

Complaints policy and procedure

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Policy

1. Introduction

- 1.1 Shap's aim is to encourage complaints and resolve them in the quickest and most effective way possible.
- 1.2 We are committed to maintaining an accessible and open complaint procedure by responding positively to complaints and trying to resolve complaints informally.
- 1.3 Users of our services will have unhindered access to the complaints process. This will be achieved by ensuring that:
 - all service users receive an easy read guide and complaints form when they are signed up to the service
 - complaints forms and easy read guides will be on show in all offices and residential projects which service users have access to
 - the complaints process and guide will be included in welcome packs and/or given to new clients in their preliminary meetings with staff.

2. Aims

- 2.1 Our aim is to make this policy and procedure widely known and encourage its use by our clients, tenants, neighbours and other people we work with or near. The policy aims to:
 - provide tenants and service users with information on how to complain
 - acknowledge complaints within 2 working days
 - investigate all complaints fully
 - keep the complainant informed throughout the process
 - try to meet the complainants desired outcome
 - review the matter to ensure the resolution has met the expectation of the tenant/ service user

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3. Definition

3.1 In addition to complaints from individual service users, a petition from more than one person about one of our services will be treated as a complaint. Complaints from a stakeholder, member of the public or contractor will also be dealt with by the manager of the scheme/ group of schemes relevant to that complaint.

4. Scope

4.1 This complaints procedure will apply to complaints about any aspect of the service provided by the organisation from:-

- Existing or previous service users or their advocates.
- Applicants to the service.
- Neighbours, members of the public or contractors.
- Visitors
- Solicitors, Counsellors, MP's, Funders, or Stakeholders.
- CAB or other advocacy services.

4.2 It does not apply to complaints by one Shap tenant/client/service user about another. Anyone who has concerns about the behaviour of another service user should discuss it with member of staff. They will either deal with it on their behalf or consider other options.

5. Equality and diversity

5.1 Shap delivers services to diverse communities. We recognise the need to value diversity in all of our operations, and this is inherent to this policy and procedure. We will manage complaints in a way that upholds our commitment to equality – that is fair to all users regardless of their age, religion, disability, gender, race, sexuality or anything else that may cause potential discrimination in service delivery.

5.2 We will provide assistance to access the complaints policy where necessary. This may include accessing translation or type-talk services. We will make literature available in a variety of formats on request.

Procedure

1. In brief

1.1 There will be many occasions where a complaint can be resolved quickly and informally. If a complainant does not wish to make a formal complaint, see page 7: Informal Complaints.

1.2 The stages of the Formal Complaints Process are:

Stage one	Acknowledgement of receiving the complaint within two working days. Decision on the complaint within 10 working days of the acknowledgement. Investigations and decisions are usually made by the manager who is investigating the complaint.
Stage two	The Operations Manager or Head of Service will make a decision and respond within 10 working days.
Stage three	Complainant must request escalation to Stage 3 within six weeks. They must meet with a member of the Leadership Team before this process can begin. (Deadline 2 months from escalation).
N.B.	If the complaint is about a middle manager, senior manager or the CEO, the same principle applies: at each stage of the process, the complaint will go to the next most senior person. This means that investigations may need to be made by the CEO and, ultimately, the Board of Trustees.

1.3 A complaint must be received within 3 months of the date to which the complaint refers. A complaint received after 3 months should not be investigated or treated as a complaint.

1.4 **If the complaint refers to misconduct of a staff member/contractor, harassment from other services users/ staff or contractors, or issues relating to illegal activities, then there is no time limit.**

1.5 All formal complaints should be copied and sent to Shap head office. Copies of both informal and formal complaints must be kept on site. The Complaints Co-ordinator will register all complaints and track them. A named officer will be nominated the role of Complaints Co-ordinator.

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2. Stage One

- 2.1 Complaint forms are available from display in all offices or sites. They can be requested from any member of staff or posted following a request to 01744 454056.
- 2.2 A formal complaint should be written on the complaints form by the complainant or a staff member. A record of the complaint should be copied onto the complaints record form.
- 2.3 A copy of the complaints form and complaints record form should be forwarded to the Complaints Co-ordinator (Catherine Ledger) so that it can be registered. The Complaints Co-ordinator will send out an acknowledgement letter to the complainant outlining the process.
- 2.4 The complaint must be investigated and a written response sent **within 10 working days** by the manager of the service which (or the person who) the complaint is about.
- 2.5 If you cannot resolve the complaint within 10 working days, perhaps because you are waiting for information from a third party, then you must write to the complainant, stating that you are unable to meet the deadline and why, giving a further date by which a full response will be provided.
- 2.6 Complaints concerning rent or repairs of property-based services should be passed to the Operations Manager.
- 2.7 The written response should include:
 - Complaint reference
 - A summary of SHAP's understanding of the complaint
 - Our view of what has happened
 - What action we propose to take
 - The process of appeal, i.e. if the customer remains unhappy with the response they can escalate the complaint to Stage 2, provided they notify Shap within 3 weeks (*form to notify this will be included with letter*).
- 2.8 The investigating manager must send a copy of the response to their manager/the next most senior person and the Complaints Co-ordinator. A copy of the complaint and response should also be kept on the schemes complaint file, and one on the central file held by the Complaints Co-ordinator.

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3. Stage Two

- 3.1 The Complaints Co-ordinator should update the register and acknowledge in writing the escalation of the complaint to stage two to the complainant.
- 3.2 The senior manager responsible for the Stage 2 investigation will review the case and outline their view in a letter. They should inform the complainant that if they are not happy with the response and wish to proceed to Stage 3 of the Complaints Procedure, then they must appeal within 6 weeks.
- 3.3 Before the complaint can be progressed to Stage 3, the complainant must be interviewed by a senior manager in the organisation. They will be advised to contact Shap's Central Office to arrange an interview in order that things can be resolved as quickly and satisfactorily as possible.
- 3.4 No appeals against a stage 2 decision should be taken to stage 3 if the complainant has not appealed within the 6-week deadline.
- 3.5 If there are other matters that the complainant wishes to raise, then these must be dealt with as a new complaint.
- 3.6 A different manager must deal with the complaint at stage 2.

4. Stage Three

- 4.1 The Complaints Co-ordinator should update the register and acknowledge in writing the escalation of the complaint to Stage 3 to the complainant.
- 4.2 The manager who dealt with Stage 2 should inform the next most senior person – which is likely to be a member of the Leadership Team - that the complaint will proceed to Stage 3. They will provide them with full details of the complaint and notes of the investigation **within 10 working days**. The senior manager/Leadership Team member will write to the complainant **within 10 working days** of receipt of this information to invite the complainant to attend an interview with themselves.
- 4.3 The complainant should be advised that when they attend the interview, they can present any papers they wish and be accompanied by an adviser or friend. They should be asked to provide copies of the papers to the person investigating the complaint **not less than 15**

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working days before the date of the interview. Travel expenses can be paid for the complainant, but not for professional advocates.

- 4.4 At the interview, the manager dealing with Stage 2 of the complaint will present the summary report of the complaint. The complainant and the senior manager leading the interview will then ask the manager any questions that they may have. The complainant will then be invited to present their case. Both managers will have the opportunity to ask any questions. The manager will be asked to comment on and sum up their view of the complainant's case. The complainant will be invited to sum up their case. The senior manager will make a decision based on the information provided.
- 4.5 The senior manager can uphold the complaint, reject the complaint, or can adjourn the case for further information. All efforts will be made to resolve the case on the day of the interview. The member of staff (where relevant) and complainant will be informed of the decision in writing **within 3 days**.
- 4.6 If the complainant is still unhappy with Shap's response after all three stages have been exhausted, they should be given the contact details of independent organisations offering advice, advocacy or other support services relevant to their case.

5. Allegations of staff causing harm to service users

- 5.1 Where there is suspicion or allegations that the conduct of a member of staff may have caused harm to a child or vulnerable adult the organisation's procedure for managing allegations against staff must be used.

6. Informal complaints

- 6.1 Staff will be given the opportunity of resolving any issue that is the subject of a complaint informally. In both informal and formal complaints, the complaint should initially be investigated by the person responsible for the service, for example a lead worker, who will try to resolve the matter.
- 6.2 The informal feedback must include a response stating how the person intends to proceed, how long it will take and letting them know what they can do if they remain unhappy. A file note should be made of any telephone conversation. If however, the client wishes to make a

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formal complaint straight away they **should not be discouraged** from doing this but be given an opportunity to register their complaint.

- 6.3 A complaint being dealt with informally does not have to be entered in the register. However, a record should be kept on site. Service user concerns and your response should be documented on their file. If the complainant remains unhappy with the action you have taken, explain to them that the formal Complaints Procedure exists and they can, if they wish, take a more formal route. The complaint must be entered in the register at this point.

7. Registering and monitoring formal complaints

- 7.1 All complaints should be copied and sent to Shap head office. Copies of both informal and formal complaints must be kept on site. The Complaints Co-ordinator will register all complaints and track them. A named officer will be nominated the role of Complaints Co-ordinator.

- 7.2 For each formal complaint, a complaints record form should be completed. We need to know:

- who complained
- when
- how to contact the complainant

Project staff and/or senior workers should complete this form for each complaint received and pass it to the Complaints Co-ordinator who will allocate the complaint a specific complaint number.

- 7.3 The Complaints Co-ordinator will record on the Complaints Register:

- details of the complainant and complaint made
- whether the complaint was resolved
- at which stage the complaint was resolved
- whether it was resolved to the satisfaction of the complainant
- if it was within the deadlines set by this procedure.

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- 7.4 The complaint ID is based on the scheme and year, stating scheme ID, complaint number for the scheme in that year and year in which the complaint was received, for example Sherdley/3/04.
- 7.5 The Complaints Co-ordinator should monitor the complaints on the Complaints Register. This will include alerting staff to approaching deadlines and reporting missed deadlines to the Area Manager. It is the responsibility of the staff member investigating the complaint to keep the Complaints Co-ordinator informed at all stages.
- 7.6 Each type of complaint should be allocated a code by the Complaints Co-ordinator to assist in statistical analysis. The codes are as follows:

Code	Type of Complaint
RFO	Repairs/conditions/furnishings – other agency responsibility
RFS	Repairs/conditions/furnishings – Shap responsibility
SC	Behaviour of staff contracted externally e.g. security, repairs etc
AV	Allocations/voids management
ASB	Anti social behaviour
LE	Landscaping/environmental issues
RCS	Rents/charges/service charges
SAM	Staff attitude/approach/misconduct
SD	Service delivery – general

- 7.7 Complaints should be reviewed regularly, the Complaints Co-ordinator will compile a report on the number and type of complaints received in a 3-month period, and this will be discussed at the next operations group meeting.
- 7.8 The minutes of the operation group will note the number and type of complaints received in the 3-month period, if they were resolved, if time scales were met and if they resulted in any

changes to policy or learning points. The Complaints Co-ordinator will contact senior workers to confirm numbers of informal complaints within each service.

7.9 Complaints are also collated annually and discussed at the Management Review meeting.

8. Guidance for staff

8.1 When is a complaint not a complaint?

8.1.1 It is not always easy to see what is or isn't a complaint. If someone phones in and "complains" that their roof is leaking, this is not a complaint under the complaints procedure, as the appropriate response is to provide a service (i.e. a contractor to repair the roof) and the matter should be closed. However, if the same person rings again in two months' time, and complains that the fact we have failed to repair the roof has led to leaking water ruining clothes in her wardrobe, then this is a complaint about our failure to respond.

8.1.2 A complaint is an expression of dissatisfaction with something that Shap or its staff, or its agents has done, or not done. If a complaint concerns a repair or the condition of a service users accommodation then the complaint should be passed to the Operations Manager. If Shap is not responsible for the individual's property then they should be directed to use the landlord's complaints policy. Support can be given to contact the landlord or to complete a complaints form. The table below is designed to help decide whether a matter should be dealt with under the Complaints Procedure.

Issue	Enquiry or complaint?
Request for information or a service	Enquiry
Unhappy with information or service received	Complaint
Alleging inappropriate behaviour, harassment or an illegal act by staff or a contractor	Complaint
Alleging inappropriate behaviour, harassment or an illegal act by a neighbour	Enquiry – client should be supported and Landlords ASB* policy utilised.

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Alleging inappropriate behaviour, harassment or an illegal act by another person, e.g. resident in the neighbourhood	Enquiry - client should be supported and Landlords ASB* policy utilised.
Alleging anti social behaviour, harassment, bullying etc. by another service user or client	Request for support – client should be supported and investigation/ action taken with the third party.
Tenant or resident rings to say that their roof is leaking	Enquiry – provide a repair service or refer to the Operations Manager
Tenant or resident rings to say that the contractor failed to attend an appointment	Complaint – this should be passed to the Operations Manager
Service User contacts Shap to state that they are unhappy with the service they have received	Complaint – Refer to the senior worker responsible for the scheme

*ASB – Anti Social Behaviour

8.1.3 Some staff worry about whether complaints about staff should be dealt with differently. This is not the case. If a complaint is about the behaviour of a member of staff, this should still be dealt with under the Complaints procedure. (For example, *“Ms X never replies to my letters”*, or *“Mr Y was rude when I phoned”* are examples of complaints under the Complaints Policy).

8.1.4 Things you should be aware of when dealing with a complaint about a member of staff:

- It should always be drawn to the attention of the manager of that member of staff, and should never be solely dealt with, by the member of staff complained about
- The investigation of the complaint should take place first and if the complainant is found to be justified, then this may lead to disciplinary action. The fact that disciplinary action may be appropriate does not mean that this investigation takes precedence. The complaint should be dealt with under the complaints procedure, and the same deadlines adhered to. The line manager may wish to consider whether disciplinary action follows.
- There needs to be an element of judgement exercised, as to whether the complaint should enter the Complaints Procedure. For example, some trivial complaints, such as *“the rules here are rubbish”* do not need to be registered, if the complainant accepts a short explanation. If you are in any doubt as to whether a complaint should be registered, then you should consult your line manager. If you are still unsure please seek guidance from a senior manager.

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8.2 **Emergencies**

This does not include emergency repairs – these are ordinary requests for emergency services, and the member of staff should order the emergency repair as appropriate. However some situations are intolerable, and may require an immediate response. Examples of this, are where tenants or clients complain that they have been sexually or racially harassed by a member of staff, or a member of the contractor’s staff. In these cases, complaints should be immediately be brought to the attention of the manager or their line manager, depending on who the accusation concerns. A member of staff should meet with the complainant or telephone them within one day.

8.3 **Frivolous, vexatious or malicious complaints**

8.3.1 There are a number of factors that could mean that a complaint is frivolous, vexatious or malicious. These factors include someone:-

- pursuing a complaint which has already been resolved, but without adding any new information
- continually changing the complaint, apparently to prolong the engagement with the process
- failing to identify clearly the substance or precise issues which require to be addressed
- complaining solely about trivial matters in a way that is out of proportion to their significance
- making excessive contact or unreasonable demands, including abusive behaviour and threats.
- using it as a “tit for tat” complaint.

8.3.2 Deciding whether a complaint is frivolous, vexatious or malicious can only be taken by a senior manager after discussion with the CEO. If this decision is made, the case will be closed without any further investigation.

8.3.3 When making this decision, it is the complaint, not the complainant which must be considered. If someone has made a vexatious complaint in the past, it cannot be assumed that any other complaint will be vexatious. However, there may be behaviours associated with previous complaints either towards Shap or other organisations which could be taken into account when taking a decision. For example:

- threats of violence
- previous abusive behaviour

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- complaints targeting a particular member of staff
- the use of one organisations complaints procedures or services to continue a complaint with another organisation where that complaint has been determined as frivolous, vexatious or malicious.

8.3.4 Shap works with many vulnerable people and a decision to determine that a complaint is frivolous, vexatious or malicious should be handled sensitively but firmly. We will consider involving outside agencies such as legal services or the police in order to curtail the continuance of such a complaint and manage any risk.

8.4 **Disincentives**

8.4.1 There are many reasons why someone may feel unable to make a complaint. By addressing as many of these reasons as possible we can ensure that clients use the procedure and help us to provide a quality service.

8.4.2 Lack of access to procedure/forms. Complaints forms should be given to all service users on sign up and the policy and procedure explained to them. This is underpinned by the procedure being included within the welcome pack and covered during keywork and support plan reviews.

8.4.3 Fear of victimisation / reprisal. Complaints should be investigated by people not involved directly with the case. Anonymous complaints will be accepted and investigated where possible.

8.4.4 Language / communication difficulties. Where English is not someone's first language a translation of the complaints procedure should be made available. Complaints can be made by 3rd parties and on behalf of service users by other support workers.

8.4.5 Fear of not being believed. All complaints will be investigated and a response will be given in writing. Staff should understand that what we perceive to be a trivial complaint may be very important to the service user.

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Policy review record and version control

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Next review due: April 2021

Authors/persons conducting review

Theresa MacDermott

Details of Revisions

General update of job roles and templates

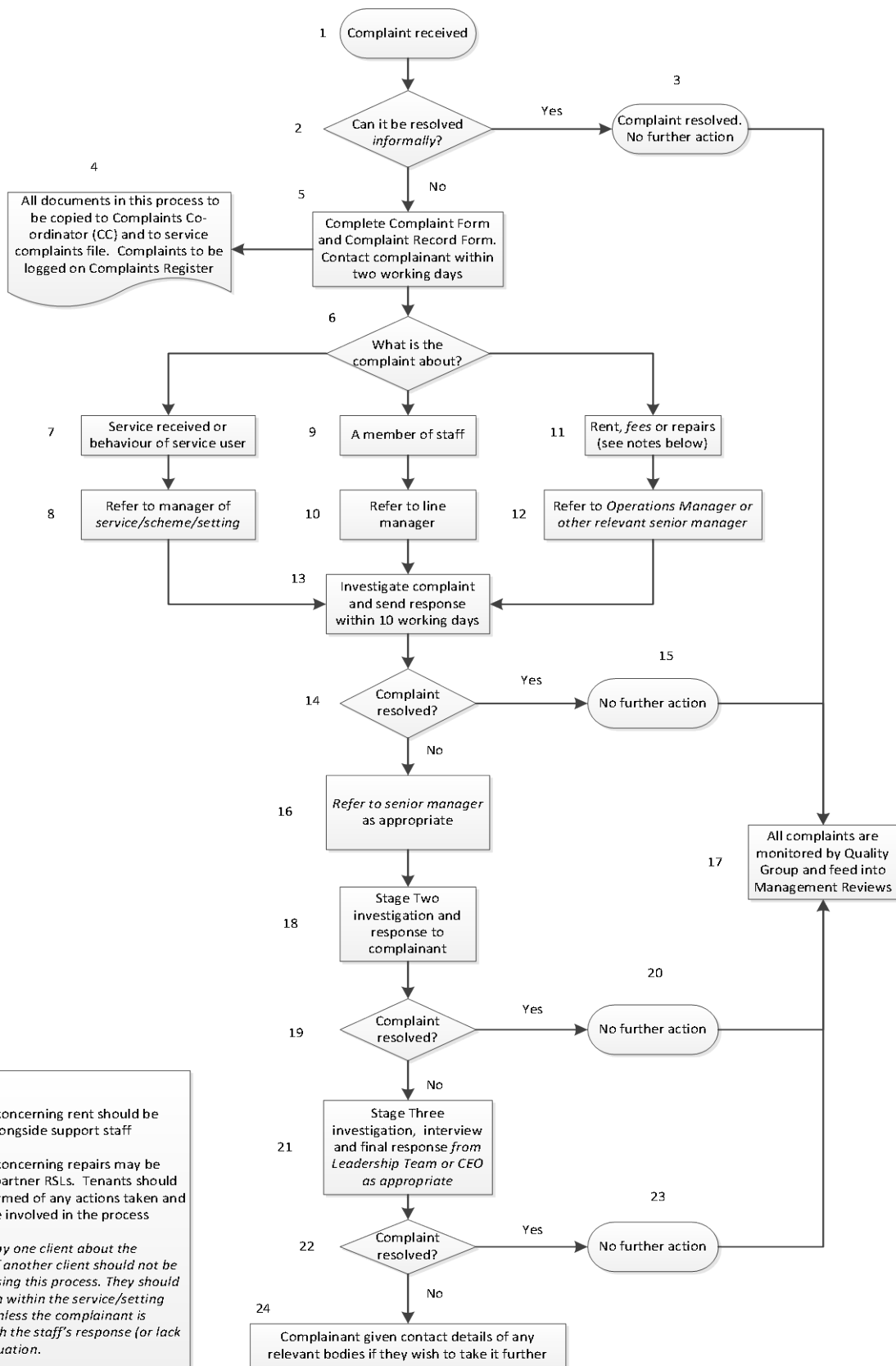
Circulation plan

Circulated to managers and administrators and placed on company drive

Approved for circulation

Mark Weights, Chief Executive Officer

Complaints flowchart



Notes:

Complaints concerning rent should be dealt with alongside support staff

Complaints concerning repairs may be referred to partner RSLs. Tenants should be kept informed of any actions taken and other people involved in the process

Complaints by one client about the behaviour of another client should not be addressed using this process. They should be dealt with within the service/setting concerned unless the complainant is unhappy with the staff's response (or lack of) to the situation.

Appendix 2

Making a complaint – guidance for service users

If you are unhappy about the service provided by Shap, we encourage you to complain. We strive to provide the best service we can, but we need to know when things aren't as good as they could be or when people are experiencing problems. We hope that most problems can be sorted out informally by speaking to a support worker, another member of staff or a manager. But if this hasn't helped or if you want to complain about a member of staff, we have a formal complaints procedure.

If you want to make a formal complaint, please complete the Shap Complaints Form. These are available in your Welcome Pack and at all of our offices. If you need us to send a form to you, please contact your local Shap office or telephone our Head Office on 01744 454056. If you have any difficulty with reading or writing, please contact us so we can help you if necessary.

To make a complaint you don't need to fill a form in - you can write down the details or speak to a manager and they will make a note of it. We may be able to resolve your complaint straight away, so won't need any more details, but if you do want to make a formal complaint we will need to know:

- your name and how to contact you
- what your complaint is
- when the problem happened
- what you would like to happen to resolve your complaint.

Once you have made your complaint, if we have your address, we will write to you explaining how your complaint will be dealt with. This should be within two days of us receiving your complaint. Within 10 working days of this we will write to you with our decision.

When we receive a complaint we will investigate the problem, which will include speaking to staff members, contractors and others if we need to. We will keep your complaint as confidential as possible. If we can't fully investigate your complaint in 10 working days, we will contact you to explain why and tell you when we will be able to make a decision.

If you feel that the decision is unfair or you have more information to give us, you can appeal against it. You should contact us within three weeks of receiving our decision if you wish to progress to Stage 2, and the complaint will be passed to a more senior manager to consider and reply to you. If you wish to appeal this decision and progress to Stage 3, we will tell you what happens then.

We aim to:

- provide people wishing to complain with information on how to complain
- acknowledge complaints within 2 working days
- investigate all complaints fully
- keep you informed throughout the process
- try to reach a preferred outcome
- review the matter to ensure the decision has met your expectations when possible

Complaints Form

<h1>Have your say</h1> <h2>Shap Complaints Form</h2>
--

If you are unhappy about any aspect of our service at all, please feel free to make a complaint. If you need help to do this, please ask a member of staff, a support worker, advice worker, or any other adult you feel comfortable with.

Name:	
How can we contact you?	
Address:	
Telephone:	Email:

Nature of Complaint

Complaint continued:

When did this happen? Date:

What would you like to happen as a result of your complaint?

Signature: **Date:**

Please pass this form to your support worker or manager at the scheme.
If you prefer, you may post the complaint to:

Complaints Co-ordinator
Shap Ltd
Lakeside Building
Prescot Road
St Helens
Merseyside WA10 3TT

A member of staff will acknowledge your complaint within two working days. We will talk to you about it, investigate further and respond to you in writing within 10 working days.

If you are unhappy with the response to your complaint, you will be advised on how to appeal against the decision.

Please ask a member of staff for a copy of the Complaints Policy if you want to know more.

Thank you for your comments

Complaints Record Form

Shap Complaints Record Form

Please attach this to the original complaint or complete for verbal complaints.

For central office use only	
ID No.	CODE:

Name of complainant:	
Contact details:	
Address:	
Telephone:	
Complaint received by:	Date received:
Complaint dealt with by (Stage 1):	

Service/person complaint concerning
Summary of complaint

Progress of complaint

Stage 1

Date complainant contacted shap: __/__/__ by:
Acknowledgement sent: __/__/__ by:
Passed to: on: __/__/__
Response sent: __/__/__ by:
Outcome:

Stage 2

Progress to Stage 2? Y/N
Passed to: on: __/__/__
Response sent: __/__/__ by:
Outcome:

Stage 3

Progress to Stage 3? Y/N
Passed to: on: __/__/__
Date of Interview: __/__/__
Outcome:

Delays

If the complaint has not been responded to or resolved within the timescale please outline the reasons below.

Due date for response __/__/__ Date of actual response __/__/__

Reasons for delay:

Appendix 5

Complaints Register

Year

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Complaint ID	Date Received	Name of Complainant	Code	Ackmt sent date <small>(Delay in red)</small>	Response sent date <small>(Delay in red)</small>	Escalate St2 letter: date sent	Escalate St3 letter: date sent	Interview pre stage 3 date	Interview stage 3	Upheld Y/N?	Closed/ resolved at stage no:
Contact details				Updates							
Telephone											
Complaint ID	Date Received	Name of Complainant	Code	Ackmt sent date <small>(Delay in red)</small>	Response sent date <small>(Delay in red)</small>	Escalate St2 letter: date sent	Escalate St3 letter: date sent	Interview pre stage 3 date	Interview stage 3	Upheld Y/N?	Closed/ resolved at stage no:
Contact details				Updates							
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Contact details				Updates							
Telephone											