

COMPLAINTS PROCEDURE REVIEW

Report of the Tenant Panel

1. SUMMARY

- 1.1 This report is to show the findings of the Tenant Panel's review of Derby Homes Complaints Procedure and to present recommendations to enhance the service.
- 1.2 Full details can be found in appendix 1, 2 and 3.
- 1.3 The review was considered by the City Board on 30 August, and their recommendations are set out in paragraph 3.6 below.

2. RECOMMENDATION

1. To note and comment on the information as detailed in appendix 1, 2 and 3.
2. To approve the City Board's recommendations as outlined in paragraph 3.6.

3. MATTER FOR CONSIDERATION

- 3.1 The review of the complaints procedure has been carried out by the Tenant Panel over a period of 3 months; their report is attached at Appendix 1. The panel felt that the current system is well monitored but improvements could be made in the consistency of the service.
- 3.2 Factors taken into account whilst carrying out the review were the introduction of the Localism Act and probable changes to the Ombudsman service. From April 2013 it will be a requirement to have a complaints panel in place for tenants to refer their complaints to if they are still unhappy after Derby Homes complaints procedure has been exhausted. Board should note that at any time tenants have the right to pursue their complaint with an MP or Councillor in or outside of their constituency.
- 3.3 The panel visited the Performance Team to get to grips with the current complaints procedure and spoke to members of staff to get their view on how the procedure was perceived. They also had informal chats with members of Derwent Living Scrutiny Panel and have attended complaints workshops with other ALMO's to gain insight for the way forward.
- 3.4 Areas looked at were:
 - How complaints are received
 - The way complaints are recorded, Customer Service Module, (CSM)
 - Who deals with the complaint

- How they are allocated
- Timescales
- Audit trail
- Outcomes
- Standard letters
- The actual stages of a complaint

3.5 In assessing this procedure the following documents were viewed:

- Current procedure
- Complaints database (Excel spreadsheets)
- CSM cases
- Performance reports (statistics)
- Standard Letters

3.6 Recommendations

3.6.1 Designated person to deal with stage 1 complaints

The panel feel that a better quality service could be achieved if there was a single point of contact for all stage 1 complaints. This person would deal solely with the complaints, interacting with the complainant and relevant departments to ascertain the full details and bring the complaint to a satisfactory conclusion.

City Board response – agreed to recommend to the Board.

3.6.2 Changes to standard letters

The panel feel that the final paragraphs should not include the word 'hope' as this infers that the response is possibly not good enough. Examples of changes to standard letters can be found in appendix 2.

City Board recommendation: this was rejected by the City Board in favour of including a named contact. The Appendix has been changed to reflect this.

3.6.3 Changes to procedure

The panel feel that the stage 3 complaint should be referred to a Complaints Panel to make better use of the Board's time and resource. The Complaints Panel will consist of co-opted members of the Tenant Panel. It will also put Tenants more at ease if they need to take a complaint to this level.

Appendix 3 shows the current and proposed procedure as agreed by the City Board.

City Board response – agreed to recommend to the Board.

However, it is recommended that point 5.3 of Appendix 3 which removes the option for the tenant to pursue the complaint with Derby City Council if they are still unhappy with the Complaints Panel decision be rejected allowing tenant, if they chose, to refer their complaint to the Council. The Review Panel has been consulted and are happy with this recommendation.

3.6.4 **Quality sample checking**

Tenant Panel to carry out sample checking of completed complaints for consistency and satisfaction for all concerned.

City Board response – agreed to recommend to the Board

3.6.5 **Staff training re completion of CSM notes**

The panel feel there could be more training required for staff to ensure all CSM cases reflect the accuracy and consistency of cases. This is specifically in relation to any telephone conversations between staff and complainant.

City Board response – agreed to recommend to the Board

The areas listed below have no implications directly arising from this report:

Financial and Business Plan
Legal and Confidentiality
Council
Personnel
Environmental

Equalities Impact Assessment
Health & Safety
Risk
Policy Review

If Board Members or others would like to discuss this report ahead of the meeting please contact the author.

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Background Information: None.

Supporting Information: None.

TENANT PANEL REPORT COMPLAINTS



ABOUT THE PANEL

The panel was brought together in April 2012 by inviting people from tenant involvement groups already in existence. The following became the founder members:

MEAG	Abdul Moghal	
Scrutiny panel	Gill Young	Chair
DACP	Harry Margett	
DACP	Keith Merry	Vice Chair
OSCAR	Koliwe Chikuri	
Leaseholder	Lyn Gadsby	

Bob MacDonald has recently joined the panel. Bob is a new tenant to Derby Homes and is keen to get involved at all levels. Bob has been in Customer Service for over 25 years and brings a wealth of experience to our panel.

1st REVIEW – DERBY HOMES' COMPLAINTS PROCEDURE

The Localism Act has suggested that there will be changes to the way Housing Providers deal with complaints from April 2013. This also affects how they progress to the Ombudsman. In readiness for this the Tenant Panel have undertaken a review of Derby Homes' Complaint Procedure to ensure it is robust and will comply fully with any changes in future governance.

The current Complaints procedure is made up of the following stages:

- Initial Failure
- Stage 1
- Stage 2
- Stage 3

Initial Failure is not recorded as a formal complaint as staff record any failure of service under this without the tenant being aware. This includes areas such as missed appointments where a new appointment is made so there is no need for an official complaint.

Stage 1 complaints occur when we have failed to resolve an initial failure or when a tenant specifically states they wish to make a complaint.

Stage 2 If the customer remains dissatisfied with the response of the stage 1

Stage 3 is an appeal to the Board

Under the parameters of the Localism Act it has been recommended by the Ombudsman that a 2 stage process may be more beneficial to all concerned as it focuses on getting it right first time.

WHAT WE DID

The panel looked at the overall complaints procedure and examined the following in detail:

- How complaints are received
- The way complaints are recorded, Customer Service Module, (CSM)
- Who deals with the complaint
- How they are allocated
- Timescales
- Audit trail
- Outcomes
- Standard letters
- The actual stages of a complaint

Complaints can be received in any form. There is no longer the need for them to be written. There is a mailbox set up, DH – Housing Complaints, which is connected to the Derby Homes website and any complaints input via the website automatically go to this mailbox. All staff are aware that if they receive a complaint in any form they are to scan the original and send to this mailbox. If the complaint is received via a telephone call or face to face, staff will send an email with the detail to the complaints mailbox.

The mailbox is constantly monitored by the Performance Team who carry out the administration of the complaints. Complaints are recorded on CSM and a responsible person allocated to deal with the complaint. The notes within the CSM generally reflect the progress of the complaint, although in a few instances gaps were identified where information had not been recorded, this has a detrimental effect on the audit trail of the case.

The Performance Team monitor the progress of the complaint and endeavour to keep everyone to the prescribed timescales in line with current procedures. It was noted that there were a few instances where complaint responses were outside of these timescales.

Letters in response to complaints are generated from within the CSM case and saved directly to meridio. It was felt that there could be changes made to these letters to fully support the decisions made by the member of staff, as at present the last paragraph suggests that the answer given may not be adequate.

EVIDENCE

In assessing this procedure the following documents were viewed:

- Current procedure
- Complaints database (Excel spreadsheets)
- CSM cases
- Performance reports (statistics)
- Standard Letters

Along with this we also had in depth discussions with members of the Performance Team, informal chats with members of Derwent Living Scrutiny Panel and have attended complaints workshops with other ALMO's to gain insight for the way forward.

RECOMMENDATIONS

Designated person to deal with stage 1 complaints.

The panel feel that a better quality service could be achieved if there was a single point of contact for all stage 1 complaints. This person would deal solely with the complaints, interacting with the complainant and relevant departments to ascertain the full details and bring the complaint to a satisfactory conclusion.

Changes to standard letters

The panel feel that the final paragraphs should not include the word 'hope' as this infers that the response is possibly not good enough. Examples of changes to standard letters can be found in appendix 2.

Changes to procedure

The panel feel that the stage 3 should be referred to a Tenant Panel to make better use of the Board's time and resource.. It will also put Tenants more at ease if they need to take a complaint to this level. Appendix 3 shows the current and proposed procedure.

Quality sample checking

Tenant Panel to carry out sample checking of completed complaints for consistency and satisfaction for all concerned.

Staff training re completion of CSM notes

The panel felt there could be more training required for staff to ensure all CSM cases reflect the accuracy and consistency of cases. This is specifically in relation to any telephone conversations between staff and complainant.

Stage 1 Response – PROPOSED

Title Initials Name on received from
Address1 on received from
Address2
Address3
Address4
Post code

Our Reference

CSM Case No

Date

Today's date

Contact

User name

Telephone

User phone number

E-mail

User email address

Dear Title Name from

COMPLAINT CSM - CASE NUMBER

I have now completed my investigation into your complaint.

(Insert the findings of your investigation – please include an apology or explain any remedy or service improvement if this is appropriate.)

~~If you have any further queries, please refer to Derby Homes' Complaints Procedure. I hope the reply is satisfactory. If you are not satisfied, then you can write to the Chief Executive of Derby Homes, who will ensure this matter is looked at again by another officer.~~

If you are not satisfied with this response, please write to [name] Performance Officer, or telephone 01332 888[ext], who will ensure this matter is looked at again by another officer.

Yours sincerely

User name

User job title

APPENDIX 3

CURRENT PROPOSED PROCEDURE

1.0 INTRODUCTION

- 1.1 All complaints are important, customers have the right to expect a complaint to be taken seriously and to receive a response to their complaint.
- 1.2 It is our aim to resolve locally as many customer complaints as possible at the time of receiving the complaint.
- 1.3 The recording of complaints is important as it enables us to use the information to learn from mistakes and improve the service to our customers.
- 1.4 Complementing the complaints procedure is the Remedy and Compensation Policy. Please refer to when appropriate [PR-Complaints Compensation Guideline](#) ~~(attached at Appendix?)~~

2.0 DEFINITION

- 2.1 A complaint is defined as a statement of dissatisfaction with a service for which Derby Homes is responsible including delivery of ~~Tenants Services Authority (TSA) standards and~~ Local Offers.
- 2.2 A customer is defined as any internal/external individual or organisation who receives a service from Derby Homes.
- 2.3 A complaint may be made in any manner and the response should be appropriate to the manner in which it is received. Regardless of how complaints are received, all should be treated with the same level of importance.
- 2.4 Details of **all** complaints will be recorded, irrespective of the manner in which the complaint has been made, through the Academy Customer Service Module.

3.0 INITIAL FAILURE TO PROVIDE SERVICE

- 3.1 When a customer makes a complaint about a service provided by Derby Homes, the officer receiving the complaint must:
 - (a) Check if the complaint has been previously received and recorded on Academy. If this is the case, the complaint must be escalated to Stage 1 complaint.
 - (b) If this is a new complaint, log a record of the complaint on the Academy Customer Service Module and issue the customer with a CSM reference number.
 - (c) If you can resolve the complaint:
 - (d) investigate and respond to the customer as soon as possible **within 10 working days**
 - (e) record all actions taken on the CSM case
 - (f) if the customer is satisfied with the response, update and close the case on CSM
 - (g) if the customer is dissatisfied, the complaint must be escalated to a Stage 1 complaint
 - (h) If you cannot personally resolve the case, pass the complaint to the appropriate officer

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4.0 COMPLAINTS – STAGE 1

Stage 1 complaints occur when we have failed to resolve an initial complaint

4.1 To escalate the complaint to Stage 1, the officer receiving the complaint must:

- (a) Route the complaint to the Performance Team.
- (b) The Performance Team will acknowledge the complaint, **within 2 working days** of the complaint being made, stating who will be dealing with the complaint [LT-Complaint Acknowledge st 1](#)
- (c) The Performance Team will route the complaint to the appropriate officer to investigate the complaint who must:
 - respond **within 10 working days** of the complaint having been made, with details of how the complaint is to be resolved
 - provide the customer with information on how to exercise their right of appeal [LT-Complaint Stage 1 Reply](#)
- (d) If the complaint cannot be investigated fully within 10 working days of having been made, the Investigating Officer must send a written explanation to the customer giving a date when a full reply will be provided.
- (e) Ensure relevant documentation, including outgoing letters, are raised via the CSM module and stored on the relevant electronic CSM case file in Meridio.
- (f) If you do not receive a further complaint from the customer within 15 days, it is then appropriate to close the case. A satisfaction survey is then to be sent out.

4.2 STAGE 2

If the customer remains dissatisfied with the response of the officer who previously investigated the complaint, the complaint becomes a Stage 2 Complaint, which means that a more senior manager, for example, the line manager of the officer will investigate the complaint.

- (a) Record / update the details of the complaint in the Academy Customer Services Module.
- (b) Route the complaint to the Performance Team .
- (c) The Performance Team will acknowledge the complaint, **within 2 working days** of the complaint being made, stating who will be dealing with the complaint [LT-Complaint Acknowledge st 2](#)
- (d) The Performance Team will route the complaint to the appropriate senior manager who will investigate the complaint and must:
 - respond **within 10 working days** of the complaint having been made, with details of how the complaint is to be resolved
 - provide the customer with information on how to exercise their right of appeal
- (e) If the complaint cannot be investigated fully within 10 working days of the matter being raised with them, send a written explanation to the customer giving a date when a full reply can be provided.

- (f) Ensure relevant documentation, including outgoing letters, are raised via the CSM module and stored on the relevant electronic CSM case file in Meridio. File.

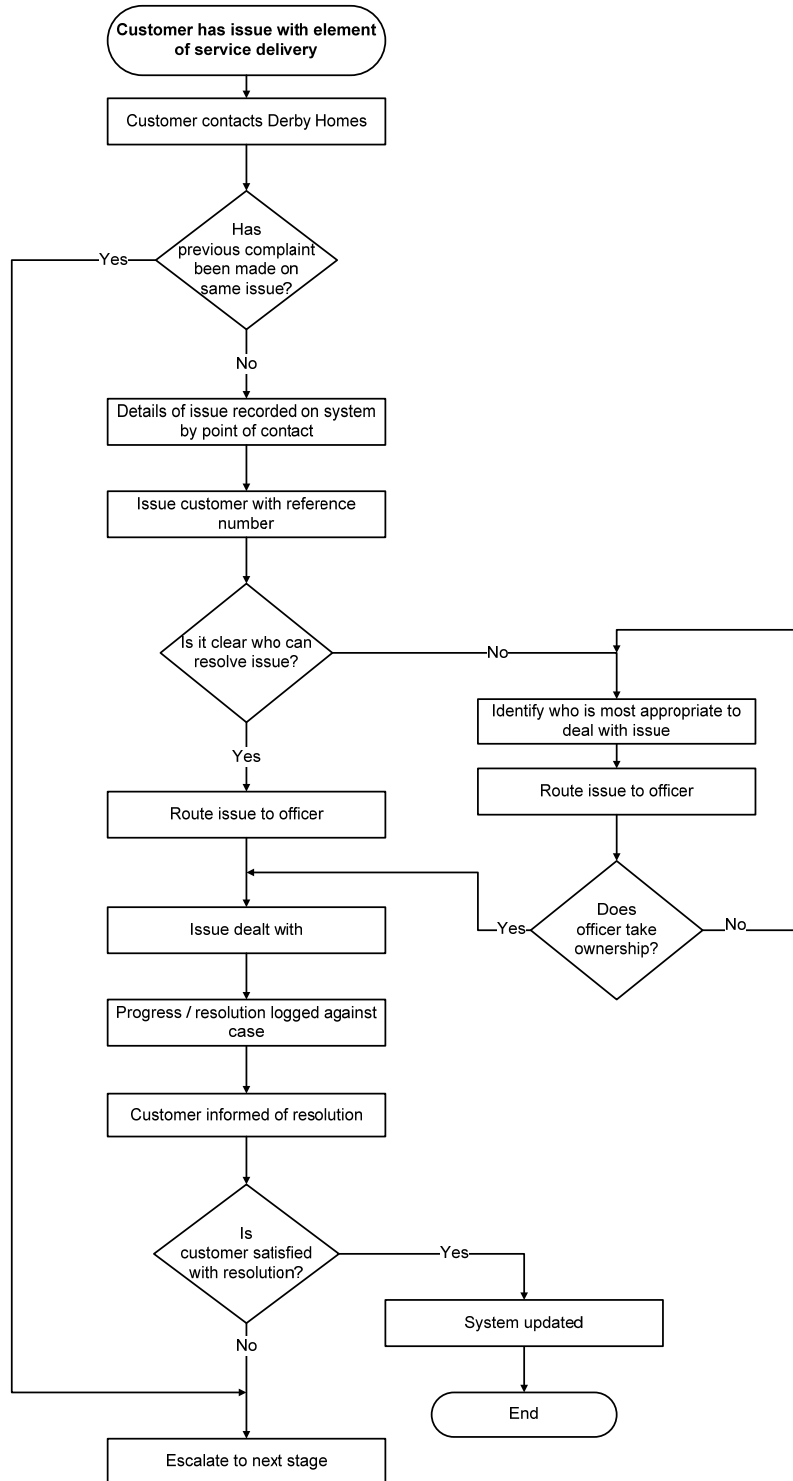
5.0 STAGE 3 APPEAL

- 5.1 If the customer then wishes to pursue a **Stage 3** appeal, they should, within 15 working days of the date of the Stage 2 decision being issued, write to the Derby Homes Complaints Officer, Floor 3, South Point, Cardinal Square, 10 Nottingham Road, Derby, DE1 3QT.
- 5.2 Upon receipt of the appeal, the Complaints Officer will make arrangements for the appeal to be heard by a panel of three members of the ~~Board of Derby Homes~~Tenant Panel within 20 working days of receipt of the appeal. The customer and a senior officer will be invited to attend the hearing. The Complaints Officer will be responsible for making arrangements for the hearing and notifying the customer of the outcome of their Stage 3 appeal, including their recourse to the Council or Ombudsman. (See Complaints Appeal Procedure).
- 5.3 If the customer then wishes to pursue their complaint with ~~Derby City Council, they should do so by contacting the Corporate Complaints Officer, Chief Executive's Department, The Council House, Corporation Street, Derby, DE1 2FS, or the~~ Local Government Ombudsman they should contact, Beverley House, 17 Shipton Road, York YO30 5FZ.

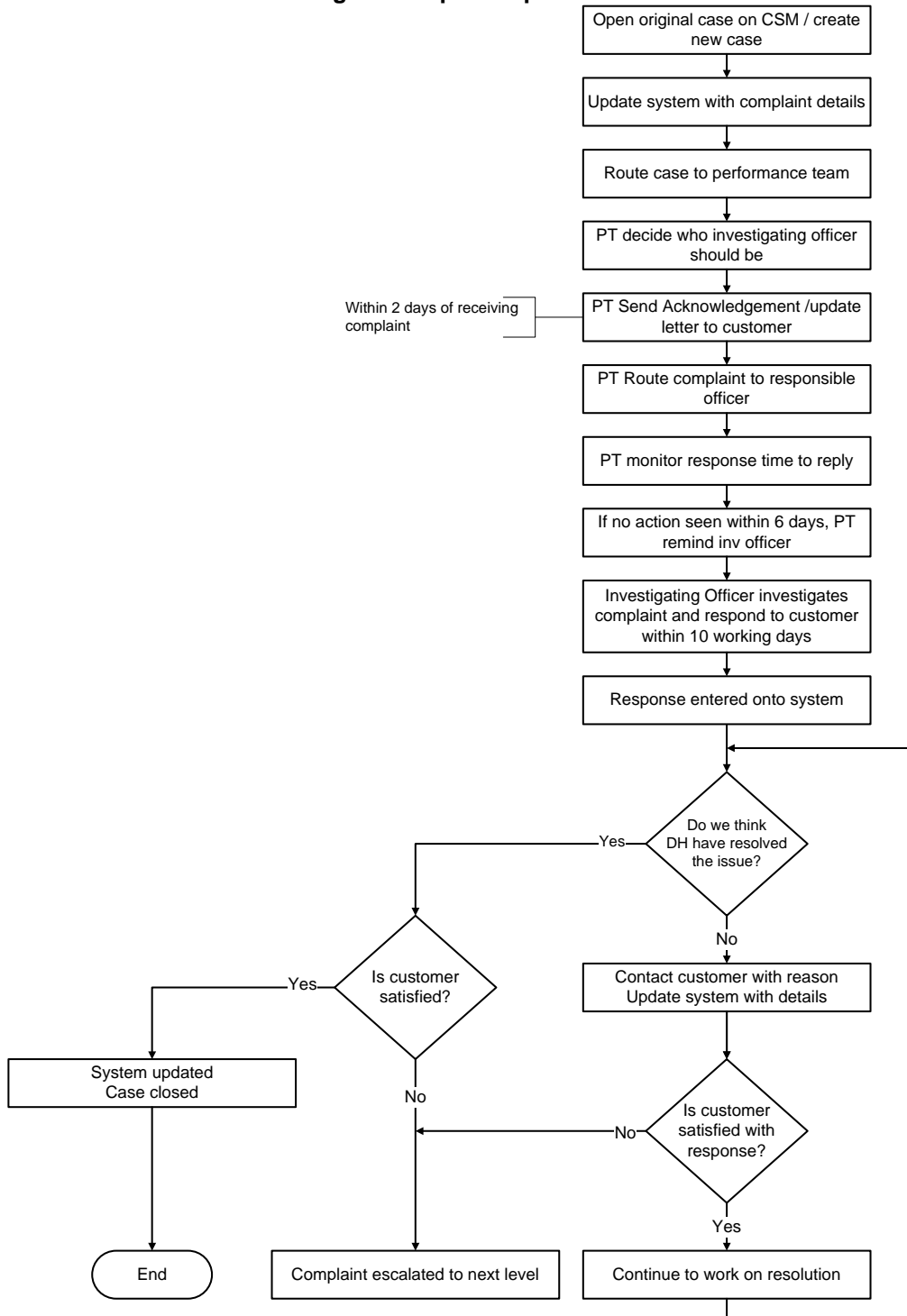
GENERAL

- 5.4 Customers may at any time complain to the Local Government Ombudsman. However, their complaint will usually be referred back to Derby Homes if the complaints procedure, including internal appeals, has not been fully completed.
- ~~5.5 Template documents are available on the public drive for acknowledging complaints and appeals, replying to complaints and appeals and explaining when a complaint or appeal will be replied to.~~
- ~~5.65.5~~ An officer investigating a complaint must not have been involved in the matter being complained of.
- ~~5.75.6~~ Any doubt as to how a complaint should be dealt with should be discussed with the relevant line manager or the Derby Homes Complaints Officer.
- ~~5.85.7~~ Derby Homes will provide the Resources Remuneration and regeneration Committee and the Council with quarterly updates of complaints raised through the completion of a Derby Homes Customer Complaints Form.
- 6.6 Derby Homes has a Persistent and Vexatious complainants policy which is attached at Appendix 1
- ~~5.95.8~~ Derby Home-s has limited senior staff numbers, and in order to allow appeals to be heard by more senior staff who have not been previously closely involved in a particular case, complaints will be dealt with mainly by front line managers up to third tier in the organisation, with appeals dealt with by ~~second tier/ Executive managers, and the chief Executive or another second tier / Executive manager advising any Board Appeal Panel~~the Tenant Panel.

Initial complaint contact with Derby Homes



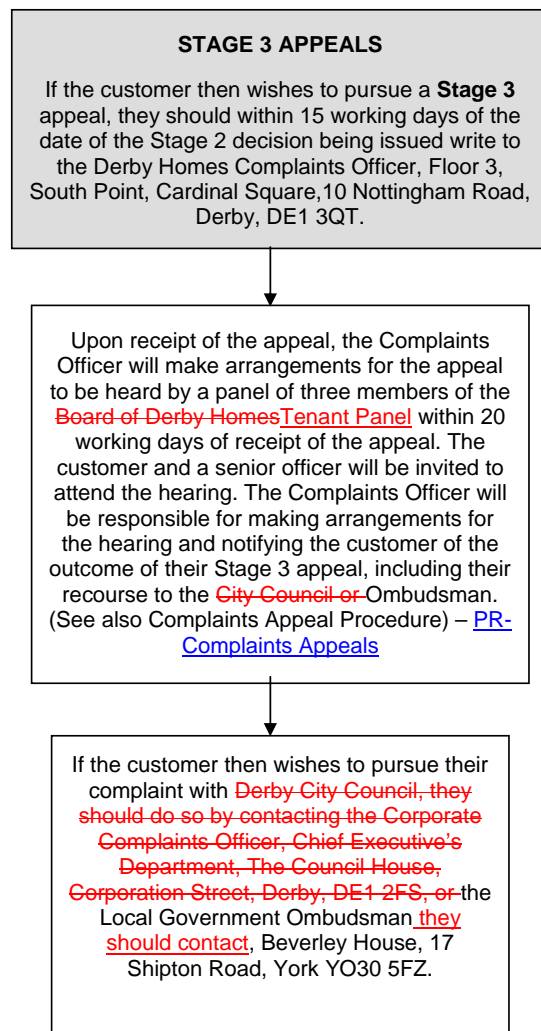
Stage 1 Complaints process



Stage 2 Complaints

The process for stage 2 complaints is the same for that of stage 1 complaints. However the investigating officer must have a higher level of authority than the original investigating officer. The performance team will identify a suitable investigating officer.

Stage 3 Appeals



Appendix 1

Policy for dealing with Unacceptable Behaviour and Habitual Vexatious Complainants

This policy sets out the way in which Derby Homes will respond to the relatively few complainants whose actions and behaviour are considered to be unacceptable.

Aims

The aims of this policy are to:

- define behaviour on the part of the complainant which is considered to be habitual or vexatious and to suggest ways of responding to such behaviour
- provide the facility to restrict or change access to the General Complaints Procedure where it is considered that a complainant's actions are habitual, vexatious, offensive or abusive
- protect Derby Home's employees from complainants who act in an unreasonable or unacceptable manner

Definition of Unacceptable Behaviour and Habitual or Vexatious Complainants

Many complainants pursue their complaints forcibly and with persistence. This is to be expected and will not cause a problem unless the approach is taken to the extreme. The following actions are not, however, considered to be acceptable:

- making demands for action or information that would impact substantially and unreasonably on the work of Derby Homes
- the persistent pursuit of a complaint when the Complaints Procedure has been fully and properly implemented and exhausted
- continually changing the substance of a complaint and raising further concerns and questions while the complaint is being investigated
- a refusal by the complainant to identify the precise issues that they wish to be investigated, despite reasonable efforts by staff to help them identify their concerns

- the continued focus on a trivial matter to an extent that it is out of proportion to its significance
- a persistent refusal to identify the redress required
- to threaten or offer violence to Derby Home's staff or to harass, personally abuse or be verbally aggressive to staff or to act in such other manner as falls within the definitions listed with Derby Homes Abuse, Aggression and Violence Code

Response to Unacceptable Behaviour, Habitual or Vexatious Complainants

A Director may decide to deal with persistent and vexatious complainants and those who behave unacceptably in one or more of the following ways:

- through a signed agreement setting out a code of behaviour that the complainant must adhere to
- by restricting or prohibiting access to Derby Homes premises and by placing the complainant's name on any register maintained for the purpose of identifying people who are restricted or prohibited from entering Derby Homes premises
- by limiting communication with the complainant to just one form: telephone, fax, email or letter and to one point of contact
- by confirming to the complainant in writing that the investigation is complete and that, as continued contact will serve no useful purpose, future letters on this subject will be acknowledged but not answered
- by temporarily suspending the investigation and all contact with the complainant while guidance is sought from legal representative or the Ombudsman
- by informing persistent complainants in writing that, if they continue to complain unsuccessfully, Derby Homes reserves the right to take no action in response to their complaints

On triggering the vexatious complaints procedure, the Director will notify Chair's Briefing meeting. The year end performance report will contain details of all cases dealt with under the procedure.

Right of Appeal A customer will have a right to request an independent review of the decision made above. The request for appeal must be made within 5 working days and addressed to the Governance Services Manager.

Arrangements will then be made for an independent review to be conducted by the Chief Executive within 21 working days and the response communicated to the customer.

Customers will also be advised that they have access to the review services of the Local Government Ombudsman.

Review Period

There will be a review of vexatious cases on a yearly basis.

The key person allocated to deal with the vexatious complainant will review the case, assess volume and nature of complaints received throughout the past year and make a recommendation to a Director or Chief Executive as to whether the complainant is to remain vexatious.

The decision must be recorded via Capita Housing, CSM case and a letter sent to the customer detailing the outcome. The letter will be saved into Meridio. The customer will have the right to appeal the decision. The appeal must be made within 5 working days and addressed to the Governance Services Manager.