



## Complaints and Compliments Policy and Procedure

### 1.0 Introduction

- 1.1 As a provider of housing, care and support, Pivotal is committed to delivering the best possible service across all areas of the organisation. We recognise that, from time to time, instances may arise where our customers or others feel they have reason to complain or wish to give us a compliment.
- 1.2 When we receive a complaint we will always aim to resolve it quickly, efficiently and, wherever possible, to the complainant's satisfaction. Compliments will be valued as they help us know when we are getting things right.
- 1.3 In line with our ethos of continually improving our services, complaints and compliments will be used for this purpose, taking into account the need to protect personal data.
- 1.4 Pivotal will inform customers of the Housing Ombudsman Service and how they can use it. We will comply with recommendations made by the Ombudsman.

### 2.0 Scope

- 2.1 This policy and its attendant procedures apply to customers, external agencies and third party individuals wishing to make a complaint about Pivotal services.

### 3.0 Aims

- 3.1 It is the aim of this document to clearly identify what constitutes a complaint or compliment, highlight the importance of both to us, and set down how we will manage, monitor, record and report on complaints and compliments.

### 4.0 Definition of terms

**Complaint** For the purposes of this policy a complaint shall be defined as *an expression of dissatisfaction*, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual customer or group of customers. The customer does not have to use the word complaint in order for it to be treated as such and any expression of dissatisfaction which cannot be promptly resolved to the satisfaction of the customer should be treated as a complaint.

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### ***Requests relating to service shortfalls (pre-complaint)***

Where this can be promptly addressed to the satisfaction of the customer it is not a complaint (although it may become a complaint if not dealt with promptly). It is important to recognise the difference between a service shortfall and a formal complaint.

**Compliment** For the purposes of this policy a compliment is defined as an expression of approval, however made, about the standard of service, actions or action by the organisation, its own staff, or those acting on its behalf, affecting an individual customer, group of customers or third party.

**Customer** For the purposes of this policy a ‘customer’ includes anyone in receipt of services from us and any other stakeholder, external agency or third party individual.

### **Policy**

#### **5.0 Accepting a complaint**

- 5.1 Pivotal employees should be alert to customer dissatisfaction and aware that the customer does not have to use the word ‘complaint’ in order for it to be treated as such.
- 5.2 Where a request relating to a service shortfall cannot be reasonably and practicably resolved, it may become a complaint.
- 5.3 All Pivotal staff should approach complaints with empathy and a customer focused attitude, listening to, and understanding the reasons for the complaint, and accepting it unless there is a valid reason not to do so.

#### **6.0 When we will not deal with a complaint under this policy**

- 6.1 Where the following instances arise, they will not be dealt with by Pivotal’s Complaints Policy and Procedures:
  - a) The issue/situation giving rise to the complaint occurred over 6 months ago (unless related to safeguarding or health and safety matters).
  - b) The matter concerned is not the responsibility of Pivotal.
  - c) Legal proceedings are pending or an insurance claim against us is being made.
  - d) During disputes regarding service charge calculations.
  - e) The complaint relates entirely to services or decisions outside of our control.
  - f) An attempt is made to reopen/reconsider a previously concluded complaint where we have provided a final decision.
  - g) Complaints about a Pivotal employee (these will be dealt with by their Line Manager and through Pivotal’s Disciplinary and Appeals Policy).

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h) Cases where a colleague wishes to raise a complaint against another colleague (these will be dealt with via Pivotal's Whistleblowing and/or Grievance Policies as appropriate).

6.2 On receipt of a complaint we cannot accept, we will respond in writing detailing the reasons for this. A Pivotal customer, or someone acting on their behalf, has the right to challenge our decision using the Housing Ombudsman service.

## 7.0 How to make a complaint or give a compliment

7.1 It is Pivotal policy to offer a range of ways in which a customer can complain or give us a compliment as listed below.

Internally:

- In key working sessions.
- To a Pivotal employee, Service Manager or to Head Office either verbally or in writing.
- In a house meeting.
- Via the Pivotal website at <https://www.pivotalhomes.co.uk/>

External agencies or organisations, stakeholders and third party individuals can make complaints to us in the following ways:

- Verbally, in person.
- Verbally, via the telephone.
- In writing (by letter).
- By email.
- Via the Pivotal website at <https://www.pivotalhomes.co.uk/>

7.2 Any complaints or compliments about Pivotal employees should be addressed in the first instance to their Line Manager.

## 8.0 Support for customers

8.1 Pivotal will comply with the Equality Act 2010. We will always treat complainants fairly.

8.2 Anyone expressing a difficulty communicating their complaint to us should ask for assistance.

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- 8.3 Any member of staff who is aware of a communication problem for a customer should offer them assistance or, if preferred by the complainant, signpost them to appropriate, impartial, external support.
- 8.4 A customer may assign a representative to deal with their complaint on their behalf. In these circumstances, and where it is reasonable and practical, the representative should accompany the complainant to any meetings.

**Procedure**

**9.0 Early resolution**

- 9.1 Pivotal employees should always aim to achieve the earliest possible resolution of any request relating to a service shortfall. Resolving this type of request in the early stages can often result in increased customer satisfaction and reduce complaints.
- 9.2 Where this is not possible Pivotal will always seek to resolve complaints as promptly as we can using the 2 stage process set out below.

**Stage 1 – Registering and responding to a complaint**

In the event that an issue cannot be resolved promptly to the satisfaction of the customer, it must be registered as a complaint and the following steps must be taken (also see the flowchart in Appendix 1):

***The member of staff*** receiving the complaint must, within 1 working day of receiving it:

1. Listen carefully to the complainant to achieve a clear understanding of the complaint and what they would like the outcome of their complaint to be.
2. Be clear with the customer about their expectations from the outset and whether the desired outcome is unreasonable or unrealistic.
3. Record the complaint on the central complaints log.
4. Give the complainant a copy of this Complaints Policy and Procedures including Housing Ombudsman contact details (*explain that the HO will not normally get involved until 8 weeks after a final response from Pivotal*).
5. Inform their Line Manager and the Head of Operations for the service area by priority email that the complaint has been received.

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**The Head of Operations** will:

1. Within 2 working days of receiving it, allocate an appropriate Service Manager to investigate the complaint. Allocation of the Service Manager should be done with consideration for any actual or perceived conflict of interest.

**The allocated Service Manager** will:

1. Acknowledge the complaint in no more than the 2 working days from it being allocated to them and introduce themselves as the Pivotal point of contact for the complainant.
2. Investigate the complaint in an impartial way and inform the Head of Operations of their findings.
3. Record all relevant information on the Complaints Log as investigations progress.
4. Respond to the complainant no later than 10 working days from the date the organisation received the complaint. If this is not possible, discuss with the Head of Operations and, with their agreement, provide an explanation to the complainant and a date by when the stage one response will be receive. (the date provided must not exceed 20 days from the date the organisation received the complaint).

The above process will close Stage 1.

## **Stage 2 - Appeal**

1. An appeal following the decision made in Stage 1 must be received by a member of the SLT no later than 10 working days after the complainant received the Stage 1 response.
2. An appeal will be acknowledged within 3 working days of receiving it.
3. An appeal will be considered and fully responded to within 20 working days of date of receipt of appeal by a member of the SLT, unless there is good reason for not responding within the timeframe.
4. Where a response within the timescale is not possible, a written explanation for this will be provided together with the date by which a response will be received.
5. It is at the discretion of the SLT member to decide whether they will accept an appeal. Where they decide not to accept an appeal the complainant will be provided with an explanation for this, making it clear that the Stage 1 response was final and sign-posting them to the Housing Ombudsman Service.
6. The SLT member's response is final, closes Stage 2 and ends the internal process.

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## 10.0 Closing complaints

10.1 Pivotal will also close complaints in circumstances where:

- a) The complainant tells us that they are satisfied with the outcome.
- b) The complainant does not want to proceed with the complaint.
- c) No further communications are received from a complainant within 10 working days of a Stage 1 response sent to the complainant.
- d) The matter has resulted in litigation and is now being dealt with by solicitors or a legal hearing has taken place and a judge has made a ruling.
- e) There is nothing more we can do to resolve the matter.
- f) The complainant acts in an unreasonable or offensive manner and/or refuses to cooperate with our investigations.

## 11.0 Complaints relating to compensation

11.1 In exceptional circumstances Pivotal may consider claims for financial compensation. When we do this we will consider:

- whether we've failed in delivering a service
- the level and type of disruption caused
- how long it has taken to put things right
- whether significant distress has been caused

## 12.0 Assessing financial claims

12.1 When deciding whether financial compensation applies in any given case and how much to offer, Pivotal will consider:

- the disruption any service failure by Pivotal has caused
- how long a customer has suffered, either from not receiving a service or a service not working effectively
- when the issue was raised with Pivotal
- the likelihood that Pivotal could have foreseen the problem
- the consequences and impact the failure had and the likelihood of it arising again

12.2 All compensation payments must be signed off by a member of the Senior Leadership Team.

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### 13.0 Communicating with a complainant

13.1 Pivotal employees should always take a positive approach to complaints, viewing them as an opportunity for service improvement (also see Appendix 3).

13.2 All communications with a complainant should:

- a) Use plain language appropriate to the needs of the complainant.
- b) Communicate responses on behalf of Pivotal and, where fault has occurred, take responsibility on behalf of the company, not in respect of individuals or contractors employed by the company.
- c) Clearly address all points raised in the complaint.
- d) Keep the complainant informed even when there is no new information to provide and ensure any extended timeframes are met.
- e) Provide relevant, policy, legal and good practice based reasons for Pivotal's decisions and details of remedial actions.
- f) Give information on how to escalate the complaint if dissatisfied with an outcome.

### 14.0 Recording complaints

14.1 All details of complaints must be logged at every stage of their progress, from the date they are accepted to their conclusion when the outcome is recorded (including any appeal).

The following responsibilities lie with respective Pivotal staff:

**Any colleague** receiving a complaint must immediately log the details and date it was received on the Complaints and Compliments log, and inform their Line Manager and the Head of Operations for the service area within 1 working day of receiving it.

**The Head of Operations** for the service area will record the name of the Service Manager assigned to deal with the complaint on the Complaints log.

**The Assigned Manager** will record all details of the complaint as it is progressed, including details of the investigation, all communications with the complainant, actions taken, people involved in resolving the complaint, relevant reports/surveys, the outcome agreed with the Head of Operations, and the Stage 1 response sent to the complainant.

**The SLT member assigned the review** will record all details of the appeals process and its outcome on the Complaints log.

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## **15.0 Delayed responses to a complaint**

15.1 We will always endeavour to resolve complaints in as short a timeframe as possible with the aim that delayed responses arise infrequently.

15.2 In the event that we are unable to provide a response or resolution to complaints within the timescales set out in this policy and procedures we will contact the complainant, explain the reasons for the delay and advise them on when they can expect to receive a response.

## **16.0 Privacy and confidentiality**

16.1 All Pivotal colleagues must respect the privacy and confidentiality of a complainant and work in line with Pivotal's Privacy Notice and GDPR Policy at all times.

## **17.0 Housing Ombudsman Services (HOS)**

17.1 Complainants have the right to make a formal complaint to the Housing Ombudsman Service (HOS). The HOS may offer to mediate, arbitrate, reject the complaint or make recommendations to Pivotal on how it should address the complaint.

17.2 The HOS can be contacted eight weeks after the customer has received a final response following the Stage 2 process set out in this policy and procedures.

The Ombudsman can be contacted at:  
Housing Ombudsman Service  
PO Box 152  
Liverpool  
L33 7WQ  
Telephone: 0300 111 3000  
E-mail: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

*Note: For a list of other organisations that may be helpful to complainants see Appendix 2.*

## **18.0 Complaints about anti-social behaviour (ASB)**

18.1 Complaints about ASB will be dealt with in accordance with Pivotal's ASB Policy and Procedures and recorded on the Complaints and Compliments Log.

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## 19.0 Anonymous complaints

- 19.1 Pivotal will always do the best it can to follow up anonymous complaints, as they may highlight problems that we are unaware of and need to act on.
- 19.2 We will investigate anonymous complaints about harassment, ASB, health and safety issues, complaints where the complainant fears recrimination or may be easily identified and when the complaint can be substantiated e.g. by evidence from a third party.
- 19.3 Other anonymous complaints will be dealt with by the departmental manager at their discretion.
- 19.4 If a complainant's claims cannot be substantiated, and where we are unable to act due to a lack of evidence, we may refer such information as we have to a more appropriate agency for investigation.
- 19.5 Pivotal acknowledges that anonymous complaints may sometimes create practical difficulties due to our inability to obtain further information and that this may result in us not being able to take a complaint any further.

## 20.0 Compliments

- 20.1 We acknowledge the value of compliments. Feedback is always appreciated and passed on to the Senior Leadership Team as part of the reporting process and to inform best practice.
- 20.2 Compliments may be given to individual staff, via Line Managers or Head Office on 01202 306070 or via Pivotal's website <https://www.pivotalhomes.co.uk/>.
- 20.3 When a compliment is received, this should be seen as an indicator that we are providing a high standard of service. Any employee receiving compliments on behalf of Pivotal should ensure that they are passed on to others through the line management process.
- 20.4 All compliments received from an external source should be logged on the Complaints and Compliments log.
- 20.5 All customers and others affected by the activities of Pivotal are welcome to express satisfaction or appreciation about our services and we will use this feedback to support our learning and continuously improve our services.

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## **21.0 Induction and training**

- 21.1 Pivotal will require all new employees to familiarise themselves with this policy document as part of their induction.
- 21.2 Pivotal customers will be informed of this policy at sign up. Information about how to complain or give a compliment will be included in the customer handbook for each Pivotal scheme.
- 21.3 Employees will be trained and supported to enable them to resolve pre-complaint expressions of dissatisfaction with service shortfalls informally, and promptly whenever possible. However, where this is not achieved and a matter is escalated, Pivotal will view complaints as a valuable asset with the potential to inform service improvement and improve customer satisfaction.

## **22.0 Key Performance Indicators**

- 22.1 Pivotal will collect data monthly on the following Key Performance Indicators:
  - a) Number of complaints received.
  - b) Number of complaints resolved.
  - c) Number of complaints escalated to Stage 2.
  - d) Number of complaint resolved at Stage 2.
  - e) Number of complaints resolved within the stated timeframes.
  - f) Number of complaints with extended timeframes and residents informed.
  - g) Where extended timeframes were used, was there good reason for this?
  - h) Number of complaints resolved to the complainants satisfaction.
  - i) Number of complaints escalated to the HO.
- 22.2 We will report the above statistics in our annual report to customers.

## **23.0 Monitoring and review for service improvement**

- 23.1 Complaints and compliments will be monitored by the Quality and Compliance Team on a monthly basis as part of KPI reporting.
- 23.2 An annual audit of complaints and compliments will be undertaken by the Quality and Compliance Team.
- 23.3 Pivotal Boards will receive a quarterly report on Complaints and Compliments which will identify trends, systemic issues, serious risks or areas of improvement for appropriate action.

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## **24.0 Consultation**

24.1 All Pivotal policies and procedures go through a series of consultations as part of their development. Pivotal colleagues, customers and stakeholders were consulted as part of the development of this policy and its attendant procedures.

## **25.0 Review of this policy and procedure**

25.1 This policy and the procedures included in it will be reviewed annually by Pivotal's Senior Leadership Team..

### **Related Pivotal Policies:**

Grievance Policy and Procedure

Whistle Blowing and Allegations Against Employee's Policy

Disciplinary and Appeals Policy

Safeguarding of Vulnerable Adults Policy

Safeguarding Children Policy and Procedure

Equality, Diversity and Inclusion

### **Legislation, regulation and guidance informing this document:**

Localism Act 2011

RSH Regulatory Standards

Equality Act 2010

HO Complaint Handling Code

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## Appendix 1

### Stages of complaint management

*This process does not apply in cases where a colleague wishes to raise a complaint against another colleague, where complaints are made about Pivotal employees, or where formal allegations of misconduct are made against Pivotal employees.*

#### Stage 1 – Registering and responding to a complaint

**Within 1 working days of receiving a complaint a colleague should:**

1. Ensure a clear understanding and the outcome desired by the complainant and give them a copy of this policy and procedures.
2. Record it on the central log and inform their Line Manager and the Head of Operations for their service area by priority email.



**Within 2 working days of receiving a complaint the Head of Operations for the Service Area should:**

Allocate an appropriate Service Manager to investigate the complaint.



**Within 2 working days of receiving a complaint the allocated Service Manager should:**

1. Acknowledge the complaint - introduce themselves as the point of contact.
2. Investigate the complaint, maintain the log, inform their Head of Operations of findings and respond to the complainant within 10 working days from the date the complaint was received by Pivotal.



#### Stage 2 – Appeal to a member of the SLT

1. An appeal must be received by a member of the SLT no later than 10 working days after the complainant received the Stage 1 response and acknowledged within 3 working days of receiving it.
2. It will be responded to within 20 working days of date of receipt of the appeal.

**An SLT member's response is final, closes Stage 2 and ends the internal complaints process.**

**Any further appeal must be made to the Housing Ombudsman.**

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## Appendix 2

Some of the external organisations that may be able to provide you with advice and support on making a complaint are listed below.

Area	Organisation
<b>Dorset</b>	Shelter Housing Aid Centre Tel: 0344 515 1400 30 Poole Hill Bournemouth Dorset, BH2 5PS
<b>Cornwall</b>	Shelter Housing Advice Centre Tel: 0344 515 2300 Palace Building Quay Street Truro, TR1 2HE
<b>Gloucestershire</b>	Gloucestershire Housing Department <a href="https://www.gloucester.gov.uk/housing/homelessness/">https://www.gloucester.gov.uk/housing/homelessness/</a> Gloucester Law Centre (advice on housing) Tel: 01452 423 492
<b>Citizens Advice Bureau (CAB)</b>	National advice line: 03444 111 444. (The CAB will advise you on what to do next and whether you should take your complaint to the Housing Ombudsman Service).
<b>The Complaints Officer</b>	Dorset Adult and Community Services Directorate County Hall Colliton Hall Dorchester Dorset, DT1 1XJ
<b>Adult Social Services Commissioning</b>	Civic Centre Annexe Tel: 01202 633740 Park Road Poole Dorset, BH15 2RT
<b>Gloucestershire County Council Social Care</b>	Shire Hall Tel: 01452 426868 Westgate Street Gloucester GL1 2TR <a href="mailto:Socialcare.eng@gloucestershire.gov.uk">Socialcare.eng@gloucestershire.gov.uk</a>

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## Appendix 3

### Good practice for staff managing complaints

- A. Any complaint should be recognised as a potential opportunity for service improvement and approached in a positive way as a learning opportunity.
- B. Complainants should be made aware of this policy and procedure and the Housing Ombudsman service as soon as possible if they are not already aware.
- C. All complaints should be investigated fairly and with an open mind, dealt with on their merits and resolved at the earliest possible opportunity.
- D. The complainant and, if applicable, any staff member who is involved as part of the complaint, must also be given a fair opportunity to set out their position and comment on any adverse findings before a final decision is made.
- E. Information and evidence relating to complaints should be carefully considered, disclosed on a need-to-know basis necessary to investigating the complaint and confidentiality must always be respected.
- F. Any complaint in respect of safeguarding or health and safety should be actioned immediately.
- G. Colleagues should consider whether any notification to another statutory agency is required.
- H. At the appeal Stage 2, consideration should be given to why the complainant remains dissatisfied, whether all aspects of the complaint have been properly resolved, who needs to be kept informed, additional evidence to be gathered, relevant policies and procedures, complaints log/other records, and the anticipated appeal completion date.
- I. Any unacceptable behaviour during the complaints process should be reported immediately to the Line Manager and Head of Operations for the area and any restrictions placed on a complainant due to their behaviour recorded.
- J. Where something is found to have gone wrong in respect of Pivotal's service, this should be acknowledged and an apology provided, along with remedial actions explaining what is being done to prevent it from happening again.
- K. When considering remedial action Pivotal should ensure the expectations of the complainant are managed and never promise anything it cannot deliver or that may be unfair to others.
- L. Complaints management should always look beyond the circumstances of the individual complaint and consider systemic issues and whether policy, procedures, process or systems changes could provide wider benefit for all.

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