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| <b>Title:</b>  | <b>Complaints Policy</b>               |  |
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| <b>SCC consulted:</b>                                    | 19 April 2011                          |  |
| <b>TCC consulted:</b>                                    | 9 June 2011                            |  |
| <b>OMT consulted</b>                                     | 16 June 2011                           |  |
| <b>ET consulted</b>                                      | 7 June 2011                            |  |
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| <b>Date Review Due:</b>                                  | Sept 2011                              |  |
| <b>To be Reviewed by:</b>                                | Sept 2014                              |  |
|  | Policy and Service Improvement Officer |  |

## Complaints Policy

### 1. Introduction

West Kent aims to provide an excellent service, but recognise sometimes things go wrong.

West Kent values complaints. We recognise the importance of knowing when things go wrong, so we can put them right and improve our services.

This policy outlines how we will deal with and learn from complaints. It will ensure we meet our service standards and manage complaints in line with West Kent values.

This policy applies to:

- West Kent and West Kent Extra (WKE)
- Maintenance partnering contractors
- Any organisation or person acting on West Kent's behalf.

When reading this policy you need to be aware that it links to:

- Complaints procedure
- Compensation policy and procedure
- Customer Access Strategy

### 2. Aims

At West Kent we aim to:

1. Ensure staff and customers are aware of and can access the complaints policy and procedure
2. Signpost customers to the right organisation, if the complaint is not about West Kent.
3. Investigate all complaints - including anonymous complaints

4. Accept the customer's view that there is a genuine complaint to investigate
5. Apologise when we have made a mistake and make amends as quickly as possible
6. Keep customers informed of how their complaint is progressing and where appropriate ensure the customer agrees with any proposed action
7. Offer compensation when appropriate (see Compensation Policy)
8. Value complaints as an opportunity to learn and improve
9. Respect confidentiality by not sharing information outside West Kent without prior agreement
10. Keep a record of complaints made and action taken
11. Monitor and publish information about complaints performance
12. Make best use of resources when dealing with unreasonable or persistent complainant.

### **3. Definitions**

West Kent - whenever the policy refers to West Kent this includes:

- West Kent and West Kent Extra (WKE)
- Maintenance partnering contractors
- Any organisation or person acting on West Kent's behalf

Customers - the complaints policy applies to all West Kent's customers including people who engage with or are affected by any services we provide.

Complaint - West Kent's definition of a complaint is:

**'Where a customer is unhappy with West Kent's action or response'.**

Examples of complaints include:

- Dissatisfaction with level of service provided
- The length of time taken to respond to a request for a service or information.
- The attitude or behaviour of staff
- Failure to uphold policies or procedures.

This list is not exhaustive.

### **4. Complaints about Services West Kent are Contracted to Provide**

Examples of services West Kent provide under contract are the Sevenoaks District Housing Register and support services. West Kent will agree a protocol for responding to complaints with the contracting organisation.

### **5. Making a Complaint**

To help West Kent achieve its Customer Access Strategy vision of services that deliver the 'right person; right answer; first time'; a complaint can be made to and dealt with by any member of staff. Complaints can also be made to tenant representatives.

Complaints can be made in person, over the phone, in writing, by email, through the West Kent website or using the Complaints and Compliments form. Complaints can also be made through an advocate or Member of Parliament.

## 6. Help to Make a Complaint

West Kent staff will offer help to customers making a complaint. This could include completing a complaint form.

Customers can be supported by anyone they choose. This could be a professional advocate from a community organisation such as the Citizens Advice Bureau, a tenants association representative, friend or family member. With the customers permission this person may complete forms on behalf of the customer and may attend meetings with the customer.

### 7.0 Timescales

Complaints will be acknowledged within **two working days** (unless a full response can be given in this time). A full response will be sent within **10 working days**. A holding response will be sent within 10 working days if the investigation is going to take longer.

The customer has **20 working days** to ask for the complaint to be taken to the next stage after each stage of the procedure. If they do not request the complaint to be taken to the next stage within this time West Kent have the right to treat the case as closed and to only re-open if new evidence is presented.

### 8.0 The Complaints Process

West Kent has a three stage complaints process.

At each stage an investigation will inform a decision about the complaint. Attempts will be made to resolve the complaint to the satisfaction of both parties.

#### 8.1 Stage one

The staff member receiving the complaint will see if something should have been done differently and if so, what can be done to put things right. Often they will be able to resolve the problem immediately.

#### 8.2 Stage two

If the customer is not satisfied with the response given at stage one, a more senior member of staff will investigate the complaint and respond within **10 working days**.

West Kent has the right to halt the process at stage two, in some circumstances. At the end of stage two a decision not to enable the customer to move onto stage three can be made by a director. Where necessary they will consult with the Housing Ombudsman Service (HOS).

#### 8.3 Stage three

If the customer is unhappy with the response at stage two. The complaint will be looked at by the Policy and Service Improvement Team. They will resolve the complaint if possible. If a resolution cannot be reached, the Policy and Service Improvement Team will write a report

about the complaint for a panel to consider. The panel is made up of a minimum of two board members, one of whom will chair the panel.

The director or head of service responsible (or nominee) for the service area about which the complaint has been made, will also attend to answer any questions.

The customer making the complaint may attend the panel meeting with a representative.

The panel will consider whether:

- The customer has received a good service from West Kent
- There have been unreasonable delays in dealing with the matter
- Legal obligations and codes of practice have been followed
- West Kent has treated the customer fairly, reasonably and competently
- West Kent has followed its own policies and procedures
- The customer was treated in an appropriate and sensitive manner.

The panel cannot decide on a point of law.

In reaching a decision the panel may:

- Overturn the complaint.
- Uphold the complaint partially or in full
- Adjourn the panel whilst waiting for information deemed crucial to the investigation.

Where necessary the panel may recommend:

- An apology
- That compensation is paid
- That West Kent does or does not carry out an action
- That a policy or procedure is reviewed.

The panel will be arranged within **10 working days** of the request for a hearing. The customer will be notified of the panel's decision within **5 working days** of the decision.

## **9.0 Housing Ombudsman Service**

West Kent is a member of the Housing Ombudsman Service (HOS), which considers complaints about shortcomings in the way homes are managed.

Customers may escalate their complaint to the HOS and West Kent will implement decisions they take.

## **10.0 Persistent Complainants**

West Kent is accountable for the proper use of its income and must ensure money is spent well and for the benefit of customers.

We are committed to dealing with all complaints fairly and impartially. As part of this service we would not normally limit the contact customers have.

There are a small number of customers, who because of the frequency of their contact, delay our consideration of other customers' complaints. Where there are a high number of complaints and the complaints are similar, or very clearly have no basis, the customer may be considered a persistent complainant.

The decision to label someone a persistent complainant will be made by a director or nominated operational management team member.

Persistent complainants may be asked to enter into an agreement about how they contact us. Where a persistent complainant continues to communicate with us about a closed complaint (or a complaint that is very similar to the closed complaint) we will acknowledge the correspondence or call, but will not take further action unless fresh evidence is given. The decision on whether or not to take further action will be taken at director (or nominated OMT member) level.

### **11.0 Monitoring and Learning from Complaints**

Information about complaints received and their handling will be collated, monitored and analysed to identify trends and areas for service improvement.

Performance information will be reported to Executive Team and Operational Management Team and made available to staff, customers and other stakeholders.

### **12.0 Review**

This policy will be reviewed every three years, or sooner in response to an identified need.