in other languages. Tenants, applicants, service users with particular needs will be assisted to make a complaint where necessary.

16. POLICY REVIEW

16.1 This policy will be reviewed every 3 years or earlier if required.