

CONCERNS AND COMPLAINTS POLICY

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Policy Statement

Hafan Cymru is committed to dealing effectively with any concerns or complaints you may have about our services. We aim to clarify any issues about which you are not sure. If possible, we will put right any mistakes we may have made.

We will provide any service you're entitled to which we have failed to deliver. If we got something wrong, we'll apologise and where possible we will try to put things right. We aim to learn from our mistakes and use the information we gain to improve our services.

When to use this policy

When you express your concerns or complain to us, we will usually respond in the way we explain below. However, sometimes you may have a statutory right of appeal and we will explain to you how you can appeal. Sometimes, you might be concerned about matters that are not decided by us and we will then advise you about how to make your concerns known.

This policy does not apply if the matter relates to a Freedom of Information or Data Protection issue. In this circumstance you should contact dataprotection@hafancymru.co.uk

Have you asked us yet?

If you are approaching us for a service **for the first time**, (e.g. reporting a repair) then this policy doesn't apply. You should first give us a chance to respond to your request. If you make a request for a service and then are not happy with our response, you will be able to make your concern known as we describe below.

Informal resolution

If possible, we believe it's best to deal with things straight away rather than try to sort them out later. If you have a concern, raise it with the person you're dealing with (e.g. your support worker). They will try to resolve it for you there and then. If there are any lessons to learn from addressing your concern then the member of staff will draw them to our attention. If the member of staff can't help, they will explain why and you can then ask for a formal investigation.

How to express concern or complain formally

You can express your concern in any of the ways below

- You can ask for a copy of our form from the person with whom you are already in contact. Tell them that you want us to deal with your concern formally
- You can get in touch with our Head Office on 01267 225555 if you want to make your complaint over the phone
- You can use the form on our website at www.hafancymru
- You can e-mail us at complaints@hafancymru.co.uk
- You can write a letter to us at the following address

Hafan Cymru
Head Office, Stephens Way, Pensarn
Carmarthen SA31 2BG

Dealing with your concern

- We will formally acknowledge your concern within **5 working days** and let you know how we intend to deal with it
- We will ask you to tell us how you would like us to communicate with you and establish whether you have any particular requirements – for example, if you have a disability.
- We will deal with your concern in an open and honest way
- We will make sure that your dealings with us in the future do not suffer just because you have expressed a concern or made a complaint

Normally, we will only be able to look at your concerns if you tell us about them within **six months**. This is because it's better to look into your concerns while the issues are still fresh in everyone's mind.

We may exceptionally be able to look at concerns which are brought to our attention later than this. However, you will have to give us strong reasons why you have not been able to bring it to our attention earlier and we will need to have sufficient information about the issue to allow us to consider it properly. In any event, regardless of the circumstances, we will not consider any concerns about matters that took place more than three years ago.

If you're expressing a concern on behalf of somebody else, we'll need their agreement to you acting on their behalf.

What if there is more than one body involved?

If your complaint covers more than one body (e.g. Hafan Cymru and your local Council re noise nuisance) we will usually work with them to decide who should take a lead in dealing with your concerns.

If the complaint is about a body working on our behalf (e.g. repair contractors) you may wish to raise the matter informally with them first. However, if you want to express your concern or complaint formally, we will look into this ourselves and respond to you.

Investigation

We will tell you who we have asked to look into your concern or complaint. If your concern is straightforward, we'll usually ask somebody from Hafan Cymru to look into it and get back to you. If it is more serious we may appoint an independent investigator.

We will set out to you our understanding of your concerns and ask you to confirm that We've got it right. We'll also ask you to tell us what outcome you're hoping for.

The person looking at your complaint will usually need to see the files we hold relevant to your complaint. If you don't want this to happen, it's important that you tell us.

If there is a simple solution to your problem, we may ask you if you're happy to accept this. For example, where you asked for a service and we see straight away that you should have had it, we will offer to provide the service rather than investigate and produce a report.

We will aim to resolve concerns as quickly as possible and expect to deal with the vast majority within 20 working days. If your complaint is more complex, we will:

- let you know within this time why we think it may take longer to investigate
- tell you how long we expect it to take.
- let you know where we have reached with the investigation, and
- give you regular updates, including telling you whether any developments might change our original estimate.

The person who is investigating your concerns will aim first to establish the facts. The extent of this investigation will depend on how complex and how serious the issues you have raised are. In complex cases, we will draw up an investigation plan.

In some instances, we may ask to meet you to discuss your concerns. Occasionally, we might suggest mediation or another method to try to resolve disputes.

We'll look at relevant evidence. This could include files, notes of conversations, letters, e-mails or whatever may be relevant to your particular concern. If necessary, we'll talk to the staff or others involved and look at our policies and any legal entitlement and guidance.

Outcome

If we formally investigate your complaint, we will let you know what we have found in keeping with your preferred form of communication. This could be by letter or e-mail, for example. If necessary, we will produce a longer report. We'll explain how and why we came to our conclusions.

If we find that we got it wrong, we'll tell you what and why it happened. We'll show how the mistake affected you.

If we find there is a fault in our systems or the way we do things, we'll tell you what it is and how we plan to change things to stop it happening again.

If we got it wrong, we will always apologise.

Putting Things Right

If we didn't provide a service you should have had, we'll aim to provide it now if that's possible. If we didn't do something well, we'll aim to put it right. If you have lost out as a result of a mistake on our part we'll try to put you back in the position you would have been in if we'd got it right.

If you had to pay for a service yourself, when you should have had one from us, we will usually aim to make good what you have lost.

Ombudsman

If we do not succeed in resolving your complaint, you may complain to the Public Services Ombudsman for Wales. The Ombudsman is independent of all government bodies and can look into your complaint if you believe that you personally, or the person on whose behalf you are complaining:

- have been treated unfairly or received a bad service through some failure on the part of the body providing it
- have been disadvantaged personally by a service failure or have been treated unfairly.

The Ombudsman expects you to bring your concerns to our attention first and to give us a chance to put things right. You can contact the Ombudsman by:

phone: 0845 601 0987
e-mail: ask@ombudsman-wales.org.uk
the website: www.ombudsman-wales.org.uk
writing to: Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae, Pencoed CF35 5LJ

There are also other organisations that consider complaints. For example, the Welsh Language Board about services in Welsh. We can advise you about such organisations.

Learning lessons

We take your concerns and complaints seriously and try to learn from any mistakes we've made. Our senior management team and Board of management considers a summary of all complaints quarterly as well as details of any serious complaints.

Where there is a need for change, we will develop an action plan setting out what we will do, who will do it and when we plan to do it by. We will let you know when changes we've promised have been made.

What if I need help?

Our staff will aim to help you make your concerns known to us. If you need extra assistance, we will try to put you in touch with someone who can help.

What we expect from you

In times of trouble or distress, some people may act out of character. There may have been upsetting or distressing circumstances leading up to a concern or a complaint. We do not view behaviour as unacceptable just because someone is forceful or determined. We believe that all complainants have the right to be heard, understood and respected.

However, we also consider that our staff have the same rights. We, therefore, expect you to be polite and courteous in your dealings with us. We will not tolerate aggressive or abusive behaviour, unreasonable demands or unreasonable persistence. We have a separate policy to manage situations where we find that someone's actions are unacceptable. **See Appendix C.**

Appendix A

CONCERNS and COMPLAINTS FORM

A. Your details	
Title	Ms <input type="checkbox"/> Miss <input type="checkbox"/> Mrs <input type="checkbox"/> Mr <input type="checkbox"/> Other <input type="checkbox"/> None <input type="checkbox"/>
Forename	
Surname	
Address	
Postcode	
Email	
Contact phone number	
How would you like us to contact you:	By phone <input type="checkbox"/> By post <input type="checkbox"/> By email <input type="checkbox"/>
Your requirements: If, for example, English or Welsh is not your first language or you need to engage with us in a particular way, please tell us so that we can discuss how we might help you.	
<p>The person who experienced the problem should usually fill in this form.</p> <p>If you are filling this form in on behalf of someone else, please fill in section B.</p> <p>Please note that before taking forward the complaint we will need to satisfy ourselves that you have the authority to act on behalf of the person concerned.</p>	
B. Making a complaint on behalf of someone else	
Their name in full	
Address	
Postcode	
What is your relationship to them	
Why are you making the complaint on their behalf	

C. About your concern or complaint

1. Describe your concern or complaint? *(continue on another sheet if necessary)*

Name of the team/service you are complaining about

What do you think they did wrong, or failed to do?

Describe how you personally have suffered or have been affected.

2. What do you think should be done to put things right?

3. When did you first become aware of the problem?

4. Have you already put your concerns to Hafan Cymru staff?

Yes No

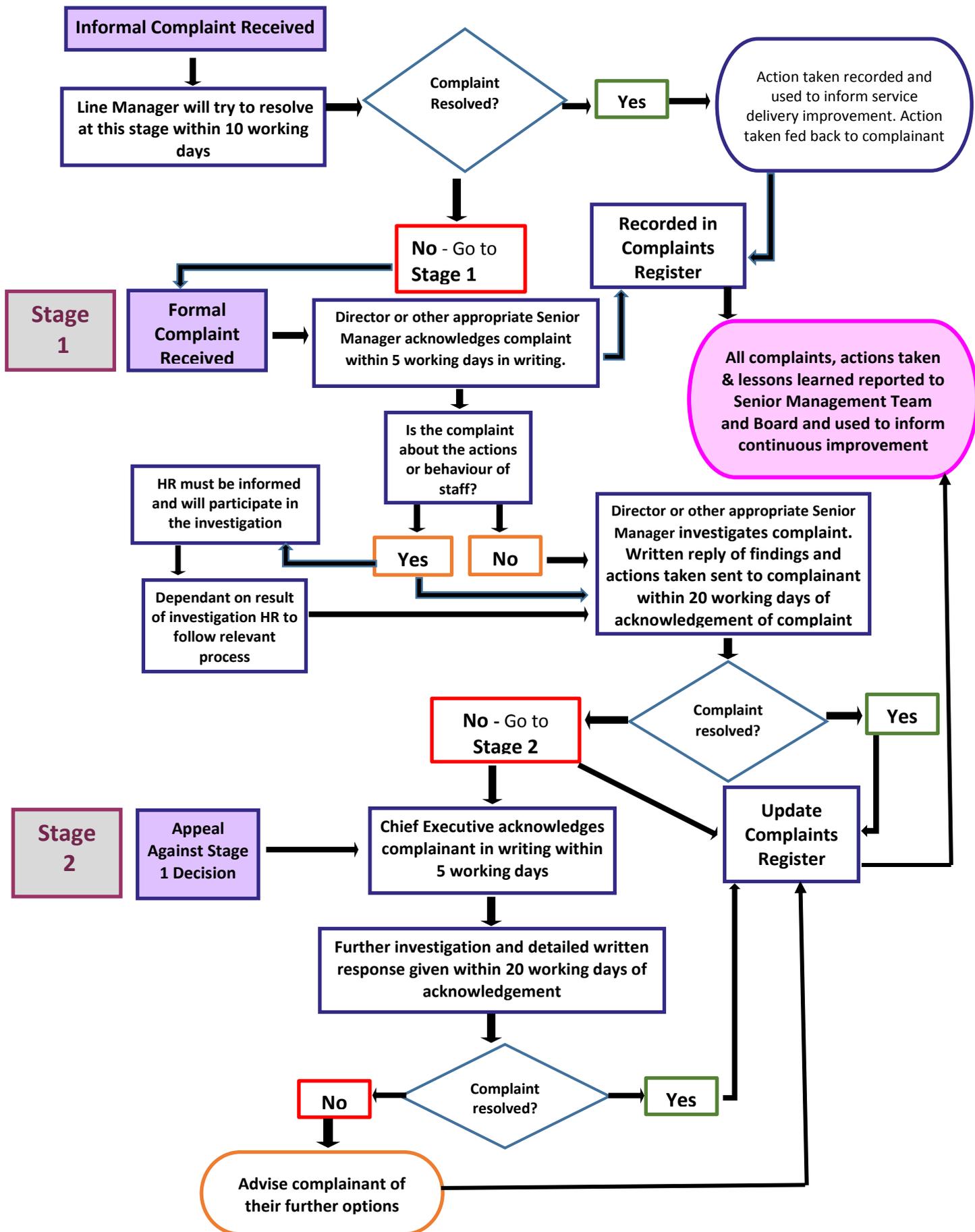
If Yes, please give brief details of how and when you did so:

5. If it is more than 6 months since you first became aware of the problem, please give the reason why you have not complained before now:

*Please return this form to your local Hafan Cymru team or to
Hafan Cymru Head Office Stephens Way Pensarn Carmarthen SA31 2BG*

Appendix B

Complaints Procedure Flowchart



Procedures and Guidelines for Handling and Investigating Complaints

Section 1 - Definition and Principles

1.1 What is a Complaint?

1.1.1 A complaint is:

- an expression of dissatisfaction or concern either written, or spoken, or made by any other communication method
- made by one or more of our clients, or by members of the public
- about our action, or lack of action, or about the standard of service provided, which requires a response

Whether about the Association itself, a person acting on its behalf, or a provider partnership.

1.1.2 A complaint is not:

- an initial request for a service, such as reporting a repair
- an appeal against a 'properly made' decision
- a means to seek change to legislation or a 'properly made' policy decision
- a means for lobbying groups/organisations to seek to promote a cause.

1.2 Principles for dealing with complaints

1.2.1 When someone complains they inevitably have an issue about a service which has been received or not received. Complaints need to be handled in such a way that the complainant is the focus and not the process itself. It is within this context that the following principles should be applied.

(i) **Accessibility and Simplicity**

- We will well publicise the Complaints Policy and we will make it easy to find, understand and use – both for clients and staff
- We will provide simple and clear instructions for people about how to make a complaint
- We will ensure our Complaints Policy has the flexibility to meet the different needs of different people, ensuring that those who face challenges in access are not excluded
- We will provide information on advocacy and support services
- We will ensure the stages in the complaint handling process are kept to a minimum
- We will promote the existence of the procedure, together with appropriate contact details, on a regular basis in any newsletters we publish
- We will produce a bilingual complaints information leaflet and ensure this is available at all public reception areas and 'common' areas where service users may frequent, and make widely available to our staff
- We will publish the complaints procedure at a prominent and easily accessed area of our website via a link on the home page
- We will ensure that complaints procedure information is available in alternative formats such as in large print, and we have in place arrangements so that we can call upon translation/interpretation services (including British Sign Language).
- As people may prefer to present their complaint by telephone, e-mail, in person, or other method, staff dealing with the complaint should ensure that they have

gathered the same information as that being sought on the complaint form and ensure it is recorded appropriately.

(ii) Fairness and Impartiality

- Concerns are dealt with in an open-minded and impartial way.
- Complainants are assured that making a complaint will not adversely affect their future dealings and contacts with us
- We will ensure that complainants get a full response and that decisions are proportionate, appropriate and are fair
- Any staff complained about are treated as fairly as complainants

(iii) Timeliness, Effectiveness and Consistency

- Within the parameters of what is appropriate and possible, frontline staff themselves should seek to resolve complaints
- 'Investigate Once, Investigate Well' – when a complaint requires formal investigation, this should be done thoroughly to establish the facts of the case
- We will deal with complaints as quickly as possible. It should normally take no longer than 20 working days from receipt at the Formal Stage to resolution.
- If a complaint is more complex, complainants should be told why it may take longer to investigate and how long it is expected to take.
- Complainants and staff involved should be kept informed of progress throughout.
- We will ensure consistency so that people in similar circumstances are treated in similar ways.
- Concerns involving more than one service provider are dealt with in such a way that the complainant's experience is of one system.

(iv) Accountability

- We will provide honest, evidence-based explanations and give reasons for decisions.
- We will provide information in a clear and open way.
- When concerns are found to be justified, as appropriate, we will:
 - acknowledge mistakes
 - apologise in a meaningful way
 - put matters right
 - provide prompt, appropriate and proportionate redress
- We will follow up to ensure any decisions are properly and promptly implemented.
- Where appropriate, the complainant is told about the lessons learnt and changes made to the service, guidance or policy.
- We will ensure that complainants are informed of their right to complain to the Public Services Ombudsman for Wales (or of other appropriate routes open to them, for example, Welsh Language Board in respect of complaints about compliance with Welsh Language Schemes).

(v) Delivery of Continuous Improvement

- Lessons learnt from complaints are gathered and feedback is used to improve service design and delivery.
- Systems are in place to record, analyse and report on the learning from concerns.
- The Senior Management team and Board of Management:
 - takes ownership of the complaints process
 - regularly reviews and scrutinises its effectiveness

- receives regular complaints monitoring reports, and
- demonstrates what the organisation has done to improve service delivery as a result of complaints.

Section 2 - The Complaints Procedure

2.1 Informal Resolution

This stage offers the opportunity for informal engagement at the point of service delivery to seek to resolve complaints either at the time the concern arises or very shortly thereafter. This stage should be part and parcel of front line service delivery and not viewed as separate from it. This first step will normally be an explanation or other appropriate remedial action by frontline staff.

2.1.1 Staff should deal with complaints as they arise with the aim of resolving issues on the spot. Staff will be trained to recognise the seriousness of a complaint and understand when it should be referred to a more senior member of staff.

2.1.2 Staff must advise complainants how to progress their complaint to formal investigation (Stage 1), if they are not satisfied with the outcome of their complaint at the end of the informal stage.

2.1.3 Complainants may wish their complaint to be ‘fast tracked’ straight through to internal investigation (Stage 1). This may particularly be so if there have been disagreements with staff directly responsible delivering the service. It is the complainant’s prerogative to seek to take their complaint directly to Stage 1 of the procedure and frontline staff should advise how they may do so.

2.1.4 Frontline staff should be trained and encouraged to provide appropriate information on advice and advocacy support at Stage 1 of the complaints process. However, it is recognised that they may not have (nor could they be expected to have) the breadth of knowledge of all organisations for all types of help available. But, for example, staff should be sufficiently knowledgeable to advise a complainant with a housing complaint about the services of organisations such as Shelter Cymru.

2.1.5 The informal resolution stage should be done as quickly as possible and certainly take no longer than 10 working days. If it is not possible to resolve the concern within the relevant timescale, then the matter should be escalated to formal investigation (Stage 1).

2.2 Stage 1 - Formal Internal Investigation

‘Investigate once, investigate well’ is the principle for this stage of the process. Emphasis is placed on one investigation to deal thoroughly with the concerns raised, rather than multiple investigations at different levels in the organisation which can result in protracted and sometimes open ended investigations. However, the Stage 1 element of the complaints process is intended to be flexible to respond appropriately to the complaint.

‘Investigating well’ also means conducting an investigation in a manner that is proportionate to the nature and degree of seriousness of the complaint. Proportionate means that for those complaints not so serious in their nature, the investigation may not need to be so detailed.

The following sets out how a complaint should be dealt with at Stage 1.

2.2.1 Having formally received a complaint at Stage 1, an acknowledgement should be sent by the relevant Manager or other appropriate Senior Manager as soon as is possible but within a maximum of 5 working days.

2.2.2 If the complaint relates to the behaviours or actions of a member of staff the relevant Manager must inform the HR team. The HR team may then be involved in the investigation but this will not form part of the disciplinary process. At the conclusion of the Stage 1 investigation the HR team may then decide to pursue any relevant HR procedures and conduct a formal HR investigation.

2.2.3 If the complaint is 'out of time', i.e. the issue being complained about is older than six months (from the time that the complainant first became aware of the problem), consideration should be given as to whether there are good reasons as to why it should nevertheless be accepted. There is an absolute cut off time of three years for all circumstances.

2.2.4 The relevant Manager should offer to discuss the matter with the complainant, including:

- helping the person who is complaining understand the process
- confirming with them their preferred method of communication and what they want as an outcome to their complaint
- providing advice of relevant advocacy and support services if they need help in making their complaint.

2.2.5 If the complainant is complaining on behalf of someone else, consideration will need to be given as to whether consent is needed to investigate the complaint.

2.2.6 Having satisfied themselves that they sufficiently understand the details of the complaint, the relevant Manager should undertake the investigation, or, depending on the nature of the complaint, liaise with another relevant Senior Manager, or member of the HR team, with whom they would undertake the investigation jointly.

2.2.7 Having recorded the complaint on the Complaints Register, the Business Assurance and Information Manager or other relevant Senior Manager should keep track of progress, and take responsibility for monitoring the smooth running of the investigation, ensuring that timescales are met. The Stage 1 complaints process should normally be concluded within 20 working days. Where this is not possible complainants must be informed of the reasons and be agreeable to any extension. In any event, there should be regular contact with the complainant, updating them on progress on the case.

2.2.8 A complainant may withdraw their concern at any time, however, we may continue to investigate if it feels that it is necessary to do so

2.2.9 It is recommended that staff log complaints at the informal and formal stages on the same form that the complainant would use (Appendix A).

2.2.10 Even in cases where a Stage 1 investigation upholds the complaint and offers remedy/redress, it may be that the complainant remains dissatisfied for some reason. Therefore, in all cases, the report should inform the complainant that if they remain dissatisfied then they have the right to appeal to the Chief Executive for consideration of their complaint.

2.3 Stage 2 - Appeal against Stage 1 Decision

2.3.1 Having recorded that the complaint has not been resolved at Stage 1 on the

Complaints Register, the Business Assurance and Information Manager should keep track of progress, and take responsibility for monitoring the smooth running of the appeal, ensuring that timescales are met. The Stage 2 Appeal process should normally be concluded by the Chief Executive or their nominated Director within 20 working days. Where this is not possible complainants must be informed of the reasons and be agreeable to any extension. In any event, there should be regular contact with the complainant, updating them on progress on the case.

2.3.2 Even in cases where an appeal upholds the complaint and offers remedy/redress, it may be that the complainant remains dissatisfied. Therefore, in all cases, the report should inform the complainant that if they remain dissatisfied then they have the right to seek an independent external consideration of their complaint. Information about making a complaint to the Public Services Ombudsman for Wales and other appropriate complaint handlers (including the Welsh Language Board) should be provided.

Section 3 - Complaints Investigations

3.1 A complaint investigation should be a fact finding exercise which is impartial, open and transparent and proportionate to the seriousness of the complaint. For serious complaints, a plan needs to be drawn up enabling the complaint to be investigated systematically.

3.2 However, even though the complaint has reached the Formal Internal Stage, there may still be potential for resolving the concern to the complainant's satisfaction through a 'quick fix' and without having to undertake a full and lengthy investigation. Consideration should be given to the possibility of this.

3.3 Consideration should also be given as to whether face to face meetings and/or mediation could be a means to resolving the complaint

3.4 Evidence gathering can include:

- correspondence (letters and e-mails)
- notes of telephone conversations
- organisational policies and procedures
- good practice guidance
- records relating to the complaint under consideration
- legislation
- interviews (including detailed notetaking)
- site plans and visits
- photographic evidence
- recordings in various formats (e.g. phone, video, CCTV)
- obtaining professional/expert advice
- training records of relevant staff.

3.5 Recommendations arising from investigations should be Specific, Measurable, Achievable, Realistic and Timed (SMART)

3.6 At the end of an investigation a written outcome such as letter or e-mail should be produced, and in more serious cases a report. Where a report is produced this should include where appropriate:

- the scope of the investigation
- a summary of the investigation:

- details of key issues, setting out a brief chronology of events leading to the complaint
- those who were interviewed, including setting out to what degree the complainant, and if appropriate, any affected relatives, advocates, etc. were involved in the investigation
- conclusion
 - if the complaint is found to be justified/upheld
 - how it happened
 - what went wrong
 - why it happened – i.e. the root cause of the problem (e.g. human error, a systemic failure)
 - what impact did it have on the complainant
 - if a systemic failing has been identified, an explanation of actions taken to put things right, with a view to ensuring the same problem does not occur again
 - if appropriate, an apology
 - if appropriate, an offer of redress
 - if the complaint has not been upheld, there should be an explanation of why this conclusion has been reached, demonstrating that it has been arrived at based on the evidence gathered.

If staff inform the complainant of the (intended) action, it is likely to have a positive effect in terms of good customer relations.

3.7 Overall the report should demonstrate throughout that the complaint has been taken seriously, that the investigation undertaken has been fair and, in accord with the seriousness of the complaint, proportionately thorough.

Section 4 - The Final Steps

4.1 The Manager or other relevant Senior Manager who investigated the complaint should record their decisions and recommendations in the Complaints Register, and should sign off on the complaint i.e. should sign any report or letter/email.

4.2 In cases where a complaint has been upheld and there is a clear systemic issue, the appropriate Director should ensure that an action plan is devised setting out how the recommendations will be implemented and identify who will be responsible for ensuring their implementation. When it affects them, frontline staff should be involved in this process. The plan should also include arrangements for confirming to the complainant that changes have been implemented and make provision for the monitoring and evaluation of new arrangements introduced to assess their impact.

4.3 On closing a complaint, the Manager who investigated the case should ensure that working documents used during the course of the investigation are retained in an orderly fashion and stored securely. If the complaint becomes the subject of further external investigation such as by the Public Services Ombudsman for Wales, these working documents may be needed as evidence. Complaint case records should be retained for at least one year following closure at the end of Stage 1 or Stage 2.

An Independent Person

It may be that for some investigations, it is considered appropriate to include the involvement of an independent person at either Stage 1 or Stage 2, and we will ensure that the Association identifies suitable people to call upon where necessary.

Complaints Involving Other Legal or Disciplinary Proceedings

Occasionally, complaints received will involve legal or disciplinary proceedings and it may be necessary to put the investigation of a complaint 'on hold' until the conclusion of those other proceedings. However, it will not automatically be assumed that this is necessary in every case. An assessment should be made (with legal advice sought, if appropriate) to identify whether it is possible to address the subject of the complaint, without impacting unfairly on the other proceedings underway. It is important that if a complainant is in a continued state of disadvantage as a result of likely poor service delivery that every step is taken to conclude this part of their complaint. This will mean that, if the complaint is upheld, it has been demonstrated that the Association is doing everything it can to return them as soon as possible to the position they would have been in if that failure had not occurred in the first place.

Complaints involving more than one service provider

There are occasions when a complaint received will involve more than one organisation. Having established the elements of the complaint and which organisations are involved, the Manager investigating the case should contact their counterpart(s) in the other organisation(s) involved. The complaints officers should then decide which of them should lead on co-ordinating the response to the complainant.

The role of the complaints officer is to co-ordinate the investigations in each of the service areas involved and provide the complainant with a single comprehensive joint response on behalf of all of the organisations involved.

There will be complaints where each element is sufficiently distinct and separate so that all that will be required is to set out the details and outcome of each investigation strand and then add an overall conclusion to the response. However, there will be some cases where the resolution and remedy of a complaint will involve agreement by all involved and that this could lead to tensions and disagreement. Where such disagreements lead to an impasse, we shall refer the problem to senior management within each of these organisations (depending on the seriousness possibly Chief Executives) in order to try to resolve the situation.

Where the impasse still cannot be resolved, we will refer the matter to the relevant external independent e.g. the Public Services Ombudsman for Wales. However, the complainant should be told of this intention, together with the reason for it, and their agreement should be sought before such a referral takes place.

Partnership Services

It is recommended that:

- partnerships establish a complaints handling process for services that they as a partnership deliver
- they identify and publicise a single point of contact for complaints in respect of their activities/services
- the person/team identified, co-ordinates the investigation of the complaint on behalf of the partnership. Depending on the nature of the complaint, if the complaint concerns dissatisfaction with the service delivered by one particular partner, it may be more appropriate to refer the investigation on to that particular partner to deal with
- the partnership should ensure that lessons are learnt from complaints received

and considers whether there are any that should be shared more widely.

Complaints concerning services that have been contracted out

The Association will ensure that those responsible for drafting contracts are aware of the need to include as a matter of course a provision for complaints handling. This should include the requirement for organisations contracted to provide services to comply with similar complaint handling arrangements (i.e. two stages), with the outcome report/letter/email being copied to the Association. Such organisations should also inform complainants of the third external stage and their right to complain to the Public Services Ombudsman for Wales.

Section 5 - Learning Lessons

5.1 Learning from complaints/continual improvement

5.1.1 Complaints information will be used to improve the Association's service delivery and increase its effectiveness

5.1.2 To support this we will:

- Ensure that the Business Assurance and Information Manager, periodically reviews all complaint outcomes and their recommendations to identify whether there are any patterns to complaints/wider lessons to be learnt that may not be apparent from individual complaints alone. When considering the lessons that can be learnt from a complaint, an assessment should be made as to whether:
 - these are limited to the service area in question
 - they have an organisation wide implication
 - they are ones that should be shared across the sector.
- Ensure that complaints reports are considered on a regular basis by senior management, including an analysis of the data gathered and information on recommendations that have been made for improving service delivery.
- Ensure that the information received by senior management is used to target any problem areas and consider if there is potential to improve policies, procedures and accordingly services.
- Ensure that the Board receives reports giving an overview of complaints received, setting out what changes have been made as a result of complaints information, and following monitoring of their implementation, what results have been received.
- Ensure that an annual report on complaints is produced, drawing out lessons learnt over this period and demonstrating how they have contributed to improved service delivery.

5.2 Recording & monitoring complaints

5.2.1 We will record all feedback and complaints received to ensure that a comprehensive evaluation of data can be made.

5.2.2 To support this we will:

- have a system to collect organisation-wide complaints data
 - use this system to help track complaints and compliance with timescales.
- Data recorded will enable the numbers, types, outcomes and trends of complaints to be captured, to facilitate comparisons with previous periods and identify system

wide or recurring complaints, and will also enable points from lessons learned to be captured

- write to the complainant detailing the findings of the investigation, providing an apology for any shortfalls and describing what action will be taken to prevent recurrence

Note: Staff are encouraged to report all serious complaints, or those with wider learning points that they have dealt with informally, to the Business Assurance and Information Manager so that these can be recorded on the Complaints Register. This should be regardless of whether or not the complaint has been resolved on the spot. For those serious complaints not resolved, such action will mean that there will be a record of the incident should the complaint progress to Stage 1 or Stage 2 of the complaints process.

5.2.4 To enable the identification of trends, the following top level complaint subjects will be adopted by the Association:

- Applications, allocations, transfer and exchanges
- Estate management and environment/common areas/hedges, fences etc.
- Repairs and maintenance (inc. dampness/improvements and alterations e.g. central heating, double glazing)
- Neighbour disputes and anti-social behaviour
- Tenancy rights and conditions/abandonment and evictions
- Right to Buy
- Financial matters – rent arrears, former tenant arrears, service charges
- Lack of service / staff behaviours or actions
- Other

Section 6 - Staff and Training

6.1 Staff

6.1.1 Whilst it is not uncommon for people to look for someone to blame when things go wrong, staff should be assured that this is not the aim of an investigation. It should be made clear that any interview that may take place is to establish facts as part of the investigation of a complaint, and that it does not form part of a disciplinary procedure. (However, a separate disciplinary process could take place if this appropriate.).

6.1.2 When requiring staff to attend for interview, they should be told the purpose of the interview, what to expect and what preparation they need to do. They should be advised that they can bring someone such as a colleague for support – although the position of confidentiality and their role should be made clear. They should also be advised as to what will happen after the interview.

6.1.3 Being the subject of a complaint is in any event a stressful situation and depending on the circumstances of the complaint and the issues involved, the interviewee should be made aware of staff support/counselling available.

6.1.4 In the same way that it is important to keep complainants informed on progress in the investigation and its outcome, the same is true in respect of staff.

6.1.5 Our organisational culture is that reporting a complaint, and action taken, is seen as a positive act in that it assists organisational learning. If many staff (in different locations) deal with a similar type of problem, without complaints information being shared across the Association, then what may be a deep-rooted systemic problem within Hafan Cymru may not emerge to the surface.

6.2 Training

6.2.1 General training should be included in the induction programme of all in the Association (this includes staff and Board members).

6.2.2 Each team Manager should undertake an assessment of the skills and competencies required by those staff likely to be involved in the complaints process and ensure that there is an appropriate training strategy in place.

Appendix C

UNACCEPTABLE ACTIONS BY COMPLAINANTS POLICY

1. Introduction

This policy recognises that some people may act out of character in times of trouble or distress. It should be borne in mind that there may have been upsetting or distressing circumstances leading up to a complaint. A complainant's behaviour should not be regarded as unacceptable just because they are forceful or determined. In fact, it is accepted that being persistent can be a positive advantage when pursuing a complaint.

2. Aims

2.1 To make it clear to all complainants, both at initial contact and throughout their dealings with the Association what can or cannot do in relation to their complaint. In doing so, the aim is to be open and not raise hopes or expectations that cannot be met.

2.2 To deal fairly, honestly, consistently and appropriately with all complainants, including those whose actions are considered unacceptable. We believe that all complainants have the right to be heard, understood and respected. It is also considered that Hafan Cymru employees have the same rights.

2.3 To provide a service that is accessible to all complainants. However, where it is considered that complainant actions are unacceptable, the right to restrict or change access to the service is retained.

2.4 To ensure that other complainants and Hafan Cymru employees do not suffer any disadvantage from complainants who act in an unacceptable manner.

3. Definitions

The actions of complainants who are angry, demanding or persistent may result in unreasonable demands on the Association or unacceptable behaviour towards staff. It is these actions that are considered unacceptable and ones that this policy aims to manage. The Association has grouped these actions under three broad headings:

3.1 Aggressive or Abusive Behaviour

Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause an employee to feel afraid, threatened or abused.

Examples of behaviours grouped under this heading include:

- threats
- physical violence
- personal verbal abuse
- derogatory remarks and rudeness.

It is also considered that inflammatory statements and unsubstantiated allegations can be abusive behaviour.

We expect our staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. The Association's staff understand the difference between aggression and anger. The anger felt by many complainants involves the subject matter of their complaint. However, it is not acceptable when anger escalates into aggression directed towards Hafan Cymru staff.

3.2 Unreasonable Demands

What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainant.

Examples of actions grouped under this heading include:

- demanding responses within an unreasonable time-scale
- insisting on seeing or speaking to a particular staff member
- continual phone calls or correspondence,
- repeatedly changing the substance of the complaint
- raising unrelated concerns.

These demands are considered unacceptable and unreasonable if they start to impact substantially on the work of the Association, such as diverting an excessive amount of staff time that results in the disadvantage of other complainants or functions.

3.3 Unreasonable Persistence

It is recognised that some complainants will not or cannot accept that the Association is unable to assist them further or provide a level of service other than that provided already. Complainants may persist in disagreeing with the action or decision taken in relation to their complaint or contact the office persistently about the same issue.

Examples of actions grouped under this heading include:

- persistent refusal to accept a decision made in relation to a complaint
- persistent refusal to accept explanations relating to what the Association can or can't do
- continuing to pursue a complaint without presenting any new information.

The way in which these complainants approach the Association may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

The actions of persistent complainants are considered to be unacceptable when they take up what Hafan Cymru regards as being a disproportionate amount of time and resources.

4. Managing unacceptable actions by complainants

4.1 There are relatively few complainants whose actions are considered by the Association to be unacceptable, and how these actions are managed depends on their nature and extent. If it adversely affects the Association's ability to do its work and provide a service to others, complainant contact with the Association may need to be restricted in order to manage the unacceptable action. The aim will be to do this in a way, wherever possible, that allows a complaint to progress to completion through the complaints process. Contact in person, by phone, letter, e-mail or by any combination of these, may be restricted. Every effort will be made to try to maintain at least one form of contact.

4.2 The threat or use of physical violence, verbal abuse or harassment towards staff is likely to result in the ending of all direct contact with the complainant. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.

4.3 The Association will not deal with any correspondence that is abusive to staff or contains allegations that lack substantive evidence. When this happens, the complainant will be told that their language is considered offensive, unnecessary and unhelpful. They will be asked to stop using such language and the Association will state that there will be

no response to their correspondence if they do not stop. The Association may require future contact to be through a third party.

4.4 Staff will end phone calls if the caller is considered aggressive, abusive or offensive. The staff member taking the call has the right to make this decision, tell the caller that their behaviour is unacceptable and end the call if the behaviour does not stop.

4.5 Where a complainant repeatedly phones, visits the office, sends irrelevant correspondence or documents, or raises the same issues, the Association may decide to:

- only take phone calls from the complainant at set times on set days or put an arrangement in place for only one staff member to deal with calls or correspondence from the complainant in the future
- require the complainant to make an appointment to see a named member of staff before visiting an office (in these circumstances, 2 staff will be present and the complainant will be requested to bring a second person with them)
- request that the complainant contacts the office in writing only
- return the documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed
- take other action that we consider appropriate. The Association will, however, always tell the complainant what action is being taken and why.

4.6 Where a complainant continues to correspond on a wide range of issues, and this action is considered excessive, then the complainant will be told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.

4.7 Complainant action may be considered unreasonably persistent if all internal review mechanisms have been exhausted, they have been advised of further actions they can take (e.g. contacting the Public Services Ombudsman for Wales), and the complainant continues to dispute the Association's decision relating to their complaint. The complainant will be told that no future phone calls will be accepted or interviews granted concerning this complaint. Any future contact by the complainant on this issue must be in writing. Future correspondence is read and filed, but only acknowledged or responded to if the complainant provides significant new information relating to the complaint.

5. Deciding to restrict complainant contact

5.1 Employees who directly experience aggressive or abusive behaviour from a complainant have the authority to deal immediately with that behaviour in accordance with this policy.

5.2 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the Association are only taken after careful consideration of the situation by a more senior member of staff. Wherever possible, we give a complainant the opportunity to modify their behaviour or action before a decision is taken. Complainants are told in writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place.

6. Appealing a decision to restrict contact

6.1 A complainant can appeal a decision to restrict contact. A senior Manager who was not involved in the original decision considers the appeal. They advise the complainant in writing that either the restricted contact arrangements still apply, or a different course of action has been agreed.

7. Recording and reviewing a decision to restrict contact

7.1 The Association records all incidents of unacceptable actions by complainants. Where it is decided to restrict complainant contact, an entry noting this is made in the appropriate client records (if relevant), and on the Complaints Register.

7.2 A decision to restrict complainant contact may be reconsidered if the complainant demonstrates a more acceptable approach.