

Appendix 1

Complaints toolkit

The Homes and Communities Agency has taken a significant step away from intervening directly in cases where the regulatory consumer standards have been – or may have been – breached. The HCA has said that, while they set the consumer standards, the primary responsibility for resolving issues with these is between landlords and their tenants at a local level. The HCA will only intervene in cases of serious detriment that have caused, or are likely to cause, harm.

From April 2013, there will also be a significant change to the way that individual complaints about service failure are dealt with. Tenants of registered providers will be able to request that their complaints be considered by a ‘designated person’ once they complete the internal procedure of their landlord. Such a person can be an MP, a local Councillor, or a recognised Tenant Panel. The designated person may help resolve the complaint directly, may refer the complaint to the Ombudsman, or may decline to do either. In the latter case the complainant may approach the Ombudsman for his consideration of the complaint. The complainant may also approach the Ombudsman directly if more than eight weeks have elapsed since the completion of the internal procedure of the landlord, without the need to involve a designated person first.

Providers therefore need to ensure they have measures in place to respond to these changes:

- How will you ensure that you can identify issues before they may come to the attention of the regulator?
- Are your processes robust enough – and flexible enough – to ensure that you can do everything necessary and reasonable to resolve a complaint at the earliest stage possible?
- If complaints are escalated to a designated person or to the Ombudsman, are your arrangements robust enough to ensure that you work positively and proactively with them to resolve the complaint and learn any relevant lessons?

In this fully updated toolkit, we tackle all of these issues. If you can evidence meeting the standard set down in the following pages, the chances are that your complaints process is sufficiently robust. If you cannot, then this toolkit should help you identify improvements that you can put in place now that reflect positive practice in this area.

Appendix 1

Suggestions for using this toolkit

You will no doubt have your own ideas as to how to complete this toolkit. You might want to work through it in a group, bringing together those people involved in dealing with complaints. Alternatively, a number of you could complete the toolkit separately, then come together to compare views and evidence, rate the risks and work together on an action plan. Discuss the reasons for any differences constructively and re-consider your views. We would also recommend that you consider involving your tenants and residents in working through this toolkit.

If you require any assistance in completing this toolkit or would like an independent evaluation of the robustness of your complaints process, please contact Anna Pattison on 01904 557150 or anna.pattison@hqnetwork.co.uk

Appendix 1

Assessment standards	Evidence for meeting the standard	Improvements identified	Priority – red, amber, green
Access to the complaints service			
<p>The complaints process is widely promoted, eg:</p> <ul style="list-style-type: none">  Office receptions  Website  Newsletter  Handbook  Leaflet  Social media  At key locations, eg, community centres 			
Complaints are welcomed from all customers, advocates on behalf of customers and non-customers affected by the organisation’s services or residents			
Complaints can be made in a range of ways, including verbally, by telephone, email, online, via social media, etc			
There is a standard complaints form, which is widely available and is clear, straightforward and fit for purpose			
Internal and/or independent support or advocacy is available for customers who need it. This is well promoted and there is evidence of use			

Appendix 1

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Complainants are asked how they would like to see the complaint resolved			
The organisation encourages customers to provide positive feedback and suggestions for improvement. These are recorded, reported and acted on and can be seen to make a difference			
There is a comprehensive complaints policy that covers the relevant issues contained within this toolkit The policy is produced in summary form			
Recording, monitoring and reporting on complaints			
There is a clear definition of what constitutes a complaint, as opposed to a service request. It is clear which complaints can and can't be dealt with			
All complaints are recorded (whether classified as 'formal' or 'informal'). Complaints are logged at first point of contact			
Staff are trained to identify and respond to complaints in a proactive manner – focusing on resolving the complaint at the first opportunity			

Appendix 1

Assessment standards	Evidence for meeting the standard	Improvements identified	Priority – red, amber, green
There are mechanisms in place to identify, escalate and deal with issues or service failures that might potentially result in serious detriment			
Board member/councillor/MP enquiries are recorded and dealt with separately and differently (if appropriate)			
Processes are in place to cross reference and ensure consistency when dealing with councillors and MPs acting as designated persons and when they are representing constituents in other enquiries			
Anonymous complaints are recorded and investigated where appropriate			
There is a centralised, IT-based management system on which complaints are logged and allows complaints to be properly investigated and reported on. Ideally, the system is part of or linked to a customer relation management (CRM) system (this helps to minimise human error and resources)			
Regular quality checks are made to ensure that staff know how to use the system and that adequate records are kept			

Appendix 1

Assessment standards	Evidence for meeting the standard	Improvements identified	Priority – red, amber, green
A set of performance indicators (PIs) has been developed to monitor performance and satisfaction. PIs include numbers received and upheld, response times, trend analysis, including by diversity, outcomes and satisfaction			
There is a hierarchy of reports on the above information with an appropriate level of detail going to customers, managers and board/councillors. Relevant reports include how the organisation is learning from complaints			
Customers are involved in monitoring complaints performance and reviewing processes			
Responding to complaints			
The policy, procedure and published information are reviewed with tenants on a regular basis or in the event of significant regulatory, statutory or other changes			
All complaints are swiftly acknowledged in an appropriate format (eg, by letter or email)			
The organisation's complaints procedure has a reasonable and logical number of stages, agreed with tenants			

Appendix 1

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The procedure clearly identifies the people responsible for allocating, and responding to complaints, and managing the complaints process			
Target dates for each stage of the complaints process are challenging but achievable and were agreed with tenants			
Where necessary, complainants are contacted to seek their agreement or provide reasons for extending the timescale			
There is a system to 'chase' complaints as they near target response dates. Where appropriate this includes escalation to the next stage of the process			
There is a standard template for responding to complaints that is flexible enough to allow personalisation			
Complaints are thoroughly investigated and responses explain what actions were taken to investigate. The complainant is routinely contacted as part of the investigation			
There is guidance on how to handle 'tricky' issues, eg, complaints about staff, where there is no evidence, or where there are policy issues			

Appendix 1

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Where the complaint is about a third party contractor, the organisation retains responsibility for investigating and responding			
<p>Response letters are comprehensive and include, where appropriate:</p> <ul style="list-style-type: none"> ■ An apology, if appropriate, or an expression of regret ■ Summary of the complaint ■ The findings of the investigator ■ Whether the complaint has been upheld or not ■ Any actions the organisation proposes to take to resolve the complaint, any offer of compensation ■ Any lessons learnt from the complaint ■ Details of how the complainant can appeal the decision, where appropriate 			
Quality checks are made to ensure that responses meet the standard above, are in plain English, respond to each aspect of the complaint and are customer focused			
Customers are invited to attend in person any stage where a panel is considering a complaint or appeal against a complaint finding			

Appendix 1

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Customers are involved in the complaints process at appropriate stages, eg, sitting on a panel to consider appeals			
Board members/elected members play a role in monitoring the effectiveness of complaints handling			
The organisation responds positively to Ombudsman enquiries, investigations, and recommendations, as well as complies with his orders promptly			
There is a policy to deal with unreasonable behaviour by complainants			
The organisation works collaboratively with other organisations in complaint-handling and has consulted with tenants on the potential use of activities such as mediation and peer investigators, eg, from other organisations			
Implementing the new framework			
The organisation has reviewed its policy and procedures in light of the changes to complaints management introduced in the Localism Act 2011 and there is an appropriate action plan in place			

Appendix 1

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The organisation is clear how it will work with tenants panels, which may act as the designated person for complaints. Appropriate processes are in place to facilitate effective working both before and after the internal procedure is exhausted			
The organisation provides clear information to complainants on how they can escalate a complaint to a designated person (for example, if there is a Designated Tenant Panel, or a local agreement to involve specific Councillors)			
The organisation has arrangements in place to prepare, and train designated persons			
The organisation has effective arrangements in place to refer complaints to the designated person			
Staff, customers, board members and councillors (as applicable) have received briefings on the new framework			
A comprehensive policy on compensation			
The organisation has a clear policy on compensation, which includes all service failure (ie, not just legal minimum)			

Appendix 1

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The policy and approach has been agreed with customers and is publicised			
There is a budget for compensation and it is sufficient			
Compensation can be offered and paid out without lengthy bureaucracy or authorisation procedures			
Valuing and learning from complaints			
The organisation can demonstrate that complaints are welcomed and used as valuable feedback from customers. Staff understand that complaints should be encouraged			
There are clear linkages between complaints and service improvement planning			
Learning from complaints is promoted internally and to customers			
The organisation can demonstrate improvements made to the complaints process over time, (eg, fewer complaints of a certain type, responding to diversity issues, positive changes in policy, VfM)			

Appendix 1

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The organisation also uses compliments and suggestions as learning points, eg, they may have influenced training, service plans, priorities for review, procurement decisions			
Customer satisfaction with the complaints process is monitored and results are used to improve the way that the organisation does things			
The organisation regularly publicises how it has changed things as a result of complaints and other feedback, eg, 'you say, we did'?			