



**aire
valley**

homes leads

Compliments and Complaints Policy

1.0 General Policy Statement

- 1.1 Aire Valley Homes Leeds (AVHL) welcomes all comments from its tenants and residents of South and South East Leeds. We are committed to making the services we provide as efficient and effective as possible.
- 1.2 AVHL will ensure that mechanisms exist which utilise tenants' comments in shaping policy and in developing procedures (See Compliments and Complaints Handling procedures).
- 1.3 AVHL will ensure that it is as easy as possible for tenants and residents to either compliment or complain about AVHL services.
- 1.4 Tenants or Residents wishing to contact AVHL can do so via the Customer Contact Centre, at any of the One Stop Centres throughout the city, through the AVHL website, via email and in person at any of the AVHL neighbourhood housing offices.
- 1.5 Compliments and complaints can be received either **VERBALLY** or in **WRITING**. All compliments and complaints received by AVHL will be treated equally irrespective of whether they have been received verbally or in writing.

2.0 Compliments

- 2.1 All compliments received by AVHL will be logged and responded to in writing (see Compliments and Complaints Procedure). Compliments received will be used to identify good working practices which can be shared across all AVHL customer services.

3.0 Confidentiality

- 3.1 AVHL will maintain the highest degree of confidentiality when dealing with complaints. Details of specific cases should never be discussed outside the necessary investigation of the case.

4.0 What is a complaint?

- 4.1 A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by Aire Valley Homes Leeds or our staff affecting an individual customer or group of customers.

5.0 What is NOT a complaint?

- 5.1 A request for a service or information (even if the term complaint is used by the customer), e.g. reporting a faulty street lamp, an initial repair request – although these may subsequently become complaints

if they are not dealt with correctly. In these instances a member of staff may ask the customer if they consider it a complaint and/or whether they would like a formal response.

- 5.2 A 'complaint' that refers to a Leeds City Council policy (for example the Lettings Policy) should not be dealt with as a formal complaint. All correspondence of this nature should be dealt with by the relevant Team Leader as a written query.

6.0 The Different Stages of Complaints

6.1 Undertaking an Investigation

Investigating Officers identified within this complaints policy (i.e. team-leaders, Principal Officers, Senior Management Team (SMT) members and the Chief Executive) are not necessarily required to undertake the investigation themselves especially if a member of their staff is more privy to the facts of the case than themselves. The Investigating Officer is however, responsible for ensuring that the complaint has been investigated thoroughly, fairly and within the timetable identified (10 days).

6.2 Stage 1

All complaints received by AVHL will initially be dealt with at 'stage 1'. Stage 1 complaints will be investigated by the Principal Officer in the section to which the complaint relates. For example if a complaint relates to the Administration Team the complaint would be investigated by the Administration Team Leader.

If the complaint relates to the conduct of the Team Leader then the complaint will be investigated at stage 1 by the Line Manager.

If a complaint received which covers a number of issues across more than one division, the Business Intelligence Team will retain the overall responsibility for delivering the response.

- The case will be split into separate issues and sent to each respective investigating officer, they will investigate the issues and send their response back to the Business Intelligence Team and NOT the customer.
- The Business Intelligence Team will then collate the results of each individual investigation and be responsible for sending the case response to the customer.
- In these instances the Business Intelligence Team will be the central point of coordination for this complaint.

The investigating officer will make a phone call of acknowledgement to the customer.

- This will be to confirm the details of the complaint and find out what solution they are seeking ideally.
- The phone call will be made within 3 days of receiving the complaint.
- In some cases this may solve the complaint straight away and the customer may be happy to terminate the complaint at that point, a standard letter can then be sent to the customer and the complaint can be closed or cancelled.

Complainants will receive an acknowledgement within 3 working days of receipt, regardless of which department receives it.

The acknowledgement will:

- State who is dealing with the complaint (the investigating officer if known, otherwise the Technical Support Officer (TSO)).
- Provide a contact telephone number and, if contacted via email, an email address. Officers should avoid using personal email addresses to respond to customers to ensure that compliments/complaints continue to be dealt with even if an individual is away from the office.
- Provide a date by which time the customer can expect to receive a substantive response.

Complainants will receive a formal written response to their complaint within 10 working days (see AVHL Compliments and Complaints Handling procedure).

Substantive response - The complaint must be investigated and the substantive response sent within the time stated which is not more than **10 working days** from the date of receipt of the original complaint.

Investigating Officers will place emphasis at this stage on defining the complaint with the customer and on providing an accurate response to resolve the problem.

A substantive response can be provided by email, or by telephone. Where a response is given by telephone, it should also be confirmed in writing if requested.

Stage 1 Responses will be sent from AVHL on AVHL letter headed paper and signed by an AVHL Investigating officer.

Holding responses - In the case of complex complaints requiring lengthy investigation, or for instances where this standard is not going to be met due to the nature of the investigation, the customer will receive regular (at least every two weeks) updates, called a holding response. A holding response must specify the date the customer can expect to receive the substantive response and the reasons for the delay.

All responses are to be sent to Alex Wilson and Anna Tansley before posting.

- This is to monitor the quality of response letters.
- To give a 2nd opinion and assure all points of the complaint have been answered and to proof read.

The customer must be informed of their right to take the complaint further if they remain dissatisfied with the Stage 1 response. The customer should be invited to provide the reasons why they are unhappy with the stage 1 response via the relevant Departmental Customer Relations Officer. Customers will have 28 days from response to escalate the policy to stage 2. It will be necessary on occasion for Departmental Customer Relations Officers to use their discretion in this matter.

6.3 Stage 2

Complainants have recourse to 'stage 2' if they are not satisfied with the outcome of the stage 1 investigation. Stage 2 complaints will normally be investigated by the Head of Service responsible for the service which has received the complaint.

If the original stage 1 complaint related to the conduct of a Team Leader then the stage 2 investigation will be undertaken by a member of the Senior Management Team.

This is an opportunity for the customer to outline their further dissatisfaction with the handling of the issues raised from the complaint

investigation at stage 1. In some instances we may request these issues in writing to aid the further investigation.

The review will include an evaluation of the merits of the original complaint, together with consideration of the customer's reasons for continued dissatisfaction and the way in which the complaint was handled at stage 1.

All Stage 2 complaints will have relevant member of SMT copied in.

All stage 2 investigations should incorporate a visit from the investigating officer, to discuss and clarify the complaint and reasons for escalation.

The customer will be notified of the outcome of this review within **10 working days of the receipt** of an indication of continued dissatisfaction. Stage 2 responses should be made in the name of the Head of Service, or an appropriate senior nominee, in exceptional circumstances in the name of the Council's Corporate Customer Relations Manager.

Responses to be checked and cleared by a senior officer who would investigate if it was to be escalated to the Ombudsman.

- To ensure if the complaint goes to the Ombudsman they are happy with what has been said.
- To give a second opinion and assure all point of the complaint have been answered.
- To proof read.

There is no further right of appeal to the Council following completion of an investigation at Stage 2 of this policy.

The customer will be informed of their right to take the complaint further if they remain dissatisfied with the Stage 2 response. The response should contain the contact details for the Local Government Ombudsman's Office.

6.4 Ombudsman Enquiries

A complainant may complain to the Local Government Ombudsman before complaining to AVHL. Complainants **SHOULD NOT** be discouraged from complaining to the Local Government Ombudsman.

If a complainant is not satisfied with the investigation undertaken by the AVHL at stage 2 then they should be referred to the Local Government Ombudsman.

The Ombudsmen can investigate complaints about how AVHL has done something. But they cannot question what we have done simply because someone does not agree with it.

The Local Government Ombudsman investigate complaints of injustice arising from maladministration by local authorities and certain other bodies.

Maladministration is a difficult term to define, the main test of whether there has been maladministration is whether an authority has acted reasonably in accordance with the law, its own policies and generally accepted standards of local administration. The Ombudsmen are concerned with the way a decision is reached, not with the *merits* of decisions.

The Ombudsman can be contacted on 0845 602 1983
(Monday to Friday 8.30am to 5.00pm)

Or write to:

Local Government Ombudsman

PO Box 4771

Coventry CV4 0EH

Email: advice@lgo.org.uk

Text: 0762 4804323

6.5 Dealing with persistent complainants

There are an extremely small number of customers who for whatever reason fall within the category of persistent or vexatious in the way they pursue the resolution to a complaint.

The explicit inclusion within the policy is to ensure that these customers are dealt with fairly, honestly and properly when they come under the definition of persistent complainant while ensuring that other service users, officers, or AVHL as a whole does not suffer any detriment. A persistent complainant is not someone who raises legitimate concerns or criticisms of a complaints procedure as it progresses e.g. with regard to timescales, nor are they someone who is unhappy with the outcome of a complaint following an initial investigation and are seeking to challenge it.

For the purposes of this policy, a persistent complainant is a member of the public who complains about issues that they consider to be within the remit of AVHL and/or Leeds City Council and whose behaviour is characterised by the following key factors.

- People who frequently complain about a variety of different

issues, or the same issue through a number of different channels. While doing this, their actions are obsessive, persistent, harassing, prolific, and repetitious.

- People who are seeking unrealistic outcomes relative to the issue being raised. They state that their intention is to persist until that outcome is achieved.
- People who insist upon pursuing valid complaints in an unreasonable manner.
- People who persistently make the same complaint with minor differences but never accept the outcome of any investigation into their complaint.
- People who make the same complaint via different routes within AVHL and the Council (e.g. Chief Executives, Members, MPs etc.) in the hope of getting a different response or to put pressure on a particular Department.

It is not possible to devise a single strategy to deal with persistent or vexatious complainants, as each complaint submitted must be looked at on its merits. However, investigating matters, which could be regarded as trivial, is unnecessary. The amount of time spent on investigating a complaint should be determined by the nature of the complaint not the complainant. Action should be **appropriate** and **proportionate** to the nature and frequency of the complainant's contacts with AVHL at that time.

Once officers form the view that they are dealing with a persistent complainant during any stage of the Compliments and Complaints Policy, the matter will be referred as soon as possible with a report containing the relevant supporting evidence to their Departmental Customer Relations

Officer (DCRO) who will decide in consultation with them and the Corporate Customer Relations Manager (CCRM) whether an alternative way of dealing with this customer is required.

After a decision has been made but before applying the appropriate action to the specific case, the DCRO, CCRM, Investigating Officer and with advice from Legal Services, will ensure that the complainant has been provided with all appropriate information albeit relevant to the decision making processes in writing.

When a complainant is being dealt with under this element of the policy this information will be shared with all Departmental Customer Relations Officers to ensure that, where necessary, approaches are co-ordinated. It will be registered on the customer's record on the customer relationship management system.

Any agreed method of dealing with a persistent or vexatious customer will be reviewed by the DCRO, CCRM and Investigating Officer on a six monthly basis. Any alterations to the agreed process will be communicated to the customer. There is no further right of appeal to Leeds City Council on this process.

6.6 Remedies

Where a complaint is upheld, the principle governing the provision of remedy should, wherever possible, be to place the Customer in the same position, as she/he would have been had the event complained of not occurred.

In many cases the remedies, which will be most appropriate in any given circumstance, will be readily apparent. This may consist of simply issuing an apology and taking the action, which should have been taken in the first instance, or providing the customer with an assurance that such a problem will not recur. However, in other circumstances where the customer claims to have suffered significant financial loss (i.e. more than a 'goodwill' gesture would allow) and claims compensation, the only available response to the complaint will be to issue a claim form which would then be dealt with by the Leeds City Council Insurance Section and determined according to the established principle of legal liability. This would be the conclusion of the complaint policy in these cases.

In certain cases it may be appropriate for a small "goodwill gesture" (either 'in kind', e.g. voucher, or cash) to be made to Customers to compensate them for any inconvenience or small financial loss, which is the subject of their complaint. The following principles must apply in all cases of goodwill gesture:

No admission of legal liability should be made or implied. Gesture should never be made in respect of physical injury. Gesture should only be made in the case of genuine complaints and should not be made simply to "buy off trouble"

6.8 Performance Monitoring

Monthly reports regarding complaints will be provided to the AVHL Senior Management Team. A quarterly report highlighting trends and actions taken in response to complaints will be made to the AVHL Resources and Performance sub-committee

Performance measures will include:

- the number of Stage 1 complaints received each month

- the number of Stage 1 complaints acknowledged within 3 working days,
- the number of Stage 1 complaints responded to within 10 days,
- the number of Stage 2 complaints received each month
- the number of Ombudsman enquiries received and summary of the issues
- a summary of any service improvements / procedural changes determined by complaints

An Annual Report on complaints handling will be prepared and extracts will be included in the AVHL Annual Report.

6.9.1.1 Training

Training on the complaints policy and procedure will form part of induction training for all new staff. Additional training will be provided for staff that are likely to receive and investigate complaints.

If you would like this information in any other format including large print, audio CD/tape, Braille or translated into another language, please telephone 0113 2141771.