

# **RESPONDING TO COMPLAINTS**

**STRIDES**

Summary	3
1.0 INTRODUCTION	3
2.0 Legal & Regulatory Compliance	4
3.0 Our Approach to Dealing with Complaints	5
4.0 The Complaints Procedure	5
Stage 1	7
Stage 2	8
5.0 Remedy	9
6.0 Monitoring	9
7.0 Appendix 1: Exclusions to this policy	9

## SUMMARY

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- Do encourage and give opportunities for people to talk about their concerns; dealing with issues informally will help to prevent complaints escalating and ensure that you are continuously improving care and support.
- Do give people different ways of speaking up about the services.
- Respond quickly to all complaints whether they be informal or formal.
- Above all – do listen and take people seriously.
- Do not argue back or act defensively when receiving a complaint.
- Do not dismiss a complaint as ‘not a big deal.’
- Do not avoid dealing with what might seem like a minor concern, as this could easily escalate to a formal complaint.

## 1.0 INTRODUCTION

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### **Strides believes in:**

- Respect
- Fairness
- Ownership
- Partnership

### **Strides strives for:**

- Respect
- Fairness
- Ownership
- Partnership

We acknowledge that sometimes things go wrong and when they do our aim is to put things right as soon as possible. We believe that complaints are an excellent opportunity to listen and respond to our Service users and external stakeholders in a proactive way.

We also want to ensure transparency: being honest about the way we work in order to seek and build trust.

### **This policy will:**

- Enable teams and managers to take a proactive approach to managing complaints
- Enable and empower our team to deal with complaints effectively at the earliest stage in the process
- Be responsive to the needs of people supported by Strides.
- Be open, transparent and easy to understand.
- Reflect current best practice.
- Help us to learn from complaints and shape our services as a result
- Set out a process for dealing with complaints we feel are unreasonable or unresolvable

## 1.1. SCOPE

This policy applies to staff and the people we support within any Strides setting, apart from our counselling provision that has its own specific policy.

## 1.2. ASSOCIATED POLICIES AND PROCEDURES

- Incident Management
- Health & Safety

## 1.3. ACCOUNTABILITIES & RESPONSIBILITIES

The Head of Community has overall responsibility for the implementation of this policy with the support of-

- The Executive team.
- The Heads of Justice, Counselling and Fundraising & Communications.

### **The Service Managers have the responsibility to:**

- Ensure complaints are discussed regularly in team meetings.
- Ensure actions are put in place following complaints to continuously improve services.
- Ensure feedback is provided to people involved promptly and efficiently in accordance with this policy and procedure in easy-to-understand formats.
- Lead an open culture where things are raised and forums are there to raise them to pre-empt complaints. These 'low level' complaints should be monitored in the service.
- Where the service is at fault, the manager will ensure that an apology is provided.

### **All team members:**

Each of us have personal responsibility to act in line with our professional practice. This includes:

- Reading and understanding this policy.
- Maintaining everyone's rights to dignity and independence at all times.
- Compliance with the standards within this policy at all times
- Referring to other policies and procedures that are not covered in this policy.
- Attending mandatory training.

- 1.4. All members of staff and volunteers, at any level and in any role, must work towards appropriate competence using local or nationally agreed training. Requirements for training will be based on the individual person's job description.

## 2.0 LEGAL & REGULATORY COMPLIANCE

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### 2.1. KEY LEGISLATION:

- **Human Rights Act 1998** – sets out the fundamental rights and freedoms that everyone in the UK is entitled to. It incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic British law. The Human Rights Act came into force in the UK in October 2000.

- **Health and Social Care Act 2008 (Regulated Activities) Regulations 2014:** Regulation 16: Duty of Candour. The intention of this regulation is to make sure that people can make a complaint about their care and treatment. To meet this regulation providers must have an effective and accessible system for identifying, receiving, handling and responding to complaints from people using the service, people acting on their behalf or other stakeholders. All complaints must be investigated thoroughly and any necessary action taken where failures have been identified.

## 2.2. DEFINITIONS

- **Complaint:** A complaint is an expression of dissatisfaction made verbally and/or in writing by anyone who interacts with Strides, regarding any aspect of our services, policies, actions and decisions.
- For those **residing in our buildings** a complaint is defined as *'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by Stride's, its own staff, or those acting on its behalf, affecting a resident or group of residents.'*
- **Informal Complaints:** These are complaints made by people, typically in relation to more minor issues/concerns or where they do not yet wish to use the formal procedures.
- **Duty of Candour:** Is a legal duty to be open and honest with service users or their families, when something goes wrong that appears to have caused or could lead to significant harm in the future.
- **Vexatious Complaint:** A complaint which Strides has reason to believe is not genuine or unfounded, with the primary intention of causing inconvenience, harassment, or expense to Strides or its employees.

## 3.0 OUR APPROACH TO DEALING WITH COMPLAINTS

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3.1. A complaint can be about any aspect of our service for example where:

- We have failed to adequately respond to a person's initial request
- We have been unhelpful or rude
- We have failed to meet our stated standards or promises, especially where we are contracted or need to comply with regulations
- We have given unclear, misleading or unsuitable advice
- We have not complied with our policies or procedures

3.2. People are encouraged to actively identify complaints because we see them as an opportunity to learn.

3.3. A person does not have to specify they wish to make a complaint for the procedure to be initiated. We are interested in 'low level' concerns people might have, before they turn into official complaints.

We will do everything we can to resolve an issue informally and quickly. We will try to agree a way forward within 10 working days of any initial verbal complaint. If we cannot agree a course of action to resolve the complaint to satisfaction within 3 days, then we will escalate this to stage 1 of the formal complaints process. If timescales can't be met people should be made aware of the new date to expect to hear from us. Any extensions, made with good reason, should be no more than **10 additional working days. Also at this point share details of the housing ombudsman if applicable.**

## 4.0 THE COMPLAINTS PROCEDURE

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Complaints should relate to issues within the previous 12 months. A Senior Manager may overrule this timeframe if it's likely the learning may be useful to Strides.

## COMPLAINTS PROCEDURE



- 4.1. Ensure that a service request is not confused with a complaint. A service request from a resident to a landlord requiring action to be taken to put something right- this is part of the everyday service. A complaint should be taken when this service falls short of promises and expectations, or a resident is dissatisfied with the requested service. For example, a resident may complain the windows are dirty and request an extra clean. This is an everyday request. Whereas if a resident complains the window cleaner did a poor job- this is a complaint.
- 4.2. Similarly for our non- residential services, asking for something that is part of the everyday delivery does not constitute a complaint.
- 4.3. We will always try to deal with any query, concern or complaint from someone in an informal way to quickly identify the issues and seek to resolve them. Therefore, in the first instance anyone can attempt to rectify the issue there and then. If this can't be done on the day then this should be escalated to the Service Manager.
- 4.4. At each stage of the complaints process, complaint handlers must:
  - deal with complaints on their merits,
  - act independently, and have an open mind;
  - give the complainant a fair chance to set out their position;
  - take measures to address any actual or perceived conflict of interest; and
  - consider all relevant information and evidence carefully.

All complaints should be logged on Inform (including those resolved informally). If unresolved by another team member, the Service Manager will contact the person who made the complaint **within 5 working days** to acknowledge they are investigating, discuss the matter and attempt to find a resolution.

- 4.5. The Service Manager will seek to resolve the complaint and record the outcome on Inform **within 10 working days** of receiving the complaint. However, if an informal approach does not reach a satisfactory resolution, we will seek to address and rectify the issue within our 2 stage formal complaints process.
- 4.6. If the informal complaint includes a safeguarding concern the individual should be supported and encouraged to raise this more formally and the Safeguarding Policy and Procedures should be followed and the matter investigated as necessary. The Designated Safeguarding lead, or appointed deputy safeguarding leads should be contacted for advice'
- 4.7. If your complaint pertains to a safeguarding issue, we will place precedent on the Safeguarding Procedure in order to provide sufficient safeguards from abuse. If you believe we have not followed our Safeguarding Procedure, or met our Safeguarding Duties, a complaint would be the appropriate place to raise this. Do discuss with the safeguarding lead.
- 4.8. Please remember to seek information about reasonable adjustments needed due to disabilities and sensory need etc.
- 4.9. Where a complaint cannot be resolved informally the service manager will talk the person through the formal complaints' procedure.

- 4.10. People are entitled to use the help of a representative at any stage of the complaints' procedure. The person's representative may be a family member, friend, another person using a Strides service, or someone formally identified as a rep in one of our services.
- 4.11. Most complaints are made in a positive manner and can help to empower people in the future. Complainants can be angry and aggrieved, sometimes with good cause. However, occasionally a complainant can become vexatious in that they seek to cause unnecessary aggravation or annoyance to Strides. They may also persist unreasonably with their complaints, make serial complaints about different matters, or continue to raise the same or similar matters over and over again. Appendix 1 provides further guidance on how to deal with this.
- 4.12. If on occasion Strides uses a third party to investigate a complaint, Strides remain responsible for ensuring the code of practice is adhered to.

## **STAGE 1**

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- 4.13. At Stage 1, Strides will accept verbal or written complaints in any format either by email, letter etc. The nature of the complaint and name of complainant will be recorded on Inform immediately after the complaint is raised, or at least within 24 hours. This will alert the relevant manager to deal with the complaint and an acknowledgement of the complaint by the manager or person who has received the complaint within **5 calendar days**.
- 4.14. The manager will seek to investigate and resolve the complaint within 10 working days and record the outcome on Inform once resolved. The manager may delegate this investigation. Strides will keep the person informed of any delays. A letter will be sent to the complainant within 12 days, stating the results of the investigation and how the complaint can be escalated if they are not happy with the outcome. When acknowledging the complaint Strides will outline their understanding of the complaint and the outcomes the resident is seeking this is referred to as "the complaint definition". Strides must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.
- 4.15. Where residents raise additional complaints during the investigation, these must be incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.
- 4.16. The outcome of the investigation will cover:
- the complaint stage;
  - the complaint definition;
  - the decision on the complaint;
  - the reasons for any decisions made;
  - the details of any remedy offered to put things right;
  - details of any outstanding actions;
  - and details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.
- 4.17. The complainant will be advised that they have 6 weeks in which to escalate their complaint following the Stage 1 response. After this time, further complaints on the same issue will only be accepted in exceptional circumstances.

If due to complexity more than 10 days is needed to investigate an extension of up to 10 days can be used in rare circumstances. Please keep the residents and exec informed if this happens and give residents the details of the Housing Ombudsman if they are a resident.

4.18. Where something has gone wrong Stride's must acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include:

- Apologising;
- Acknowledging where things have gone wrong;
- Providing an explanation, assistance or reasons;
- Taking action if there has been delay;
- Reconsidering or changing a decision;
- Amending a record or adding a correction or addendum;
- Providing a financial remedy;
- Changing policies, procedures or practices.

## **STAGE 2**

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4.19. If the person feels that Strides has not dealt with their complaint satisfactorily within Stage 1, they can request for their complaint to be reviewed on the following grounds:

- The investigation did not review all the evidence.
- The investigation was flawed, we did not follow our procedure.
- There is new evidence available
- Stage 2 is Strides final response and must involve all suitable staff members needed to issue such a response

4.20. However, the person must not be required to explain their reasons for requesting a stage 2 consideration. Strides are expected to make reasonable efforts to understand why a resident remains unhappy as part of its stage 2 response.

4.21. The review will be undertaken by either another Service Manager or a Senior Manager.

4.22. The manager will seek to review the investigation and outcome, and undertake any further investigation considered appropriate. This will not amount to a repeat investigation unless the original process was flawed and this is deemed necessary. Strides will aim to provide an outcome to this review stage within 20 working days from the date of receipt of the request for a review. Strides will keep the person informed of any delays. If a complainant remains dissatisfied after the review stage, they should be informed of their right to complain to the relevant regulatory body, e.g. the Housing Ombudsman, the Fundraising Regulator, or the National Counselling and Psychotherapy Society.

4.23. Inform the resident of their right to access the Ombudsmen Service and how the individual can engage with the ombudsman about their complaint. Share this information here: <https://www.housing-ombudsman.org.uk/residents/when-to-get-help-from-the-housing-ombudsman/>

4.24. The response should take the same structure as at stage 1:

- the complaint stage;
- the complaint definition;
- the decision on the complaint;
- the reasons for any decisions made;
- the details of any remedy offered to put things right;
- details of any outstanding actions; and
- details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied.



- 4.25. If due to complexity more than 10 days is needed to investigate an extension of up to 10 days can be used in rare circumstances. Please keep the residents and exec informed if this happens and give residents the details of the Housing Ombudsman if they are a resident.
- 4.26. The manager will seek to investigate and resolve the complaint within **20 working days** from the date of appeal. Strides will keep the person informed of any delays. A letter will be sent to the complainant within 25 days, stating the results of the investigation and how they can appeal against the decision if they are not happy with the outcome and advised that they have 3 months in which to appeal.
- 4.27. The complainant should be informed of the outcome at the time the outcome is decided- this should be recorded as part of the outcome letter.

## **5.0 REMEDY:**

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- 5.1. Any remedy offered must reflect the impact on the resident because of any fault identified.
- 5.2. The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.
- 5.3. Stride's must take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.

## **6.0 MONITORING**

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- 6.1. A complaint is a fantastic opportunity to learn about what or how we need to improve our service. We therefore want to learn from every complaint and to capture and share the things that we learn so that everyone can improve.
- 6.2. Regular reports on complaints and their progress will be produced by the CEO and presented to Senior Leadership team meetings on a quarterly basis. We will produce an annual summary of lessons learnt and service improvements made. Performance regarding complaint handling will be reported quarterly to our Board of Trustees.

## **7.0 APPENDIX 1: EXCLUSIONS TO THIS POLICY**

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### **7.1. INTRODUCTION**

- This procedure acts as an addendum to Strides' Complaints Policy.
- When making a complaint, a person may feel angry or aggrieved. With this policy we hope to provide a route where people feel their issue has been heard and reach a satisfactory resolution. Sometimes the nature of a complaint may be vexatious, in that it is made with the primary intention of causing unnecessary aggravation or inconvenience to Strides or an individual. While taking into account the wider context, other indicators alongside this can include: persisting unreasonably with their complaints, making serial complaints about different matters, or continuing to raise the same or similar matters repeatedly.
- These types of complaint can take up a considerable amount of time for Strides staff. This appendix sets out guidance for dealing with these types of complaints and other exclusions.

### **7.2. DEFINITION: IS A COMPLAINT VEXATIOUS?**

- It is important to distinguish between people who make a number of complaints because things have gone wrong, and people who are (intentionally or unintentionally) making an excessive number of complaints relative to the situation – this could stem from vexatious intent, or other factors such as memory issues, mental illness or injury, and other external factors. People will often feel frustrated and aggrieved when making a complaint; it is therefore important to consider the merits of the case, rather than the delivery style.
- Even if someone has made vexatious complaints in the past, it cannot be assumed that the next complaint is also vexatious. Each complaint must be considered, and a decision made as to whether it is vexatious or genuine. This need not be time consuming, but it must be done.

### 7.3. Some indicators of an unreasonably persistent or vexatious complaint may be:

- Refusing to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome and/or denying that an adequate response has been given
- Making the same complaint repeatedly, only with minor differences; insisting these minor differences make it a new complaint which should be put through the full complaints' procedure
- Repeatedly focusing on a trivial matter which is out of proportion to its significance
- Refusing to co-operate with the complaints investigation process whilst still wishing their complaint to be resolved
- Refusing to accept that issues are not within the remit of the Complaints policy and procedure or within the power of Strides to investigate, change or influence
- Insisting on the complaint being dealt with in ways which are incompatible with the complaints' procedure or good practice
- Harassing or verbally abusing staff dealing with their complaint
- Changing the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- Recording meetings and conversations without the prior knowledge and consent of the other person involved.

### 7.4. MANAGING THE COMPLAINT LOCALLY

- When a Service Manager suspects that someone is making vexatious or persistent complaints, they should put boundaries in place locally. For example, the person is to submit their complaints only in writing or by email (if they are able to), only to the manager, or only at a specific time each week (unless it is of an urgent nature).
- The person should be informed of these arrangements both verbally and in writing and given clear reasons why this is the case. This will limit the impact that these types of complaints will have on staff time whilst still ensuring the complaint is investigated and responded to.
- Managers should pass the details of the complaints to the relevant senior manager. The relevant senior manager decides whether to deal with the complainant by meeting with them as detailed in section 4 below.

## OTHER EXCLUSIONS TO THIS POLICY

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### 7.5. COMPLAINS ABOUT THE SAME MATTER

If the complaint is about essentially the same matter that has already been considered, with only very minor differences, and does not contain any new information the following action should be taken:

- If the complainant has not exhausted the Complaints Procedure, they should be referred to the next stage of the procedure.
- If the complainant has taken their complaint through the procedure and continues to make the complaint, they should be referred to the decision and/or body at the final stage of the procedure. Any

further contact which does not raise any significant new matters or present any new information should be logged on Inform, but not responded to.

- If the complaint contains significant new information, this should be considered and responded to by the manager dealing with the original complaint. A response should be sent, and the complainant advised of the next stage in the procedure.

## **7.6. COMPLAINTS ABOUT DIFFERENT MATTERS**

If someone keeps making complaints about different matters, or the same matter, each complaint should be considered in the usual way under the complaints procedure.

## **7.7. COMPLAINTS WHICH ARE MADE WHEN 'UNDER THE INFLUENCE'**

- At times someone may make a complaint whilst under the influence of drugs or alcohol. If a complaint is made in these circumstances the complaint should be fully recorded.
- Once the person is sober, or in a more functioning or self-aware state, staff should remind them that they have made a complaint. They should go through the complaint with the person and check whether they wish to continue with it. If they do, the complaint should be investigated in line with normal procedure.

## **7.8. COMPLAINANT WANTS TO SHOW RECORDINGS OF MEETINGS AND CONVERSATIONS WITHOUT PRIOR KNOWLEDGE AND CONSENT**

- It should be explained in person that this is inappropriate and should not continue. This should be confirmed in writing.
- We should not offer to listen or watch a recording which has been made without prior knowledge or consent.

## **7.9. THREATENING OR INTIMIDATING BEHAVIOUR**

- There are times when people can feel threatened, intimidated, or bullied by the language or behaviour of someone making a complaint. Strides expects all staff to be treated courteously and with respect.
- Any contact or correspondence which is considered threatening, or intimidating should be recorded on an incident report which will alert the service manager and senior leadership team.
- If we consider that, during a telephone conversation, a caller is becoming aggressive and/or offensive, they will inform the caller that they will terminate the conversation unless such behaviour ceases. If the aggression continues, the staff member should put down the receiver, terminating the call. We should respond to repeated calls in the same way. Appropriate records should be kept of the phrases and language used, and the action taken.
- Any restrictions placed on contact due to unacceptable behaviour must be proportionate and demonstrate regard for the provisions of the Equality Act 2010.

## **7.10. MONITORING OF COMPLAINTS AND EXCLUSIONS**

- Robust records should be kept of all meetings, telephone calls, correspondence and contact with the complainant. Any complaints which are later retracted should also be recorded.
- It should be made clear in the records why action, such as not responding to a letter or terminating a phone call, was taken.
- The relevant senior manager should be informed of the action taken and where they can locate the records.
- The number of people making vexatious or consistent complaints should be included in the Annual

Complaints Review.

