

COMPLIMENTS AND COMPLAINTS

(O.PC.13)

Policy Statement

Oaklea Group aims to support and care for people and communities so they can learn, develop and thrive

In order for us to achieve this, we are constantly seeking feedback from our wide range of customers. We are always grateful for suggestions as to how we can improve our services. We view complaints positively as a means of being able to identify and make changes when we do not meet expected standards.

This underpins our working behaviours that all Oaklea Group employees adopt:

- be kind,
- be part of the team,
- be innovative,
- be focussed,
- be productive,
- be respectful,
- be resourceful.

1. BASIC PRINCIPLES

1.1 We are committed to making it easier for you to provide feedback to us, and use your feedback to improve our support.

1.2 Through our complaints and compliments policy, we will aim to resolve your complaints immediately, effectively and fairly. We will pass on comments and compliments to those relevant people or departments which goes to ensure prevention, learning and development occurs.

1.3 When dealing with complaints, it is our aim to resolve the complaint and leave you feeling that it was handled fairly and appropriately.

1.4 The tone of our contact will be open, responsive and avoid unnecessary formality.

1.5 Our written correspondence will use plain English, and will be backed up with positive action to resolve your complaint. We also provide an easy read version of this policy.

1.6 We are committed to treating all customers fairly and we take equality and diversity into account in a positive way. We will therefore ensure that individual needs are considered when applying this policy and that any reasonable adjustments are made as required.

1.7 We welcome the involvement of advocates and where it is felt a complainant would benefit from the support of an advocate, depending on the nature of the complaint we will signpost to the appropriate advocacy service.

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1.8 We ask that you work with us in the first instance to let us know if you are unhappy or unsatisfied and give us the chance to put things right. We have a centralised complaints and quality approach: however, we believe it is better to resolve any complaint a local level where possible and will endeavour to do this as a first step.

1.9 All customer feedback will be treated equally whether it is by survey, telephone, letter, face to face, email, social media, or any other communication. We do not require you to contact us in writing if you wish to use another medium.

1.10 You can give us feedback centrally, make a comment or complaint or pay a compliment on our website at www.oakleatrust.co.uk or www.right2work.org.uk or you can email us at: enquiries@oakleatrust.co.uk.

1.11 You can write to us at: The Oaklea Group, Station House, Station Road, Kendal CUMBRIA LA9 6RY

2. SCOPE OF POLICY

2.1 This policy is for:

- Customers we support
- Learners and Jobseekers, we support
- Tenants
- Carers /families
- Partner agencies and stakeholders
- Members of the public
- Volunteers or those on placement

2.2 This policy is for any of the above who may wish to: give a compliment, share a concern, make a complaint, suggestion or give feedback in respect of any of the operations of the Oaklea Group.

2.3 Oaklea Group employees who wish to raise a complaint about any employment related or corporate matter should use the Grievance Procedure C.HR.09.

2.4 Oaklea Group employees who wish to suggest a matter for change or improvement should talk with their line manager or their Employee Consultative Group representative.

3. WHAT IS A COMPLIMENT?

A compliment is an expression of satisfaction about the standard of service we provide.

We are always glad to hear from people who are satisfied with the services we offer. All compliments are recorded centrally, and a copy is sent to the relevant team manager to provide feedback to the individual colleague or team. The central record of compliments is also reviewed by the Senior Leadership Team.

4. WHAT IS A COMPLAINT?

A complaint is an expression of dissatisfaction or disquiet about the standard of service we provide, that requires a response.

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Our employees are able to resolve most issues of minor dissatisfaction at a local level as part of their job, without the need for you to make a complaint. However, there may be times when a more formal approach or further investigation is required, which may need the involvement of other colleagues to find out what has happened. We will address this through the complaints process.

5. WHAT WE CANNOT DEAL WITH UNDER THIS POLICY

5.1 Not all complaints to us will be dealt with under this policy. Please see below for guidance on what we cannot deal with:

- Complaints made about Local Authorities
- Complaints made about Healthcare Services
- Complaints about services provided by other bodies
- Complaints by Oaklea Group employees about any employment related or corporate matter (See Grievance Procedure C.HR.09).

5.2 Complaints we cannot deal with under this policy could be in relation to repairs to a property not owned by Oaklea, ongoing environmental issues or neighbour disputes. Notification of a service failure that is not provided by Oaklea may also fall outside the remit of this policy.

5.3 We may be alerted to an issue or told of work that needs to be done or addressed but it is not our responsibility to undertake the work. However, in this situation we do need to support people to complain to the correct body, as if we do nothing it may result in a complaint against us if we do not signpost or support you to complain to the appropriate body or provider.

5.4 Complaints regarding issues that occurred over 12 months ago

We would **not** normally investigate complaints about something that happened more than a year ago, unless there are exceptional circumstances.

5.5 Where legal proceedings are involved

When a legal challenge is being made regarding whether a decision, action (or lack of action) is lawful. This is a separate process to the Ombudsman. You will be notified of the outcome of our investigation within 20 working days of receipt of your complaint. If we cannot respond in full within this timeframe, we will advise you why we need more time. Under this legislation, we must ensure that we respond fully to you within 40 working days from receipt of your complaint.

5.6 Complaints about Data Protection

Complaints about how Oaklea has processed personal data, or sensitive personal data, under the Data Protection Act (2018) for example, complaints about information sharing, disclosure, retention, or information security, will be handled by a member of the Senior Leadership Team under the same process as a formal stage 2 complaint. You will be notified of the outcome of our investigation within 20 working days of receipt of your complaint, wherever possible.

Please note: There is no further right of appeal to Oaklea following this investigation. Under the Data Protection Act (2018), an individual is entitled to request an assessment from the Information Commissioner's Office ("the ICO") as to whether Oaklea has complied with the requirements of the Act. The details as to how to appeal are set out on the Information Commissioner's website at <https://ico.org.uk/make-a-complaint/> However, Oaklea is committed to trying to resolve all complaints at an early stage and encourages individuals to raise any concerns with us before contacting the ICO.

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6. TYPES OF COMPLAINT

6.1 Complaints of discrimination and harassment

These issues will be dealt with sensitively, considering the nature of the issues raised when appointing an investigator. We will use appropriate information to assess overall levels of discrimination and harassment amongst different groups and will feed into appropriate corporate policy review mechanisms to improve policy and practice.

6.2 Investigations Into claims of sexual harassment

In cases of alleged sexual harassment, we will consider the gender of the investigating officer, and if appropriate, discuss this with you before appointing an investigator.

6.3 Complaints received by the Chief Executive

Complaints received by Oaklea Group's Chief Executive will be passed to the appropriate Director or Manager who will respond to you directly.

6.4 Complaints relating to more than one issue

Where a complaint includes issues for more than one part of the service, the investigation will be led by the person who has responsibility for the major part of the complaint. We will aim to provide you with a single response whenever possible.

6.5 Complaints against employees

If you have an issue about an employee and our investigation finds that employee acted in such a way as to merit disciplinary action, our normal disciplinary policies will apply. We will advise you that this is the course of action being taken and what information, if any, will be available from this process.

6.6 Allegations of fraud

This covers any alleged fraud, theft or corruption by an employee. We are committed to being open and accountable, if you have serious concerns about an Oaklea employee, please come forward and let us know. All concerns will be treated in the strictest of confidence.

6.7 Anonymous complaints

Anonymous complaints will be investigated as far as possible, and a record of the complaint and investigation outcome kept.

6.8 Group complaints

Group complaints will be responded to via one named individual, and we will only be able to respond in general terms so as to respect the confidentiality of individuals.

7. HOW WE IMPLEMENT THE POLICY

7.1 The Oaklea Group has a two-stage process for addressing complaints. However, it is good practice to try and resolve complaints at a local level first.

7.2 When a concern is raised locally it should be dealt with immediately as part of good customer care. The concern raised does not need to be logged as a complaint but should still be documented. Low level complaints should still be logged locally as a complaint even if dealt with immediately using form OS-050. For example: A tenant complaining about their coffee being made too strong or the room is too hot or too cold. This is something that can be fixed immediately but would not be classed as a complaint unless expressly asked or if unresolved.

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7.3 We will assess whether we feel that a full investigation is required or if we could resolve the issue for you immediately. If we think we can do so, we will contact you to discuss this with you within 24 hours of receipt of your complaint with the hope of resolving your issue. If we cannot, your complaint will be dealt with as set out below.

7.4 Initial Investigation (Stage 1)

7.4.1 This is the first **formal** stage, usually undertaken by a member of the local management team. A member of our central Comms & Admin Team (CAT) will acknowledge receipt of your complaint as soon as possible and within 5 working days. Our acknowledgement can be made verbally or in writing and we will:

- Inform you of the name of the person who is dealing with your complaint.
- Discuss your complaint with you and check we understand what it is you are dissatisfied with and what outcome you are looking for.
- Agree a date or timeframe by which you can expect to receive a response to your complaint and what will happen if we cannot meet the agreed timeframe.

7.4.2 Our aim is to resolve complaints quickly and as close to where we provide the service as possible, so stage one complaints are usually investigated by the local Team Manager. If you don't feel your complaint can be resolved locally, or if local resolution has failed, you can always contact the central Comms & Admin Team (CAT) directly.

7.4.3 Step one will be to talk to you about your concern. We will establish what you would like to see happen as a result of your complaint. We will provide you with regular updates at least every two weeks. The Team Manager will record the area of concern using OS-050.

7.4.4 We aim to resolve complaints within 20 working days where possible. If your complaint is complex or covers a number of areas, we may take longer to respond, however, we will keep you informed if this is the case. If our investigation is taking longer than anticipated we will inform you of the reason for the delay and when you can expect to receive a response.

7.4.5 Should it be required, the person investigating may contact you for further information to assist with their investigation.

7.4.6 Our response can be provided by letter, email, face to face or by telephone.

7.4.7 Where a response is given by telephone or in person, we will offer to provide written confirmation of our discussion.

7.4.8 If we cannot resolve your complaint at this stage we will explain how you can take your complaint to the next stage should you wish to do so. All complaints are logged centrally for quality checking.

7.5 Review (Stage 2)

7.5.1 Stage two deals with complaints that have not been resolved locally or through the stage one process. Often more complex situations needing a detailed investigation may need to progress to stage two. This will most likely be undertaken by an independent member of the Senior Leadership Team.

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7.5.2 If you remain dissatisfied following our initial investigation (stage 1 outcome) and you feel there is further information or evidence that was not considered you can ask for your complaint to be looked at again by a more senior member of the team.

7.5.3 You will need to let us know in writing within 14 days of the date we responded with an outcome to your initial complaint in order for us to review your complaint, unless there are exceptional circumstances.

7.5.4 At this stage, we will ask you to provide details to aid the review, and let us know why you are still dissatisfied and provide information to support your review if the process of the initial investigation was not followed or there is additional evidence.

7.5.5 If it is agreed that there is scope for further investigation then we will appoint a more senior member of the team to review your complaint.

7.5.6 The complaint will be acknowledged in the same way as at the initial stage, within 5 working days.

7.5.7 The review will look at how we dealt with your original complaint and we will also respond to any further related issues that you have raised with us.

7.5.8 Our policy is to work within a reasonable and agreed timescale. Our aim is to provide a quality response. We aim to resolve complaints, where possible, within 20 working days from acknowledgement. However, at stage 2 investigations may take longer than this, so we will work collaboratively with you and communicate at all stages. If the timescale is to change we will inform you this. At this point we will agree a revised timescale with you and keep you updated of progress.

7.5.9 Stage two is the final stage of the complaints' procedure. There is no further right of appeal through the Oaklea Group.

7.6 Next Steps

7.6.1 Within our final response, we will inform you of your right to take your complaint further if you remain dissatisfied. Our response will contain the contact details for the Ombudsman's office, or you can find further details on the Local Government and Social Care Ombudsman here: www.lgo.org.uk

7.6.2 If the complainant is not happy with the response to their complaint and it is regarding a service which is CQC registered they can contact the Care Quality Commission (CQC) by phone, letter or email to:

CQC National Customer Service Centre
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA
Phone: 03000 616161
Email: enquiries@cqc.org.uk

7.7 REQUESTING AN EXTERNAL INVESTIGATION

Oaklea Group may, at times, feel it is appropriate to appoint an external individual to investigate a complaint. It is the company's not the complainant's right to request an independent person.

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8. TENANTS IN SUPPORTED HOUSING (OAKLEA is the Landlord)

8.1 If a tenant is not happy with the resolution of a complaint about their housing and they have exhausted Oaklea's Complaints Procedure, they have the right to contact the:

Housing Ombudsman Service

Exchange Tower

Harbour Exchange Square

London E14 9GE

www.housing-ombudsman.org.uk (online complaints form available from this website)

Tel: 0300 111 3000

Email: info@housing-ombudsman.org.uk

9. DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINANTS

10.1 There are a small number of complainants who may be deemed by us to be a 'persistent or vexatious complainant' due to the behaviours they demonstrate in pursuing the resolution of their complaint. For example:

- A 'persistent or vexatious complainant' displays behaviours/actions which are disproportionate, are harassing and repetitive.
- They seek unrealistic outcomes relative to the issue being raised and state that their intention is to persist until that outcome is achieved.
- They repeatedly make the same complaint with minor differences, but do not accept the outcome of any investigation into their complaints.

9.2 The inclusion of this section within the policy is to ensure that those complainants who we deem to be 'persistent or vexatious complainants' are still dealt with fairly, honestly and properly, whilst also ensuring that other customers or Oaklea employees are not adversely affected.

9.3 It is not possible to devise a single strategy to deal with 'persistent or vexatious complainants', as each case must be looked at on its own merits. Before deciding whether it is appropriate for us to apply any restrictions in the way a 'persistent or vexatious complainant' can contact us, we must inform the complainant in writing or at a face to face meeting why we feel their behaviours or actions are unacceptable. This to be actioned as per stage 2 complaint.

9.4 We must also give them the opportunity to change their behaviours within a reasonable timescale before taking any further action. Where this does not happen, we can apply restrictions in the way the complainant accesses Oaklea support and this must be confirmed in writing.

9.5 We must also review our decision at least every six months, and this must also be confirmed in writing.

9.6 There is no right of appeal regarding the implementation of this section of the policy. We would, however, direct the complainant to the Local Government Ombudsman should they not agree with these restrictions.

9.7 When a complainant is being dealt with under this section of the policy, information concerning the restrictions will be shared with relevant Oaklea colleagues to ensure that they are still dealt with fairly, honestly and properly whilst also ensuring that other customers or colleagues are not adversely affected.

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Information about the restrictions will also be recorded alongside the complaint or on a customer record whilst the restrictions are in force.

10. ROLE OF THE EXECUTIVE

11.1 Details of complaints will be reported to the Senior Leadership Team on a quarterly basis in order that they may have an overview of the number, causes and outcomes of complaints. This will be done with a view to reducing the incidence of complaints or dissatisfaction with services and improving the satisfaction of those using the complaints procedure. Group Boards will receive information regarding any complaints that may form a risk to the Group, as part of the Executive reporting responsibilities.

11. PROCEDURE AND GOOD PRACTICE PRINCIPLES FOR EMPLOYEES TO FOLLOW

- Ensure that the complainant's communication needs have been considered
- Listen to the complaint
- Make notes of your conversation and inform the complainant that you have done this
- If you are speaking to the complainant, ensure that you are empathetic and sympathise that they have felt the need to complain
- Confirm that you have formally received the complaint
- Ask how they would like the complaint to be dealt with
- Ensure that you take into consideration Oaklea Safeguarding and Whistleblowing Policies
- If possible try and resolve the complaint – every effort should be made to take immediate action to address the complaint. You may need to escalate the complaint to the Registered Area Manager, Senior Leadership or the Executive Team
- Explain the next steps
- Give the complainant a copy of the Complaints Policy or easy read version
- If the complainant is unhappy with your response, or with the next steps, give them an alternative contact (i.e. that of a senior manager or Head Office to escalate the complaint).

12. RECORDING AND TAKING ACTION ON THE COMPLAINT

- Log and record the complaint on a concern's form;
- Forward the complaint to the Comms and Admin team at head office by email to enquiries@oakleatrust.co.uk or comms.admin@oakleatrust.co.uk
- Inform the relevant person(s) (including a team manager).

13. ACKNOWLEDGING THE INITIAL COMPLAINT

- Once a complaint has been received, it will be recorded on the central complaints spreadsheet and the Team Manager will have recorded on form OS-050.
- The Comms and Admin team will make initial contact with the complainant within 24 hours to establish the facts of the complaint and to discuss what outcome they are looking for. Time spent at the beginning of the process can sometimes alleviate the need for a full-blown complaints investigation.
- If a formal investigation is required, the complaint should be acknowledged in writing within 5 working days of receipt. This acknowledgement will be provided by the Comms and Admin team

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and will include an outline of the components of the complaint, who will be investigating and the timescales that can be expected.

- The complaint will be allocated to a suitable person to be investigated.
- Once the investigation has been completed then an outcome to the complainant will be drafted.
- Prior to the outcome being sent by CAT to the complainant, it should be forwarded to a member of the Executive team within 3 working days of the agreed timescale for approval.
- Once approved, the outcome will be sent to the complainant in whichever form of communication has been agreed, for example, by post or by email. A copy of the outcome will be retained at Head Office. The communication of the outcome will include details of the next stage, if applicable, and any appeals process.
- If a complainant is not satisfied with the outcome of their complaint and requests a review, they must provide the reason for this and where possible any additional or supporting information. If the criteria for review is not met or there would be nothing gained from re-investigating then the complainant will be advised that there will be no further action on behalf of Oaklea group. The complainant will be advised of other options.

Related policies:

Grievance Procedure (C.HR.09)

Safeguarding Adults (O.LE.01)

Safeguarding Children (O.LE.02)

Whistleblowing (C.HR.26)