

Complaints and Other Feedback Policy



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EMT Lead	Anna Headley, Executive Director
Author(s)	Mike Wells, Director of Quality and Performance Sara Allen, Snr Quality and Performance Manager
Ratified by	Anna Headley, Executive Director
Signed	Anna Headley, Executive Director
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Document Change Log

This document will be reviewed **every 24 months** or as changes in legislation and regulation dictate.

Version No	Date	Document Change
1	Jun 2017	New policy to replace Complaints Policy
2	Jan 2020	Updated policy to reflect change in Data Protection legislation. Split policy and guidance into two separate documents
Guidance 7	Jan 2020	Updated guidance to: <ul style="list-style-type: none"> • Include complaints received via generic Humankind email accounts, websites and social media • Clarify CQC's role in relation to complaints received by Humankind • Clarify the definition of Vexatious and Persistent Complaints Added Appendix 4 with Ombudsman details
Guidance 8	Jul 2020	Updated guidance to: Include dealing with complaints that relate to more than one service/SDU
Guidance 9	Aug 2020	Updated guidance to: <ul style="list-style-type: none"> • Include use of the Complaint Policy by volunteers • Include responding to complaints that involve more than one Humankind Team or SDU • Clarify Hub recording when the complaint requires a response from HR and may lead to disciplinary proceedings.
3	Feb 2021	Updated Policy to: <ul style="list-style-type: none"> • Include EDP in the scope • Update the definition of a complaint • Include specific timescales for responding to complaints to Humankind Housing
4	Feb 2023	2 yearly review: Policy and guidance into one document and edited/formatted to improve the flow and make it easier to find key information Minor tweaks to language throughout and added text to encourage trauma-informed behaviours when responding to feedback Additional guidance on: <ul style="list-style-type: none"> • effective complaint handling • responding to complaints received by the CEO • support to staff members who the complaint relates to • links between the complaint process and disciplinary process, including the clarification of roles and responsibilities • responding to dissatisfaction publicly posted to social media Appendices added: <ul style="list-style-type: none"> • Effective Complaint Handling Strategies • Complaint Handler's Checklist Appendices updated: <ul style="list-style-type: none"> • Flow charts in appendices 3 and 4 • Ombudsman details in appendix 5
Policy 5	April 2024	Additions to meet requirements of the Housing Ombudsman Complaints Code 2024

	Moved staff guidance to a separate document to make the policy more accessible to wider audience when uploaded to the website. Removed the need for grounds for appeal
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1.0 Introduction

Humankind aims to provide services that fully meet the needs of our service users and stakeholders. Complaints and other feedback are valued as a vital tool for developing and improving our services. Humankind receives a range of different feedback, which we categorise as either a Complaint, Concern, Comment or Compliment.

1.1 Humankind's positive approach to complaints and concerns

Humankind views complaints positively, as an opportunity to put things right if they go wrong and improve our services. Humankind will encourage and support people through the complaints process. Humankind will ensure complainants are not discriminated against or victimised – the service a person receives will not be negatively affected if they make a complaint, or if somebody complains on their behalf.

Humankind's process for handling complaints and concerns aims to be fair, proportionate, clear, straightforward, and readily accessible to people who need to follow it. We recognise that people may feel vulnerable when making a complaint and that the circumstances leading up to the complaint may be distressing or frustrating. We will ensure that complainants are treated with respect and empathy.

All Humankind staff, volunteers and others acting on its behalf will:

- take a collaborative and cooperative approach towards resolving complaints, working with colleagues across teams and departments
- act within the professional standards for engaging with complaints as set by any relevant professional body/regulator

Humankind expects all staff to respond to all feedback in line with our values:

Honest: we are open and realistic, building trusted relationships in which we challenge, collaborate and change

Committed: we are passionate about being the best that we can be, and we do this by keeping people at the heart of everything that we do

Inventive: we are ambitious, drawing together skills and resources to innovate and adapt in determined pursuit of our mission.

1.2 Key Points

- All feedback will be recorded on theHUB.
- Complaints can be made verbally or in writing, and the word 'Complaint' does not need to be used for it to be treated as such.
- Complaints can be made by anyone who is not a current employee of Humankind if their concern meets the definition of this policy.
- Complaints will not be refused unless there are valid reasons for doing so, these will be clearly communicated and documented.
- An appropriate Complaint Handler will be appointed, and they will be responsible for all communications with the complainant, investigating the complaint and ensuring any action needed to resolve the complaint is taken.
- We aim to contact complainants within 3 working days of receiving their feedback. We aim to resolve complaints from Humankind Housing residents within 10 working days, and all other complaints within 20 working days. Appeals will be resolved within 10 working days.
- Humankind's Complaint process has only 2 stages. People will be signposted to alternative complaint options if they still are dissatisfied.

1.3 Scope

This policy relates to all activities of the Humankind group, including its subsidiaries unless agreed partnership or contractual arrangements specify an alternative procedure.

1.4 Partnership, Sub-Contracting and Commissioner Arrangements

Humankind works in partnership or as part of sub-contracting arrangements with other organisations. Also, some contractual arrangements require that complaints are notified to commissioners/third parties in the first instance. In these circumstances a local written procedure will be put in place to:

Avoid any confusion about how complaints will be dealt with and by whom, including the roles and responsibilities of each organisation

Enable oversight of complaints received and their resolution to ensure that the appropriate process is being followed, and any learning is identified, addressed and shared across the service.

Ensure that individuals are not required to go through two complaints processes.

Where Humankind is the lead provider, delivery partners' non-compliance with the agreed complaints will be addressed via Humankind's Subcontractor Management Framework.

1.5 Roles and responsibilities

- All employees and volunteers have responsibility for identifying feedback and recording or passing this on appropriately
- Complaint Handler is responsible for the investigation of the complaint, communication with the Complainant, taking action to resolve the issues identified (where applicable), and recording this on the Hub. The Complaint Handler will have access to staff at all levels to facilitate the quick resolution of complaints.
 - Operational Management Team will be responsible for ensuring that how to make a complaint is actively and appropriately promoted within their services, staff training is completed and learning from feedback is circulated and embedded.
 - Registered Managers of CQC regulated services are responsible for ensuring compliance with Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 16 Receiving and Acting on Complaints
 - Complaint Handlers are responsible for ensuring their handling of complaints made by Humankind Residents is compliant with Humankind's Policy and therefore the requirements of the Housing Ombudsman Code
 - Quality and Performance Team is responsible for providing quarterly reports on complaints and other feedback, and regular service inspections to ensure our complaints procedure is accessible, the policy is followed, and learning is used to improve our services. A member of the Quality and Performance Team will liaise with the Housing Ombudsman to ensure compliance with the Code

Director of Clinical Services will be notified of all complaints about the conduct of Humankind clinicians and will advise Humankind's Responsible Officer of all significant concerns raised.

A member of the Executive will ratify the Complaints and Other Feedback Policy

- Quality and Performance Sub-Committee of Humankind's Board will provide high level oversight of all Humankind's complaints.
- Member Responsible for Complaints ('the MRC') is responsible for ensuring the Board receives regular information on complaints that provides insight to the governing body on Humankind's complaint handling of complaints made by Humankind Residents.
- Housing Sub-Committee of Humankind's Board will provide oversight of housing-related complaints and compliance with requirements of the Regulator of Social Housing and Housing Ombudsman.

1.6 Promotion of the Complaints and Feedback Policy

The Complaints and Feedback Policy will be published on Humankind's websites. Information about how to provide feedback and make complaints will be promoted to people who use our services, and other stakeholders via:

- service user handbooks/welcome packs
- posters/leaflets in reception areas
- service newsletters
- social media
- surveys

Humankind services will ensure that information will be made available in accessible formats and other languages on request.

People making complaints will be informed about relevant Ombudsman schemes that are available to them in line with the requirements of those schemes.

1.7 Equality Statement

All customers, members of the workforce and members of the public should be treated fairly and with respect, regardless of age, disability, gender, pregnancy and maternity, marital or civil partnership status, membership or no membership of a trade union, race, religion or belief, domestic circumstances, sexual orientation, ethnic or national origin, social and employment status, HIV status, or gender re-assignment.

1.8 Links to Other Policies

1.8.1 Equality and Diversity

Humankind positively promotes Equality and Diversity, delivering our services in line with the Equality Act 2010. Should complaints or concerns indicate potential discrimination in relation to an individual's protected characteristics, or other issue which suggests failure to meet the requirements of the Act, these will be handled formally in line with Humankind's Equality and Diversity policies and with due regard to the Equality Act 2010.

1.8.2 Safeguarding

Humankind works to effectively safeguard both adults and children. Should a complaint or concern indicate potential failings in relation to Humankind's safeguarding responsibilities, including allegations of abuse, these concerns will be handled formally and in line with Humankind's safeguarding policies and procedures. Humankind will involve relevant external bodies as appropriate, including the Local Authority Designated Officer (LADO), CQC and the Police.

1.8.3 Data Protection

Humankind will handle complaints and other feedback in line with the General Data Protection Regulations (GDPR) 2016, and Humankind's Information Governance requirements including in relation to consent, confidentiality and the appropriate recording, management and sharing of information. Humankind will notify the Information Commissioner's Office (ICO) should a breach meeting the threshold for notification occur.

1.8.4 Duty of Candour

Humankind will act in accordance with Regulation 20: Duty of Candour in respect of complaints about care and treatment that have resulted in a notifiable safety incident within Humankind's CQC registered delivery.

1.9 Compliance with Regulatory Body and Ombudsman Requirements

Humankind is registered with:

- Regulator of Social Housing as a social landlord; and
- Care Quality Commission for regulated activities associated with the provision of substance use services.

This policy has been cross-referenced with both sets of requirements to enable Humankind to comply fully with:

- The Housing Ombudsman's Complaint Handling Code 2024; a self assessment of Humankind's compliance will be published annually and made available to all residents.
- Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 16 Receiving and Acting on Complaints.

1.10 Definitions

A **Complaint** is an expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by the organisation, our staff, or those acting on our behalf affecting an individual or group of individuals. The person does not have to use the word complaint in order for it to be treated as such.

A **Concern** is feedback about something which needs to be resolved and can be put right immediately, or within 1 working day, without the need for an investigation.

A **Comment** is feedback which is neutral i.e. not an expression of dissatisfaction or a positive statement. This might be an observation or suggestion for improvement where the person making the comment isn't dissatisfied with the current service. Comments can be useful for informing service change and improvement.

A **Compliment** is positive feedback about the service provided and is normally given without wanting to receive a response. Compliments are useful for identifying when things are working particularly well, often highlighting good practice. This can help inform service change and improvement and provide positive feedback to the individuals involved.

Complainant is the person making the complaint. This may be a service user, third-party making the complaint on behalf of a service user, a representative of another organisation or a member of the public.

theHub is Humankind's internal management information system for recording feedback and incidents

Additional guidance on how to categorise and respond to different types of feedback is in **Appendix 1: Categorising Feedback** and **Appendix 2: Complaint, Concern, Comment or Compliment?**

2.0 How we can receive feedback

We want to make it as easy as possible for people to provide feedback about our services and they can do so:

- In person to any member of staff or volunteer - they will pass feedback on to a manager
- In a letter
- By telephone
- By email via info@humankindcharity.org.uk or the service's email address which is published on the service website. These will be forwarded on to the relevant service Manager/Director to allocate a complaint handler.
- Through the Humankind website: www.humankindcharity.org.uk or the service's website
- Through another person such as a family member, friend, advocate, solicitor or other professional they are working with
- Through comments on social media

2.1 Who can make a complaint or raise a concern?

Humankind will accept complaints and concerns from:

- People who use our services or have used our services in the past; their family, friends, or anyone else making a complaint on their behalf. This could include staff from another organisation, their MP, Councillor, or Advocate.
- Members of the public who have been affected by our services
- Humankind Volunteers, including regular, one off and employer supported volunteers
- Dissatisfaction from former Humankind employees will be considered on a case by case basis in discussion with Human Resources and may fall within the scope of this policy where the complaint doesn't directly relate to that person's employment.
- Humankind will record and investigate anonymous complaints and concerns to the degree that it is possible to do so.

Dissatisfaction from current Humankind employees can be addressed via the Grievance Policy and will not be recorded as a complaint.

Feedback passed on to Humankind via Regulators or Ombudsman will be recorded as a complaint, investigated and an update provided in line with the required timescales.

Requests for information about Humankind has dealt with a specific event will be recorded as an incident.

3.0 Identifying and Addressing Concerns

A **Concern** is feedback about something which needs to be resolved and can be put right immediately, or within 1 working day, without the need for an investigation.

Humankind encourages staff to proactively resolve issues at the earliest opportunity, to the person's satisfaction. This can prevent the need for a complaint to be made. All concerns will be recorded on theHub, to allow monitoring and review of trends.

Examples of concerns:

- 'My appointment was cancelled at short notice'
- 'The people who fixed the leak in my home left all their rubbish in the bathroom'
- 'The bins in the testing area smell of urine and need emptying'

Concerns may also be referred to by Housing Services as 'Service Requests'.

Our staff speak to people who use our service every day. We encourage people to discuss any issues they have, as we can often reach a quick and effective resolution to dissatisfaction.

When concerns are raised, staff will:

- Thank the person for bringing the matter to our attention, and ask what they would like to happen to resolve the concern
- Speak to line management if it seems likely the issue can be handled as a concern, and confirm this course of action
- Attempt to resolve the issue immediately to the complainant's satisfaction. Where this isn't possible there and then, inform the person when action will be taken, or that the concern will be considered in ongoing review of the service, as appropriate.
- Record as a Concern on theHub.
- The process of appeal does not apply to concerns. If the person is not satisfied with the action taken, we will discuss the complaints process with them.

4.0 Complaints

4.1 Identifying Complaints

A **Complaint** is an expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by the organisation, our staff, or those acting on our behalf affecting an individual or group of individuals.

The person does not need to use the word 'complaint' or submit it in writing for it to be treated as such. We will use the language chosen by the person, or their representative, when they describe the issues, they raise. We will always speak to people to understand the issues they raise and how they would like us to consider them. All complaints will be accepted unless there is a valid reason not to do so.

4.2 Reasons that Complaints will not be Accepted

All complaints will be accepted unless there is a valid reason not to do so. In which case, Humankind will provide a clear explanation and either address the issues through a more appropriate process or signpost to alternative complaint routes or contact details for Ombudsman where applicable. The following are not considered to be a Complaint and an alternative policy should be followed. Appendix 1 contains further guidance on categorising feedback.

- Something that happened, or which the individual knew happened more than 12 months ago. This does not include complaints about safeguarding or Health and Safety issues which will always be investigated. Humankind will use discretion to accept complaints made outside of this time limit if there are good reasons to do so.
- Repeat complaints about the same or related issues which have already been fully through the complaint process.
- Complaints that are made without sufficient grounds and are intended to cause upset, annoyance or inconvenience.
- An initial request for service or change in service where this isn't linked to the standard of service provided. For example, a request for a female worker rather than a male worker or a request for a repair to a Humankind residential property.

- Asking for explanation of a policy or decision: for example, a service user requesting the reason why visits should be conducted by two members of staff, or why their prescription was changed.
- Reports of anti-social behaviour (ASB) will be dealt with under Humankind Housing's Anti-Social Behaviour Policy. However, dissatisfaction with how Humankind has dealt with ASB will be dealt with as a complaint.
- An appeal against a decision where an appeal process is in place in relation to that decision, for example, the Housing Allocations process and Education Assessment process both give people a right to appeal and explain how to request one.
- Expressions of dissatisfaction by Humankind staff. These should be either formally or informally through the organisation's Grievance procedures.
- Legitimate concerns from staff that are classed as 'qualifying disclosures' under the Disclosures in the Public Interest (Whistleblowing) Policy.
- Other bodies are already investigating aspects of the complaint, for example the police, or local authority safeguarding teams, this may result in the procedure being suspended until those public bodies have completed their investigations.
- If a claim against Humankind has been filed at court for an issue related to the complaint. This does not include Pre-Action Protocol for Housing Conditions which are not classified legal proceedings. The issues raised should be investigated thoroughly using the Complaints Process as this can usually enable both parties to reach a resolution. If the case reaches legal proceedings, the court will look to see if Humankind's complaints process has been followed and action taken by Humankind to resolve the issues. If a resident initiates this protocol any existing complaint relating to the issues will continue and where such a complaint has not been recorded, one will be opened.

If a person explicitly states that they wish to make a complaint, but the complaint is not accepted on the above grounds, Humankind will provide a clear and detailed response and details of the relevant Ombudsman (where applicable).

Additional guidance on categorising and dealing with feedback and concerns which do not meet the definition of a complaint or concern, is provided in Appendix 1: Categorising Feedback

4.3 Support and Assistance to Complain

Humankind will ensure that reasonable adjustments are made to accommodate an individual's needs. We will ask what reasonable adjustments people need and not make assumptions. Support to complain, could include:

- using their preferred method of contact
- giving more time than usual to provide information or comments
- encouragement to make their views known
- practical support like arranging interpretation or signing services
- Complainants may also be represented or accompanied by a suitable person at any meeting with us.

We will record reasonable adjustments on the complaint record and keep these under review to ensure they continue to meet the person's needs.

Complaints from third parties acting on behalf of complainants will be accepted with the consent of the complainant, or where the service user cannot complain unaided and cannot give consent because they lack capacity within the meaning of the Mental Capacity Act 2005.

People will be provided with information about other local and national organisations who can support them to make a complaint. Humankind will make available information about how to raise concerns outside of the organisation, for example to relevant Ombudsman schemes, service commissioner or CQC where applicable.

4.4 Withdrawn Complaints and Disengagement

People may withdraw their complaint at any time. Humankind reserves the right to continue looking into the issues raised if there is an indication of staff misconduct, or where there is an opportunity for learning to be identified. We will respect complainants' wishes if they no longer want to be involved in the investigation or be informed about the outcome.

It is sometimes the case that a Complainant does not engage with the process, beyond providing the initial feedback. Humankind will make reasonable attempts to contact the Complainant and offer support to engage with the process;

this should not cause the investigation to exceed 20 day timescale (10 day timescale for Housing complaints). If attempts to contact the Complainant are unsuccessful, consideration should be given to investigating the complaint as fully as possible, based on the available information.

Complaints will only be closed without completing the investigation with the agreement of a Director or Registered Manager.

4.5 Serious Complaints

A Serious Complaint is a complaint where the consequences to service users, the public, staff or Humankind and / or partner organisations are so significant, or the potential for learning is so great, that a heightened level of response is justified. The list below is not intended to be exhaustive, however a serious complaint is likely to involve a complaint in relation to:

- Serious misconduct of Humankind or partner staff member or volunteer, including allegations of such. (For example, allegation of abuse against a member of staff).
- Significant or sustained negative media attention
- Reputational damage to Humankind or partner agency
- Substantial disruption to service delivery, or operation of Humankind, or a partner organisation.
- Significant failing by Humankind or partner organisation relation to safeguarding of adults or children (or where this is likely to be the case).
- A complaint relating to the serious injury or death of any person.
- A breach of Information Governance requiring notification to the Information Commissioner.
- A complaint involving an event requiring notification to the Charity Commission, or one which is RIDDOR Reportable.

Serious Complaints should be investigated as all other complaints, with the additional steps:

- The Operations Director should be made aware as soon as possible of complaints that may meet the above definition. It will likely be necessary to inform service commissioners or other stakeholders (including for example the CQC) in the event of a serious complaint.
- TheHub record should be updated to 'Serious Complaint'.
- A senior manager should complete the investigation.

4.6 Complaints relating to more than one Humankind Team or Service

If the concerns relate to more than one Humankind service or team, one Complaint Handler should be appointed to investigate all of the concerns and act as a single point of contact for the Complainant. The Complaint Handler will liaise with the relevant teams and provide a coordinated response to reduce frustration and confusion for the Complainant.

4.7 Complaints involving Multiple Organisations

When reviewing complaints which include issues relating to other organisations outside of a partnership, Complaint Handlers should clarify with the complainant, which of the key points Humankind is responsible for investigating. The complainant should be supported to raise other concerns with the relevant organisation.

4.8 Complaints Relating to Data Protection: Data Controller and Data Processor Accountability

In the case of complaints that have a data protection element (such as an alleged breach or infringement of the data protection act) and where Humankind is the Data Processor, the project must notify the Data Controller organisation of the complaint without undue delay and the outcome of investigation must be updated to the Controller. The outcome letter should also be signed off by the Controller as any negative repercussions could create a high risk for the Controller who is ultimately legally responsible for protecting the data and complying with the Data Protection Act.

4.9 Effective Complaint Handling Strategies

Humankind understands that when dissatisfied, people may feel upset, angry or frustrated. People may have had poor experiences with services in the past and/or be dealing with current issues which may impact on their behaviour or communication. Complaint Handlers will recognise the potential impact that making a complaint can have on a person and will handle complaints with due regard to this. Any increased risk to the person or others will be assessed and managed in line with our policies,

Humankind has a duty to ensure the safety of staff, service users and visitors to all services and so aggressive, abusive or discriminatory behaviour and unreasonable demands from complainants are not acceptable. Behaviour should not be classed as unacceptable simply because a person is being assertive, determined and advocating for themselves.

Further guidance about effective complaint handling can be found in the Complaints and Other Feedback Guidance for staff. Humankind's Challenging Behaviour Policy may be followed to deal with unreasonable behaviour from a complainant who is a service user. Any restrictions or limitations put in place will be proportionate and have regard to the provisions of the Equality Act 2010. They will be recorded on theHub and kept under review.

5.0 Complaint Handling Procedure

Flow charts outlining the complaint handling and appeal procedures are in Appendices 3 and 4.

5.1 Complaint Handling: Stage 1

5.1.1 Acknowledging Complaints

All complaints will be acknowledged in writing, by letter or email, within 3 working days. This letter will include:

- Our understanding of the complaint – we may need to contact the person to gather further details
- The outcome that the person would like
- What will happen next and by when
- The name and contact details of the Complaint Handler

A template letter for acknowledging the receipt of a complaint can be found on Cascade in this policy's folder. Template letters may need to be amended to suit the needs of the complaint/complainant.

5.1.2 Timescales

Humankind aims to resolve all complaints within **20 working days of receipt**. **Complaints from Residents of Humankind Housing will be resolved within 10 working days**, in line with the requirements of the Housing Ombudsman's Complaint Code.

Occasionally, it will not be possible to meet those timescales, for example, if the complaint relates to more than one team or is complex and requires a longer investigation. Where this is the case, we will explain to the complainant and agree a revised timescale for keeping them updated. Any extension should not exceed 10 working days and should not delay actions to put things right.

Complaint Handlers will identify complex complaints as early as possible to prevent unnecessary delays. They will consider any vulnerability of the person and associated risks when agreeing a revised timescale with the complainant. Actions to mitigate any immediate risks will be considered.

In the case of revised timescales for complaints from Housing residents, contact details for the Housing Ombudsman will always be provided.

5.1.3 Responsibility

The Complaint Handler is responsible for the investigation of the complaint, communication with the Complainant, and taking action to resolve the issues identified (where applicable). The Complaint Handler will be a manager, who has completed Humankind e-learning, and has sufficient authority to put any issues right, should the complaint be upheld. This will usually be the manager of the team or service that the complaint relates to but may be another manager if they are better suited or able to handle the complaint. Where a complaint is categorised as 'serious', a senior manager will be appointed as the Complaint Handler. The Complaint Handler cannot be a person the complaint relates to.

Complaint handlers will:

- deal with complaints on their merits
- act independently and have an open mind
- take measures to address any actual or perceived conflict of interest
- consider all information and evidence carefully
- keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter
- record the investigation, outcome and all correspondence with the complainant on theHub.
- consider the complaint in relation to relevant organisational policy, regulations, published guidance, and occupancy agreement.

5.1.4 Investigation

The goal of investigation is to establish the facts and decide whether the service provided has fallen below the level that could be reasonably expected. The complaint handler should seek to establish:

- What happened
- What should have happened
- The cause of any identified failings
- What can be done to put right any failings – where possible we will do this when they are identified, without the need to wait for the outcome of the complaint.

The investigation will include:

- Speaking with the complainant to ensure that we:
 - fully understand the issues raised and the outcome they would like
 - identify if the person needs reasonable adjustments/additional support through the complaint process
 - agree how and when we will keep them updated
 - explain what happens next and what evidence we plan to review
- Speaking to witnesses or others who could help establish the facts, including Humankind or partner agency staff
- Review other information, such as written information, case records or CCTV footage.

Additional complaints raised by the complainant during the investigation will be incorporated into the investigation if they are relevant and the outcome to the investigation has not been issued. Where the outcome of the investigation has been issued, or it would unreasonably delay the response, the complaint will be logged as a new complaint. This will be very clearly communicated to the complainant.

5.1.5 Complaints Relating to the Conduct of a Humankind Staff Member

Our communication with complainants will not usually identify individual members of staff or volunteers.

Most complaints about the conduct of a staff member can be investigated and resolved using the complaints process. If a complaint is categorised as serious due to the alleged conduct of a staff member or indicates behaviour which meets Humankind's definition of Gross Misconduct, Complaint Handlers will consult with Humankind's People Team (Human Resources).

In exceptional circumstances, it may be necessary to extend the timescales for the complaint to allow for a disciplinary investigation to take place. The complainant handler will keep the complainant informed of any extensions to the complaint timescales.

Further guidance is available for staff in the Complaints and Other Feedback Guidance.

5.1.6 Support to Staff Members Who the Complaint Relates to

Regardless of whether the disciplinary process is followed, Humankind recognises the impact on staff of being named in a complaint. Line managers should ensure that staff are supported and engaged in the complaints process, including the learning that can be gained.

5.1.7 Deciding the Complaint Outcome (Stage 1)

The conclusion reached must be based on objective review of evidence. An outcome for each of the key points should be determined, which will inform the overall outcome of the complaint. Following investigation, a complaint may be found to be Upheld, Partially Upheld or not Upheld.

A Complaint is **upheld** when it is concluded that the service provided which led to the complaint fell below the standard that could be reasonably expected, in relation to all points of the complaint.

A Complaint is **Partially Upheld** when it is concluded that the service provided that led to the complaint fell below the standard that could reasonably be expected, in relation to some points of the complaint but not others.

A Complaint is **Not Upheld** when it is concluded that the service provided did not fall below the standard that could reasonably be expected in relation to all points of the complaint.

5.1.8 Communication to the Complainant

We aim to speak to the complainant in person or over by phone/online meeting in the first instance. This is to give the complaint handler the opportunity to answer any questions the complainant may have or give clarity if needed. This should help reduce the likelihood of the complainant being dissatisfied with the outcome of the complaint.

The decision/outcome will then be confirmed in writing to the complainant. Template letters for confirming the receipt of a complaint will be used and amended to suit the needs of the complaint/complainant.

All contact with the complainant will be recorded on the Hub, and correspondence uploaded as attachments.

When communicating the outcome, Complaint Handlers will:

- Confirm that the issues were investigated under Humankind's complaint process
- Address all the points raised, and explain whether the service provided fell below the standard that could be reasonably expected
 - What happened, with reference to the evidence
 - What should have happened, quoting relevant regulations, standards, policies or published guidance, and if they were met. In the case of Housing complaints, referencing any relevant legal obligations.
 - If there is a difference between what happened and what should have happened, explain what this is and the impact it has had.
- Explain the overall outcome of the complaint and the reason for this
- Provide a suitable apology
- Describe the offered remedy, including:
 - action that has already been taken
 - details of any outstanding actions and when they will be completed
- explanations of what lessons have been learnt, and offer to involve the person in the changes that take place as a result of their complaint
- information about how they can escalate the matter to the Appeal Stage of the complaints process if they are not satisfied with the response
- details of the relevant ombudsman, where applicable. A list of Ombudsman and their contact details is contained in Appendix 5.

6.0 Appeal Handling: Stage 2

If the complainant is unhappy with all or part of the response to their complaint, we will progress their complaint to the Appeal Stage. Complaints can only be appealed once; this is the final stage of Humankind's Complaint Process before the complaint is closed and will involve all suitable staff members needed resolve the issue.

Humankind will allocate an Appeal Handler to review of the adequacy of the initial response, as well as any new and relevant information not previously considered. The appeal stage is not a more thorough, detailed investigation of the

complaint. The person does not need to give a reason for appealing the outcome, but Appeal Handlers are expected to make reasonable efforts to understand why the person remains unhappy with the initial outcome.

Humankind will always accept an appeal request, unless there is a valid reason not to do so which will be communicated to the complainant and recorded on theHub.

6.1 Timescales

The complainant can appeal the outcome of a complaint within 10 working days of receiving notification of the decision.

All appeal requests will be acknowledged in writing, by letter or email, within 3 working days. This letter will include:

- Our understanding of why the person remains dissatisfied with the complaint outcome – we may need to contact the person to gather further details
- The outcome that the person would like
- What will happen next and by when
- The name and contact details of the Appeal Handler

The appeals process, and communication to the complainant will be completed within 10 working days. If these timescales cannot be met due to the complexity of the complaint, the Appeal Handler will explain to the complainant and agree a revised timescale for keeping them updated. Any extension should not exceed 10 working days and should not delay actions to put things right.

Where extensions are agreed with Humankind Housing residents, we will also provide contact details for the Housing Ombudsman.

6.2 Responsibility

An Appeal Handler should be appointed as soon as an appeal is requested. The Appeal Handler will be a manager more senior than the Complaint Handler and have the authority to resolve the issues highlighted within the complaint and appeal. The Appeal Handler is responsible for investigating the appeal, communicating the outcome, and putting in place actions to resolve the issues identified, where appropriate.

Flow charts outlining the complaint and appeal handling procedures are in Appendices 3 and 4.

6.3 Communicating the Appeal Outcome

Appeal Handler's response will include:

- the complaint stage and that this is the final response from Humankind about the complaint
- all points of the complaint
- What happened, with reference to the evidence
- What should have happened, quoting relevant regulations, standards, policies or published guidance, and if they were met. In the case of Housing complaints, referencing any relevant legal obligations.
- the appeal decision and a clear explanation for the decision
- the details of any remedy offered to put things right
- details of any outstanding actions
- details of alternative complaint pathways eg relevant Ombudsman schemes

Humankind residents will always be provided with details of how to escalate the matter to the Housing Ombudsman Service if the individual remains dissatisfied.

A template letter for the outcome of an appeal can be found on Cascade in this policy's folder. Template letters may need to be amended to suit the needs of the complaint/complainant.

7.0 Redress (Putting things right)

Redress can take a number of forms. Humankind will always consider the complainant's wishes and try to meet these where possible or, where this is not appropriate, providing a full explanation of Humankind's position.

There are limits to Humankind's ability to provide certain remedies, and complainant's wishes may not always be reasonable. Any failings should be acknowledged and remedied quickly and fairly and in a way that best reflects the extent of the problems encountered by the complainant. This can be arranged at any stage of the process and not when the complaint has been closed. Appropriate redress should include an apology, an explanation and correcting the error.

Generally, where service failings have been identified which have disadvantaged the person, attempts should be made to put the complainant back in the position they were in before the error occurred.

Humankind management will look to improve procedures or systems or deliver further staff training to address service failures highlighted by the complaint where this is appropriate. The complainant will be told about action taken, but not details that affect individual staff members.

Any further actions that need to be completed after the person has been informed of the outcome will continue to be tracked, actioned promptly and updates provided to the person.

7.1 Putting Things Right for Complaints from Humankind Residents

When considering redress for complaints from Humankind residents, it may be appropriate to award compensation. Refer to Humankind Housing's Compensation Policy.

8.0 Comments and Compliments

Comments are neutral feedback, i.e. neither positive nor negative. This might be an observation or suggestion for improvement where the person making the comment isn't dissatisfied with the current service. Comments can be useful for informing service change and improvement.

Compliments are positive feedback about the service received. Compliments are useful for identifying when things are working particularly well, often highlighting good practice. This can help inform service change and improvement and provide positive feedback to the individuals involved.

8.1 Responsibility

Comments and Compliments can be handled by the person receiving the feedback

8.2 Recording

They should be recorded on theHub under 'Concerns, Comments and Compliments'. When recording concerns, the action taken in response should also be recorded.

8.3 Review

Comments should be reviewed regularly by management to enable trends and learning to be identified.

9.0 Promoting a Learning Culture

9.1 Training

All employees and volunteers will complete e-learning in identifying and responding to complaints, concerns and other feedback in line with the requirements of their role.

All managers will complete complaint handling e-learning before they act as a Complaint Handler.

9.2 Recording

Complaints, Concerns, Comments and Compliments will be recorded on theHub Management Information System. This allows us to:

- report on the number and type of feedback being received
- identify trends

- drive improvement in service delivery

Recording will be in line with the GDPR 2018 and Humankind's Data Management and Information Governance Policies. User guide for recording feedback, can be found on the HUB in the help menu.

9.3 Governance, Monitoring and Review

Complaints, Concerns, Comments and Compliments will be monitored and reviewed through Humankind's Quality and Performance Sub-Committee meeting and reporting structures.

Humankind's Quality and Performance Team will:

- provide quarterly reports on the number and type of complaints, outcomes, and trends
- prepare Learning Loops to promote identified learning from complaints and changes to practice that are needed
- monitor compliance with this policy through regular service inspections
- review records of reasonable adjustments and restrictions used at least annually
- liaise with relevant Ombudsman to ensure compliance with the requirements of their schemes
- produce an annual report and self-assessment against the Housing Ombudsman's Code

Each service will review complaints and other feedback quarterly within integrated governance or management meetings where applicable. This review should include consideration of trends and learning.

Changes made as a result of feedback will be promoted to service users and other stakeholders, including within newsletters, information within reception areas and our websites.

Humankind will provide service commissioners and regulatory bodies with appropriate information in relation to complaints received, in line with the requirements of that body. In relation to the CQC, Humankind will provide within 28 days of request a summary of complaints received, Humankind's Response, correspondence and other relevant information.

10.0 Appendices

Appendix 1: Categorising Feedback

Appendix 2: Complaint, Concern, Comment or Compliment?

Appendix 3: Complaints and Appeal Handling Process – Simplified

Appendix 4: Complaints and Appeal Handling Process

Appendix 5: Ombudsman and Alternative Complaint Options

Relevant Documentation

- Complaints and Other Feedback Guidance (for staff)
- Integrated Governance Policy
- Equality, Diversity and Inclusion Policy
- Mental Capacity Act Policy
- Privacy and Personal Data Protection Policy
- Disciplinary Policy
- Volunteering Policy
- Challenging Behaviour Policy
- Quality Assurance Framework for Humankind's Responsible Officer
- Social Media Policy and Guidance
- Housing Compensation Policy
- Responding To Concerns and Remediation for Humankind Clinical Staff

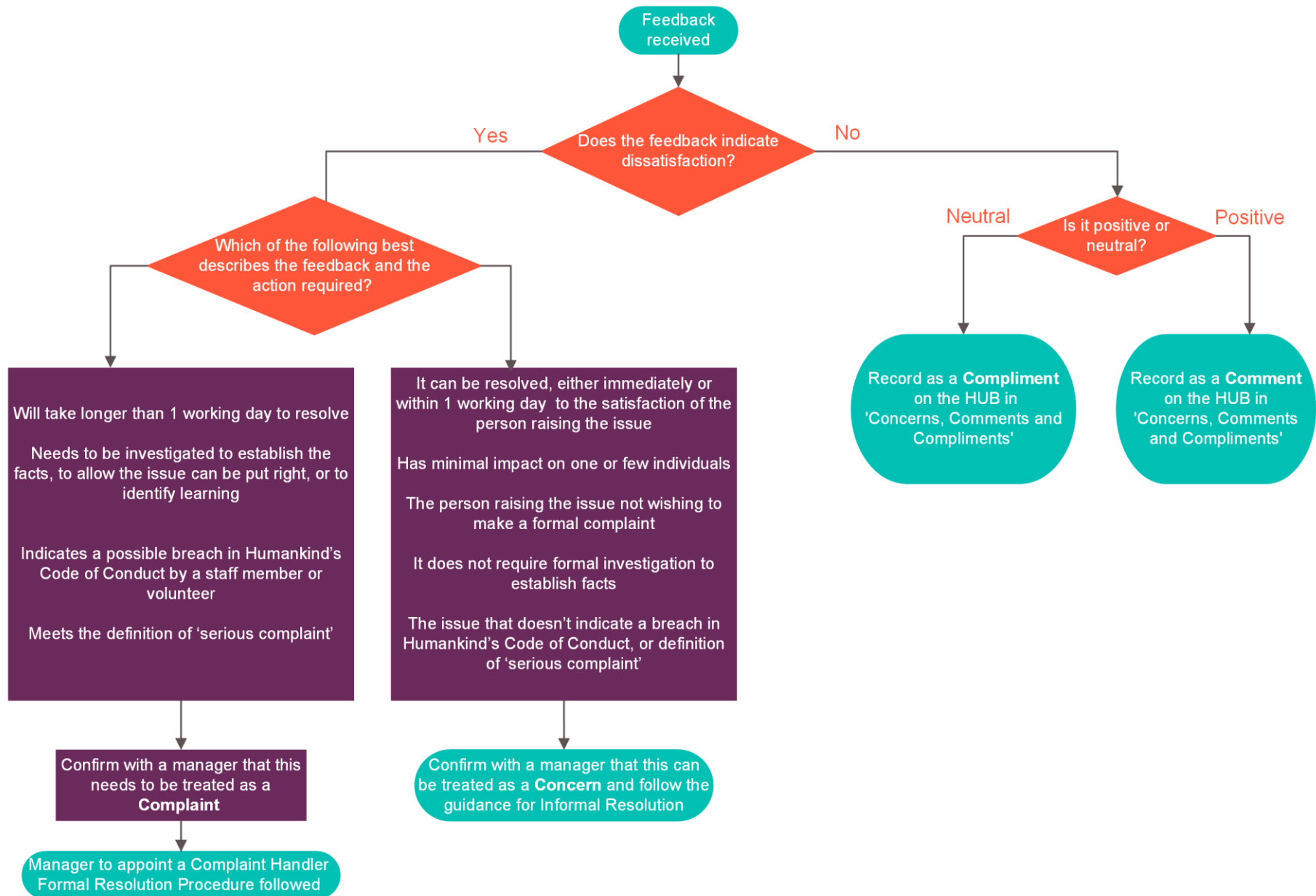
Relevant Forms

- How to Provide Feedback about our Services
- Compliments Record Form 2020
- Complaint Appeal Form April 2017
- Generic letter templates
- Housing only letter templates
- Hub – Complaints, Concerns, Comments and Compliments – User Guide

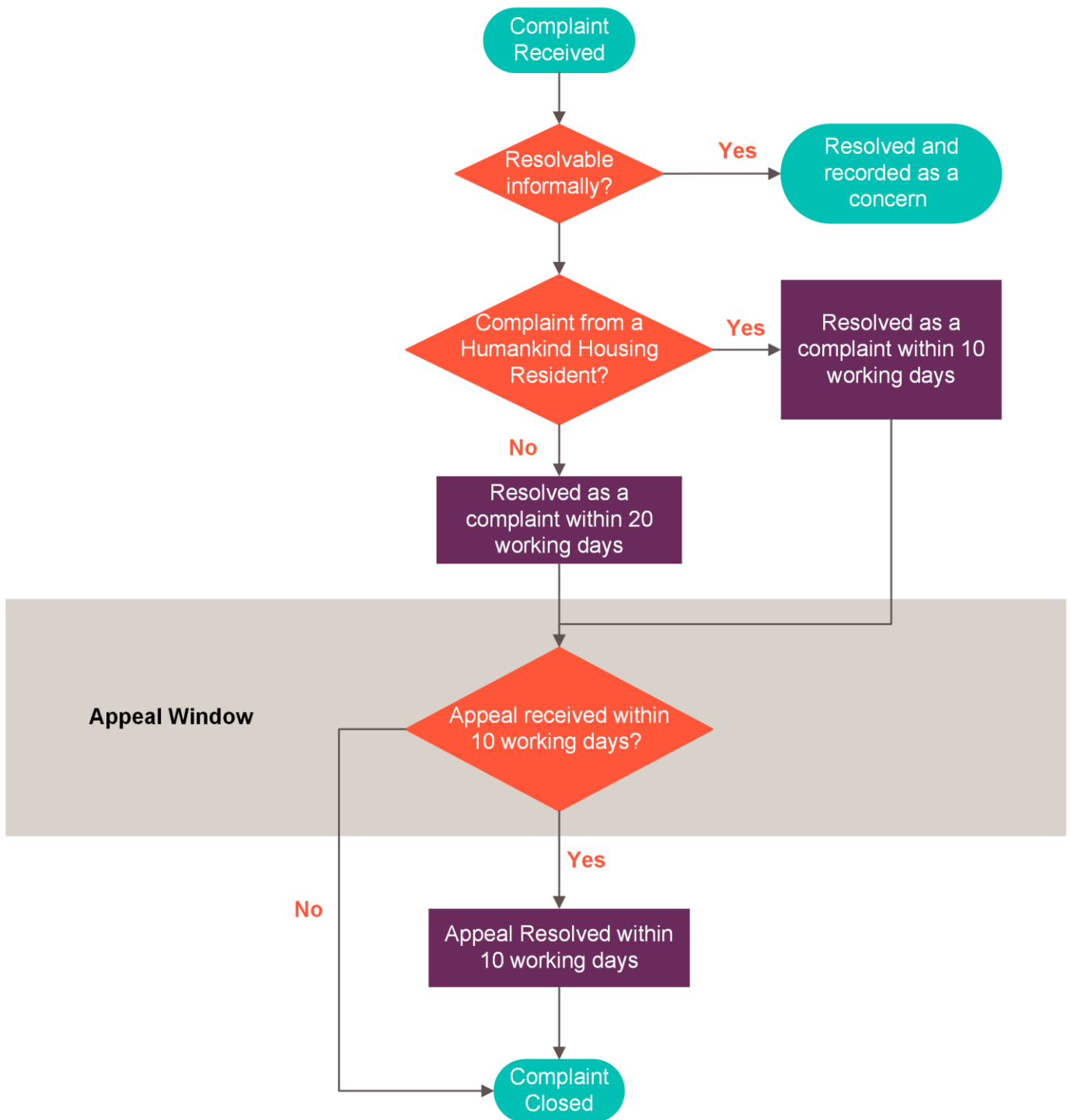
Appendix 1: Categorising Feedback

Type of feedback	Who received from	Process to follow
<p>Dissatisfaction about the standard of service, actions or lack of action by the organisation, our staff or those acting on our behalf.</p> <p>This could include:</p> <ul style="list-style-type: none"> • The conduct of staff, volunteers, contractors • The way a person was spoken to • Lack of support • Humankind processes not being followed • A decision that was made about a person's support/treatment (where there is not a separate appeal process in place) 	<ul style="list-style-type: none"> • Current and former service users • Family/friends of service users • Staff from other organisations • Member of the public • Commissioner • MP/Councillor 	<p>This is a concern or a complaint</p> <p>Refer to the Complaints and Other Feedback Policy and Guidance to categorise and resolve</p>
	<ul style="list-style-type: none"> • Current employees 	<p>This is not a complaint</p> <p>Grievance Policy and Guidance</p> <p>Consult with HR</p>
	<ul style="list-style-type: none"> • Former employees 	<p>This may be a complaint and should be decided on a case-by-case basis, in consultation with HR</p> <p>If the dissatisfaction directly relates to person's employment, the Grievance Process should be followed. Otherwise, the Complaints process may be followed.</p>
	<ul style="list-style-type: none"> • Current or former volunteer 	<p>Volunteer Problem Solving Procedure should be followed. If not resolved, the Complaints policy should be followed in consultation with the Volunteer Development Manager.</p>
<p>Dissatisfaction with a decision – if there is a separate appeal process in place for that decision.</p> <p>Eg The Housing Allocations process and Education Assessment process both give people a right to appeal. The relevant policies, explain how to request an appeal.</p>	<ul style="list-style-type: none"> • Current and former service users • Family/friends of service users • Staff from other organisations • Member of the public • Commissioner • MP/Councillor 	<p>Follow the relevant service appeals process</p>
<p>Dissatisfaction about the behaviour of a Humankind resident/Tenant such as excessive noise, intimidation of neighbours, rubbish etc.</p>	<ul style="list-style-type: none"> • Neighbour • Member of the public • MP/Councillor • Other Humankind Residents/Tenants • Staff from other organisations 	<p>This is not a complaint</p> <p>Follow the Anti-Social Behaviour Policy and Guidance and service processes</p>
<p>Dissatisfaction about how the service has dealt with/responded reports of anti-social behaviour of Humankind's Residents/Tenants</p>	<ul style="list-style-type: none"> • Neighbour • Member of the public • MP/Councillor • Other Humankind Residents/Tenants 	<p>This is a complaint</p> <p>Follow the Complaints and Other Feedback Policy and Guidance</p>

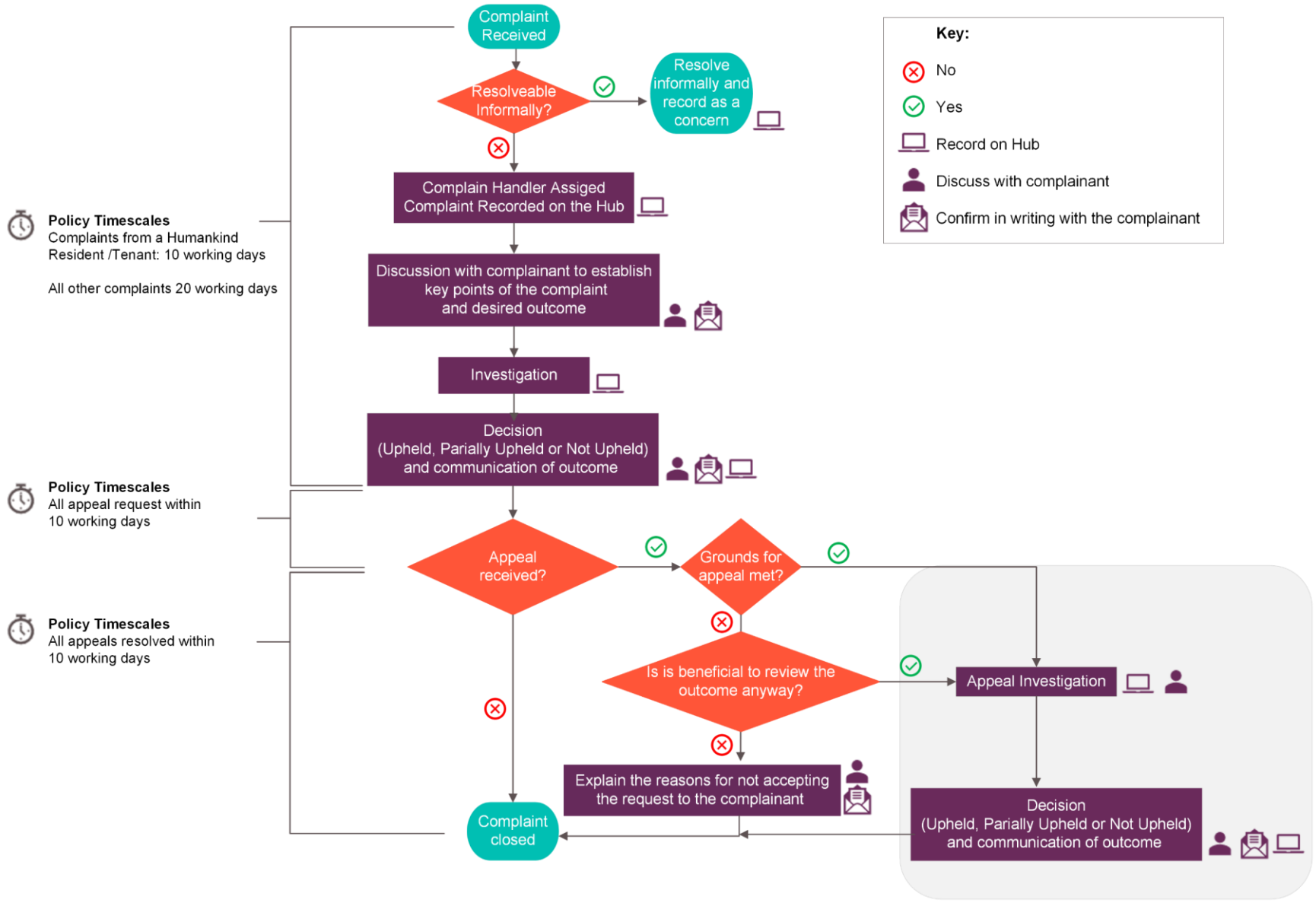
Appendix 2: Complaint, Concern, Comment or Compliment



Appendix 3: Complaints and Appeal Handling Process – Simplified



Appendix 4: Complaints and Appeal Handling Process



Appendix 5: Ombudsman and Alternative Complaint Options

Complainants should be informed of any alternative complaint options available to them when we receive their complaint. When we inform a complainant of the outcome of an appeal, they should also be signposted to an appropriate alternative agency. Services are responsible for identifying the relevant alternative complaint options, such as Ombudsman or service commissioners.

Examples of Ombudsman and Alternative Complaint Options and wording to use in correspondence, is listed below. This list is not exhaustive, and Complaint Handlers should ensure they are aware all of the relevant alternative complaint options for their service.

CQC Registered Services

Example text to be included in complaints to services that are registered with CQC:

[Service Name] is registered with and regulated by the Care Quality Commission (CQC). The CQC cannot investigate individual complaints about providers but is happy to receive information about services at any time.

You can contact the CQC at:

Care Quality Commission National Correspondence
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA

Tel: 03000 616161

Web site: <https://www.cqc.org.uk/contact-us>

Complaints from Humankind Housing Residents

When acknowledging receipt of a complaint from a resident about their housing, we will include the Housing Ombudsman's leaflet about their service. [<https://www.housing-ombudsman.org.uk/wp-content/uploads/2022/09/Leaflet-for-residents-about-the-Housing-Ombudsman-Service.pdf>]

Example text to include communication with a Humankind resident who has raised a complaint about the housing:

Humankind Charity is a Registered Provider of social housing and is therefore a member of the Housing Ombudsman Scheme. You can contact the Ombudsman at any point during the complaint process. You can contact the Ombudsman at any point. The assistance they can offer depends on whether the Humankind's complaints procedure has been completed and when. I enclose their leaflet for your information.

Text to include in the final outcome letter:

If you remain dissatisfied with this response you can go direct to the Housing Ombudsman Service, and they may be able to investigate how we dealt with the matter. The contact details for the Housing Ombudsman Service are:

Online complaint form: www.housing-ombudsman.org.uk/residents/make-a-complaint/

Phone: 0300 111 3000

Email: info@housing-ombudsman.org.uk

Postal address:

Housing Ombudsman Service
PO Box 152
Liverpool
L33 7WQ

ESFA Funded Services

Example text to be included in appeal outcome letters to ESFA (Education and Skills Funding Agency) funded services:

If you remain dissatisfied with this response you can ask the Education and Skills Funding Agency (ESFA) to investigate how we dealt with the matter. You must contact the ESFA within 12 months after the issue happened. ESFA has guidance on how it deals with complaints about post 16 education and training providers on its website: <https://www.gov.uk/government/publications/complaints-about-post-16-education-and-training-provision-funded-by-esfa/complaints-about-post-16-education-and-training-provision-funded-by-esfa>

Email or post your complaint to the ESFA complaints team:

ESFA complaints team

complaints.ESFA@education.gov.uk

Complaints Team
Education and Skills Funding Agency
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

Complaints about how we've handled personal information

If someone is unhappy with how Humankind has dealt with their personal data, they can complain to the Information Commissioner's Office (ICO), which is an independent authority for data privacy. The ICO will review the complaint and in most instances share this with Humankind, asking us to respond directly to the Complainant. Complainants should be aware that it can take several months for Humankind to receive their complaint letter from the ICO. By complaining directly to Humankind, we are able to respond more quickly to their complaint, however they do have the right to take their complaint to the ICO at any time.

Example text to be included in appeal outcome letters to people who have complained about how Humankind has handled their information:

If you are unhappy with the outcome of this appeal, you can ask the Information Commissioner's Office (ICO) to consider your concern. If you decide to contact the ICO, you should do so within 3 months of this letter.

The ICO is the UK's independent body set up to uphold information rights. If the ICO decides that an organisation has failed to comply with the law, it will provide advice and instruction to help them get it right in the future. You can contact the Information Commissioner's Office between 9am and 5pm, Monday to Friday, by:

Telephone: 0303 123 1113 or

Live chat on their website: <https://ico.org.uk/global/contact-us/live-chat/live-chat-individuals/>

Complaints about Humankind Fundraising Activities

Example text to be included in appeal outcome letters to people who have complaint about Humankind's Fundraising activities:

Humankind is registered with the Fundraising Regulator. The Fundraising Regulator investigates complaints about fundraising where these cannot be resolved by the organisations themselves.

If you are unhappy with the outcome of this appeal, you can ask the Fundraising Regulator to consider your concern. If you decide to contact the Funding Regulator, you should do so within 2 months of this letter.

You can contact the Fundraising Regulator by:

Completing their online form: <https://www.fundraisingregulator.org.uk/complaints/make-complaint>

Email: complaints@fundraisingregulator.org.uk

Telephone: 0300 999 3407 (Mon to Fri, 09.30 am – 4.30 pm)

Fundraising Regulator
2nd Floor
CAN Mezzanine
49-51 East Road
London
N1 6AH