



Title: Complaints and Compliments Review

Report of: Managing Director

Purpose of Report

1. To provide the Board with a summary of the review of Complaints and Compliments and seek approval for the proposed Complaints Policy and recommendations.

Background

2. Complaints and compliments are a key source of feedback for the company to understand where we are providing excellent services, and to identify the areas where we can improve the experience for our tenants and leaseholders. This is demonstrated in the company value of 'Being a listening and learning organisation'
3. Since November 2013, a review of our overall approach to complaints has been undertaken to ensure that we are dealing with individual complaints efficiently and effectively, and that we are using this insight to drive forward service improvements.
4. Our approach to complaints runs alongside the insurance claims received by the housing company, in particular where this is related to something that we have failed to do, i.e. carry out a repair in a timely fashion or where damage has been caused to tenants' belongings as a result of our actions.
5. Insurance claims have increased consistently over the last few years which have resulted in escalating costs for the company. Spend was £342,000 at the end of the fourth quarter against an annual budget of £200,000. This high cost is due to the settlement of a few large insurance claims within the period.
6. Due to the increase in insurance claims, the insurance premiums which were due for renewal at the 1st January 2014 have also increased. The annual premiums have increased from £106,804 in 2013 to £148,608 in 2014. This presented an opportunity for us to look at how we could have either prevented some of these situations, or whether there was scope to deal with the issue more effectively when it occurred.

7. The Housing Ombudsman is able to consider complaints in so far as they relate to the provision or management of housing. Details of the scheme have previously been reported. During the financial year 13/14 the Housing Ombudsman made enquiries on three complaints. Of these two have been resolved through the dispute resolution process and one has been passed on to an adjudicator for consideration. Since 1 April 2014 we have received two enquiries on complaints that remain open.
8. The review has considered a range of areas covering:
 - Policy
 - Performance monitoring
 - ICT systems
 - Staff training and guidance
 - Learning from complaints
 - Role of the Complaints Panel
 - Future resources needed to support this work

Research undertaken

9. As part of the review, research was undertaken on a range of housing organisations' approach to complaints. This included organisations who have been recognised by Housemark for good practice in complaints management, and a range of similar organisations to the housing company. This included local ALMOS such as YHN and South Tyneside Homes and high performing ALMOs such as Berneslai Homes and Stockport Homes.
10. Information was gathered from officers within the housing company and Mears about the way complaints are currently dealt with to identify the strengths of this approach and some of the potential barriers.
11. The management of complaints is one of the functions that the Council retains responsibility for but has delegated the function to the housing company through the management agreement. Work has therefore also been carried out to understand the approach of Gateshead Council to learn from their effective processes for dealing with complaints and ensure that any proposals would complement their approach.
12. In addition the project officer attended a number of best practice sessions within housing and a session covering private sector approaches to complaints management.

Summary

Current policy

13. The company currently operates a 3 stage complaints process:

Step 1: Problem solving – where we are able to resolve the complaint at the point that it is brought to our attention.

Step 2: Investigation – a complaint that cannot be immediately resolved and an investigation is required. Acknowledgement within three working days, the target for resolution is 10 working days (this can include a holding letter).

Step 3: Review – where a complainant is unhappy with the response following an investigation they can request a review of their complaint by the Managing Director. This will be completed within working 20 days.

If the customer is still unhappy with the response from the company after the company's procedure is complete, they can choose to take it to the Ombudsman. Depending on the nature of the complaint it will either be to the Housing Ombudsman or the Local Government Ombudsman

Proposed policy

14. The proposed revised policy is attached at Appendix 1 to this report.
15. Research undertaken showed that the current policy was very similar to other organisations, with most adopting a three stage process. Target timescales for responding were also very similar to those in place for the company. Therefore it is not proposed that either the number of stages, or timescales for response are varied.
16. The main changes to the policy are summarised below with the rationale for these proposals:
 - **Rename the stages in the process**
Step 1, 2 and 3 implies progression, but a step 1 by definition is resolved and does not escalate any further. The descriptive names “Problem-solving”, “Investigation” and “Review” have been added to make it clearer to the customer what happens at this point in the process.
 - **Introduce an approach to vexatious contact**
The introduction of a vexatious contact guide is intended to reduce the impact of persistent, repetitive or time-wasting contact on officers’ ability to resolve complaints or deliver services. This was something that has been raised previously as a tool managers would value to be able to deal with situations more consistently. Subject to approval of the policy, this guidance will be developed with service managers and then brought back to the Board to be endorsed
 - **Introduce a more structured approach to learning from customer feedback**
As a listening and learning organisation it is important to publicise changes that are made in response to feedback, both within the company and to our customers. In line with the amended policy it is proposed that a more consistent method of recording and implementing learning is introduced.

ICT Systems

17. At present all step 2s are recorded on the Council's corporate complaint system. The system calculates target dates based on 20 day response times (in line with the Council's policy), so our ten day target has to be recorded in the case log

manually. This increases the risk of complaints going out of target or target dates being calculated incorrectly. This was highlighted in a recent internal audit as a medium priority issue.

18. Step 1s for the repairs service are now logged in Northgate, with step 1s for the rest of the organisation logged on the Council's Corporate system. The facility to record step 1s on the Council's corporate system was developed specifically for the housing company. The recent audit suggested as best practice that it would be more efficient to use one system to record all step 1s.
19. There is currently no central logging system for step 3s, or for enquiries and complaints raised by Councillors, MPs or the Ombudsmen. Introducing this would allow us to coordinate responses more effectively, particularly given that a customer may approach more than one MP or Councillor as a designated person in order to achieve a resolution.
20. Satisfaction surveys are logged on Northgate. This allows us to link responses back to customer profile information.
21. Compliments are logged on the Council's corporate system.
22. Overall the review has found that the current methods do not provide an efficient way of logging complaints handling throughout the process. The ideal scenario would be to have a system where all reports, from any initial step 1s right through to any step 3s are all in the same system with an officer able to get an overview of the customer's full history.
23. A more effective system would also include the ability to workflow at each of the stages to prompt and remind officers of actions needed, as well as giving line managers an overview of current complaints in their services which need attention. This would increase accountability and ultimately help drive up performance in response times.
24. The current system allows us to capture a large amount of the information we need, however there are a number of limitations. There are some reporting facilities available but these involve manual exercises to summarise the data.
25. As the system stands alone from Northgate, this means that we are not able to report on complaints by customer profiling information which would support our compliance with the Public Sector Equality Duty.
26. Reporting on trends at service level was highlighted by the recent internal audit as part of a best practice recommendation and this is also something which currently requires a manual exercise to produce.
27. We would look to work in partnership with the Council to agree the best way forward to improve the ICT systems and ensure the issues highlighted above are resolved.

Performance monitoring

28. Currently complaints performance is currently measured against 2 performance indicators and 2 service standards:

- **Performance Indicator 1** - % of customers satisfied with handling of complaint
 - **Performance Indicator 2** - % of customers satisfied with complaint outcome
 - **Service Standard 1** - % of customers satisfied with communications throughout complaint
 - **Service Standard 2** - % of complaints responded to within 10 days
29. End of year performance was reported to Customers and Communities Committee in May which showed that performance had met all targets set for the year, although there is still room to improve both response times and complaints handling to increase satisfaction.
30. In line with HouseMark Benchmarking, it is proposed to introduce two new management indicators for 2014/15 to be monitored internally. These will help to build a clearer picture of the financial impact of complaints and how effectively we are learning from these:
- Number of services changed, improved, or withdrawn resulting from complaints, and
 - Complaints where payment made as % complaints closed
31. The amended policy proposes providing information to management team by exception on a monthly basis, quarterly to service managers and six monthly to Customers and Communities Committee.
32. This will increase the knowledge across the business of our complaints and compliments and increase accountability of those responsible for dealing with them.

Training and development

33. Feedback from the Complaints Scrutiny Panel and an audit of recent response letters indicates that the quality of responses varies across the company. Proposed actions to remedy this include:
- Working with Complaints Scrutiny Panel to develop response guide for investigating officers including statements and letters identified by the panel as being positive examples.
 - Delivering effective training to all investigating officers on communication, complaint handling and letter writing.
 - Quality monitoring and constructive feedback to be included in appraisals for all investigating officers.
34. The review also showed that in some cases, complaint handling and quality of complaint logging was variable. Therefore a guide for investigating officers will be developed and training delivered over the next twelve months to ensure a consistent approach.

Learning from complaints

35. As reported to Customers and Communities Committee, in 2013/14 15 suggestions were recorded, as well as 8 specific actions or changes which were introduced either to resolve or prevent the reoccurrence of a problem.
36. It is likely that the number of changes being made is greater than what is currently being recorded, so over the next 12 months the company intends to improve recording and reporting of these actions to promote the improvements being made throughout the company and to our customers.

Complaints Scrutiny Panel

37. As previously reported to Customers and Communities Committee, the remit of the Panel is under discussion. This reflects the recent changes in group membership, and the level of resource available to support them.
38. It is anticipated that in future the panel will continue to undertake scrutiny work but with more targeted focus on achieving service improvements, and will also take on projects that will more broadly benefit complaints management such as developing letter-writing guidance for investigating officers. The Panel may also contribute to response quality monitoring and satisfaction surveys in future.

Future role to support Complaints and Compliments

39. The review has highlighted there is a need for a continuing role to support our work in Complaints and Compliments going forward. The Project Officer is in post until 31 October 2014 and will use this time to work on implementing the recommendations from the review and develop the guidance and training highlighted.
40. Following this, it is expected that a permanent role will be required to ensure that ongoing work is carried out to maintain and improve the way we handle complaints.
41. This role will involve developing insight from improved monitoring and reporting, and work closely with service areas to identify proposed changes for implementing.
42. The role will also support the Complaints Panel to ensure that they continue to play a key role in how the company is dealing with complaints.
43. This role and how it will be funded will be covered in a separate report to the next Resources Committee.

Next Steps

44. A working group, chaired by the Managing Director will be established to oversee the next stages of this project. A representative from Gateshead Council will be invited to be part of this group. This group will initially be responsible for developing procedures in relation to vexatious contacts and redress & remedies, ICT improvement and learning & development.

Link to values

45. This report is aligned to the following company values: -

- Being a listening and learning organisation
- Being honest, accountable and transparent
- Being customer focused, innovative and professional
- Caring and respecting

Impact on tenants

46. Updating the policy will make the stages of the complaints process clearer and more accessible. Improved reporting on service improvements made as a result of feedback demonstrates that we take customer feedback seriously and use it to make services better. Embedding complaints management within appraisal will encourage positive approach to complaints through recognition and improved support.

Risk Management Implications

47. Failure to record and monitor customer feedback may result in missed opportunities to improve services for customers, resulting in decreased customer satisfaction.

48. Inappropriate responses to tenants leading to negative findings against the company from Local Government Ombudsman/Housing Ombudsman has been highlighted as an operational risk for the company. Through having clear and comprehensive records of our complaints handling process we are able to minimise this risk.

Financial Implications

49. There are no financial implications arising directly from this report, although any additional staffing costs would need to be met from efficiency savings elsewhere in the Company.

Equality and Diversity Implications

50. The company is committed to ensuring that all our tenants and leaseholders have the opportunity to make complaints and compliments. An improved system would allow us to monitor complaints and compliments trends by different groups to identify if there are any areas for further action.

Value for Money Implications

51. Through taking complaints and compliments seriously and identifying learning from this process, this ensures that things can be addressed potentially reducing the number of complaints and the associated work in the future.

52. Improved monitoring of cases where any kind of redress is awarded will help to ensure consistency and to identify areas where remedial action may need to be taken to prevent repeat situations.

Health Implications

53. There are no direct health implications arising from this report.

Environmental Implications

54. There are no environmental implications arising from this report.

Consultation carried out

55. As part of the review, consultation was carried out with a range of other organisations about their approach to complaints and their experiences of this to help inform the recommendations.
56. In addition, officers within the company provided initial information about their experience of the current approach and the barriers they faced.
57. Service Managers have received proposed policies and recommendations and their suggestions have been considered as part of this report.

Recommendations

58. The Board is recommended to:
- Note the findings of the Complaints and Compliments Review;
 - Approve the revised Complaints and Compliments Policy.
 - Agree to a further report on the future role to support this to the next Resources Committee
 - Agree to an update on progress to be provided as part of the next 6 monthly activity report on Complaints and Compliments to Customers and Communities Committee

1 Introduction

- 1.1 The Gateshead Housing Company is committed to providing excellent homes and housing services to the people of Gateshead, and we work hard to make sure that we meet the high standards we set ourselves wherever possible.
- 1.2 Compliments from our customers tell us what we are doing well. When something goes wrong, feedback from complaints allows us to put things right and improve how we do things in future.
- 1.3 Encouraging and welcoming positive *and* negative feedback from our customers is key to our values:
- Being a listening and learning organisation
 - Being honest, accountable and transparent
 - Being customer focused, innovative and professional.
- 1.4 As well as recording and learning internally from feedback it is also important to let our customers know what we have done as a result.
- 1.5 This policy is intended to provide guidance for employees and customers on what we would class as a complaint; how we manage the complaints process; what we can do to put things right, and what customers can do if they are not happy with the outcome of the complaints process.
- 1.6 The policy also sets out how we learn from customer feedback, and how we publish this to our customers.

2 Definitions

Complaint

- 2.1 An expression of dissatisfaction with a service provided by The Gateshead Housing Company, or about an employee (or any party acting on our behalf), which requires a response.

Compliment

- 2.2 An expression of satisfaction where the customer feels that we have delivered a service particularly well, or exceeded their expectation in some way.

TGHC

- 2.3 The Gateshead Housing Company

Designated Person

- 2.4 The role of 'designated person' was introduced by the Localism Act 2011 to help resolve complaints at a local level. The designated person can be any MP, a local Councillor, or a recognised Tenant Panel.

2.5 At present, no tenant panels have sort to be recognised so customers should refer their complaints to an MP or a local councillor.

2.6 Find out more about the role of the [Designated Person](#).

3.0 Exclusions

3.1 This policy does not cover complaints which are subject to legal action or which are being dealt with as insurance claims.

3.2 Complaints about tenants or nuisance behaviour are not covered by this policy and should be referred to the Estate Office or Neighbourhood Relations Officer, unless the complaint relates to our policies and procedures, or to how the case is being managed by the officers involved.

3.3 The Gateshead Housing Company also reserves the right to not investigate a complaint which has not been reported in a timely fashion.

3.4 Under normal circumstances we therefore expect customers to register their complaint no later than six months after the event.

4.0 Data Protection

4.1 In the course of investigating a complaint it may be necessary to share customer information with other organisations or a third party.

4.2 It is also possible that a customer may ask someone (a family member, councillor or other advocate) to complain on their behalf.

4.3 It is essential that we get permission, either verbally or in writing, from the customer before releasing any personal information to another party. This permission should be recorded on the system in the case notes for the complaint.

4.4 Do not assume that permission granted on one occasion constitutes a blanket permission to share the customer's details. Permission should be sought from the customer and recorded against each new complaint to ensure that their data is protected.

4.5 Consult with a Data Protection Champion if you are unsure whether permission is required.

4.6 Data Protection Champions:

Mark Birch (The Gateshead Housing Company)

markbirch@gatesheadhousing.co.uk

01914335400

Tanya Rossington (Gateshead Council)

tanyarossington@gateshead.gov.uk

01914332192

5.0 Complaints Process

5.1 The customer should always be at the centre of the complaints procedure, and where something has gone wrong our focus should be on putting things right, not justifying our actions or being defensive.

5.2 We will accept complaints verbally or in writing, and by all our recognised communication channels including website and social media.

5.3 All employees have access to the complaints system, and every employee is responsible for ensuring that they record all complaints that they receive. Employees should also aim to solve the complaint at the first point of contact wherever possible.

5.4 The Gateshead Housing Company operates a three stage complaints procedure:

Step 1 : **Problem Solving**

Where a complaint can be resolved informally, without an investigation. *The customer requires no further action.*

Step 2 : **Investigation**

Where the customer requires a formal response or an investigation is needed in order to determine a solution.

We aim to provide a final response within 10 working days.

Step 3 : **Review**

Where the customer is unhappy with the response from the Investigation and wants it to be reviewed by the Managing Director.

We aim to provide a final response within 20 working days.

5.5. Where an Investigation is required, the complainant will be contacted within 3 days to acknowledge their complaint. They will also be given the name of the Investigating Officer responsible for the complaint.

5.6 Where a customer is unhappy with the outcome of the Investigation, they can request a review. We ask them to make this request within 10 working days of receiving our initial decision.

5.7 The Review will be undertaken by the Managing Director to ensure that the initial investigation was thorough and followed our published policy and procedures. They should also consider whether the decision is consistent with previous complaint responses.

5.8 If they are happy that this is the case, the original decision will be upheld and the complaint process considered complete.

5.9 Where the Reviewer considers this not to be the case they can redetermine the complaint and rectify any oversights and reconsider the initial decision based on the new information.

5.10 If the customer is still not happy at the end of our complaints procedure they can ask a designated person to refer their complaint to the Housing Ombudsman.

6.0 Ombudsman

6.1 The Ombudsman Service

On 1 April 2013 the new Housing Ombudsman Service was launched with an extended jurisdiction covering all housing associations and local authorities. A new Housing Ombudsman Scheme (setting out the Ombudsman's terms of reference) also came into effect on 1 April.

- 6.2 The Housing Ombudsman will investigate complaints relating to the housing services we provide, such as rent, repairs and estate management. 6.2 If a customer wants the Housing Ombudsman to consider their complaint they must first complete our internal complaints process. Once this is concluded they can either ask a designated person to refer the complaint to the Housing Ombudsman, or wait 8 weeks and then contact the Housing Ombudsman themselves.

In Gateshead a designated person can be any MP, or any local Councillor.

[Find a local Councillor](#)

[Find an MP](#)

- 6.3 The Local Government Ombudsman will still investigate complaints about the wider activities of the Local Authority, including allocations policy, housing options advice and housing benefit claims. You can approach the Local Government Ombudsman directly once you have completed our internal complaints process.
- 6.4 If you are an owner occupier or a private tenant who has made a complaint about the housing company, then this should be directed to the Local Government Ombudsman.

More information on the roles of the two Ombudsmen is provided on the following link: <http://www.housing-ombudsman.org.uk/media/14865/hos-lgo-jurisdiction-guide.pdf>, accessed 03 April 2014

7.0 Vexatious Complaints & Complainants

- 7.1 TGHC is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them.
- 7.2 However, a small minority of customers make complaints that are time wasting, in that they persist unreasonably with their complaints, or make complaints in order to make life difficult for staff rather than to genuinely resolve a grievance. This may involve those making serial complaints about different matters, or continuing to raise the same or similar matters over and over again. The frequency of contact can hinder the consideration of their complaints and the ability of staff to provide a quality service to other customers.
- 7.3 We refer to these as complaints and complainants as “vexatious”.

- 7.4 Even where a complaint or complainant is deemed to be vexatious, it is still important to ensure that they are able to access our services, including the complaints service.
- 7.5 To achieve this, there are a number of options available to employees to enable them to manage vexatious complaints and complainants fairly but effectively. These are set out in the **Vexatious Contacts Policy and Guide**.

8.0 Redress & remedies

- 8.1 Any remedy should put right the failure and restore the customer to the position they were in before the failure occurred. Redress should be proportionate to the damage, loss or distress caused.
- 8.2 Remedies can be offered at the company's discretion and include work in kind, replacement of damaged or lost items, or financial redress where it is not possible to put the problem right in any other way.
- 8.3 Where a customer wishes to make a claim to have damaged goods replaced or repaired they must keep the damaged items for inspection. The claim must be made within 28 days of the damage or loss occurring.
- 8.3 At the company's discretion we can offer to replace a specific item, and will take into consideration the condition and age of the item being replaced – we will not provide replacement items on a "new for old" basis.
- 8.4 In deciding whether or not to award financial redress, TGHC will consider whether action (or lack of action) by the customer has contributed to the loss or damage being claimed for.
- 8.5 The Gateshead Housing Company expects tenants and leaseholders to have appropriate insurance cover for their homes and belongings. TGHC will only consider claims for loss or damage which have been directly caused by negligence of an employee or other party acting on behalf of TGHC.
- 8.6 Where the tenant or leaseholder owes an outstanding debt to TGHC, any redress payment will first be used to offset this debt.

9.0 Learning from Complaints

- 9.1 When employees resolve a complaint it is important that any learning opportunities are recorded on the system.
- 9.1 To make sure that potential service improvements are identified and considered, the Complaints Officer will review all complaints & compliments on a monthly basis and discuss learning outcomes with the Investigating Officers.
- 9.2 A report will go to Management Team every 6 weeks showing changes that have been made or suggested as a result of feedback from customers, and a quarterly report will go to Service Managers identifying themes or trends which can feed into service delivery.

- 9.3 The Complaints Officer also works with the Complaints Scrutiny Panel to identify trends in performance, and to explore areas for improvement. The Complaints Scrutiny Panel meets every two months and works on projects to improve complaints performance, complaint management, and customer access.
- 9.4 A report will go to the Customers & Communities Committee every six months detailing their activity and outcomes.

10.0 Equality Statement

- 10.1. The Gateshead Housing Company is committed to meeting the needs of its current and potential customers and ensuring everyone is able to access our services.
- 10.2 To ensure that all customers are able to report complaints we will accept them both verbally and in writing, including by email and text.
- 10.3 Where required we will also make use of support systems which may include: -
- Language Line (telephone interpreting)
 - Other language interpreting service (including face-to-face interpreting, British Sign Language (BSL) Interpreters and Lip Speakers)
 - Other language translating services
 - Hearing Induction Loop Systems (available at all offices and for home visits)
 - Home visits where customers are unable to access our offices.

11.0 Monitoring & Review

- 11.1 The Gateshead Housing Company monitors performance using internal performance indicators and service standards, and external benchmarking with HouseMark.
- 11.2 Performance data is collected quarterly, with an annual report presented to the TGHC Board and published to customers on our website and in the customer newsletter.
- 11.3 This policy will be reviewed at least every two years, by the Involvement & Diversity Manager and approved by the Managing Director.