

## **COMPLAINTS PROCEDURE PROPOSED CHANGES**

Report of the Chief Executive

### **1. SUMMARY**

To report to the Board on the proposal to amend the complaints and vexatious complainant policies.

### **2. RECOMMENDATION**

2.1 To approve the revised Complaints Procedure.

### **3. MATTER FOR CONSIDERATION**

3.1 This procedure has been reviewed by Derby Homes Managers.

3.2 The reviewed procedure and the tracked changes to the document can be seen in Appendix 1 of this report.

3.3 The main changes are

- to extend the time to respond to the initial failure from 5 to 10 days; this is consistent with Stage 1 and Stage 2 and gives more time to settle complaints at this initial stage
- to amend the vexatious complainant policy so that it is reviewed annually and any appeals are heard by a panel of Derby Homes Board Members. This brings the process in line with other Appeal processes.

### **4. EQUALITIES IMPACT ASSESSMENT**

An Equalities Impact Assessment has been carried out and the detail is attached in Appendix 2 of this report.

### **5. POLICY REVIEW IMPLICATIONS**

This is a key policy of Derby Homes and is included in the Key Policy Review Schedule. In accordance with minute 10/51 this policy will be reviewed no later than 3 years from the date of this meeting.

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

- Consultation
- Financial and Business Plan
- Legal and Confidentiality
- Personnel
- Environmental
- Health & Safety
- Risk

If Board members or others would like to discuss this report ahead of the meeting please contact the author, or Phil Davies, Chief Executive, [phil.davies@derbyhomes.org](mailto:phil.davies@derbyhomes.org) – Phone: 01332 888528

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Background Information: None

Supporting Information: None

# Complaints Procedure

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## 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:
    - investigate and respond to the customer as soon as possible **within 10 5 working days**
    - record all actions taken on the CSM case
    - if the customer is satisfied with the response, update and close the case on CSM

# Complaints Procedure

- if the customer is dissatisfied, the complaint must be escalated to a Stage 1 complaint

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(d) If you cannot personally resolve the case, pass the complaint to the appropriate officer (using Academy Workflow)

## 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) Update the complaint that has been previously received and recorded. If not, record the complaint on CSM.

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(b)(a) Route the complaint to the Performance Team.

(c)(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

(d)(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

(e)(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.

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

(g) Complete a complaint monitoring form FO-Complaint Monitoring and send to the Performance Team and update the CSM record.

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(h)(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.

## Complaints Procedure

- (a) Record / update the details of the complaint in the Academy Customer Services Module.
- (b) Route the complaint to the Performance Team ~~(Using Workflow)~~.
- (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 are](#) stored on the relevant electronic [Property CSM case file in Meridio](#). File.
- ~~(g) Complete a complaint monitoring form, FO Complaint Monitoring and send to the Performance Team and update the CSM record.~~

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### 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 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~~[Governance Services Manager](#) 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, Beverley House, 17 Shipton Road, York YO30 5FZ.

### 6.0 GENERAL

## Complaints Procedure

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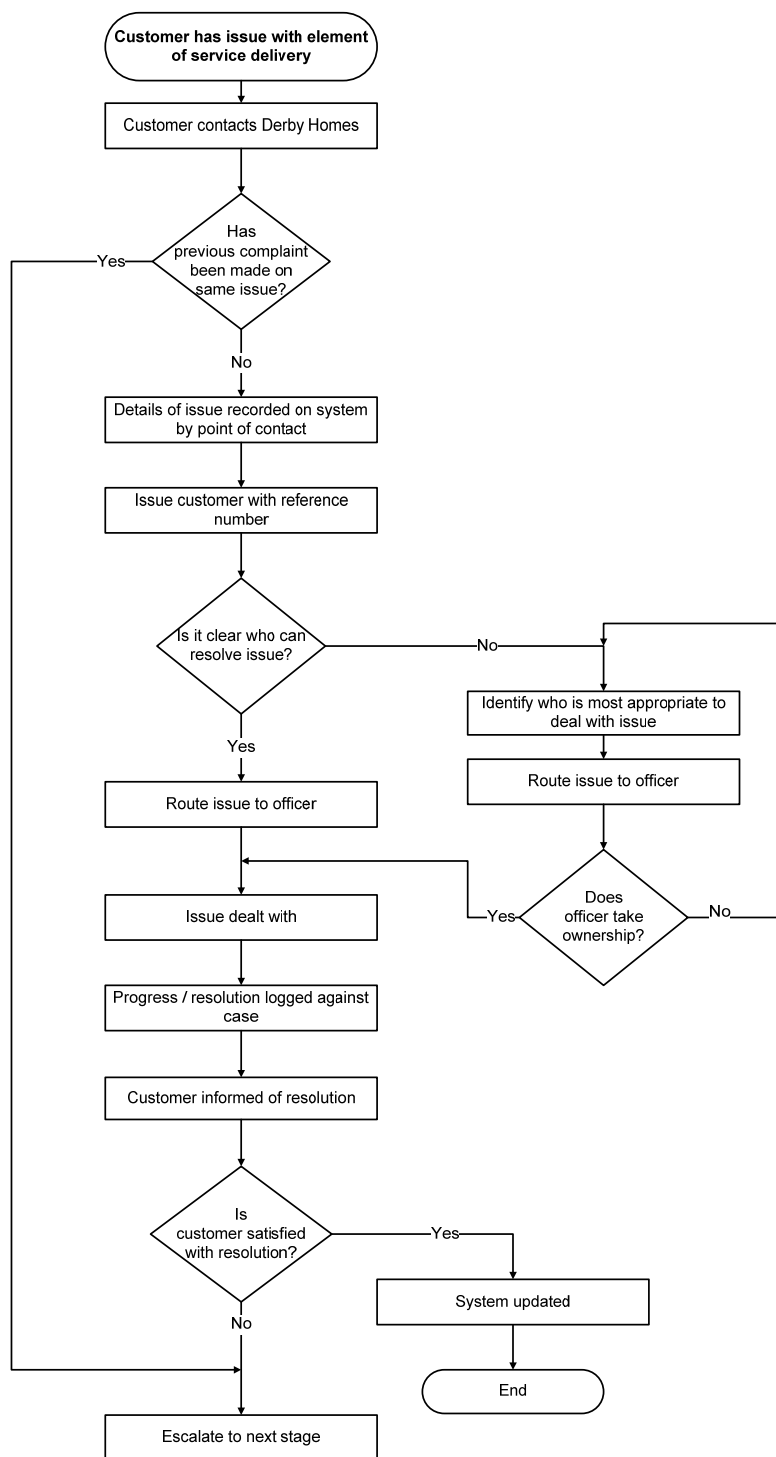
- 6.1 Customers may at any time complain to the Local Government Ombudsman. However, their complaint will usually be referred back to Derby Homes if the complaints procedure, including internal appeals, has not been fully completed.
- 6.2 Template documents are available on the public drive for acknowledging complaints and appeals, replying to complaints and appeals and explaining when a complaint or appeal will be replied to.
- 6.3 An officer investigating a complaint must not have been involved in the matter being complained of.
- 6.4 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.
- 6.5 Derby Homes will provide the ~~Homes Pride & Service Improvement Committee~~[City BoardResources 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 12](#)

- 6.6 [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 eChief Executive or another second tier / Executive manager advising any Board Appeal Panel](#)

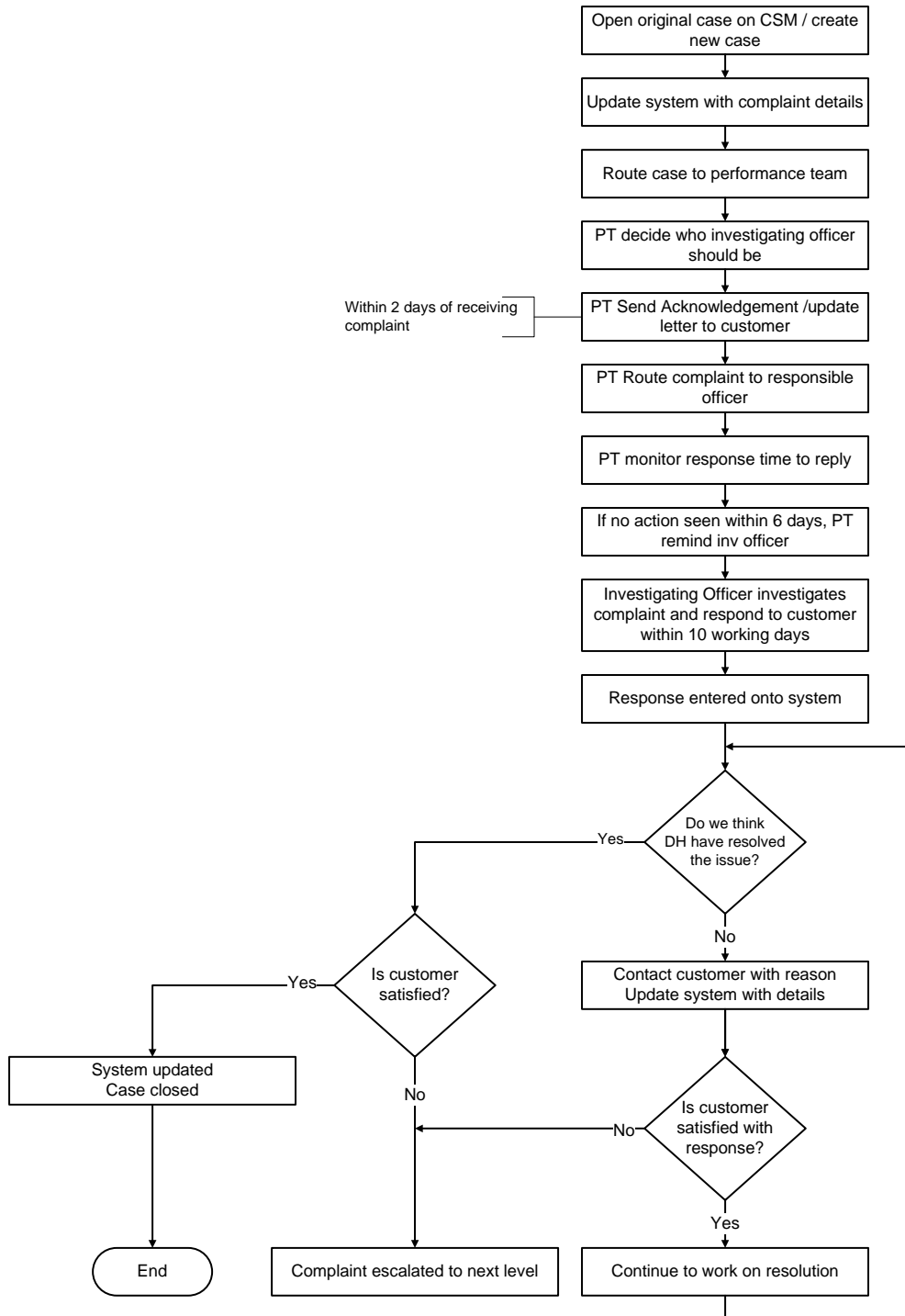
# COMPLAINTS PROCEDURE

## Initial complaint contact with Derby Homes



# COMPLAINTS PROCEDURE

## Stage 1 Complaints process



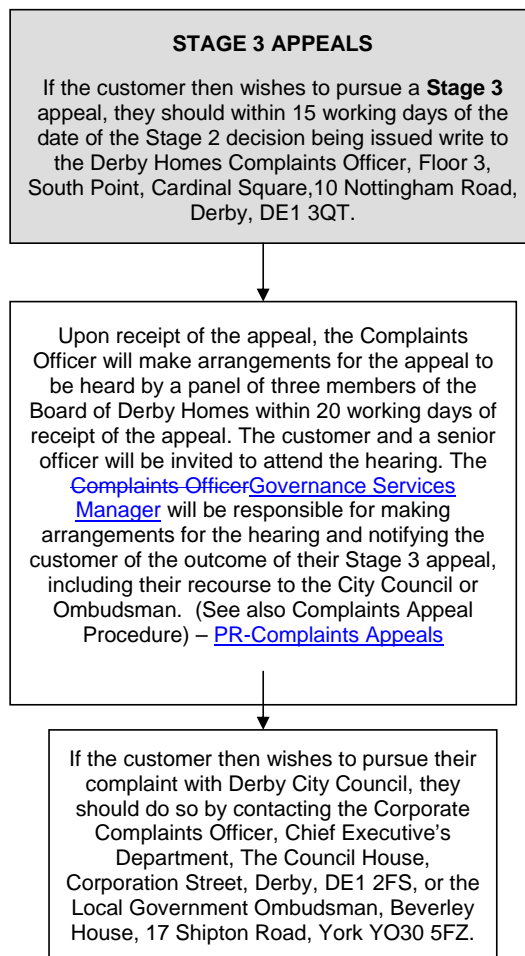
## Stage 2 Complaints



## COMPLAINTS PROCEDURE

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



# COMPLAINTS PROCEDURE

## 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

# COMPLAINTS PROCEDURE

## Response to Unacceptable Behaviour, Habitual or Vexatious Complainants

A Director and if appropriate the Chief Executive, 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 ~~the Chair's Briefing meeting of the Performance Management Committee~~. 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 ~~Derby City Council~~ a Panel of three Board members 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.

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## COMPLAINTS PROCEDURE

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, and will be arranged as set out in 'Right of Appeal' above.;

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## Equality Impact Assessment form

**1) Name the Strategy, Policy, and Procedure or Function being assessed.**

Complaints Procedure

**2) What are the aims of the strategy, policy, procedure or function being assessed?**

Whose need is it designed to meet?

Are there any measurable elements such as time limits or age limits?

To ensure an efficient and fair process to resolve customer complaints and issues.

**3) Who has been consulted?**

4 Managers of Derby Homes

**4) Identify potential impact on each of the of the diversity 'groups' by considering the following questions. There may be other questions you need to think about which are specific to the strategy, policy, procedure or function you are assessing.**

- Might some groups find it harder to access the service?
- Do some groups have particular needs that are not well met by the current service, policy, procedure or function?

- What evidence do you have for your judgement (e.g. monitoring data, information from consultation / research / feedback)?
- Have staff / residents raised concerns and or complaints?
- Is there any local or national research to suggest there could be a problem?

Please use the table below to record your findings / answers

<b>Strand</b>	<b>No Impact</b>	<b>Negative Impact</b>	<b>Positive Impact</b>	<b>Comments / Evidence</b>
Age	✓			
Disability	✓			If a person is unable to read or is visually impaired telephone and face- face contact can be used.
Gender	✓			
Race	✓			If a person cannot speak English an interpratator can be used.
Religion & Belief	✓			
Sexual Orientation	✓			
Transgender	✓			
Marital Status	✓			

#### **5) Does the strategy, policy, practice or function promote equality of opportunity?**

- Does it link to Derby Homes Core objectives
- Can any positive impacts be promoted as best practice

Best practise is uploaded on the intranet for staff to access and details of

learning is discussed at the Process Improvement Teams with tenants.

**6) If 'adverse Impacts' are identified is it?**

- Legal (i.e. not discriminatory) None
- What is the level of impact? **None**

**7) Are there any changes you could introduce which make this strategy, policy, procedure or function, work better for this group of people? Detail the actions planned and any further research or consultation required and how the actions will be monitored.**

As recorded in comments and evidence section of this assessment.

**8) If actions / suggestions for improvement have been identified, what should the positive outcome be for Derby Homes customers?**

Access to all to timely, efficient and fair complaints process

**9) Do you consider a full Equality Impact Assessment is required or do the actions identified and planned meet the adverse impacts identified?**

Not required

**Monitoring**

<b>Review / New EIA (date or Timeframe)</b>	July 2014
<b>Name of person/s completing this form</b>	Margaret Wardle
<b>Date assessment completed</b>	21 <sup>st</sup> June 2011

<b>Name (and signature) of manager approving EIA</b>	Julie Eyre
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